



Illinois State Board of Education

County Juvenile Detention Centers: Educational Guidance and Frequently Asked Questions

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the Illinois State Board of Education.

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August 2023

County Juvenile Detention Centers: Educational Guidance and Frequently Asked Questions

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Introduction

This guidance document is intended to provide general information regarding general and special education services for students who are placed in county juvenile detention centers.

The guidance document is also intended to provide clarity regarding expectations prescribed in [23 Ill. Admin. Code 226 – Special Education](#) and [20 Ill. Admin. Code 2602.230 - Education](#), and to assist districts and county juvenile detention center educational sites in ensuring compliance with state and federal laws and regulations. Refer to the Office of Special Education Program (OSEP) [Dear Colleague Letter](#) released by the U.S. Department of Education Office of Special Education and Rehabilitative Services on December 5, 2014, for federal guidance.

This document is not intended to provide regulatory or legal guidance but rather is this agency's interpretation of applicable requirements. Please consult your district's legal counsel for legal advice and guidance.

A. General Operations/Regulatory Requirements

Question A1: Who is responsible for the educational program at a juvenile detention center?

Answer:

Per [105 ILCS 5/10-20.12a\(b\)](#) unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) in any residential program shall be provided by the district in which the facility is located and financed as follows.

The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in the residential facility. Payments shall be made by the district of the student's residence and shall be made to the district wherein the facility is located no less than once per month unless otherwise agreed to by the parties.

The funding provision of subsection (b) applies to all Illinois students under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) receiving educational services in residential facilities, irrespective of whether the student was placed therein

pursuant to this Code or the Juvenile Court Act of 1987 or by an Illinois public agency or a court. For purposes of subsection (b), a student's district of residence shall be determined in accordance with subsection (a) of Section 10-20.12b of this Code.

Question A2: How should students in a county juvenile detention center be coded in the Student Information System?

Answer:

Please see the following resources:

- [Walkthrough for Entering County Detention Center Students in the Student Information System](#) – This PowerPoint presentation provides step-by-step instructions on how to enter students in the Student Information System (SIS).
 - [Webinar](#) – The information in the above guidance document is presented in a recorded webinar.
 - [FAQ](#) – This document provided additional information about how to code detention center students in SIS.
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Question A3: What are the limits on teacher/student ratios and composition?

Answer:

Classes must be coeducational, and teacher/student ratios cannot exceed 1:12 for general education and 1:8 for students with Individualized Education Programs (IEPs). Remedial classes are limited to a ratio of 1:8.

Question A4: What are the requirements for the academic calendar and length of the school day?

Answer:

A detention facility shall operate on a 12-month schedule of school instruction and programming with appropriately certified teachers who are licensed by the State Board of Education.

There shall be a minimum of five hours of instruction per day.

See: [20 Ill. Admin. Code 2602.230\(a\)\(2\)](#) and [2602.230\(f\)\(1&2\)](#)

Question A5: What are the curriculum requirements and education standards for county juvenile detention centers?

Answer:

The curriculum shall supply instruction in language arts, mathematics, biological or physical sciences, social studies, fine arts, and physical developmental health.

The program must also comply with state and federal education standards. For example, county juvenile detention centers must ensure that [Illinois Instructional Mandates](#) are covered.

Additionally, course offerings must align with the [Illinois Graduation Requirements](#) to ensure students meet state graduation requirements.

See: [20 Ill. Admin. Code 2602.230\(a\)\(1\)](#) and [2602.230\(c\)](#)

Question A6: What responsibilities do county juvenile detention centers have to a student's home school?

Answer:

A youth's home school shall be immediately notified of the youth's detention status. Detention school attendance is credited on the youth's home school attendance record. Facilities shall develop protocols to optimize the potential for youth to receive credit in their home schools for work in detention.

See: [20 Ill. Admin. Code 2602.230\(d\)](#)

Question A7: What student record requirements apply?

Answer:

There shall be a written policy for obtaining school records upon a youth's admission into detention and for sharing of school records when a youth leaves detention in accordance with the Section 6 of the Illinois School Student Records Act [[105 ILCS 10](#)].

See: [20 Ill. Admin. Code 2602.230\(e\)](#)

Question A8: What are the physical requirements for a classroom?

Answer:

- 1) Classrooms shall provide no less than 150 square feet for the teacher and 20 square feet per student per room.
- 2) Toilet and washbasin facilities must be located in or near the classroom.
- 3) Equipment and supplies shall be of similar quality and quantity as provided in public school facilities.

