

### **Section 1.285 Requirements for the Use of Isolated Time Out, Time Out, and Physical Restraint**

Isolated time out, time out, and physical restraint, as defined in this Section, shall be used only when the student's behavior presents an imminent danger of serious physical harm to the student or others and other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm. Isolated time out, time out, or physical restraint shall not be used as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others.

- a) Isolated Time Out or Time Out
  - 1) "Isolated time out" means the involuntary confinement of a student alone in a time out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated time out is allowed only under limited circumstances. If all other requirements under this Section are met, isolated time out may be used only when the adult in the time out room or enclosure is in imminent danger of serious physical harm because the student is unable to cease actively engaging in extreme physical aggression.
  - 2) "Time out" means a behavior management technique for the purpose of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under subsection (i) for part of the school day, only for a brief time, in a non-locked setting.
  - 3) "Isolated time out" or "time out" does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.
  - 4) Any enclosure used for isolated time out or time out shall:
    - A) meet all of the health/life safety requirements of 23 Ill. Adm. Code 180;
    - B) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being placed

- in isolated time out or time out but also, if applicable, any other individual who is required to accompany that student under this Section;
- C) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls;
  - D) be designed to permit continuous visual monitoring of and communication with the student; and
  - E) if fitted with a door, be fitted with either a steel door or a wooden door of solid-core construction. If the door includes a viewing panel, the panel shall be unbreakable. The door shall not be fitted with a locking mechanism or be physically blocked by furniture or any other inanimate object at any time during the isolated time out or time out.
- 5) For an isolated time out, an adult who is responsible for supervising the student must remain within two feet of the enclosure. The supervising staff member must always be able to see, hear, and communicate with the student. The door shall not be locked or held to block egress. A student in isolated time out shall not be supervised using cameras, audio recording, or any other electronic monitoring device.
- 6) For time out, an adult trained under subsection (i) who is responsible for supervising the student must remain in the same room as the student at all times during the time out.
- 7) A student placed in isolated time out or time out must have reasonable access to food, water, medication, and toileting facilities. Except in circumstances in which there is a risk of self-injury or injury to staff or others, a student in isolated time out or time out shall not have his or her clothing removed, including, but not limited to, shoes, shoelaces, boots, or belts.
- b) "Physical restraint" means holding a student or otherwise restricting a student's movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques.
  - c) The requirements set forth in subsections (d) through (i) of this Section shall not

apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5], *"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*

- 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
  - 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*
- d) The use of physical restraint shall be subject to the following requirements and limitations.
- 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
    - A) *the student poses a physical risk to himself, herself, or others,*
    - B) *there is no medical contraindication to its use, and*
    - C) *the staff applying the restraint have been trained in its safe application as specified in subsection (i) of this Section.*
  - 2) Physical restraint must end immediately when:
    - A) the threat of imminent danger of serious physical harm ends; or
    - B) the student indicates that he or she cannot breathe or staff supervising the student recognizes that the student may be in respiratory distress.
  - 3) The staff involved in physically restraining a student must periodically halt the restraint to evaluate if the imminent danger of serious physical harm continues to exist. If the imminent danger of serious physical harm continues to exist, staff may continue to use the physical restraint and the continued use may not be considered a separate instance of physical restraint.
  - 4) A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak. If physical restraint is imposed upon a student whose primary mode of communication is sign language or an

augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that this freedom appears likely to result in harm to the student or others.

