




Illinois State Board of Education

Dr. Tony Sanders, State Superintendent of Education
Dr. Steven Isoye, Chair of the Board

100 N. First Street • Springfield, IL 62777 • isbe.net

MEMORANDUM

To: The Honorable Tony McCombie, House Minority Leader
The Honorable Don Harmon, Senate President
The Honorable John Curran, Senate Minority Leader
The Honorable Emanuel "Chris" Welch, Speaker of the House

From: Dr. Tony Sanders 
State Superintendent of Education

Date: June 30, 2023

Re: Implementation Physical Restraint, Time Out, and Isolated Time Out Practices in Schools

The Illinois State Board of Education (ISBE) respectfully submits this report to fulfill the requirements set forth in Public Act 102-0339 and School Code 105 ILCS 5/2-3.130, 105 ILCS 5/10-20.33, and 105 ILCS 5/34-18.20, which state the following:

On or before June 30, 2023, the State Board shall issue a report to the General Assembly on the progress made by schools to achieve those goals and benchmarks. The required plans shall include, but not be limited to, the specific actions that are to be taken to:

- (1) reduce and eventually eliminate a reliance on isolated time out, time out, and physical restraint for behavioral interventions and develop noncoercive environments;
- (2) develop individualized student plans that are oriented toward prevention of the use of isolated time out, time out, and physical restraint with the intent that a plan be separate and apart from a student's individualized education program or a student's plan for services under Section 504 of the federal Rehabilitation Act of 1973;
- (3) ensure that appropriate school personnel are fully informed of the student's history, including any history of physical or sexual abuse, and other relevant medical and mental health information, except that any disclosure of student information must be consistent with federal and State laws and rules governing student confidentiality and privacy rights; and
- (4) support a vision for cultural change that reinforces the following:
 - (A) positive behavioral interventions and support rather than isolated time out, time out, and physical restraint;
 - (B) effective ways to de-escalate situations to avoid isolated time out, time out, and physical restraint;
 - (C) crisis intervention techniques that use alternatives to isolated time out, time out, and physical restraint; and
 - (D) use of debriefing meetings to reassess what occurred and why it occurred and to think through ways to prevent use of the intervention the next time.

A school is exempt from the requirement to submit a plan and the annual reports if the school is able to demonstrate to the satisfaction of the State Board that (i) within the previous 3 years, the school district has never engaged in the use of isolated time out, time out, or physical restraint and (ii) the school has adopted a written policy that prohibits the use isolated time out, time out, and physical restraint on a student and is able to demonstrate to the satisfaction of the State Board that (i) within the previous 3 years, the school district has never engaged in the use of isolated time out, time out, or physical restraint and (ii) the school has adopted a written policy that prohibits the use isolated time out, time out, and physical restraint on a student and is able to demonstrate the enforcement of that policy.

The State Board shall establish a system of ongoing review, auditing, and monitoring to ensure that schools comply with the documentation and reporting requirements and meet the State Board's established goals and benchmarks for reducing and eventually eliminating the use of isolated time out, time out, and physical restraint.

This report is transmitted on behalf of the state superintendent of education. For additional copies of this report or for more specific information, please contact Jen Saba, interim executive director of Legislative Affairs, at 217-782-6510 or jsaba@isbe.net.

cc: Secretary of the Senate
Clerk of the House
Legislative Research Unit
State Government Report Center

Physical Restraint, Time Out, and Isolated Time Out Legislative Report

June 2023



Illinois
State Board of
Education

Foreword

Public Act 102-0339 was signed into law August 13, 2021. It amended the Illinois School Code, specifying that the use of physical restraint, time out, and isolated time out (RTO) will be limited to instances in which a student's behavior poses an "imminent danger of serious physical harm." Public Act 102-0339 further amended School Code 105 ILCS 5/2-3.130, 105 ILCS 5/10-20.33, and 105 ILCS 5/34-18.20, requiring ISBE, in collaboration with stakeholders, to establish goals and benchmarks to accomplish the systemic reduction of use of RTO. Furthermore, school boards must:

- Create an oversight team to develop and submit an RTO Reduction Plan,
- Submit a progress report for three years thereafter,
- Specify training components,
- Provide additional notifications/resources to parents, and
- Eliminate the use of prone restraints by June 30, 2022.

