



Illinois State Board of Education

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State Superintendent of Education

January 21, 2020

Ms. Valerie Donnan
Director of Special Education
Special Education District of Lake County 18160 Gages Lake Road
Gages Lake, IL 60030-1819

Re: Systemic Complaint
Case Number 2020-CO-0044

Dear Ms. Donnan:

The Illinois State Board of Education (ISBE), Special Education Services Division, has completed its investigation of the November 20, 2019, complaint lodged by Jesse Ruiz, a representative of the Office of the Governor, in regard to the special education services for students with disabilities enrolled in Special Education District of Lake County (SEDOL) programs. Authority for conducting this investigation is 23 Illinois Administrative Code (IAC), Section 1.285(k).

The review focused on the following requirements:

23 Illinois Administrative Code, 1.285, which states in relevant 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) *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 Allegations

The complainant alleged violations of the Illinois Administrative Code, at 23 IAC 1.285, regarding the use of isolated time out. Per a November 19, 2019, newspaper article, “[the cooperative] used isolated time out about 1,200 times over the 15-month period reporters examined.”

Response from Cooperative:

The cooperative’s response reiterated the basis of the complaint as follows: “[The cooperative] used isolated time out about 1,200 times over a 15-month period.” They commented “this is probably a fair estimate, though I do not know which 15-month period is being estimated, or how those 15 months correspond to the 12 months that are actually covered by the complaint.” They continued by noting that “more importantly, this estimate does not provide any context, and does not even begin to tell the story of the students we serve or the services we provide here at [cooperative].”

The cooperative’s response included the following information:

- “[The cooperative] is the largest special education cooperative in the State of Illinois. [The cooperative] serves 31 districts in [the county], and those member districts collectively serve more than 75,000 students. As a whole, these 31 member districts would make up the 2nd largest school district in the entire State of Illinois, nearly twice the size of the next largest school district outside Chicago. More than 14,000 of these students have Individualized Education Programs (IEPs), and many of those students—especially those students with the highest needs—are served by [the cooperative]. The news article that

serves as the basis for this complaint reported on only the overall use of isolated time out at [the cooperative], without any consideration of the sheer size of [the cooperative] and [the cooperative's] student population."

- "[The cooperative], is also unique in that we operate and maintain several of our own school buildings to house [cooperative] programs. This results in an unusually high number of students who are placed, housed, taught, served, and supervised solely by [cooperative] staff. One of these programs is our Behavior Disability (BD) program, which is housed at, and [cooperative program A] students with severe emotional and behavioral needs. By concentrating so much of [the counties] BD population in the same building, we may create opportunities that would not be practical (or sometimes, not even possible) to replicate in smaller, regional classrooms. This offers tremendous value to our member districts and their students with disabilities, but this concentration of BD population in a single school also means that behavioral incidents of all kinds- including incidents in which the safety of students and staff may be at risk- are also concentrated in one school."
- "None of schools at [the cooperative] use isolated time out currently. [Cooperative program A] used isolated time out up until November 21, 2019. [Cooperative program B] used isolated time out in the past but discontinued the practice after last school year. Our other three buildings [cooperative programs C, D, and E] do not use isolated time out at all."
- "We have comprehensive policies and procedures at [the cooperative] that governed the use of isolated time out. Isolated time out was used when necessary to protect the safety of students or staff. Parents were notified of our discipline policy and time out procedures through parent handbooks by every [cooperative] school, open houses and through the [cooperative] Student Behavior Advisory meeting."
- "Incidents of isolated time out were documented by [cooperative] staff. Parents were notified of these incidents that same day by telephone, and by writing within 24 hours. State law permits parents to opt out of these notices, but at [the cooperative] we rejected this opt-out; we always notified parents of these incidents. The student's home district was notified in writing of each incident of time out."
- "We provided staff with standardized forms to document the circumstances surrounding each incident. Completed forms were routed to multiple administrators for review and oversight, including the [cooperative program A] principal, the assistant superintendent for instruction, curriculum, and development, and the superintendent. The reports were copied to the student's temporary record, and were also added to a running log for annual review. We reviewed our policies and recordkeeping requirements for isolated time out with staff during orientation every year. Our staff have been trained to prepare a report even if there was a question about whether it was actually required under the rules. Consequently, our data may be over-inclusive, including reports from schools where isolated time out was not used. These requirements were also reviewed in connection with [crises intervention] training provided to our staff (as well as staff from member districts) every 1-2 years."
- "We use a spectrum of alternative strategies every hour of every day, and in the vast majority of cases those alternative strategies prove successful. Classroom supports include everything from behavioral incentives to fidget and sensory devices to gross motor movement breaks to counseling, nursing, and other therapeutic services. When removal from a classroom is necessary, one-on-one conversation between a staff member and student in the hallway is often effective to deescalate a situation. When this approach does not succeed, we offer student calming rooms where they may choose, voluntarily, to spend time engaging in age-appropriate activities as long as necessary before returning to the classroom. When a student's behavior posed an imminent threat of harm to themselves or to other students or staff, students were escorted to a safe, supervised space for isolated time out."
- "At [the cooperative], we have been actively reviewing isolated time out since last school year and have made many changes. We decided to increase our focus on positive interventions and supports in order to decrease our use of restrictive measures."

