



Illinois State Board of Education

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Darren Reisberg
Chairman

Dr. Carmen I. Ayala
State Superintendent of Education

January 21, 2020

Dr. Kurt A. Schneider
Superintendent
Northern Suburban Special Education District
760 Red Oak Lane
Highland Park, IL 60035-3899

Re: Systemic Complaint
Case Number 2020-CO-0043

Dear Dr. Schneider:

The Illinois State Board of Education (ISBE), 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 Northern Suburban Special Education District (NSSED). Authority for conducting this investigation is the emergency regulations in 23 Illinois Administrative Code (IAC), Section 1.285(k), which allow an individual or organization to file a signed, written complaint with the State Superintendent alleging that a local school district or other entity serving the student has violated requirements for the use of time out and physical restraint.

The review focused on the following requirements:

23 Illinois Administrative Code, 1.285 (IN EFFECT PRIOR TO NOVEMBER 20, 2019), 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) *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 Allegations

The complaint referenced a November 19, 2019, newspaper article, which addressed the use of time out in schools within the state. According to the article, the special education district ("district") placed children in isolated time out more than 900 times over a 15-month period.

Action Taken in Response to the Complaint

During the investigation, ISBE staff conducted an on-site visit on December 30, 2019, to three programs operated by the district to view the enclosures used for time out. The district provided a narrative response to the complaint and supporting documentation on January 3, 2020. ISBE staff also conducted telephone interviews with the superintendent and assistant director of the district and the principals of the three programs on January 7, 2020.

Facility Information

The review focused on three schools operated by the district that serve children with disabilities. Program A (see Appendix) currently serves approximately 10 students between first and eighth grades with autism spectrum disorder who have difficulty with communication and self-regulation skills. Program B currently serves approximately 90 middle and high school students with significant emotional and behavioral needs. Program C serves approximately 40 students from kindergarten through fifth grade with significant emotional and behavioral needs.

Findings/Conclusions

Issue 1- Isolated Time Out {23 IAC 1.285}

Allegation by Complainant

The complaint referenced a November 19, 2019, newspaper article, which addressed the use of time out in schools within the state. According to the article, the district placed children in isolated time out more than 900 times over a 15-month period.

Response from District

The district expressed disappointment at the newspaper article referenced above, stating that the article did not provide a fair perspective on the use of time out within its programs and did not account for the efforts of school personnel to address the needs of students with dysregulated behavior and poor social-emotional skills without resorting to restrictive interventions such as time out.

The special education district reported that it serves 18 member districts and serves 371 students in the schools it operates during the 2019-20 school year. In addition to the three programs noted above, the district also operates satellite programs within schools in member districts targeting pre-school special education, secondary transition, Life Skills, and autism. Those programs have followed procedures of their host district regarding the use of time out. The district reported the goal of its programs is to improve the academic and behavioral performance of students so they can return to less restrictive programs in their home school as soon as possible. The district asserted that the programs have been successful as enrollment in them has decreased as students transition back to schools within their home districts.

The district explained that a core component of the programming it offers involves positive, evidence-based supports and interventions to improve students' social-emotional learning and behavioral skills, as well as limiting the use of restrictive interventions like time out. The district has used an "educational equity" philosophy to help children progress in general education settings without resorting to more restrictive placements. The district reported it has created a "Director of Social Emotional Learning" position and provided professional development and training on behavioral intervention practices. Staff

receive extensive crisis intervention training on a regular basis, including on time out and alternatives to using that intervention.

The district reported that all time out enclosures it uses comply with state regulations, including for doors, locking mechanisms, and adult supervision. Time out is not used longer than therapeutically necessary, meaning no longer than 30 minutes after the behavior resulting in time out has ceased. Staff use timers to note beginning and ending times of time out. Each special school uses a procedure to determine whether a student is ready to return to class.

For episodes of time out exceeding 30 minutes, Program B follows its crisis intervention model by removing factors that may trigger the student's behavior. The principal or another administrator evaluates the situation. At Program C, a school therapist participates and reviews the incident report, while the school's designated official and the parent are also contacted. The cooperative reported no isolated time out exceeded 30 minutes during the period applicable to the complaint (November 20, 2018-November 20, 2019) at Program A.

According to the district, staff contact parents within 24 hours of each use of time out by phone or email. The cooperative does not use waivers of the parental notification requirements for instances of time out. A designated official in each program is informed of instances of time out no later than the end of the school day. The written record of time out is completed by the beginning of the next school day. An administrator maintains a written record of each instance of time out, with a copy also in the student's temporary record. Each program prepares its own form to document instances of time out. The identified schools provide parents with a copy of its behavioral policies, which are also available on the special education district's website.

Program B staff meet as a team to develop plans for future use based on its crisis intervention model. Program C conducts weekly team meetings to discuss individual student data and interventions, with biweekly meetings to review incident forms and discuss behavior needs. The cooperative noted that most students "first experienced" three instances of isolated time out prior to placement in the three identified programs and already had Behavioral Intervention Plans (BIPs). For students for whom that was not the case, the weekly or biweekly team meetings served the purpose of reviewing the effectiveness of time out.

The district reported that it will not complete an annual review on the use of isolated time on a centralized basis until 2020. The practice of the leadership team of Program B involved an annual review and analysis of major incidents and physical restraints from previous years.

