



## Regulation of the Chancellor

Number: **A-411**

Subject: **SUPPORTING STUDENTS IN BEHAVIORAL CRISIS**

Category: **STUDENTS**

Issued: **July 25, 2024**

### SUMMARY OF CHANGES:

This regulation supersedes A-411 dated May 21, 2015.

The overall order of the regulation has been reorganized for clarity and ease of understanding.

This regulation is renamed to emphasize supporting students instead of contacting 911.

The substance of the regulation has been modified as follows:

#### Section I

- Introduction added.
- Clarifies that the regulation sets forth the Department of Education's policy and procedures regarding prevention, intervention and de-escalation when students experience behavioral crises. (I.A.)
- Adds that the goal of crisis intervention is to support the student in crisis or at risk for crisis by helping to de-escalate behavior. (I.B.)
- Clarifies that schools must, consistent with this regulation and with the school's Crisis Intervention Plan, use all appropriate and safe de-escalation techniques and interventions to support students experiencing a behavioral crisis. (I.C.)
- Defines the terms parent, school staff, and non-DOE personnel for the purposes of this regulation. (I.D., I.E.)
- Adds hyperlink to crisis support resources (I.F.)
- Instructs that for the purposes of this regulation, de-escalation techniques used should be trauma-informed, culturally responsive strategies and interventions that do not include physical intervention or verbal threats. (I.G.)

#### Section II

- Adds detail about the makeup and responsibilities of the school's Crisis Intervention Team. (II.B., II.C., II.D.)
- Requires that the Crisis Team Leader positions must be filled on a full-time basis. (II.C.)
- Clarifies the requirement that the Crisis Intervention Team meet at least once a month to assess preparedness, review procedures, resources, and training, and to evaluate the need for continued support where a crisis requires ongoing response. (II.E.)

- Cross-references [Chancellor's Regulation A-755](#) for additional responsibilities of the Crisis Intervention Team (II.F.)

### Section III

- Clarifies that Crisis Intervention Plans must include a section containing a Behavioral Crisis De-escalation Plan, and cross-references [Chancellor's Regulation A-755](#) for detail on other sections of the Crisis Intervention Plan. (III.A.)
- Adds that Crisis Intervention Plans must include strategies for behavior management designed to minimize crisis situations and de-escalate behavioral crises. (III.A.1.)
- Removes language on isolation of students experiencing behavior crises. (III.A.3.)

### Section IV

- Adds section regarding restrictions on restraints and other interventions in accordance with state regulations. (IV.)
- Clarifies that school staff and non-DOE personnel working in schools **may not** use corporal punishment, aversive interventions, mechanical restraints, or seclusion against students. (IV.A.)
- Defines corporal punishment, aversive interventions, mechanical restraints, and seclusion. (IV.A.1–4.)
- Clarifies that school staff may not use physical restraints, and adds restriction that non-DOE personnel working in schools may not use physical restraints unless they have received proper training and only when other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; and there is no known medical contraindication to its use on the student, to align with state regulations. (IV.B.)

### Section V

- Clarifies that annual orientation for all school staff, including a presentation of the policies and procedures set forth in this Regulation and the school's Behavioral Crisis De-escalation Plan, is mandatory. (V.A.)
- Adds that Crisis Intervention Team members must receive ongoing professional development on crisis related topics including, but not limited to, promoting student well-being and behavioral crisis prevention and de-escalation. (V.D.)

### Section VI

- Clarifies the requirement to use the de-escalation strategies and interventions described in the school's Crisis Intervention Plan. (VI.A.)
- Adds the steps that classroom teachers, principals/designees, and members of the school Crisis Team must take when a student is experiencing a behavioral crisis that cannot be safely de-escalated by the classroom teacher. (VI.B–F.)
- Clarifies that the principal/designee must contact the parent and, if the parent cannot be reached, notify the student's emergency contacts identified on the emergency contact card. (VI.D.)