The cooperative's response listed the following examples of "new or ongoing initiatives":

- Discontinuing use of isolated time out at [cooperative program B] and later at [cooperative program A].
- A full review of existing processes and practices for all behavioral interventions completed prior to the 2019-20 school year.
- Hiring additional supervisory staff and instructional coaches to support and coach teachers and paraprofessionals in implementing behavioral interventions.
- Professional development for [cooperative program A] faculty and staff covering mandated reporting, physical restraint, and isolated time out.
- Crises Prevention Intervention (crises intervention) training, Trauma Informed Training, and professional development from our legal counsel.
- Establishing Alternative Learning Environments (ALE) in [cooperative program A]. The first ALE classroom came online in October 2019.
- Adding additional sensory equipment and increased visual supports (e.g. visual cues) to the office intervention space.
- Removing all doors from isolated time out spaces, and revising those spaces to include sensory equipment, painted zones of regulation, and other positive supports.

The cooperative's response listed the following as examples of further initiatives, which are reportedly "in different stages of development and implementation":

- Reviewing new software options for collecting and reporting data on behavioral interventions.
- Additional professional development for staff focused on reporting consistent with changes to ISBE regulations.
- Training [cooperative] administrators to be [crises intervention] instructors, so that there is at least one crises intervention instructor in each building to help coach and support staff.
- Partnering with [particular program] to enhance the positive behavioral Intervention and support systems.
- Developing and providing new professional development and training for staff, including weekend and summer sessions. This included refresher training for recognizing imminent threats to safety and for using alternative strategies to deescalate behavioral situations.

In closing, the cooperative commented that they "would like to stress that [the cooperative] is built around positive interventions and supports for the children in all of our programs, and that we use a full spectrum of supports and interventions in order to serve students who otherwise might not be able to attend school with their peers. There are children of all ages who struggle with behavioral disorders, and we are committed to supporting them, educating them, and helping them learn how to regulate their behaviors."

Action Taken in Response to the Complaint

During the investigation, telephone and written communications regarding the issues in the complaint occurred with the director of the special education cooperative ("director"). The cooperative submitted the following requested documentation: a response to each issue in the complaint, sample forms utilized to document individual incidents of isolated time out, documentation of staff orientation/training, documentation regarding each episode of isolated time out, a copy of the cooperative's annual review of the use of isolated time out, and the cooperative's policies and procedures on the use of isolated time out. A December 5, 2019, on-site visit was conducted in order to examine the spaces utilized for isolated time out. Additionally, on December 18 and December 20, 2019, telephone interviews were completed with the director and an administrator from each of the cooperative's five program sites (cooperative programs A, B, C, D, and E). Furthermore, the cooperative was required to submit data to ISBE regarding the cooperative's use of isolated time out from November 20, 2018,

through November 20, 2019. An ISBE team collected, input, and interpreted all data submitted by the cooperative.

Findings/Conclusions

Issue 1 (a) – Requirements for use of Isolated Time Out {23 IAC 1.285}

A violation is found as explained below:

