



# **Illinois State Board of Education**

## **Special Education Department**

# **Guidance and Frequently Asked Questions: Emergency Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint**

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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**February 2020**

# Guidance and Frequently Asked Questions: Emergency Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint

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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 Ill. Admin. Code 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 to offer our children 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, as amended by emergency regulations at 43 Ill. Reg. 14314 \(eff. 11-20-19\) and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#)), states the following:

*Isolated time out, time out, and physical restraint, as defined in this Section, shall be used only for therapeutic purposes, or as a means of maintaining a safe environment for learning, to the extent necessary to preserve the safety of students and others. Isolated timeout, time out, or physical restraint shall not be used as a form of punishment.*

The emergency rules are the basis for this guidance document, which refers primarily to the use of non-therapeutic time out or physical restraint for the purposes of maintaining a safe environment for learning. For purposes of the ISBE emergency regulations, therapeutic time out or physical restraint is an intervention used in tandem with other positive intervention strategies.

## Frequently Asked Questions

### Definitions

#### 1. What are time out and isolated time out?

Time out, in Illinois’ emergency regulatory language, means “a behavior management technique that involves the monitored separation of a student from classmates with a trained adult for part of the school day, usually for a brief time, in a non-locked setting.” [23 IAC 1.285\(a\), as amended at 43 Ill. Reg. 14314 \(eff. 11-20-19\) and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#).

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.” ([Restraint and Seclusion: Resource Document, page 10](#))

As noted in the Introduction, above, for purposes of the ISBE emergency regulations, therapeutic time out is an intervention used in tandem with other positive intervention strategies, whereas non-therapeutic time out is used for the purposes of maintaining a safe environment for learning. Time out includes situations only when the student is in a monitored enclosure (defined at 23 IAC 1.285(a), amended at 43 Ill. Reg. 14315 (eff. 11-

20-19) [and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#)) due to exhibiting behavior that poses an imminent danger to self or others, *not* if the student is being disruptive and needs to cool down in a sensory room, reflection area, or other positive or therapeutic supports, as discussed further in Question #11 below.

“Isolated time out” means the involuntary confinement of a student alone in a time out room or other enclosure outside of 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.

**2. What is physical restraint?**

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.” ([Restraint and Seclusion: Resource Document](#), page 10)

In Illinois’ emergency regulations, a physical restraint is defined as “holding a student or otherwise restricting the student’s movements” and includes only the use of specific, planned techniques. Physical restraint shall not impair a student’s ability to breathe or speak normally and does not include prone or supine physical restraint, except if all criteria specified in the regulations are met. [23 IAC 1.285\(b\), as amended at 43 Ill. Reg. 14316 \(eff. 11-20-19\), 43 Ill. Reg. 14949 \(eff. 12-4-19\), and 44 Ill. Reg. ----- \(eff. 2-25-20\).](#)

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 threat to the safety of self or others.

**3. What is “necessary to preserve the safety of students and others?”**

“Necessary to preserve the safety of students and others” means a situation where a student presents an immediate danger to the safety and well-being of himself/herself or another person and is likely to cause physical harm.

**4. What is physical escort or momentary physical restriction as opposed to physical restraint?**

Physical escort is defined in the USDE's [Restraint and Seclusion: Resource Document](#) (page 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."

Under Illinois' emergency 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."

Therefore, according to Illinois' emergency regulations, physical escort as defined in the USDE's [Restraint and Seclusion: Resource Document](#) would not constitute a physical restraint.

**5. What is a mechanical restraint?**

A mechanical restraint is defined in the USDE [Restraint and Seclusion: Resource Document](#) on page 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 Question #22, below, for further discussion of such devices and equipment.

