



# Illinois State Board of Education

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January 21, 2020

Mr. Tony Reeley  
Director of Special Education  
Eastern Illinois Area of Special Education  
5837 Park Drive, Suite 1  
Charleston, IL 61920

Re: Systemic Complaint  
Kansas Treatment and Learning Center (TLC)  
Case Number 2020-CO-0046

Dear Mr. Reeley:

The Illinois State Board of Education, Special Education Department, has completed its investigation of the November 20, 2019, complaint lodged by Jesse Ruiz, a representative of the Office of the Governor, regarding the special education services for students with disabilities enrolled in programs operated by Eastern Illinois Area of Special Education. Authority for conducting this investigation is 23 Illinois Administrative Code, §1.285(k).

The review focused on the following requirements:

**23 Illinois Administrative Code, 1.285**, (IN EFFECT PRIOR TO NOVEMBER 20, 2019), *which states in part Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students (i.e., as a form of punishment). Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).*

- a) *"Isolated time out" means the confinement of a student in a time out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements.*
- 1) *Any enclosure used for isolated time out shall:*
    - A) *have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;*
    - B) *be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to*

- harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing); and*
- C) be designed to permit continuous visual monitoring of and communication with the student.*
- 2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.*
  - 3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.*
  - 4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.*
- e) Time Limits*
- 1) A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.*
- f) Documentation and Evaluation*
- 1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of these records. Each record shall include:*
    - A) the student's name;*
    - B) the date of the incident;*
    - C) the beginning and ending times of the incident;*
    - D) a description of any relevant events leading up to the incident;*
    - E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;*
    - F) a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;*
    - G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;*
    - H) a description of any injuries (whether to students, staff, or others) or property damage;*
    - I) a description of any planned approach to dealing with the student's behavior in the future;*
    - J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;*
    - K) the date on which parental notification took place as required by subsection (g) of this Section.*
  - 2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.*
  - 3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.*
  - 4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.*

- A) A licensed educator knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
  - B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
  - C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.
- 5) When a student has first experienced three instances of isolated 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 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.
- A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.
  - B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.
- g) Notification to Parents
- 1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].
  - 2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's parents, unless the parent has provided the district or other entity with a written waiver of this requirement for notification. The notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.
- h) Requirements for Training
- 1) Isolated Time Out  
Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.

**Background and Summary of Allegation**

The complaint referenced a November 19, 2019, article, which addressed the use of time out in schools within the state. Specifically, there were concerns regarding in a school located in the cooperative. Based on additional information, our agency has determined that However, based on the identified concerns, our agency has determined that this systemic investigation will address the school's practices regarding the use of isolated time out.

**Action Taken in Response to Complaint**

During the course of the investigation, email communication occurred with the state-approved director of special education for the cooperative ("director"). In addition, an onsite visit occurred on December 19, 2019, that comprised of a tour of the facility and separate interviews with the principal of the identified facility ("principal") and the director. Further, the director provided a written summary and additional documentation on December 19, 2019.

**Facility Information**

The school that was investigated serves students in kindergarten through grade twelve and currently supports about 60 students. The principal stated that the students are eligible for special education under the emotional disability (ED) category. The school also serves several students that are substance users including crystal methamphetamine, synthetic marijuana (K2), and substituted cathinones (bath salts). The director stated that there is a lack of resources in the area for drug addiction and mental health needs. The school employs three counselor positions: one full-time counselor, one part-time counselor, and one social worker who is completing an internship. There are 10 teachers and 20 paraprofessionals at the facility. The entire professional staff is trained in and utilizes a crisis intervention program within the school.

Since the emergency rules for the use of time out went into effect, the principal reported that the school no longer uses isolated time out, and consequently, seven personnel have quit, two personnel have been assaulted resulting in bloodshed, there has been an increase in student elopements, and the school has utilized police interventions and out-of-school suspensions more often.

**Findings/Conclusions**

**Issue 1: Use of Isolated Time Out {23 IAC §1.285}**

No violation is found as explained below:

**Review of Relevant Information**

Use of Isolated Time Out 23 IAC §1.285	Documentation
<i>Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others.</i>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>o In response to an internal evaluation of the data being collected, the respondents stated that the school has adapted the form that is used to record the use of isolated time out twice since November 20, 2018. Each version of the form allows the staff to focus more clearly on the proper instances in which to use isolated time out, as well as document the occurrences more accurately. The principal acknowledged that she had numerous difficult conversations with staff regarding what they can do better (e.g., document incidents more clearly, attempt more interventions, etc.).</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>o The director provided 272 isolated time out records, dated November 20, 2018, to November 5, 2019, which are</li> </ul>