The district stated that it is reviewing practices and using required state forms across all programs as of the passage of emergency rules on time out rules and physical restraint on November 21, 2019. The district is revising its Administrative Procedures to reflect the changes in the state's emergency rules, and the district's Board Policy and Administrative Procedures will be reviewed and revised when final state rules are passed. Behavioral intervention procedures will be developed and distributed to all staff and parents in programs operated by the district. Trainings on the emergency rules and resulting ISBE guidance was scheduled for staff of the special education district and its member districts on January 13, 2020, and February 3, 2020.

The district described multiple changes that will occur with its procedures. It explained that oversight for completing time out records will change from a school-based to a centralized approach, including:

- maintenance of completed time out forms;
- developing forms to document the required evaluation under 23 IAC 1.285(f)(4) and the required plan under 23 IAC 1.285(f)(5);
- maintenance and monthly review of the forms just noted;
- an annual review to include all elements required by 23 IAC 1.285(j) and needed revisions; and
- review of training to staff on time out and the maintenance of training records.

The district also explained that parent/student handbooks will be developed or revised to include required parent notifications on student discipline and behavior intervention policies and procedures, including time out. These handbooks are scheduled to be posted online for the 2020-21 school year.

Issue 1A- Use of Isolated Time Out {23 IAC §1.285}

The following 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>Interview with superintendent/assistant superintendent Time out not overused in district programs. Goal to build capacity in member districts so students not placed in more restrictive programs. District offers inclusive-based programming with long tradition of professional development. Opportunities for students to work on skills in natural environments and community-based learning being emphasized. District historically decentralized, needs more centralized standardization of processes.</p> <p>Issues raised on use of time out present opportunities for change but should not be presented punitively. Staff very committed to behavioral strategies and less restrictive interventions. Often physical restraint occurs first, then use time out as “cool down” period. Numbers of instances of time out within district may be inflated, all incidents documented may not have constituted isolated time out as defined by state rules. Staff help students process incident to repair relationship and to trust staff involved. District tries to use spaces for multiple purposes rather than just have time out rooms. Licensed intervention specialists/related service providers teach behavior to assist students in addition to special education teachers. Staff communicate with parents on almost daily basis. Ongoing training provided to all staff working directly with students.</p> <p>Interview with Program A principal Time out used very infrequently in Program A, typically only used with two students. Staff account for students’ limited abilities to express regulation needs when using behavior interventions. Students seldom removed from classroom. Staff initially remove other students from classroom if safe to</p>

do so. Staff try to de-escalate students. Interventions include reviewing behavioral expectations, teaching calming routines, providing visual supports that align to calming routines, and reinforcing positive or replacement behaviors. All students in school have BIPs.

Interview with Program B principal

Program uses collaborative and proactive solutions with students, isolation not a component of model. Time out counterproductive to skill development. Time out used for imminent risk of harm to self or others. School uses "Blue mat room" for time out.

Staff work collaboratively with students to develop regulation skills. Students have self-directed regulation plan. Families receive regulation plan so it can be used in home setting and then when student transitions to home school. Teams meet weekly to review student behavior. frequently meet with parents also.

School has five "regulation spaces" that are retrofitted classrooms, three for middle school students and two for high school students. Students use spaces to jump, use weighted blanket, punching bag, shoot basketball. Use can be initiated by student or staff. Staff talk with students and problem solve. Typically, one to two students use the spaces at a time. Decisions about returning to class are collaborative between staff and students and can involve principal, therapists, teachers, and teacher's assistant.

Interview with Program C principal

Program committed to needs of its students. Acknowledged total number of time outs referenced in newspaper article high but stated time out only used when necessary, when risk of harm to others imminent. Program goal to build supportive community.

Program uses both standard curriculums and individualized interventions. Students struggle with dysregulation, can be triggered by multiple factors. Behaviors include shutting down, defiance, aggression. Students learn about regulation and tools they can use to become independent regulators. Students considered Tier 1, Tier 2, and Tier 3 within program. Individual crisis plans developed when needed. Repair/restorative justice used in aftermath of crisis focusing on how relationships can be repaired.

Program uses intentional breaks. Each class includes "regulation station" so students can process situations. Program has an empty classroom where another class can be relocated to rather than removing student in crisis to time out.

Collaborative problem-solving model. Staff meet twice weekly in teams led by therapist with teacher, assistant, administrators, related service providers to discuss student needs and new interventions. Therapists

meet with student as follow-up to above. Five therapists provide individual, group, family, crisis management counseling. Full-time speech/language pathologist (SLP) teaches pragmatic language skills.

District "Policy 6-1" (in effect until January 9, 2019)

Discipline used in consideration of students' physical freedom and social interaction and administered in manner that respects human dignity and privacy and ensures placement in least restrictive environment. Each instructional program to establish and maintain advisory committee to develop and review procedures on restrictive behavioral interventions. Each program to adopt procedures for behavioral interventions in compliance with laws, including emergency use of restrictive interventions. May be necessary to remove student into "quiet room" or "quiet space time out" or isolated time out. Isolated time out implemented to maintain safe and orderly learning environment to preserve safety of students, staff, or others or prevent damage to property. Time out not used as form of punishment to administer discipline.

Quiet room or Quiet Space Time Out - Confinement to designated space within classroom with egress restricted, and adult supervision at all times. Large enough for student and adult supervisor. No materials or wiring to harm student.

Isolated Time Out- Definition consistent with state rules. Includes continuous line-of-sight supervision. Staff might not be inside room if Individualized Education Program (IEP) team recommended or adult presence detrimental to behavior management process. Ceiling height similar to classroom. Door never locked. Only used when student poses physical risk to self or others or used consistent with BIP. Shall end no later than 30 minutes after behavior resulting in time out ends.

