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Orchard Academy – Standards and Procedures for Time Out, Isolated Time Out and Physical Restraint

Purpose. The purpose of these standards and procedures is to ensure that every student participating in the Orchard Academy education program be free from the unreasonable use of time out, physical restraint and crisis intervention. Those interventions should only be used as a crisis intervention for the purpose of preventing harm or injury to self-and/or others.

23 Illinois Administrative Code

Sections 10-20.14 and 24-24 Under no circumstance shall the policy authorize the use of isolated time out, time out, or physical restraint as a form of 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.

Professional Development - Staff Training:

To reduce the use of isolated time out and any use of physical restraint Orchard Academy has provided training to staff in non-crisis intervention strategies. Through the Crisis Prevention Institute, Orchard Academy has an individual on staff who is a certified trainer for Non Crisis Intervention Training. CPI's nonviolent crisis intervention training for all staff is 8 hours in duration and is designed to teach best practices for managing difficult situations and disruptive behaviors, and learning techniques for deescalating situations and avoiding the need for isolated time-out and physical restraint.

The Emergency Regulations impose different requirements for staff training for those who may be involved in time out or physical restraint activities. The regulations focus on the following:

- Only staff members who have been certified through the CPI training program will restrain a student. Any adult who is supervising a student in isolated time out or time out, or who is involved in a physical restraint, shall receive at least 8 hours of developmentally appropriate training annually.
- All Orchard Academy staff members are trained in nonviolent crisis intervention training through the Crisis Intervention Institute. This is best described as nonviolent crisis intervention training designed to teach best practices for managing difficult situations and disruptive behaviors. Staff learn how to identify at-risk individuals and use nonverbal and verbal techniques to defuse hostile behavior. It is a program that can help staff reduce the amount of disruptive, escalated, and unsafe behaviors which they might encounter.
- Training is provided in the following areas:
 - Crisis de-escalation
 - Restorative practices
 - Identifying signs of distress during physical restraint and time out
 - Trauma-informed practices
 - Behavior management practices

- For any school or District which has a policy permitting the use of time out, the District must provide training to all staff implementing time out procedures.
- For any school or District which has a policy permitting the use of physical restraint, the training requirements for any adult who may be participating in physical restraint are the same, with the addition of training in restorative practices and behavior management practices.
- Isolated time out, time out, or physical restraint, shall be applied only by individuals who have received annual systematic training on less restrictive and intrusive strategies and techniques to reduce the use of isolated time out, time out, and physical restraint based on best practices and how to safely use time out and physical restraint when those alternative strategies and techniques have been tried and proven ineffective.
- Training must include the receipt of a certificate of completion or other written evidence of participation.
- No individual may use isolated time out, time out, or physical restraint before receiving the required training and certificate.
- Staff members will only use physical restraint methods that are authorized by the Crisis Prevention Institute training program (CPI). The person administering physical restraint will use the safest, least intrusive method of restraint that is appropriate to the situation and an approved method of CPI. Whenever possible, the restraint should be monitored by another staff member. During the restraint, the student's physical condition will be constantly monitored, including the student's breathing, skin color, and the ability to speak. A physical restraint will be discontinued as soon as staff determines that the student has regained control of him/herself and is no longer of imminent danger to him/herself or others.

Time Out Procedures

Working with students with significant behavior problems requires the use of many different techniques. Time-out, when applied in a planned, thoughtful way, may be an appropriate technique for improving a student's behavior.

Time Out and Physical Restraint Requirements

The Emergency Regulations modify the requirements related to "isolated time out" and physical restraint. ISBE no longer permits "isolated time out" and has redefined the conditions for use of "time out" and physical restraint.

Time out and physical restraint may be used only for (1) therapeutic purposes, or (2) as a means of providing a safe environment for learning to the extent necessary to preserve the safety of students and others. Note that conditions permitting the use of time out and physical restraint are further defined as provided below.

