

**CORPORAL PUNISHMENT & EMERGENCY INTERVENTION**A. Corporal Punishment

Corporal punishment means any act of physical force upon a student for the purpose of punishing that student.

No teacher, administrator, officer or other employee of the District shall use corporal punishment against a student.

In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, the use of reasonable physical force may be used for the following purposes:

- to protect oneself from physical injury;
- to protect a student or any other person from physical injury;
- to protect the property of the school or others; or
- to restrain or remove a student whose behavior is interfering with the ordinary exercise and performance of school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

Notwithstanding the prohibition on corporal punishment, in the event that corporal punishment is used, the following reporting procedure shall be observed:

1. The teacher, administrator, or other employee of the District who has used or has been accused of using corporal punishment must notify the principal immediately.
2. The report shall relate all applicable details of the incident, including what action was taken, why the action was taken, and what measures, if any, have been taken to prevent the need for such action.
3. The report will be kept on file and made available to the parent upon request.
4. The parent will be afforded the opportunity to request a conference with the student, teacher, and administrator(s) or other employee of the District involved in the incident to discuss the situation with a District Administrator.
5. The Principal must report any such incidents to the Superintendent.
6. The District is required to submit a written semi-annual report to the Commissioner of Education that reports each complaint about the use of corporal punishment received by the District during the reporting period, the results of each investigation, and the action, if any, taken by the District in each situation.

B. Emergency Interventions

Emergency means a situation in which immediate intervention involving the use of reasonable physical force is necessary to protect oneself from physical injury; to protect another student or teacher or any person from physical injury; to protect the property of the school, school district or others; or to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school or school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts. The use of mechanical restraints for emergency interventions is not allowed.

Emergency interventions must be used only in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed.

Emergency interventions must not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

The District shall maintain documentation on the use of emergency interventions for each student, which shall include the following information:

- the name and date of birth of the student;
- the setting and the location of the incident;
- the name of the staff or other persons involved;
- a description of the incident and the emergency intervention used, including duration;
- a statement as to whether the student has a current behavioral intervention plan; and
- details of any injuries sustained by the student or others, including staff, as a result of the incident.

The parent of the student must be notified when an emergency intervention has been used with his/her child.

The documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.

Staff who may be called upon to implement emergency interventions must be provided with appropriate training in safe and effective restraint procedures.

Reference: 8 NYCRR §§ 19.5, 100.2(3)(i) and 200.22(d).  
Penal Law § 35.10.  
Johnson v. Newburgh Enlarged School District, 239 F.3d 246 (2001).

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