

# FRANCZEK

Element	New Permanent Rules
When time out and physical restraint can be used	<p>“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.”</p> <p>A verbal threat shall not be considered a physical danger unless a student also demonstrates a means of or intent to immediately carry out the threat.</p>
Non-disciplinary use	<p>ISBE removed language that previously allowed the use of time out and physical restraint for “maintaining discipline” or maintaining an “orderly environment.” Isolated time out, time out, and physical restraint cannot 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.”</p>
Time out definition	<p>“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 [trained adult] for part of the school day, only for a brief time, in a non-locked setting.”</p> <p>Time out does <u>not</u> include:</p> <ul style="list-style-type: none"> <li>• Student initiated or student requested breaks;</li> <li>• A student initiated or teacher initiated sensory break (including sensory room to assist with de-escalation);</li> <li>• In school suspension;</li> <li>• Detention; or</li> <li>• Any other appropriate disciplinary measure, including brief removal to the hallway or similar environment.</li> </ul>
Isolated time out definition	<p>“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.”</p> <p>Only permitted if an “adult in the time out room or enclosure is in imminent danger of serious physical harm” due to a student’s extreme physical aggression and inability to stop such behavior.</p>
Time out limitations	<p>The enclosure must “be designed to permit continuous visual monitoring of and communication with the student” (direct, not via cameras or other electronic monitoring).</p> <p>The door shall not have a “locking mechanism or be physically</p>

# FRANCZEK

	<p>blocked by furniture or any other inanimate object.”</p> <p>For an isolated time out, the adult must remain within 2 feet of the enclosure.</p> <p>Students in isolated time out or time out “must have reasonable access to food, water, medication, and toileting facilities” and clothing should not be removed unless there is a risk of injury to the student, staff, or others.</p>
<p>Time out duration</p>	<p>A trained adult must assess whether the student has stopped presenting behavior causing the time out at least once every 15 minutes. Students must be released from isolated time out or time out immediately once a staff member determines that the student is no longer an imminent danger of serious physical harm to themselves or others.</p> <p>If time out or isolated time out exceeds 30 minutes or repeated episodes occur within any 3-hour period, a licensed educator or clinician knowledgeable about the use of time out must evaluate the situation to determine the appropriateness of continuing the procedure, the student’s physical needs, and the need for alternate strategies. This review must be documented.</p> <p>If a student requires additional time to deescalate after they are no longer displaying behavior that necessitated time out, the deescalation process may occur in the same location as the time out. Ongoing interventions, such as deescalation, should be documented as postvention.</p>
<p>Physical restraint limitations</p>	<p>“Physical restraint shall not impair a student’s ability to breathe or communicate normally.” If a student’s primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have hands free of restraint for brief periods, unless doing so is likely to result in harm.</p> <p>“Physical restraint shall not rely on pain as an intentional method of control.”</p>
<p>Physical restraint duration</p>	<p>Physical restraint must end immediately when the “threat of imminent danger of serious physical harm ends” or when the student indicates an inability to breathe or staff recognize the student is in respiratory distress.</p> <p>Staff “must periodically halt the restraint to evaluate if the imminent danger of serious physical harm continues to exist.”</p> <p>If physical restraint out exceeds 15 minutes or repeated episodes occur within any 3-hour period, a licensed educator or clinician</p>

# FRANCZEK

	<p>knowledgeable about the use of physical restraint must evaluate the situation to determine the appropriateness of continuing the procedure, the student’s physical needs, and the need for alternate strategies. This review must be documented.</p>
<p>Prone and supine physical restraint</p>	<p>Prone and supine physical restraints are only permitted in emergency situations. A school must determine whether there are medical or psychological contraindications before use. Trained staff must monitor student for signs of distress. Limitations on the amount of force and duration apply. A review meeting must be held if 2 separate instances occur within 30-school days.</p>
<p>Mechanical and chemical restraint</p>	<p>Mechanical and chemical restraints are prohibited.</p> <p>ISBE’s FAQ clarifies that restrictive equipment on the school bus may not be used as mechanical restraints for the purposes of discipline, punishment, or convenience. Additionally, the use of blocking pads, mats, or other equipment as a means of restraint is prohibited.</p> <p>However, use of equipment such as blocking pads in a protective manner is not considered mechanical restraint. Prescriptive equipment is also allowed for momentary support to ensure safety during transitions and transfers if used under prescription, direction, and student-specific training of a licensed professional and only for the purposes for which the equipment was manufactured and as outlined in the student’s plan.</p>
<p>Documentation</p>	<p>Each incident of physical restraint and time out must be documented on the ISBE-specified <a href="#">form</a>. The form must be maintained in the student’s temporary record and be submitted to ISBE within 2 school days of the incident.</p>
<p>Parent/Guardian notification</p>	<p>Schools must make a reasonable attempt to notify a student’s parent or guardian the same day that the student is placed in isolated time out, time out, or physical restraint.</p> <p>Within 1 business day of the incident, the school must send the ISBE form to the parent/guardian.</p>
<p>Review meeting</p>	<p>Schools must initiate a review meeting for students who experience the use of isolated time out, time out, or physical restraint techniques on 3 days within a 30-day period. The review meeting should be used to evaluate the effectiveness of the techniques and prepare an individual behavior plan that provides for the continued use of these interventions or other, specified interventions. The review must also consider the student’s potential need for a different program or special education eligibility. The student’s</p>

# FRANCZEK

	parent/guardian must be invited to the meeting.
Training requirements	<p>Personnel utilizing time out or physical restraint must complete 8 hours of developmentally appropriate annual training that includes the following topics:</p> <ul style="list-style-type: none"><li>• Crisis de-escalation;</li><li>• Restorative practices;</li><li>• Identifying signs of distress during time out and physical restraint;</li><li>• Trauma-informed practices; and</li><li>• Behavior management practices.</li></ul> <p>ISBE’s FAQ states that “developmentally appropriate” training should take into consideration children’s age, grade level, and disabilities.</p> <p>Annual training resulting in a certificate of completion is required prior to using time out, isolated time out, or physical restraint. The training must include less restrictive techniques and strategies to reduce the use of isolated time out, time out, and physical restraint as well as best practices to safely use those techniques when other techniques are ineffective.</p> <p>Training must also include alternatives to restraint, time out, and isolated time out; the dangers associated with the use of these techniques; responding appropriately to student behavior; recognizing contraindications; identification of student behaviors that may warrant the use of these techniques; the effects of these techniques on students; documentation requirements; and simulated experiences.</p> <p>Required trainings may be provided by the employer or an external entity. The trainer must be trained in the same specified topics within a year.</p>