



Sen. Ann Gillespie

Filed: 3/26/2024

10300SB0458sam001

LRB103 02909 RJT 71215 a

1 AMENDMENT TO SENATE BILL 458

2 AMENDMENT NO. _____. Amend Senate Bill 458 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 out, and physical
8 restraint rules; grant program; third-party assistance; goals
9 and plans.

10 (a) For purposes of this Section: ~~"isolated~~

11 "Entity" means a school district, including its schools, a
12 special education nonpublic school approved under Section
13 14-7.02 of this Code and located in this State, or a special
14 education cooperative, to the extent the cooperative operates
15 separate schools or programs within schools.

16 "Isolated time out", "physical restraint", and "time out"

1 have the meanings given to those terms under Section 10-20.33.

2 (b) The State Board of Education shall promulgate rules
3 governing the use of isolated time out, time out, and physical
4 restraint in entities, which ~~special education nonpublic~~
5 ~~facilities and the public schools.~~ The rules shall include
6 provisions governing the documentation and reporting that is
7 required each time these interventions are used.

8 The rules adopted by the State Board shall include a
9 procedure by which a person who believes a violation of
10 Section 10-20.33 or 34-18.20 has occurred may file a
11 complaint. The complaint shall be investigated by the State
12 Board within 7 days after the receipt of the complaint, except
13 that a complaint regarding the use of isolated time out, time
14 out, or physical restraint that indicates that a student's
15 life or safety is in imminent danger shall be investigated
16 within 24 hours after receipt of the complaint. The State
17 Board employee investigating the complaint must conduct an
18 on-site inspection and, at the close of the inspection, must
19 conduct a brief, informal exit conference with the entity to
20 alert the entity's administration of any suspected serious
21 deficiency that poses a direct threat to the health, safety,
22 or welfare of a student to enable an immediate correction for
23 the alleviation or elimination of the threat. The information
24 and findings discussed in the exit conference shall become a
25 part of the investigative record but may not in any way
26 constitute an official or final notice of violation. All

1 complaints shall be classified as an invalid report, a valid
2 report, or an undetermined report. Within 30 days after any
3 State Board employee enters an entity to begin an on-site
4 inspection, the State Board must prepare a written report that
5 includes the basis for the outcome classification, a
6 determination of whether any rule or provision of this Code
7 has been or is being violated and, if appropriate, a
8 corrective action plan.

9 The rules adopted by the State Board shall include
10 training requirements that must be included in training
11 programs used to train and certify entity ~~school~~ personnel.
12 All entity personnel whose jobs involve regular interaction
13 with students, not just those involved in incidents of
14 isolated time out, time out, or physical restraint, shall be
15 required to undergo annual training on de-escalation
16 techniques and trauma-informed practices.

17 The State Board shall establish procedures for progressive
18 enforcement actions to ensure that entities ~~schools~~ fully
19 comply with the documentation and reporting requirements for
20 isolated time out, time out, and physical restraint
21 established by rule, which shall include meaningful and
22 appropriate sanctions for the failure to comply, including the
23 failure to report to the parent or guardian and to the State
24 Board, the failure to timely report, and the failure to
25 provide detailed documentation.

26 (c) Subject to appropriation, the State Board shall, ~~by~~

1 ~~adoption of emergency rules under subsection (rr) of Section~~
2 ~~5-45 of the Illinois Administrative Procedure Act if it so~~
3 ~~chooses,~~ create a grant program for entities ~~school districts,~~
4 ~~special education nonpublic facilities approved under Section~~
5 ~~14-7.02 of this Code, and special education cooperatives to~~
6 implement entity-wide ~~school wide,~~ culturally sensitive, and
7 trauma-informed practices, positive behavioral interventions
8 and supports, and restorative practices within a multi-tiered
9 system of support aimed at reducing the need for
10 interventions, such as isolated time out, time out, and
11 physical restraint. The State Board shall give priority in
12 grant funding to those entities ~~school districts, special~~
13 ~~education nonpublic facilities approved under Section 14-7.02~~
14 ~~of this Code, and special education cooperatives~~ that submit a
15 plan to achieve a significant reduction or elimination in the
16 use of isolated time out, time out, and physical restraint in
17 less than 7 ~~3~~ years.