- Requires that, when a behavioral crisis has been successfully de-escalated, the student's parents must be notified, and the student should be immediately returned to class. (VI.F.)
- Sets forth the requirement for efforts that must be made before 911 may be contacted in response to a behavioral crisis and that the principal/designee makes the decision as to whether 911 should be called. (VI.G.)
- Clarifies that under no circumstance can 911 be called or employed as a disciplinary response to a student's behavior nor may it be used in lieu of, or as an alternative to, de-escalation strategies, where such strategies and resources can be safely used to address the crisis as set forth above. (VI.H.)
- Clarifies that school staff may not use the threat of calling 911 or EMS to direct or pressure a parent to take their child out of school. (VI.I.)

#### Section VII

- Adds the requirement that, if 911 is called, the principal/designee must immediately notify the parent and, if the parent cannot be reached, must notify the emergency contact for the student. (VII.A.)
- Clarifies the procedures to be followed if the parent cannot be reached and 911 is called because a behavioral crisis could not be safely de-escalated, and emergency assistance is required. (VII.D.)
- Requires that, if it is determined that the student does not require emergency treatment and/or transport and the behavior has been de-escalated, school officials and the parent shall discuss appropriate immediate next steps. (VII.E.)
- Clarifies that school staff may not direct or pressure a parent to take their child out of school. (VII.E.)

#### Section VIII

- Clarifies that the student must continue to receive appropriate instruction and that a mental health clearance letter or other requirements may not be imposed as a condition of a student attending or returning to school. (VIII.A.)
- Clarifies steps to be taken following behavioral crisis and lists possible interventions for the student. (VIII.B.)

#### Section IX

- Adds detail on the reporting requirements following a behavioral crisis. (IX.A–D.)

#### Section X

- Updates contact information for inquiries.

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### **ABSTRACT**

This Regulation supersedes and replaces Chancellor's regulation A-411 dated May 15, 2015. It updates policies and procedures regarding supporting students experiencing behavioral crisis, including ensuring that 911 is not contacted unless all appropriate de-escalation interventions have been attempted.

#### **I. INTRODUCTION<sup>1</sup>**

A. This regulation sets forth the Department of Education's ("DOE") policy and procedures regarding prevention, intervention and de-escalation when students experience behavioral crises.

B. The goal of crisis intervention is to support a student in crisis or a student at risk for crisis by helping to prevent and de-escalate behavior. When a student engages in behavior that poses a substantial risk of serious injury to the student or others and significantly disrupts the educational process, schools must determine the appropriate way to address the behavior and consider whether the situation can be safely de-escalated by school staff as set forth below.

C. When efforts to de-escalate consistent with this Regulation and the school's Crisis De-escalation Plan have not been successful, and the child continues to pose a substantial risk of serious injury to the student or others, the principal/designee will determine whether 911 should be called.

D. For purposes of this regulation, the term parent shall mean the student's parent(s) or guardian or a person(s) in any parental or custodial relationship to the student, or any individual designated by the parent to act in loco parentis or as otherwise set forth in [Chancellor's Regulation A-101](#).

E. For the purposes of this regulation, the term school staff includes all members of the staff, including non-instructional staff, but does not include School Safety Agents (SSAs) or NYPD personnel. Non-DOE personnel refers to community-based organizations, school-based health clinics or mental health clinics and School Safety Agents assigned to work in a school.

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<sup>1</sup> The policies and procedures regarding contacting 911 for emergency medical services for a physical injury or medical condition are contained in [Chancellor's Regulation A-412](#).

- F. Resources can be found at [Crisis Support \(nyced.org\)](https://www.nyced.org/crisis-support).
- G. For the purposes of this regulation, de-escalation techniques used should be trauma-informed, culturally responsive strategies and interventions that do not include physical intervention or verbal threats.

