

December 11, 2019

**RESCIND BOARD REPORT 08-0723-PO3
BEHAVIORAL INTERVENTIONS, PHYSICAL RESTRAINTS AND ISOLATED TIME OUTS FOR
STUDENTS WITH DISABILITIES
AND
ADOPT INTERIM PHYSICAL RESTRAINTS AND TIME OUTS POLICY**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board rescind Board Report 08-0723-PO3 and adopt interim policy as set forth below and will determine any permanent change after the public comment period.

PURPOSE: The purpose of this new policy is to comply with emergency action taken by the Illinois State Board of Education ("ISBE") to ban the use of seclusion and certain physical restraints in Illinois schools and to improve data collection on all instances of time out and physical restraint. ISBE filed emergency rules effective November 20, 2019 (23 Ill. Adm. C. 1.285) and as amended on December 4, 2019. This policy sets forth requirements, restrictions and procedures related to the use of physical restraints and time-outs for all Chicago Public Schools students in accordance with ISBE's emergency rules.

POLICY TEXT:

I. General

- A.** Time out and physical restraint as defined in Emergency Rule 23 Ill. Adm. C. 1.285 shall be used only for therapeutic purposes, or as a means of maintaining a safe environment for learning, to the extent necessary to preserve the safety of students and others.
- B.** Neither time-out nor physical restraint shall be used as a form of punishment.
- C.** When a student experiences three instances of nontherapeutic time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures 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 eligibility, or, for a student already eligible for special education, change in program.
- D.** Any adult who is supervising a student in time out or applying physical restraint shall be trained in de-escalation, restorative practices, and behavior management practices.

II. Physical Restraint

- A.** Physical Restraint means holding a student or otherwise restricting the student's movements. Physical restraint as permitted pursuant to Emergency Rule 23 Ill. Adm. C. 1.285 includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control"). A physical restraint shall not impair a student's ability to breathe or speak normally. Prone or supine physical restraint shall not be permitted, except if all the following criteria is met:
 - 1)** Before using a prone or supine physical restraint, the District or other entity serving the student shall review and determine if there are no known medical or psychological limitations that contradict the use of a prone or supine restraint.
 - 2)** The District or other entity serving the student deems the situation an emergency, defined as a situation in which immediate intervention is needed to protect a student or other individual from imminent danger of

causing serious physical harm to himself, herself, or others and less restrictive and intrusive interventions have been tried and proven ineffective in stopping the imminent danger.

- 3) Prone or supine physical restraint is used in a manner that does not restrict or impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's primary mode of communication.
 - 4) Prone or supine physical restraints are used only by personnel with 4required credentials who have completed required training under this Policy.
 - 5) Prone and supine restraints are used only if those interventions are the least restrictive and intrusive interventions to address the emergency and stop the imminent danger of serious physical harm to the student or others. During each incident, one school staff person trained in identifying the signs of distress must be assigned to observe the student during the entire incident. That staff person may not be involved in the physical holding of the student. The number of staff involved in physically restraining the student may not exceed the number necessary to safely hold the student.
 - 6) The prone or supine physical restraint ends immediately when the threat of imminent serious physical harm ends, but in no event shall prone or supine physical restraint last longer than 30 minutes. If, after 30 minutes, the emergency has not resolved or if an additional emergency arises the same school day that meets the standards under Section II. A. 2. , a school administrator, in consultation with a psychologist, social worker, nurse, or behavior specialist may authorize the continuation of the restraint or an additional prone or supine restraint. No restraint may be continued nor may additional restraints be applied unless it is authorized by a school administrator.
 - 7) If the student is restrained in a prone or supine physical restraint in at least two (2) separate instances within a 30-school day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used. If the personnel involved in the restraints do not include a psychologist, social worker, nurse, or behavior specialist, at least one of those staff members must be included in the review. The review must include, but is not limited to:
 - a) conducting or reviewing a functional behavioral analysis, reviewing data, considering developing additional or revised positive behavioral interventions and supports, considering actions to reduce the use of restrictive procedures, or, if applicable, modifying the individualized educational program or the behavior intervention plan, as appropriate; and
 - b) reviewing any known medical or psychological limitations that contraindicate the use of a restrictive procedure, considering whether to prohibit that restrictive procedure, and, if applicable, documenting any prohibition in the individualized education program or behavior intervention plan
- B.** For students with disabilities, the use of a Physical Restraint must be authorized by, and included in, a student's IEP where deemed appropriate by the student's IEP team. A Physical Restraint shall be used in compliance with a student's IEP. Physical Restraints shall not be used as a means of punishment.

