

ILLINOIS

Statutes:

Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5/24-24] provides for teachers, other certificated educational employees and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].

The board of education 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 [105 ILCS 5/10-20.14 and 24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.

Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285 of this Part. If isolated time out or physical restraint is to be permitted, the policy shall include:

- the circumstances under which isolated time out or physical restraint will be applied;
- a written procedure to be followed by staff in cases of isolated time out or physical restraint;
- designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 of this Part when isolated time out or physical restraint is used;
- the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;
- a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4) of this Part; and
- a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:
 - the number of incidents involving the use of these interventions,
 - the location and duration of each incident,
 - identification of the staff members who were involved,
 - any injuries or property damage that occurred, and
 - the timeliness of parental notification and administrative review.

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 such intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code [105 ILCS 5/14-8.05(c)].

(Source: Amended at 26 Ill. Reg. 1157, effective January 16, 2002)

Section 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint

Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

- a) "Isolated time out" means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements.
 - 1) Any enclosure used for isolated time out shall:
 - A. have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;
 - B. 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 (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing); and
 - C. be designed to permit continuous visual monitoring of and communication with the student.
 - 2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.
 - 3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.
 - 4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.
- b) "Physical restraint" means holding a student or otherwise restricting his or her movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").
- c) The requirements set forth in subsections (d) through (h) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/10-20.33], "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.
- d) The use of physical restraint shall be subject to the following requirements.
- 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
 - 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 (h)(2) of this Section.
 - 2) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.
 - 3) 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 (e.g., the Illinois Department of Corrections or the Illinois Department of Human Services), mechanical or chemical restraint (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.
 - 4) 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.
 - 5) Any application of physical restraint shall take into consideration the safety and security of the student. Further, physical restraint shall not rely upon pain as an intentional method of control.
 - 6) In determining whether a student who is being physically restrained should be removed from the area where such restraint was initiated, the supervising adult(s) shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
 - 7) 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 such freedom appears likely to result in harm to the student or others.
- e) Time Limits
- 1) A student shall not be kept in isolated time out for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.
 - 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.
- f) Documentation and Evaluation

- 1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each such record. Each such record shall include:
 - 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 or physical restraint;
 - F. a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;
 - G. a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint technique(s) 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 isolated time out or physical restraint;
 - K. the date on which parental notification took place as required by subsection (g) of this Section.
- 2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- 3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.
- 4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated 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 certified staff person knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
 - B. The evaluation shall 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 shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.

- 5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedure(s) 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. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.
 - A. The district or other entity serving the student shall invite the student's parent(s) or guardian(s) to participate in this review and shall provide ten days' notice of its date, time, and location.
 - B. The notification shall inform the parent(s) or guardian(s) that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.

g) Notification to Parents

- 1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].
- 2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's parent(s), unless the parent has provided the district or other entity with a written waiver of this requirement for notification. Such notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.

h) Requirements for Training

- 1) Isolated Time Out

Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.
- 2) Physical Restraint
 - A. Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received such training within the preceding two years, as indicated by written evidence of participation.
 - B. Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:
 - 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.
- 3) 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 subsection (h)(2)(B) of this Section within the preceding one-year period.

(Source: Added at 26 Ill. Reg. 1157, effective January 16, 2002)

From the Government Accountability Office Report

105 Ill. Comp. Stat. 5/2-3.130 (Schools; Common Schools; School Code; State Board of Education – Powers and Duties)

The State Board of Education is required to promulgate rules governing the use of time out and physical restraint in public schools.

105 Ill. Comp. Stat. 5/10-20.33 (Schools; Common Schools; School Code; School Boards)

Until rules are adopted by the State Board of Education, the use of physical restraints is prohibited except where the student poses a physical risk to persons, there is no medical contraindication to its use, and the staff applying it have been trained in its safe application. “Restraint” does not include momentary periods of physical restriction by direct person-to-person contact with limited force that is designed to prevent a student from completing an act that would result in potential physical harm to persons or damage to property, or to remove a student who is unwilling to leave an area voluntarily. Uses of restraint must be documented and parents notified.

Until rules are adopted by the State Board of Education, timeout rooms cannot lock other than with a mechanism that engages when a key or handle is being held by a person, cannot be a confining space such as a closet or box, and cannot be a room where the student cannot be continually observed.