**6. What are chemical restraints?**

Chemical restraints are not defined in the Illinois School Code or ISBE regulations. However, the use of chemical restraints by school, district, or cooperative personnel is prohibited "except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided." 23 IAC 1.285(d)(3), amended at 43 Ill. Reg. 14317 (eff. 11-20-19) [and 44 Ill. Reg. ---- \(eff. 2-25-20\)](#). For purposes of this Guidance, chemical restraint is defined as any drug used for discipline or convenience and not required to treat medical symptoms.

**7. Who is a trained adult?**

A trained adult is any adult supervising a student in isolated time out or time out or who is involved in a physical restraint who has been trained in de-escalation, restorative practices, and behavior management practices. 23 IAC 1.285(i)(1), amended at 43 Ill. Reg.



14321 (eff. 11-20-19) [and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#). For time out and isolated time out, online training may be utilized for all of these training areas.

In addition, adults who are involved in a physical restraint must have received training that includes all the elements described in 23 IAC 1.285(i)(3)(B), renumbered at 43 Ill. Reg. 14321-14322 (eff. 11-20-19) [and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#). See Question #18, below, for further discussion of training requirements for supervising a student in time out. See Question #20, below, for further discussion of training requirements for applying physical restraint.

## **Framework of Supports for Student**

### **8. What behavioral supports should be available to contribute to a safe school environment?**

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 behavior that does not contribute to a safe learning environment can be effectively addressed via a school's Positive Behavior Intervention and Supports (PBIS), anti-bullying and harassment, restorative justice, or social and emotional learning (SEL) frameworks.

The Illinois School 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\(c\)](#), as amended at 43 Ill. Reg. 14314 (eff. 11-20-19). Tiered behavioral interventions can also be provided to students who do not have Individualized Education Programs (IEPs).

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>.

### **9. How should IEP teams document positive behavior supports in the IEP and BIP for a student receiving special education?**

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 in an effort 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 in order to address the 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.

## Time Out

### 10. Is in-school suspensions or detentions considered a "time out" or "isolated time out?"

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. Time out is used for therapeutic or safety purposes and refers to a period (usually brief) in which a student is monitored in a separate room or space if he or she poses an imminent threat to himself/herself or others. The time out/isolated time out should only be for such duration as is needed in order to ensure that the student no longer poses an imminent threat.

ISBE does not interpret in-school suspension, detentions, being sent to the school office to talk to an administrator, brief time in the hallway, and other routine disciplinary measures to be a time out or isolated time out for the purposes of these emergency regulations. No report to ISBE is required in these situations, and the limitations that apply to the use of time out and isolated time out do not apply to these routine disciplinary measures.

### 11. Is the use of a separate, quiet environment allowed for a student who needs sensory or calming breaks or is that considered a "time out" or "isolated time out?"

The use of a separate, quiet environment is allowed if it is medically safe for the individual student; the space meets all of the health/life safety requirements of 23 Ill. Adm. Code 180; and, for a student with an IEP, it is used within the parameters agreed upon and documented in the IEP. Such use will not be not considered a time out under the emergency regulations.

Other interventions that will not be considered a time out or isolated time out can include, but are not limited to, sensory breaks, calming breaks, the use of study carrels or other similar, stable and non-enclosed partitions within the classroom, and similar interventions (either at staff direction or upon student request). Because these are not considered a time out under the emergency 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 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/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.

**12. 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?”**

No. As stated in response to No. 10, 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, and similar interventions (either at staff direction or upon student request). Because these are not considered a time out under the emergency regulations, no report to ISBE is required.

**13. 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?”**

No. When a student engages in conduct that poses a risk of harm to self or others, if school personnel evacuate the classroom while staff work with the student to help deescalate his/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.”

**14. 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?**

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), the Illinois State Board of Education (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>.