Administrator notified of isolated time out no later than end of school day. Parents also notified. Designated administrator maintains written record with one copy in student's temporary record. Record completed by start of school day following incident, with name of student; date; beginning and ending time of time out; description of relevant events leading up to incident; interventions used prior to time out; behavior that resulted in time out; log of student behavior in time out; injuries/property damage during incident; planned approach to deal with behavior in future; list of school personnel who participated; and date of parental notification.

Evaluation procedures - Review by certified staff person knowledgeable about use of isolated time out when exceeding 30 minutes. Evaluation included in student's temporary record. Administration to convene IEP meeting to review effectiveness of procedures and prepare BIP when student first experiences three instances of isolated time out and time out not part of BIP. Committee on student discipline conducts annual review

	<p>on use of isolated time out. Annual notice to parents of procedures within 15 school days of start of school year.</p> <p>Procedures Implementing Time out and Physical Restraint (in effect until January 9, 2019) Referred to district policy above. Stated Isolated time out only to be used per BIP or when student a physical risk to self or others. Isolated time out defined as confinement of student in time out room or other enclosed space, within or outside class, from which egress restricted. Requirements for use, enclosures, supervision, time limits, written notice to parents aligned with above policy and state regulations in effect at time. Annual notification to parents regarding use of isolated time out. Notice of uses of time out can be waived by parent request.</p> <p>Procedures on documentation and evaluation aligned with district policy above. All staff to receive orientation of written procedures on isolated time out. Annual review on use of isolated time out by committee on student discipline. Establish and maintain committee on children knowledgeable on behavioral interventions.</p> <p>“Policy 7:190 Student Behavior” (adopted January 9, 2019) Special education district follows policies of member districts. Addressed disciplinary policies but did not address isolated time out specifically.</p> <p>Administrative Procedure- Use of Isolated Time Out and Physical Restraint (adopted January 9, 2019) Time out used to maintain safe and orderly environment for learning and not as punishment. Use should comply with state rules at 23 IAC 1.285. Defined isolated time out. ISBE rules adopted as written procedures district would use. Staff to inform principal of each incident of time out. Principal maintains documentation of incidents. Principal to compile description of alternative strategies to implement as advisable. Superintendent or designee shall compile an annual review on use of isolated time out.</p> <p>Staff Review of Time Out Data Submitted to ISBE 775 records of isolated time out or isolated time out/physical restraint in the three identified schools operated by district between November 20, 2018, and November 20, 2019. Incident or student behavior resulting in time out or time out/physical restraint described and posed an imminent threat to self or others 435 times. Incident or student behavior resulting in time out or time out/physical restraint described but did not pose an imminent threat to self or others 303 times. Incident or student behavior resulting in time out or time out/physical restraint was not described in 37 records.</p>
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Summary and Discussion

The principals of the identified programs stated in interviews that time out is only used when an imminent risk of harm is present. The assistant superintendent indicated in an interview that the documentation the district provided included incidents that may not have constituted isolated time out as defined by state regulations.

The state rule in effect during the period relevant to the complaint at 23 IAC 1.285 stated that isolated time out "... shall be used only as means of maintaining discipline at 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." Based on a review of the records the district submitted to this agency by multiple ISBE staff, only 435 of the 775 records (56.1 percent) of isolated time out between November 20, 2018, and November 20, 2019, described the reason for the use of time out/physical restraint as an imminent threat to self or others.

Issue 1B – 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
<p><i>Isolated time out room has the same ceiling height as the surrounding room or rooms.</i></p>	<p>“Rooms Utilized for Isolated Time Out” District reported room used for isolated time out in Program A is multi-purpose room. Ceiling height of time out room and surrounding room both 9’10”.</p> <p>Program B had one room used for isolated time out. Ceiling height of time out room and surrounding room both eight feet.</p> <p>Program C had four rooms for isolated time out. Ceiling height of time out room and surrounding rooms all eight feet.</p> <p>Interview with Program B Principal “Quiet room” is study space with four desks for student use and one desk for teacher. Could be used as time out area with objects and other students removed if unsafe to remove student in crisis to another area.</p> <p>On-site Visit ISBE staff observed that all rooms utilized for isolated time out in Program A, Program B, and Program C had same ceiling height as surrounding rooms.</p>
<p><i>Isolated time out room is large enough to accommodate not only the student being isolated but also any other individual who</i></p>	<p>“Rooms Utilized for Isolated Time Out” Dimensions of time out room at Program A 15’1” by 14’10” with two foot “bump out” for door.</p> <p>Dimensions of time out room at Program B 10’ by 12’.</p>