II. Admin. Code tit. 28, §§ 1.280, .285 (Education and Cultural Resources; Education; State Board of Education; Public School Recognition; Public Schools Evaluation, Recognition and Supervision; School Governance)

The restrictions listed in 105 Ill. Comp. Stat. 5/10-20.33 are repeated and adopted. In addition, physical restraint may only be used as a means of maintaining discipline and only to the extent necessary to preserve the safety of students and others. It may not be used as a form of punishment. Only specific, planned techniques are permitted.

Students are not subject to restraint for using profanity, verbal displays of disrespect, or verbal threats unless accompanied by a means or intent to carry out the threat. Except under certain

limited circumstances, the use of mechanical or chemical restraints is prohibited. Use of restraint shall take into consideration the safety and security of the student, and it shall not rely on pain as an intentional method of control. If the student uses sign language or an augmentative mode of primary communication, the student shall be permitted to have the student's hands free of restraint for brief periods, unless the adult determines that such freedom appears likely to result in harm to self or others. The restraint must end as soon as the student is no longer in imminent danger of causing physical harm to persons.

Detailed records of each incident must be kept, and parents must be notified within 24 hours. Training must include alternatives to restraint, de-escalation procedures, the experience of administering and receiving a variety of restraint techniques, how to monitor for physical signs of distress, and retraining every 2 years. School districts must review the use of restraints annually.

Isolated time out may only be used as a means of maintaining discipline and only to the extent necessary to preserve the safety of students and others. It may not be used as a form of punishment.

Enclosures used for isolated time out must meet size requirements, be free of materials that can be used to cause harm, and be designed to permit continuous visual monitoring of and communication with the student. Doors, if used, must be steel or wood with a solid-core constriction, with an unbreakable viewing panel. An adult must remain within two feet and must be able to see the student at all times. If the enclosure has a locking mechanism, it must only be engaged when it is held in position by a person, or if electronically engaged, must automatically release if the building's fire alarm system is activated. A student may not be kept in isolated time out for more than 30 minutes after the problematic behavior has ceased.

Detailed records of each incident must be kept, and parents must be notified within 24 hours. School districts must review the use of isolated time out annually.

Ill. Admin. Code tit. 23, § 401.250 (Education and Cultural Resources; Education; State Board of Education; Nonpublic Elementary and Secondary Schools; Special Education Facilities Under Section 14-7.02 of the School Code; Operations Requirements)

Private, special education facilities must have their staff trained in the use of isolated time out and restraint according to the requirements of Ill. Admin. Code tit. 28, §§ 1.280, .285

Additional Information

Beth Hanselman, Director of Special Education and Support Services at the Illinois State Board of Education, testified Tuesday, May 19, 2009, before the congressional members of the House Education and Labor Committee about the need for national standards on the use of physical restraints, seclusions and aversive interventions in school programs. Illinois has been identified as an exemplary and "flagship state" in this area because of its rules and the implementation of Positive Behavior Intervention Supports, or PBIS, throughout the state. PBIS is a proactive systems approach to establishing the school climate and social culture needed for all students in a school to achieve social, emotional and academic success. Currently, more than 1,000 Illinois schools in more than 200 districts have been trained and are implementing PBIS. Ms. Hanselman testified that 2001 legislation went into effect in January of 2002 addressing the issue of seclusion, or "isolated time out," as we call it in Illinois, and physical restraint that applies to all students, not only those with disabilities, in public schools. The rules limit the use of isolated time out and physical restraint to be used only to preserve the safety of self or others and to prohibit the use of seclusion or restraint for the purpose of punishment or exclusion. The majority of behaviors, which result in the use of seclusion or restraint, Ms. Hanselman told the congressional members, can be

prevented by early identification and intense interventions—implemented within a schoolwide system of behavioral support. One model is PBIS, which offers educators a framework, not a curriculum, for decision-making practices. Key to the implementation of PBIS is the recognition that we must teach and acknowledge behavioral and social skills, just as we teach academic skills.

Schoolwide PBIS emphasizes:

- The implementation of evidence-based practices,
- School, district and state systems that support the implementation of these practices and
- Ongoing collection and use of data for decision making.

Ms. Hanselman urged the adoption of a national model policy on the use of seclusion and restraint, which she said can be effective when coupled with a strong commitment and investment in the training and ongoing support of staff members in evidence-based prevention strategies.

Comments from the state superintendent as reported to the Great Lakes West Comprehensive Center's state manager on August 5, 2009:

- There is a need to have a national task force that works on defining restraint and seclusion.
- There is a need for national standards

Would the state want technical assistance to revise either state regulations or guidance?

Not at this time. The state does not currently have plans for any revisions to either its regulations or guidance.