Illinois State Board of Education
Special Education Department

Permanent Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint: 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.

Dr. Carmen I. Ayala, State Superintendent
June 2020
Permanent Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint: Guidance and Frequently Asked Questions

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Acknowledgement

ISBE wishes to thank the Special Education Committee of the Illinois Council of School Attorneys (ICSA) for their collaboration in the creation of this guidance document. The responses to the FAQs represent the consensus reached between ISBE and the ICSA Special Education Committee. Potential questions may arise that are not addressed in this guidance. This guidance is published for informational purposes only and is not a substitute for legal advice. For legal advice or a legal opinion on a specific question, you should consult a lawyer.

Introduction

The Illinois State Board of Education (ISBE) has the responsibility to inform school districts, special education cooperatives, and nonpublic facilities approved to serve students with disabilities pursuant to 23 Illinois Administrative Code (IAC) Part 401 (referred to as “schools” in this Guidance and FAQ document), on the implementation of policies designed to ensure school wellness through advisory supports in education, health, and social emotional well-being so our children have the opportunity to become whole, healthy, and educated adults. These supports, particularly in the area of social emotional well-being, provide a process for children to acquire the knowledge, attitudes, and skills they need to -

- recognize and manage their emotions.
- demonstrate caring and concern for others.
- establish positive relationships.
- make responsible decisions.
- handle challenging situations constructively.

Despite supports, problem behaviors can still occur, and the response of a teacher or an administrator to behavior that has the potential to threaten the well-being of a student or an adult is of paramount importance. Physical restraints and time outs are interventions of the last resort and must be applied judiciously in the rarest of situations. Physically restraining or placing a student in time out can carry many risks to the student’s physical well-being, emotional health, self-image, and reputation in the school community. Use of these interventions can also erode trust among stakeholders in the student’s education and prevent the student from receiving a Free Appropriate Public Education (FAPE). There are, however, rare incidents in which it may be necessary to restrict a student’s movements to ensure the safety of the student or others. State laws and federal guidance provide parameters for use of time out and physical restraints when circumstances warrant.

The Illinois Administrative Code (23 IAC 1.285) states the following:
“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.”

These regulations, which were revised on April 9, 2020, are the basis for this guidance document, which refers primarily to the use of time out, isolated time out, or physical restraint for the purposes of maintaining a safe environment for learning. For purposes of the ISBE regulations, time out, isolated time out, or physical restraint are interventions used in tandem with other positive intervention strategies.

A. Definitions

Question A-1: What are time out and isolated time out?

Answer: The U. S. Department of Education (USDE) uses Civil Rights Data Collection (CRDC) definitions and refers to “time out” as “a behavior management technique ...that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming” (USDE Restraint and Seclusion: Resource Document, p. 10).

Time out, in Illinois’ regulatory language, 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” [23 IAC 1.285(a)(2)].

Time out includes situations only when the student is in a monitored enclosure, defined at 23 IAC 1.285(a)(4), due to exhibiting behavior that poses an imminent danger of serious physical harm to self or others, not if the student is being disruptive and needs to cool down in a sensory room, reflection area, or in another setting that offers other positive or therapeutic supports, as discussed further in response to Question C-2 below.

“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 Section 1.285 are met, isolated time out may only be used 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 [23 IAC 1.285(a)(1)]

“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” [23 IAC 1.285(a)(3)]

Question A-2: What is physical restraint?

Answer: The USDE uses the CRDC definition for physical restraint: “a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely” (USDE Restraint and Seclusion: Resource Document, p. 10).

In Illinois regulations, a physical restraint is defined as “holding a student or otherwise restricting the student’s movements” [23 IAC 1285(b)] and includes only the use of specific, planned techniques. “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” [23 IAC 1.285(d)(4)]. Both the federal and state definitions describe physical restraint as consisting of planned holds or techniques to prevent a student’s movement (e.g., immobilization of the head, arms, legs, and/or torso) which is only allowable in the event he or she presents an imminent danger of serious physical harm to self or others.

“‘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” [23 IAC 1.285(c)].

Caution: Use of physical restraints, especially prone restraints, have resulted in severe injuries and student deaths in United States schools. In some of these
cases, school personnel had been trained and were following established procedures, but tragedies still occurred.

**Question A-3: What is “imminent danger of serious physical harm?”**

**Answer:** “Imminent danger of serious physical harm” means a situation where a student presents a danger to the safety and well-being of himself, herself, or another person and is likely to cause immediate physical harm.

The regulations also require that “isolated time out, time out, and physical restraint 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.”

In addition, “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” [23 IAC 1.285].

**Question A-4: What is physical escort or momentary physical restriction as opposed to physical restraint?**

**Answer:** Physical escort is defined in the USDE’s *Restraint and Seclusion: Resource Document* (p. 10) as “a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.”

As noted in the response to Question A-2 above, under Illinois regulations “‘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:

- prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or
- remove a disruptive student who is unwilling to leave the area voluntarily” [23 IAC 1.285(c)].
Therefore, according to Illinois regulations, physical escort as defined in the USDE’s *Restraint and Seclusion: Resource Document* would not constitute a physical restraint.

**Question A-5: What is a mechanical restraint?**

**Answer:** Mechanical restraints are prohibited by ISBE regulations [23 IAC 1.285(d)(12)]. A mechanical restraint is defined in the USDE *Restraint and Seclusion: Resource Document* (p. 10) as “the use of any device or equipment to restrict a student’s freedom of movement.” Use of such restraints for the purposes of discipline, punishment, or convenience is not allowed. There are, however, mechanical devices that are utilized to provide safety, stability, or other support to students with disabilities that are excluded from this definition. See the regulations below and the response to Question D-3 for further discussion of such devices and equipment.

Under Illinois regulations, “‘mechanical restraint’ means the use of any device or equipment to limit a student's movement or hold a student immobile. ‘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;

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” [23 IAC 1.285(d)(12)].