Time-out is a behavioral technique in which a student is moved from a highly enriched reinforcement environment to a less reinforcing environment. There are three levels of time-out:

- Time out: A student's participation is limited but the student continues to observe the class activity. An example is when a student is moved away from the group but can watch what the group is doing.
- Exclusion time out: Occurs when a student is sent to an environment where the student is no longer able to access what is happening in the classroom; however, the student maintains access to students and/or staff. An example is when a student is placed in the hall, sent to detention, in school suspension, or principal's office, or an alternative location in the school.

- Isolated time out: Occurs when a student is involuntarily placed alone in a separate room or area and prevented from leaving. This is the most restrictive form of time-out and should only be used after other forms of time-out have been considered.

Basic Considerations:

- Time out is only effective when the student perceives time-out as a loss of reinforcement. If the student does not find the classroom environment positive, he/she will not find time out aversive. In these cases, the student may display negative behaviors to be placed in time out to escape an undesired task or request or to engage the teacher in a power struggle.
- Time out is an effective procedure for eliminating a behavior only if the procedure includes positive behavioral supports for a replacement behavior.
- When implementing a time-out procedure, staff should consider the entire spectrum of time-out procedures before choosing isolated time out.

The following procedures set forth Orchard Academy's expectations for the use of isolated time out by OA employees:

Use of Isolated Time Out

The use of isolated tie out is limited to extraordinary, emergency situations where the behavior of a student poses a threat of imminent, serious, physical harm to self-and/or others. Isolated time out may be used only as a last resort after proper positive behavioral interventions and de-escalation techniques have failed to de-escalate the risk of injury. Isolated time out should never be longer than needed to resolve the risk of actual harm. Generally, a student should be placed in isolated time out for no more than 30 minutes and a student should be removed from isolated time out within 3 to 5 minutes after he/she has displayed appropriate behaviors. When a student is placed in isolated time out, they should be constantly visually monitored.

Inclusion in Individual Plan

If a student is subject to an individual plan developed by Orchard Academy, including an intervention plan or IEP, the appropriate team may consider isolated time out in that plan as a restrictive intervention technique. However, regardless of inclusion in an IEP, any student may be placed in isolated time out in situations where the behavior of a student poses a threat of imminent, serious, physical harm to self-and/or others. If a student is displaying behaviors that require consideration of isolated time out within an IEP, an appropriate team, which must include a specialist in behavior management, should be formed. Orchard Academy considers a school social worker to be one of the specialists in behavior management for these purposes. Other individuals also qualified might include a behavior specialist and special education teachers. However, isolated time out should be included in the IEP only after the team determines that the following considerations are met:

- The student has a documented history showing a series of behaviors in the preceding two years that has created an imminent danger of serious bodily injury in school; and
- A comprehensive, data-driven functional behavior assessment (FBA) has been conducted and a behavioral intervention plan (BIP) was implemented by a qualified team of professionals for a reasonable period of time; and
- Less aversive or restrictive techniques have not been effective

When including isolated time out in an IEP, the team must define:

- What exact behaviors will lead to the isolated time out (extraordinary, emergency situations where the behavior of a student poses a threat of imminent, serious, physical harm to self-and/or others);
- Who will decide if the student requires isolated time out;
- Where the isolated time out will take place;
- Who will monitor the student in the isolated time out;
- What appropriate behaviors the student must display to be removed from isolated time out;
- How long the student will be placed in isolated time out; and
- What positive supports will be put in place to avoid the need for the use of isolated time out.
- How the team will respond to requests for breaks from isolated time out time out (i.e., to use the bathroom, for water, or for food).

The team must also consider that, regardless of inclusion in an IEP, isolated time out is limited to emergency situations and should only be used as a last resort. If a student is being placed in isolated time-out frequently or with any regularity, the appropriate team must reconvene to review the appropriateness of the student's BIP and IEP.

Before implementing an isolated time-out procedure for the student pursuant to the development of the IEP, the appropriate team must also ensure that the student's parent/guardian has been advised of the definition of isolated time out, that isolated time out has been included in the student's BIP-IEP, and when it may be used.

