



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2296

Introduced 2/26/2021, by Sen. Ann Gillespie

#### 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. Makes changes concerning the adoption of rules by the State Board of Education governing time out and physical restraint in the public schools. Subject to appropriation, requires the State Board to create a grant program for school districts and special education cooperatives and charter schools to implement school-wide, culturally sensitive, and trauma-informed practices, positive behavioral interventions and supports, and restorative practices. Allows the State Board to contract with a third party to provide assistance with oversight and monitoring, and requires the State Board to establish reduction goals and a system of ongoing review, auditing, and monitoring. Makes changes in provisions concerning a school board's use of time out and physical restraint, including providing that isolated time out, time out, and physical restraint may be used only under certain circumstances, prohibiting the deprivation of necessities and prone, mechanical, and chemical restraint, and requiring a meeting with school personnel if requested by the parent or guardian, the provision of information to parents and guardians, and written procedures. Effective immediately.

LRB102 15797 CMG 21164 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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. 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 the public schools. The rules shall include  
16 provisions governing the documentation and reporting  
17 recordkeeping that is required each time these interventions  
18 when physical restraint or more restrictive forms of time out  
19 are used.

20 The rules adopted by the State Board shall include a  
21 procedure by which a person who believes a violation of  
22 Section 10-20.33 or 34-18.20 has occurred may file a  
23 complaint. The rules adopted by the State Board shall include

1 training requirements that must be included in training  
2 programs used to train and certify school personnel.

3 The State Board shall establish procedures for progressive  
4 enforcement actions to ensure that schools fully comply with  
5 the documentation and reporting requirements for isolated time  
6 out, time out, and physical restraint established by rule,  
7 which shall include meaningful and appropriate sanctions for  
8 the failure to comply, including the failure to report to the  
9 parent or guardian and to the State Board, the failure to  
10 timely report, and the failure to provide detailed  
11 documentation.

12 (c) Subject to appropriation, the State Board must create  
13 a grant program for school districts and special education  
14 cooperatives and charter schools approved by the State Board  
15 to implement school-wide, culturally sensitive, and  
16 trauma-informed practices, positive behavioral interventions  
17 and supports, and restorative practices within a multi-tiered  
18 system of support aimed at reducing the need for  
19 interventions, such as isolated time out, time out, and  
20 physical restraint.

21 (d) Subject to the Illinois Procurement Code, the Illinois  
22 School Student Records Act, the Mental Health and  
23 Developmental Disabilities Confidentiality Act, and the  
24 federal Family Educational Rights and Privacy Act of 1974, the  
25 State Board may contract with a third party to provide  
26 assistance with the oversight and monitoring of the use of

1 isolated time out, time out, and physical restraint by school  
2 districts.

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

20 The progress toward the reduction and eventual elimination  
21 of the use of isolated time out and physical restraint shall be  
22 measured by the reduction in the overall number of incidents  
23 of those interventions and the total number of students  
24 subjected to those interventions. In limited cases, upon  
25 written application made by a school district and approved by  
26 the State Board based on criteria developed by the State Board

1 to show good cause, the reduction in the use of those  
2 interventions may be measured by the frequency of the use of  
3 those interventions on individual students and the student  
4 population as a whole. The State Board shall specify a date for  
5 submission of the plans. School districts shall submit a  
6 report once each year for 3 years after the effective date of  
7 this amendatory Act of the 102nd General Assembly to the State  
8 Board on the progress made toward achieving the goals and  
9 benchmarks established by the State Board and modify their  
10 plans as necessary to satisfy those goals and benchmarks.  
11 School districts shall notify parents and guardians that the  
12 plans and reports are available for review. On or before June  
13 30, 2023, the State Board shall issue a report to the General  
14 Assembly on the progress made by schools to achieve those  
15 goals and benchmarks. The required plans shall include, but  
16 not be limited to, the specific actions that are to be taken  
17 to:

18 (1) reduce and eventually eliminate a reliance on  
19 isolated time out, time out, and physical restraint for  
20 behavioral interventions and develop noncoercive  
21 environments;