Review of Relevant Information

Use of Isolated Time Out 23 IAC §1.285	Documentation
<p><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>	<p>Written response to complaint, in relevant part:</p> <ul style="list-style-type: none"> The following was documented in the cooperative’s written response: “When removal from a classroom is necessary, one-on-one conversation between a staff member and student in the hallway is often effective to deescalate a situation. When this approach does not succeed, we offer student calming rooms where they may choose, voluntarily, to spend time engaging in age-appropriate activities as long as necessary before returning to the classroom. When a student’s behavior posed an imminent threat of harm to themselves or to other students or staff, students were escorted to a safe, supervised space for isolated time out.” Additionally, the cooperative’s response stated that they have comprehensive policies and procedures that govern the use of isolated time out with students. They noted that isolated time out was used when necessary to protect the safety of students or staff. <p>Interviews:</p> <ul style="list-style-type: none"> Each of the six respondents commented on trainings provided to staff, including new staff orientation and annual “refreshers.” It was expressed that a component of these trainings was to make staff aware of the circumstances in which isolated time out should be used. <p>Review of Policies and Procedures:</p> <ul style="list-style-type: none"> The cooperative provided a copy of its policies and procedures regarding the maintenance of discipline, including a section titled “Administrative Procedure- Use of Isolated Time Out and Physical Restraint.” The procedures began by stating the following: “This administrative procedure applies to all students. Isolated time out and physical restraint shall be used only as a means of maintaining discipline in schools, that is, as a 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). The use of isolated time out and physical restraint

	<p>by any staff member shall comply with the Illinois State Board of Education (ISBE) rules, Section 1.285...”</p> <p>Review of data submitted:</p> <ul style="list-style-type: none"> The cooperative was required to submit data regarding their use of isolated time out from November 20, 2018, through November 20, 2019. An ISBE team collected and interpreted all data submitted by the cooperative. This data showed a total of 874 incidents of isolated time out during the referenced time frame. In analyzing the data, the ISBE team found an imminent threat was not identified in 436 (50%) of the incidents.
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Summary and Discussion

According to the cited regulation, isolated time out “shall be used only as a 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 it is necessary to preserve the safety of students and others.” The cooperative shared policies and procedures regarding the use of isolated time out that are aligned with the requirements of 23 IAC 1.285. They provided documentation regarding staff training related to the requirements of the use of isolated time out. In the cooperative’s written response to the complaint, it was stated that time out was only utilized when it was necessary to protect the safety of students or staff. The cooperative’s data, which was collected and analyzed by an ISBE team, found that in 50% of the instances of isolated time out, an imminent threat was not identified. Based upon the above, a violation is found.

Issue 1 (b) – 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>	The isolated time out rooms were observed to have the same ceiling height as surrounding rooms.
<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>	The rooms were 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>	The rooms were not constructed of materials that could be used by the student to harm themselves or others.
<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 present in the rooms.
<i>Student cannot climb up the walls (including walls far enough apart so as</i>	The walls were spaced far enough apart to prohibit a student from climbing.

<i>not to offer the student being isolated sufficient leverage for climbing).</i>	
<i>Isolated time out room is designed to permit continuous visual monitoring of and communication with the student.</i>	Each of the rooms utilized for isolated time out were designed to permit continuous visual monitoring of and communication with the student.
<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 rooms used for isolated time out do not currently have doors. During interviews, it was reported that the doors to all utilized rooms were removed in May and November of 2019. It was commented that, prior to the removal of doors, the doors of the rooms were constructed of a solid-core.
<i>If the door includes a viewing panel, the panel is unbreakable.</i>	The director expressed that all of the doors in place during the relevant time frame had viewing panels that were constructed of unbreakable material.
<i>Evidence that supervising adult is within 2 ft. of the enclosure.</i>	The director expressed that the adult whom accompanied the student to isolated time out always remained within two feet of the enclosure.
<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 director explained that all of the doors had a locking mechanism. Additionally, the director reported that the locking mechanism required a staff member to continuously hold a button in position in order to keep the lock engaged, and if the button was released then the door would open. Currently, none of the rooms utilized for isolated time out have doors.

Summary and Discussion

During a December 5, 2019, site visit, the rooms which were utilized for isolated time out were examined. This examination of the rooms utilized for isolated time out found that they meet all of the requirements related to the cited regulation.

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

The following violation is found as explained below:

Review of Relevant Information

Time Limits 23 IAC § 1.285(e)(1) 23 IAC §1.285 (f)(4) (A-C)	Documentation
1) <i>A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more</i>	Interviews: <ul style="list-style-type: none"> The director stated that they know a student is ready to exit isolated time out when the student is “calm and

