

Behavioral Interventions, Physical Restraints, Time Outs, and Momentary Physical Intervention for Students

Section 705.4 Board Report 22-0622-PO3 Date Adopted June 22, 2022

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education (the Board) rescind Board Report 20-0226-PO3 and adopt new Behavioral Interventions, Physical Restraints, Time Outs, and Momentary Physical Intervention for Students Policy. The policy was posted for public comment from April 22, 2022 to May 23, 2022.

PURPOSE: In compliance with The Behavioral Interventions Act (105 ILCS 5/14-8.05 and Public Act 102-0339) each school board must develop policies and procedures on the use of behavioral interventions for students who require such interventions. This policy provides requirements, restrictions, and procedures related to the use of physical restraints, isolated time out, time out, and momentary physical intervention for all Chicago Public Schools students in compliance with the Illinois State Board of Education's (ISBE) administrative rules. In August 2021, Public Act 102-0339 was enacted, which amended Section 10-20.33 of the *School Code* to align with ISBE rules regarding the use of isolated time out, time out, and physical restraint.

EQUITY STATEMENT:

Physically restraining or placing a student in time out can carry many risks to the student's physical well-being, emotional health, self-image, and reputation in the school community. The use of these interventions can also erode trust among stakeholders in the student's education and prevent the student from receiving a Free Appropriate Public Education (FAPE). While restrictive practices intend to provide protection from immediate physical harm, there is increasing concern that restraint and time out are being used more broadly and that students with disabilities are being disproportionately subjected to their use.

POLICY TEXT:

I. Definition of Terms

Behavioral Interventions: Positive or preventative non-physical techniques used with students to promote desirable behaviors and reduce identified inappropriate behaviors.

Time-out: The involuntary monitored separation of a student from classmates with a trained adult for part of the school day, only for a brief time, in a non-locked setting.

- Does not include a student-requested break, a student-initiated or teacher-initiated sensory break, an in-school suspension or detention, or a student's brief removal to the hallway or similar environment.

Isolated Time Out: The confinement of a student alone in a time out room or some other enclosure, whether inside or outside of the learning environment, without a supervising adult from which the student's access is restricted.

Momentary Physical Intervention: The use of brief (i.e., 5 seconds or less) physical intervention with a student using limited force by direct person-to-person contact. Momentary physical interventions do not restrict or immobilize a student from freely moving their body and limbs for a period of time.

Imminent Danger of Serious Physical Harm: A situation where a student presents an immediate danger to the safety and well-being of himself, herself, or another person and is likely to cause immediate physical harm.

Physical Restraint (also referred to as “Physical Management”): A physical restriction that immobilizes or reduces the ability of a student to move their torso, arms, hands, legs or head freely for a period of time. Physical restraint is used only by personnel trained in a CPS-approved behavioral safety curriculum and only after all other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm.

- The physical removal of a disruptive student who is unwilling to leave voluntarily, or transported to another setting is considered a restraint, which can only be used if there is a risk of imminent danger of serious physical harm.

Mechanical Restraints: The use of any device or equipment that restricts, reduces or immobilizes the ability of a student to move his or her torso, arms, hands, legs or head freely for a period of time. The term does not include equipment utilized by a student that are prescribed by a related service provider including body positioning devices, equipment for balance, vehicle safety restraints, or orthopedically prescribed devices that allow a student to participate in activities without risk of harm.

Chemical Restraints: means the use of medication to control a student’s behavior or to restrict a student’s freedom of movement.

Supine Restraint: A restraint that places the student in a face-up position on the student’s back on the floor or other surface, and physical pressure is applied to the student’s body to keep the student on their back.

Prone Restraint: A restraint that places an individual in a face-down position on the floor or other surface while using physical pressure that immobilizes or reduces the student’s ability to move their torso, arms, legs, hands, or head freely.

Restraints that Restrict Breathing: Any restraint that places pressure on or around a student’s chest, back, abdomen, neck or head (i.e., basket holds, bear hugs) or any use of placing items on, near or around a student’s mouth, nose or face (i.e., pillows, blankets, etc.) while a physical restraint as defined in section I-F is being utilized.