18 (d) Subject to the Illinois Procurement Code, the Illinois
19 School Student Records Act, the Mental Health and
20 Developmental Disabilities Confidentiality Act, and the
21 federal Family Educational Rights and Privacy Act of 1974, the
22 State Board may contract with a third party to provide
23 assistance with the oversight and monitoring of the use of
24 isolated time out, time out, and physical restraint by
25 entities ~~school districts.~~

26 (e) ~~For the purpose of this subsection and subsection (f),~~

1 ~~"entity" means a school district, a special education~~
2 ~~nonpublic school approved under Section 14-7.02 of this Code~~
3 ~~and located in this State, or a special education cooperative~~
4 ~~to the extent the cooperative operates separate schools or~~
5 ~~programs within schools.~~

6 ~~To~~ The State Board shall establish goals within 90 days
7 ~~after the effective date of this amendatory Act of the 102nd~~
8 ~~General Assembly, with specific benchmarks, for entities to~~
9 accomplish the systemic reduction of isolated time out, time
10 out, and physical restraint, entities shall reduce by 10% the
11 number of incidents of those interventions and the total
12 number of students subjected to those interventions for each
13 of the next 7 years, beginning with the 2024-2025 school year
14 ~~within 3 years after the effective date of this amendatory Act~~
15 ~~of the 102nd General Assembly. The State Board shall engage in~~
16 ~~meaningful consultation with stakeholders to establish the~~
17 ~~goals, including in the review and evaluation of the data~~
18 ~~submitted. The State Board shall also consult stakeholders in~~
19 ~~efforts to develop strategies to measure and reduce racial and~~
20 ~~ethnic disparities in the use of isolated time out, time out,~~
21 ~~and physical restraint.~~ Each entity shall create a time out
22 and physical restraint oversight team that includes, but is
23 not limited to, teachers, paraprofessionals, school service
24 personnel, and administrators to develop (i) an
25 entity-specific plan for reducing and eventually eliminating
26 the use of isolated time out, time out, and physical restraint

1 in accordance with this subsection (e) ~~the goals and~~
2 ~~benchmarks established by the State Board~~ and (ii) procedures
3 to implement the plan developed by the team.

4 ~~The progress toward the reduction and eventual elimination~~
5 ~~of the use of isolated time out and physical restraint shall be~~
6 ~~measured by the reduction in the overall number of incidents~~
7 ~~of those interventions and the total number of students~~
8 ~~subjected to those interventions.~~ In limited cases, upon
9 written application made by an entity and approved by the
10 State Board based on criteria developed by the State Board to
11 show good cause, the reduction in the use of those
12 interventions may be measured by the frequency of the use of
13 those interventions on individual students and the student
14 population as a whole. An entity shall be required to submit
15 the entity's reduction plan for the 2024-2025 school year to
16 the State Board by October 31, 2024 and, for all subsequent
17 school years, on or before July 1. Beginning with the
18 2024-2025 school year, entities ~~The State Board shall specify~~
19 ~~a date for submission of the plans.~~ Entities shall submit a
20 report to the State Board once each year for 7 3 years, on or
21 before July 1, after the effective date of this amendatory Act
22 ~~of the 102nd General Assembly to the State Board~~ on the
23 progress made toward achieving the requirements set forth in
24 this subsection (e) ~~goals and benchmarks established by the~~
25 ~~State Board~~ and modify their plans as necessary to satisfy
26 those requirements ~~goals and benchmarks.~~ All reduction plans,

