



Rep. Jonathan Carroll

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10200HB0219ham001

LRB102 10331 CMG 23383 a

1 AMENDMENT TO HOUSE BILL 219

2 AMENDMENT NO. _____. Amend House Bill 219 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/2-3.130)

7 Sec. 2-3.130. Isolated time out, time ~~Time~~ out, and
8 physical restraint rules; grant program; third-party
9 assistance; goals and plans.

10 (a) For purposes of this Section, "isolated time out",
11 "physical restraint", and "time out" have the meanings given
12 to those terms under Section 10-20.33.

13 (b) The State Board of Education shall promulgate rules
14 governing the use of isolated time out, time out, and physical
15 restraint in special education nonpublic facilities and the
16 public schools. The rules shall include provisions governing

1 the documentation and reporting ~~recordkeeping~~ that is required
2 each time these interventions ~~when physical restraint or more~~
3 ~~restrictive forms of time out~~ are used.

4 The rules adopted by the State Board shall include a
5 procedure by which a person who believes a violation of
6 Section 10-20.33 or 34-18.20 has occurred may file a
7 complaint. The rules adopted by the State Board shall include
8 training requirements that must be included in training
9 programs used to train and certify school personnel.

10 The State Board shall establish procedures for progressive
11 enforcement actions to ensure that schools fully comply with
12 the documentation and reporting requirements for isolated time
13 out, time out, and physical restraint established by rule,
14 which shall include meaningful and appropriate sanctions for
15 the failure to comply, including the failure to report to the
16 parent or guardian and to the State Board, the failure to
17 timely report, and the failure to provide detailed
18 documentation.

19 (c) Subject to appropriation, the State Board must create
20 a grant program for school districts and special education
21 cooperatives and charter schools approved by the State Board
22 to implement school-wide, culturally sensitive, and
23 trauma-informed practices, positive behavioral interventions
24 and supports, and restorative practices within a multi-tiered
25 system of support aimed at reducing the need for
26 interventions, such as isolated time out, time out, and

1 physical restraint.

2 (d) Subject to the Illinois Procurement Code, the Illinois
3 School Student Records Act, the Mental Health and
4 Developmental Disabilities Confidentiality Act, and the
5 federal Family Educational Rights and Privacy Act of 1974, the
6 State Board may contract with a third party to provide
7 assistance with the oversight and monitoring of the use of
8 isolated time out, time out, and physical restraint by school
9 districts.

10 (e) The State Board shall establish goals within 90 days
11 after the effective date of this amendatory Act of the 102nd
12 General Assembly, with specific benchmarks, for schools to
13 accomplish the systemic reduction of isolated time out, time
14 out, and physical restraint within 3 years after the effective
15 date of this amendatory Act of the 102nd General Assembly. The
16 State Board shall engage in meaningful consultation with
17 stakeholders to establish the goals, including in the review
18 and evaluation of the data submitted. Each school board shall
19 create a time out and physical restraint oversight team that
20 includes, but is not limited to, teachers, paraprofessionals,
21 school service personnel, and administrators to develop (i) a
22 school-specific plan for reducing and eventually eliminating
23 the use of isolated time out, time out, and physical restraint
24 in accordance with the goals and benchmarks established by the
25 State Board and (ii) procedures to implement the plan
26 developed by the team.

1 The progress toward the reduction and eventual elimination
2 of the use of isolated time out and physical restraint shall be
3 measured by the reduction in the overall number of incidents
4 of those interventions and the total number of students
5 subjected to those interventions. In limited cases, upon
6 written application made by a school district and approved by
7 the State Board based on criteria developed by the State Board
8 to show good cause, the reduction in the use of those
9 interventions may be measured by the frequency of the use of
10 those interventions on individual students and the student
11 population as a whole. The State Board shall specify a date for
12 submission of the plans. School districts shall submit a
13 report once each year for 3 years after the effective date of
14 this amendatory Act of the 102nd General Assembly to the State
15 Board on the progress made toward achieving the goals and
16 benchmarks established by the State Board and modify their
17 plans as necessary to satisfy those goals and benchmarks.
18 School districts shall notify parents and guardians that the
19 plans and reports are available for review. On or before June
20 30, 2023, the State Board shall issue a report to the General
21 Assembly on the progress made by schools to achieve those
22 goals and benchmarks. The required plans shall include, but
23 not be limited to, the specific actions that are to be taken
24 to:

25 (1) reduce and eventually eliminate a reliance on
26 isolated time out, time out, and physical restraint for

1 behavioral interventions and develop noncoercive
2 environments;

3 (2) develop individualized student plans that are
4 oriented toward prevention of the use of isolated time
5 out, time out, and physical restraint with the intent that
6 a plan be separate and apart from a student's
7 individualized education program or a student's plan for
8 services under Section 504 of the federal Rehabilitation
9 Act of 1973;

10 (3) ensure that appropriate school personnel are fully
11 informed of the student's history, including any history
12 of physical or sexual abuse, and other relevant medical
13 and mental health information, except that any disclosure
14 of student information must be consistent with federal and
15 State laws and rules governing student confidentiality and
16 privacy rights; and

17 (4) support a vision for cultural change that
18 reinforces the following:

19 (A) positive behavioral interventions and support
20 rather than isolated time out, time out, and physical
21 restraint;

22 (B) effective ways to de-escalate situations to
23 avoid isolated time out, time out, and physical
24 restraint;

25 (C) crisis intervention techniques that use
26 alternatives to isolated time out, time out, and

1 physical restraint; and

2 (D) use of debriefing meetings to reassess what
3 occurred and why it occurred and to think through ways
4 to prevent use of the intervention the next time.

5 (f) A school is exempt from the requirement to submit a
6 plan and the annual reports under subsection (e) if the school
7 is able to demonstrate to the satisfaction of the State Board
8 that (i) within the previous 3 years, the school district has
9 never engaged in the use of isolated time out, time out, or
10 physical restraint and (ii) the school has adopted a written
11 policy that prohibits the use isolated time out, time out, and
12 physical restraint on a student and is able to demonstrate the
13 enforcement of that policy.

14 (g) The State Board shall establish a system of ongoing
15 review, auditing, and monitoring to ensure that schools comply
16 with the documentation and reporting requirements and meet the
17 State Board's established goals and benchmarks for reducing
18 and eventually eliminating the use of isolated time out, time
19 out, and physical restraint.

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

21 (105 ILCS 5/10-20.33)

22 Sec. 10-20.33. Time out, isolated time out, and physical
23 restraint, and necessities; limitations and prohibitions.

24 (a) The General Assembly finds and declares that the use
25 of isolated time out, time out, and physical restraint on

1 children and youth carries risks to the health and safety of
2 students and staff; therefore, the ultimate goal is to reduce
3 and eventually eliminate the use of those interventions. The
4 General Assembly also finds and declares that the State Board
5 of Education must take affirmative action to lead and support
6 schools in transforming the school culture to reduce and
7 eliminate the use of all such interventions over time.

8 (b) In this Section:

9 "Chemical restraint" means the use of medication to
10 control a student's behavior or to restrict a student's
11 freedom of movement. "Chemical restraint" does not include
12 medication that is legally prescribed and administered as part
13 of a student's regular medical regimen to manage behavioral
14 symptoms and treat medical symptoms.

15 "Isolated time out" means the involuntary confinement of a
16 student alone in a time out room or other enclosure outside of
17 the classroom without a supervising adult in the time out room
18 or enclosure.

19 "Isolated time out" or "time out" does not include a
20 student-initiated or student-requested break, a
21 student-initiated sensory break or a teacher-initiated sensory
22 break that may include a sensory room containing sensory tools
23 to assist a student to calm and de-escalate, an in-school
24 suspension or detention, or any other appropriate disciplinary
25 measure, including the student's brief removal to the hallway
26 or similar environment.