See: [20 Ill. Admin. Code 2602.230\(g\)](#)

Question A9: Can a county juvenile detention center offer arts and crafts, such as pottery or woodshop?

Answer:

Yes. However, arts and crafts activities requiring special equipment shall have a special room that meets the following specifications:

- 1) Special equipment shall have safety devices available and safety operational signs posted.
- 2) Each youth shall be given a safety orientation lecture before using equipment.
- 3) Secure storage areas shall be provided for tools, supplies, and unfinished projects.
- 4) Tools shall be inventoried at the end of each class session.

See: [20 Ill. Admin. Code 2602.230\(h\)](#)

Question A10: What if a student has already graduated or obtained a GED?

Answer:

A schedule shall be established providing for separate activities for youth who have already obtained their high school diplomas or GED.

See: [20 Ill. Admin. Code 2602.230\(i\)](#)

Question A11: What reports must a county juvenile detention center file each year?

Answer:

1. Each facility shall file an annual education plan no later than August 1 with the [Office of Detention and Audit Services](#) and the [Administrative Offices of the Illinois Courts](#). Each annual plan shall contain the following:
 - A) Number of anticipated school days,
 - B) How the curriculum complies with state and federal standards,
 - C) How the facility will limit class size, and
 - D) How course credits will be calculated and awarded.
2. Each facility shall file an annual education report no later than July 1 with [Office of Detention and Audit Services](#) and the [Administrative Offices of the Illinois Courts](#). Each annual report shall include the following:
 - A) Number of students served, including:
 - i. Males
 - ii. Females
 - iii. Ages
 - iv. Grade levels
 - v. IEPs
 - vi. Plan under [Section 504 of the Rehabilitation Act of 1973](#) (29 UCS 701)
 - B) Total number of actual school days
 - C) Teacher/student ratios

See: [20 Ill. Admin. Code 2602.230\(j\)](#)

Question A12: Are students in a county juvenile detention center required to participate in state testing?

Answer:

They are encouraged to participate, but are not required. To the extent that a juvenile detention center is able to do so, it is strongly encouraged to facilitate state testing of the students it serves, particularly those in Grade 11. Doing so is of specific benefit to the student, as participation in the Grade 11 assessment is a requirement to graduate. However, per [23 Ill. Admin Code Part 1.30\(a\)\(4\)\(A\)](#), students who are served in any locked facility that has a state-assigned Region/County/District/Type/School (RCOTS) code and students beyond the age of compulsory attendance whose programs do not culminate in

the issuance of regular high school diplomas are not required to participate in the state's accountability assessment.

Question A13: Are educators who are employed at a juvenile detention facility required to take daily attendance?

Answer:

Yes, all educators who teach at a juvenile detention facility are required to take daily attendance in accordance with [105 ILCS 5/26-1](#). If a student is absent from school at a juvenile detention facility, the teacher must obtain the information from detention center staff as to the reason why a student is not attending school on a particular day and record that information.

Question A14: Are entities that provide education at a juvenile detention facility required to provide attendance records that include information regarding a student's excused and unexcused absences?

Answer:

Yes. Educational entities that provide educators to the juvenile detention facilities must provide attendance records for each student who attends such a school.

See: [23 Ill. Admin. Code 1.420\(f\)](#)

Question A15: Are there any other requirements for the proper recording of a student's attendance in a juvenile detention facility?

Answer:

Attendance at school in a juvenile detention center is credited to the student's home school attendance record. Daily attendance must be taken and the information regarding a student's excused and unexcused absences must be recorded and sent to the student's home school.

See: [20 Ill. Admin. Code 2602.230\(d\)](#)

Question A16: Can a student be truant for not attending school at a juvenile detention facility?

Answer:

Yes, it is possible for a student to be “truant” if the student does not attend the five clock hours of instruction each day and the student is not absent due to a valid cause.

See: [105 ILCS 5/26-2a](#)

Question A17: Can a detention center offer a GED program?

Answer:

Yes, but be advised of the following:

1. A student may not drop out of school and begin a GED program until the age of 17. See: [105 ILCS 5/26-2](#).
 2. It is a violation of [105 ILCS 5/10-22.6\(h\)](#) for a school official to “advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.”
 3. Students that have dropped out to enroll in a GED program must be [exited properly in SIS](#).
 4. A student exited from SIS to enroll in a GED program is counted as a dropout.
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Question A18: Can a detention center offer credit recovery services?

Answer:

Yes, as long as the detention center complies with any restrictions that apply for offering credit recovery services to students.