Under this definition, the use of equipment such as a blocking pad in a protective manner to safeguard an individual is not construed as a mechanical restraint. However, the use of a blocking pad, mat, or other device or equipment as a means of or during a restraint is considered mechanical restraint and is prohibited.
Question A-6: What are chemical restraints?

Answer: Chemical restraints are prohibited by ISBE regulations, as evidenced in 23 IAC 1.285(d)(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.”

B. Framework of Supports for Student

Question B-1: What behavioral supports should be available to contribute to a safe school environment?

Answer: School district behavioral intervention and discipline policies must prioritize strategies to avoid the use of time out, isolated time out, and physical restraint with students whenever possible. Most student behaviors that do not contribute to a safe learning environment can be effectively addressed via a school’s social and emotional learning (SEL), Positive Behavior Intervention and Supports (PBIS), anti-bullying and harassment, or restorative justice frameworks.

The Illinois Administrative Code additionally requires that “each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require intervention,” according to 23 IAC 1.280(c). Tiered behavioral interventions can also be provided to students who do not have Individualized Education Programs (IEPs) or Section 504 plans.

Additional information about alternatives to time out, isolated time out, and physical restraint is found on the ISBE website at the School Wellness/Social Emotional Wellness pages at https://www.isbe.net/Pages/Social-Emotional-Learning.aspx.
Question B-2: How should IEP teams document positive behavior supports in the IEP and BIP for a student receiving special education?

Answer: For a student with a disability receiving special education services, the IEP and Behavior Intervention Plan (BIP), where appropriate, offer several opportunities to document positive behavior supports customized for the student. The Present Levels of Academic Achievement and Functional Performance (PLAAFP) section of the IEP, goals, supplementary aids and services, special education and related services, IEP notes, Functional Behavior Analysis (FBA), and BIP are all potential sections for IEP teams to describe the positive interventions that have been attempted and their effectiveness. The Consideration of Special Factors section of the IEP allows the IEP team to explain whether behaviors will be addressed via a BIP, goals, accommodations, and/or services. The accommodations and goals sections of the IEP and the BIP provide opportunities to describe details such as target behaviors, replacement behaviors, positive interventions, and motivators/rewards. Parent input should be considered when developing behavioral interventions to facilitate consistency between the home and school settings when appropriate. This may be captured under the Parent Concerns subsection of the IEP, in the FBA and BIP, or within the IEP notes section. The Supports for School Personnel section of the IEP also provides IEP teams with a place to document what supports or training staff may need to address a student’s needs, including behavior needs.

Students’ IEPs and BIPs should articulate specific positive behavior strategies to be employed and should not rely solely on time out, isolated time out, and/or physical restraint as ongoing behavioral interventions but may be included as required for an individual student due to safety concerns.

C. Time Out and Isolated Time Out

Question C-1: Is in-school suspension or detention considered a time out or isolated time out?

Answer: No, in-school suspensions, detentions, and other appropriate disciplinary measures are a part of a school-wide disciplinary policy to address infractions of the school or district code of conduct, usually involving supervised periods within a designated room in the school setting.
Question C-2: Is the use of a separate, quiet environment allowed for a student considered a time out or isolated time out?

Answer: No, the use of a separate, quiet environment is allowed for any student if it is medically safe for the student and the space meets all of the health/life safety requirements of 23 IAC Part 180. For a student with a disability, it may be used unless inconsistent with the IEP or Section 504 plan. Such use will not be considered a time out under the regulations.

“‘Isolated time out’ and ‘time out’ do 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” [23 IAC 1.285(c)]. For purposes of initiation of breaks, “teacher” is defined as any or all school district employees regularly required to be licensed under laws relating to the licensure of teachers [105 ILCS 5/21B-75(a)].

Other interventions that will not be considered a time out or isolated time out can include, but are not limited to, the use of study carrels or other similar, stable and non-enclosed partitions within the classroom, other classrooms or areas in the school that are designed for student work and study with fewer auditory and other distractions, and similar interventions (either at staff direction or upon student request). Because these are not considered a time out under the regulations, no report of time out, isolated time out, or physical restraint is required.

Some students function best in a quiet environment given their individual learning styles and personalities, while others need a calm, “safe” space due to anxiety, sensory processing needs, or needs for privacy when upset. Applying Universal Design for Learning (UDL) principles might enable the creation of spaces that address the needs of a variety of students. IEP teams should also consider, however, that frequent separation of the student from his or her peers and classroom instruction may signal a need to reevaluate the student’s needs and consider the impact on the current programming and provision of FAPE in the least restrictive environment for the student.

Question C-3: Is a student-requested opportunity to go to a different location in the school to self-regulate or seek staff support considered a time out or isolated time out?
Answer: No. As stated in response to Question C-2 above, interventions that will not be considered a time out can include, but are not limited to, sensory breaks, calming breaks, the use of study carrels or other non-enclosed partitions within the classroom, other classrooms or areas in the school that are designed for student work and study with fewer auditory and other distractions, and similar interventions (either at staff direction or upon student request). Because these are not considered a time out under the regulations, no report to ISBE is required.

Question C-4: Is evacuating other students from a classroom when one student presents a risk of harm to self or others considered a time out or isolated time out?

Answer: No, when a student engages in conduct that poses a risk of harm to self or others and school personnel evacuate the classroom while staff work with the student to help deescalate his or her conduct, transport the student out of the classroom to another setting for this purpose, or await emergency responders, it would not be considered a time out or isolated time out.

Question C-5: Who is responsible for ensuring that time out settings are compliant with the regulations with regard to the physical space and the parameters around their use?

Answer: The school, district, or cooperative is ultimately responsible for ensuring compliance with regard to the physical spaces used for time out and isolated time out and the use of those spaces. The Regional Office of Education (ROE), Illinois Department of Public Health (IDPH), Illinois Department of Children and Family Services (DCFS), 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 website at https://www.isbe.net/Pages/Health-and-Life-Safety.aspx.