1 "Mechanical restraint" means the use of any device or
2 equipment to limit a student's movement or to hold a student
3 immobile. "Mechanical restraint" does not include any
4 restraint used to (i) treat a student's medical needs; (ii)
5 protect a student who is known to be at risk of injury
6 resulting from a lack of coordination or frequent loss of
7 consciousness; (iii) position a student with physical
8 disabilities in a manner specified in the student's
9 individualized education program, federal Section 504 plan, or
10 other plan of care; (iv) provide a supplementary aid, service,
11 or accommodation, including, but not limited to, assistive
12 technology that provides proprioceptive input or aids in
13 self-regulation; or (v) promote student safety in vehicles
14 used to transport students.

15 "Physical restraint" or "restraint" means holding a
16 student or otherwise restricting a student's movements.
17 "Physical restraint" or "restraint" does not include momentary
18 periods of physical restriction by direct person to person
19 contact, without the aid of material or mechanical devices,
20 that are accomplished with limited force and that are designed
21 to prevent a student from completing an act that would result
22 in potential physical harm to himself, herself, or another or
23 damage to property.

24 "Prone physical restraint" means a physical restraint in
25 which a student is held face down on the floor or other surface
26 and physical pressure is applied to the student's body to keep

1 the student in the prone position.

2 "Time out" means a behavior management technique for the
3 purpose of calming or de-escalation that involves the
4 involuntary monitored separation of a student from classmates
5 with a trained adult for part of the school day, only for a
6 brief time, in a nonlocked setting.

7 (c) Isolated time out, time out, and physical restraint,
8 other than prone physical restraint, may be used only if (i)
9 the student's behavior presents an imminent danger of serious
10 physical harm to the student or to others; (ii) other less
11 restrictive and intrusive measures have been tried and have
12 proven to be ineffective in stopping the imminent danger of
13 serious physical harm; (iii) there is no known medical
14 contraindication to its use on the student; and (iv) the
15 school staff member or members applying the use of time out,
16 isolated time out, or physical restraint on a student have
17 been trained in its safe application, as established by rule
18 by the State Board of Education. Isolated time out is allowed
19 only under limited circumstances as set forth in this Section.
20 If all other requirements under this Section are met, isolated
21 time out may be used only if the adult in the time out room or
22 enclosure is in imminent danger of serious physical harm
23 because the student is unable to cease actively engaging in
24 extreme physical aggression.

25 Mechanical restraint and chemical restraint are
26 prohibited. Prone restraint is prohibited except in special

1 education nonpublic facilities if all of the following
2 conditions are satisfied:

3 (1) The student's Behavior Intervention Plan
4 specifically allows for prone restraint of the student.

5 (2) The Behavior Intervention Plan was put into place
6 before January 1, 2021.

7 (3) The student's Behavior Intervention Plan has been
8 approved by the IEP team.

9 (4) The school staff member or staff members applying
10 the use of prone restraint on a student have been trained
11 in its safe application as established by rule by the
12 State Board of Education.

13 (5) The special education nonpublic facility must be
14 able to document and demonstrate to the IEP team that the
15 use of other de-escalation techniques provided for in the
16 student's Behavior Intervention Plan were ineffective.

17 (6) The use of prone restraint occurs within the
18 calendar years of 2021 and 2022.

19 All instances of the utilization of prone restraint
20 must be reported in accordance with the provisions of this
21 Amendatory Act of the 102nd General Assembly. Nothing in
22 this Section shall prohibit the State Board of Education
23 from adopting administrative rules that further restrict
24 or disqualify the use of prone restraint.

25 (d) The ~~Until rules are adopted under Section 2-3.130 of~~
26 ~~this Code, the~~ use of any of the following rooms or enclosures

1 for an isolated time out or time out purposes is prohibited:

2 (1) a locked room or a room in which the door is
3 obstructed, prohibiting it from opening ~~other than one~~
4 ~~with a locking mechanism that engages only when a key or~~
5 ~~handle is being held by a person;~~

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

7 (3) a room where the student cannot be continually
8 observed; or

9 (4) any other room or enclosure or time out procedure
10 that is contrary to current rules adopted by ~~guidelines of~~
11 the State Board of Education.

12 (e) The deprivation of necessities needed to sustain the
13 health of a person, including, without limitation, the denial
14 or unreasonable delay in the provision of the following, is
15 prohibited:

16 (1) food or liquid at a time when it is customarily
17 served;

18 (2) medication; or

19 (3) the use of a restroom.