II. Prohibitions

A. Prohibitions for the use of Restraint:

- a. Physical restraint must not be used as a form of discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, response to civil disobedience/protest, or to prevent property damage in the absence of imminent danger of immediate serious physical harm to the student or others.
- b. Students must not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat may not be considered as constituting a physical danger unless a student also demonstrates a means or intent to immediately carry out the threat, which will result in imminent physical danger.

- c. The use of mechanical and/or chemical restraint for the purpose of managing behavior or maintaining discipline is prohibited.
 - d. The use of prone restraints must not be used.
 - e. The use of supine restraints must not be used.
 - f. The use of restraints that restrict breathing must not be used.
- B. Prohibitions for the use of Time Out:
- a. Use of a locked room or where the door is obstructed and/or unable to open.
 - b. Use of a confining space such as a closet.
 - c. Use of a room or location where the student cannot be continually observed.
 - d. The deprivation of necessities or unreasonable delay in providing the following is prohibited:
 - i. Food or liquid
 - ii. Medication
 - iii. Use of the restroom
- C. Prohibitions for the use of Isolated Time Out:
- a. Use of isolated time out is prohibited in all public schools.
 - i. This restriction does not apply to ISBE-approved educational or residential facilities under contract with the Board to provide educational programming to appropriately identified students, when such use is outlined in a student's IEP.

III. Allowances

- A. Staff must develop procedures for the appropriate use of positive behavioral interventions with students. These procedures will:
- a. Include criteria for determining when a student may require a Tier III behavioral support plan or behavior intervention plan;
 - b. emphasize positive behavior interventions that are designed to develop and strengthen desirable student behaviors;
 - c. incorporate procedures and methods consistent with evidence-based practices in the field of behavioral intervention;
 - d. include requirements for monitoring the use of behavioral interventions; and
 - e. be consistent with the Illinois State Board of Education's guidelines regarding Behavioral Interventions.
- B. The use of physical restraint is permitted when:
- a. A student poses an imminent danger of immediate serious physical harm to themselves or others,
 - b. Other less restrictive and intrusive measures have been tried and have proven to be ineffective in stopping the imminent danger of immediate serious physical harm,
 - c. Used by trained school staff, and
 - d. Use of the restraint is not known to be medically contraindicated.
 - e. Use with various student populations:
 - i. For Students with Disabilities, a Functional Behavioral Assessment (FBA) must be conducted to determine if a Behavioral Intervention Plan (BIP) is warranted to implement the use of positive, non-restrictive interventions as defined in section I-A. The use of physical restraint must be included in the BIP section of the IEP when deemed appropriate and authorized by the student's IEP team. The use of physical restraint must be used in compliance with a student's IEP.

1. If the student's IEP indicates they use sign language or an augmentative or alternative communication system, the student's hands must not be immobilized, and access to functional communication must be provided during the restraint.
 - ii. For General Education Students, when the student displays behaviors that pose an imminent threat of immediate serious physical harm on a minimum of three (3) occasions within a thirty (30) day period, a Tier III behavior support plan should be developed to identify positive strategies to prevent and address challenging behavior and authorize the use of physical restraint or time out, as necessary in accordance with this policy.
 1. The use of MTSS behavioral support is not exclusive to general education students and can be implemented for a student with disabilities in conjunction with an IEP or 504 Plan.
- C. The use of physical restraint requires that staff stop the restraint after no more than ten (10) minutes to evaluate the imminent danger of serious immediate physical harm.
- a. If at any point during the restraint a student complains of pain or difficulty breathing, the restraint must be immediately released.
 - b. When the threat of imminent danger of serious physical harm no longer exists, the restraint must be released.
- D. School staff may employ a momentary physical intervention with any student (including students with disabilities) in the following circumstances:
- a. In emergency situations to prevent a student from completing an act that would result in physical harm to himself or another, or serious damage to property.
 - i. Examples include, but are not limited to:
 1. blocking a student from running into on-coming traffic
 2. briefly helping a student down from a dangerous height
 3. removing a dangerous substance or weapon from a student's possession, or
 4. physically blocking a student from throwing an item that would shatter glass.