	<p>documented on three different forms. Specific information about the components of each form is outlined in Issue #4.</p> <ul style="list-style-type: none"> <li>• The <i>Restrictive Intervention Incident Report</i> form, in use August 2018 through January 2019, recorded that students were put in isolated time out 7% of the time for elopement; 5% of the time in which an outside crisis team needed to be called, 12% of the time for self-injurious behavior, 11% of the time for threat of, or physical aggression towards, a peer; 32% of the time for threat of, or physical aggression towards, a staff member; 19% of the time for other forms of aggression (e.g., object aggression, such as throwing a desk or knocking over a bookcase); and 19% of the time for non-compliant behavior (e.g., refusing to comply to a self-regulatory "head down", exit the closet, or sit in a seat).</li> <li>• The <i>Restrictive Intervention Incident Report</i> form, in use February 2019 to the end of the 2018-2019 school year, documented that students were put in isolated time out 12% of the time for elopement; 7% of the time to assist with self-regulation; 1% of the time in which an outside crisis team was called; 9% of the time for self-injurious behavior; 3% of the time for threat of, or physical aggression towards, a peer; 34% of the time for threat of, or physical aggression towards, a staff member; 29% of the time for other forms of aggression (e.g., object aggression); and 3% of the time for non-compliant behavior (e.g., student refusing to sit in their seat). Four other incidents of the use of isolated time out were not identifiable for the above-mentioned categories (e.g., the student had a bloody nose and needed to use the punching bag that was located in the time out area, the student was in a restraint and had self-regulated their behavior.)</li> <li>• The <i>Behavior Incident Report</i> in use for the 2019-2020 school year, documented that students were put in isolated time out 16% of the time for elopement; 5% of the time in which an outside crisis team was called; 5% of the time for self-injurious behavior; 5% of the time for threat of, or physical aggression towards, a peer; 68% of the time for threat of, or physical aggression towards, a staff member; and 5% of the time for other forms of aggression (e.g., object aggression).</li> </ul>
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Summary and Discussion

A review of the documentation indicated that the staffs' written explanations for the use of isolated time out altered and became more specific to the regulatory language of "maintaining a safe and orderly environment for learning" and "necessary to preserve the safety of students and others" with the amendment of the language used as the *Restrictive Intervention Incident Report* forms were updated. Specifically, in the form in use from November 20, 2018, to February 2019, non-compliant behavior, such as the student refusing to exit a closet, or to put a "head down," which is a self-regulation technique used by the school, was documented 19% of the time. Although the documented non-compliance might have

disrupted the safe and orderly environment for learning, the incident review that was recorded by staff did not always explain how the environment was disrupted or if the use of isolated time out was necessary to preserve the safety of students and others.

The two *Restrictive Intervention Incident Report* forms in use from February 2019 to the present time, offered options of "physical harm to self/other, physical aggression, and other" as reasons for the use of isolated time out. However, there were four incidents documented in the reports, such as a student having a bloody nose, or the use of isolated time out after a student had self-regulated in a restraint, in which it was not evident in the documentation to suggest that the use of isolated time out was necessary to preserve the safety of students and others.

As detailed in the "Relevant Information", there were four instances (1%), that the use of isolated time out was not reported with detail to suggest the intervention was necessary to preserve the safety of students and others, however, a pattern had not been established by the school regarding the inappropriate use of isolated time out. In addition, the use of isolated time out for non-compliance decreased from 19% to 3% and finally to 0% as the recording forms were updated. The cooperative's updating of the reporting forms in which to record incidents more accurately, demonstrated that the cooperative had been conducting reviews of the use of isolated time out to address the clarity and accuracy of reporting as required in 23 IAC §1.280(c)(6) and internally addressed the issue of using time out to preserve the safety of students and others. Based upon the reporting submitted to the agency in response to this complaint, the school demonstrated compliance with the requirement to utilize isolated time out only as a means of maintaining a safe and orderly environment for learning and only to the extent necessary to preserve the safety of students and others.

**Issue 2 – Isolated Time Out Room (23 IAC §1.285(a) (1-4))**

No violation is found as explained below:

Review of Relevant Information

Isolated Time Out Room 23 IAC § 1.285(a) (1-4)	Documentation
<i>Isolated time out room has the same ceiling height as the surrounding room or rooms.</i>	One large room has three internal rooms for use with isolated time out. The same ceiling height for all rooms is evident.
<i>Isolated time out room is large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student.</i>	All three rooms for use with isolated time out are large enough to accommodate at least two individuals.
<i>Isolated time out room is constructed of materials that cannot be used by students to harm themselves or others.</i>	All rooms are constructed of brick walls and tiled floors.
<i>Isolated time out room is free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others.</i>	No electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others were evident.
<i>Student cannot climb up the walls (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing).</i>	The walls are spaced far enough apart to prohibit a student from climbing.

<i>Isolated time out room is designed to permit continuous visual monitoring of and communication with the student.</i>	Two cameras are located in each room. One camera is for use of closed-circuit monitoring with 3 monitors for visual supervision located in the larger outside room; the second camera is for recording.  The door includes a peep hole in which to view students.
<i>If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction has been used.</i>	The doors were made of solid wood.
<i>If the door includes a viewing panel, the panel is unbreakable.</i>	The doors included a peephole that was not breakable.
<i>Evidence that supervising adult is within 2 ft. of the enclosure.</i>	The adult assigned to the isolated time out room was required to press a button located outside each door to keep the magnetic lock engaged on the door. The monitors used for visual supervision were located directly outside the three isolated time out rooms.
<i>If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.</i>	The magnetic locking mechanism was engaged by pressing on a button. If the button was depressed, the door would unlock.

Summary and Discussion

An on-site visit of the facility was conducted on December 19, 2019. The facility has three designated time out rooms. The three rooms were located within one larger room that also included a punching bag, monitors for visual supervision of the closed-circuit cameras, and a table with chairs.

Each time out room had the same ceiling height as the surrounding room, was large enough to accommodate the student and the individual accompanying the student, was free of materials that could harm the student, was designed so the that the student could not climb up the walls and permitted continuous visual monitoring of and communication with the student. The rooms were constructed of bricks and tiles and included two cameras. One camera was used for closed-circuit monitoring and one for recording. The principal stated that the second camera had been added within the last year.