**15. What are the requirements for a space that is used for the time out or isolated time out of a student?**

The emergency regulations provide that the use of time out shall be subject to the following requirements for a physical space, per [23 IAC 1.285\(a\)](#):

- 3) *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 wall*
- 4) *If an enclosure used for isolated time out or time out is fitted with a door, the door shall not be locked at any time during the time out.*
- 5) *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.*
- 6) *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.*

- 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.*

If, during a time out, a student is physically aggressive toward a staff member or engages in self-injurious behavior, then school personnel may utilize other appropriate interventions to preserve safety, including isolated time out, physical restraint, contact with law enforcement, or interventions included in the student's IEP or BIP, as applicable.

**16. What is the length of time a student may be kept in time out and isolated time out?**

Time limitations on time outs are set forth in the Illinois Administrative Code, per [23 IAC 1.285\(e\), as amended at 43 Ill. Reg. 14317 \(eff. 11-20-19 and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#), which specifies that “a student shall not be kept in isolated time out or time out for longer than is therapeutically necessary. No less than once every 15 minutes, the trained adult 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 as 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.

**17. 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?**

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. Whenever possible, alternative strategies to removal should be employed (e.g., a procedure by which the student's classmates are sent with supervision to the library to do research until the situation is diffused). 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 Question #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:

*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.*

**18. If a student must go to a time out setting, are there specific credentials or training requirements for staff who accompany and supervise the student?**

Yes, there are specific directives for staff training pertaining to time outs and isolated time outs. Any staff involved in a time out or isolated time out incident must be trained in de-escalation, restorative practices, and behavior management practices. 23 IAC 1.285(i)(1)-(3), amended at 43 Ill. Reg. 14321 (eff. 11-20-19) [and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#). ISBE is currently evaluating commonly used training programs to determine whether they meet the training requirements for supervising a student in time out described in 23 IAC §1.285(i)(1-2), amended at 43 Ill. Reg. 14321 (eff. 11-20-19) [and 44 Ill. Reg. ----- \(eff. 2-25-20\)](#). Updates will be provided as soon as they are available.

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.

**19. Is the use of isolated time out allowed?**

Yes, but only under limited circumstances. If all other requirements described of 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.

## **Physical Restraints**

**20. What are the training requirements for school, district, or cooperative personnel to apply the use of physical restraints?**

According to 23 IAC 1.285(d)(1)(A-C), as amended at 43. Ill. Reg. 14316 (eff. 11-20-19), 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)(2) of this Section.*

Furthermore, an individual who applies physical restraint shall use only the techniques he or she received during a training which occurred within the preceding two years and for which there is written evidence of participation, according to [23 IAC 1.285\(i\)\(3\)\(A\)](#), amended at 43 Ill. Reg. 14321 (eff. 11-20-19).

Illinois law is specific about the content of the training in 23 IAC 1.285(i)(3)(B)(i-vi), renumbered at 43 Ill. Reg. 14321-14322 (eff. 11-20-19). Training for the purpose of physically restraining a student who presents a clear threat to self or others can be provided either by the employer or external entity and must include the following components:

- i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;*
- ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;*
- iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;*
- iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;*
- v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and*
- vi) demonstration by participants of proficiency in administering physical restraint.*

ISBE is currently evaluating commonly used training programs to determine whether they meet the training requirements in 23 Ill. Admin. Code §1.285(i)(3), renumbered at 43 Ill. Reg. 14321-14322. Updates will be provided as soon as they are available.

An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of 23 IAC 1.285(i)(3)(B), amended at 43 Ill. Reg. 14321-14322 (eff. 11-20-19), within the preceding one-year period. 23 IAC 1.285(i)(3)(C), amended at 43 Ill. Reg. 14322 (eff. 11-20-19).

Staff 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/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 training within the past two years 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 (e.g., the “basket hold” and “team control”).

**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.

**21. What communication factors must be considered when a student who is deaf/hearing impaired or who uses a high- or low-tech augmentative communication device is physically restrained?**

“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\(d\)\(7\)](#).

In such a case, as soon as it is safely possible, the student must be returned to positioning that allows him/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/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 that those physically restraining the student are able to communicate effectively with the student (e.g., be able to converse in the



student's language or mode of communication and understand their legal obligation to do so).

