

## **Merlin Day Academy Policy on Time Outs, Isolated 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 school districts, special education cooperatives, and nonpublic special education facilities 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 updated April 2022 to "ensure school wellness through advisory supports in education, health, and social-emotional well-being so our children have the opportunity to become whole, healthy, and educated adults". This policy sets forth requirements, restrictions, and procedures related to the use of physical restraints and time-outs for all students in Merlin Day Academy in accordance with ISBE's emergency rules. The Illinois Administrative Code [23 IAC 1.285] states the following".

**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 such that in which a student , 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, Merlin staff member who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and review, in collaboration with the social worker and Board Certified Behavior Analyst® (BCBA®), the individual behavior intervention plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions to accomplish the systemic reduction of isolated time out, time out, and physical restraint use. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for a review in a more intensive placement in accordance with the least restrictive environment placement continuum or change in program.
- D. Any adult who is supervising a student in time out or applying physical restraint shall receive and be certified in the Safety Care training (e.g., Intentional Relation Model, Crisis Prevention Institute (CPI Training), COPING Model, 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 are not permitted.

- 1) Physical restraint or restraint does not include momentary periods of physical restriction by direct person-to-person contact without the aid of material or mechanical devices that are accomplished with limited force and that are designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another person or damage to property. [105 ILCS 5/10-20.33 and 105 ILCS 5/34-18.20]
- 2) "Momentary periods of physical restriction" are considered physical escorts under the definition provided by the U.S. Department of Education. Physical escort means a 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. [ U.S. Dept. of Ed. Restraint and Seclusion: Resource Document, pg. 10]\*

\* *A physical escort that meets the U.S. Department of Education definition of physical escort is not considered a physical restraint.*

- 3) Merlin staff member initiating a physical restraint must remain with the student during the restraint; the student will not be restricted of access to food, water, medication (if applicable), and toileting facilities; student's clothing will not be removed, unless there is a risk of self-injury;
- 4) If the student is restrained in a physical restraint in at least two (2) separate instances within a 30-school day period, Merlin staff member 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 entail, 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; and
  - c) Adhering to the policy for holding a Manifestation Determination Review (MDR), if the student is sent home for any behavior instances that account as a suspension, after 10 days of suspension;

- 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 members as outlined in Section I. D, (II) a student poses a physical risk to himself, herself, personnel or others, and (III) use of the restraint is not known to be medically contraindicated. Only trained Merlin staff members 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-Out-Form.pdf>
- E. The completed form will be:
  - 1) Sent to the student's parents or guardians within 24 hours, or one business day of any occurrence of the use of physical restraint and provided information on a copy of the standards for when time out and physical restraint can be used, information about parents' and students' rights to file a complaint with the State Superintendent and assistance with doing this, if needed, and informed of their right to a meeting with staff regarding the incident within two days of the occurrence;
  - 2) Uploaded into the student's CentralReach (CR) records;
  - 3) Shared via CentralReach with Merlin's Special Education Director; and
  - 4) Emailed to ISBE at [restrainttimeout@isbe.net](mailto: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. Time out does not include a student-initiated or student-requested break; a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate; an in-school suspension or detention; or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment. [23 IAC 1.285(a)(3), 105 ILCS 5/10-20.33, and 105 ILCS 5/34-18.20]
- C. 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) Shared via CentralReach with the Merlin's Special Education Director;  
and
  - 4) Emailed to ISBE at [restrainttimeout@isbe.net](mailto:restrainttimeout@isbe.net) within 48 hours of the use of time out.
- D. 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.
- E. Use of isolated time-out is prohibited, unless, if all other requirements specified in Section 1.285 are met, isolated time out may be used only when the adult in the time out room or enclosure is in imminent danger of serious physical harm because the student is unable to cease actively engaging in extreme physical aggression. [23 IAC 1.285(a)(1), 105 ILCS 5/10- 20.33, and 105 ILCS 5/34-18.20]
- F. Isolated time out does not include time out that is a part of a student's BIP outlining proactive strategies for sensory regulation or modulation before joining whole or small group instruction; student-initiated or student-requested break; a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate; an in-school suspension or detention; or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment. [23 IAC 1.285(a)(3), 105 ILCS 5/10-20.33, and 105 ILCS 5/34-18.20]
- G. Per 23 IAC 1.285(a)(4), the use of a physical space for time out will adhere to the following requirements:
- 1) Meets all of the health/life safety requirements of 23 IAC 180;
  - 2) Has the same ceiling height as the surrounding room or rooms and is large enough to accommodate not only the student but also, if applicable, another individual who is required to accompany that student under 23 IAC 1.285;
  - 3) Is constructed of rooms that have padded walls and flooring that are securely affixed to the wall/floor (having no other objects, including shelves or furniture) to ensure students cannot harm themselves or others; is free of exposed electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others; and designed so that students cannot climb up the walls;
  - 4) Is designed to permit continuous visual monitoring of and communication with the student;
  - 5) Includes an intercom system available for emergency communication and affixed to the wall at 5 ft of height (the intercom boxes are durable and cannot be pulled off the wall);

- 6) The door does not lock, includes a viewing panel, and is not physically blocked by furniture or any other inanimate object at any time during time out or isolated time out.

#### IV. Compliance

Merlin staff members 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 staff members 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 personnel.

Any Merlin Day Academy staff members who 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 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 Restrain <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 hold 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 Notification:

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](mailto:statecomplaints@isbe.net). Forms are available at [isbe.net/Pages-Special-Education-Complaint-Investigations-Process.aspx](http://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.