Each time out room had a door made of wooden construction, including an unbreakable viewing panel (peephole), and a magnetic locking mechanism that would engage only if the mechanism was being held in position. The principal reported that general maintenance, such as painting, was done to the rooms at the beginning of the school year, and since the emergency rules went into effect the doors have been removed. The principal acknowledged that since the emergency rules have been released in November 2019, the rooms have not been used for isolated time out. Based upon the reporting submitted to this

agency in response to this complaint, the school demonstrated compliance with the requirements of the isolated time out room.

**Issue 3 – Time Limits {23 IAC § 1.285(e)(1); 23 IAC §1.285 (f)(4)(A-C)}**

No violation is found as explained below:

Review of Relevant Information

Specific information about the components of the *Restrictive Intervention Incident Report* forms referenced in this issue are detailed in Issue #4.

<p>Time Limits 23 IAC § 1.285(e)(1) 23 IAC §1.285 (f)(4)(A-C)</p>	<p>Documentation</p>
<p>1) <i>A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.</i></p>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>○ The respondents stated that they recognize a student is ready to exit isolated time out when the student is no longer a harm to self or others and takes a "heads down" or shows compliance. Staff is trained [referenced in Issue #6] that students should remain in the isolated time out rooms for no longer than 30 minutes after the behavior for which the student was put in isolated time out discontinues.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ The <i>Restrictive Intervention Incident Report</i> forms that were used to record student behaviors in isolated time out show instances of documenting student's behavior, such as:           <ul style="list-style-type: none"> <li>● On March 1, 2019, the student's log indicated the student was in isolated time out from 2:05-3:01. However, during that hour timeframe, the log documented that, staff used many de-escalation techniques along the continuum including managing the environment, prompting, caring gestures, proximity, directive statement, and 15 minutes of time away. The student was in a closed-door time out for eight minutes and when the door was opened, he attempted to elope, so the door was shut again for another 8 minutes. The student de-escalated in six minutes, and then self-regulated. At 2:35, it was evaluated that the student was sitting quietly on the back wall. The post intervention activity was then completed.</li> <li>● On March 4, 2019, the student's log indicated that the student was in isolated time out until 9:16, but the "Supervisory Signature Page" indicated that at 8:46, the student was working on a post-intervention activity.</li> </ul> </li> <li>○ Of the 272 records provided, 51% documented that the student was in a post-intervention activity at the time of the final check-in; 4% of students were involved in alternative</li> </ul>



	<p>activities (e.g., having lunch, using the punching bag, seeing a nurse or counselor, doing classwork, etc.); and the remaining records documented the student's specific behavior (e.g., sitting on wall, taking a "head down", sleeping, etc.).</p> <ul style="list-style-type: none"> <li>• Of the <i>Restrictive Intervention Incident Report</i> forms in use November 2018 through January 2019, 100% of records indicated that students were not kept in isolated time out for longer than 30 minutes after the student ceased presenting the specific behavior for which isolated time out was imposed.</li> <li>• Of the <i>Restrictive Intervention Incident Report</i> forms in use February 2019 through the end of the 2018–2019 school year, 98% of records indicated that students were not kept in isolated time out for longer than 30 minutes after the student ceased presenting the specific behavior for which isolated time out was imposed. Less than 1% of the records were not fully provided or unclear as to the student's behavior.</li> <li>• Of the provided <i>Behavior Incident Report</i> forms in use since August 2019, 100% of records indicated that students were not kept in isolated time out for longer than 30 minutes after the student ceased presenting the specific behavior for which isolated time out was imposed.</li> </ul>
<p>4) <i>The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.</i></p>	
<p>A) <i>A licensed educator knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.</i></p>	<p>December 19, 2019, Written Response, in relevant part:</p> <ul style="list-style-type: none"> <li>○ In the written response, the director stated that a licensed educator evaluated the situation during each occurrence in which isolated time out lasted over thirty minutes and/or repeated episodes over three hours in duration. The licensed educator evaluated each situation, considered the appropriateness of continuing the procedure, and documented the results of the evaluation.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ The three <i>Restrictive Intervention Incident Report</i> forms in use since August 2018 included a "Supervisory Signature Page" that indicated: student, date, time, certified teacher signature and status of the student.</li> <li>• Of the <i>Restrictive Intervention Incident Report</i> forms in use November 2018 through January 2019, 99% included a completed "Supervisory Signature Page." However, in the one missing report, a minute by minute log was included in which the student was evaluated eating lunch, doing a post intervention strategy and in the nurse's office.</li> </ul>