Each time isolated time out is used with a student, the school must complete specific documentation related to the incident and place it in the student's file. Documentation must include:

- Actions attempted prior to isolated time out in an effort to manage or de-escalate the situation;
- Clear description of the safety concerns posed to student or others;
- Student's behavior before, during, and after isolated time out;
- Location of isolated time out;
- Amount of time in isolated time out;
- Names and position titles of personnel involved with the incident;
- Date and time the administrator was notified;
- Date and time parents/guardians were notified and by whom; and
- Name and position of person completing the documentation.

All incidents of isolated time out must also be recorded separately by the teacher in a Restraint/Time-Out log

- Classroom personnel must contact the director and/or principal and, where applicable, the student's case manager or relevant school social worker as soon as possible on the day of the incident to notify them that isolated time out was used.
- The student's parent/guardian must be contacted by the parent's/guardian's preferred method of communication on the day that the isolated time out occurs. The director of Orchard Academy and the case manager will contact the parents/guardians of the student. Efforts to reach the parents/guardians must be documented, particularly when the case manager/administrator is unable to reach the parents/guardians directly.

- Written notice of isolated time out must be sent home to the student's parents/guardians by the end of the next school day. The director of Orchard Academy and the case manager will provide documentation to the parents/guardians. Written notice should include notification that documentation regarding the incident has been placed in the student's educational file and is available for review.

Time Out Room Requirements:

Time out is permitted with the presence of a trained adult in an enclosure that meets the following requirements:

- Meets all of the health/life safety requirements of 23 Ill. Adm. Code 180;
- Has the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being placed on time out, but also the trained staff member who is required to accompany that student under the Emergency Regulations; and
- Must 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.
- Be designed so that students cannot climb up the walls, including walls spaced far enough apart to deny sufficient leverage for climbing.
- Area/Room must be equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems in other rooms of the building.
- Automatic smoke detection devices (tied into the building fire alarm) must be provided for the space immediately outside the door to time out room and those time out rooms in sprinklered buildings cannot interfere with proper sprinkler coverage.
- The room/area must be of sufficient size (minimum of 8' x 8') to accommodate student being isolated and any other individual who is required to accompany that student.
- Must include an observation window made of safety glass (not wire glass) that allows the adult responsible for supervising the student to directly observe the student at all times in any area of the time out room.
- If an enclosure used for a time out is fitted with a door, the door may not be locked at any time during the time out.
- A student shall not be kept in time out for longer than is therapeutically necessary. No less than once every 15 minutes, the trained adult must assess whether the student has ceased presenting the specific behavior for which the time out was imposed.

Restraint Procedures

Working with students with significant behavior problems requires the use of many different techniques. Orchard Academy recognizes that the use of physical restraint may be required to protect the student or members of the school community from potentially serious dangers when a student begins to physically act out toward him/herself or others.

In the school setting, restraint is understood to immobilize or restrict the ability to freely move his or her arms, legs, or head freely. This includes mechanical restraints, further defined as a device that restricts the movement or function of a child or a portion of a child's body. The following procedures were developed to ensure that the care, welfare, safety, and security of all students, faculty, and staff are maintained in the event of a crisis situation.

Restraint does not include the following:

- Temporarily holding an individual to help him or her participate in education or daily living activities;
- Escorting techniques, where a student is provided limited physical encouragement (i.e., hand on the back or a hand on the elbow) to help him or her move from one location to another without rising to the level of physically forcing compliance;
- Appropriate use of adaptive equipment or products, provided they are used in accordance with manufacturer's recommended usage. Adaptive equipment may include, but is not limited to, adaptive seating products or therapeutically prescribed devices such as weighted vests. If adaptive equipment, such as a Rifton chair or weighted vest, is used for the purpose of limiting mobility or as a punitive measure, its use constitutes restraint subject to ISBE Guidelines and documentation procedures.