1 modifications, if any, and yearly progress reports shall be
2 posted on the entities' websites. Entities shall notify
3 parents and guardians that the plans, modifications, and
4 reports are available for review. ~~On or before June 30, 2023,~~
5 ~~the State Board shall issue a report to the General Assembly on~~
6 ~~the progress made by entities to achieve those goals and~~
7 ~~benchmarks.~~ The required plans shall include, but not be
8 limited to, the specific actions that are to be taken to:

9 (1) reduce and eventually eliminate a reliance on
10 isolated time out, time out, and physical restraint for
11 behavioral interventions and develop noncoercive
12 environments;

13 (2) develop individualized student plans that are
14 oriented toward prevention of the use of isolated time
15 out, time out, and physical restraint with the intent that
16 a plan be separate and apart from a student's
17 individualized education program or a student's plan for
18 services under Section 504 of the federal Rehabilitation
19 Act of 1973;

20 (3) ensure that appropriate personnel are fully
21 informed of the student's history, including any history
22 of physical or sexual abuse, and other relevant medical
23 and mental health information, except that any disclosure
24 of student information must be consistent with federal and
25 State laws and rules governing student confidentiality and
26 privacy rights; and

1 (4) support a vision for cultural change that
2 reinforces the following:

3 (A) positive behavioral interventions and support
4 rather than isolated time out, time out, and physical
5 restraint;

6 (B) effective ways to de-escalate situations to
7 avoid isolated time out, time out, and physical
8 restraint;

9 (C) crisis intervention techniques that use
10 alternatives to isolated time out, time out, and
11 physical restraint; and

12 (D) use of debriefing meetings to reassess what
13 occurred and why it occurred and to think through ways
14 to prevent use of the intervention the next time.

15 (f) An entity, as defined in subsection (e), is exempt
16 from the requirement to submit a plan and the annual reports
17 under subsection (e) if the entity is able to demonstrate to
18 the satisfaction of the State Board that (i) within the
19 previous 3 years, the entity has never engaged in the use of
20 isolated time out, time out, or physical restraint and (ii)
21 the entity has adopted a written policy that prohibits the use
22 isolated time out, time out, and physical restraint on a
23 student and is able to demonstrate the enforcement of that
24 policy.

25 (f-5) On or before June 30, 2025, and on or before each
26 June 30 thereafter through June 30, 2032, the State Board

1 shall report to the General Assembly on the progress made by
2 entities to achieve the requirements set forth in subsection
3 (e), which shall include a meaningful analysis of the data
4 collected, steps that the State Board will take to address any
5 lack of progress or compliance, including targeted technical
6 assistance to be provided to entities, a summary of the
7 investigative findings on complaints and the actions taken in
8 response to those complaints, and a list of those entities
9 with the highest number of valid complaints and the highest
10 number of incidents of isolated time out, time out, and
11 physical restraint.

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

19 (Source: P.A. 102-339, eff. 8-13-21; 103-175, eff. 6-30-23.)

20 (105 ILCS 5/10-20.33)

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

23 (a) The General Assembly finds and declares that the use
24 of isolated time out, time out, and physical restraint on
25 children and youth carries risks to the health and safety of

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

7 (b) In this Section:

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

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

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

26 "Mechanical restraint" means the use of any device or

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

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

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

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

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

24 Mechanical restraint, ~~and~~ chemical restraint, and prone
25 physical restraint are prohibited. ~~Prone restraint is~~
26 ~~prohibited except when all of the following conditions are~~

1 ~~satisfied:~~

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

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

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

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

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

16 ~~(6) The use of prone restraint occurs within the~~
17 ~~2021-2022 school year.~~

18 All instances of the utilization of prone physical restraint
19 must be reported in accordance with the provisions of Public
20 Act 102-339 ~~this amendatory Act of the 102nd General Assembly.~~
21 Nothing in this Section shall prohibit the State Board of
22 Education from adopting administrative rules that further
23 restrict or disqualify the use of prone restraint.