	<ul style="list-style-type: none"> <li>• Of the provided <i>Restrictive Intervention Incident Report</i> forms in use February 2019 through the end of the school year, 98% included a completed "Supervisory Signature Page." One form was not provided; one form started, but the page had ended, and the next page was not provided; and one form was unclear if the "Signature Page" was needed.</li> <li>• Of the <i>Behavior Incident Report</i> forms in use since August 2019, 100% included a completed "Supervisory Signature Page."</li> </ul>
<p>B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance)</p>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>○ The respondents stated that when an evaluator was needed, a phone in the time out room was available to call and request assistance. The certified evaluator would be a staff member who was not involved in the incident and would document and sign off every thirty minutes on the "Supervisory Signature Page". Details that were documented on the form included: if the student was no longer a danger to self or others, the student could be let out of isolated time out, or if there was a situation when the student is no longer a danger, but not ready to go back to class. In addition, the evaluator documented if the student needed lunch, if there was an injury, or if outside assistance from a trauma team was needed.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ Templates for three different <i>Restrictive Intervention Incident Report</i> forms that were in use from November 2018-2019 were provided and included "Supervisory Signature Pages."</li> <li>○ The <i>Restrictive Intervention Incident Report</i> form in use from August 2018 through January 2019 indicated that the staff member completing the log should include a supervisory signature when needed.</li> <li>○ The <i>Restrictive Intervention Incident Report</i> form in use from February 2019 through the end of the school year, required personnel completing the log to indicate if there were injuries to the student/staff or if medical attention and follow up was needed (e.g., talk with school counselor, crisis intervention counselor, hospitalized for mental health crisis, and police involvement).</li> <li>○ The <i>Behavior Incident Report</i> form in use since August 2019 to the present time provides space to answer such prompts as: "Were there any injuries to the student, staff or others; Describe planned approach to dealing with the student's behavior in the future; and Is it appropriate to continue the current procedure at this time?" Also included on the form is</li> </ul>

	<p>an episode "Duration Report" to document if the student requires accommodations such as medication, nourishment, use of the restroom, etc. The form also indicates that if an "episode of isolated time out exceeds 30 minutes...a licensed educator knowledgeable about the use of isolated time out...shall evaluate the situation." The template provides space to indicate if the student requires: medication, medical treatment, nourishment, use of a restroom, assessment by a mental health crisis team, assessment by a crisis team, assistance from police, transportation by ambulance, and other alternative strategies.</p>
<p>C) <i>The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.</i></p>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>o The respondents stated that the detailed records are maintained in the student's temporary record.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>o If applicable, the "Supervisory Signature Page" was included with the students' <i>Restrictive Intervention Incident Report</i> form, which is placed in the student's temporary student record. In addition, the form included a page in which staff can sign off that they have "reviewed this restrictive." Signatures of the principal, counselor, case manager, and independent reviewer are included.</li> </ul>

Summary and Discussion

In the interviews, the respondents stated that all minutes in the isolated time out area were documented as isolated time out and evaluated even if the student was calm. After a student presented themselves as not a harm to self or others, the student and staff member completed a post-intervention interview that addressed strategies and next steps. This interview was reflected in the overall isolated time out calculation. The respondents acknowledged that this "quiet time" had been documented incorrectly, and isolated time out should have only been documented when the door was closed due to student elopement or when a student would try to put their fingers in the crease of the door. The time documentation that was reported on the isolated time out logs did not distinguish between time out and time away. The principal stated that she felt that the staff over-documented, but they preferred to record all details of each incident to share with other agencies including law enforcement and crisis management agencies.

All instances of isolated time out are documented on the *Restrictive Intervention Incident Report* forms that have been in use since August 2018. Instances of isolated time out exceeding 30 minutes are documented on a "Supervisory Signature Page" that is completed by a licensed educator knowledgeable about the use of isolated time out. Over 99% of the submitted records for isolated time out included completed pages documented by a licensed educator. Of the forms not provided, more time would be required to determine if it was an oversight of photocopying the completed document, rather than a procedural error on the part of the facility. In addition to the "Supervisory Signature Page" in which evaluators can document what is observed and if the student has any needs, the *Restrictive Intervention Incident Report* forms in use since February 2019 include spaces for evaluators to indicate if the students require accommodations such as medical attention or assistance from the police. As mentioned in Issue #1, the school's updates to the reporting forms to record incidents more accurately, demonstrated that

the cooperative has been conducting reviews of the use of isolated time out to address the clarity and accuracy of reporting, as required in 23 IAC §1.280(c)(6). Due to the small percentage (less than 1%) of the submitted forms not having a fully completed evaluation page, the evidence was not substantial enough to issue a finding.

**Issue 4 --Documentation and Evaluation {23 IAC § 1.285(f) (1-3,5)}**

No violation is found as explained below:

Review of Relevant Information

The respondents stated that there have been three different forms used since November 2018 to record each episode of isolated time out. Additionally, in the written response, the director maintained a compliant policy on the regulatory use of isolated time outs. The policy includes the circumstances under which isolated time out would be applied, a written procedure for staff to follow, the designation of a school official who would be informed of episodes and maintain the required documentation when an isolated time out was used, the process the school would use to evaluate any episodes that resulted in serious injury, a description of alternative strategies that would be implemented when determined advisable, and a description of the cooperative's annual review of the use of isolated time out.

Documentation and Evaluation 23 IAC § 1.285(f) (1-3,5)	Documentation
<p>1) <i>A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of these records. Each record shall include:</i></p>	<p>December 19, 2019, Written Response, in relevant part:</p> <ul style="list-style-type: none"> <li>○ In the written response, the director stated that each instance of isolated time out was documented and later shared with a designated official and the student's parents. The documentation complied with state regulations 23 IAC §1.285 and included all mandated components.</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>○ The respondents stated that the written records of each episode of isolated time out are maintained in the student's temporary record. The forms are completed within 24 hours, then logged into a computer system as a behavior incident report.</li> </ul>
<p>A) <i>the student's name;</i>            B) <i>the date of the incident;</i>            C) <i>the beginning and ending times of the incident;</i>            D) <i>a description of any relevant events leading up to the incident;</i>            E) <i>a description of any interventions used prior to the implementation of isolated time out or physical restraint;</i>            F) <i>a description of the incident and/or student behavior that</i></p>	<p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ Template of <i>Restrictive Intervention Incident Report</i> in use August 2018 through January 2019 included: student name, staff involved, time initiated, time ended, room or location where the incident occurred; initials for the principal, counselor, and teacher, space to indicate when and by whom the parent was contacted, the date and sender of the parent's notification, a space to mark interventions that related to the incident (e.g., food delay, satiation, extracurricular activity exclusion, suspension). In addition, isolated time out was noted with the door</li> </ul>