22 (2) develop individualized student plans that are  
23 oriented toward prevention of the use of isolated time  
24 out, time out, and physical restraint with the intent that  
25 a plan be separate and apart from a student's  
26 individualized education program or a student's plan for

1 services under Section 504 of the federal Rehabilitation  
2 Act of 1973;

3 (3) ensure that appropriate school personnel are fully  
4 informed of the student's history, including any history  
5 of physical or sexual abuse, and other relevant medical  
6 and mental health information, except that any disclosure  
7 of student information must be consistent with federal and  
8 State laws and rules governing student confidentiality and  
9 privacy rights; and

10 (4) support a vision for cultural change that  
11 reinforces the following:

12 (A) positive behavioral interventions and support  
13 rather than isolated time out, time out, and physical  
14 restraint;

15 (B) effective ways to de-escalate situations to  
16 avoid isolated time out, time out, and physical  
17 restraint;

18 (C) crisis intervention techniques that utilize  
19 alternatives to isolated time out, time out, and  
20 physical restraint; and

21 (D) use of debriefing meetings to reassess what  
22 occurred and why it occurred and to think through ways  
23 to prevent use of the intervention the next time.

24 (f) A school is exempt from the requirement to submit a  
25 plan and the annual reports under subsection (e) if the school  
26 is able to demonstrate to the satisfaction of the State Board

1 that (i) within the previous 3 years, the school district has  
2 never engaged in the use of isolated time out, time out, or  
3 physical restraint and (ii) the school has adopted a written  
4 policy that prohibits the use isolated time out, time out, and  
5 physical restraint on a student and is able to demonstrate the  
6 enforcement of that policy.

7 (g) The State Board shall establish a system of ongoing  
8 review, auditing, and monitoring to ensure that schools comply  
9 with the documentation and reporting requirements and meet the  
10 State Board's established goals and benchmarks for reducing  
11 and eventually eliminating the use of isolated time out, time  
12 out, and physical restraint.

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

14 (105 ILCS 5/10-20.33)

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

17 (a) The General Assembly finds and declares that the use  
18 of isolated time out, time out, and physical restraint on  
19 children and youth carries risks to the health and safety of  
20 students and staff; therefore, the ultimate goal is to reduce  
21 and eventually eliminate the use of those interventions. The  
22 General Assembly also finds and declares that the State Board  
23 of Education must take affirmative action to lead and support  
24 schools in transforming the school culture to reduce and  
25 eliminate the use of all such interventions over time.

1           (b) In this Section:

2           "Chemical restraint" means the use of medication to  
3 control a student's behavior or to restrict a student's  
4 freedom of movement. "Chemical restraint" does not include  
5 medication that is legally prescribed and administered as part  
6 of a student's regular medical regimen to manage behavioral  
7 symptoms and treat medical symptoms.

8           "Isolated time out" means the involuntary confinement of a  
9 student alone in a time out room or other enclosure outside of  
10 the classroom without a supervising adult in the time out room  
11 or enclosure.

12           "Isolated time out" or "time out" does not include a  
13 student-initiated or student-requested break, a  
14 student-initiated sensory break or a teacher-initiated sensory  
15 break that may include a sensory room containing sensory tools  
16 to assist a student to calm and de-escalate, an in-school  
17 suspension or detention, or any other appropriate disciplinary  
18 measure, including the student's brief removal to the hallway  
19 or similar environment.

20           "Mechanical restraint" means the use of any device or  
21 equipment to limit a student's movement or to hold a student  
22 immobile. "Mechanical restraint" does not include any  
23 restraint used to (i) treat a student's medical needs; (ii)  
24 protect a student who is known to be at risk of injury  
25 resulting from a lack of coordination or frequent loss of  
26 consciousness; (iii) position a student with physical



1 disabilities in a manner specified in the student's  
2 individualized education program, federal Section 504 plan, or  
3 other plan of care; (iv) provide a supplementary aid, service,  
4 or accommodation, including, but not limited to, assistive  
5 technology that provides proprioceptive input or aids in  
6 self-regulation; or (v) promote student safety in vehicles  
7 used to transport students.