Question C-6: What are the requirements for a space that is used for the time out or isolated time out of a student?

Answer: The regulations provide that the use of a physical space for time out shall be subject to the following requirements per 23 IAC 1.285(a)(4):
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, 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.”

For time out rooms that are contained within a classroom or other larger room or
space, the time out room door must not be fitted with a locking mechanism of any
sort, but the classroom or other larger room can be capable of locking and may be
locked in a manner consistent with the school building’s safety and security
protocols.

**Question C-7: What are the requirements for the supervision of a student in time out and isolated time out?**

**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 IAC 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 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, medications, 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.”

Question C-8: What is the length of time a student may be kept in time out and isolated time out?

Answer: Time limitations on time outs are set forth in the Illinois Administrative Code, per 23 IAC 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 subsection (i) must assess whether the student has ceased presenting the specific behavior for which the isolated time out or time out was imposed.”

Many students need additional time to deescalate and process after they are no longer displaying the behavior which necessitated the time out, and if that is the case, they may deescalate and process in the same location where the time out or isolated time out occurred. The time out or isolated time out documented on the ISBE form ends when the student is no longer an imminent risk to self or others; however, other ongoing interventions should be documented as a postvention. It is recommended that the length of the postvention is documented.

Question C-9: What is an acceptable response if a student needs to go to a time out setting for the safety of the student and/or others but refuses to go?

Answer: Educators must consider that repeated instances of time outs and difficulty getting the student to go willingly to that setting generally signal a need to reconsider behavior strategies for that student. If the only option is for the student to go to time out, but he or she does not do so willingly, a physical escort/momentary physical restriction, as defined in the response to Question A-4 above, is sometimes necessary. The Illinois School Code, at 105 ILCS 5/24-24, speaks of using “reasonable force” to remove a student when necessary, though “reasonable force” is not defined. 105 ILCS 5/24-24 prohibits striking students, prolonged holds in painful positions, or intentional infliction of bodily harm, however, the following is set forth:
“...each board shall establish a policy on discipline, and the policy...shall provide...that a teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, school personnel or persons, or for the purpose of self-defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm.”

Question C-10: If a student must go to a time out setting, are there specific credentials or training requirements for staff who supervises the student?

Answer: Yes, there are specific directives for staff training pertaining to time outs and isolated time outs. See the responses to the questions in Section E: Required Training for further details.

Whoever supervises a student in time out must be able to address the student’s unique needs (e.g., mobility, emotional, medical, intellectual processing, language/mode of communication) and respond appropriately if the behavior escalates.

Question C-11: When is the use of isolated time out allowed?

Answer: If all other requirements described in the regulation are met, isolated time out may be used 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.

For documentation requirements, see the responses to Questions F-3 to F-6. For supervision requirements, see the responses to Questions C-7, C-8, and C-10. For training requirements, see the responses to Questions E-1 to E-4 below.
D. Physical Restraints

Question D-1: What are the requirements for school personnel who participate in the use of physical restraint?

Answer: According to 23 IAC 1.285(d)(1)(A-C), physical restraint is subject to three requirements:

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.”

Furthermore, an individual who applies physical restraint shall use only the techniques he or she received during the required annual training and for which there is written evidence of participation, according to 23 IAC 1.285(i)(3).

Staff members who have not been trained in the application of physical restraint may not physically restrain a student but may employ momentary physical restriction (e.g., restraining a student to prevent him or her from bolting into traffic, moving the student away from a violent situation, preventing the student from serious self-injury). However, only staff who have completed required annual training and in student-specific techniques (when specified in IEPs or planning around behavior, safety, or crisis) are permitted to use physical restraint on a student as a specific, planned technique.

The regulations also require that “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.” [23 IAC 1.285(d)(3)]. Under such circumstances, only one report form must be provided to the parents and ISBE.

Question D-2: What communication factors must be considered when a student who is deaf or hard of hearing or who uses a high- or low-tech augmentative communication device is physically restrained?
Answer: “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,” according to 23 IAC 1.285(d)[4].

In such a case, as soon as it is safely possible, the student must be returned to positioning that allows him or her to engage in receptive and expressive communication with the adults involved in the episode of restraint. Staff who restrain the student must also ensure that his or her appropriate, usual mode of communication (e.g., Picture Exchange Communication System (PECS), picture symbols, digitized devices, etc.) is readily available during the incident of physical restraint and must also understand their legal obligation to be able to communicate effectively with the student (e.g., be able to converse in the student’s language or mode of communication).

Question D-3: Is the use of orthopedic or supported positioning equipment that is part of a prescribed physical or occupational therapy regimen for a student or for momentary support to ensure safety during transitions and transfers allowed?

Answer: Yes, prescriptive equipment is allowed if used under the prescription, direction, and student-specific training of a licensed professional (e.g., physical or occupational therapist) only for the purposes for which the equipment was manufactured and within the parameters documented in the IEP and any associated therapy or mobility plans for the individual student. Such equipment may not be used as a mechanical restraint for the purpose of discipline, punishment, or convenience (e.g., to prevent students from getting out of their seats during structured instructional time) [23 IAC 1.285(d)[8]].

According to the USDE Restraint and Seclusion: Resource Document (p. 10),

“The term [mechanical restraint] does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of
mobility than would be possible without the use of such devices or mechanical supports;

- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.”

Prescriptive medical devices are utilized for students who have difficulty independently sitting, standing, changing positions, bearing weight, assessing danger, maintaining postural security, and sustaining functional positioning and may require supported positioning on a momentary basis (e.g., during transitions or transfers) or for prescribed intervals during the school day. Supported positioning is also sometimes a part of a therapeutic regimen to ensure a student’s comfort; aid in efficient respiration, circulation, and digestion; and prevent contractures or pressure sores. Examples of equipment used are supportive seating systems, gait or transfer belts, tilt tables, side lyers, hydraulic lifts, and prone standers. These often include supportive features (e.g., padding, bolsters, trays, straps, harnesses) to ensure safe, functional positioning.

