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Office of P-12 Education  
Office of Special Education

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Use of Time Out Rooms

*This is one in a series of policy briefs prepared by the New York State Education Department, on topics pertaining to implementation of the Individuals with Disabilities Education Act (IDEA) in New York State.*

**What is a Time Out Room?**

“Time Out” is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. The State does not regulate the use of time out, but does regulate the use of a separate room where a student may be removed for purposes of “time out.”

State regulations define a time out room as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his or her education program. Time out rooms are to be used in conjunction with a behavioral intervention plan in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation.

**When can a time out room be used?**

Except for unanticipated situations that pose an immediate concern for the physical safety of a student or others, the use of a time out room can only be used in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

**Are there State requirements for the physical space used for time out rooms?**

Yes. State regulations require that the physical space used as a time out room meet certain standards.

- The room must provide a means for continuous visual and auditory monitoring of the student and be of adequate width, length and height to allow the student to move about and recline comfortably.
- Wall and floor coverings should be designed to prevent injury to the student, and there must be adequate lighting and ventilation.
- The temperature of the room must be within the normal comfort range and consistent with the rest of the building.
- The room must be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all local fire and safety codes.
- The time out room must be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

**Must students be monitored while in time out rooms?**

Yes. Staff must be assigned to continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

**Is the school required to have policy and procedures**

Yes. Each school which uses a time out room as part of its behavior management approach must ensure that the school’s policy and procedures on the use of the time out room are developed and implemented consistent with section 200.22(c) of the Regulations of the Commissioner of Education, including the physical and monitoring requirements, parental rights and the individualized education program (IEP)

***regarding the use of a time out room?***

requirements for students with disabilities.

The school's policy and procedures must minimally include:

- prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;
- factors which may precipitate the use of the time out room;
- time limitations for the use of the time out room;
- staff training on the policies and procedures related to the use of time out room;
- data collection to monitor the effectiveness of the use of time out rooms; and
- information to be provided to parents.

Parents must also be given a copy of the school's policy on the use of time out rooms.

***How is the use of the time out room monitored?***

The school must establish and implement procedures to document the use of the time out room, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors.

***When may a time out room be used?***

A time out room should be used consistent with a student's IEP and behavioral intervention plan. Removal of a student to a time out room may also be an emergency intervention, provided that the documentation of its use meets the standards in section 200.22(d)(4) of the Regulations of the Commissioner of Education.

***Must 'use of a time out room' be indicated in a student's IEP?***

As noted above, there may be instances when a student is removed to a time out room on an 'emergency' basis. However, whenever a student's behavioral intervention plan indicates that the student would be removed to a time out room as a planned strategy to address a particular behavior, the student's IEP must specify the use of a time out room, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

***Must a student's parents be informed each time the student is removed to a time out room?***

If a student is removed to a time out room on an 'emergency' basis, the school must notify the parent.

If the use of a time out room is indicated in a behavioral intervention plan and in student's IEP, the school district must inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student and must give the parents the opportunity to see the physical space that will be used as a time out room.

***Legal Reference***

**8 NYCRR – Section 200.22(c)**

***NOTE:*** Please reference the Official Compilation of Codes, Rules and Regulation of the State of New York (8 NYCRR) for regulatory language. An unofficial compilation of these regulations can be found at: <http://www.dos.state.ny.us/info/nycrr.htm>.