



**TO:** P-12 Education Committee

**FROM:** Angelique Johnson-Dingle *Angelique Johnson-Dingle*  
Ceylane Meyers-Ruff *Ceylane Meyers-Ruff*

**SUBJECT:** Proposed Amendment of Section 19.5 of the Rules of the Board of Regents and Section 200.22 of the Regulations of the Commissioner of Education Relating to the Prohibition of Corporal Punishment, Aversive Interventions, Prone Restraint and Seclusion, and Standards for Behavioral Interventions

**DATE:** February 27, 2025

**AUTHORIZATION(S):** *Donna B. ... Betty ...*

### SUMMARY

#### Issue for Discussion

Should the Board of Regents adopt the proposed amendment of section 19.5 of the Rules of the Board of Regents and section 200.22 of the Regulations of the Commissioner of Education relating to the prohibition of corporal punishment, aversive interventions, prone restraint and seclusion, and standards for behavioral interventions?

#### Reasons for Consideration

Required by State Statute (Education Law §305, as added by Chapter 551 of the Laws of 2024) and review of policy.

#### Proposed Handling

The proposed amendment is presented to the P-12 Education Committee for discussion at the March 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

## **Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on March 26, 2025, for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

## **Background Information**

The 2023-2024 Enacted State Budget (Chapter 551 of the Laws of 2023) amended section 305 of the Education Law, effective October 25, 2023, which requires the Commissioner to promulgate rules and regulations prohibiting teachers, administrators, officers, employees, or agents of any school within the state from using corporal punishment. The Department thus proposes to amend section 19.5 of the Rules of the Board of Regents to conform to the definition of “school” in Education Law section 305.

The Department also proposes to amend section 200.22 of the Regulations of the Commissioner of Education for the limited purpose of indicating that behavioral interventions for students with disabilities will also be provided in accordance with section 19.5 of the Rules of the Board of Regents.

## **Related Regents Items**

[July 2023: Proposed Amendment of Section 19.5 of the Rules of the Board of Regents and Sections 100.2, 200.1, 200.7, 200.15, and 200.22 of the Regulations of the Commissioner of Education Relating to the Prohibition of Corporal Punishment, Aversive Interventions, Prone Restraint, and Seclusion; Permitted Use of Timeout and Restraint; and Data Collection](https://www.regents.nysed.gov/sites/regents/files/723brca13.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/723brca13.pdf>).

[April 2023: Proposed Amendment of Section 19.5 of the Rules of the Board of Regents and Sections 100.2, 200.1, 200.7, 200.15, and 200.22 of the Regulations of the Commissioner of Education Relating to the Prohibition of Corporal Punishment, Aversive Interventions, Prone Restraint, and Seclusion; Permitted Use of Timeout and Restraint; and Data Collection](https://www.regents.nysed.gov/sites/regents/files/423p12d1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/423p12d1.pdf>)

[January 2007: Proposed Amendment to the Regulations of the Commissioner of Education Relating to Behavioral Interventions, Including the Use of Aversive Interventions](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2007Meetings/January2007/0107emscvesida1.htm)

(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2007Meetings/January2007/0107emscvesida1.htm>)

## **Recommendation**

Not applicable.

## **Timetable for Implementation**

It is anticipated that the proposed amendment will be presented for permanent adoption at the July 2025 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the July 2025 meeting, the proposed amendment will become effective on July 30, 2025.

AMENDMENT OF THE RULES OF THE BOARD OF REGENTS AND THE  
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 215, 305, 4401, 4402, 4403, and 4410.

1. Paragraph (9) of subdivision (b) of section 19.5 of the Rules of the Board of Regents is amended as follows:

(9) *School* means a public school district, board of cooperative educational services, charter school, State-operated and State-supported school pursuant to articles 85, 87 and 88 of the Education Law, in-state and out-of-state private residential or non-residential school for the education of students with disabilities approved pursuant to Article 89 of the Education Law or operating under Article 81 of the Education Law, State-administered Prekindergarten (PreK) program directly operated by a school district, board of cooperative educational services, or an eligible agency, as defined in section 151-1.2(b) of this Title, or operated by a school district in collaboration with an eligible agency, preschool special education program approved pursuant to Education Law section 4410, and registered nonpublic nursery school, kindergarten, and high school, and a nonpublic school serving grades 1 through 8 that has a registered high school, in this State. As specifically applicable to the prohibition of corporal punishment, defined in paragraph (2) of this subdivision, school shall mean any school within the State.

2. Section 200.22 of the Rules of the Board of Regents is amended as follows:

Behavioral interventions for students with disabilities shall be provided in accordance with section 19.5 of the Rules of the Board of Regents, this section, and

those other applicable provisions of this Part and/or Part 201 that are not inconsistent with this section.