Use of Restraint

The use of restraint is limited to extraordinary, emergency situations where the behavior of a student poses a threat of imminent, serious, physical harm to self-and/or others. Restraint may be used only as a last resort after proper positive behavioral interventions and de-escalation techniques have failed to de-escalate the risk of injury. Positive reinforcement of the desired behavior must be given first consideration.

Restraint should never be used:

- As punishment;
- To force compliance;
- To address non-compliance (refusal to comply with a staff directive or school rule);
- As a substitute for appropriate educational support;
- In response to property destruction;
- In response to a student's flight, escape, or running away, unless there is imminent risk of injury related to the escape
- In response to verbal threats and profanity that do not rise to a level of physical harm unless the student demonstrates a means of carrying out the threats; or
- Longer than needed to resolve the risk of actual harm.

Types of Physical Restraint

The use of prone restraints (face down on stomach), supine restraints (face up on the back), or any hold or maneuver that places pressure or weight on the student's chest, lungs, sternum, diaphragm, back, neck, or throat are strictly forbidden. In addition, the degree of force used must not exceed what is necessary to protect the student or others from imminent bodily injury.

Staff members will only use physical restraint methods that are authorized by the Crisis Prevention Institute training program (CPI). The person administering physical restraint will use the safest, least intrusive method of restraint that is appropriate to the situation and an approved method of CPI. Whenever possible, the restraint should be monitored by another staff member. During the restraint, the student's physical condition will be constantly monitored, including the student's breathing, skin color, and the ability to speak. A physical restraint will be discontinued as soon as staff determines that the student has regained control of him/herself and is no longer of imminent danger to him/herself or others.

Only staff members who have been certified through the CPI training program will restrain a student. The staff member must successfully complete the initial eight-hour training session and successfully complete a four-hour recertification CPI program once annually.

The team must also consider that, regardless of inclusion in IEP and BIP, restraint is limited to emergency situations and should only be used as a last resort. If a student is being physically restrained frequently or with any regularity, the appropriate team must reconvene to review appropriateness of the student's IEP and Behavior Intervention Plan.

Documentation Practices for Restraint and Time Out

Effective November 20, 2019, all educational entities serving Illinois public school students are required to document any use of physical restraint or time out using the ISBE created Form titled "Physical Restraint and Time Out Form."

The ISBE Form is at: <https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf>

Notification

- The completed ISBE Form must be sent to the student's parents or guardians within 24 hours of the use of time out or physical restraint.
- The completed ISBE Form must be emailed to ISBE at restrainttimeout@isbe.net within 48 hours of the use of time out or physical restraint.
- Orchard Academy places a parental notification on its website of its intent to use isolated time out in extraordinary, emergency situations where the behavior of a student poses a threat of imminent, serious, physical harm to self-and/or others.

Notable Form Requirements

- The ISBE Form requires staff to attach a log of student behaviors during time out and restraint and any other interaction between the student and staff to the Form.
- The ISBE Form requires an evaluation by the nurse and the nurse's signature and comments.
- The ISBE Form requires information about whether a "postvention" meeting was held with the student to process the events leading up to the incident, to develop alternative solutions, and to plan for re-entry into the student's routine.
- The ISBE Form requires the school staff to establish and record the date and time staff will meet to discuss recommended changes in approach or follow-up needed within 48 hours of the incident.
- If restraint or time out occurs on a Friday, the Form should be emailed to ISBE by the end of the day the same Friday to meet the 48 hour deadline, unless the school intends to transmit it over the weekend.
- If a nurse is not available for evaluation of the student after the restraint or time out, the school administrator will conduct the evaluation and note that on the Form. The student should then be evaluated by the nurse when the nurse returns to the building, or if the school has no nurse, then document this on the Form.
- Following a time out or physical restraint the case manager and administrator will schedule a meeting with the student to process the events leading up to the incident, to develop alternative solutions and to plan for re-entry into the student's routine and if there was, who held this meeting with the student.