Question D-4: What are the parameters for use of safety restraints (e.g., harnesses) on school buses? What measures are appropriate on the school bus if a student poses a safety threat to self or others in that setting?

Answer: Restrictive equipment on the school bus, such as belts/straps, harnesses, and vests, must never be used as mechanical restraints for the purposes of discipline, punishment, or convenience.

Seat belts are required on small school buses in Illinois, and some districts require them for all buses. If these are required as standard safety features and employed as intended, they will not constitute mechanical restraint.

Use of equipment/devices such as H-straps, harnesses, or vests, likewise, does not constitute improper use of mechanical restraint if the equipment is used for therapeutic or safety purposes as currently agreed upon and documented by a student’s IEP team or within a student’s plan pursuant to Section 504 of the Rehabilitation Act of 1973. Use of such equipment may be necessary for some students who exhibit low muscle tone or poor posture control, dangerous behaviors such as bolting or climbing over seats or out of bus windows, or the inability to gauge and react appropriately to danger. Parameters for use of such
equipment/devices, the need for a bus aide or small bus, and use of physical restraints if the student presents an imminent safety threat to self or others must be documented in the IEP, as well as any associated behavior intervention (BIP), crisis, positioning, and safe mobility plans for the student. Transportation personnel should be included in this planning, be informed of the student’s needs, be aware of their responsibilities/roles, and trained not only in general bus safety procedures, but also in student specific techniques (e.g., communication; avoidance of behavioral, medical, or sensory triggers; de-escalation; re-positioning if positioning shifts during transport; etc.).

The Illinois Administrative Code addresses the transportation of students with IEPs at 23 IAC 226.750. In addition, ISBE provides a variety of resources related to school transportation safety:

- [https://www.isbe.net/Documents/pupil-transp-faq.pdf](https://www.isbe.net/Documents/pupil-transp-faq.pdf)
- [https://www.isbe.net/Documents/special_needs_transport.pdf](https://www.isbe.net/Documents/special_needs_transport.pdf)
- [https://www.isbe.net/Documents/transportation_admin_manual.pdf](https://www.isbe.net/Documents/transportation_admin_manual.pdf)

The National Highway Safety Administration also provides a number of resources at the following link that address the safety of students while using school transportation.

Many school districts and cooperatives contract with bus companies for the provision of transportation services. If a student cannot be safely transported or requires physical escort/momentary physical restriction to return to his or her seat, it is not considered physical restraint. However, if a student is subject to physical restraint during transportation as a specific, planned technique, the school, district, or cooperative is ultimately responsible for completing and submitting required documentation to ISBE and the parent, but the school, district, or cooperative may delegate that responsibility to the bus company so long as the documentation is simultaneously provided to the school district or cooperative.

**Question D-5:** Are weighted vests, wraps, blankets, or handheld beanbags/light-weight sandbags considered to be physical restraint or restrictive interventions?

**Answer:** No, if tactile and sensory aids are used under the prescription, direction, and student-specific training of a licensed professional (e.g., physical or occupational therapist), for the purposes prescribed and within the parameters documented in the IEP or Section 504 plan and any associated therapy or safe mobility plans for
the individual student, they are not considered to be physical restraint or restrictive interventions. Weighted materials must never be used, however, as a mechanical restraint for the purposes of discipline, punishment, or convenience. Research on the efficacy of weighted materials on students’ functioning in the school setting has rendered mixed results, and neither the state nor federal agencies have specifically addressed use of weighted items in schools. IEP teams, however, sometimes decide that weighted items hold benefits for individual students such as calming tactile or proprioceptive input, increased sensory integration and body awareness, exposure to diverse sensory experiences for those unable to access such independently, or improved functional positioning. Similarly, nothing in the regulations restricts the ability to use blocking pads as are utilized in clinical and therapeutic environments as a means of preventing a student from harming themselves or others, nor would use of such blocking pads be considered time out or physical restraint so long as the student’s egress or freedom of movement is not restricted.

If weighted items or blocking pads are used, it is recommended that staff receive training on the appropriate use and potential dangers of weighted items or blocking pads.

Question D-6: If a student is careless or intentionally aggressive with or has difficulty controlling a wheelchair, rollator walker, forearm crutch/cane, or other mobility device, is it considered physical restraint if the device is prevented from moving or temporarily taken away?

Answer: Perhaps. In some cases, the student’s movement may be restricted by removing or disabling his or her means of mobility and would be subject to the same regulations governing the application of other forms of physical restraints. In such cases, inhibiting the student’s mobility may only be appropriate in the event of an imminent safety threat and only applied for as long as necessary to ensure that a safety threat no longer exists. In other cases, it may be considered a momentary physical restriction to prevent a student from completing an act that would result in potential physical harm to self or another person.

Question D-7: What is prone physical restraint?

Answer: “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” [23 IAC 1.285(d)(5)].
Question D-8: What is supine physical restraint?

Answer: “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” [23 IAC 1.285(d)(5)].

Question D-9: Is the use of prone or supine physical restraint allowed in Illinois?

Answer: Prone or supine physical restraint is allowed only until July 1, 2021, and only if certain additional criteria are met. 23 IAC 1.285(d)(5), provides that until July 1, 2021, prone and supine physical restraint is prohibited unless all 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 education 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.”
Question D-10: How should a school district or serving entity determine if the use of prone or supine physical restraint is contraindicated?

Answer: For all students, the decision should be made by appropriate school personnel, including at a minimum, a school psychologist or school social worker, a school nurse or other nurse employed by the school district or serving entity, and the parent.