IV. Training Requirements

Any adult who is supervising a student in time out or applying a physical restraint must complete at least 8 hours of developmentally appropriate training annually. Training in the area of physical management must be completed in person. A training certificate will be issued for all training completed, which must be kept for records, in the event of an audit. Training is required in the following areas:

- A. crisis de-escalation;
- B. restorative practices;
- C. identifying signs of distress during physical restraint and time out;
- D. trauma-informed practices;
- E. behavior management practices;
- F. implicit bias; and
- G. physical management practices.

V. Reporting Requirements

- A. Complete the ISBE Physical Restraint and Time Out (PRTO) form:
 - a. All staff/participants involved in the PRTO must be noted in the report.

- b. Each event must have at least one Safety Check Participant for every 10 minutes if physical restraint is used and one every 30 minutes if time out is used. The Safety Check Participant should:
 - i. Observe the student for distress and need for necessities to be provided (food, water, restroom, medication, etc.)
 - ii. Be someone who is trained in the use of physical restraint to be able to monitor the hold(s) being used and inform others of any adjustments that may need to be made.
 - 1. Monitor the length of time the hold is taking place and notify staff when a release is required or warranted.
- B. Document the incident of physical restraint and/or time out in Aspen within 24 hours, upload the completed ISBE PRTO form to the Aspen ICT, as part of the Incident Details entry.
 - a. If the student has an IEP or 504 Plan the completed ISBE PRTO form must also be uploaded to the student's profile in SSM.
- C. Complete the ISBE PRTO Survey within 24 hours of the documented incident.

VI. Parent Notification and Post PRTO Incident Meeting

Every attempt to notify the student's parents/guardians of the physical restraint and/or time out must be made by the end of the school day.

- A. Parent(s)/Guardian(s) must be provided with the following information, following an incident of PRTO:
 - a. Standards for when PRTO can be used
 - b. Parent and student rights
 - c. State complaint process
 - d. A copy of the completed ISBE PRTO form AND the Aspen ICT report must be provided to the parent/guardian within 24 hours of the physical restraint or time out occurring.
 - i. A hard copy of the completed ISBE PRTO form must be placed in the student's file.
 - e. Written notice of the right to request a meeting with school personnel must be provided to the parent(s)/guardian(s) at the time they are notified of the incident, but no more than 2 days after the incident took place.
 - i. If a meeting is requested by the parent(s)/guardian(s), the meeting must take place within two (2) school days after the request is made, provided that the two (2) day limitation may be extended only if requested by the parent/guardian.
 - 1. Parent(s)/Guardian(s) may request the meeting be held by phone or video conference, in addition to in person.
 - a. Post-PRTO meetings are separate from an IEP or Section 504 meeting.
 - i. Meeting participants must include the following:
 - 1. Student, if appropriate
 - 2. Parent(s)/Guardian(s)
 - 3. At least one (1) staff member involved in the PRTO incident
 - 4. At least one (1) staff member not involved in the PRTO incident
 - 5. The meeting will provide the opportunity for all to describe and discuss the following:

6. The events that occurred prior to the incident of PRTO and any actions that were taken by school personnel or the student leading up to the PRTO incident.
 7. The PRTO incident itself
 8. The events that occurred or the actions taken following the PRTO incident and whether the student returned to regular school activities. If not, how the student spent the remainder of the day.
 9. What school personnel could have done differently to avoid the PRTO incident.
 10. What alternative courses of action, if any, the school can take to support the student and avoid future uses of PRTO.
- f. Written summary of the Post-PRTO meeting and any agreements/conclusions reached must become part of the student's temporary school record and must be provided to the parent(s)/guardian(s).
 - i. If agreements/conclusions will impact, add, or change the services or supports a student will receive as part of their IEP or 504 Plan a separate meeting will need to be held to finalize those changes.
 - g. If the parent(s)/guardian(s) does not request a Post-PRTO meeting within ten (10) school days or they fail to attend a requested meeting that must be documented as part of the student's school record.
 - h. At no point may a student be excluded from school solely because a meeting has not occurred.