20 (f) (Blank). ~~The use of physical restraints is prohibited~~
21 ~~except when (i) the student poses a physical risk to himself,~~
22 ~~herself, or others, (ii) there is no medical contraindication~~
23 ~~to its use, and (iii) the staff applying the restraint have~~
24 ~~been trained in its safe application. For the purposes of this~~
25 ~~Section, "restraint" does not include momentary periods of~~
26 ~~physical restriction by direct person to person contact,~~

1 ~~without the aid of material or mechanical devices,~~
2 ~~accomplished with limited force and that are designed (i) to~~
3 ~~prevent a student from completing an act that would result in~~
4 ~~potential physical harm to himself, herself, or another or~~
5 ~~damage to property or (ii) to remove a disruptive student who~~
6 ~~is unwilling to voluntarily leave the area. The use of~~
7 ~~physical restraints that meet the requirements of this Section~~
8 ~~may be included in a student's individualized education plan~~
9 ~~where deemed appropriate by the student's individualized~~
10 ~~education plan team.~~

11 (g) Following each incident of isolated time out, time
12 out, or physical restraint, but no later than 2 school days
13 after the incident, the principal or another designated
14 administrator shall notify the student's parent or guardian
15 that he or she may request a meeting with appropriate school
16 personnel to discuss the incident. This meeting shall be held
17 separate and apart from meetings held in accordance with the
18 student's individualized education program or from meetings
19 held in accordance with the student's plan for services under
20 Section 504 of the federal Rehabilitation Act of 1973. If a
21 parent or guardian requests a meeting, the meeting shall be
22 convened within 2 school days after the request, provided that
23 the 2-school day limitation shall be extended if requested by
24 the parent or guardian. The parent or guardian may also
25 request that the meeting be convened via telephone or video
26 conference.

1 The meeting shall include the student, if appropriate, at
2 least one school staff member involved in the incident of
3 isolated time out, time out, or physical restraint, the
4 student's parent or guardian, and at least one appropriate
5 school staff member not involved in the incident of isolated
6 time out, time out, or physical restraint, such as a social
7 worker, psychologist, nurse, or behavioral specialist. During
8 the meeting, the school staff member or members involved in
9 the incident of isolated time out, time out, or physical
10 restraint, the student, and the student's parent or guardian,
11 if applicable, shall be provided an opportunity to describe
12 (i) the events that occurred prior to the incident of isolated
13 time out, time out, or physical restraint and any actions that
14 were taken by school personnel or the student leading up to the
15 incident; (ii) the incident of isolated time out, time out, or
16 physical restraint; and (iii) the events that occurred or the
17 actions that were taken following the incident of isolated
18 time out, time out, or physical restraint and whether the
19 student returned to regular school activities and, if not, how
20 the student spent the remainder of the school day. All parties
21 present at the meeting shall have the opportunity to discuss
22 what school personnel could have done differently to avoid the
23 incident of isolated time out, time out, or physical restraint
24 and what alternative courses of action, if any, the school can
25 take to support the student and to avoid the future use of
26 isolated time out, time out, or physical restraint. At no

1 point may a student be excluded from school solely because a
2 meeting has not occurred.

3 A summary of the meeting and any agreements or conclusions
4 reached during the meeting shall be documented in writing and
5 shall become part of the student's school record. A copy of the
6 documents shall be provided to the student's parent or
7 guardian. If a parent or guardian does not request a meeting
8 within 10 school days after the school has provided the
9 documents to the parent or guardian or if a parent or guardian
10 fails to attend a requested meeting, that fact shall be
11 documented as part of the student's school record.

12 (h) Whenever isolated time out, time out, or physical
13 restraint is used ~~physical restraints are used,~~ school
14 personnel shall fully document and report to the State Board
15 of Education the incident, including the events leading up to
16 the incident, what alternative measures that are less
17 restrictive and intrusive were used prior to the use of
18 isolated time out, time out, or physical restraint, why those
19 measures were ineffective or deemed inappropriate, the type of
20 restraint, isolated time out, or time out that was used, the
21 length of time the student was in isolated time out or time out
22 or was ~~is~~ restrained, and the staff involved. The parents or
23 guardian of a student and the State Superintendent of
24 Education shall be informed whenever isolated time out, time
25 out, or physical restraint is ~~restraints are~~ used.

