

The Merlin Therapeutic Day Program Policy on Time Outs and Physical Restraints.

PURPOSE: The purpose of this policy is to comply with emergency action taken by the Illinois State Board of Education ("ISBE") to ban the use of seclusion and certain physical restraints in Illinois schools and to improve data collection on all instances of time out and physical restraint. ISBE filed emergency rules effective November 20, 2019 (23 Ill. Adm. C. 1.285) and as amended on December 4, 2019. This policy sets forth requirements, restrictions and procedures related to the use of physical restraints and time-outs for all Chicago Public Schools students in accordance with ISBE's emergency rules.

POLICY TEXT:

I. General

- A. Time out and physical restraint as defined in Emergency Rule 23 Ill. Adm. C. 1.285 shall be used only for therapeutic purposes, or as a means of maintaining a safe environment for learning, to the extent necessary to preserve the safety of students and others.
- B. Neither time-out nor physical restraint shall be used as a form of punishment.
- C. When a student experiences three instances of nontherapeutic time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare, in collaboration with the social worker and Board Certified Behavior Analyst® (BCBA®), an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education eligibility, or, for a student already eligible for special education, change in program.
- D. Any adult who is supervising a student in time out or applying physical restraint shall be trained in de-escalation, restorative practices, and behavior management practices.

II. Physical Restraint

- A. Physical Restraint means holding a student or otherwise restricting the student's movements. Physical restraint as permitted pursuant to Emergency Rule 23 Ill. Adm. C. 1.285 includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control"). A physical restraint shall not impair a student's ability to breathe or speak normally. Prone or supine physical restraint shall not be permitted, except if all the following criteria is met:
 - 1) Before using a prone or supine physical restraint, the therapist or other entity serving the student shall review and determine if there are no known medical or psychological limitations that contraindicate the use of a prone or supine restraint.

- 2) The therapist or other entity serving the student deems the situation an emergency, defined as a situation in which immediate intervention is needed to protect a student or other individual from imminent danger of causing serious physical harm to himself, herself, or others and less restrictive and intrusive interventions have been tried and proven ineffective in stopping the imminent danger.
- 3) Prone or supine physical restraint is used in a manner that does not restrict or impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's primary mode of communication.
- 4) Prone or supine physical restraints are used only by personnel with the required credentials who have completed the required training under this Policy.
- 5) Prone and supine restraints are used only if those interventions are the least restrictive and intrusive interventions to address the emergency and stop the imminent danger of serious physical harm to the student or others. During each incident, one staff person trained in identifying the signs of distress must be assigned to observe the student during the entire incident. That staff person may not be involved in the physical holding of the student. The number of staff involved in physically restraining the student may not exceed the number necessary to safely hold the student.
- 6) The prone or supine physical restraint ends immediately when the threat of imminent serious physical harm ends, but in no event shall prone or supine physical restraint last longer than 30 minutes. If, after 30 minutes, the emergency has not resolved or if an additional emergency arises the same school day that meets the standards under Section II. A. 2, a school administrator, in consultation with a psychologist, social worker, nurse, or behavior specialist may authorize the continuation of the restraint or an additional prone or supine restraint. No restraint may be continued nor may additional restraints be applied unless it is authorized by a Merlin administrator.
- 7) If the student is restrained in a prone or supine physical restraint in at least two (2) separate instances within a 30-school day period, Merlin personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used. If the personnel involved in the restraints do not include a psychologist, social worker, nurse, or behavior specialist, at least one of those staff members must be included in the review. The review must include, but is not limited to:
 - a) conducting or reviewing a functional behavioral analysis, reviewing data, considering developing additional or revised positive behavioral interventions and supports, considering actions to reduce the use of restrictive procedures, or, if applicable, modifying the individualized educational program or the behavior intervention plan, as appropriate; and
 - b) reviewing any known medical or psychological limitations that contraindicate the use of a restrictive procedure, considering whether to prohibit that restrictive

procedure, and, if applicable, documenting any prohibition in the individualized education program or behavior intervention plan.

