



OFFICE OF SPECIAL EDUCATION  
ASSISTANT COMMISSIONER

January 2018

TO: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Approved Private In-State and Out-of-State Day and Residential Schools  
Special Act School Districts  
State-supported Schools (Day and Residential)  
State-operated Schools  
Article 81 Schools

FROM: Christopher Suriano

SUBJECT: 2018 Data on Emergency Interventions Used in Approved Private Day and Residential Schools Survey

In the years 2015 and 2016, the New York State Education Department (NYSED) surveyed all New York State (NYS) approved in-State and out-of-State residential schools to ascertain the extent to which emergency interventions, including physical restraints, were being used to address student behaviors during a consecutive three-month period of time. In 2018, the Department will again request this data on the use of emergency interventions using an online survey format and will expand the survey to include State-supported (section 4201) day schools and NYS approved private (853) day schools.

The purpose of this current data reporting is to ensure that each day and residential school is continuing to analyze its use of physical restraints, time-out rooms and other behavioral interventions to monitor effectiveness, determine trends, and take corrective action where necessary to ensure it is implementing policies, procedures and practices that emphasize the use of alternatives to physical restraint and use of a time-out room. Consistent with State regulations, the use of reasonable physical force, including the use of physical restraints, can only be used when absolutely necessary in emergency situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed. Emergency interventions, such as physical restraints, must never be used as punishment, for the convenience of staff, or as a substitute for meaningful educational programming [8 NYCRR §§19.5 and 200.22(d)]. The use of a time-out room in an unanticipated situation that poses an immediate concern for the physical safety of the student and/or others and not specified on a student's behavioral intervention plan is considered an emergency intervention, even if it does not involve the use of a physical restraint, and subject to additional documentation requirements including notification to the parent [8 NYCRR §§200.22(c) and 200.22(d)(4)]. The Department will review the 2018 data reports and, as appropriate, use

the data to provide targeted technical assistance, monitor schools and identify schools with best practices.

### **Directions for Data Reporting:**

The data report must be completed electronically using the online survey format available at . The survey applies to all approved private day and residential schools.<sup>1</sup> In-State schools should report data for **all school-age students** attending the school, both day and residential. Out-of-State schools should **only** report data for NYS students. The report requires the school to compile data based on the documentation maintained by the school on the use of emergency interventions for a three-month period of time (April, May, June 2018). Data reported through the *2018 Data on Emergency Interventions Used in Approved Private Day and Residential Schools Survey* should be collected and maintained<sup>2</sup> for subsequent quarterly periods throughout the year for submission to NYSED upon request.

Data reports are due **no later than July 31, 2018**. Day and residential schools that operate separate school sites should complete the survey once for each site. Questions regarding the completion or content of the survey may be submitted to [SPEDDataSurvey@nysed.gov](mailto:SPEDDataSurvey@nysed.gov).

Technical assistance to promote school safety and implementation of school-wide positive behavior supports are available through the NYS Positive Behavioral Interventions and Supports (PBIS) Technical Assistance Center (<http://nyspbis.org/>) and the Regional Special Education Technical Assistance Support Centers (<http://www.p12.nysed.gov/specialed/techassist/rsetasc/locations.htm>).

Thank you for your attention to this important matter.

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<sup>1</sup> Day and residential schools include Approved Private (853) in-State and out-of-State Day and Residential Schools, Special Act School Districts, State-supported Schools (day and residential), State-operated Schools and Article 81 Schools.

<sup>2</sup> All schools are required to maintain documentation on the use of emergency interventions for each student, including the use of physical restraints and time-out rooms used in unanticipated situations when not in a student's behavioral intervention plan [8 NYCRR §200.22(d)(4)].