If a student has an IEP, a school district or serving entity may determine that using a prone or supine restraint is contraindicated due to medical or psychological reasons via the IEP team decision-making process. As a result, the school district or serving entity personnel may rely on this determination of the IEP team in decisions regarding the use of prone or supine restraints in specific circumstances.

The review required by 23 IAC 1.285(d)(5)(G)(ii) does not require a full IEP team meeting; however, the requirements could be met by conducting an IEP meeting, as appropriate.

Question D-11: How should a school district or serving entity address a situation in which physical restraint is contraindicated but the student engages in behavior that poses an imminent danger of causing physical harm to self or others?

Answer: In addition to other appropriate and available interventions, if any, the school district or serving entity may contact emergency personnel, including but not limited to crisis intervention personnel, law enforcement, or other first responders along with the student’s parent to intervene in the situation. In addition, the school may consider a change in placement to a more restrictive setting or an alternative placement.

E. Required Training

Question E-1: What are the training requirements for an adult who is supervising a student in isolated time out or time out or who is involved in a physical restraint?

Answer: The regulations require, at a minimum, “at least eight hours of developmentally appropriate training annually” [23 IAC 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” 23 IAC 1.285(i)(1).

“Isolated time out, time out, or physical restraint ... 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 subsection (i) (described below) and must result in the receipt of a certificate of completion or other written evidence of participation... 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” [23 IAC 1.285(i)(3)].

Given the timing of the permanent regulations in April 2020, for the 2019-2020 and 2020-2021 school years, the eight hours of annual training must be completed no later than December 31, 2020.

In addition, “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” [23 IAC 1.285(i)(2)].

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**Question E-2:** In what format must the above training be provided?

**Answer:** The method of training and the number of staff to be trained are local matters to be determined by the school district or serving entity.

For time out and isolated time out, online training may be utilized for all the required training areas.

Online training in physical restraint is not permissible.
Question E-3: Who can provide the required training?

Answer: The required training with respect to isolated time out, time out, or physical restraint may be provided either by the employer or by an external entity. “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” [23 IAC 1.285(i)(4)(A)].

Additionally, “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” [23 IAC 1.285(i)(5)].

Question E-4: What are the content requirements for training in the use of time out, isolated time out, and physical restraints?

Answer: Illinois law is specific about the content of the training for those who provide training in 23 IAC 1.285(i)(4)(B)(i-ix). “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;

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.”

F. Required Administrative Policy and Procedures on Use of Isolated Time Out, Time Out, and Physical Restraints

Question F-1: Must each school district develop and maintain a discipline policy that incorporates procedures on the use of time outs and physical restraints?

Answer: Yes, 23 IAC 1.280(b) provides that school boards “shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code.” According to 23 IAC 1.285(j), any use of isolated time out, time out, or physical restraint permitted by a board’s policy must be implemented in accordance with written procedures that explain the circumstances under which time outs and physical restraint are warranted, procedures for staff to follow, designation of a school official to be informed of such events, the identification of a process to evaluate these events, and a description of the district’s annual review process of these events. These details need not appear in the board policy itself but should be set forth in procedures that are incorporated into the board policy by reference.
The Illinois Administrative Code 23 IAC 1.280(c) also provides that “in addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require intervention.” Board policies and procedures must also conform to the requirements of [105 ILCS 5/14-8.05(a)] which “declares that principals and teachers of students with disabilities require training and guidance that provide ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur.”

School districts and other entities should review their current policies and procedures that may be required in light of the new regulations on restraint and timeout.

In addition, the written procedures must include “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” [23 IAC 1.285(j)(5)].

**Question F-2:** Must parents be notified of a district’s policy for the use of isolated time out, time out, or physical restraint?

**Answer:** Yes, a district whose policy allows 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 105 ILCS 5/10-20.14(a) and 105 ILCS 5/14-8.05(c) of the School Code.
Question F-3: How should a time out, isolated time out, or physical restraint event be documented?

Answer: Per 23 IAC 1.285(f)(1)(A-L), “In the 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... 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 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 subsection (g).”

Question F-4: Who should be notified of the documentation and report of the isolated time out, time out, or restraint and in what manner?

Answer: “No later than two school days after the use of isolated time out, time out, or physical restraint occurred, 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.” The
State Superintendent may also require the school district or serving entity to
submit the above information for previous school years. [23 IAC 1.285 (h)]

Per 23 IAC 1.285(g), a reasonable attempt must be made to notify the student’s
parent or guardian on the same day the isolated time out, time out, or physical
restraint is imposed. Documentation must be provided to the parent within one
business day, which may be accomplished by personal service, electronic delivery,
or by mailing the documentation within one business day. Documentation should
be completed by the school district or serving entity. The documentation must
include, at a minimum, a copy of the form required to be submitted to the State
Superintendent.

The school district or serving entity must designate an official to receive and
maintain these records [23 IAC 1.285 (j)(3)]. The school official designated must
be notified of the incident as soon as possible, but no later than the end of the
school day on which it occurred, [23 IAC 1.285(f)(2)] and the record described below
should be completed by the beginning of the school day following the episode of
time-out or physical restraint.

A written record must be maintained in the student’s temporary record for each
incidence of isolated time out, time out, or physical restraint. [23 IAC 1.285(f)(1)]

Question F-5: Are there additional documentation requirements if there is an injury during a
restraint or 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 [23 IAC
1.285(f)(1)(l)]. 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, but 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 F-6: The regulation at 23 IAC 1.285(f)(1)(k) in F-3 requires that documentation of the
incident of time out or restraint include “a list of the school personnel who
participated in the implementation, monitoring, and supervision of time out or
physical restraint.” Does this mean that both the position title and the names of specific personnel must be listed?