- 5) "Prone physical restraint" means a physical restraint in which a student is held face down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position. "Supine physical restraint" means a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position. Until July 1, 2021, prone and supine physical restraint is prohibited, unless all of the following criteria are met:
- A) Before using a prone or supine physical restraint, the school district or other entity serving the student shall review and determine if there are any known medical or psychological limitations that contraindicate the use of a prone or supine physical restraint.
  - B) The school district or other entity serving the student deems the situation an emergency, defined as a situation in which immediate intervention is needed to protect a student or other individual from imminent danger of serious physical harm to himself, herself, or others and less restrictive and intrusive interventions have been tried and proven ineffective in stopping the imminent danger.
  - C) Prone or supine physical restraint is used in a manner that does not restrict or impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's primary mode of communication.
  - D) Prone or supine physical restraint is used only by personnel who have completed required training under subsection (i).
  - E) Prone or supine physical restraint is used only if those interventions are the least restrictive and intrusive interventions to address the emergency and stop the imminent danger of serious physical harm to the student or others. During each incident, one school staff person trained in identifying the signs of distress must be assigned to observe and monitor the student during the entire incident. That staff person may not be involved in the physical holding of the student. The number of staff involved in physically restraining the student may not exceed the number necessary to

safely hold the student. Staff involved in the restraint must use the least amount of force and the fewest points of contact necessary and must afford the student maximum freedom of movement while maintaining safety.

- F) The prone or supine physical restraint ends immediately when the threat of imminent danger of serious physical harm ends, but in no event shall prone or supine physical restraint last longer than 30 minutes. If after 30 minutes the emergency has not resolved, or if an additional emergency arises the same school day that meets the standards of this subsection (d), a school administrator, in consultation with a psychologist, social worker, nurse, or behavior specialist, may authorize the continuation of the restraint or an additional prone or supine physical restraint. No restraint may be continued, nor may additional restraints be applied, unless continuation is authorized by a school administrator.
- G) If the student is restrained in a prone or supine physical restraint in at least 2 separate instances within a 30-school day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a Restraint Review, which is a review of the effectiveness of the procedures used. If the personnel involved in the restraints do not include a psychologist, social worker, nurse, or behavior specialist, at least one of those staff members shall be included in the Restraint Review. The Restraint Review must include, but is not limited to:
- i) conducting or reviewing a functional behavioral analysis, reviewing data, considering the development of additional or revised positive behavioral interventions and supports, considering actions to reduce the use of restrictive procedures, or, if applicable, modifying the student's individualized educational program, federal Section 504 plan, behavior intervention plan, or other plan of care, as appropriate; and
  - ii) reviewing any known medical or psychological limitations that contraindicate the use of a restrictive procedure, considering whether to prohibit that restrictive procedure, and, if applicable, documenting any prohibitions in the student's individualized education program, federal Section 504 plan, behavior intervention plan, or other plan of care.

- 6) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to immediately carry out the threat.
- 7) Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections, the Illinois Department of Juvenile Justice, or the Illinois Department of Human Services), mechanical restraint or chemical restraint, as defined in subsection (d)(12), shall not be employed.
- 8) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
- 9) Any application of physical restraint shall take into consideration the safety and security of the student. Physical restraint shall not rely upon pain as an intentional method of control.
- 10) In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising adult shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
- 11) "Chemical restraint" means the use of medication to control a student's behavior or restrict a student's freedom of movement. Chemical restraint is prohibited. "Chemical restraint" does not include medication that is legally prescribed and administered as part of a student's regular medical regimen to manage behavioral symptoms and treat medical symptoms.
- 12) "Mechanical restraint" means the use of any device or equipment to limit a student's movement or hold a student immobile. Mechanical restraint is prohibited. "Mechanical restraint" does not include any restraint used to:
  - A) treat a student's medical needs;
  - B) protect a student known to be at risk of injury resulting from lack of coordination or frequent loss of consciousness;

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- C) position a student with physical disabilities in a manner specified in the student's individualized education program, federal Section 504 plan, or other plan of care;
  - D) provide a supplementary aid or service or an accommodation, including, but not limited to, assistive technology that provides proprioceptive input or aids in self-regulation; or
  - E) promote student safety in vehicles used to transport students.
- e) Time Limits
- 1) A student shall be released from isolated time out or time out immediately upon determination by the staff member that the student is no longer an imminent danger of serious physical harm to the student or others. No less than once every 15 minutes, an adult trained under subsection (i) must assess whether the student has ceased presenting the specific behavior for which the time out was imposed.
  - 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing serious physical harm to the student or others.
- f) Documentation and Evaluation
- 1) In a form and manner prescribed by the State Superintendent, a written record of each episode of isolated time out, time out, or physical restraint shall be maintained in the student's temporary record. The official designated under this Section shall also maintain a copy of each of these records. Each record shall include, but is not limited to, all of the following:
    - A) the student's name;
    - B) the date of the incident;
    - C) the beginning and ending times of the incident;
    - D) a description of any relevant events leading up to the incident;
    - E) a description of any interventions used prior to the implementation of isolated time out, time out, or physical restraint;