VII. School-Based Review Meeting

- A. When a student experiences instances of time out or physical restraint on three (3) days within a 30 day period, the school personnel who initiated, monitored, and supervised the incidents must conduct a review of the effectiveness of the procedures used and create an individual plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions.
 - a. The review will consider the student's potential need for MTSS behavioral supports, special education eligibility, consent for an FBA and BIP, or revision of a current FBA and BIP. The review of procedures will consist of the following:
 - i. At least one psychologist, social worker, nurse, or behavior specialist;
 - ii. review of data (frequency, duration, discipline referrals/action, etc.);
 - iii. consider the development of additional or revised positive behavioral interventions and supports to reduce the use of restrictive procedures;
 - iv. determine if modification of the student's IEP, 504 Plan, Tier III behavior intervention plan, or other plan of care is necessary;
 - v. review any known medical or psychological limitations that may contraindicate the use of restrictive procedures and if applicable document such restrictions in the student's plan; and
 - vi. The plan will be placed in the student's temporary student record.

VIII. Systematic Reduction of PRTO use Requirements

- A. Required District Plan must outline specific actions to reduce and eventually eliminate the use of PRTO as behavioral interventions and develop non-coercive environments. Plans must include specific actions to ensure the following:
 - a. Individualized student plans oriented toward the prevention of the use of PRTO are developed.
 - i. These are separate and apart from a student's IEP or 504 Plan.
 - b. Appropriate school personnel are fully informed of a student's history, including physical or sexual abuse, and other relevant medical and mental health information, as permissible within district policy, state, and federal laws governing student confidentiality and privacy rights.
 - c. Support a vision for cultural change that reinforces the following:
 - i. Positive behavioral interventions and supports in place of the use of PRTO
 - ii. Effective ways to de-escalate situations to avoid the use of PRTO
 - iii. Crisis intervention techniques that use alternatives to the use of PRTO
 - iv. Use of debrief/after action review meetings to reassess what happened, why it happened, and ways to prevent the use of PRTO in the future.
- B. The District is required to create a time out and physical restraint oversight team including, but not limited to teachers, administrators, paraprofessionals, RSPs, and district and network staff.
 - a. Student and parent/guardian focus groups will be established in areas where the use of restraint and time-out are used most frequently, to continue to incorporate student and family voice into the process.
- C. The District must establish and maintain a committee to develop policies and procedures on the use of positive behavioral interventions. These policies and procedures must:
 - a. be developed with the advice of parents with students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities;
 - b. emphasize positive interventions that are designed to develop and strengthen desirable behaviors;
 - c. incorporate procedures and methods consistent with generally accepted practice in the field of behavioral intervention;
 - d. include criteria for determining when a student with disabilities may require a behavioral intervention plan;
 - e. reflect that the guidelines of the State Board of Education have been reviewed and considered and provide the address of the State Board of Education so that copies of the State Board of Education behavioral guidelines may be requested; and
 - f. include procedures for monitoring the use of restrictive behavioral interventions.

IX. Compliance

- A. The Chief Executive Officer or designee is authorized to develop procedures and guidelines for the appropriate use of physical restraints and time out and the reporting of incidents that comply with Illinois State Board of Education regulations.

- B. School staff must employ Behavior Interventions, Physical Restraints, Time Outs, and Momentary Physical Intervention in accordance with the requirements of this Policy and the procedures and guidelines issued by the Chief Executive Officer or Designee.
- C. ODLSS, in collaboration with OSS, ITS, and the Law Department, will monitor the use and documentation of Physical Restraint and Time Out through Aspen documentation and completion of the ISBE Survey to identify the frequency and disproportionate use of PRTO.
- D. Violations of this Policy, or the procedures and guidelines issued by the Chief Executive Officer or designee, are subject to discipline in accordance with the Board's Employee Discipline and Due Process Policy.

Amends/Rescinds	Rescinds 20-0226-PO3
Cross References	16-0525-PO2; 08-0723-PO3; 95-1220-PO1
Legal References	105 ILCS 5/34-18.20; 105 ILCS 5/2-3.130; 105 ILCS 5/14-8.05; 105 ILCS 5/10-20.33; 23 Illinois Administrative Code 1.280, 1.285
Final	This Policy was adopted on a Final basis at the February 26, 2020 Board Meeting [Board Report 20-0226-PO3].
Public Comment	<p>Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 4/22/22 – 5/23/22</p> <p>Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 12/16/19 -1/15/20 and adopted on an interim basis at the December 11, 2019 Board Meeting [Board Report 19-1211-PO5].</p>