<p>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.</p>	<p>not hitting or biting.” When the student is calm, they go to “cool down period,” then “debrief with staff” prior to returning to the classroom.</p> <ul style="list-style-type: none"> • The administrators from cooperative programs A & B reported that the student is “constantly evaluated” and is ready to exit “when calmed.” <p>Review of Policies and Procedures:</p> <ul style="list-style-type: none"> • A review found that the cooperative’s policies and procedures are in alignment with the cited regulation. <p>Documentation provided:</p> <ul style="list-style-type: none"> • The cooperative provided a sample form titled “<i>Special Circumstances and Consideration of Alternative Strategies During an Isolated Time Out or Physical Restraint.</i>” It was indicated on the form that it was to be used to document the evaluation of the situation in cases of isolated time out exceeding 30 minutes or if repeated episodes had occurred during any three-hour period. <p>Review of data submitted:</p> <ul style="list-style-type: none"> • In analyzing all data submitted by the cooperative, the ISBE team found that 19 times (2%), the incident of isolated time out exceeded 30 minutes. However, the ISBE team could not determine the time that the specific behavior for which isolated time out was imposed began or ceased.
<p>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.</p>	
<p>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.</p>	<p>Interviews:</p> <ul style="list-style-type: none"> • The director stated that an administrator was called to evaluate each situation in which an episode of isolated time out exceeded 30 minutes or if multiple episodes occurred during any three-hour period. The director added that a nurse and social worker were called to assist and that a team approach was often used. • Administrators at cooperative programs A & B commented that the principal or other administrator was notified of the situation, and completed an evaluation of the situation. It was also commented that the school nurse and social worker completed assessments of the student. <p>Review of Policies and Procedures:</p> <ul style="list-style-type: none"> • A review found that the cooperative’s policies and procedures are in alignment with the cited regulation. <p>Documentation provided:</p> <ul style="list-style-type: none"> • The cooperative provided the above-referenced sample form titled “<i>Special Circumstances and</i>

	<p><i>Consideration of Alternative Strategies During an Isolated Time Out or Physical Restraint."</i></p> <p>Review of data Submitted:</p> <ul style="list-style-type: none"> In analyzing data submitted by the cooperative, the ISBE team found that 252 times (29%), repeated episodes of the use of isolated time out occurred within any three-hour period. Documentation indicated that in 175 (69%) of these 252 instances, a licensed educator knowledgeable about the use of isolated time out evaluated the situation.
<p><i>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)</i></p>	<p>Interviews:</p> <ul style="list-style-type: none"> The director, as well as the administrators of cooperative programs A & B, reported that a school nurse and school social worker were always notified to assist in evaluating the need for nourishment, medication, and the student's use of restroom. <p>Documentation provided:</p> <ul style="list-style-type: none"> The cooperative shared a sample form on which to document this type of evaluation. The form included check boxes to indicate if the student did not receive their prescribed medication, breakfast or lunch, or the student had expressed a need to use the restroom. It also included sections to document what steps were taken related to any of the aforementioned circumstances, consideration of alternative strategies, outcome of the alternative strategy employed, and the signature of the person completing the form. <p>Review of data submitted:</p> <ul style="list-style-type: none"> In analyzing data submitted by the cooperative, the ISBE team found 70% (123) of the evaluations, documented the student's potential need for food, water, medications, or the student's use of the restroom. However, the ISBE team found that only 11% (19) of the 175 evaluations included documentation regarding the consideration of continuing the procedure in use.
<p><i>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.</i></p>	<p>Interviews:</p> <ul style="list-style-type: none"> All administrators interviewed shared that detailed records were kept on prescribed forms regarding each evaluation and that these were copied to the student's file. <p>Review of data submitted:</p> <ul style="list-style-type: none"> In analyzing data submitted by the cooperative, the ISBE team found 83% (123) of these evaluations were committed to writing. Data was not available to determine if the completed evaluations were placed into the student's temporary record.

Summary and Discussion

The cited regulation includes requirements regarding time limits when utilizing isolated time out. One requirement is that a student not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after they cease presenting the specific behavior for which isolated time out was imposed. Documentation analyzed by the ISBE team found that in 19 instances (2%) the incident of isolated time out exceeded 30 minutes. However, data was not provided that could determine when the specific behavior began or ceased. The ISBE team found that repeated episodes of the use of isolated time out occurring within any three-hour period, was documented 252 times. Of these 252 episodes, 175 times (69%) an evaluation of the situation was completed by a licensed educator knowledgeable about the use of isolated time. Additionally, it was found that only 11% (19) of the 175 evaluations included documentation regarding the consideration of continuing the procedure in use. In 70% of the instances in which an evaluation was completed, the evaluation documented the student’s potential need for food, water, medication, or the student’s use of the restroom. Furthermore, the ISBE team found 83% (123) of these evaluations were committed to writing. However, data was not available to determine if the completed evaluations were placed into the student’s temporary record. Based upon the above, a violation is found.