26 Schools shall provide parents and guardians with the

1 following information, to be developed by the State Board and
2 which may be incorporated into the State Board's prescribed
3 physical restraint and time out form at the discretion of the
4 State Board, after each incident in which isolated time out,
5 time out, or physical restraint is used during the school
6 year, in printed form or, upon the written request of the
7 parent or guardian, by email:

8 (1) a copy of the standards for when isolated time
9 out, time out, and physical restraint can be used;

10 (2) information about the rights of parents,
11 guardians, and students; and

12 (3) information about the parent's or guardian's right
13 to file a complaint with the State Superintendent of
14 Education, the complaint process, and other information to
15 assist the parent or guardian in navigating the complaint
16 process.

17 (i) Any use of isolated time out, time out, or physical
18 restraint that is permitted by a school board's policy shall
19 be implemented in accordance with written procedures.

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

21 (105 ILCS 5/34-18.20)

22 Sec. 34-18.20. Time out, isolated time out, and physical
23 restraint, and necessities; limitations and prohibitions.

24 (a) The General Assembly finds and declares that the use
25 of isolated time out, time out, and physical restraint on

1 children and youth carries risks to the health and safety of
2 students and staff; therefore, the ultimate goal is to reduce
3 and eventually eliminate the use of those interventions. The
4 General Assembly also finds and declares that the State Board
5 of Education must take affirmative action to lead and support
6 schools in transforming the school culture to reduce and
7 eliminate the use of all such interventions over time.

8 (b) In this Section:

9 "Chemical restraint" means the use of medication to
10 control a student's behavior or to restrict a student's
11 freedom of movement. "Chemical restraint" does not include
12 medication that is legally prescribed and administered as part
13 of a student's regular medical regimen to manage behavioral
14 symptoms and treat medical symptoms.

15 "Isolated time out" means the involuntary confinement of a
16 student alone in a time out room or other enclosure outside of
17 the classroom without a supervising adult in the time out room
18 or enclosure.

19 "Isolated time out" or "time out" does not include a
20 student-initiated or student-requested break, a
21 student-initiated sensory break or a teacher-initiated sensory
22 break that may include a sensory room containing sensory tools
23 to assist a student to calm and de-escalate, an in-school
24 suspension or detention, or any other appropriate disciplinary
25 measure, including the student's brief removal to the hallway
26 or similar environment.

1 "Mechanical restraint" means the use of any device or
2 equipment to limit a student's movement or to hold a student
3 immobile. "Mechanical restraint" does not include any
4 restraint used to (i) treat a student's medical needs; (ii)
5 protect a student who is known to be at risk of injury
6 resulting from a lack of coordination or frequent loss of
7 consciousness; (iii) position a student with physical
8 disabilities in a manner specified in the student's
9 individualized education program, federal Section 504 plan, or
10 other plan of care; (iv) provide a supplementary aid, service,
11 or accommodation, including, but not limited to, assistive
12 technology that provides proprioceptive input or aids in
13 self-regulation; or (v) promote student safety in vehicles
14 used to transport students.

15 "Physical restraint" or "restraint" means holding a
16 student or otherwise restricting a student's movements.
17 "Physical restraint" or "restraint" does not include momentary
18 periods of physical restriction by direct person to person
19 contact, without the aid of material or mechanical devices,
20 that are accomplished with limited force and that are designed
21 to prevent a student from completing an act that would result
22 in potential physical harm to himself, herself, or another or
23 damage to property.

24 "Prone physical restraint" means a physical restraint in
25 which a student is held face down on the floor or other surface
26 and physical pressure is applied to the student's body to keep

1 the student in the prone position.

2 "Time out" means a behavior management technique for the
3 purpose of calming or de-escalation that involves the
4 involuntary monitored separation of a student from classmates
5 with a trained adult for part of the school day, only for a
6 brief time, in a nonlocked setting.