**22. 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?**

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 they were 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).

According to the USDE [Restraint and Seclusion: Resource Document](#) (page 10), the term "physical 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, and these often include supportive features (e.g., padding, bolsters, trays, straps, harnesses) to ensure safe, functional positioning.

**23. 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?**

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. The School Bus Safety Act (S.B. 2278), proposed in September 2018, reintroduced in July 2019, and co-sponsored by Illinois Senator Tammy Duckworth and Representative Steve Cohen of Tennessee (H.R. 3959), if enacted, will mandate that all school buses have 3-point safety belts. 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 (Section 504). Use of such equipment may be necessary for some students who exhibit low muscle tone or poor postural 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, and 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.).

ISBE provides a variety of resources related to school transportation safety, and the Illinois Administrative Code addresses transportation of students with IEPs at [23 IAC 226.750](#).

<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.

<https://www.nhtsa.gov/search?keywords=school+bus+safety+restraints>

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/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.

**24. Are weighted vests, wraps, blankets, or handheld beanbags/light-weight sandbags considered to be physical restraint or restrictive interventions?**

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 emergency 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.

**25. 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?**

Perhaps. In some cases, the student's movement may be restricted by removing or disabling his/her means of mobility and would be subject to the same regulations governing 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 himself, herself, or another or damage to property.

**26. Is the use of prone or supine physical restraint allowed in Illinois?**

23 IAC 1.285(b), [amended at 43 Ill. Reg. 14316 \(eff. 11-20-19\) and 43 Ill. Reg. 14949 \(eff. 12-4-19\)](#), provides that the use of prone or supine physical restraint is not permitted, except if all of the following requirements are met:

- 1) *Before using a prone or supine physical restraint, the school district or other entity serving the student shall review and determine if there are no known medical or psychological limitations that contraindicate the use of a prone or supine restraint.*
- 2) *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 causing 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.*
- 3) *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.*
- 4) *Prone or supine physical restraints are used only by personnel with required credentials who have completed required training under this Section.*
- 5) *Prone and supine restraints are 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 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.*

- 6) *The prone or supine physical restraint ends immediately when the threat of imminent 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 under subsection (b)(2), 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 restraint. No restraint may be continued nor may additional restraints be applied unless it is authorized by a school administrator.*
  
- 7) *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 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 must be included in the review. The review must include, but is not limited to:*
  - A) *conducting or reviewing a functional behavioral analysis, reviewing data, considering developing additional or revised positive behavioral interventions and supports, considering actions to reduce the use of restrictive procedures, or, if applicable, modifying the individualized educational program or the behavior intervention plan, as appropriate; and*
  
  - B) *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 prohibition in the individualized education program or behavior intervention plan.*

If a student has an IEP, a school district or cooperative may determine that using a prone or supine restraint is contraindicated due to medical or psychological reasons via the IEP team decision-making process, and school, district, or cooperative 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(b)(7) does not require a full IEP team meeting; however, the requirements could be met by conducting an IEP meeting, as appropriate.

- 27. How should a school, district, or cooperative 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?**

The school, district, or cooperative should contact emergency personnel, including but not limited to law enforcement, 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.

## **Required Administrative Policy on Use of Time-outs and Physical Restraints**

- 28. Must each school district develop and maintain a discipline policy that incorporates procedures on the use of time outs and physical restraints?**

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\(j\), amended at 43 Ill. Reg. 14322-14323 \(eff. 11-20-19\)](#), any use of time out or physical restraint permitted by a board's policy shall 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\(c\), as amended at 43 Ill. Reg. 14314 \(eff. 11-20-19\)](#)) 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 conform to the requirements of 105 ILCS 5/14-8.05(c).