<p><i>resulted in isolated time out or physical restraint;</i></p> <p><i>G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;</i></p> <p><i>H) a description of any injuries (whether to students, staff, or others) or property damage;</i></p> <p><i>I) a description of any planned approach to dealing with the student's behavior in the future;</i></p> <p><i>J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;</i></p> <p><i>K) the date on which parental notification took place as required by subsection (g) of this Section.</i></p>	<p>closed/open and exit. Part C of the form included 8 statements:</p> <ol style="list-style-type: none"> <li>1. Describe events leading up to the incident.</li> <li>2. Describe inappropriate behavior.</li> <li>3. Describe strategies used before restrictive interventions.</li> <li>4. Describe behavior during restrictive interventions.</li> <li>5. Have the student write what he/she needs to do to prevent this problem and sign it.</li> <li>6. Describe student's behavior after he/she returned to class.</li> <li>7. Describe follow up needed or provided.</li> <li>8. Homeroom teachers [sic] "Restrictive Intervention Log" has been checked for non-IEP interventions.</li> </ol> <p>o Template of <i>Restrictive Intervention Incident Report</i> in use February 2019 to May 2019 included: student name, date, time, location, subject, and staff involved. Part B included information on safety interventions (e.g., prompting, proximity, caring gestures, redirection, time away, managing the environment); setting condition information, crisis safety interventions (e.g., standing restraint, seated restraint, supine, none) including staff involved; time initiated and ended; behavior information (e.g., physical harm to self, physical harm to peer and/or staff, object aggression); crisis intervention safety protective techniques (e.g., protective stance, breaking up a fight, bite release, deflecting a blow); cooperative safety interventions (e.g., food delay, escort, seclusion) including time initiated and ended; and specific knowledge of student (e.g., trauma, pain based behavior). A section was included for the documentation of qualitative data for antecedents to behavior, specifics of the de-escalation techniques used, behavior during safety intervention, recovery after incident (i.e., injuries to student/staff, medical attention, was a plan developed during the post-intervention, was the student able to return to the regular milieu, was the guardian contacted by phone and mail, was the Individualized Education Program (IEP) checked for intervention compliance) as well as follow up needed (e.g., talk with school counselor, police involvement, in-school suspension). The form included a section that noted which staff had reviewed the report, including the principal, counselor, case manager, personnel who prepared the report, and independent reviewer.</p>
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	<ul style="list-style-type: none"> <li>o Template of <i>Behavior Incident Report</i> in use August 2019 to the present included, in addition to the previous reports' information, the following components: number of times behavior occurred; known environmental variables (e.g., weather, diet, conflicts in family, substance abuse, lack of sleep); possible motivation and comments; incident type (e.g., aggressive behavior; self-abuse, theft, work refusal, disruption of class); interventions; description of staff attempts to de-escalate the student, consequences, and comments. Also required was an answer to the prompt, "From your judgement of the student's perspective, what was the first consequence/first result of behavior?" In addition, a section displays on the report to document the specific use of time out, seclusion: notice mailed to the parent, sent a copy to the district office, sent a copy to the building principal. Staff are required to answer questions such as: <ul style="list-style-type: none"> <li>• Were there any injuries to the student, staff or others;</li> <li>• Describe planned approach to dealing with the student's behavior in the future;</li> <li>• Is it appropriate to continue the current procedure at this time?</li> <li>• The report states that one duration report must be completed for each 30 minutes period of the use of isolated time out.</li> </ul> </li>   <li>o A sample of the completed individual crisis management plans (ICMP) were provided. These forms are completed for every student and include information such as: <ul style="list-style-type: none"> <li>• Safety concerns (e.g., stabs arm with pencil, physically aggressive at home);</li> <li>• Current issues and potential triggers (e.g., anything said negative about a family member, anything the student does not want to do, give time after direction, self-esteem and attention-seeking);</li> <li>• High risk behaviors (e.g., insulting, throwing things, give time to de-escalate; disrupts the whole classroom, manipulates staff and students);</li> <li>• Intervention strategies: <ul style="list-style-type: none"> <li>▪ Pre-crisis [behavior] (e.g., ignore, give time to process, give warnings);</li> <li>▪ Triggering [events] (e.g., try to find some work or get involved in activity, find some way to help</li> </ul> </li> </ul> </li> </ul>
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	<p>staff, direction repeated; give a reason why he has to do it; three-minute sensory break);</p> <ul style="list-style-type: none"> <li>▪ Escalation (e.g., still refuses, talks back);</li> <li>▪ Outburst (e.g., has to be removed from classroom to quiet room; other times responds to head down; cusses, throw things, totally disrupts class);</li> <li>▪ Recovery (e.g., repair relationship);</li> </ul> <ul style="list-style-type: none"> <li>• Review date/by whom: (e.g., yearly or as needed, classroom staff).</li> </ul>
<p>2) <i>The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.</i></p>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>○ The respondents stated that the principal is the main official designated as the individual who will be informed of incidents and maintain documentation when isolated time out is used. The principal is notified immediately every time an incident occurs. The counselor and student's case manager are to be notified as well.</li> </ul>
<p>3) <i>The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.</i></p>	<p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ The <i>Restrictive Intervention Incident Report</i> in use August 2018 through January 2019 required staff members' records to be handwritten on the form. In reviewing the submitted forms, all components required under 23 IAC §1.285(f)(1)(A-K) have been completed in their entirety.</li> <li>○ The <i>Restrictive Intervention Incident Report</i> in use February 2019 through May 2019 was an electronic form. In reviewing the submitted forms, all components required under 23 IAC §1.285(f)(1)(A-K) have been completed in their entirety.</li> <li>○ The <i>Behavior Incident Report</i> in use August 2019 to the present is an electronic form. In reviewing the submitted forms, all components required under 23 IAC §1.285(f)(1)(A-K) have been completed in their entirety.</li> </ul> <p>Per 23 IAC §1.285(f)(1), it is not mandatory that the date the form was completed be included on the isolated time out records.</p>
<p>5) <i>When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the</i></p>	<p>Given the time frame of this complaint investigation (November 20, 2018-November 20, 2019), it cannot be determined when a student <i>first</i> experienced three instances of isolated time out.</p> <p>December 19, 2019, Written Response, in relevant part:</p> <ul style="list-style-type: none"> <li>○ In the written response, the director stated that the staff complete a review after a student is subject to</li> </ul>