7 (c) Isolated time out, time out, and physical restraint,
8 other than prone physical restraint, may be used only if (i)
9 the student's behavior presents an imminent danger of serious
10 physical harm to the student or to others; (ii) other less
11 restrictive and intrusive measures have been tried and have
12 proven to be ineffective in stopping the imminent danger of
13 serious physical harm; (iii) there is no known medical
14 contraindication to its use on the student; and (iv) the
15 school staff member or members applying the use of time out,
16 isolated time out, or physical restraint on a student have
17 been trained in its safe application, as established by rule
18 by the State Board of Education. Isolated time out is allowed
19 only under limited circumstances as set forth in this Section.
20 If all other requirements under this Section are met, isolated
21 time out may be used only if the adult in the time out room or
22 enclosure is in imminent danger of serious physical harm
23 because the student is unable to cease actively engaging in
24 extreme physical aggression.

25 Mechanical restraint and chemical restraint are
26 prohibited. Prone restraint is prohibited except in special

1 education nonpublic facilities if all of the following
2 conditions are satisfied:

3 (1) The student's Behavior Intervention Plan
4 specifically allows for prone restraint of the student.

5 (2) The Behavior Intervention Plan was put into place
6 before January 1, 2021.

7 (3) The student's Behavior Intervention Plan has been
8 approved by the IEP team.

9 (4) The school staff member or staff members applying
10 the use of prone restraint on a student have been trained
11 in its safe application as established by rule by the
12 State Board of Education.

13 (5) The special education nonpublic facility must be
14 able to document and demonstrate to the IEP team that the
15 use of other de-escalation techniques provided for in the
16 student's Behavior Intervention Plan were ineffective.

17 (6) The use of prone restraint occurs within the
18 calendar years of 2021 and 2022.

19 All instances of the utilization of prone restraint
20 must be reported in accordance with the provisions of this
21 Amendatory Act of the 102nd General Assembly. Nothing in
22 this Section shall prohibit the State Board of Education
23 from adopting administrative rules that further restrict
24 or disqualify the use of prone restraint.

25 (d) The ~~Until rules are adopted under Section 2-3.130 of~~
26 ~~this Code, the~~ use of any of the following rooms or enclosures

1 for an isolated time out or time out purposes is prohibited:

2 (1) a locked room or a room in which the door is
3 obstructed, prohibiting it from opening ~~other than one~~
4 ~~with a locking mechanism that engages only when a key or~~
5 ~~handle is being held by a person;~~

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

7 (3) a room where the student cannot be continually
8 observed; or

9 (4) any other room or enclosure or time out procedure
10 that is contrary to current rules adopted by ~~guidelines of~~
11 the State Board of Education.

12 (e) The deprivation of necessities needed to sustain the
13 health of a person, including, without limitation, the denial
14 or unreasonable delay in the provision of the following, is
15 prohibited:

16 (1) food or liquid at a time when it is customarily
17 served;

18 (2) medication; or

19 (3) the use of a restroom.

20 (f) (Blank). ~~The use of physical restraints is prohibited~~
21 ~~except when (i) the student poses a physical risk to himself,~~
22 ~~herself, or others, (ii) there is no medical contraindication~~
23 ~~to its use, and (iii) the staff applying the restraint have~~
24 ~~been trained in its safe application. For the purposes of this~~
25 ~~Section, "restraint" does not include momentary periods of~~
26 ~~physical restriction by direct person to person contact,~~

1 ~~without the aid of material or mechanical devices,~~
2 ~~accomplished with limited force and that are designed (i) to~~
3 ~~prevent a student from completing an act that would result in~~
4 ~~potential physical harm to himself, herself, or another or~~
5 ~~damage to property or (ii) to remove a disruptive student who~~
6 ~~is unwilling to voluntarily leave the area. The use of~~
7 ~~physical restraints that meet the requirements of this Section~~
8 ~~may be included in a student's individualized education plan~~
9 ~~where deemed appropriate by the student's individualized~~
10 ~~education plan team.~~