ISBE has the responsibility to inform school districts, special education cooperatives, and nonpublic special education facilities on the implementation of policies designed to ensure school wellness through advisory supports in education, health, and social-emotional well-being so our students have the opportunity to become whole, healthy, and educated adults. These supports, particularly in the area of social-emotional well-being, provide a process for children to acquire the knowledge, attitudes, and skills they need to:

- Recognize and manage their emotions.
- Demonstrate caring and concern for others.
- Establish positive relationships.
- Make responsible decisions.
- Handle challenging situations constructively.

Problem behaviors can still occur despite such supports. The response of a teacher, administrator, or other school staff to behavior that has the potential to threaten the well-being of a student or an adult is of paramount importance. Physical restraints, time outs, and isolated time outs -- as defined in the School Code and administrative rules -- must be interventions of the last resort and applied judiciously in the rarest of situations. Physically restraining a student or placing a student in time out can carry many risks to the student's physical well-being, emotional health, self-image, and reputation in the school community. Use of these interventions also can erode trust among stakeholders in the student's education and inhibit the student from being educated in a safe and healthy learning environment. There are rare incidents in which it may be necessary to restrict a student's movements to ensure the safety of the student or others. State laws and federal guidance provide parameters for the use of time out and physical restraints when circumstances warrant.

Timeline of Work

I. School Year 2021-22

Following the passage of Public Act 102-0339, ISBE staff began working to establish guidance and supports that school districts would need to fulfill legislative requirements. One major component of this support was the creation of the Illinois RTO Stakeholder Workgroup. This statewide workgroup is made up of administrators and professionals from public school districts, cooperatives, and nonpublic entities. This workgroup also includes representatives from other state agencies, advocacy groups, and professional organizations. This workgroup includes parents and guardians of students who have experienced RTO.

ISBE also utilized this workgroup to help develop the specifications to be included in an RTO Reduction Plan. The bulk of the 2021-22 school year was spent with the RTO Stakeholder Workgroup creating documents, procedures, and processes. The hard work, time, and effort of this core group of educational professionals resulted in the development the following documents to assist the field in meeting RTO Reduction Plan requirements:

- Statewide RTO goals that focus on reduction, training, and resource development
- RTO Reduction Plan information
- Parent/Guardian RTO Bill of Rights
- RTO Reduction Plan Frequently Asked Questions and Technical Assistance

ISBE began to tackle the important issue of data collection procedures prior to 2021-22 school year, but ISBE continued to listen to feedback from stakeholders statewide to refine our documentation and reporting requirements. RTO data was not collected by ISBE prior to SY 2019-20. All data, information, and documentation regarding instances of RTO were maintained locally by the school district in the student's temporary record. Initial efforts to gather RTO data statewide involved districts, special education cooperatives, and nonpublic facilities sharing their paper copies of RTO data with ISBE, which then had staff enter it into a spreadsheet for analysis. Collection of data in the Student Information System (SIS) was limited to the type of physical restraint or time out used, how long the event lasted, and the name of the student who was involved in the RTO event. Careful and collaborative conversation resulted in the data collection measures now used in SIS. These collection measures closely mirror ISBE Form 11-01, which is used to not only communicate clear data about the RTO event, but as a mechanism to communicate to parents/guardians that an RTO event has occurred.

ISBE, in collaboration with the Illinois State University, created the Center for Intensive Behavioral Supports (CIBS). This online platform provides all educational staff in Illinois free access to professional learning in RTO practices that is updated and maintained to reflect current changes in regulations and provides best practice to the field regarding the use of interventions other than RTO. At the end of SY 2021-22 school year, there were four online modules that provided educational staff the ability to earn continuing professional learning credits for those who participated in an online module.