- F) a description of the incident or student behavior that resulted in isolated time out, time out, or physical restraint, including the specific imminent danger of serious physical harm to the student or others;
  - G) for isolated time out, a description of the rationale of why the needs of the student cannot be met by a lesser restrictive intervention and why an adult could not be present in the time out room;
  - H) a log of the student's behavior in isolated time out, time out, or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;
  - I) a description of any injuries (whether to students, staff, or others) or property damage;
  - J) a description of any planned approach to dealing with the student's behavior in the future, including any de-escalation methods or procedures that may be used to avoid the use of isolated time out, time out, or physical restraint;
  - K) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out, time out, or physical restraint; and
  - L) the date on which parental or guardian notification took place, as required by subsection (g).
- 2) The school official designated under subsection (j)(3) shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- 3) The requirements of this subsection (f)(3) shall apply whenever an episode of isolated time out or time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
- A) A licensed educator or licensed clinical practitioner knowledgeable about the use of isolated time out or time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.



- B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
  - C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated under subsection (j)(3).
- 4) When a student experiences instances of isolated time out, time out, or physical restraint on 3 days within a 30-day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program, for special education eligibility, or, for a student already eligible for special education, for a change in program.
- A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.
  - B) The notification shall inform the parents or guardians that the student's potential need for special education, an alternative program, or, for students already eligible for special education, the student's potential need for a change in program, will be considered and that the results of the review will be entered into the temporary student record.
- g) Notification to Parents or Guardians
- 1) A district whose policies allow for the use of isolated time out, time out, or physical restraint shall notify parents or guardians to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code.
  - 2) If a student is subject to isolated time out, time out, or physical restraint, the school must make a reasonable attempt to notify the student's parent or

- guardian on the same day the isolated time out, time out, or physical restraint is imposed.
- 3) Within one business day after any use of isolated time out, time out, or physical restraint, the school district or other entity serving the student shall send the form required under subsection (f)(1) to the student's parents or guardians.
- h) Report to the State Superintendent
- 1) No later than 2 school days after any use of isolated time out, time out, or physical restraint, the school district or other entity serving the student shall, in a form and manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State Superintendent.
  - 2) The State Superintendent reserves the authority to require districts to submit the information required under subsection (f)(1) for previous school years.
- i) Requirements for Training
- 1) Any adult who is supervising a student in isolated time out or time out, or who is involved in a physical restraint, shall receive at least 8 hours of developmentally appropriate training annually. Except for training on physical restraint, online training may be utilized for all training areas under this subsection (i)(1). Training is required in the following areas:
    - A) crisis de-escalation;
    - B) restorative practices;
    - C) identifying signs of distress during physical restraint and time out;
    - D) trauma-informed practices; and
    - E) behavior management practices.
  - 2) All adults trained under this subsection (i) must be provided a copy of the district's policies on isolated time out, time out, and physical restraint.
  - 3) Isolated time out, time out, or physical restraint, as defined in this Section, shall be applied only by individuals who have received annual systematic

training on less restrictive and intrusive strategies and techniques to reduce the use of isolated time out, time out, and physical restraint based on best practices and how to safely use time out and physical restraint when those alternative strategies and techniques have been tried and proven ineffective. This training must include all the elements described in this subsection (i) and must result in the receipt of a certificate of completion or other written evidence of participation. No individual may use isolated time out, time out, or physical restraint before receiving the required training and certificate. An individual who applies isolated time out, time out, or physical restraint shall use only techniques in which he or she has received prior annual training, as indicated by written evidence of participation.