24 (d) The use of any of the following rooms or enclosures for
25 an isolated time out or time out purposes is prohibited:

26 (1) a locked room or a room in which the door is

1 obstructed, prohibiting it from opening;

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

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

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

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

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

14 (2) medication; or

15 (3) the use of a restroom.

16 (f) (Blank).

17 (g) Following each incident of isolated time out, time
18 out, or physical restraint, but no later than 2 school days
19 after the incident, the principal or another designated
20 administrator shall notify the student's parent or guardian
21 that he or she may request a meeting with appropriate school
22 personnel to discuss the incident. This meeting shall be held
23 separate and apart from meetings held in accordance with the
24 student's individualized education program or from meetings
25 held in accordance with the student's plan for services under
26 Section 504 of the federal Rehabilitation Act of 1973. If a

1 parent or guardian requests a meeting, the meeting shall be
2 convened within 2 school days after the request, provided that
3 the 2-school day limitation shall be extended if requested by
4 the parent or guardian. The parent or guardian may also
5 request that the meeting be convened via telephone or video
6 conference.

7 The meeting shall include the student, if appropriate, at
8 least one school staff member involved in the incident of
9 isolated time out, time out, or physical restraint, the
10 student's parent or guardian, and at least one appropriate
11 school staff member not involved in the incident of isolated
12 time out, time out, or physical restraint, such as a social
13 worker, psychologist, nurse, or behavioral specialist. During
14 the meeting, the school staff member or members involved in
15 the incident of isolated time out, time out, or physical
16 restraint, the student, and the student's parent or guardian,
17 if applicable, shall be provided an opportunity to describe
18 (i) the events that occurred prior to the incident of isolated
19 time out, time out, or physical restraint and any actions that
20 were taken by school personnel or the student leading up to the
21 incident; (ii) the incident of isolated time out, time out, or
22 physical restraint; and (iii) the events that occurred or the
23 actions that were taken following the incident of isolated
24 time out, time out, or physical restraint and whether the
25 student returned to regular school activities and, if not, how
26 the student spent the remainder of the school day. All parties

1 present at the meeting shall have the opportunity to discuss
2 what school personnel could have done differently to avoid the
3 incident of isolated time out, time out, or physical restraint
4 and what alternative courses of action, if any, the school can
5 take to support the student and to avoid the future use of
6 isolated time out, time out, or physical restraint. At no
7 point may a student be excluded from school solely because a
8 meeting has not occurred.

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

18 (h) Whenever isolated time out, time out, or physical
19 restraint is used, school personnel shall fully document and
20 report to the State Board of Education the incident, including
21 the events leading up to the incident, what alternative
22 measures that are less restrictive and intrusive were used
23 prior to the use of isolated time out, time out, or physical
24 restraint, why those measures were ineffective or deemed
25 inappropriate, the type of restraint, isolated time out, or
26 time out that was used, the length of time the student was in

1 isolated time out or time out or was restrained, and the staff
2 involved. The parents or guardian of a student and the State
3 Superintendent of Education shall be informed whenever
4 isolated time out, time out, or physical restraint is used.

5 Schools shall provide parents and guardians with the
6 following information, to be developed by the State Board and
7 which may be incorporated into the State Board's prescribed
8 physical restraint and time out form at the discretion of the
9 State Board, after each incident in which isolated time out,
10 time out, or physical restraint is used during the school
11 year, in printed form or, upon the written request of the
12 parent or guardian, by email:

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

15 (2) information about the rights of parents,
16 guardians, and students; and

17 (3) information about the parent's or guardian's right
18 to file a complaint with the State Superintendent of
19 Education, the complaint process, and other information to
20 assist the parent or guardian in navigating the complaint
21 process.

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

25 (Source: P.A. 102-339, eff. 8-13-21.)