ISBE Student Care staff created an RTO State Complaint process, which also was required by legislation. This process is available to parents/guardians, caregivers, educational staff, advocates, and students who wish to file a complaint with the state that alleges either the improper use of RTO or allegations of not complying with 23 Illinois Administrative Code 1.285. This process is an investigative process that includes evidence collection, data monitoring, interviews of staff involved in the RTO event, and document review. A final report is issued at the conclusion of the investigation. Should a report detail finding a violation, the educational entity works through a Corrective Action Plan to ensure that any deficit areas are addressed and do not occur again.

The final shift in RTO that occurred during SY 2021-22 was that school districts and special education cooperatives were no longer allowed to use prone restraints. Messaging from ISBE pertaining to this issue was clear and consistent. Some districts and cooperatives noted that instead of using a prone restraint, they utilized other types of physical restraints that are safer for students; however, many stated that once prone restraint was no longer a physical restraint procedure that could be used, it created a safer learning environment for all students. SIS data does demonstrate an increase in prone restraints from the 2020-21 to the 2021-22 school year. SY 2021-22 was still considered a school year during which COVID-19 impacted the attendance patterns of students; therefore, attendance was artificially low because many schools were still in either a fully remote or hybrid model for in-person attendance.

II. School Year 2022-23

The ISBE RTO Stakeholder Workgroup established the following goals and benchmarks for SY 2022-23 to be completed by July 1, 2023, by all school districts:

- Goal 1 (Reduction Goal): Over a 12-month period, a 25% reduction in the use of RTO for students experiencing over five or more instances in a 30-day period.
- Goal 2 (Training Goal): Develop annual training in collaboration with external stakeholders based on field research and best practices focusing on:
 - Crisis de-escalation
 - Restorative practices
 - Identifying signs of distress during RTO
 - Trauma-informed practices
 - Behavior management practices
 - Additionally, all training will include embedded implicit bias training for schools/districts/cooperatives that had instances of RTO.
- Goal 3 (Resource Development Goal): Create an “Alternatives to Time Out and Physical Restraint Recognition Program” to share best practices that work with students based on age, Individualized Education Program, and placement.

In accordance with these goals, each local school board was required to:

- Create an oversight team to develop a school-specific plan for reducing and eventually eliminating the use of time out and physical restraint, and procedures to implement the plan. The plan must include specific actions set forth in the legislation.
- Submit a report to ISBE once each year for three years on progress made toward achieving ISBE goals and benchmarks
- Modify the plan as necessary to satisfy these goals.
- Make the RTO Reduction Plan available for review by parents.

This plan was required unless a school district can show that it had not used RTO within the previous three years. The district had to have adopted a policy prohibiting these interventions and could demonstrate enforcement of that policy. Many school districts are dedicated to reducing the use of physical restraint and/or time out. Schools have increased their focus on restorative measures, positive behavior interventions, and identification of potentially problematic

student behaviors earlier through a tiered support model. This has been the key to not having to rely on the use of physical restraints and/or time outs. Districts that utilized and implemented the CIBS online modules as part of ongoing professional learning provided feedback regarding the thoroughness and depth of knowledge that was provided. Also, the use of prone restraint was completely eliminated for all educational entities starting with the 2022-23 school year. With the passage of PA 102-0339, we began phasing out prone restraint. Only nonpublic special education programs were allowed to use prone restraints in limited circumstances during the 2021-22 school year. The ban on prone restraints also applies to any nonpublic school located outside of the state of Illinois that is attended by a student from Illinois. ISBE closely monitored the use of this technique due to the serious health risks to students experiencing a prone restraint. Each report of prone restraint that was reported in SY 2021-22 was scrutinized to ensure that only nonpublic special education facilities that met the requirements in rules were using this technique. Any school that reported the use of prone restraint that did not meet these strict requirements was issued a letter of finding and was provided technical assistance to ensure that prone restraint was not used on a student again. ISBE's efforts to monitor the use of this banned technique continued in SY 2022-23. Student Care staff routinely searched the state reporting system for any record of the use of prone restraint and reached out to the entity reporting it to ensure that technical assistance was provided.