<p><i>is required to accompany that student.</i></p>	<p>Dimensions of time out room 1 at Program C 8'3" by 9'6"; time out room 2 at Program C 9'8" by 9'3"; time out room 3 at Program C 8'4" by 9"; time out room 4 at Program C 6'2" by 8'4".</p> <p>On-site Visit ISBE staff observed all rooms utilized for isolated time out in Program A, Program B, and Program C and noted that each room was large enough to accommodate a student and at least one other individual.</p>
<p><i>Isolated time out room is constructed of materials that cannot be used by students to harm themselves or others.</i></p>	<p>"Rooms Utilized for Isolated Time Out" Time out room in Program A constructed of dry wall, with one wall having padding.</p> <p>Time out room in Program B constructed of drywall with plywood reinforcement to walls.</p> <p>Each time out room in Program C constructed of drywall with plywood reinforcement to walls. Time out room 2 has mats covering walls and floor.</p> <p>On-site Visit ISBE staff observed that time out rooms in Program A, Program B, and Program C did not appear to be constructed of materials that students could use to harm themselves or others.</p>
<p><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></p>	<p>"Rooms Utilized for Isolated Time Out" Time out room at Program A had electrical outlets capped with steel cover. No exposed wiring. Objects in room for sensory regulation.</p> <p>Time out room at Program B had electrical outlets capped with steel plates. No exposed wiring. No objects in room.</p> <p>Time out rooms at Program C had no electrical outlets, no exposed wiring, no objects in room.</p> <p>Interview with Program A Principal Room used for time out intended for instructional purposes, such as de-escalation and learning calming strategies.</p> <p>On-site Visit ISBE staff did not observe exposed electrical outlets or wiring in time out rooms at Program A, Program B, or Program C. On the date of observation, the time out room in Program A had items in the room for sensory activities, such as mats. Time out rooms in Program B and Program C did not have any objects in room.</p>
<p><i>Student cannot climb up the walls (including walls far enough apart so as not to offer the</i></p>	<p>"Rooms Utilized for Isolated Time Out" Nothing in time out room of Program A to assist in climbing walls. Time out rooms in Program B and Program C had four walls with 90 degree angles in each corner. Nothing on walls to assist in climbing.</p>

<p><i>student being isolated sufficient leverage for climbing).</i></p>	<p>On-site Visit ISBE staff did not observe any objects in room or in design of rooms that would allow students to climb walls of any time out rooms in Program A, Program B, and Program C.</p>
<p><i>Isolated time out room is designed to permit continuous visual monitoring of and communication with the student.</i></p>	<p>"Rooms Utilized for Isolated Time Out" District answered affirmatively for time out room in Program A, explaining that if student went into corner of room out of sight of entrance, staff would enter room to observe student</p> <p>Window in door in time out rooms of Program B and Program C allowed continuous visual monitoring.</p> <p>On-site Visit ISBE staff observed that one corner in time out room of Program A was not visible from viewing window in door. Time out rooms in Program B and Program C allow for continuous visual monitoring through window in door.</p>
<p><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></p>	<p>"Rooms Utilized for Isolated Time Out" All rooms used for time out in Program A, Program B, and Program C had solid wood doors.</p> <p>On-site Visit ISBE staff observed doors of solid-core construction on all time out rooms in Program A, Program B, and Program C.</p>
<p><i>If the door includes a viewing panel, the panel is unbreakable.</i></p>	<p>"Rooms Utilized for Isolated Time Out" Room used for time out in Program A had reinforced safety glass on side panel. Time out room in Program B had reinforced tempered glass viewing panel. Time out rooms in Program C had unbreakable plexiglass viewing panel.</p>
<p><i>Evidence that supervising adult is within 2 ft. of the enclosure.</i></p>	<p>"Rooms Utilized for Isolated Time Out" District responded that supervising adults remained within two feet of time out rooms in Program A, Program B, and Program C.</p>
<p><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></p>	<p>"Rooms Utilized for Isolated Time Out" Room used for time out in Program A did not lock from inside of room. Staff had to hold handle to keep door closed.</p> <p>Rooms used for isolated time out in Program B and Program C had push lock requiring staff to engage handle from outside room to lock. Lock opened when pressure released.</p> <p>Interview with superintendent/assistant superintendent Locking mechanisms now removed from doors of time out rooms.</p> <p>Interview with Program A principal Locking mechanism removed from door of room used for time out when emergency state rules passed.</p>

	<p>Interview with Program B principal Locking mechanism removed from door of time out room when emergency state rules passed.</p> <p>Interview with Program C principal Locking mechanism removed from door of time out rooms when emergency state rules passed</p> <p>On-site Visit ISBE staff observed that all rooms used for time out in Program A, Program B, and Program C did not have locking mechanisms on doors.</p>
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Summary and Discussion

The written information provided by the district and the on-site visit conducted by ISBE staff indicated the rooms used for time out in Program B and Program C complied with the requirements of 23 IAC 1.285(a)(1-4). The principal of Program B reported in the interview that their program has a “quiet room” that is a study space with desks that can be used as a time out area for a student in a crisis event. According to the principal, other students and objects are removed from the area so the “quiet room” can be used as a time out area when staff believe it is unsafe to remove the student in crisis to the designated time out room in the building.

According to the principal of Program A, time out was used rarely in the program, and the enclosure used for time out is a multi-purpose room rather than only used for time out. The room does contain items students can use for sensory regulation activities. The room used for time out in Program A has the same ceiling height as surrounding rooms, is large enough to accommodate other individuals, is constructed of materials that cannot be used by students to harm themselves or others, and includes a door of solid core construction with a viewing panel. A small portion of the room is not visible when looking through the viewing panel in the door. According to the district, staff observing through the viewing panel would enter the room to maintain continuous sight if a student traversed into that area of the room.

The district has removed locking mechanisms previously on the doors of the time out rooms in Program A, Program B, and Program C in accordance with current state emergency rules at 23 IAC 1.285(a)(2).

Issue 1C – 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,</i>	Interview with superintendent/assistant superintendent Decisions made on site-based basis including student input. Students can request portable sensory tools while in time out.