*effectiveness of the procedures used and prepare 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.*

*A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.*

*B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.*

three instances of the use of isolated time out. Each review includes the school staff that initiated, monitored, and supervised the episodes. The staff provides parents with a ten-days' notice of the date, time, and location for the review. The review includes an analysis of the effectiveness of the procedures utilized and the development of an individual behavior plan for the student, that provided either for continued use of these interventions or the use of other specified interventions.

Interviews:

- o The respondents stated that strategy conferences are held once a month with staff members to review the effectiveness of the procedures as well as to review the student's behavior management plan (BIP) so that the interventions can be adjusted, if needed. In addition, at these conferences, participants will decide if an IEP meeting needs to be held to review the BIP or update the ICMP. The staff is constantly evaluating if they are implementing strategies in the most effective way to assist students.

December 19, 2019, Written Response, in relevant part:

- o In the written response, the director stated that the use of many different alternative strategies are applied at the school. Such alternate strategies consist of but are not limited to: a tri-level point system with rewards for appropriate behavior, a structured and routine environment, individual and group counseling, social work services, therapeutic crisis intervention strategies, and Individualized Education Program academics.

Interviews:

- o Within the strategy conferences, alternate strategies are discussed and documented in the ICMP or BIP. Such strategies as having students take walking breaks in the hallway, the use of the sensory area, whole school positive behavior supports, late stays such as detention, the use of the de-escalation technique called tapping out, behavior support techniques, the use of sensory items, a discussing of the physical setting conditions of the classroom, prompting, distraction, planned ignoring, and the use of time away cards. In addition, the use of counseling services, individual or in a group setting are discussed. Further, coping strategies are taught in individual classrooms, with the use of



	strategies such as the "head down" process, which allows a student to cool down at their desk.
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Summary and Discussion

The director and principal discussed numerous alternative strategies and procedures that are used in the facility in lieu of using the restrictive isolated time out, as stated in 1.280(c)(5). For example, every student has an ICMP, which is updated as needed. These plans do not replace the students' BIPs but are a planning tool for staff. The numerous strategies listed in the ICMP demonstrate that the use of isolated time out is not a punitive form of punishment but a time for the student to self-regulate and return to baseline behavior. The use of isolated time out is documented to be used in the ICMP after other strategies (e.g., staff should try humor, distract, sensory breaks, redirect, calm voice) have been attempted and the student continues to demonstrate behavior that is harmful to self or others (e.g., student will choke self, threatens suicide, will kick, bite, self-mutilation, bangs head.) In evaluating the *Restrictive Intervention Incident Report* isolated time out forms that had been submitted, 100% of the forms log the student's behavior and specify the de-escalation techniques used prior to the use of isolated time out. Three of the *Restrictive Intervention Incident Report* forms indicate that de-escalation was not possible due to the student's level of aggression (e.g., walked in the room threatening to kill others and then eloped, outside crisis intervention teams were called) or harm to self (e.g., took out string to choke self.)

In reviewing the sample of ICMPs that were submitted by the cooperative, 18% specifically refer to the use of the isolated time out room; 68% refer to giving the student time and space (e.g., remove from environment, walk to isolated area to talk calmly, escort to area where can vent, bring to punching bag); and 14% do not refer to removal at all. After each incident of isolated time out, the student completes a post-intervention interview with an adult that includes a plan of action for future events in which the student takes ownership in developing. In addition, the staff meet monthly for strategy conferences to discuss any planned approaches to dealing with the student's behavior in the future.

Three different forms have been used since November 2018, adapted to the requirements of the facility and in response to student's needs. For example, the template of the *Restrictive Intervention Incident Report* form in use February 2019 to May 2019 included information on safety interventions, which was not included in the previous form and allows for staff to document that interventions such as prompting, proximity, caring gestures, redirection, time away, managing the environment were utilized. The third intervention form in use from August 2019 to the present, documents additional least restrictive options.

