

**PETRARCA, GLEASON,
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TIME OUT AND PHYSICAL RESTRAINT: ISBE ISSUES GUIDANCE AND FREQUENTLY ASKED QUESTIONS ON EMERGENCY REGULATIONS

The Illinois State Board of Education has issued Guidance and Frequently Asked Questions on the Emergency Regulations for the Use of Time out and Physical Restraint, dated December, 2019, responding to questions about the Emergency Rules (effective November 20, 2019 and amended with regard to prone and supine restraint on December 4, 2019). Some highlights of the document are summarized below. The Guidance can be located on ISBE's website at <https://www.isbe.net/Documents/Guidance-FAQs-Time-out-restraint.pdf#search=guidance%20rules>



The Guidance clarifies questions about the definition of time out and physical restraint. Time out does **not** include, and the ISBE time-out and physical restraint form therefore is **not** required for:

- In school suspension
- Evacuating other students from a classroom
- Staff or student directed sensory or calming breaks
- Use of study carrels or other stable, non-enclosed partitions in the classroom

The Guidance likewise describes circumstances that are **not** physical restraint:

- Physical escort

(temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location).

- Orthopedic and supported positioning equipment are not restraints so long as these are not used for discipline or for school staff members' convenience.
- Weighted vests, blankets, and similar items are not restraints if used under the direction of an OT or PT, and for the purposes and within the parameters in the student's IEP or Section 504 Plan.

Staff members who restrain a student must ensure that the student's mode of communication (e.g. PECS, augmentative communication) is readily available during the physical restraint and that staff members are able to communicate effectively with the student.

If physical restraint is contraindicated, the school should contact emergency personnel, including but not limited to police, and the student's parent to intervene. Additionally, the school may consider a change in placement.

With regard to the required review of the student's behavior interventions and placement after three incidents of time out or restraint, the Guidance provides that:

- The three instances of time out or physical restraint "reset" once a meeting is held and another meeting is not needed until another three incidents occur.
- The review does not require a full IEP or Section 504 meeting. Parents may waive ten days' notice of the meeting, waive the requirement that they attend the meeting or waive the meeting altogether. However, if the parent waives the meeting, the team must still conduct the review and complete the



required documentation if
amending the student's IEP or Section 504
Plan.

Additionally, when staff members review the use of prone or
supine restraint, a full IEP meeting is not required.

In addressing questions about the required ISBE form to report
time out or physical restraint, ISBE indicates that:

- The parent may be
provided the ISBE required documentation in person, by
email or by mailing the form
within 24 hours.
- An evaluation by a
nurse is required only when a student, parent or staff
member reports a staff
or student injury.
- Listing names of

staff members involved in the time out or restraint is sufficient; their signature on the form is not required.

- Time out ends, for purposes of documentation, when the student is no longer an imminent risk to self or others, but other ongoing interventions and postvention should be documented as well as their length.
- If a student is subject to physical restraint during transportation, the district or cooperative is ultimately responsible for completing and submitting the required documentation, but may delegate responsibility to the bus company so long as documentation is simultaneously submitted to the district or cooperative.

For further information on the Emergency Rules and amendment and

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ISBE Guidance, please join us at one of our Legal Breakfasts, in Oak Brook on January 22, 2020 and in Tinley Park on January 23, 2020. You may also call one of our attorneys at 708-799-6766 (Flossmoor Office) or 630-928-1200 (Oak Brook office).