Question A19: Are students in county juvenile detention centers reported on the Illinois Report Card?

Answer:

Yes, they are reflected on the responsible school’s Report Card, which is most commonly the home school.

Question A20: Do county juvenile detention center student graduation rates affect the serving school or home school?

Answer:

The responsible school, which is most commonly the home school, is affected.

Question A21: How can a county juvenile detention center determine a student's responsible school?

Answer:

Please see [ISBE's Registration Guidance](#) for information on determining student residency for both general education and special education students. A student's responsible school would depend on where they are determined to have residency.

B. Special Education Services

Question B1: Which Local Education Agency (LEA) is responsible for ensuring a free and appropriate public education (FAPE) is provided? Must this LEA also provide the special education services to students placed in a county detention center?

Answer:

The resident district for the student is the LEA responsible for ensuring a free and appropriate education is provided to students with disabilities while they are placed at a county detention center. The resident district can coordinate with the district where the detention center is located for the provision of services.

See: [105 ILCS 5/14-1.11](#) and [105 ILCS 5/14-1.11a](#)

Question B2: Are educational staff providing special education services to students in county detention centers required to meet minimum special education qualifications?

Answer:

Yes. Public school special education teachers, related services personnel, and paraprofessionals must meet state qualifications for those personnel, according to the OSEP Dear Colleague Letter of December 2014.

See: [OSEP at p. 3, 12](#); see also [23 Ill. Admin. Code 226.800 et seq.](#)

Question B3: Must the detention center allow access to outside personnel for the purpose of providing special education and related services?

Answer:

Yes. It is the responsibility of the detention center to grant appropriate access to its facilities to all personnel who implement requirements of the Individuals with Disabilities Education Act. Granting appropriate access is essential to ensure that evaluations (including the administration of any necessary assessments or other evaluation materials), IEP team meetings, and the provision of required special education and related services occur in a timely manner.

See: [OSEP at p.7](#)

Question B4: Do the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) apply to county detention center educational sites?

Answer:

“Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents ... Every agency at any level of government that is involved in the provision of special education and related services to students in correctional facilities must ensure the provision of FAPE, even if other agencies share that responsibility,” according to the OSEP Dear Colleague Letter of December 2014.

See: [OSEP at p. 2](#)

As OSEP explains, relevant exceptions focus on students with disabilities aged 18 through 21 in adult correctional facilities. No such exception exists for students in juvenile detention centers. The rights of students with disabilities in detention centers are also protected under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

See: [OSEP at footnote. 10](#); [34 CFR 300.102\(a\)\(2\)](#)

Question B5: How do FAPE and Least Restrictive Environment apply in a detention center? What Individualized Education Program (IEP) requirements apply?

Answer:

Per the OSEP Dear Colleague Letter of December 2014, when a student with an IEP enters a detention facility, the student must be provided FAPE through services that are comparable to those described in the student's IEP.

See: [OSEP at p. 4](#)

Unless there is a specific exception, all IEP content requirements apply to students with disabilities in detention facilities.

The IDEA requirements related to LRE apply to the education of students in detention centers. IEP teams must make individualized placement decisions, even if this means creating placement options or using other arrangements, to the maximum extent appropriate for the student's needs, through methods such as having special education and general education teachers co-teach in the regular classroom.

See: [OSEP at p. 14](#)

The location of the IEP meeting shall be determined in collaboration between the resident district and serving entity, if different than the resident district, and provisions to include the student in the meeting must be made, if appropriate for the student to attend.

See: [OSEP at p. 7](#)

If a student with a disability was not attending school prior to the time of placement in the detention center, the serving entity is responsible for assisting with enrolling the student in their resident district and coordinating with the resident district to develop an IEP within 30 days of determining that a student needs special education and related services.

See: [OSEP at p. 13](#)

Question B6: Who is responsible for obtaining copies of a student's IEP?

Answer:

The entity providing the services at the detention center is responsible for obtaining a copy of the IEP as expeditiously as possible from the resident district. The resident district should make reasonable steps to appropriately transmit the records upon request. The parent of a student with a disability may also provide a copy of the IEP directly to the entity providing services.

See: [34 CFR 300.323\(g\)](#)

The failure to obtain educational records promptly can interfere with the student's ability to receive FAPE and to receive credits toward graduation. It is critical that detention centers have systems in place to ensure compliance with the transmittal of records requirements. School districts are encouraged to assign specific staff the responsibility to work with detention center staff to promptly transfer education records.