The three forms used by the facility to document the instances of the use of isolated time out from November 2018 to the present incorporate all components as mandated in 23 IAC §1.285(f)(1), except the *Restrictive Intervention Incident Report* form in use August 2019 through January 2019, which did not include 23 IAC § 1.285(f)(1)(H). However, the subsequent forms included this component. Due to the corrective action that the cooperative has already taken to address the missing component in the second reporting form, there are no findings in this area.

**Issue 5 – Notification to Parents {23 IAC § 1.285(g) (1-2)}**

No violation is found as explained below:

Review of Relevant Information

Notification to Parents 23 IAC § 1.285(g) (1-2)	Documentation
<p>1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].</p>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>○ Respondents stated that parents are encouraged to tour the facility prior to the student's placement and the district's discipline policy will be provided at that time. In addition, a copy of the policy is provided annually at the students' IEP meetings. Further, the information is included in the student handbook.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ A copy of the student handbook was provided. Page 24 includes information on the use of isolated time out.</li> </ul>
<p>2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's parents, unless the parent has provided the district or other entity with a written waiver of this requirement for notification. The notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.</p>	<p>Interviews:</p> <ul style="list-style-type: none"> <li>○ The respondents stated that parents are called immediately following an instance of isolated time out so that the parents are aware of the situation before the student gets home from school. In addition, a written notification is sent home. The respondents acknowledged that prior to the emergency rules going into effect in November 2019, the full report was not sent home, but the full report is now sent home. The respondents stated that staff is great about contacting parents as soon as the student is safe and before the student is home from school. Further, the use of a parental waiver was not an option for the facility.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>○ The written document that is sent home to parents following an occurrence of isolated time out included: date, student name, and language stating: "This letter is to inform you that on (date) your child was involved in the following restrictive intervention (Quiet Room/Restraint). If you have any questions or concerns, please call (name/title) at (phone number). Sincerely (name and title)."</li> <li>○ The <i>Restrictive Intervention Incident Report</i> form in use from November 2018 to February 2019, included a space to document guardian contacted by/date and letter sent by/date. The second form, in use February 2019 to the end of the school year, included a prompt, "Was the guardian contacted by phone call and mail?". A yes/no indicator and explanation column were included. The third version of the form, in effect since August 2019, has a space for notice mailed to parent/date.</li> </ul>

	<ul style="list-style-type: none"> <li>o The <i>Restrictive Intervention Incident Report</i> form in use August 2018 through January 2019 required staff members' records to be handwritten on the form. In reviewing the submitted forms, 100% of parents were called within one school day; all written notification to parents was sent within one school day. However, in one instance, after the student was in isolated time out on the first day, the parent was called, a conference with the principal was conducted, and the student returned to the time out room on a second day to complete the post-intervention activity. In this instance, it was documented on the record that the parent phone call was made on the same day as the use of isolated time out, and the written notification was sent after the post-intervention on the second day. However, it is evidenced that the parent was made aware of the use of the isolated time prior to the written notification being sent after the conclusion of the isolated time out post-intervention activity being completed.</li> <li>o The <i>Restrictive Intervention Incident Report</i> form in use February 2019 through May 2019 was an electronic form. In reviewing the submitted forms, 100% state that phone and written communication were made with a parent, as well as the personnel who conducted the communication.</li> <li>o The <i>Behavior Incident Report</i> form in use August 2019 to the present is an electronic form. In reviewing the submitted forms, 100% state that the parent was contacted within one school day.</li> </ul>
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Summary and Discussion

The documentation provided demonstrates that the cooperative had provisions to notify parents about the policies on the maintenance of discipline at the initial facility tour, at annual IEP meetings, and at the beginning of the year through the distribution of the student handbook.

In the response to the written communication that is mandated to inform parents within 24 hours after any use of isolated time out, the principal stated that staff immediately called parents and followed up with a letter that was sent home. Documentation of these provisions was indicated on the *Restrictive Intervention Incident Report* forms. The form in use from November 2018 to February 2019 indicated that in all but one of the reports, written communication was sent to the parent by the 24-hour mandate, and the written notification for that one incident was sent after a phone call, a conference with the principal, and the completion of the post-intervention activity associated with the time out. The form in use from February 2019 to the end of the 2018-2019 school year, does not have specific dates inputted as to the

date of the written notification but indicated that written notification was sent home 100% of the time and included the staff member who made the contact. Additionally, the cooperative was able to provide evidence of the completed written notifications that were sent to parents and are maintained at the facility. In the subsequent form in use from August 2019 to the present, the date indicated that 100% of written notification was sent home by the 24-hour mandate. Although the records kept from February 2019 to the end of the school year do not specifically indicate the date in which the written notification was sent to parents, through the interviews and the documentation established from the other forms, a pattern of following the 24 hour timeline was evident. As stated in Issue #1 and Issue #3, the cooperative's updating of the reporting forms in which to record incidents more accurately, demonstrated that the cooperative had been conducting reviews of the use of isolated time out to address the clarity and accuracy of reporting as required in 23 IAC §1.280(c)(6) and internally addressed the issue of not documenting the specific date that the parent was notified.