<p><i>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>Interview with Program A principal School uses form based on its crisis intervention model to evaluate student based on stages of escalation and de-escalation. Staff use same model in classroom to de-escalate students. Decision to continue time out individualized based on factors student demonstrates. Staff look for signs that students can re-integrate into classroom, such as engagement in small activities/demands.</p> <p>Interview with Program B principal Staff interact with students when they are not a danger to self or others, looking for change in speech volume, body cues. Team process to evaluate continued use of time out.</p> <p>Interview with Program C principal Staff use timers to monitor length in time out. Staff understand regulation needs of students, use language on self-regulation with which students familiar. Staff were often in time out room with students to help with de-escalation strategies or used viewing window in door to observe. Use student input to determine readiness to leave time out. Staff looking for signs like calm body and quiet mouth. Analyze student's ability to begin task. Tools available in time out like body socks, weighted blanket, form to process incident.</p> <p>Staff would open door to time out room at 30 minute mark with student able to exit. Staff discretion to continue time out if student still a danger, with assistant principal (certified crisis intervention trainer), dean, or therapist usually making decision to extend time out. Decision could also be made by well-trained teaching assistant.</p> <p>Staff Review of Time Out Data Submitted to ISBE 446 of 775 records in which isolated time out did not exceed 30 minutes. 107 records in which isolated time out exceeded 30 minutes and/or physical restraint exceeded 15 minutes. 222 records did not note this information.</p>
<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>Interview with Program A principal Staff evaluating vary but usually include staff involved at beginning of incident. If teacher's assistant involved, certified staff such as teacher or SLP may also be involved. Board Certified Behavior Analyst (BCBA) potentially evaluating if present in building during incident.</p> <p>Interview with Program B principal Administrators typically involved in evaluation. Nurse often notified as well. Staff initially involved in event may remove themselves if their presence would be problematic but would also typically be involved in evaluation.</p>

	<p>Interview with Program C principal Principal, dean, teaching assistants often involved in evaluation. Therapist involved when available.</p> <p>Staff Review of Time Out Data Submitted to ISBE Of the 107 records in which isolated time out exceeded 30 minutes and/or physical restraint exceeded 15 minutes, 33 of those records documented a licensed and trained staff member evaluated the use. 56 of 107 records did not document an evaluation by a licensed and trained staff member. Information not entered in 13 records, while five records stated information "not applicable."</p> <p>Of the 107 records in which isolated time out exceeded 30 minutes and/or physical restraint exceeded 15 minutes, 32 of those records documented the results of the evaluation were committed to writing. 55 of 107 records did not document an evaluation was committed to writing. Information not entered in eight records, while 12 records stated information "not applicable."</p> <p>133 of 775 records documented repeated episodes of isolated time out or physical restraint during a three hour period. 48 of these 133 records documented a licensed and trained staff member evaluated the use. 67 of 133 records did not document an evaluation by a licensed and trained staff member. Information not entered in 14 records, while four records stated information "not applicable."</p>
<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>Staff Review of Time Out Data Submitted to ISBE 20 of 775 records documented the student required one or more of the following: food/water, medication, use of restroom, or adjustment in position. 262 of 775 records did not document whether the student required one or more of the items above. Information not entered in 141 records, while 352 records indicated the information was "not applicable."</p> <p>Of the 48 records in which a licensed and trained staff member evaluated the use of repeated episodes of isolated time out or physical restraint during a three-hour period, three records documented whether the student required one or more of the following: food/water, medication, use of restroom, or adjustment in position. 11 of 48 records did not document this information. Information not entered in 10 records, while 24 records stated information "not applicable."</p> <p>Six of 775 records documented a need for alternate strategies, while 271 records did not document whether the student needed alternate strategies. Information not entered in 144 records, while 354 records indicated the information was "not applicable."</p>
<p><i>C) The results of the evaluation shall be</i></p>	

<p><i>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>Staff Review of Time Out Data Submitted to ISBE 49 records documented the results of the evaluation were committed to writing. 104 records documented in evaluation was not committed to writing. Information not entered in 219 records, while 403 records indicated the information "not applicable."</p>
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Summary and Discussion

The principals of the three identified programs described the process in each building for evaluating students in time out for an extended length of time. The process typically involved using principles from each school's crisis intervention model, determining whether the student could respond to simple directives, and involved multiple staff members.

Based on a review of the records the district submitted to this agency by multiple ISBE staff, there were 107 instances in which time out exceeded 30 minutes or physical restraint exceeded 15 minutes between November 20, 2018, and November 20, 2019. However, the records noted the total time of the incident, but did not specifically indicate whether the student remained in time out "... 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." Therefore, it is unclear how many of the 107 instances constituted use of time out for an excessive length.

Of the 107 records in which isolated time out exceeded 30 minutes and/or physical restraint exceeded 15 minutes, only 33 of those records documented a licensed and trained staff member evaluated the use. The review of records by multiple agency staff documented 133 cases of repeated instances of time out or restraint in a three hour period, of which only 48 documented an evaluation of the situation. Based upon the above, a violation is found.