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

A violation is found as explained below:

Review of Relevant Information

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>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 resulted in isolated time out or physical restraint;</i> G) <i>a log of the student's behavior in isolated time out or during physical</i></p>	<p>Interviews:</p> <ul style="list-style-type: none"> The director and each administrator interviewed shared that detailed records are kept regarding each episode of isolated time out and that these records are maintained in the student’s temporary record. Additionally, each administrator shared that in each situation, an official is designated as the individual informed of each incident and to maintain the documentation. <p>Written response to complaint, in relevant part:</p> <ul style="list-style-type: none"> The written response from the cooperative stated that staff are provided with standardized forms on which to document circumstances surrounding each incident of the use of isolated time out. <p>Review of Policies and Procedures:</p> <ul style="list-style-type: none"> A review of the cooperative’s policies and procedures found that they are in alignment with the cited regulation. <p>Documentation Reviewed:</p> <ul style="list-style-type: none"> The cooperative provided the investigator a copy of the form that is used to document each incident of the use of isolated time out. <p>Review of data submitted:</p> <ul style="list-style-type: none"> The data analyzed by the ISBE team did not include an indication of whether a written record of each episode of

<p>restraint, including a description of the restraint techniques used and any other interaction between the student and staff;</p> <p>H) a description of any injuries (whether to students, staff, or others) or property damage;</p> <p>I) a description of any planned approach to dealing with the student's behavior in the future;</p> <p>J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;</p> <p>K) the date on which parental notification took place as required by subsection (g) of this Section.</p>	<p>isolated time was maintained in the student's temporary record.</p> <p>Review of data submitted:</p> <ul style="list-style-type: none"> • In analyzing the 874 individual student forms that documented the use of isolated time out, the ISBE team found the following: <ul style="list-style-type: none"> ○ 538 (62%) contained the student's name. ○ 539 (62%) documented the date of the incident. ○ 532 (61%) documented the beginning and ending times of the incident. ○ 527 (60%) included a description of any relevant events leading up to the incident. ○ 531 (61%) described any interventions used prior to the implementation of isolated time out. ○ The ISBE team did not indicate that the forms contained a description of the incident or student behavior that resulted in isolated time out. However, the cooperative provided the investigator a copy of their form utilized to document the use of emergency interventions, including isolated time out. This form included a section to document a "description of the incident and/or student behavior that resulted in isolated time out..." ○ 510 (58%) included a log of the student's behavior in isolated time out. ○ 520 (60%) included a description of any injuries or property damage. ○ 539 (62%) included a description of any planned approach to dealing with the student's behavior in the future. ○ 540 (62%) documented a list of school personnel who participated in the implementation, monitoring, and supervision of the isolated time out. ○ 542 (62%) indicated the date on which parent notification took place.
<p>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.</p>	<p>Interview:</p> <ul style="list-style-type: none"> • The director indicated that she was the official designated to be notified of each incident. She commented that the administrator is often aware of the incident as it is occurring, and if not then they are notified "right away." Additionally, she commented that at the district level, the assistant superintendent of curriculum was also notified.
<p>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</p>	<p>No data or documentation was analyzed regarding the record being completed by the beginning of the school day following the episode of isolated time out.</p>

<i>isolated time out or physical restraint.</i>	
<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 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.</i></p> <p>A) <i>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.</i></p> <p>B) <i>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.</i></p>	<p>No data or documentation was available regarding when the students first experienced three instances of isolated time out.</p>

Summary and Discussion

The cited regulation specifies the requirements related to the documentation and evaluation of instances of isolated time out. The director and each administrator interviewed asserted that detailed records were kept regarding each episode of isolated time out and that these records were maintained in the student's temporary record. The written response from the cooperative stated that staff were provided with standardized forms on which to document circumstances surrounding each incident of the use of isolated time out. In analyzing the 874 individual student forms, the ISBE team found that they often lacked information required by the cited regulation. For example, 38% did not contain the student's name or date of the incident and 39% did not document the beginning and end time of the incident or a description of any interventions used prior to the implementation of isolated time out. Based upon the above, a violation is found.