8 "Physical restraint" or "restraint" means holding a  
9 student or otherwise restricting a student's movements.

10 "Physical restraint" or "restraint" does not include momentary  
11 periods of physical restriction by direct person to person  
12 contact, without the aid of material or mechanical devices,  
13 that are accomplished with limited force and that are designed  
14 to prevent a student from completing an act that would result  
15 in potential physical harm to himself, herself, or another or  
16 damage to property.

17 "Prone physical restraint" means a physical restraint in  
18 which a student is held face down on the floor or other surface  
19 and physical pressure is applied to the student's body to keep  
20 the student in the prone position.

21 "Time out" means a behavior management technique for the  
22 purpose of calming or de-escalation that involves the  
23 involuntary monitored separation of a student from classmates  
24 with a trained adult for part of the school day, only for a  
25 brief time, in a non-locked setting.

26 (c) Isolated time out, time out, and physical restraint,

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

18 Prone restraint, mechanical restraint, and chemical  
19 restraint are prohibited.

20 ~~(d) The Until rules are adopted under Section 2-3.130 of~~  
21 ~~this Code, the use of any of the following rooms or enclosures~~  
22 ~~for an isolated time out or time out purposes is prohibited:~~

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

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

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

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

7 (e) The deprivation of necessities needed to sustain the  
8 health of a person, including, without limitation, the denial  
9 or unreasonable delay in the provision of the following, is  
10 prohibited:

11 (1) food or liquid at a time when it is customarily  
12 served;

13 (2) medication; or

14 (3) the use of a restroom.

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

1 ~~is unwilling to voluntarily leave the area. The use of~~  
2 ~~physical restraints that meet the requirements of this Section~~  
3 ~~may be included in a student's individualized education plan~~  
4 ~~where deemed appropriate by the student's individualized~~  
5 ~~education plan team.~~

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

22 The meeting shall include the student, if appropriate, at  
23 least one school staff member involved in the incident of  
24 isolated time out, time out, or physical restraint, the  
25 student's parent or guardian, and at least one appropriate  
26 school staff member not involved in the incident of isolated

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

24 A summary of the meeting and any agreements or conclusions  
25 reached during the meeting shall be documented in writing and  
26 shall become part of the student's school record. A copy of the

1 documents shall be provided to the student's parent or  
2 guardian. If a parent or guardian does not request a meeting  
3 within 10 school days after the school has provided the  
4 documents to the parent or guardian or if a parent or guardian  
5 fails to attend a requested meeting, that fact shall be  
6 documented as part of the student's school record.

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

21 Schools shall provide parents and guardians with the  
22 following information, to be developed by the State Board and  
23 which may be incorporated into the State Board's prescribed  
24 physical restraint and time out form at the discretion of the  
25 State Board, after each incident in which isolated time out,  
26 time out, or physical restraint is used during the school

1 year, in printed form or, upon the written request of the  
2 parent or guardian, by email:

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

5 (2) information about the rights of parents,  
6 guardians, and students; and

7 (3) information about the parent's or guardian's right  
8 to file a complaint with the State Superintendent of  
9 Education, the complaint process, and other information to  
10 assist the parent or guardian in navigating the complaint  
11 process.

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

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

16 (105 ILCS 5/34-18.20)

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

19 (a) The General Assembly finds and declares that the use  
20 of isolated time out, time out, and physical restraint on  
21 children and youth carries risks to the health and safety of  
22 students and staff; therefore, the ultimate goal is to reduce  
23 and eventually eliminate the use of those interventions. The  
24 General Assembly also finds and declares that the State Board  
25 of Education must take affirmative action to lead and support

1 schools in transforming the school culture to reduce and  
2 eliminate the use of all such interventions over time.

3 (b) In this Section:

4 "Chemical restraint" means the use of medication to  
5 control a student's behavior or to restrict a student's  
6 freedom of movement. "Chemical restraint" does not include  
7 medication that is legally prescribed and administered as part  
8 of a student's regular medical regimen to manage behavioral  
9 symptoms and treat medical symptoms.