- 29. How should a time out or physical restraint event be documented?**

A written record must be maintained in the student's temporary record for each incidence of time out or physical restraint. The school, district, or cooperative must designate an official to receive and maintain these records. [23 IAC 1.285 \(j\)\(3\), amended at 43 Ill. Reg. 14323 \(eff. 11-20-19\)](#). 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, and the record described below must be completed by the beginning of the school day

following the episode of time-out or physical restraint. 23 IAC 1.285(f)(3), amended at 43 Ill. Reg. 14319 (eff. 11-20-19).

In the form and manner prescribed by the State Superintendent, a written record of each event involving time out or physical restraint must be maintained in the student's temporary record and must include the following information, per [23 IAC 1.285\(f\)\(1\)\(A-K\)](#), amended at 43 Ill. Reg. 14318-14319 (eff. 11-20-19):

- 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 time out or physical restraint;*
- F. *a description of the incident and/or student behavior that resulted in time out or physical restraint;*
- G. *a log of the student's behavior in time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;*
- H. *a description of any injuries (whether to students, staff, or others) or property damage;*
- I. *a description of any planned approach to dealing with the student's behavior in the future;*
- J. *a list of the school personnel who participated in the implementation, monitoring, and supervision of time out or physical restraint;*
- K. *the date on which parental notification took place as required by subsection (g) of this Section.*

No later than 48 hours after the use of time out or physical restraint occurred, the school, district, or cooperative must submit to the State Superintendent, in the form and manner prescribed by the State Superintendent, the information described above. The State Superintendent may also require the school, district, or cooperative to submit the above information for previous school years. [23 IAC 1.285 \(h\)](#).

Documentation must be provided to the parent within 24 hours, which may be accomplished by personal service, electronic delivery, or by mailing the documentation within 24 hours. Documentation should be completed by the serving school, district, or cooperative.

The emergency regulations require that the documentation of time out or physical restraint must include a description of any injuries to staff, students or others. 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 staff or the student. If a nurse is not available to conduct the evaluation, it may be conducted by an administrator, such as special education administrator, building principal, or assistant principal. For isolated time out, the documentation must also include a description of the rationale for why the needs of the student could not have been met by a less restrictive intervention and why an adult could not be present in the time out room.

- 30. The Emergency Regulation, at 23 IAC 1.285(f)(1)(J) above, 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?**

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’s (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.

- 31. 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?**

No. According to the USDE [Restraint and Seclusion: Resource Document](#) (page 10), the term “physical 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.



However, medically prescribed restraint procedures used for the treatment of a physical disorder or for the immobilization of a student 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)(4), amended at 43 Ill. Reg. 14321 (eff. 11-20-19).

**32. Who is responsible for evaluating the use of time out or physical restraint which exceed 30 or 15 minutes respectively, reporting the event to the parents, and reviewing the effectiveness of the student’s behavioral interventions?**

School personnel involved in time out and/or physical restraint incidents must understand their obligations regarding review of the incidents. When a student experiences three instances of non-therapeutic time-out or physical restraint, “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\(f\)\(5\), as amended at 43 Ill. Reg. 14319 \(eff. 11-20-19\)](#).

Those appointed to report incidents to the student’s parents must understand the legal requirements, including:

- annual notification or notification upon enrollment of the district’s discipline policies and those regarding the use of time-out and physical restraint
- written notice to the parents within 24 hours after any use of time out or physical restraint. [23 IAC 1.285\(g\)\(1-2\), as amended at 43 Ill. Reg. 14320 \(eff. 11-20-19\)](#).

**33. What are the requirements when a student experiences time out or physical restraint three times?**

The school, district, or cooperative 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 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\(f\)\(5\)\(B\), as amended at 43 Ill. Reg. 14319 \(eff. 11-20-19\)](#).

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.

- 34. Do the three instances of time out or physical restraint “reset” once a meeting has been held, before another meeting is required, or does the team need to meet after each additional instance after three?**

The three instances of time out or physical restraint reset once a meeting has been held. Only once an additional three instances have occurred must another meeting be held.