## II. SCHOOL CRISIS TEAM

- A. Effective crisis response calls for prompt and coordinated actions, clear lines of communication, and established partnerships to meet the emerging emotional needs of the affected parties.
- B. Each school principal must establish a school crisis intervention team (“Crisis Team”). The Crisis Team is a multidisciplinary team. Team members must be full-time at the school and must include, at minimum a school administrator, school counselor(s) and/or social worker(s), teacher(s), Substance Abuse Preventions and Intervention Specialist(s) (SAPIS), the school nurse(s) and/or School Based Mental Health Providers (SBMHP) if the school has personnel in these positions.
- C. The Crisis Team must have a Crisis Team Leader and other roles as outlined in the Consolidated School and Youth Development Plan. An individual can hold multiple roles except for the Crisis Team Leader. If a member of the Crisis Team leaves the school or is unable to meet the responsibilities, the principal/designee shall identify a replacement member.
- D. The primary responsibilities of the Crisis Team are to: assess and address the emotional needs of students, staff, and the school community during and after a crisis; access supports and interventions for those affected; provide de-escalation support; promote the restoration of the learning environment; identify school and community resources to support students, staff, and parents (*e.g.*, hospitals, mobile crisis teams, mental health agencies, community-based organizations (CBOs), School Based Mental Health Clinic, personnel trained in crisis de-escalation, facilities that provide urgent/same-day mental health assessments); develop and implement prevention strategies; and facilitate and provide professional development.
- E. The Crisis Team must meet at least once a month and as needed to assess preparedness, review procedures, resources, and training, and evaluate the need for continued support where a crisis requires ongoing response. An agenda and attendance of these meetings must be kept on file.
- F. Additional responsibilities of the Crisis Team are set forth in [Chancellor’s Regulation A-755](#).

### III. CRISIS INTERVENTION PLANS

A. Each school's Crisis Team must complete a Crisis Intervention Plan containing a section outlining a Behavioral Crisis De-escalation Plan as part of its Consolidated School and Youth Development Plan. [See Chancellor's Regulation A-755](#) for a description of other sections to be included in the Crisis Intervention Plan. The Behavioral Crisis De-escalation Plan section must:

1. include strategies for behavior management designed to minimize crisis situations and de-escalate behavioral crises.
2. identify locations in the school building to be used as safe locations for students experiencing crisis.
3. identify any school staff trained in de-escalation techniques.
4. identify available in-school and community resources and services (e.g., mental health clinics, mobile crisis teams, hotlines, facilities that provide urgent/same-day mental health assessments).
5. describe how crisis de-escalation and response protocols are communicated to school staff.

### IV. RESTRICTIONS ON RESTRAINTS AND OTHER INTERVENTIONS

A. School staff and non-DOE personnel working in schools may not use any of the following against a student: corporal punishment, aversive interventions, mechanical restraints, or seclusion, as defined below.

1. Corporal punishment ([see Chancellor's Regulation A-420](#)).
2. Aversive intervention means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior and includes, but is not limited to, the use of noxious, painful, or intrusive spray, inhalant, or tastes, or the contingent application of noxious, painful, intrusive stimuli or activities, or contingent food programs (*i.e.*, denial or delay of meals or altering food or drink to make it distasteful).
3. Mechanical restraints refer to any device used to restrict a student's freedom of movement but does not include devices that have been prescribed by an appropriate medical or related services professional, such as adaptive devices or mechanical supports, vehicle safety restraints, restraints for medical purposes, or orthopedically prescribed devices.
4. Seclusion means the involuntary confinement of a student in a room or space that they are physically prevented from leaving.
  - a) Seclusion does not include time away or timeout.

(1) Timeout means the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating and regaining control. Timeout may be used only when less restrictive interventions would not prevent imminent danger of serious physical harm to the student or others and there is no known medical contraindication to its use and staff have been trained in its use.

(2) A timeout may only take place in a safe, unlocked space which can be opened from the inside; must be continuously visually and auditorily monitored and must be free of objects that could be dangerous to the student.