If after taking reasonable steps to obtain the IEP, the serving entity is not able to obtain the IEP from the parent or the district, the entity must place the student in the regular school program, conduct an evaluation, and make an eligibility determination if it is determined that an evaluation is necessary.

See: [OSEP at p. 10-11](#)

Question B7: Should students' IEPs be amended to reflect the change in placement?

Answer:

IEPs should not automatically be revised, nor should services be automatically changed or reduced, due to a student entering a detention center. All reasonable attempts should be made to implement the IEP as it is written to the extent practicable. If the IEP team determines that changes to the IEP are necessary, then a determination should be made to hold an IEP meeting -- or amend the IEP if the parent agrees to amend without an IEP meeting -- to reflect the services that the child requires to receive FAPE in the LRE. Any IEP revisions must be based on the individual needs of the student and be designed to allow the student to make appropriate progress in school, not due to what is currently or has historically been available at the detention center. The IEP does not necessarily need to reflect placement in a detention center, but must reflect the special education and related services and supplementary aids and services that will be provided to the student to enable him or her to advance appropriately toward attaining his or her IEP goals and to be involved in and make progress in the general education curriculum.

See: [OSEP at p. 12-13](#)

Question B8: Must a child’s Behavioral Intervention Plan be implemented?

Answer:

Yes. The IEP team must consider special factors when developing or reviewing an IEP. This includes the consideration of positive behavioral interventions and supports to address behavior in the case of a student whose behavior impedes their learning or the learning of others. Appropriate implementation of these positive behavioral interventions and supports and other strategies to address behavior should ensure that the student is able to benefit from his or her educational program in the detention center, and hasten the student’s transition from the detention center and reentry to the community.

See: [OSEP at p. 13](#); [34 CFR 300.324\(b\)\(2\)](#)

Question B9: Must requirements for secondary transition be followed?

Answer:

Yes. All applicable IDEA secondary transition requirements to facilitate an eligible student’s movement from secondary education in the detention center to appropriate post-school activities must be followed. Schools might consider virtual transition curriculum options in lieu of community-based experiences.

See: [OSEP at p. 14-15](#); [34 CFR 300.320\(b\)](#); [105 ILCS 5/14-8.03](#)

Question B10: Should initial evaluations and reevaluations be completed while a child is placed in a county detention center?

Answer:

Yes. Child Find policies and procedures for identifying, locating, and evaluating students who have may have a disability and are in need of special education and related services must be in place for the detention center. This responsibility includes students who have never been identified as a student with a disability prior to their entry into the detention center.

See: [OSEP at p. 3, 11](#)

Students must be evaluated, subject to applicable parental consent requirements, within 60 school days, even if the student will not be in the detention center long enough to complete the evaluation.

See: [OSEP at p. 11-12](#); [105 ILCS 5/14-8.02\(b\)](#)

Question B11: Is a student with a disability who violates a code of student conduct while in the county detention center educational site entitled to the protections in the IDEA discipline procedures?

Answer:

Yes. A student with a disability in a detention center who violates a code of student conduct is entitled to protections in IDEA discipline procedures that must be afforded to all students with disabilities. These protections apply regardless of whether a student who violates a code of conduct is subject to discipline in the facility or removed to restrictive settings, such as confinement to the student’s cell or “lockdown” units. In any event, a removal from the current educational placement that results in a denial of educational services for more than 10 consecutive school days or a series of removals that constitute a pattern that total more than 10 school days in a school year is a change in placement, which, in turn, requires a manifestation determination under IDEA. Specifically, an IEP team is required to hold a manifestation determination to determine whether the student’s conduct in question was caused by, or had a direct and substantial relationship to, the student’s disability, or if the conduct in question was the direct result of the failure to implement the IEP. It is particularly important for IEP teams to carefully review whether the student has, in fact, received the special education and related services that are provided in the IEP when making this determination, as the failure to implement the IEP may be more common in detention centers than in traditional schools.

See: [OSEP at p. 16-17](#); [34 CFR 300.530 - 300.536](#)

Question B12: Do the procedural safeguards and due process protections apply?

Answer:

Yes. The IDEA due process protections, including requirements related to providing any required written notices in language understandable to the general public and in the native language of the parents, apply to students in detention centers and their parents. Parents remain required members of the IEP team and retain all rights under IDEA Part B unless a court has limited their rights, or parental rights have transferred to the student at the age of majority. A parent who disagrees on matters arising under IDEA must have the opportunity to resolve the dispute through mediation and have the right to request file for due process.