Answer: Yes, districts are required to report accurate data to the government on their use of time out and restraint. More information about the necessity of accurate reporting can be found in the U.S. Government Accountability Office (GAO) June 18, 2019 report at https://www.gao.gov/assets/700/699795.pdf. It is important to document both the positions and names of personnel present during and after the incident 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.

While the current ISBE form has a line for “signatures,” electronically listing the names of the individuals is sufficient to meet the reporting requirement.

Question F-7: If a student is required to be restrained to get necessary bloodwork done, does this count as a physical restraint which would require submission of the ISBE form according to notification requirements?

Answer: No. According to the USDE Restraint and Seclusion: Resource Document (p. 10), the term “mechanical restraint” does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as restraints for medical immobilization.

“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” [23 IAC 1.285(d)(8)].

Question F-8: When 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 over a three-hour period, who is responsible for evaluating the situation?
“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, 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)” [23 IAC 1.285(f)(3)].

Question F-9: What are the requirements when a student experiences instances of isolated time out, time out, or physical restraint on three days within a 30-day period?

School personnel involved in isolated time out, time out, and/or physical restraint incidents must understand their obligations regarding review of the incidents. “When a student experiences instances of isolated time out, time out or physical restraint on three 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,” according to 23 IAC 1.285(f)(4).

The school district or serving entity must invite the student’s parents to a review and provide 10 days’ notice of its date, time, and location. The notification must also “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,” per 23 IAC 1.285(f)(4)(B).
This review does not require a full IEP or Section 504 team meeting, but the requirements could be met by conducting an IEP or Section 504 meeting, as appropriate. As with any other meetings, parents may agree to waive the requirement that they attend, may agree to waive the requirement for ten days’ notice, or may agree to waive the meeting altogether. If the parent agrees to waive the meeting altogether, the IEP team or Section 504 team must still conduct their review and complete the required forms for amending the IEP or 504 plan.

G. Additional Questions

Question G-1: Do the regulations also apply to ISBE-approved nonpublic and/or out-of-state facilities?

Answer: Yes, the rules also apply to nonpublic schools that are approved by the ISBE to serve students with disabilities pursuant to 23 IAC Part 401.

Question G-2: If a student is verbally abusive, disrespectful, disruptive, or intimidating to adults and/or peers, is isolated time out, time out, or physical restraint appropriate?

Answer: No, these interventions would not be appropriate unless the student’s behavior poses an imminent threat of serious physical harm to the student or others. If the student’s verbal behavior appears threatening, he or she would need to demonstrate intent or have a means to immediately carry out a threat of harm in order for it to qualify as an imminent threat of serious physical harm [23 IAC 1.285(d)(6)]. Disruptive behaviors might be an infraction of the disciplinary policy and might require that the student be removed from the instructional setting 105 ILCS 5/24-24 in keeping with the disciplinary policy, but that does not necessarily constitute an isolated time out, time-out, or physical restraint under the rules or as described in this Guidance and FAQ document.

Question G-3: If the student is destructive to property, is isolated time out, time out, or physical restraint appropriate?

Answer: It depends on the risk of serious physical harm to the student and/or others. The Illinois School Code at 105 ILCS 5/24-24 states that “reasonable force” is sometimes appropriate to restrict or remove a student for safety reasons in an incident involving property or classroom disruption. For example, if a student
throws furniture or other large objects at or near others, shatters glass in such a way as to present danger to the student or others, or uses chemicals (e.g., spray cans) in such a way that is not only damaging to property but acts as a harmful inhalant, restraining the student or moving the student to a separate location might be necessary. If the student damages property by carving inappropriate words in the desktop with a pen, defaces a classroom poster, or shreds a textbook, isolated time out, time out, or restraint would not be appropriate unless there is an imminent risk of serious physical harm. A district’s discipline policy is most likely appropriate to address the latter scenarios if it is consistent with Illinois rule.

Question G-4: What are the roles of crisis intervention personnel, school security or safety officers, and first responders in situations involving the use of isolated time out, time out, or physical restraint?

Answer: The Illinois School Code provides information on the roles of school resource or safety officers, at 105 ILCS 5/10-20.68. In the event of imminent danger to a student or others, or when an incident has already occurred, first responder agencies (including but not limited to crisis intervention personnel, law enforcement, or other first responders) might become involved. Some school security officers and first responders receive training in-house or via disability-focused organizations in strategies for working with individuals with specific needs during crisis situations (e.g., communicating with individuals who are deaf or hard of hearing, calming students with sensory processing disorders, etc.).

Since involving personnel unfamiliar with an individual student’s needs might escalate the crisis or cause other unintended consequences, school districts and serving entities might also consider collaborating with local first responders and security personnel (including but not limited to crisis intervention personnel, law enforcement, or other first responders) on safety, evacuation, and behavioral crisis planning for individual students, subject to applicable federal and state laws regarding records and student confidentiality.

According to the Illinois School Code 105 ILCS 5/10-20.68(b), “beginning January 1, 2021, any law enforcement agency that provides a school resource officer under this Section shall provide to the school district a certificate of completion, or approved waiver, issued by the Illinois Law Enforcement Training Standards Board under Section 10.22 of the Illinois Police Training Act indicating that the subject officer has completed the requisite course of instruction in the applicable subject
areas within one year of assignment, or has prior experience and training which satisfies this requirement.”

Question G-5: If a student is likely to pose a safety risk to self or others while in settings outside the regular learning environment, how can school staff plan appropriately?

Answer: The rules for isolated time out, time out, and physical restraint apply to all school activities. If a student poses a risk to self or others outside the regular school setting, school districts and serving entities should consider the regulations and determine whether someone trained in accordance with the regulations should be present.

Students with disabilities have the right, per 34 CFR 300.117, to participate in the same activities as their nondisabled peers unless otherwise individually determined by a student’s IEP or Section 504 team. Unless a student’s IEP or Section 504 team has properly determined that a student cannot safely participate in an activity (even with the provision of appropriate supports), the IEP or Section 504 team should develop plans for those involved in providing transportation or planning and supervising field trips, school events, and extracurricular activities.