(3) The timeout must be ended as soon as the student has safely de-escalated, regained control and is prepared to meet expectations.

(4) Seclusion or timeout does not include a student-initiated or student-requested break or use of a room or space containing coping tools or activities or the use of interventions consistent with a student with disabilities behavioral intervention plan.

B. School staff working in schools may not use physical restraints. Non-DOE personnel working in schools may not use physical restraints unless they have received proper training in the use of physical restraints, and may use physical restraints only when:

1. Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; and there is no known medical contraindication to its use on the student.
2. Physical Restraints refers to a personal restriction that immobilizes or reduces a student's ability to move their limbs, head, or body freely, but does not include a physical escort or brief physical contact to promote student safety, calm a student, or guide a student when teaching or completing a skill.
3. Physical restraints may not be used with preschool students.
4. The reporting procedures outlined in section IX of this regulation are followed.

C. If a crisis situation cannot be resolved in accordance with the crisis intervention plan and this regulation and it appears that restraints may be needed, the principal/designee must be contacted to determine next steps. School staff may not request that non-school staff, such as School Safety Agents (SSAs), restrain a student in crisis before the principal/designee is contacted.

## V. SCHOOL STAFF PROFESSIONAL DEVELOPMENT

- A. DOE must conduct an orientation for all School Staff, including non-instructional staff, by October 31 annually. The orientation session must include a presentation of the policies and procedures set forth in this regulation and the school's Behavioral Crisis De-escalation Plan.
- B. By October 31 of each school year, the policies and procedures set forth in this Regulation and the Behavioral Crisis De-escalation Plan must be presented at a School Safety Committee meeting.
- C. Each school must certify in its annual Consolidated School and Youth Development Plan by October 31 that it has conducted the orientation session.
- D. Crisis Team members must receive ongoing professional development on crisis related topics including, but not limited to, promoting student well-being and behavioral crisis prevention and de-escalation. See [Chancellor's Regulation A-755](#) for additional training topics for Crisis Team members. In addition, the Crisis Team Leader must receive annual training in Crisis Team leadership.

## VI. RESPONDING TO A BEHAVIORAL CRISIS SITUATION

- A. In the event of a crisis situation, the teacher and other school staff in the room must make efforts to safely de-escalate the behavior, where possible, using the strategies and interventions for addressing behavioral crises described in the school Crisis De-Escalation Plan.
- B. If the classroom teachers/staff are unable to safely de-escalate the behavior, the principal/designee must be notified of the situation.
- C. The principal/designee should seek assistance from personnel and/or school staff trained in crisis de-escalation (e.g., the Crisis Team).
- D. Simultaneously, the principal/designee must make every effort to notify the parent (by telephone or if telephone is unsuccessful, text, email, or voicemail) that the student is in a crisis situation. Refer to [Chancellor's Regulation A-663](#) about interpretation services when communicating with parents. If the parent cannot be reached, the principal/designee should attempt to notify the emergency contacts identified on the emergency contact card.
  - 1. The parent must be given an opportunity to speak by telephone or in person with their child where safety considerations permit and where it will not interfere with efforts to de-escalate the situation.



- E. The principal/designee should also seek assistance from other appropriate staff, such as a school staff member with whom the student has a trusting relationship, a school counselor, or personnel in the School-Based Mental Health Clinic (SBMHC). The principal may also seek assistance from a School-Based Health Center with mental health services (SBHC) if there is one on-site, a CBO at the school, or the Children's Mobile Crisis Team.
- F. If the crisis has been de-escalated, the student's parent must be contacted and apprised of the events. The student should be immediately returned to class.
- G. If the crisis has not been de-escalated and cannot be safely addressed by school staff or the support services set forth above, and the student's behavior poses an imminent and substantial risk of serious injury to themselves or others, the principal/designee must be notified. The principal/designee determines whether additional efforts should be attempted and/or whether 911 needs to be contacted for emergency assistance. 911 may only be contacted upon authorization of the principal/designee.
- H. Under no circumstance can 911 be called or employed as a disciplinary response to a student's behavior. Furthermore, 911 must not be used in lieu of, or as an alternative to, de-escalation strategies or resources, where such strategies and resources can be safely used to address the crisis as set forth above.
- I. School staff may not use the threat of calling 911 or Emergency Medical (EMS) to direct or pressure a parent to take their child out of school.