See: [OSEP at p. 15](#)

Question B13: What should be considered when a student with a disability who was placed in a county detention is reentering public school?

Answer:

Evidence strongly supports the notion that juveniles placed in detention centers, both with and without disabilities, are significantly more likely to experience successful reentry into their home schools and communities if appropriate programs and supports are in place and discussed with the student prior to release. A comprehensive approach to reentry that includes individualized reentry plans, vocational and life skills training, behavior management systems, and direct academic instruction is recommended. Reentry planning should include information about reentry options, which may include the student's school prior to commitment in the detention center, connection to career and technical education opportunities, etc.

See: [OSEP at p. 19](#)

C. Disciplinary Requirements/Restraint and Time Out

Question C1: Do the rules regarding physical restraint, time out, and isolated time out (RTO) apply to students in a detention center?

Answer:

Yes, the rules regarding the use of physical restraint, time out, and isolated time out apply to all students while in an educational setting. Educational staff are required to report to the State Board of Education each use of these interventions that occur during the school day.

Question C2: Who is responsible for reporting that an RTO incident occurred?

Answer:

Educational staff are required to complete an [ISBE Form 11-01](#) and report to the State Board of Education within two days each time the use of physical restraint, time out, or isolated time out is used on a student during the school day.

Question C3: Are staff at the detention center required to report the use of RTO out at night or on the weekends?

Answer:

Educational staff are only responsible for reporting RTO events when the RTO event happens while education is occurring. Educational staff are not responsible for reporting other RTO occurrences outside of educational times.

Question C4: If the educational staff does not participate in the RTO event, are they still required to report it?

Answer:

Yes, if it happens during the school day when education is occurring at the detention center. An administrator or educational staff with knowledge of the RTO event that occurred must complete the [ISBE Form 11-01](#) to the best of their ability.

Question C5: When can a physical restraint be used?

Answer:

The use of physical restraint may only be used when:

- 1) A student poses a physical risk to himself, herself, or others;
- 2) Other less restrictive and intrusive measures have been tried and have proven to be ineffective in stopping the imminent danger of serious physical harm;
- 3) There is no medical contraindication to its use; and
- 4) The staff applying the restraint have been trained in its safe application and under [23 Ill. Admin. Code 1.285\(i\)](#), [105 ILCS 5/10-20.33](#), and [105 ILCS 5/34-18.20](#).

Physical restraint is not permitted if any of the four criteria above are not met.

Question C6: When should physical restraint not be used?

Answer:

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.

See: [23 Ill. Admin. Code 1.285](#)

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.

See: [23 Ill. Admin. Code 1.285\(d\)\(6\)](#)

In addition, physical restraint shall not be used if any of the four criteria below are not met:

- 1) A student poses a physical risk to himself, herself, or others;
- 2) Other less restrictive and intrusive measures have been tried and have proven to be ineffective in stopping the imminent danger of serious physical harm;
- 3) There is no medical contraindication to its use; and
- 4) The staff applying the restraint have been trained in its safe application and under [23 Ill. Admin. Code 1.285\(i\)](#), [105 ILCS 5/10-20.33](#), and [105 ILCS 5/34-18.20](#).

Juvenile detention center administrative rules prohibit the use of force unless the following conditions are met:

- A youth's behavior is an immediate threat to themselves or others,
- The staff applying the force has been trained in the safe use of those techniques,
- The use of force must end when the youth is in control, and
- The staff member applying this force must complete a written report.

See: [20 Ill. Admin. Code 2602.170\(f\)\(1-5\)](#)

Question C7: Is the use of mechanical restraints permitted?

Answer:

Yes, the use of mechanical restraints in a juvenile detention facility is permitted under limited circumstances and must comply with [20 Ill. Admin. Code 2602.170\(g\)\(1-9\)](#). Mechanical restraints may only be used when other methods of control are not effective and only for the time necessary for the youth to regain control.

- 1) Restraints may not be used for disciplinary reasons.
 - 2) Handcuffed youth must never be left alone.
 - 3) Youth may not be handcuffed to stationary objects.
 - 4) Placing youth in stress positions or hog-tying youth is prohibited.
 - 5) Use of straitjackets, restraint chairs, and four- or five-point restraints are prohibited.
 - 6) Other instruments of restraint, such as belly chains, shall not be used except as a precaution against escape during transportation.
 - 7) Youth who are transported to court must have shackles or chains removed prior to entering the courtroom unless otherwise ordered by the judge.
 - 8) When restraints are used, a full written report shall be made.
 - 9) Restraints are prohibited on pregnant youth when in active labor.
-

Question C8: Is the use of chemical restraint permitted?

