

# Physical Restraint, Time Out, and Isolated Time Out

## Public Act 102-0339 Fact Sheet



This fact sheet summarizes frequently asked procedural questions and requirements pertaining to when schools use physical restraint, time out, or isolated time out (RTO) on a student. More specific answers to questions regarding the use of physical restraint, time out, and isolated time out can be found in this [guidance document](#).

### Is prone restraint allowed?

Per 23 IAC 1.285(d)(4)(F), prone restraint is prohibited in all Illinois public schools, special education cooperatives, and nonpublic facilities. Prone restraint cannot be used on Illinois students placed at educational locations outside of Illinois, even if that location's local or state regulations allow it.

### Is supine restraint allowed?

Under 23 IAC 1.285(d)(5)(A-G), supine restraint (or any other physical restraint, excluding mechanical, chemical, and prone restraint) may only be used if a 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 should be provided to parents in the event of a physical restraint, time out, or isolated time out?

Per 105 ILCS 5/10-20.33 and 105 ILCS 5/34-18.20, within one business day, schools shall provide parents/guardians with the following information after each incident of RTO:

- (1) A copy of the standards for when RTO can be used;
- (2) Information about the rights of parents/guardians and students; and
- (3) Information about the parent/guardian rights to file a complaint with the state superintendent of education; the complaint process; and other information, including procedures for students who are eligible to receive special education services, to assist the parent/guardian in navigating the complaint process [23 IAC 1.285(g)(3)];
- (4) A copy of ISBE Form 11-01 – the information may be provided in printed form or, upon written request of the parent/guardian, by email [105 ILCS 5/10-20.33 and 105 ILCS 5/34-18.20].

### 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 – that the parents have a right to a meeting. 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:



- (1)** The incident leading up to the RTO.
- (2)** Actions taken by school personnel prior to putting the student in an RTO.
- (3)** What occurred during the RTO.
- (4)** Any actions that were taken after the RTO.

- 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.
- 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 temporary record. A copy of these meeting notes and any agreements or conclusions reached at the meeting must be given to the parents.
- 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 temporary record. If the school chooses to hold the meeting without the parents, copies of the meeting notes and any agreements or conclusions reached at the meeting must be provided to the parents.

**What must be provided to parents/guardians when a student experiences physical restraint, time out, or isolated time out on three days within a 30-day period?**

According to 23 IAC 1.285(f)(4), when a student experiences instances of RTO on any three days within a 30-day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review meeting of the effectiveness of the procedures used, review the student's functional behavior assessment, and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of the other, specified interventions. The plan shall be placed into the student's temporary student record. The review meeting shall also consider the student's potential need for an alternative program; eligibility for special education; or, for a student already eligible for special education, for a change in program.

- A)** The district or other entity serving the student shall invite the student's parents or guardians to participate in this review meeting and shall provide 10 days' notice of its date, time, and location. If a student has an Individualized Education Program (IEP), an IEP meeting may satisfy the meeting requirement under this subsection (f)(4) and must comply with 23 IAC 226 and 34 CFR Part 300.
- B)** The notification shall inform the parents or guardians that the student's potential need for special education; an alternative program; or, for students already eligible for special education, the student's potential need for a change in program, will be considered and that the results of the review meeting will be entered into the temporary student record.