- B. For students with disabilities, the use of a Physical Restraint must be authorized by, and included in, a student's IEP where deemed appropriate by the student's IEP team. A Physical Restraint shall be used in compliance with a student's IEP. Physical Restraints shall not be used as a means of punishment.
- C. The use of Physical Restraints is prohibited except when (i) used by trained Merlin staff, (ii) a student poses a physical risk to himself, herself, staff or others, and (iii) use of the restraint is not known to be medically contraindicated. Only trained Merlin personnel or other staff who have been appropriately trained in the safe application of Physical Restraints may employ a Physical Restraint with a student.
- D. All staff are required to document any use of physical restraint using the form titled "Physical Restraint and Time-Out Form" attached and available on the ISBE website at <https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-OutForm.pdf>.
- E. The completed form must be:
 - 1) Sent to the student's parents or guardians within 24 hours of the use of physical restraint;
 - 2) uploaded into the student's CR records
 - 3) emailed to Merlin's Special Education Director; and
 - 4) emailed to ISBE at restrainttimeout@isbe.net within 48 hours of the use of physical restraint.

III. Time-Out

- A. "Time-out" means a behavior management technique that involves the monitored separation of a student from classmates with a trained adult for part of the school day, usually for a brief time, in a non-locked setting.
- B. Effective November 20, 2019, all school staff are required to document any use of time-out using the form titled "Physical Restraint and Time Out Form" attached and available on the ISBE website at <https://www.isbe.net/Documents/11-01-Physical-Restraint-Time-Out-Form.pdf>. The completed form must be:
 - 1) sent to the student's parents or guardians within 24 hours of the use of time out;
 - 2) uploaded into the student's CR records;
 - 3) emailed to Merlin's Special Education Director; and
 - 4) emailed to ISBE at restrainttimeout@isbe.net within 48 hours of the use of time out.
- C. A trained adult who is responsible for supervising the student must remain with the student at all times during the time out. A student shall not be kept in time out for longer than is therapeutically necessary. No less than once every 15 minutes, the trained adult must assess whether the student has ceased presenting the specific behavior for which the time out was imposed,
- D. Use of isolated time-out is prohibited.

IV. Compliance

Merlin staff shall employ physical restraints and time-outs in accordance with the requirements of this policy and the procedures and guidelines issued by the Chief Executive Officer, Clinic Director, Special Education Director, or designee. These guidelines will include the process Merlin's staff will use to evaluate any incident that results in an injury to the affected student and an annual review of the use of time-out or physical restraint by Merlin staff.

Employees that violate this Policy, or the procedures and guidelines issued by the Chief Executive Officer, Clinic Director, Special Education Director, or designee, are subject to performance improvement process review in accordance with HR policy and procedures.



**Illinois State
Board of Education**

100 North First Street Springfield,
Illinois 62777-0001

**Physical Restraint
and Time Out
Form**

Instructions: Per 23 IAC written record of each event involving a time out or physical restraint must be maintained in the student's temporary record. Public school districts, private special education schools, special education cooperatives, charter schools, regional safe school programs, and any other educational program serving Illinois public school students must complete this form in its entirety. Written parent notification must occur within 24 hours of the incident.

| | | |
|------------------|--|-------|
| STUDENT NAME | DATE OF BIRTH | GRADE |
| RACE | GENDER a Female Male | |
| HOME SCHOOL | DISTRICT | |
| SERVING LOCATION | District School or Program CI Cooperative Program Non-Public Special Education Facility | |

Does the student have an IEP? Yes No If yes, what is the disability category _____

Does the student have a 504 Plan? Yes No

Document the incident(s) that occurred on a single day. Multiple forms may be used instead.