Issue 1 (e) – 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) <i>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)].</i></p>	<p>Interview:</p> <ul style="list-style-type: none"> All respondents shared that parents are notified of discipline policies during annual registration, through information shared in the parent handbook, at curriculum and open house nights, via the cooperative or district website, and during IEP meetings, as applicable. <p>Review of Policies and Procedures:</p> <ul style="list-style-type: none"> The cooperative provided a copy of its policies and procedures regarding the use of isolated time out. These procedures indicated that <i>“a student handbook, from the district of attendance, including the district disciplinary policies and procedures, shall be distributed to the student’s parents/guardians within 15 days of the beginning of the school year or a student’s enrollment.”</i>
<p>2) <i>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.</i></p>	<p>Interview:</p> <ul style="list-style-type: none"> All respondents noted that the parents/guardians were contacted “immediately” after any of isolated time out when possible, and in all cases within 24 hours. It was further noted that the person involved in processing the incident or the classroom teacher would often be the person contacting the parent/guardian. All respondents stated that there were no instances of a parent waiving their right to be notified within 24 hours or that they were not aware of this occurring. <p>Documentation Reviewed:</p> <ul style="list-style-type: none"> The cooperative shared a form titled <i>“Parent/Guardian Notification of Isolated Time Out...”</i> This form included sections to document the student’s name, the date of the incident, a description of the intervention used, and the name and telephone number of a contact person. <p>Review of data submitted:</p> <ul style="list-style-type: none"> In analyzing the individual student forms documenting the use of isolated time out, the ISBE team found that 864 (99%) times the parent was notified within 24 hours.

Summary and Discussion

The cited regulation includes the requirements regarding parent notification of the use of isolated time out. The documentation found that the cooperative shared its policies and procedures annually with parents. Data reviewed by the ISBE team found that the cooperative consistently notified the parent of each incident of the

use of isolated time out within 24 hours of the incident. A review of the cooperative form that was used to notify parents, indicated that it included all of the information required of the cited regulation.

Issue 1 (f) – 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>Interview:</p> <ul style="list-style-type: none"> The director explained that orientation is provided to its staff members at least annually, and at times throughout the year as well. Additionally, she commented that new staff go through orientation that includes the written procedures and that new staff are provided mentors and coaching. Administrators from each of the cooperative programs also shared that staff members received training on a specific model that included crisis prevention, de-escalation, and intervention. <p>Written response to complaint, in relevant part:</p> <ul style="list-style-type: none"> In its response, the cooperative noted that the requirements related to the written procedures “were reviewed in connection with [specific model] training provided to our staff (as well as staff members from every district) every 1-2 years.” <p>Documentation provided:</p> <ul style="list-style-type: none"> The cooperative shared documentation including the name, educator identification number, school district number, job title, school, email, and the signature of each staff member that completed related trainings. Documentation showed that from November 2018 through November 2019, trainings were provided on 34 different occasions.

Summary and Discussion

Documentation supported that the cooperative provided orientation to its staff members covering at least the written procedures, as required by the referenced regulation.

Corrective Action

The district must:

1. Provide training to all special education personnel (i.e., administrators, teachers, related service providers, etc.) at cooperative programs A and B, regarding the requirements of the following:
 - a. Utilizing time out only in instances allowed under relevant portions of the Illinois Administrative Code.
 - b. The time limits and all associated documentation, including all requirements of the evaluation when an episode exceeds 30 minutes or when repeated episodes occur during any three-hour period, in accordance with 23 IAC § 1.285(e)(1) and 23 IAC § 1.285 (f)(4) (A-C).

- c. The documentation and evaluation that is required for each individual use of isolated time out, in accordance with 23 IAC § 1.285(f) (1-3,5).
2. Provide a statement of assurance that time out will be implemented in accordance with all required components of the Illinois Administrative Code.
3. Participate in quarterly meeting for the next calendar year with ISBE personnel for monitoring and support purposes.

The following materials will serve as verification of compliance with all parts of the corrective action order:

1. Documentation specific to the referenced in-service training(s), including documentation of the scheduled date(s), sign-in sheets (with titles noted), and a copy of materials disseminated to the participants.
2. The identified statement of assurance.

The above listed materials should be sent to the ISBE Special Education Department no later than **March 20, 2020**.

Respectfully submitted.



Barbara A. Moore
Director, Special Education

cc: Mr. Jesse Ruiz, Deputy Governor
Mr. Robert Swain, Cooperative Attorney
Ms. Heather Calomese, ISBE Executive Director of Special Education

APPENDIX

Identification of cooperative programs referenced in the Letter of Findings:

- Cooperative Program A: Located in Gages Lake School
- Cooperative Program B: Located in Laremont School
- Cooperative Program C: Located in Cyd Lash Academy
- Cooperative Program D: Located in John Powers Center
- Cooperative Program E: Located in South School