Detailed procedures to address a student’s behaviors, specific to that location and scenario, should be developed and agreed upon by the IEP or Section 504 team in advance if it is determined that the student can participate safely with appropriate supports. Procedures might include who will be informed of the student’s needs and associated procedures (with assurance of FERPA and other applicable confidentiality protections), what alternative strategies will be attempted before or in lieu of time out or physical restraint, and who among those present in various settings will be trained to implement alternate strategies or time out or physical restraint, if required under the circumstances.

Question G-6: What are the requirements if a school district or serving entity wants to implement a new physical restraint model?

Answer: Any physical restraint model used by a school district or serving entity must adhere to 23 IAC 1.285. Appropriate restraint models should not allow supine and/or prone restraint unless criteria listed at 23 IAC 1.285(d)(5) are met. The model must follow training requirements per 23 IAC 1.285(j).
**Question G-7:** Does ISBE have any resources that can be provided to parents that explain the regulations on the use of isolated time out, time out, and physical restraint in schools?

**Answer:** The Illinois Administrative Code [23 IAC 1.285(g)(1)] and the Illinois School Code, [105 ILCS 5/10-20.14 and 105 ILCS 5/14-8.05(c)] state that school districts and other serving entities must provide notification in materials distributed to parents annually or at enrollment of their policies regarding isolated time out, time out, and physical restraint. ISBE’s sample IEP form (https://www.isbe.net/Documents/34-54-iep-forms.pdf) includes check boxes to indicate that parents were provided with a copy of the behavior intervention policies and procedures which must conform with the laws articulated in the Illinois Administrative Code, Illinois School Code, and federal documents cited in this guidance document. If part of the IEP team discussion entails consideration of isolated time out, time out, and/or restraint, the policies and procedures should be reviewed with the parents/guardians and a copy offered to the parents/guardians. Additionally, it might be beneficial for parents/guardians to be provided links to or copies of 23 IAC 1.285 in its entirety.

**Question G-8:** If a parent, staff member, or other stakeholder has a concern about the use of isolated time out, time out, or physical restraint in a school district or other serving entity to whom should the complaint be directed?

**Answer:** The complaint should be directed to the State Superintendent. According to 23 IAC 1.285(k):

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.

Depending on the nature and severity of the concern, the following may also be appropriate sources of assistance:

- Possible Health/Life Safety Violations
• County Health Department – for concerns about health or sanitary conditions
   http://www.idph.state.il.us/local/alpha.htm

• Regional Office of Education (ROE) – for concerns related to the school building or room for time out, training for bus personnel, etc.
   o https://iarss.org/iarss-pdf-directory/

• Possible Civil Rights Violations - discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act
   o U.S. Department of Education’s Office for Civil Rights
     https://www2.ed.gov/about/offices/list/ocr/index.html
     https://www2.ed.gov/about/offices/list/ocr/complaintintro.html
     (800) 421-3481 (TDD 1-800-877-8339)

• Possible Violations of Special Education Rules and Regulations
   o Illinois State Board of Education, Special Education Department, Dispute Resolution
     https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx.

• Possible Abuse or Neglect of a Student
   o Illinois Department of Children and Family Services – for concerns about abuse or neglect
     https://www2.illinois.gov/dcfs/aboutus/Pages/contactUs.aspx
     Hotline: 800-25-ABUSE (22873)

   o Illinois State Board of Education, Educator Misconduct Reporting

   o Local Police Departments
H. References and Resources

Federal References


Federal Resources


National Center on Safe Supportive Learning Environments. Retrieved from https://safesupportivelearning.ed.gov/


**National Resource**

Positive Behavioral Intervention Supports
https://www.pbis.org/

**Illinois References**

23 Illinois Administrative Code 1.280

23 Illinois Administrative Code 1.285

23 Illinois Administrative Code Part 180
http://www.ilga.gov/commission/jcar/admincode/023/02300180sections.html

23 Illinois Administrative Code 226.750

23 Illinois Administrative Code Part 401
http://www.ilga.gov/commission/jcar/admincode/023/02300401sections.html

105 Illinois Compiled Statutes 5/10-20.14

105 Illinois Compiled Statutes 5/10-20.33

105 Illinois Compiled Statutes 5/10-20.68

105 Illinois Compiled Statutes 5/14-8.05

105 Illinois Compiled Statutes 5/21B-75

105 Illinois Compiled Statutes 5/24-24

105 Illinois Compiled Statutes 5/34-18.20

Illinois Resources

Illinois State Board of Education Department of Health and Safety
https://www.isbe.net/Pages/Health-and-Life-Safety.aspx

Illinois State Board of Education – Social and Emotional Learning
https://www.isbe.net/Pages/Social-Emotional-Learning.aspx

Illinois State Board of Education – Regional Offices of Education
https://iarss.org/iarss-pdf-directory/

Illinois Department of Public Health
https://www.dph.illinois.gov/

Illinois Department of Children and Family Services
https://www2.illinois.gov/dcfs/Pages/default.aspx

Illinois State Board of Education – Pupil Transportation FAQ

Illinois State Board of Education – Transportation for Students with Disabilities and Special Health Needs
https://www.isbe.net/Documents/special_needs_transport.pdf

Illinois State Board of Education - Administrator’s Manual for School Bus Transportation and Resources
### I. Glossary

<table>
<thead>
<tr>
<th>Word or Term</th>
<th>Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>Behavior Intervention Plan</strong></td>
<td>BIP</td>
<td>A written plan developed as part of an IEP or Section 504 plan to address behavior exhibited by a student that impedes learning either for the student or others.</td>
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<td>A BIP includes the findings of a functional behavioral assessment (FBA) of the student’s behavior, a summary of prior interventions attempted and whether or not they were successful (examples include environmental changes, curriculum changes, peer-based support, and teaching strategies), a description of any behavioral interventions to be used (including those aimed at developing or strengthening alternative or more appropriate behaviors), an identification of the measurable behavioral changes expected and the methods of evaluation, a schedule for review of the interventions’ effectiveness, and provisions for communicating with the parents about their child’s behavior and coordinating school-based and home-based interventions.</td>
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<td>A BIP should include specific strategies to teach the student to replace the targeted behavior with appropriate behavior and interventions designed to address the targeted behavior.</td>
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<tr>
<td><strong>Behavior Management Practices</strong></td>
<td></td>
<td>Practices used to develop or strengthen alternative or more appropriate behaviors (including assisting students in learning to regulate their own behavior) and to prevent</td>
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behaviors from occurring that impede learning for the student and/or others.  