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

The following 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>Interview with superintendent/assistant superintendent District official designated custodian of records. District uses electronic IEP program with behavioral reporting system. Uniform process among programs. Member districts know about use of time out overall, some districts request documentation of all cases for their students. Member districts receive temporary records when students return from placements outside home district.</p>

	<p>Interview with Program A principal Principal is designated official for maintaining time out records. Detailed records of each case maintained electronically.</p> <p>Interview with Program B principal Principal is designated official for maintaining time out records. Hard copy and electronic copy of detailed records maintained in student's file.</p> <p>Interview with Program C principal Principal is designated official for maintaining time out records. Hard copies maintained in student's file in school office. Classroom team also receive copy.</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 restraint, including a description of the restraint techniques used and any other interaction between the student and staff;</i> H) <i>a description of any injuries (whether to students, staff, or others) or property damage;</i> I) <i>a description of any planned approach to dealing with the student's behavior in the future;</i> J) <i>a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;</i> K) <i>the date on which parental notification took place as required by subsection (g) of this Section.</i></p>	<p>Program A Sample Behavior Incident Report Described setting, antecedent, behavior, staff response prior to incident, use of isolated time out and crisis intervention techniques, beginning and ending time of incident, description of incident. Form included space to document when parent notified.</p> <p>Program B Sample Major Incident Report (Fall 2018) Drop-down menu and narrative description of incident. Documents action taken, including "Quiet Room."</p> <p>Program B Sample Major Incident Report (Spring 2019) Drop-down menu and narrative description of incident. Documents action taken, including "Alternative Learning Environment/Quiet Room."</p> <p>Program B Sample Major Incident Report (Summer 2019) Drop-down menu and narrative description of incident. Documents action taken, including "Alternative Learning Environment/Quiet Room."</p> <p>Program B Sample Major Incident Report (Fall 2019) Drop-down menu and narrative description of incident. Documents action taken, including "Alternative Learning Environment/Quiet Room."</p> <p>Program C Sample Behavioral Incident Report Described location, antecedent, type of behavior, injuries to student/staff, staff response prior to incident, use of isolated time out and crisis intervention techniques, beginning and ending time of incident, description of incident. Form included space to document when parent notified.</p> <p>Staff Review of Time Out Data Submitted to ISBE 768 of 775 records included either full name, partial name, or initials of child. Summary by ISBE staff indicated documentation</p>

	<p>compliant to list student name in 566 records. 60 records non-compliant for including student name. Information not entered in 149 cases.</p> <p>772 of 775 records included date of incident (Dates of incident previously noted in spreadsheet for other three cases). Summary by ISBE staff indicated documentation compliant for listing date of incident in 621 records. Two records non-compliant to list date. Information not entered in 152 cases.</p> <p>501 of 775 records included beginning and ending times of incident. 68 records listed beginning time but no ending time. Three records listed ending time but not beginning time. 203 records did not list beginning or ending time. ISBE staff summary stated documentation compliant to list beginning and ending times in 429 records. 271 records non-compliant for listing beginning and ending times. Information not entered in 75 records.</p> <p>662 of 775 records described relevant events leading up to incident of time out. 110 records did not describe relevant events leading up to incident of time out. Three records did not enter this information. ISBE staff summary stated documentation compliant to describe relevant events leading up to incident in 534 records. 108 records non-complaint in describing relevant events leading up to time out. Information not entered in 133 records.</p> <p>570 of 775 records described interventions used prior to implementing time out. 202 records did not describe interventions used prior to implementing time out. Information not entered in three records. ISBE staff summary stated documentation compliant to describe interventions prior to implementation of time out in 481 records. 197 records non-compliant to describe interventions prior to implementation of time out. Information not entered in 97 records.</p> <p>738 of 775 records described incident that resulted in isolated time out. 37 records did not describe incident that resulted in isolated time out.</p> <p>194 of 775 records included log of student's behavior in isolated time out. 581 records did not include log of student's behavior in isolated time out. ISBE staff summary concluded 160 records compliant to include log of student's behavior in isolated time out. 559 records non-compliant to include log of student's behavior in isolated time out. Information not entered in 56 records.</p>
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	<p>548 of 775 records documented whether any injuries to students, staff, or others occurred. 224 records did not document whether any injuries to students, staff, or others occurred. Information was not entered in three records.</p> <p>81 of 775 records described any injuries that occurred while 250 records did not document this information. This information was "not applicable" in 263 records and was not entered in 181 records.</p> <p>264 of 775 records documented whether any property damage occurred, while 504 records did not document this information. This information was not provided in seven records. Of the 264 records that noted property damage, 59 described the property damage and seven records did not. This information was indicated "not applicable" in 173 records, while information was not entered in 25 records. ISBE staff summary of student records concluded 203 records compliant for describing any injuries or property damage, 484 records non-compliant for describing any injuries or property damage. Information not entered in 88 records.</p> <p>Five of 775 records documented future actions to be taken while 764 records did not document this information. Information not entered in six records. ISBE staff summary of student records concluded four records compliant for describing planned approach to dealing with student behavior and 766 records non-complaint. Information not entered in five records.</p> <p>768 of 775 records documented the school personnel who participated in isolated time out and four records did not. Information not entered in three records. ISBE staff summary concluded 619 records compliant for listing school personnel who participated in isolated time out and five records non-compliant. Information not entered in 151 records.</p> <p>617 of 775 records documented date of parental notification of isolated time out, 143 records did not document this information. Information listed as "not applicable" in eight records, while information not entered in seven records. ISBE staff summary concluded 500 records compliant to document date of parental notification and 153 records non-compliant. Information not entered in 122 records.</p>
<p>2) <i>The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the</i></p>	<p>Interview with Program A principal Principal is designated official. Typically notified verbally if in building and by email on same day of incident.</p>