- 35. What are the additional requirements when time out or physical restraint are extended or repeated?**

If the time out lasts 30 minutes or more, the physical restraint lasts 15 minutes or more, or if there are repeated episodes within a three-hour period, a licensed staff member knowledgeable about the use of time out or trained in the use of physical restraint must evaluate the situation per [23 IAC 1.285\(f\)\(4\)\(A\), as amended at 43 Ill. Reg. 14319 \(eff. 11-20-19\)](#). The evaluator 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).” The evaluator must also document the results of the evaluation in writing and place copies into the student’s temporary record as well as with the designated school official, [per 23 IAC 1.285 \(f\)\(4\)\(B-C\), as amended at 43 Ill. Reg. 14319 \(eff. 11-20-19\)](#).

## Specific Questions of Importance

- 36. Do the emergency regulations also apply to ISBE-approved nonpublic and/or out-of-State facilities?**

Yes, the emergency rules also apply to nonpublic schools that are approved by the ISBE to serve students with disabilities pursuant to 23 Ill. Admin. Code Part 401.

- 37. If a student is verbally abusive, disrespectful, disruptive, or intimidating to adults and/or peers, is time out or physical restraint appropriate?**

No, neither of these interventions would be appropriate unless the student’s behavior poses an imminent threat to the safety of 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 carry out a threat of harm in order for it to qualify as an imminent safety risk

[\(23 IAC 1.285\(d\)\(2\)\)](#). 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 a time-out or physical restraint under the emergency rules or as described in this *Guidance and FAQ* document.

**38. If the student is destructive to property, is time out or physical restraint appropriate?**

It depends on the risk of 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 canisters) 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, time out or restraint might not be appropriate, as there may not be an imminent safety risk. The discipline policy is most likely appropriate to address the latter scenarios.

**39. What are the roles of school security or safety officers and first responders in situations involving the use of time out or physical restraint?**

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, emergency first responder agencies 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, 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, IEP teams might also consider collaborating with local first responders and security personnel on safety, evacuation, and behavioral crisis planning for individual students.

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.”

**40. If a student poses a safety risk to self or others while in settings outside the usual learning environment, how can school staff respond appropriately?**

The rules for time out and physical restraint apply to all students. If a student poses a risk to self or others outside the normal school setting, chaperoning staff should be aware of the emergency regulations and 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 non-disabled peers unless otherwise individually determined by a student’s IEP or Section 504 team. 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, to ensure the student is able to participate safely.

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.

**41. What are the requirements if a school, district, cooperative, or nonpublic school wants to implement a new physical restraint model?**

Any physical restraint model used by a district 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(b) are met. The model must follow training requirements per 23 IAC 1.285(i). Additionally, the use of objects such as cushions should not be used to restrain a student in a prone or supine position.

**42. Does ISBE have any resources that can be provided to parents that explain the emergency regulations on the use of time out and physical restraint in schools?**

The Illinois Administrative Code, at [23 IAC 1.285\(g\)\(1\), amended at 43 Ill. Reg. 14320 \(eff. 11-20-19\)](#), and the Illinois School Code, at [105 ILCS 5/10-20.14](#) and [105 ILCS 5/14-8.05\(c\)](#), state that districts/schools must provide notification in materials distributed to parents

annually or at enrollment of their policies regarding 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 district's 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 time out and/or restraint, the district policy should be reviewed with the parents/guardians and a copy offered to the parents. Additionally, it might be beneficial for parents/guardians to include links to or copies of [23 IAC 1.285, as amended by the emergency rules](#), in its entirety.