- C. The use of Physical Restraints is prohibited except when (i) authorized by the IEP, (ii) used by trained school staff, (iii) a student poses a physical risk to himself, herself, staff or others, and/or (iv) use of the restraint is not known to be medically contraindicated. Only trained security personnel or other staff who have been appropriately trained in the safe application of Physical Restraints may employ a Physical Restraint with a student.
- D. Effective November 20, 2019, all school staff are required to document any use of physical restraint using the form titled "Physical Restraint and Time-Out Form" attached and available on the ISBE website at <https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf>. The completed form must be:
 - 1) sent to the student's parents or guardians within 24 hours of the use of physical restraint;
 - 2) uploaded into the student's Aspen records (and if a student with disabilities, uploaded into SSM);
 - 3) emailed to CPS ODLSS Department at restrainttimeout@cps.edu; and
 - 4) emailed to ISBE at restrainttimeout@isbe.net within 48 hours of the use of physical restraint.
- E. Nothing herein prevents school personnel from employing a momentary physical intervention in accordance with the Board's Policy on Momentary Physical Interventions with Students.

III. Time-Out

- A. "Time-out" means a behavior management technique that involves the monitored separation of a student from classmates with a trained adult for part of the school day, usually for a brief time, in a non-locked setting.
- B. Effective November 20, 2019, all school staff are required to document any use of time-out using the form titled "Physical Restraint and Time Out Form" attached and available on the ISBE website at <https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf>. The completed form must be:
 - 1) sent to the student's parents or guardians within 24 hours of the use of time out;
 - 2) uploaded into the student's Aspen records (and if a student with disabilities, uploaded into SSM);
 - 3) emailed to CPS ODLSS Department at restrainttimeout@cps.edu; and
 - 4) emailed to ISBE at restrainttimeout@isbe.net within 48 hours of the use of time out.
- C. A trained adult who is responsible for supervising the student must remain with the student at all times 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.
- D. Use of isolated time-out is prohibited.

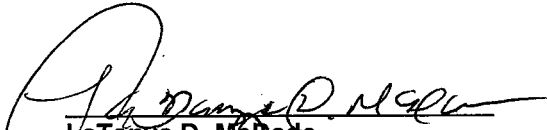
IV. Compliance

School staff shall employ physical restraints and time-outs in accordance with the requirements of this policy and the procedures and guidelines issued by the Chief Executive Officer or designee. These guidelines will include the process the district will use to evaluate any incident that results in an injury to the affected student and an annual review of the use of time-out or physical restraint by CPS school staff.

Employees that violate this Policy, or the procedures and guidelines issued by the Chief Executive Officer or designee, are subject to discipline in accordance with the Board's Employee and Due Process Policy.

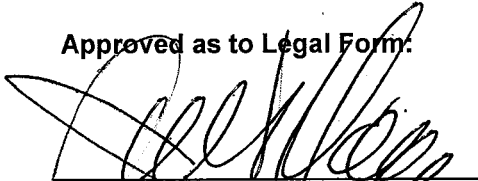
Legal References: 105 ILCS 5/34-18.20; 105 ILCS 5/2-3.130; 105 ILCS 5/14-8.05; 105 ILCS 10-20.33;
Emergency Rule 23 Illinois Administrative Code 1.280, 1.285

Approved for Consideration:




LaTanya D. McDade
Chief Education Officer

Approved as to Legal Form:



Joseph T. Moriarty
General Counsel

Approved:



Janice K. Jackson
Chief Executive Officer



Illinois State Board of Education

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PHYSICAL RESTRAINT AND TIME OUT FORM

Instructions: Per 23 IAC 1.285(f)(1), a written record of each event involving a time out or physical restraint must be maintained in the student's temporary record. Public school districts, private special education schools, special education cooperatives, charter schools, regional safe school programs, and any other educational program serving Illinois public school students must complete this form in its entirety. Written parent notification must occur within 24 hours of the incident. This completed form must be sent to ISBE within 48 hours to restrainttimeout@isbe.net.