<p><i>incident as soon as possible, but no later than the end of the school day on which it occurred.</i></p>	<p>Interview with Program B principal Principal is designated official. Administrator typically notified within minutes of incident. Receives email on same day with copy of completed incident form.</p> <p>Interview with Program C principal Principal is designated official. Principal and assistant principal receive email with narrative on same date of incident.</p>
<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>Information not collected to determine whether record of time out completed by beginning of the school day following the episode of isolated time out or physical restraint.</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 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</i></p>	<p>The review of documentation of isolated time out covered only the period between November 20, 2018, and November 20, 2019. ISBE cannot determine when the students in the identified schools "first experienced" three instances of isolated time out.</p>

<i>entered into the temporary student record.</i>	
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Summary and Discussion

Interviews conducted indicated the district's procedures included the building principal as the official designated to maintain records of isolated time out. The district also indicated this information is maintained in the temporary records of students. The principals reported in interviews that they were informed of instances of isolated time out on the same date of the incident.

The review of time out data provided to this agency by ISBE staff showed that the documentation of each incident typically included the name of the student, the date of the incident, described the incident resulting in isolated time out, and listed the school personnel involved in time out.

In most cases, the documentation included the beginning and ending times of the incident; a description of relevant events leading up to the incident; a description of any interventions used prior to isolated time out; a description of whether any injuries occurred; and the date of parental notification. However, this information was also not included in a significant number of records. Based on the review by ISBE staff, most records did not include a log of the student's behavior in time out; a description of any property damage that occurred; and a description of any planned approach for the future. Based upon the above, a violation is found.

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

The following violation is found as explained below:

Review of Relevant Information

Notification to Parents 23 IAC § 1.285(g) (1-2)	Documentation
<p><i>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)].</i></p>	<p>Interview with superintendent/assistant superintendent Handbook provided annually to parents. Parents typically receive district's discipline policies at enrollment. Parents receive behavior procedures when students enroll in schools operated by special education district.</p> <p>Interview with Program A principal Discipline policies posted online. In process of revising parent handbook to update policies.</p> <p>Interview with Program B principal Parents receive handbook at beginning of school year, also available online. Students placed during school year receive handbook and tour of school.</p> <p>Interview with Program C principal Discipline policies available online. In process of revising parent handbook to include all behavioral intervention practices.</p>

	<p>Program B “High School Student Handbook” Program uses a four-step collaborative problem-solving model. “Regulation rooms” available with variety of sensory items. Points/levels system used. Goal for students to transition back to home school. Described student expectations.</p> <p>Program B “Family and Student Handbook 2019-2020” Targeted to middle school students. Included similar information as “High School Student Handbook” above. “Regulation rooms” addressed.</p> <p>A Place to Grow: (Program C) “An Informational Guide for Parents” Requirements of levels and points system described. Described list of interventions, including sensory rooms, “quiet rooms,” crisis intervention techniques. Two sensory rooms - one “calming” and one “active.” Students can be assigned to study carrels and study rooms until ready to return to regular room. School uses “quiet rooms,” described similarly as language in state rules for time out rooms. “Quiet rooms” used after less restrictive interventions exhausted but not used as punishment. All staff trained in crisis intervention techniques. De-escalation strategies described. School uses physical intervention if needed.</p>
<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 with Program A principal Parents notified by phone on same date of time out. One-page summary form sent to parent on same date or within 24 hours prior to 2019-20 school year. Online form used as formal record of time out, which parent could request. Form altered for 2019-20 school year, school can print written form for parents. One parent indicated school did not need to provide written report of each instance of time out, received verbal summary by phone instead. School using ISBE form since November 20, 2019, which is sent same day to all parents.</p> <p>Interview with Program B principal Parent notified of instances of time out by end of day. Phone call to parent after incident and copy of documentation sent same day. Staff also email parent if not available by phone. Written waiver to notify parent of time out not used.</p> <p>Interview with Program C principal Therapist or administrator typically communicates with parent following time out. Parent previously received information about isolated time out, including specifics of incident, by phone, email, or in person. School currently sends time out form to parent. Parent receive incident report form with narrative and beginning/ending dates of time out within 24 hours.</p>

	<p>Staff Review of Time Out Data Submitted to ISBE</p> <p>617 of 775 records noted date of parental notification and 143 records did not. This information noted as “not applicable” in eight records and not entered in seven records.</p> <p>Parent notified in writing within 24 hours after time out or physical restraint in 102 of 775 records. Documentation did not indicate parent notified within 24 hours in 498 records. Information not entered for 175 records.</p> <p>Parent notified of isolated time out by email, phone call, or other method in 260 of 775 cases. 122 records documented that parent notified of time out by another method when not receiving written notice within 24 hours.</p>
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Summary and Discussion

The district reported that Program B had a parent handbook describing its behavioral intervention policies but acknowledged the handbooks of Program A and Program C were being revised to include this information. Program B’s handbook included information on “regulation rooms” but did not specifically reference time out. Similarly, Program C’s parent guide referenced “quiet rooms,” which appeared to mirror time out rooms in function, but did not use the term “time out” or “isolated time out.”

The principals of all three identified programs stated that parents are contacted regarding instances of time out. The review of time out data provided to this agency by ISBE staff documented parental notification within 24 hours of isolated time out in only 102 of 775 records. The documentation did indicate parental notification occurred by another method in 122 cases when the parent did not receive written notice within 24 hours. Based upon the above, a violation is found.

