Proposed Amendments - Part 1 (Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Amendments

Staff Contact: Chris Koch

Purpose of Agenda Item

To present the proposed amendments for the Board’s initial review and secure authorization to distribute them for public comment.

Expected Outcome of Agenda Item

A motion authorizing the staff to publish the proposed amendments in the Illinois Register to elicit public comment.

Background Information

These amendments implement Public Act 91-600, which took effect on August 14, 1999. That legislation requires the State Board to promulgate rules governing the use of time out and physical restraint in the public schools, including the record keeping that is to be required when these strategies are employed.

The development of these rules has been somewhat protracted because of the need to balance two important priorities: promoting the appropriate treatment of students and avoiding the imposition of unnecessarily burdensome requirements on schools. The language that formed the basis of the working draft was developed by staff in consultation with a task force that consisted of attorneys, administrators, teachers, parents, and representatives from other educational and advocacy organizations interested in both regular and special education. Preliminary comments were also solicited from the subcommittee on rules and regulations of the Advisory Council on the Education of Children with Disabilities.

The scope of P.A. 91-600 is not limited to students with disabilities. Consequently these rules are presented in the context of existing material found in Part 1 on the subject of the maintenance of discipline in schools. Local schools boards are already required (by Section 24-24 of the School Code) to develop policies on discipline. Section 1.280 refers to this requirement and will be amplified by the present amendments to require the inclusion of certain information in the policy of any board that permits the use of isolated time out or physical restraint. A new Section 1.285 is also being added to
define these strategies and describe the parameters that will apply to their use, some of which are taken directly from the statute (see language in all caps).

It should be noted that the rule explicitly limits the use of isolated time out and physical restraint to instances when such a strategy is needed for maintaining discipline (i.e., a safe and orderly learning environment); these actions are not to be used in the sense of discipline as punishment.

**Analysis and Implications for Policy, Budget, Legislative Action, and Communications**

*Policy Implications:* We imagine the public comment period may yield further discussion about some elements of the documentation required by the proposed rules, as well as the training required of individuals employing physical restraint. Any such matters and their potential resolution will be discussed in our summary and analysis of public comment when the rules are brought to the Board for adoption.

*Budget Implications:* This rulemaking has no budgetary implications for the agency.

*Legislative Action:* None needed.

*Communications:* Please see “Next Steps” below.

**Superintendent’s Recommendation**

Direct the dissemination of the proposed amendments to Part 1 for public comment.

**Next Steps**

With the Board’s authorization, staff will submit this rulemaking to the Administrative Code Division for publication in the Illinois Register to elicit public comment. The Illinois Advisory Council on the Education of Children with Disabilities will be specifically asked for its formal comments. The proposed rules will be posted on the agency’s web site with instructions for submitting public comment and distributed in paper form to the parties and groups with an interest in this topic. At the conclusion of the notice period, the amendments will be resubmitted to the Board for adoption.