



Illinois State Board of Education

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www.isbe.net

Darren Reisberg
Chair of the Board

Dr. Carmen I. Ayala
State Superintendent of Education

November 21, 2019

Dear Colleagues:

You received a [communication](#) yesterday about the emergency actions ISBE is taking to ban the use of seclusion and certain physical restraints in Illinois schools and to improve data collection on all instances of time out and physical restraint. The information below provides more detail on these emergency changes and next steps for all educational entities serving Illinois public school students.

Submitting Data to ISBE on Incidents of Time Out and Physical Restraint: All educational entities serving Illinois public school students are required to submit documentation of every instance of the use of time out or physical restraint that occurred during the 2017-18, 2018-19, and 2019-20 school years. Documentation of instances that occurred during these school years, on or before November 19, 2019, is due to ISBE via email to restrainttimeout@isbe.net by the close of business on **December 20, 2019**.

Reporting Incidents of Time Out or Physical Restraint: Effective November 20, 2019, all educational entities serving Illinois public school students are required to document any use of time out or physical restraint using the form titled "Physical Restraint and Time Out Form" attached and available on the ISBE website at www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf. The completed form must be:

- Sent to the student's parents or guardians **within 24 hours** of the use of time out or physical restraint; and
- Emailed to ISBE at restrainttimeout@isbe.net **within 48 hours** of the use of time out or physical restraint.

Emergency Rules: ISBE filed emergency rules, effective November 20, 2019, to address issues around the use of time out and physical restraint by all educational entities serving public school students. The emergency rules are available in full on the ISBE website at <https://www.isbe.net/Documents/23-IRG-E.pdf>. (Strike-throughs indicate where language was removed; underlines indicate where language was added; and italics indicate where language is copied from statute.)

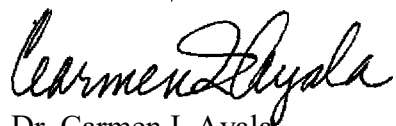
The practices of isolation and seclusion harm students' mental, physical, and social-emotional health. These practices have no therapeutic or educational value and cause children lasting trauma. Prior rules did not sufficiently regulate the practice of time out, allowing for abuses that threatened the health and safety of students statewide. Additionally, prior rules allowed for types of physical restraint that jeopardized student safety by potentially restricting a student's ability to breathe and speak normally. The emergency rules provide the necessary protections for student safety that previously were absent.

The emergency rules also require school districts to submit data to ISBE on instances of time-out and physical restraint so that ISBE can identify and swiftly address both individual and systemic violations of these regulations. The following summarizes key provisions of the emergency rulemaking:

- Bans all isolated seclusion practices;
- Mandates that time out or physical restraint shall be utilized only for therapeutic reasons or for protecting the safety of students or staff;
- Mandates that if time out is utilized, a trained adult must be in the room with the student;
- Mandates that any space used for time out shall remain unlocked;
- Bans physical restraints that could impair a student's ability to breathe or speak normally, including prone and supine physical restraints, and institutes strict parameters on when physical restraint is allowed;
- Bans physical restraint for students for whom it is medically contraindicated;
- Requires educational entities to document the use of time out and physical restraint on a form created by the State Superintendent.
- Requires educational entities to send the form to the parents of the student within 24 hours of the time out or physical restraint;
- Requires educational entities to submit the form to ISBE within 48 hours of any instance of physical restraint or time out;
- Eliminates the option for parents or guardians to waive notification of instances of time out or physical restraint;
- Requires ISBE to create a procedure parallel to the special education state complaint process for individuals to file complaints related to inappropriate use of time out or physical restraint on behalf of students without disabilities.

Questions and Further Information: An official guidance document is forthcoming. For additional information or to ask questions, please email Heather Calomese, ISBE Executive Director of Programs, at hcalomes@isbe.net.

Sincerely,



Dr. Carmen I. Ayala
State Superintendent of Education