STUDENT NAME	DATE OF BIRTH	GRADE
SCHOOL	DISTRICT	
RACE	GENDER	

Does the student have an IEP? Yes No If yes, what is the disability category _____

Does the student have a 504 Plan? Yes No

Physical Restraint Time Out Date of Restraint: _____

Time Restraint Started: _____ Time Restraint Ended: _____ Total Time: _____

Location of Restraint: _____

Date of Time Out: _____ Time Started: _____ Time Ended: _____ Total Time: _____

Location of Time Out: _____

Check Reason for Restraint or Time Out:

- Imminent Danger to Self
 Imminent Danger to Others (Student Staff)

1. Events leading up to the incident:

2. Interventions used prior to implementation of time out or physical restraint (e.g, directives used, removed the trigger, use of proximity control, etc.)

3. Describe the incident or student behavior that resulted in physical restraint (this should be the behavior that posed an imminent threat to self or others):

4. Describe the physical restraint used (check all that apply for incident)

- 1-person child hold in seated position
- 1-person child hold in standing position
- team hold in seated position
- team hold in standing position
- other _____

5. Attach behavior log of student behavior during time out and restraint and any other interaction between the student and staff.

6. Were there any injuries to student or staff or others? Yes No

Describe: _____

7. Date and time evaluated by nurse: _____ Nurse Signature: _____

Nurse Comments:

8. Was there property damage: Yes No

If yes, describe: _____

9. Evaluation by Certified or Trained Staff Member

If an episode of time out exceeds 30 minutes or a physical restraint exceeds 15 minutes or if repeated episodes occur during any three hour time period, a certified staff person knowledgeable about the use of time out or trained in the use of physical restraint must evaluate the situation.

Certified or Trained Staff Member Evaluating the situation: _____

Time of Evaluation: _____

- Did the student require:
- food/water Yes No
 - medication Yes No
 - use of restroom Yes No
 - adjustment in position Yes No (specify: _____)
 - Need for alternate strategies
 - assessment by mental health crisis team
 - assistance from police
 - transportation by ambulance
 - other _____

Was the time out or restraint able to be safely continued? Yes No

Evaluator Notes:

10. Signatures of school personnel who participated in the implementation, monitoring, and supervision of time out or restraint.

- Name _____ Title _____
- Name _____ Title _____
- Name _____ Title _____
- Name _____ Title _____
- Name _____ Title _____

11. Parent Notification: Phone call Email Other Required Written Parent Notification

Date: _____ Time: _____

12. Was a postvention meeting held with the student to process the events leading up to the incident, to develop alternative solutions, and to plan for re-entry into his/her routine: Yes No

By Whom: _____

13. Date and time of the Team Meeting scheduled within 48 hours to discuss recommended changes in approach or follow-up needed:

Date of Team Meeting: _____

Time of Team Meeting: _____

Attendees:

14. Future actions to be taken:

15. If 3rd Incident of Restraint or Time Out, team decided to:

- Refer for Problem-Solving Team Meeting (if not eligible for special education) to determine the extent to which additional or different interventions or supports or service may be needed
- Refer for a Domain Meeting (if not eligible for special education or Section 504 but the team suspects behaviors may be related to a disability)
- Schedule an IEP or 504 Review Meeting (if already eligible) to determine if additional interventions or supports are needed, if current interventions are being properly implemented, and to remedy any denial of FAPE that resulted from the school's use of restraint or time out.
- Other: _____

Date data was submitted into state reporting system: _____ By Whom: _____

Copies of Physical Restraint Form, Behavior Log, and Parent Letter to be filed in School Office Temporary File and submitted to Designated School Administrator.