



**TO:** The Honorable Members of the Board of Regents

**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:** July 3, 2025

**AUTHORIZATION(S):** *Dom N. B.* *Betty M.*

### **SUMMARY**

#### **Issue for Decision (Consent)**

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?

#### **Reason 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 submitted to the Full Board for adoption as a permanent rule at the July 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

#### **Procedural History**

The proposed amendment was presented to the P-12 Education Committee for discussion at the March 2025 meeting of the Board of Regents. A Notice of Proposed

Rule Making was published in the State Register on March 26, 2025, for a 60-day public comment period. Following publication in the State Register, the Department received comments on the proposed amendment. An Assessment of Public Comment (Attachment B) is attached. No changes to the proposed amendment are recommended at this time. If adopted at the July 2025 meeting, a Notice of Adoption will be published in the State Register on July 30, 2025. 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**

[March 2025: 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](https://www.regents.nysed.gov/sites/regents/files/325p12d1.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/325p12d1.pdf>)

[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**

It is recommended that the Board of Regents take the following action:

VOTED: That section 19.5 of the Rules of the Board of Regents and Section 200.22 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 30, 2025.

### **Timetable for Implementation**

If adopted at the July 2025 meeting, the proposed amendment will become effective as a permanent rule 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.

ASSESSMENT OF PUBLIC COMMENT

Following the publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on March 26, 2025, the Department received the following comments on the proposed rule:

1. COMMENT: One commenter, the New York Lawyers for Public Interest, stated that banning corporal punishment alone is not enough for student safety and urged the Department to require schools to document and report all physical abuse and injuries sustained by students. The commenter noted that other State agencies require comprehensive reporting of physical abuse and injury beyond corporal punishment. The commenter also stated that the Department should adopt broad reporting standards to ensure student safety and that all physical abuse and injuries to students must be documented and reported, regardless of whether they were caused intentionally. Finally, the commenter maintained that school districts should be required to develop plans of correction which focus on the systemic reasons abuse and injuries occur.

DEPARTMENT RESPONSE: The purpose of the proposed rule is 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 and 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. The comments provided are unrelated to the purposes of the proposed rule. As a result, no further changes are necessary.