Documentation:

Each time out and/or physical restraint is used with a student, the school must complete specific documentation related to the incident and place it in the student's file. Documentation must include:

- Actions attempted prior to time out and/or physical restraint in an effort to manage or de-escalate the situation;
- Clear description of the safety concerns posed to student and/or others;
- Student's behavior before, during, and after time out and/or physical restraint;

- Location of time out and/or physical restraint;
- Amount of time in time out and/or physical restraint;
- Names and position titles of personnel involved with the incident;
- Date and time the administrator was notified;
- Date and time parents/guardians were notified and by whom; and
- Name and position of person completing the documentation.
- Classroom personnel must contact the designated school-level administrator and, where applicable, the student's case manager or relevant school psychologist as soon as possible on the day of the incident to notify them that isolated time out was used.
- The student's parent/guardian must be contacted by their preferred method of communication on the day that the isolated time out occurs. The director of Orchard Academy and the case manager will contact the parents/guardians of the student. Efforts to reach the parents/guardians must be documented, particularly when the case manager/administrator is unable to reach the parents/guardian directly.
- Written notice of isolated time out must be sent home to the student's parents/guardians by the end of the next school day. The director of Orchard Academy and the case manager will contact the parents/guardians of the student. Efforts to reach the parents/guardians must be documented, particularly when the case manager/administrator is unable to reach the parents/guardian directly. Written notice should include notification that documentation regarding the incident has been placed in the student's educational file and is available for review.

Requirements Related to Convening Team Meetings and IEP Meetings

The ISBE Mandated Form "Physical Restraint and Time Out" indicates that a team meeting must be scheduled within 48 hours of an incident of time out or physical restraint to discuss the intervention and determine whether any follow up is required. To comply with the ISBE Form requirement, Orchard Academy will schedule a school based team meeting within 48 hours of the use of time out or restraint to discuss the restraint or time out, including the approach taken and any changes or follow-up needed. Those who will be invited to attend the meeting must be listed on the ISBE Form.

Convening of a Meeting After Three Instances of Time Out or Restraint

When a student experiences three instances of non-therapeutic time out or physical restraint, restraint for safety purposes (i.e. when a student's conduct poses an imminent danger to self or others). the school personnel who initiated, monitored, and supervised the incidents must initiate a review of the effectiveness of the procedures used. The Emergency Regulation requires convening an IEP meeting after any three instances of non-therapeutic time out or physical restraint.

- This review process must include preparation of 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 must be placed into the student's temporary student record.
- The review must also consider the student's potential need for an alternative program or for special education eligibility, or, for a student already eligible for special education, change in program.
- The District or other entity serving the student must invite the student's parents/guardians to participate in this review and shall provide ten days' notice of its date, time, and location.
 - The notification must inform the parents/guardians of the student's potential need for special education, for an alternative program, or, for students already eligible for special education, the student's potential need for a change in their program, and that the results of the review will be entered into the student's temporary student record.

The ISBE Form provides four options as next steps following three instances of non-therapeutic time out or physical restraint.

- Convene a meeting to determine the extent to which additional interventions or supports or services may be needed.
- Refer to a domain meeting, if the IEP team determines additional diagnostic information is needed.
- Schedule an IEP meeting to determine if additional interventions or supports are needed, to determine if current interventions are being properly implemented, and to remedy any denial of FAPE resulting from the school's use of restraint or time out.
- Other: _____

Debriefing:

Orchard Academy expects that, following each time out and physical restraint incident, a staff debriefing occur. The debriefing should occur within one school day after the event occurred.

- **Who:** All staff involved in the physical restraint, an administrator, and at least one staff member who has expertise in the use of behavioral techniques, de-escalation, and approved restraint techniques (i.e., school social worker), but who was not involved in the restraint event should participate in the debriefing. If all needed members cannot debrief at the same time, follow-up debriefings can be scheduled. This allows for the debriefing to continue with the staff available within one day of the incident with follow-up with others later if needed.
- **What:** The debriefing should include a discussion of the behaviors that preceded the behavior or conduct causing isolated time out, the interventions that were used and why they were unsuccessful, if and how the situation could have been handled in a way to prevent the need for restraint or isolated time out, and how similar events may be avoided in the future.
- **Written Summary:** When a de-briefing is held, a written summary of the de-briefing must be completed by the case manager or other appropriate certified staff member and placed in the case manager's files. This summary is separate from the initial incident report. Parents/Guardians must have access to and an opportunity to review the summary if they request to do so.
- **Data Collection:** School staff and administrators are required to maintain data on time out incidents in a manner that allows them to monitor when and how often time out is used for any student.