Answer:

Chemical restraints are prohibited by regulations.

“Chemical restraint” means the use of medication to control a student’s behavior or restrict a student’s freedom of movement.

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.

See: [23 Ill. Admin. Code 1.285\(d\)\(11\)](#), [105 ILCS 5/10-20.33](#), and [105 ILCS 5/34-18.20](#)

Additionally, per [20 Ill. Admin. Code 2602.170\(h\)](#), the use of chemical agents, including pepper spray, tear gas, and mace, is generally prohibited. Chemical agents may be utilized when the youth's current behavior indicates that a physical hold or mechanical restraint would be impossible or insufficient to effectively diminish the imminent risk of serious harm. An unusual incident report shall be made pursuant to [Section 2206.40\(d\)](#) after any use of chemical agents. Educational staff are required to report to the State Board any instance of physical restraint in which a chemical agent was used.

Question C9: Is the use of prone restraint permitted?

Answer:

Prone physical restraint was prohibited as of the 2021-22 school year.

Question C10: Is the use of supine restraint permitted?

Answer:

Supine physical restraint is prohibited, unless all of the following criteria are met:

- A) Before using a 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 the student, or other and less restrictive and intrusive interventions have been tried and proven ineffective in stopping the imminent danger.
- C) Supine physical restraint is used in a manner that does not restrict or impair a student's ability to breathe or communicate normally, apply pressure to a student's neck, obstruct a student's airway, or interfere with a student's primary mode of communication.
- D) Supine physical restraint is used only by personnel who have completed required training under [23 Ill. Admin. Code 1.285\(i\)](#).
- E) 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 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 [23 Ill. Admin. Code 1.285\(d\)](#), 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 supine physical restraint in at least two separate instances within a 30-school day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a Supine Restraint Review.

See: [23 Ill. Admin. Code 1.285\(d\)\(5\)](#)

Question C11: When must staff reassess the need for the use of physical restraint?

Answer:

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 physical restraint -- and the continued use may not be considered a separate instance of physical restraint.

See: [23 Ill. Admin. Code 1.285\(i\)\(3\)](#)

Question C12: When must staff conduct an evaluation for the safe continuation of a physical restraint?

Answer:

The requirements of [23 Ill. Admin. Code 1.285\(f\)\(3\)](#) shall apply whenever an episode of isolated time out or time out exceeds 30 minutes or repeated episodes have occurred during any three-hour period.

Question C13: Who can conduct the evaluation for the safe continuation of a physical restraint?

Answer:

- 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, must evaluate the situation.
- B) The evaluation must 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 must be committed to writing and copies of this documentation must be placed into the student's temporary student record and provided to the official designated under subsection (j)(3).

See: [23 Ill. Admin. Code 1.285\(f\)\(3\)](#)

Question C14: Is the use of time out permitted in a detention center?

Answer:

Time out is permitted, but due to the circumstances in a detention facility, the use of time out may not be practical because a time out is used when a student is able to be contained in a room with a staff member in the same room in a non-locked setting. A student's voluntary request to be alone in a room is not considered a time out or room confinement.

See: [20 Ill. Admin. Code 2602.170\(i\)](#)

Question C15: Is the use of isolated time out permitted in a detention center?

Answer:

Yes, isolated time out or room confinement is permitted under limited circumstances and may be used only as a temporary response to behavior that threatens the safety of the youth or others.

See: [20 Ill. Admin. Code 2602.170\(i\)](#)

Question C16: What are the space requirements used for an isolated time out?

Answer:

Per [23 Ill. Admin. Code 1.285\(a\)\(4\)](#), the use of a physical space for time out shall be subject to the following requirements:

1. Any enclosure used for isolated time out or time out shall:
 - A) Meet all of the health/life safety requirements of [23 Ill. Admin. Code 180](#);

- B) Have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student but also, if applicable, another individual who is required to accompany that student under [23 Ill. Admin. Code 1.285](#);
 - 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;
 - 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.
2. Per [105 ILCS 5/10- 20.33](#) and [105 ILCS 5/34-18.20](#), the use of any of the following rooms or enclosures for an isolated time out or time out purposes is prohibited:
- (1) A locked room or a room in which the door is obstructed, prohibiting it from opening;
 - (2) A confining space, such as a closet or box;
 - (3) A room where the student cannot be continually observed; or
 - (4) Any other room or enclosure or time out procedure that is contrary to current rules adopted by the State Board of Education.

