



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3975

Introduced 1/8/2020, by Rep. Jonathan Carroll - Stephanie A. Kifowit - David McSweeney - Ann M. Williams - Fred Crespo, et al.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.130
105 ILCS 5/10-20.33
105 ILCS 5/34-18.20

Amends the School Code. Prohibits a school district employee or volunteer or an independent contractor of a school district from placing a student in seclusion; defines seclusion. Provides that this prohibition does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district, or in a placement or facility to which other laws or rules apply. Requires State Board of Education rulemaking. Effective immediately.

LRB101 15600 LNS 64947 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 2-3.130, 10-20.33, and 34-18.20 as follows:

6 (105 ILCS 5/2-3.130)

7 Sec. 2-3.130. Time out and physical restraint rules. The
8 State Board of Education shall promulgate rules governing the
9 use of time out and physical restraint in the public schools.
10 The rules shall include provisions prohibiting seclusion as
11 provided under Sections 10-20.33 and 34-18.20 and governing
12 recordkeeping that is required when physical restraint or more
13 restrictive forms of time out are used.

14 (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

15 (105 ILCS 5/10-20.33)

16 Sec. 10-20.33. Seclusion ~~Time out~~ and physical restraint.

17 (a) It is the policy of this State to treat with dignity
18 and respect all students, including students with disabilities
19 who receive special education services under Article 14, and
20 that a student, including a student with a disability who
21 receives special education services under Article 14, may not
22 be confined in an enclosed space, including, but not limited

1 to, a box, a closet, a room, or any other locked or unlocked
2 space, regardless of whether the space was specially designated
3 or utilized as either a discipline management practice or a
4 behavior management technique.

5 In this subsection (a), "seclusion" means a discipline
6 management practice or behavior management technique in which a
7 student is confined in an enclosed space that is designed
8 solely to seclude a person, regardless of space or dimension,
9 whether it is a box, a closet, a room, or any other specially
10 designated locked or unlocked space.

11 A school district employee or volunteer or an independent
12 contractor of a school district, including, but not limited to,
13 any agent acting on behalf or at the direction of a school
14 district employee or volunteer or independent contractor of a
15 school district, may not place a student in seclusion. This
16 subsection (a) does not apply to the use of seclusion in a
17 court-ordered placement, other than a placement in an
18 educational program of a school district, or in a placement or
19 facility to which other laws or rules apply. ~~Until rules are~~
20 ~~adopted under Section 2-3.130 of this Code, the use of any of~~
21 ~~the following rooms or enclosures for time out purposes is~~
22 ~~prohibited:~~

23 ~~(1) a locked room other than one with a locking~~
24 ~~mechanism that engages only when a key or handle is being~~
25 ~~held by a person;~~

26 ~~(2) a confining space such as a closet or box;~~

1 ~~(3) a room where the student cannot be continually~~
2 ~~observed; or~~

3 ~~(4) any other room or enclosure or time out procedure~~
4 ~~that is contrary to current guidelines of the State Board~~
5 ~~of Education.~~

6 (b) The use of physical restraints is prohibited except
7 when (i) the student poses a physical risk to himself, herself,
8 or others, (ii) there is no medical contraindication to its
9 use, and (iii) the staff applying the restraint have been
10 trained in its safe application. For the purposes of this
11 subsection (b) Section, "restraint" does not include momentary
12 periods of physical restriction by direct person-to-person
13 contact, without the aid of material or mechanical devices,
14 accomplished with limited force and that are designed (i) to
15 prevent a student from completing an act that would result in
16 potential physical harm to himself, herself, or another or
17 damage to property or (ii) to remove a disruptive student who
18 is unwilling to voluntarily leave the area. The use of physical
19 restraints that meet the requirements of this Section may be
20 included in a student's individualized education plan where
21 deemed appropriate by the student's individualized education
22 plan team. Whenever physical restraints are used, school
23 personnel shall fully document the incident, including the
24 events leading up to the incident, the type of restraint used,
25 the length of time the student is restrained, and the staff
26 involved. The parents or guardian of a student shall be

1 informed whenever physical restraints are used.

2 (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

3 (105 ILCS 5/34-18.20)

4 Sec. 34-18.20. Seclusion ~~Time out~~ and physical restraint.

5 (a) It is the policy of this State to treat with dignity
6 and respect all students, including students with disabilities
7 who receive special education services under Article 14, and
8 that a student, including a student with a disability who
9 receives special education services under Article 14, may not
10 be confined in an enclosed space, including, but not limited
11 to, a box, a closet, a room, or any other locked or unlocked
12 space, regardless of whether the space was specially designated
13 or utilized as either a discipline management practice or a
14 behavior management technique.

15 In this subsection (a), "seclusion" means a discipline
16 management practice or behavior management technique in which a
17 student is confined in an enclosed space that is designed
18 solely to seclude a person, regardless of space or dimension,
19 whether it is a box, a closet, a room, or any other specially
20 designated locked or unlocked space.

21 A school district employee or volunteer or an independent
22 contractor of a school district, including, but not limited to,
23 any agent acting on behalf or at the direction of a school
24 district employee or volunteer or independent contractor of a
25 school district, may not place a student in seclusion. This

1 subsection (a) does not apply to the use of seclusion in a
2 court-ordered placement, other than a placement in an
3 educational program of a school district, or in a placement or
4 facility to which other laws or rules apply. Until rules are
5 adopted under Section 2-3.130 of this Code, the use of any of
6 the following rooms or enclosures for time out purposes is
7 prohibited:

8 ~~(1) a locked room other than one with a locking~~
9 ~~mechanism that engages only when a key or handle is being~~
10 ~~held by a person;~~

11 ~~(2) a confining space such as a closet or box;~~

12 ~~(3) a room where the student cannot be continually~~
13 ~~observed; or~~

14 ~~(4) any other room or enclosure or time out procedure~~
15 ~~that is contrary to current guidelines of the State Board~~
16 ~~of Education.~~

17 (b) The use of physical restraints is prohibited except
18 when (i) the student poses a physical risk to himself, herself,
19 or others, (ii) there is no medical contraindication to its
20 use, and (iii) the staff applying the restraint have been
21 trained in its safe application. For the purposes of this
22 subsection (b) Section, "restraint" does not include momentary
23 periods of physical restriction by direct person-to-person
24 contact, without the aid of material or mechanical devices,
25 accomplished with limited force and that are designed (i) to
26 prevent a student from completing an act that would result in

1 potential physical harm to himself, herself, or another or
2 damage to property or (ii) to remove a disruptive student who
3 is unwilling to voluntarily leave the area. The use of physical
4 restraints that meet the requirements of this Section may be
5 included in a student's individualized education plan where
6 deemed appropriate by the student's individualized education
7 plan team. Whenever physical restraints are used, school
8 personnel shall fully document the incident, including the
9 events leading up to the incident, the type of restraint used,
10 the length of time the student is restrained, and the staff
11 involved. The parents or guardian of a student shall be
12 informed whenever physical restraints are used.

13 (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.