Behavior management practices could include behavioral interventions that are based on the methods and empirical findings of behavioral science and designed to influence a child's actions or behaviors positively.

| Chemical Restraint | The use of medication to control a student’s behavior or restrict a student’s freedom of movement. Chemical restraint is prohibited in Illinois schools.  

Chemical restraint does not include the use of medication that is legally prescribed and administered as part of a student’s regular medical regimen to manage behavioral symptoms and treat medical symptoms. |
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<tbody>
<tr>
<td>De-escalation</td>
<td>Reduction of problematic behavior or mitigation of a precarious situation with verbal and/or nonverbal behavioral intervention strategies to prevent the need for isolated time out, time out, or physical restraint.</td>
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<tr>
<td>Functional Behavioral Assessment FBA</td>
<td>An assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student’s strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions. The assessment also includes observation across settings, interviews, and comprehensive data collection to identify patterns regarding when, where, and why the behavior is occurring.</td>
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<tr>
<td><strong>Imminent Danger</strong></td>
<td>A situation when the life or health of the child or another person is knowingly or blatantly disregarded through a real, significant, or impending risk of harm permitting the life or health of the child or others to be threatened. Imminent danger also refers to causing or permitting a child or others to be placed in circumstances that endanger the child’s or others’ health or safety.</td>
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<tr>
<td><strong>Individualized Education Program (IEP)</strong></td>
<td>The IEP is a written educational plan for a child with a disability that is developed, reviewed, and revised in accordance with the requirements of federal and state law and regulations. The IEP sets forth a district’s offer of a free appropriate public education for a student with a disability based on the student’s individual needs. The IEP must include a description of the student’s present levels of academic achievement and functional performance, as well as a description of how the student’s disability impacts the student’s participation and progress in the general education setting. The IEP must identify special education and related services with measurable goals and objectives to be attained during a calendar year, along with a description of how the student’s progress in meeting those goals will be measured during a calendar year.</td>
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<tr>
<td><strong>Isolated Time out</strong></td>
<td>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 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).</td>
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</table>
| **Mechanical Restraint** | The use of any device or equipment to limit a student's movement or hold a student immobile.  
Mechanical restraint does not include any restraint used to treat a student’s medical needs; protect a student known to be at risk of injury resulting from lack of coordination or frequent loss of consciousness; position a student with physical disabilities in a manner specified in his or her IEP, Section 504 Plan, or other plan of care; 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 promote student safety in vehicles used to transport students. |
| **Physical Restraint** | Holding a student or otherwise restricting a student’s movements. Physical restraint includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").  
Physical restraint does not include the use of 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 prevent a student from completing an act that would result in potential physical harm to self or others or damage to property or to remove a disruptive student who is unwilling to leave the area voluntarily. |
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<tr>
<th><strong>Prone Physical Restraint</strong></th>
<th>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.</th>
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<tbody>
<tr>
<td><strong>Restorative Practices</strong></td>
<td>Restorative practices focus on repairing harm done to relationships instead of assigning blame and dispensing punishment. Restorative practices refer to a range of methods and strategies that can be used to prevent relationship-damaging incidents from occurring and to resolve them if they do occur.</td>
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<tr>
<td><strong>Section 504 Plan</strong></td>
<td>A 504 Plan describes the supports a district will provide to a student with a disability to ensure the student’s right to full access and participation in all school-related activities. A 504 Plan ensures that a student’s disability will not pose a barrier to the student’s access to school programs, curricula, and related activities.</td>
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<td><strong>Sensory Break</strong></td>
<td>A designated portion of time that may allow a child to de-escalate from the sensory stimulation of a classroom or other school setting to support the child’s focus, attention, and learning.</td>
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</table>
| **Serious Physical Harm** | Physical pain or injury which causes permanent or temporary impairment to a bodily function or member.  
Serious physical harm is not synonymous with “serious bodily injury” for the purposes of placing students with disabilities in an interim alternative educational setting. Serious bodily injury is defined as a bodily injury which involves a substantial risk of death, extreme physical pain, prolonged and obvious disfigurement, or prolonged loss or impairment of the function of a bodily member, organ, or mental faculty. |
<p>| <strong>Supine Physical</strong> | A physical restraint in which a student is held face up on the floor or other surface, and physical |</p>
<table>
<thead>
<tr>
<th><strong>Restraint</strong></th>
<th>pressure is applied to the student's body to keep the student in the supine position.</th>
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<tr>
<td><strong>Time out</strong></td>
<td>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 23 IAC 1.285(i) for part of the school day, only for a brief time, in an unlocked setting.</td>
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<tr>
<td><strong>Trauma-informed Practices</strong></td>
<td>Trauma-informed practices involve understanding, recognizing, and responding to the effects of trauma. Such practices are directed by a detailed understanding of how trauma can shape an individual’s perceptions and behavior. Trauma-informed practices consider the nature and manifestations of trauma and also emphasize the physical, psychological, and emotional safety of both students/patients and school personnel/providers.</td>
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