



Illinois State Board of Education

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Darren Reisberg
Chair of the Board

Dr. Carmen I. Ayala
State Superintendent of Education

November 20, 2019

Dear Colleagues:

ProPublica and the Chicago Tribune published the results of an [investigation](#) yesterday into the use of isolated seclusion and physical restraint in Illinois schools. The stories from students and parents and the data the reporters collected and analyzed are appalling, inexcusable, and deeply saddening. The practices of isolated time-out and physical restraint have been misused and overused to a shocking extent; this must stop today. ISBE condemns the unlawful use of isolated seclusion, and we will take immediate steps to ensure the traumatic treatment described in the investigation never happens to another Illinois student.

ISBE will ban the use of isolated seclusion in any educational entity serving public school students in Illinois. ISBE also will institute a new data collection to increase accountability and transparency for all instances of time-out and physical restraint, as well as immediately begin investigating known cases of isolated seclusion to take appropriate disciplinary and corrective action, among other changes detailed below.

Unlawful use of time-out and restraint includes using these practices as a form of punishment. Time-out and restraint are lawful only when used to protect the safety of students and staff in certain rare crisis situations. ISBE will take action against any educational entity serving public school students that is violating these regulations.

Additionally, the Governor's Office will file a complaint on behalf of all known cases of isolated seclusion to expedite the investigative process and require a report to be returned within 60 days of the notification. ISBE will make determinations whether the educational entity violated federal or state special education requirements.

As educators, we work hard to make our schools trauma-responsive – but first and foremost, our schools must be trauma-free. Our schools must be places where all students feel and are safe.

ISBE will take the following steps impacting all public schools, cooperatives, private special education facilities, and other educational entities serving public school students:

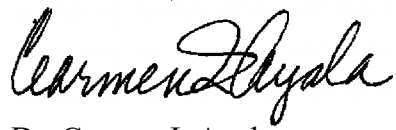
- File emergency rules today to:
 - Ban all isolated seclusion practices;
 - Allow time-out with a trained adult in the room and with an unlocked door, but only for therapeutic reasons or protecting the safety of students and staff;
 - Ban physical restraints that could impair a student's ability to breathe or speak normally, and institute strict parameters on when physical restraint is allowed;

- Require all educational entities to submit data to ISBE on all instances of physical restraint or time-out used during the current (2019-20) and past two school years (2018-19 and 2017-18);
- Require all educational entities to submit data to ISBE within 48 hours of any instance of physical restraint or time-out;
- Eliminate the option for parents or guardians to waive notification of instances of physical restraint or time-out.
- Create a required State form for school districts to use to document and to provide thorough information to parents and guardians when time-out or physical restraint is used.
- Add a physical inspection of time-out spaces to the monitoring conducted by Regional Offices of Education.
- Issue updated guidance and provide technical assistance to the field on appropriate uses of time-out and physical restraint.

We welcome additional feedback and dialogue as we work together to address this urgent problem and implement stronger protections statewide for students' mental, physical, and social-emotional health. ISBE will work with lawmakers and stakeholders on legislative action and will issue further communication as these steps are taken.

Please direct any questions to ISBE's Executive Director of Programs Heather Calomese at hcalomes@isbe.net.

Sincerely,



Dr. Carmen I. Ayala
State Superintendent of Education