

7:235-AP Use of Isolated Time Out or Physical Restraint - Administrative Procedure

This administrative procedure applies to all students. Isolated time out and physical restraint shall be used only if the student's behavior presents an imminent danger of serious physical harm to the student or others, and other less restrictive and intrusive measures were tried and proven ineffective in stopping it.

Orchard Academy may not use isolated time out, time out, and physical restraint as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others. Public Act 102-0339. Any use of isolated time out, time out, and physical restraint by any staff member shall comply with the Ill. State Board of Education (ISBE) rules, 23 Illinois Administrative Code Section 1.285, "Requirements for the Use of Isolated Time Out, Time out, and Physical Restraint."

For further guidance, see *ISBE's Permanent Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint: Guidance and Frequently Asked Questions*, available at: www.isbe.net/Pages/Special-Education-Regulations-Legislation.aspx.

Note: The special education committee of the Ill. Council of School Attorneys collaborated with ISBE on this guidance in its continuing commitment to help school boards and their districts comply with ISBE requirements.

Per 23 IAC 1.285(f)(1), a written record of each episode of isolated time out, time out, or physical restraint must be created and completed by the Director or designee using the ISBE *Physical Restraint and Time Out* form ISBE 11-01 (2/2020), available at www.isbe.net/Pages/Special-Education-Regulations-Legislation.aspx. This document must also be maintained in the student's temporary record.

Isolated time out, time out, and physical restraint are defined as follows:

Isolated time out – the involuntary confinement of a student alone in a time-out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

A student who is in a time out or isolated time out must not be denied:

- Medication,
- The use of the restroom, and
- Food or liquid at the time it is customarily served.

Time Out - a behavior management technique for the purposes of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under 23 Ill. Admin. Code 1.285(i) for part of the school day, only for a brief time, in a non-locked setting. Time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

Any room used for a time out or isolated time out must meet the following requirements:

- Must not have a door with a lock,
- The door must not be obstructed with anything that would prevent the door from opening,
- The room must not be a confining space such as a closet or a box, and
- The room must be a room in which the student is able to be continually observed.

Physical restraint - holding a student or otherwise restricting a student's movements using a specific, planned technique. A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak.

Prone physical restraint is a physical restraint in which a student is held face down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position. Per 23 IAC 1.285(d)(5), prone restraint is prohibited in all Illinois public schools and special education cooperatives. Prone restraint can be used in special education nonpublic facilities approved under Section 14-7.02 of the School Code if all of the following statements are true for each child who is placed in a prone restraint:

- The student's Behavior Intervention Plan (BIP) specifically allows for prone restraint.
- The BIP was put into place before January 1, 2021.
- The BIP has been approved by the Individualized Education Program (IEP) team.
- The school staff member(s) applying the prone restraint have completed training that fulfills the requirements set forth in 23 IAC 1.285(i).
- The school must be able to document and demonstrate to the IEP team that the use of other de-escalation techniques provided for in the student's BIP was ineffective.
- The use of prone restraint occurs within the 2021-22 school year.

Supine physical restraint is a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position. Until 7-1-21, prone and supine physical restraint is prohibited, unless all of the criteria in §1.285(d)(5) are met. 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.

Under PA 102-0339, supine restraint (or any other physical restraint, excluding mechanical, chemical, and prone restraint) may only be used if the student's behavior presents an imminent danger of serious physical harm to the student or to others, other less restrictive and intrusive measures have been tried and proven to be ineffective in stopping the imminent danger, there is no known medical contraindication to its use on the student, and the staff member(s) applying the technique has been trained in accordance with 23 IAC 1.285(i).

In alignment with 105 ILCS 5/14-8.05) (from Ch. 122, par. 14-8.05), the administration of Orchard Academy supports all staff of students with disabilities training and guidance that provide ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur.