The doors of time out rooms that are contained within a classroom or other larger room or space must not be fitted with a locking mechanism of any sort. However, the classroom or other larger room can have a locking mechanism and may be locked in a manner consistent with the school building's safety and security protocols. The door of the time out room cannot be physically blocked by furniture or any other inanimate object at any time during the isolated time out or time out.

Question C17: When should isolated time out not be used?

Answer:

“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.”

See: [23 Ill. Admin. Code 1.285](#), [105 ILCS 5/10-20.33](#), and [105 ILCS 5/34-18.20](#)

Juvenile detention center administrative rules specifically prohibits denying education as a part of a disciplinary response. Educational staff should be notified by detention center staff the reason why a student is not attending school that day.

See: [20 Ill. Admin. Code 2602.170\(e\)\(1\)\(H\)](#)

Question C18: Who is responsible for ensuring that the isolated time out setting complies with the regulations relative to the physical space and the parameters pertaining to their use?

Answer:

The school district or other serving entity is ultimately responsible for ensuring compliance regarding the physical spaces used for time out and isolated time out and the use of those spaces. Regional Offices of Education, the Illinois Department of Public Health, the Illinois Department of Children and Family Services, ISBE, or other public agencies may also become involved as a follow-up to routine building inspections or in the event a specific complaint has been filed about time out spaces or their use. General requirements for health and life-safety in schools can be found on the [ISBE Health and Life Safety webpage](#).

Question C19: When should an isolated time out end?

Answer:

Time limitations on time outs are set forth at [23 Ill. Admin. Code 1.285\(e\)\(1\)](#), which specifies, “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 [23 Ill. Admin. Code 1.285\(e\)\(1\)](#) must assess whether the student has ceased presenting the specific behavior for which the isolated time out or time out was imposed.”

Additionally, detention center rules prohibit the use of isolated time out for longer than four hours without administrators or mental health staff developing an individualized plan to address behavior.

See: [20 Ill. Admin. Code 2602.170\(i\)\(6\)](#)

Question C20: Must the student placed in an isolated time out be constantly visually monitored?

Answer:

The regulations provide that the use of time out and isolated time out shall be subject to the following requirements for supervision, per [23 Ill. Admin. Code 1.285\(a\)\(5-7\)](#):

- (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 [23 Ill. Admin. Code 1.285\(i\)](#) 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, medications, and toileting facilities. The deprivation of necessities needed to sustain the health of a person is prohibited. 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 clothing removed, including, but not limited to, shoes, shoelaces, boots, or belts.

See: [105 ILCS 5/10-20.33](#) and [105 ILCS 5/34-18.20](#)

Question C21: When must staff reassess the need for a time out or isolated time out?

Answer:

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.

See: [23 Ill. Admin. Code 1.285\(e\)\(1\)](#)

Juvenile detention center rules require that youth confined to their rooms shall be directly supervised or minimally checked every 30 minutes. Youth on crisis status shall be minimally checked every 10 minutes.

See: [20 Ill. Admin. Code 2602.170\(i\)\(5\)](#)

Question C22: When must staff conduct an evaluation for the safe continuation of a time out or isolated time out?

Answer:

The requirements of [23 Ill. Admin. Code 1.285\(f\)\(3\)](#) shall apply whenever an episode of isolated time out or time out exceeds 30 minutes or repeated episodes have occurred during any three-hour period.

Question C23: Who can conduct the evaluation for the safe continuation of a time out or isolated time out?

Answer:

- 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, must evaluate the situation.
- B) The evaluation must 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 must be committed to writing and copies of this documentation must be placed into the student's temporary student record and provided to the official designated under subsection (j)(3).

See: [23 Ill. Admin. Code 1.285\(f\)\(3\)](#)

Question C24: What are the training requirements for an adult supervising a student in an isolated time out or involved in a physical restraint?

Answer:

At least eight hours of developmentally appropriate training annually is required per [23 Ill. Admin. Code 1.285\(i\)\(1\)](#). Developmentally appropriate training is training that takes into consideration children's age, grade level, and disabilities.

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.

Physical restraint, time out, or isolated time out 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 RTO. These efforts should be based on best practices and how to safely use time out and physical restraint when alternative strategies and techniques have been tried and proven ineffective. This training must include all the elements described in [23 Ill. Admin. Code 1.285\(i\)](#) and must result in the receipt of a certificate of completion or other written evidence of participation. An individual who applies RTO shall use only techniques in which he or she has received prior annual training, as indicated by written evidence of participation.