**43. If a parent, staff member, or other stakeholder has a concern about the use of time out or physical restraint in a district, school, or cooperative, to whom should the complaint be directed?**

The complaint can be directed to the State Superintendent. According to [23 IAC 1.285\(k\), as amended at 43 Ill. Reg. 14323-14324 \(eff. 11-20-19\)](#):

- 1) *Any parent, individual, organization, or advocate may file a signed, written complaint with the State Superintendent...The complaint shall include the facts on which the complaint is based; the signature and contact information for the complainant; the names and addresses of the students involved (and the name of the school of attendance), if known; a description of the nature of the problem, including any facts relating to the problem; and 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 data on which the complaint is received.*
- 3) *The State Superintendent must issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusion; the reasons for the State Board of Education's final decision; and orders for any action, including technical assistance.*
- 4) *The complaint procedure under this Section does not limit, diminish, or otherwise deny the federal and State rights and procedural safeguards afforded to students with disabilities.*

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

- Possible Health/Life Safety Violations –
  - 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]).
  - 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.  
<https://www.isbe.net/documents/roedirectory.pdf>
  - Local police department – for instances of possible physical assault
  
- Possible Civil Rights Violations (e.g., discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act)
  - U.S. Department of Education’s Office for Civil Rights -  
<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>,  
<https://www2.ed.gov/about/offices/list/ocr/index.html>,  
[www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html),  
(800) 421-3481 (TDD 1-800-877-8339)
  
- Possible violations of FAPE or concerns about placement, IEP implementation, services, etc.
  - Illinois State Board of Education, Special Education Department, Dispute Resolution <https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx>.

## References and Resources

### Federal References

U.S. Department of Education. (2012). *Restraint and Seclusion: Resource Document*. Washington, D.C. Retrieved from <https://sites.ed.gov/idea/files/restraints-and-seclusion-resources.pdf>

U.S. Department of Education. (2019). *Illinois Compilation of School Discipline Law and Regulations*. Washington, D.C. Retrieved from <https://safesupportivelearning.ed.gov/sites/default/files/discipline-compendium/Illinois%20School%20Discipline%20Laws%20and%20Regulations.pdf>

U. S. Department of Education. (2019). *Parent and Educator Guide to School Climate Resources*. Washington, D.C. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/essaguidetoschoolclimate041019.pdf>

U. S. Department of Education. (2016). *Fact Sheet: Restraint and Seclusion of Students with Disabilities*. Washington, D. C. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-restraint-seclusion-ps.pdf>

U. S. Department of Education. (2016). Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities. Washington, D. C. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

U. S. Government Accountability Office. (2019). *K-12 Education: Education Should Take Immediate Action to Address Inaccuracies in Federal Restraint and Seclusion Data*. Washington, D. C. Retrieved from <https://www.gao.gov/assets/700/699795.pdf>

### **Federal Resources**

U. S. Senate. Health, Education, Labor, and Pensions Committee. (2014). *Dangerous Use of Seclusion and Restraints in Schools Remains Widespread and Difficult to Remedy: A Review of Ten Cases*. Washington, D.C. Retrieved from <https://www.help.senate.gov/imo/media/doc/Seclusion%20and%20Restraints%20Final%20Report.pdf>

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

U. S. House of Representatives. (2010). *Preventing Harmful Restraint and Seclusion in Schools Act*. Retrieved from <https://www.congress.gov/111/crpt/hrpt417/CRPT-111hrpt417.pdf>

### **National Resource**

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

### **Illinois Resources**

23 Illinois Administrative Code 1.280

<http://www.ilga.gov/commission/jcar/admincode/023/023000010B02800R.html>

23 Illinois Administrative Code 1.285

<http://www.ilga.gov/commission/icar/admincode/023/023000010B02850R.html>

105 Illinois School Code 5/10-20.33

<http://www.ilga.gov/legislation/ilcs/documents/010500050K10-20.33.htm>

105 Illinois School Code 5/14-8.05

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K14-8.05>

105 Illinois School Code 5/34-18.20

<http://ilga.gov/legislation/ilcs/documents/010500050K34-18.20.htm>