

Physical Restraint, Time Out, Isolated Time Out

Public Act 102-0339



Public Act 102-0339 was signed into law August 13, 2021. It amends the Illinois School Code and specifies that the use of physical restraint, time out, and isolated time out will be limited to instances in which the student's behavior poses an "imminent danger of serious physical harm." This fact sheet addresses frequently asked questions and requirements of this new law.

Is prone restraint allowed in the 2021-22 school year?

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.

Is supine restraint allowed?

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).

What are the requirements of a time out or isolated time out?

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.

What necessities must a student be provided while in an isolated time out?

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.



What notifications must occur after each incident of physical restraint, time out, or isolated time out?

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

Notification to Parents or Guardians

- 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.
- Within one business day after any use of physical restraint, time out, or isolated time out, the school district or other entity serving the student shall send the form to the student's parents or guardians.

Notification to the State Superintendent

- No later than two school days after any use of physical restraint, time out, or isolated time out, 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.

What opportunities do parents have to discuss the incident of physical restraint, time out, or isolated time out with school staff?

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:

- The incident leading up to the physical restraint, isolated time out, or time out.
- Actions taken by school personnel prior to putting the student in a physical restraint, isolated time out, or time out.
- What occurred during the physical restraint, isolated time out, or time out.
- Any actions that were taken after the physical restraint, isolated time out, or time out.

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 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.
- If a parent/guardian does not request a meeting within 10 days 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.