1 (105 ILCS 5/34-18.20)

2 Sec. 34-18.20. Time out, isolated time out, restraint, and
3 necessities; limitations and prohibitions.

4 (a) The General Assembly finds and declares that the use
5 of isolated time out, time out, and physical restraint on
6 children and youth carries risks to the health and safety of
7 students and staff; therefore, the ultimate goal is to reduce
8 and eventually eliminate the use of those interventions. The
9 General Assembly also finds and declares that the State Board
10 of Education must take affirmative action to lead and support
11 schools in transforming the school culture to reduce and
12 eliminate the use of all such interventions over time.

13 (b) In this Section:

14 "Chemical restraint" means the use of medication to
15 control a student's behavior or to restrict a student's
16 freedom of movement. "Chemical restraint" does not include
17 medication that is legally prescribed and administered as part
18 of a student's regular medical regimen to manage behavioral
19 symptoms and treat medical symptoms.

20 "Isolated time out" means the involuntary confinement of a
21 student alone in a time out room or other enclosure outside of
22 the classroom without a supervising adult in the time out room
23 or enclosure.

24 "Isolated time out" or "time out" does not include a
25 student-initiated or student-requested break, a
26 student-initiated sensory break or a teacher-initiated sensory

1 break that may include a sensory room containing sensory tools
2 to assist a student to calm and de-escalate, an in-school
3 suspension or detention, or any other appropriate disciplinary
4 measure, including the student's brief removal to the hallway
5 or similar environment.

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

20 "Physical restraint" or "restraint" means holding a
21 student or otherwise restricting a student's movements.
22 "Physical restraint" or "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 that are accomplished with limited force and that are designed
26 to prevent a student from completing an act that would result

1 in potential physical harm to himself, herself, or another or
2 damage to property.

3 "Prone physical restraint" means a physical restraint in
4 which a student is held face down on the floor or other surface
5 and physical pressure is applied to the student's body to keep
6 the student in the prone position.

7 "Time out" means a behavior management technique for the
8 purpose of calming or de-escalation that involves the
9 involuntary monitored separation of a student from classmates
10 with a trained adult for part of the school day, only for a
11 brief time, in a nonlocked setting.

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

1 enclosure is in imminent danger of serious physical harm
2 because the student is unable to cease actively engaging in
3 extreme physical aggression.

4 Mechanical restraint, ~~and~~ chemical restraint, and prone
5 physical restraint are prohibited. ~~Prone restraint is~~
6 ~~prohibited except when all of the following conditions are~~
7 ~~satisfied:~~

8 ~~(1) The student's Behavior Intervention Plan~~
9 ~~specifically allows for prone restraint of the student.~~

10 ~~(2) The Behavior Intervention Plan was put into place~~
11 ~~before January 1, 2021.~~

12 ~~(3) The student's Behavior Intervention Plan has been~~
13 ~~approved by the IEP team.~~

14 ~~(4) The school staff member or staff members applying~~
15 ~~the use of prone restraint on a student have been trained~~
16 ~~in its safe application as established by rule by the~~
17 ~~State Board of Education.~~

18 ~~(5) The school must be able to document and~~
19 ~~demonstrate to the IEP team that the use of other~~
20 ~~de-escalation techniques provided for in the student's~~
21 ~~Behavior Intervention Plan were ineffective.~~

22 ~~(6) The use of prone restraint occurs within the~~
23 ~~2021-2022 school year.~~

24 All instances of the utilization of prone physical restraint
25 must be reported in accordance with the provisions of Public
26 Act 102-339 ~~this amendatory Act of the 102nd General Assembly.~~

1 Nothing in this Section shall prohibit the State Board of
2 Education from adopting administrative rules that further
3 restrict or disqualify the use of prone restraint.

4 (d) The use of any of the following rooms or enclosures for
5 an isolated time out or time out purposes is prohibited:

6 (1) a locked room or a room in which the door is
7 obstructed, prohibiting it from opening;

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

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

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

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

18 (1) food or liquid at a time when it is customarily
19 served;

20 (2) medication; or

21 (3) the use of a restroom.

22 (f) (Blank).