| Incident #1 | Incident #2 | Incident #3 | Incident #4 |
|--|--|--|--|
| <input type="checkbox"/> Physical Restraint <input type="checkbox"/> Isolated Time Out <input type="checkbox"/> Time Out | <input type="checkbox"/> Physical Restraint <input type="checkbox"/> Isolated Time Out <input type="checkbox"/> Time Out | <input type="checkbox"/> Physical Restraint <input type="checkbox"/> Isolated Time Out <input type="checkbox"/> Time Out | <input type="checkbox"/> Physical Restraint <input type="checkbox"/> Isolated Time Out <input type="checkbox"/> Time Out |
| Date of Incident: | Date of Incident: | Date of Incident: | Date of Incident: |
| Time Started: | Time Started: | Time Started: | Time Started: |
| Time Ended: | Time Ended: | Time Ended: | Time Ended: |
| Total Minutes: | Total Minutes: | Total Minutes: | Total Minutes: |
| Location: | Location: | Location: | Location: |

Check Reason for Restraint or Time Out:

- Imminent Danger of Serious Physical Harm to Self
- Imminent Danger of Serious Physical Harm to Staff
- Imminent Danger of Serious Physical Harm to Other Student(s)

1. A description of events leading up to the incident:

2. A description of the interventions used prior to implementation of isolated time out, time out or physical restraint (e.g., directives used, removed the trigger, use of proximity control, etc.)

3. A description of the incident or student behavior that resulted in isolated time out, time out, or physical restraint (this should be the behavior that posed an imminent danger to self or others):

4. For isolated time out, a description of the rationale for why the needs of the student could not have been met by a less restrictive intervention and why an adult could not be present in the time out room

5. Type of physical restraint used (check all that apply for incident)

- 1 person hold in standing position
- 1 person hold in seated position
- team hold in standing position
- team holds in seated position
- supine restraint
- Other _____

6. Attach behavior log of student behavior during isolated time out, time out, and/or restraint and any interaction between the student and staff.

7. Evaluation by Certified or Trained Staff Member

If an episode of isolated time out or time out exceeds 30 minutes or a physical restraint exceeds 15 minutes or if repeated episodes occur during any three hour time period, a certified staff person knowledgeable about the use of time out or trained in the use of physical restraint must evaluate the situation. Certified or trained staff member evaluating the situation:

Time of evaluation: _____

Did the student require:

nourishment Yes No

Medication Yes No
use of restroom Yes No

need for alternate strategies

assessment by mental health crisis team
assistance from police
transportation by ambulance
other _____

Was the time out or restraint able to be safely continued? Yes No

8. Were there any injuries to student or staff or others?

If yes, evaluated by: _____

Description of injuries:

9. Was there property damage: Yes No

If yes, describe:

10. Description of any planned approach to dealing with the student's behavior in the future, including any de-escalation methods or procedures that may be used to avoid the use of time out or physical restraint:

- Continue IEP
- Develop a BIP
- Refer to Behavior Intervention Team
- Other _____

11. School personnel who participated in the implementation, monitoring, and supervision of time out or restraint.

Name _____ Title _____

Name _____ Title _____

Name _____ Title _____

Name _____ Title _____

Name _____ Title _____

12. Parent Notification:

Required Written Parent Notificaiton:

Phone call, if occurred:

Date _____

Date _____

Time _____

Time _____

Method _____

Date data was submitted into state reporting system: _____ By whom: _____

Copies of the form and attached behavior log to be kept in the temporary file.

Parents who wish to file a state complaint can submit the complaint to statecomplaints@isbe.net. Forms are available at isbe.net/Pages-Special-Education-Complaint-Investigations-Process.aspx. If the form is not used to submit the state complaint, a letter with the following information must be submitted: (a) signature and contact information for the person filing the complaint; (b) name and address of residence of the child; (c) name of school the child attends; (d) a statement detailing the alleged violation(s) and the facts on which the statement is based; and (e) a proposed resolution to the problem. If able, provide necessary documentation such as copies of Individualized Education Programs (EPs). The complaint must be forwarded to the local school district or the public agency serving the child.