10 "Isolated time out" means the involuntary confinement of a  
11 student alone in a time out room or other enclosure outside of  
12 the classroom without a supervising adult in the time out room  
13 or enclosure.

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

22 "Mechanical restraint" means the use of any device or  
23 equipment to limit a student's movement or to hold a student  
24 immobile. "Mechanical restraint" does not include any  
25 restraint used to (i) treat a student's medical needs; (ii)  
26 protect a student who is known to be at risk of injury



1 resulting from a lack of coordination or frequent loss of  
2 consciousness; (iii) position a student with physical  
3 disabilities in a manner specified in the student's  
4 individualized education program, federal Section 504 plan, or  
5 other plan of care; (iv) provide a supplementary aid, service,  
6 or accommodation, including, but not limited to, assistive  
7 technology that provides proprioceptive input or aids in  
8 self-regulation; or (v) promote student safety in vehicles  
9 used to transport students.

10 "Physical restraint" or "restraint" means holding a  
11 student or otherwise restricting a student's movements.

12 "Physical restraint" or "restraint" does not include momentary  
13 periods of physical restriction by direct person to person  
14 contact, without the aid of material or mechanical devices,  
15 that are accomplished with limited force and that are designed  
16 to prevent a student from completing an act that would result  
17 in potential physical harm to himself, herself, or another or  
18 damage to property.

19 "Prone physical restraint" means a physical restraint in  
20 which a student is held face down on the floor or other surface  
21 and physical pressure is applied to the student's body to keep  
22 the student in the prone position.

23 "Time out" means a behavior management technique for the  
24 purpose of calming or de-escalation that involves the  
25 involuntary monitored separation of a student from classmates  
26 with a trained adult for part of the school day, only for a

1 brief time, in a non-locked setting.

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

20 Prone restraint, mechanical restraint, and chemical  
21 restraint are prohibited.

22 (d) ~~The Until rules are adopted under Section 2-3.130 of~~  
23 ~~this Code,~~ the use of any of the following rooms or enclosures  
24 for an isolated time out or time out purposes is prohibited:

25 (1) a locked room or a room in which the door is  
26 obstructed, prohibiting it from opening ~~other than one~~

1 ~~with a locking mechanism that engages only when a key or~~  
2 ~~handle is being held by a person;~~

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

4 (3) a room where the student cannot be continually  
5 observed; or

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

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

13 (1) food or liquid at a time when it is customarily  
14 served;

15 (2) medication; or

16 (3) the use of a restroom.

17 (f) (Blank). ~~The use of physical restraints is prohibited~~  
18 ~~except when (i) the student poses a physical risk to himself,~~  
19 ~~herself, or others, (ii) there is no medical contraindication~~  
20 ~~to its use, and (iii) the staff applying the restraint have~~  
21 ~~been trained in its safe application. For the purposes of this~~  
22 ~~Section, "restraint" does not include momentary periods of~~  
23 ~~physical restriction by direct person to person contact,~~  
24 ~~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~~  
4 ~~physical restraints that meet the requirements of this Section~~  
5 ~~may be included in a student's individualized education plan~~  
6 ~~where deemed appropriate by the student's individualized~~  
7 ~~education plan team.~~

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

24 The meeting shall include the student, if appropriate, at  
25 least one school staff member involved in the incident of  
26 isolated time out, time out, or physical restraint, the

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

26 A summary of the meeting and any agreements or conclusions

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

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

23 Schools shall provide parents and guardians with the  
24 following information, to be developed by the State Board and  
25 which may be incorporated into the State Board's prescribed  
26 physical restraint and time out form at the discretion of the

1 State Board, after each incident in which isolated time out,  
2 time out, or physical restraint is used during the school  
3 year, in printed form or, upon the written request of the  
4 parent or guardian, by email:

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

7 (2) information about the rights of parents,  
8 guardians, and students; and

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

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

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.