23 (g) Following each incident of isolated time out, time
24 out, or physical restraint, but no later than 2 school days
25 after the incident, the principal or another designated
26 administrator shall notify the student's parent or guardian

1 that he or she may request a meeting with appropriate school
2 personnel to discuss the incident. This meeting shall be held
3 separate and apart from meetings held in accordance with the
4 student's individualized education program or from meetings
5 held in accordance with the student's plan for services under
6 Section 504 of the federal Rehabilitation Act of 1973. If a
7 parent or guardian requests a meeting, the meeting shall be
8 convened within 2 school days after the request, provided that
9 the 2-school day limitation shall be extended if requested by
10 the parent or guardian. The parent or guardian may also
11 request that the meeting be convened via telephone or video
12 conference.

13 The meeting shall include the student, if appropriate, at
14 least one school staff member involved in the incident of
15 isolated time out, time out, or physical restraint, the
16 student's parent or guardian, and at least one appropriate
17 school staff member not involved in the incident of isolated
18 time out, time out, or physical restraint, such as a social
19 worker, psychologist, nurse, or behavioral specialist. During
20 the meeting, the school staff member or members involved in
21 the incident of isolated time out, time out, or physical
22 restraint, the student, and the student's parent or guardian,
23 if applicable, shall be provided an opportunity to describe
24 (i) the events that occurred prior to the incident of isolated
25 time out, time out, or physical restraint and any actions that
26 were taken by school personnel or the student leading up to the

1 incident; (ii) the incident of isolated time out, time out, or
2 physical restraint; and (iii) the events that occurred or the
3 actions that were taken following the incident of isolated
4 time out, time out, or physical restraint and whether the
5 student returned to regular school activities and, if not, how
6 the student spent the remainder of the school day. All parties
7 present at the meeting shall have the opportunity to discuss
8 what school personnel could have done differently to avoid the
9 incident of isolated time out, time out, or physical restraint
10 and what alternative courses of action, if any, the school can
11 take to support the student and to avoid the future use of
12 isolated time out, time out, or physical restraint. At no
13 point may a student be excluded from school solely because a
14 meeting has not occurred.

15 A summary of the meeting and any agreements or conclusions
16 reached during the meeting shall be documented in writing and
17 shall become part of the student's school record. A copy of the
18 documents shall be provided to the student's parent or
19 guardian. If a parent or guardian does not request a meeting
20 within 10 school days after the school has provided the
21 documents to the parent or guardian or if a parent or guardian
22 fails to attend a requested meeting, that fact shall be
23 documented as part of the student's school record.

24 (h) Whenever isolated time out, time out, or physical
25 restraint is used, school personnel shall fully document and
26 report to the State Board of Education the incident, including

1 the events leading up to the incident, what alternative
2 measures that are less restrictive and intrusive were used
3 prior to the use of isolated time out, time out, or physical
4 restraint, why those measures were ineffective or deemed
5 inappropriate, the type of restraint, isolated time out, or
6 time out that was used, the length of time the student was in
7 isolated time out or time out or was restrained, and the staff
8 involved. The parents or guardian of a student and the State
9 Superintendent of Education shall be informed whenever
10 isolated time out, time out, or physical restraint is used.

11 Schools shall provide parents and guardians with the
12 following information, to be developed by the State Board and
13 which may be incorporated into the State Board's prescribed
14 physical restraint and time out form at the discretion of the
15 State Board, after each incident in which isolated time out,
16 time out, or physical restraint is used during the school
17 year, in printed form or, upon the written request of the
18 parent or guardian, by email:

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

21 (2) information about the rights of parents,
22 guardians, and students; and

23 (3) information about the parent's or guardian's right
24 to file a complaint with the State Superintendent of
25 Education, the complaint process, and other information to
26 assist the parent or guardian in navigating the complaint

1 process.

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

5 (Source: P.A. 102-339, eff. 8-13-21; 103-175, eff. 6-30-23.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."