- 4) The training required under this subsection (i) with respect to isolated time out, time out, or physical restraint may be provided either by the employer or by an external entity.
  - A) All persons or entities who provide training must be trained and certified in the:
    - i) effective use of less restrictive and intrusive alternatives to prevent imminent danger of serious physical harm to the student or others; and
    - ii) safe application of isolated time out, time out, and physical restraint when less restrictive and intrusive alternatives have been tried and proven ineffective.
  - B) The training shall include, but need not be limited to:
    - i) the dangers associated with the use of isolated time out, time out, and physical restraint and the need to use interventions that are less restrictive and intrusive to reduce the risk of harm to students;
    - ii) appropriate procedures for preventing the need for isolated time out, time out, or physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
    - iii) recognizing and responding appropriately to the antecedent of a student's behavior;

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- iv) recognizing contraindications and other conditions and events that increase risk of death;
  - v) a description and identification of dangerous behaviors on the part of students that may indicate the need for isolated time out, time out, or physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
  - vi) the simulated experience of administering and receiving a variety of isolated time out, time out, and physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
  - vii) instruction regarding the effects of isolated time out, time out, and physical restraint on the person in restraint, isolated time out, or time out, including instruction on monitoring physical signs of distress and obtaining medical assistance;
  - viii) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
  - ix) demonstration by participants of proficiency in administering isolated time out, time out, and physical restraint.
- 5) An individual may provide training to others in a particular method of time out and physical restraint only if he or she has received written evidence of completing training in those techniques that meet the requirements of this subsection (i) within the preceding one-year period.
- j) Any use of isolated time out, time out, or physical restraint permitted by a board's policy shall be implemented in accordance with written procedures that include:
- 1) the circumstances under which isolated time out, time out, or physical restraint will be applied;
  - 2) a written procedure to be followed by staff in cases of isolated time out, time out, or physical restraint;

- 3) designation of a school official who will be informed of incidents and maintain the documentation required under this Section when isolated time out, time out, or physical restraint is used;
  - 4) the process the district or other entity serving public school students will use to evaluate any incident that results in an injury to the affected student; and
  - 5) a description of the district's or other entity's annual review of the use of isolated time out, time out, or physical restraint, which, at a minimum, shall include:
    - A) the number of incidents involving the use of these interventions;
    - B) the location and duration of each incident;
    - C) identification of the staff members who were involved;
    - D) any injuries or property damage that occurred; and
    - E) the timeliness of parental or guardian notification, timelines of agency notification, and administrative review.
- k) Complaint Procedures
- 1) Any parent or guardian, individual, organization, or advocate may file a signed, written complaint with the State Superintendent alleging that a local school district or other entity serving the student has violated this Section. The complaint shall include all of the following:
    - A) the facts on which the complaint is based;
    - B) the signature and contact information for the complainant;
    - C) if known, the names and addresses of the students involved and the name of the school of attendance;
    - D) a description of the nature of the problem, including any facts relating to the problem; and
    - E) a proposed resolution of the problem to the extent known.

- 2) The State Superintendent shall only consider a complaint if it alleges a violation occurring not more than one year prior to the date in which the complaint is received.
- 3) After receiving a complaint that meets the requirements of this subsection (k), the State Superintendent shall:
  - A) carry out an independent on-site investigation, if deemed necessary by the State Superintendent;
  - B) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
  - C) require that the public entity that is the subject of the complaint submit a written response to the complaint. The public entity shall submit its response and all other documentation to the State Superintendent and the parent, individual, or organization filing the complaint no later than the date indicated in the written correspondence received under this subsection (k).
- 4) The State Superintendent must issue a written decision to the complainant that addresses each allegation in the complaint and that contains all of the following:
  - A) findings of fact and conclusion;
  - B) the reasons for the State Board of Education's final decision; and
  - C) orders for any action, including technical assistance.
- 5) The complaint procedure under this subsection (k) does not limit, diminish, or otherwise deny the federal and State rights and procedural safeguards afforded to students.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)