Complaint Procedures

- Superintendent alleging that a local school District or other entity serving the student has violated the Emergency Regulations related to the use of time out or physical restraint. The complaint must include:
 - the facts on which the complaint is based; the signature and contact information for the complainant;
 - the names and addresses of the students involved and the name of the school of attendance;
 - a description of the nature of the problem, including any facts relating to the problem; and
 - a proposed resolution of the problem to the extent known.
- The State Superintendent shall only consider a complaint if it alleges a violation occurring not more than one year prior to the date on which the complaint is received.
- The State Superintendent must issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusion; the reasons for the State Board of Education's final decision; and orders for any action, including technical assistance.
- This complaint procedure does not limit, diminish, or otherwise deny the federal and State rights and procedural safeguards afforded to students with disabilities.

General Notification Process

Orchard Academy places a parental notification on its website of its intent to use time out in extraordinary, emergency situations where the behavior of a student poses a threat of imminent, serious, physical harm to self-and/or others.

Each time out and/or physical restraint is used with a student, the school must complete specific documentation related to the incident and place it in the student's file. Documentation must include:

- Actions attempted prior to time out and/or physical restraint in an effort to manage or de-escalate the situation;
- Clear description of the safety concerns posed to student and/or others;
- Student's behavior before, during, and after time out and/or physical restraint;
- Location of time out and/or physical restraint;
- Amount of time in time out and/or physical restraint;
- Names and position titles of personnel involved with the incident;
- Date and time the administrator was notified;
- Date and time parents/guardians were notified and by whom;
- Name and position of person completing the documentation;
- Classroom personnel must contact the designated school-level administrator and, where applicable, the student's case manager or relevant school social worker as soon as possible on the day of the incident to notify them that isolated tie out was used.
- The student's parent's/guardian's must be contacted by their preferred method of communication on the day that the isolated time out occurs. The case manager or other appropriate certified staff member will contact the parents/guardians of a student attending Orchard Academy. Efforts to reach the parents/guardians must be documented, particularly when the case manager/administrator is unable to reach the parents/guardians directly.
- Written notice of restraint must be sent home to the student's parents/guardians by the end of the next school day. The case manager or other appropriate certified staff members will provide documentation to the parents/guardians of a student attending Orchard Academy. Written notice should include notification that documentation regarding the incident has been placed in the student's educational file and is available for review.

Data Collection:

School staff and administrators are expected to maintain data on time out and physical restraint incidents in a manner that will allow them to monitor when and how often time out and restraint is used for any particular student. In addition, the building administrator will maintain a list of all students who have Time Out included in their Individualized Education Plan.

Nurse

Even if the classroom personnel has no reason to believe that the student has suffered any injury or effect from the restraint, the student must be seen by the school nurse on the day of the restraint incident to ensure that the student has not been harmed in any way while being restrained. If an injury is suspected, the nurse may proceed in an appropriate manner to ensure the student's health and well-being.

Otherwise, the school nurse may make a cursory examination of the student without obtaining prior parental consent. If the school nurse believes further examination (i.e., requires removal of clothing) is warranted, he or she should obtain consent from the student's parents/guardians prior to proceeding.

Before the end of the school day, the nurse will provide written documentation of his/her examination to the appropriate school personnel (director and case manager) for inclusion in the student's file. The school nurse will also retain a copy. A copy of the nurse's report is not required to be included with the information sent home to the parents/guardians on the day after the incident but is available for their review upon request.

If a nurse is not available on campus on the day of the restraint, an administrator will make a cursory examination of the student. The administrator will complete the required paperwork and share with the school nurse for inclusion in the student's file.