## VII. SCHOOLS' RESPONSIBILITIES WHEN 911 IS CONTACTED

- A. When 911 is called in response to a student's behavior, the principal/designee must immediately notify the parent that 911 has been called. If the parent cannot be reached, the principal/designee must attempt to notify the emergency contacts for the student.
1. If the parent has arrived at the school and if it will not unreasonably interfere with the proper discharge of the on-scene 911 responders' duties and responsibilities, the parent must be given an opportunity to speak to the on-scene 911 responders and the student.
  2. If the parent has not arrived at the school but has been reached by phone, the parent must be given an opportunity to speak to the on-scene 911 responders and the student if feasible and if it will not unreasonably interfere with the proper discharge of the on-scene 911 responders' duties and responsibilities.
- B. If the parent requests that their child not be transported to the hospital, the on-scene 911 responders will obtain relevant information from DOE staff, the parent, and

others as appropriate and determine whether the parent's request may be honored in accordance with FDNY policies and procedures for Refusal of Medical Assistance.

C. If the principal/designee is unable to contact the student's parent, the on-scene 911 responders will (i) obtain relevant information from school staff and others as appropriate, and then (ii) determine whether the student requires emergency medical treatment and/or transport. If it is determined that the student will be transported to the hospital, school staff must accompany the student. If the parent does not arrive by the end of the accompanying staff member's school day, the staff member must contact the principal/designee for further instructions.

D. If it is determined that the student does not require emergency treatment and/or transport and the behavior has been de-escalated, school officials and the parent shall discuss appropriate immediate next steps. School staff may not direct or pressure a parent to take their child out of school.

#### VIII. FOLLOW UP

A. The student must continue to receive appropriate instruction. Schools cannot request or require a mental health clearance letter or impose additional requirements as a condition of a student attending or returning to school or class.

B. Following any behavioral crisis in which the Crisis Team has been involved and/or 911 has been contacted, school staff must make efforts to meet with the parent (and the student where appropriate) to discuss appropriate positive behavioral supports and interventions for the student. Interventions may include, but are not limited to guidance counseling, referral for outside mental health support, referral for a special education evaluation, referral for a functional behavior assessment for students with IEPs, development of a behavior plan with the student and parent.

#### IX. REPORTING PROCEDURES

A. The principal/designee must notify the DOE's Emergency Intake Center (EIC) at (718) 935-3210 whenever 911 has been contacted.

B. If physical restraint and/or timeout has been used as part of de-escalation, the parent must be immediately notified, and a copy of the occurrence report must be provided to the parent within three (3) school days.

C. Online Occurrence Reports

1. The principal/designee must complete an Online Occurrence Report (OORS Report) within one school day for all instances in which crisis de-escalation protocols have been used, including all instances when 911 was contacted.

2. If 911 has been contacted, it is important to describe the de-escalation activities that preceded the call and the imminent risk warranting such call in the OORS report.

D. Upon request, a copy of this Regulation must be made available to parents. parents have the right to receive a copy of their child's occurrence report in accordance with Chancellor's Regulation A-820 and the Family Educational Rights and Privacy Act (FERPA).

#### X. INQUIRIES

Inquiries regarding this Regulation should be addressed to:

Office of Safety and Youth Development

N.Y.C. Department of Education

52 Chambers Street – Room 218

New York, NY 10007

Telephone: 212-374-5501

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