**Issue 6 – Requirements for Training {23 IAC § 1.285(h)(1)}**

No violation is found as explained below:

Review of Relevant Information

Requirements for Training 23 IAC § 1.285(h)(1)	Documentation
<p><i>Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.</i></p>	<p>December 19, 2019, Written Response, in relevant part:</p> <ul style="list-style-type: none"> <li>o In the written response, the director stated that the cooperative oversees the school and regularly and meaningfully train staff on the use of time outs and physical restraint. During the time frame relevant to the complaint, four-day initial crisis intervention trainings for new staff occurred on August 2-7, 2018; November 27-December 11, 2018; January 24-29, 2019; and July 30-August 3, 2019. Refresher training for all staff occurred on August 15 and 20, 2018; and August 14-15, 2019. Additional training for the current school year was provided to the administration on October 18 and November 5, 2019.</li> </ul> <p>Documentation provided:</p> <ul style="list-style-type: none"> <li>o Documentation for the training of staff included the dates of initial or refresher training, materials, agendas, and documentation of staff participation, including staff signature pages for each training.</li> <li>o Training paperwork included personally identifiable information, space to indicate if the training was "initial" or "refresher" and inclusionary language that stated "if you did not complete your initial [crisis intervention] training with [the cooperative], you must provide a copy of your initial certification. If you do not have proof of an initial certification and yearly refreshers, you may not complete the refresher course and will need to sign up for an initial course."</li> </ul> <p>Interviews:</p>

- The respondents elaborated that the crisis training provides strategies to staff when handling a crisis such as the use of proximity and directive statements. The respondents acknowledged the need to continue to conduct training due to staff turnover. In addition to the crisis training, staff participate at the beginning of the year faculty led training and weekly staff training that includes trauma-informed training. In addition, life space interviews (a technique for “recovery after incident” post crisis intervention), are introduced at the crisis management training, followed up at beginning of the year professional development, and reviewed periodically at weekly staff meetings. In February 2019, the life space interview forms had been adapted for use with younger students, and now include visuals and kid-friendly language (e.g., I was thinking what I did was..., what I can do next time). Respondents also stated that legal updates are provided two times a year.

Documentation provided:

- Agendas for the 2018-2019 beginning of the school year professional developments included crisis management refresher training: practice restraints, life space interviews, staff call, post-crisis, and tapping out; physical and life space interview testing; restrictive intervention training: documentation; written crisis management training test; review crisis management de-escalation techniques, emphasis on prevention, positivity, and emotional competence; a review of protocols for restraints and the isolated time out room; create individualize crisis management plans for all students.
- The agendas for the trainings that occur with staff at weekly staff meetings indicated that the meetings start with positives, the staff practice restraint techniques, and there is a discussion about the use of restrictive interventions.

Interviews:

- The respondents stated that staff members are made aware of the circumstances in which isolated time out should be used through the crisis management training at the beginning of the year as well as the refresher trainings that are conducted annually. At the trainings, a review and discussion of Part 1 regulations occur. In addition, additional trainings for staff are scheduled on an at-needed basis.
- Further, the cooperative has specific written procedures describing the use of isolated time out that are discussed at the beginning of the year staff trainings and are accessible to staff via the cooperative’s website, in the school’s office, and a written copy provided at the crisis management training. Staff members are required to sign off indicating receipt of the handbook.

Documentation provided:

	<ul style="list-style-type: none"> <li>○ A copy of the cooperative's written policies and procedures for the use of isolated time out was provided, updated January 8, 2019. In addition, a copy of the cooperative's administrative procedures dated February 2016, which defines when the use of isolated time out can be used, was provided. Previous versions of the written policies dated July 12, 2016, and January 7, 2019, were included.</li>   <li>○ Within the written policies, the following concepts were outlined: <ul style="list-style-type: none"> <li>● Prohibited school conduct: The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to: disobeying rules of student conduct or directives from staff members or school officials; engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.</li> <li>● Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.</li> <li>● Disciplinary measures: School staff members shall not use isolated time out and physical restraints other than as permitted in Section 10-20.33 of the School Code...neither isolated time out nor physical restraints shall be used to discipline or punish a student.</li> </ul> </li> </ul>
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**Summary and Discussion**

Regulation 23 IAC §1.280(c)(1) states the circumstances under which isolated time out will be applied. The director provided a handbook and discussed the training that was completed with all staff in regard to the use of isolated time out.

Training for staff at the school begins with four-day trainings for crisis intervention for all new staff. These trainings were available four times throughout the 2018-2019 year. In the 2019-2020 school year, the training was provided at the beginning of the year. In addition, during the beginning of each school year, one-day crisis intervention refresher trainings occur. The training materials for the initial training included post-crisis response, intervention strategies, behavior intervention guidelines, corresponding regulations, study guides, and presentation materials. A focus of the crisis management training included training for developmental disabilities. Individual crisis management plans and role plays were also part of the training. In addition, isolated time out training included defining terms, reviewing rules and regulations, and documentation procedures.

In addition to the mandatory crisis intervention trainings, the staff has beginning of the year trainings at the school, as well as weekly staff meetings in which the skills are practiced, and procedures are reviewed.

The principal stated that the staff is always updating and evaluating their practices which are evidenced from Issue #4 in which the forms used to record incidents of the use of isolated time out have been updated multiple times as well evidence that time is made available for discussion at weekly staff meetings. The principal also stated that anytime that a staff member can participate in an outside professional development, the expectation is for the staff member to return and present to the whole staff at the staff meetings.

In addition to the trainings provided, the cooperative also provides free counseling to staff to assist with the effects of trauma related to the job.

Corrective Action

Based upon this information, no corrective action will be required. This complaint investigation is considered closed.

Cooperation from both parties during this investigation is appreciated.

Respectfully submitted,



Barbara A. Moore  
Director, Special Education

cc: Mr. Jesse Ruiz, Office of the Governor