See: [23 Ill. Admin. Code 1.285\(i\)\(3\)](#)

All adults who are trained must be provided a copy of the district's policies on RTO.

See: [23 Ill. Admin. Code 1.285\(i\)\(2\)](#)

Training for appropriate use of physical restraint must be completed in-person. See Goals and Benchmarks created by ISBE for additional training resources.

Question C25: What are the training requirements for a detention center guard who may be involved with an isolated time out or a physical restraint of a student?

Answer:

Staff must be trained in acceptable methods of physical intervention.

See: [20 Ill. Admin. Code 2602.170\(f\)](#)

Question C26: How should the use of physical restraint, time out, or isolated time out on a student be documented?

Answer:

Per [23 Ill. Admin. Code 1.285\(f\)\(1\)](#), a written record of each episode of RTO compiled in the form and manner prescribed by the state superintendent shall be maintained in the student's temporary record in accordance with [105 ILCS 10/ Illinois School Student Records Act](#).

Each record shall include, but not be 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 less restrictive or intrusive alternative measures that were used prior to the implementation of isolated time out, time out, or physical restraint and why those measures were ineffective or deemed inappropriate;
- F. A description of the incident and/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;
- L. The date on which parental or guardian notification took place as required by [23 Ill. Admin. Code 1.285\(g\)](#).

[ISBE Form 11-01](#) must be used to document instances of isolated time, time out, and/or physical restraint. The form can be found on the [ISBE Student Care webpage](#).

Question C27: Who should be notified of the documentation and report the use of physical restraint, time out, or isolated time out?

Answer:

If a student is subject to RTO, the school must make a reasonable attempt to notify the student's parent or guardian on the same day the event occurred.

The school district or other serving entity must designate an official to receive and maintain these records.

See: [23 Ill. Admin. Code 1.285\(j\)\(3\)](#)

The designated school official must be notified of the incident as soon as possible, but no later than the end of the school day on which an event occurred.

See: [23 Ill. Admin. Code 1.285\(f\)\(2\)](#)

The record described below should be completed by the beginning of the school day following the episode of time out or physical restraint.

The school district or other serving entity must send an [ISBE Form 11-01](#) to the student's parents or guardians within one business day after any use of isolated time out, time out, or physical restraint. Notification of parents or guardians may be accomplished by personal service, electronic delivery, or by mailing the documentation within one business day. Documentation should be completed by the serving entity. The documentation must include, at a minimum, a copy of [ISBE Form 11-01](#) and the following:

- A) A copy of the standards for when isolated time out, time out, and physical restraint can be used;
- B) Information about the rights of parents, guardians, and students; and
- C) Information about the parent's or guardian's right to file a physical restraint and time out complaint with the state superintendent of education, the complaint process, and other information to assist the parent or guardian in navigating the complaint process.

See: [105 ILCS 5/10- 20.33\(h\)](#) or [105 ILCS 5/34-18.20\(h\)](#)

The serving entity must submit the documentation into SIS no later than two school days after any use of RTO.

A copy of [ISBE Form 11-01](#) must be maintained in the student's temporary record for each incident of RTO.

See: [23 Ill. Admin. Code 1.285\(f\)\(1\)](#)

Question C28: Are there any additional documentation requirements if a student is injured during a physical restraint, time out, or isolated time out?

Answer:

The regulations require that the documentation of time out or physical restraint must include a description of any injuries to staff, students, or others.

See: [23 Ill. Admin. Code 1.285\(f\)\(1\)\(i\)](#)

The current ISBE reporting form includes documentation of a nurse evaluation. A nurse evaluation is not required in every circumstance where time out or physical restraint is used, only when the student, parent/guardian, or a staff member reports an injury to the student or when an injury occurs to a staff member. If a nurse is not available to conduct the evaluation, it may be conducted by an administrator, such as a special education administrator, building principal, or assistant principal.

Question C29: Does the documentation of an incident of physical restraint, time out, or isolated time out need to include the position, title, and names of the specific personnel who participated in implementing, monitoring, and supervising the incident?

Answer:

Yes, both the position title and name of each staff member must be listed on [ISBE Form 11-01](#). It is important to document both the position title and names of staff in case there is a need to obtain additional information from those individuals to ensure accurate reporting or to gather data by which to assess the appropriateness of interventions for the specific student, clarify staff training needs, or identify positive staff-student relationships on which to build. Given that multiple staff may have the same job title or there may be a high turnover rate of individuals in specific positions, it is especially important to list the specific staff involved.

When entering an incident into SIS, only position titles will need to be entered.