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

The following 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 with superintendent/assistant superintendent Orientation provided to new teachers, at local-level staff meetings, and via information on special education district’s website.</p> <p>Interview with Program A principal Orientation training. Review policies and procedures with crisis intervention coaches present. Staff review antecedent strategies, documentation forms, procedures for parent notification, and maintenance of forms.</p> <p>Mandated annual crisis intervention training, focusing on de-escalation strategies as well as time out and restraint. Staff hired mid-year also receive</p>

	<p>training. BCBA provides ongoing support, meeting every other week with teaching assistants, including use of time out. Staff conducting crisis intervention training discuss forms. Documentation not part of training materials</p> <p>Interview with Program B principal Address procedures at annual staff training. Isolated time out addressed during crisis intervention training for all staff.</p> <p>Interview with Program C principal Procedures addressed in orientation and monthly meetings. Training in emotional regulation and trauma informed care for all staff. More in-depth training for therapeutic team. All staff annually trained in crisis intervention techniques, including crisis development model, verbal and non-verbal communication, de-escalation techniques.</p> <p>Monthly meeting with all staff. Discipline-specific meetings (teachers, related service, teaching assistants) monthly. Weekly meetings on use of interventions.</p> <p>School uses checklist with alternative behavioral strategies. Template used for documenting isolated time out. School currently uses two forms, one to collect behavioral data for school use and one form to report to ISBE. Documentation expectations shared with all staff throughout year, including time out. Committee reviewing practices for orientation of new employees.</p> <p>Crisis Intervention "Participant Workbook" Addressed model for crisis development, nonverbal, para-verbal, and verbal communication, verbal and physical interventions.</p> <p>Special education district crisis intervention trainings November 1, 2018- Four-hour refresher training for member districts November 7, 2018- Three-hour "coaches" meeting November 8, 2018- Four-hour de-escalation meeting November 14, 2018- Four-hour refresher training November 29, 2018- Seven-hour initial training December 5, 2018- Seven-hour initial training December 12, 2018- Four-hour refresher training January 5, 2019- Four-hour refresher training January 7, 2019- One-hour crisis intervention training February 6, 2019- Four-hour de-escalation training February 19, 2019- Four-hour refresher training February 28, 2019- Seven-hour initial training March 7, 2019- Four-hour refresher training March 14, 2019- Seven-hour initial training April 1, 2019- Two-hour planning meeting April 11, 2019- Seven-hour initial training April 23, 2019- Four-hour refresher training</p>
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	<p>August 19, 2019- 3.5-hour refresher training for Program A staff and occupational and physical therapists August 28, 2019- Seven-hour initial training September 5, 2019- Seven-hour initial training September 24, 2019- Seven-hour initial training October 1, 2019- Four-hour refresher training October 10, 2019- Seven-hour initial training October 16, 2019 Four hour refresher training October 23, 2019- Four-hour refresher training October 29, 2019- Seven-hour initial training November 4, 2019- Three-hour initial training (second half) November 14, 2019- 3.5-hour crisis intervention/school culture training November 15, 2019- Four-hour refresher training December 2, 2019- Two-hour initial training December 3, 2019- Two-hour refresher training</p> <p>Crisis Intervention Training 100 staff in special education district completed between three and 6.5 hours of initial or refresher training between July and September 2019.</p> <p>Program B (Teaching Assistant) Training Checklist Included reference to time out.</p> <p>November 26, 2019, "Major Incident Reporting: TA Professional Development" One purpose of document to support completion of state time out and restraint forms. Recommended not using term "isolation" but "alternative learning space" or "regulation space" instead.</p> <p>Program C Teacher Assistant Handbook Materials addressed communication, child behaviors, philosophy of program, use of "quiet rooms."</p> <p>"Promoting Inclusion Through Evidence-Based Alternatives to Restraint and Seclusion" Article published in 2017 district reported was provided to district board members, administrators, and staff.</p>
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Summary and Discussion

The Information provided indicated staff in Programs A, B, and C receive orientation and training on crisis intervention techniques. The orientation and training that staff have received on the procedures for using time out specifically was less clear. Based upon the above, a violation is found.

Corrective Action

The district must:

1. Provide training to all staff within the three identified programs on the procedures for the use of time out in the state rules at *23 IAC 1.285*, specifically including:
 - a. Use of time out shall be used only to the extent necessary to preserve the safety of students and others;
 - b. Evaluating and committing to writing episodes of time out exceeding 30 minutes or repeated episodes occurring during any three-hour period;
 - c. Documenting each episode of time out including all information listed in *23 IAC 1.285(f)(1)(A-H)*; and
 - d. Sending written notice of each incident of time out to the parent within 24 hours after any use.
2. Participate in quarterly meetings for 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 of the training provided to all staff within the three identified programs on the procedures for the use of time out in the state rules at *23 IAC 1.285*, including the date(s) of training, materials utilized, and staff who participated (including titles).

The above listed materials should be sent to my attention, Special Education Department, no later than **February 21, 2020**.

In accordance with the requirements of the 105 Illinois Compiled Statutes, 5/14-8.02e, the district will be required to provide a copy of the corrective action compliance documentation to the complainant simultaneously with the submission of those materials to the investigator. In the event of a complaint filed by an individual other than the parent/guardian, the district must secure an appropriate written and signed release prior to the issuance of any child specific documentation.

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
Ms. Teri Engler, NSSED Counsel

Enclosure: Appendix

Appendix

Program A- Arbor Academy

Program B- North Shore Academy (NSA)

Program C- North Shore Academy Elementary (NSAE)