



Sen. Mark L. Walker

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10300SB0458sam002

LRB103 02909 RJT 73581 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 Section
5 2-3.130 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 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 that is required each time
2 these interventions are used.

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

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

18 (c) Subject to appropriation, the State Board shall, by
19 adoption of emergency rules under subsection (rr) of Section
20 5-45 of the Illinois Administrative Procedure Act if it so
21 chooses, create a grant program for school districts, special
22 education nonpublic facilities approved under Section 14-7.02
23 of this Code, and special education cooperatives to implement
24 school-wide, culturally sensitive, and trauma-informed
25 practices, positive behavioral interventions and supports, and
26 restorative practices within a multi-tiered system of support

1 aimed at reducing the need for interventions, such as isolated
2 time out, time out, and physical restraint. The State Board
3 shall give priority in grant funding to those school
4 districts, special education nonpublic facilities approved
5 under Section 14-7.02 of this Code, and special education
6 cooperatives that submit a plan to achieve a significant
7 reduction or elimination in the use of isolated time out and
8 physical restraint in less than 3 years.

9 (d) Subject to the Illinois Procurement Code, the Illinois
10 School Student Records Act, the Mental Health and
11 Developmental Disabilities Confidentiality Act, and the
12 federal Family Educational Rights and Privacy Act of 1974, the
13 State Board may contract with a third party to provide
14 assistance with the oversight and monitoring of the use of
15 isolated time out, time out, and physical restraint by school
16 districts.

17 (e) For the purpose of this subsection and subsection (f),
18 "entity" means a school district, a special education
19 nonpublic school approved under Section 14-7.02 of this Code
20 and located in this State, or a special education cooperative
21 to the extent the cooperative operates separate schools or
22 programs within schools.

23 The State Board shall establish goals within 90 days after
24 August 13, 2021 (the effective date of Public Act 102-339)
25 ~~this amendatory Act of the 102nd General Assembly~~, with
26 specific benchmarks, for entities to accomplish the systemic

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

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

1 those interventions on individual students and the student
2 population as a whole. The State Board shall specify a date for
3 submission of the plans. Entities shall submit a report once
4 each year until August 1, 2027 ~~for 3 years after the effective~~
5 ~~date of this amendatory Act of the 102nd General Assembly~~ to
6 the State Board on the progress made toward achieving the
7 goals and benchmarks established by the State Board and modify
8 their plans as necessary to satisfy those goals and
9 benchmarks. Entities shall notify parents and guardians that
10 the plans and reports are available for review. On or before
11 June 30, 2026 ~~2023~~, the State Board shall issue a report to the
12 General Assembly on the progress made by entities to achieve
13 those goals and benchmarks. The required plans shall include,
14 but not be limited to, the specific actions that are to be
15 taken to:

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

20 (2) develop individualized student plans that are
21 oriented toward prevention of the use of isolated time
22 out, time out, and physical restraint with the intent that
23 a plan be separate and apart from a student's
24 individualized education program or a student's plan for
25 services under Section 504 of the federal Rehabilitation
26 Act of 1973;

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

8 (4) support a vision for cultural change that
9 reinforces the following:

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

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

16 (C) crisis intervention techniques that use
17 alternatives to isolated time out, time out, and
18 physical restraint; and

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

22 (f) An entity, as defined in subsection (e), is exempt
23 from the requirement to submit a plan and the annual reports
24 under subsection (e) if the entity is able to demonstrate to
25 the satisfaction of the State Board that (i) within the
26 previous 3 years, the entity has never engaged in the use of

1 isolated time out, time out, or physical restraint and (ii)
2 the entity has adopted a written policy that prohibits the use
3 isolated time out, time out, and physical restraint on a
4 student and is able to demonstrate the enforcement of that
5 policy.

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

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