The training and guidance addresses the following:

1. When behavioral interventions are used, they be used in consideration of the pupil's physical freedom and social interaction, and be administered in a manner that respects human dignity and personal privacy and that ensures a pupil's right to placement in the least restrictive educational environment.
2. That behavioral intervention/management plans be developed and used, to the extent possible, in a consistent manner when a local educational agency has placed the pupil in a day or residential setting for education purposes.
3. Every staff member is responsible to ensure that each student receives special education and related services in accordance with his or her IEP, provided that the use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control shall not be permitted. 23 Illinois Administrative Code 401.140 (a)
4. Notification in materials to parents/guardians annually, or at initial enrollment, of the policy regarding time out and physical restraint. This is also addressed on each students Individualized Education Plan when procedural safeguards are discussed with parents/guardians.105 ILCS 5/10-20.14 and 105 ILCS 5/14-8.05(c),

The following notifications must occur after an incident of physical restraint, time out, or isolated time out, in accordance with 23 IAC 1.285(g-h):

1. The circumstances under which isolated time out or physical restraint will be applied are limited to maintaining a safe and orderly learning environment to the extent necessary to preserve the safety of the student and others. §1.280(j)(1). Orchard Academy has reviewed, will follow, be compliant, and adhere to regulations 23 IAC Section 1.285 (j)(1) of the School Code.
2. The ISBE rules are adopted as the school's written procedure to be followed by staff for the use of isolated time out or physical restraint. §1.280(j)(2).
3. Staff members shall inform the Director and/or Principal whenever isolated time out or physical restraint is used and the Director and/or Principal shall maintain the documentation required according to Section 1.285. §1.280(j)(3).
4. The Director and/or Principal shall investigate and evaluate any incident that results in a serious injury as reported by the affected student, parent(s)/guardian(s), staff member, or other individual. §1.280(j)(4).
5. The school must make a reasonable attempt to notify the student's parent or guardian on the same day the physical restraint, time out, or isolated time out is applied.
6. Within one business day after any use of physical restraint, timeout, or isolated timeout, the school district or other entity serving the student shall send the form to the student's parents or guardians.
7. A student's parent/guardian must be given the opportunity to have a meeting with school personnel to discuss an incident that occurs. School personnel must notify the parent/guardian as soon as possible, but no later than two days after the event. The meeting must be held within two school days of the parent/guardian request. This meeting timeline may only be extended at the request of the parent/guardian. Meeting members must include at least one school staff member who was involved in the event and at least one staff member who was not involved in the event. At the meeting, the parent/guardian must be given an opportunity to discuss the following:
 - a. The incident leading up to the physical restraint, isolated timeout, or timeout.
 - b. Actions taken by school personnel prior to putting the student in a physical restraint, isolated timeout, or time out.
 - c. What occurred during the physical restraint, isolated timeout, or timeout.
 - d. Any actions that were taken after the physical restraint, isolated timeout, or timeout.
8. An entity may not exclude a student from school because the meeting has not taken place, or the parent/guardian did not attend the meeting. If the parent/guardian does not meet with school staff, you must follow the following guidelines:
 - a. A summary of the meeting and any agreements or conclusions reached at the meeting must be documented in writing and become a part of the student's record. Copies of such documents must be provided to the parent/guardian even if the parent/guardian does not attend the meeting.
 - b. If a parent/guardian does not request a meeting within 10days of being notified about the incident or if the parent/guardian fails to attend the meeting, the school must record that information and document it in the student's school record.
 - c. No later than two school days after any use of physical restraint, timeout, or isolated timeout, the school district or other entity serving the student shall submit information about the incident to the State Superintendent via the Student Information System located in the ISBE Web Application Security data reporting system.
9. The Director and/or Principal shall compile a description of alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4).
10. The Director or designee shall compile an annual review of the use of isolated time out or physical restraint. The Director and/or Principal shall report the following information to ISBE in order to facilitate the report's compilation: §1.280(j)(5).
 - a. The number of incidents involving the use of these interventions;
 - b. The location and duration of each incident;
 - c. Identification of the staff members who were involved;

- d. Any injuries or property damage that occurred; and
- e. The timeliness of parental/guardian notification and administrative review.

LEGAL REF.:

105 ILCS 5/10-20.33.

105 ILCS 5/14-8.05

23 Ill. Admin. Code §§1.280 and 1.285.

Public Act 102-0339

ISBE: Emergency Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint 02/2020

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