

Key Changes to 23 Illinois Administrative Code 1.285 Updates on Restraint, Time Out, and Isolated Time Out

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Agenda

- Legal & regulatory updates
- Juvenile detention-specific provisions
- Clarifications from the March 25, 2025, State Superintendent Weekly Message
- New ISBE mediation process

New Room Requirements for a Time Out Space 1.285(a)(5)

Can now occur in a classroom or sensory room

Door may have a lock, but it may not be used during time out

Egress must not be blocked by objects

A person may physically block egress

Isolated Time Out Room Requirements 1.285(a)(4)

- Room requirements remain unchanged meaning that the room must meet all health, life and safety requirements, the room must have continuous visual monitoring and communication with the student and the door must not have a lock and must have an unbreakable viewing panel
- New exception for students in juvenile detention facilities is that the door can be locked

Prohibition on Prone Restraint

- Prone restraint is prohibited in all school settings even if the use of prone restraint is in the student's Individualized Education Program 1.285(c)(4)
- A prone restraint is held face down on the floor **or other surface** and pressure is applied to the student's body to keep the student in a prone position.

Mechanical Restraint Exception 1.285(c)(12)

- New language added to the exception for positioning students with physical disabilities. Any equipment needed to position a student must be in the student's IEP and the equipment must be supported by medical need and not used for staff convenience.
- Recent ISBE complaint findings have seen a rise in the use of mechanical restraints: Gait belts, Rifton chairs, harnesses, bungee cords handcuffs and weighted blankets have all been used to physically restrain students in Illinois schools

RTO incidents on three days in a 30-day period 1.285(e)(4)

Meeting Requirements

- You must discuss in the meeting if a new functional behavioral assessment (FBA) is needed.
- You are not required to conduct an FBA, but the discussion must be captured in your notes and the notes must be kept in the student's temporary file.

New Timeline Requirements

- The meeting must be held within twenty days from the third incident
- An extension to hold the meeting may only be extended at the request of the parent

Documents to be Sent to Parents 1.285(f)(3)(E)

Additional Documentation for General Education Students

Information on the procedures to request an evaluation and pursuing accommodations for students that are not yet eligible to receive these accommodations and services.

Mediation 1.285(j)(3)

- Any party involved in a state RTO complaint may request state-sponsored mediation.
- Both parties must agree to participate.
 - If an IL student is attending an approved nonpublic special education program, the student's home district must also agree to mediate.
- If the parties reach a resolution, the complainant must formally withdraw their complaint.
- ISBE will publish metrics for the use of mediation.
 - Number of complaints resulting in mediation.
 - Number of complaints resolved through mediation.

Complaint Filing Timeline Clarified

- 1-year complaint window starts **when parent receives notification**, not the incident date
- The notice must include the ISBE 11-01 form and all necessary documents required in 23 Ill. Admin. Code 1.285(g)(3)

ISBE Authority to Order Student-Specific Interventions

- ISBE may include student-specific remedies in orders following complaint findings
- **Example:** Compensatory services (e.g., additional instructional hours, counseling, or related services missed due to unlawful exclusion or improper use of restraint or time out)

Juvenile Detention Facility-Specific Changes

- No 2-foot proximity required for isolated time out
- Safety check exception for trained staff
- **New Section L** outlines detention facility-specific exceptions

Clarifications on RTO in State Superintendent's Weekly Message

March 25, 2025

Blocking Egress in a Classroom

- Blocking a student's egress to **prevent elopement is NOT time out or isolated time out if other students remain present.**
- **BUT:** If all other students have been removed and egress is blocked → **it IS time out.**

Deep Pressure or Body Awareness Techniques

- Brief squeezes, joint compression, proprioceptive exercises:
 - **NOT physical restraint** when recommended by an OT, PT, school psychologist, or social worker.
 - Best practice: Include in IEP/504 for consistency.

Momentary Physical Touch

- Used to redirect attention
- A tap on the shoulder or similar is **NOT** physical restraint.
- Should be used **respectfully and in a way that honors the student's comfort and personal boundaries.**

Comforting Physical Touch

- A brief hug (age-appropriate), pat on the back:
 - **NOT physical restraint** if the student welcomes it.
 - Should only be used if the student **welcomes the interaction** and respects their comfort/boundaries.

Momentary Period of Physical Restriction

- A momentary physical restriction:
 - Not considered physical restraint under current law.
 - Must be:
 - Direct person-to-person contact
 - Momentary & limited force
 - Solely to prevent harm to person/property
 - Allowed under 105 ILCS 5/10-20.33(b)(1)

Breaking Up Fights

- **Breaking up a fight using momentary restriction (meeting above criteria) → NOT a physical restraint & NOT reportable.**
- **BUT: If staff use a “hold” to pull students apart → this IS a physical restraint & must be reported.**
- **Additional training available: Center for Intensive Behavior Supports website – Fighting: Momentary Periods of Physical Restriction module.**

Key Takeaways

- Understand legal updates **and clarifications**
- Know when interventions are/aren't reportable
- Review policies & staff training
- Document and notify parents as required
- Consider mediation as appropriate



Questions?

Thank you