11 (g) Following each incident of isolated time out, time
12 out, or physical restraint, but no later than 2 school days
13 after the incident, the principal or another designated
14 administrator shall notify the student's parent or guardian
15 that he or she may request a meeting with appropriate school
16 personnel to discuss the incident. This meeting shall be held
17 separate and apart from meetings held in accordance with the
18 student's individualized education program or from meetings
19 held in accordance with the student's plan for services under
20 Section 504 of the federal Rehabilitation Act of 1973. If a
21 parent or guardian requests a meeting, the meeting shall be
22 convened within 2 school days after the request, provided that
23 the 2-school day limitation shall be extended if requested by
24 the parent or guardian. The parent or guardian may also
25 request that the meeting be convened via telephone or video
26 conference.

1 The meeting shall include the student, if appropriate, at
2 least one school staff member involved in the incident of
3 isolated time out, time out, or physical restraint, the
4 student's parent or guardian, and at least one appropriate
5 school staff member not involved in the incident of isolated
6 time out, time out, or physical restraint, such as a social
7 worker, psychologist, nurse, or behavioral specialist. During
8 the meeting, the school staff member or members involved in
9 the incident of isolated time out, time out, or physical
10 restraint, the student, and the student's parent or guardian,
11 if applicable, shall be provided an opportunity to describe
12 (i) the events that occurred prior to the incident of isolated
13 time out, time out, or physical restraint and any actions that
14 were taken by school personnel or the student leading up to the
15 incident; (ii) the incident of isolated time out, time out, or
16 physical restraint; and (iii) the events that occurred or the
17 actions that were taken following the incident of isolated
18 time out, time out, or physical restraint and whether the
19 student returned to regular school activities and, if not, how
20 the student spent the remainder of the school day. All parties
21 present at the meeting shall have the opportunity to discuss
22 what school personnel could have done differently to avoid the
23 incident of isolated time out, time out, or physical restraint
24 and what alternative courses of action, if any, the school can
25 take to support the student and to avoid the future use of
26 isolated time out, time out, or physical restraint. At no

1 point may a student be excluded from school solely because a
2 meeting has not occurred.

3 A summary of the meeting and any agreements or conclusions
4 reached during the meeting shall be documented in writing and
5 shall become part of the student's school record. A copy of the
6 documents shall be provided to the student's parent or
7 guardian. If a parent or guardian does not request a meeting
8 within 10 school days after the school has provided the
9 documents to the parent or guardian or if a parent or guardian
10 fails to attend a requested meeting, that fact shall be
11 documented as part of the student's school record.

12 (h) Whenever isolated time out, time out, or physical
13 restraint is used ~~physical restraints are used,~~ school
14 personnel shall fully document and report to the State Board
15 of Education the incident, including the events leading up to
16 the incident, what alternative measures that are less
17 restrictive and intrusive were used prior to the use of
18 isolated time out, time out, or physical restraint, why those
19 measures were ineffective or deemed inappropriate, the type of
20 restraint, isolated time out, or time out that was used, the
21 length of time the student was in isolated time out or time out
22 or was ~~is~~ restrained, and the staff involved. The parents or
23 guardian of a student and the State Superintendent of
24 Education shall be informed whenever isolated time out, time
25 out, or physical restraint is ~~restraints are~~ used.

26 Schools shall provide parents and guardians with the

1 following information, to be developed by the State Board and
2 which may be incorporated into the State Board's prescribed
3 physical restraint and time out form at the discretion of the
4 State Board, after each incident in which isolated time out,
5 time out, or physical restraint is used during the school
6 year, in printed form or, upon the written request of the
7 parent or guardian, by email:

8 (1) a copy of the standards for when isolated time
9 out, time out, and physical restraint can be used;

10 (2) information about the rights of parents,
11 guardians, and students; and

12 (3) information about the parent's or guardian's right
13 to file a complaint with the State Superintendent of
14 Education, the complaint process, and other information to
15 assist the parent or guardian in navigating the complaint
16 process.

17 (i) Any use of isolated time out, time out, or physical
18 restraint that is permitted by the board's policy shall be
19 implemented in accordance with written procedures.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."