A. RTO DATA COLLECTION

ISBE did not mandate RTO data reporting prior to SY 2021-22. Some schools reported their RTO data to us, but it was not consistent throughout the entire state. With the passage of PA 102-0339, ISBE began to standardize data collection through the development of a reporting form to submit RTO data through SIS. The reporting form was revised multiple times as we consulted with stakeholders and provided technical assistance to the field to ensure that we were capturing all the information that we needed to ensure that schools were complying with statutory and regulatory requirements. The current iteration of the reporting form has been in place since November 2022. Because we continued to learn how to best capture this information, our true baseline for RTO data with statewide reporting is the 2021-22 school year. (Appendix A).

As we see in the year-over-year data in Appendix A, it appears that RTO data significantly increased from the 2018-19 school year to the 2022-23 school year and has even increased from the 2021-22 school year to the 2022-23 school year. As mentioned, not every school district, special education cooperative, or nonpublic school previously reported RTO data to ISBE; we found additional reporting inconsistencies as we began providing technical assistance to all entities throughout the state. In our 23 IAC 1.285 regulations, it states in (d) that "staff involved in physically restraining a student must periodically halt the restraint to evaluate if the imminent danger of serious physical harm continues to exist." This rule, which was added to the rules in April 2020, caused confusion. As we worked through the changes in reporting, we found that some schools were reporting each time they halted the physical restraint and then continued a physical restraint as distinct physical restraint incidents rather than one incident. Some school staff were incorrectly applying this regulation and omitting the second half of the regulation that states, "[i]f the imminent danger of serious physical harm continues to exist, staff may continue to use the physical restraint and the continued use **may not be considered a separate instance of physical restraint.**" (Emphasis added.) We found that numerous schools were incorrectly applying this rule, which resulted in overreporting of physical restraint. This has led to overinflation in the number of physical restraint incidents reported. We have provided technical assistance to schools known to be incorrectly applying this regulation and have incorporated an explanation of this provision within the CIBS training.

The change in legislation also significantly changed the definition of physical restraint. On August 13, 2021, the revisions to 105 ILCS 5/10-20.33 and 105 ILCS 5/34-18.20 removed the following:

(f) For the purposes of this Section, "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) **to remove a disruptive student who is unwilling to voluntarily leave the area.** (Emphasis added.)

This language meant that prior to August 13, 2021, a physical escort was not considered a physical restraint incident and did not need to be reported as such. When a school implements a physical escort now, the incident is likely to be considered a physical restraint and the school must report it. This significantly changed how we categorize physical restraint incidents. Most schools that use physical restraint techniques consistently implement some sort of physical escort to transport students. This change alone resulted in a large increase in the number of physical restraints that were documented and reported.

Additionally, districts communicated to us that returning to school in the wake of the COVID-19 pandemic resulted in significant spikes in dangerous behaviors of all students, but especially students in grades K-2 who had not been attending school consistently. This resulted in increases in the use of physical restraint based upon more dangerous behaviors seen in the classroom setting.

Because of the changes in statutory and regulatory language, data collection measures were continually refined throughout the 2021-22 and 2022-23 school years to ensure that all areas of data monitoring were occurring at the state level. The change in the definition of physical restraint in conjunction with the data collection changes makes it difficult to analyze our longitudinal data to determine if there is a downward trend in the use of RTO, or if the changing data entry procedures are artificially inflating the data. We now expect to more easily compare data from year to year moving forward because our data collection processes have stabilized.

B. REPORT ON PROGRESS OF THE STATEWIDE GOALS

a. Goal 1

Background

In discussions with the stakeholder workgroup, ISBE developed an RTO reduction goal in November 2021. The stakeholder workgroup urged ISBE to work on reducing the number of students that experience the highest number of RTO events in an effort to reduce the use of these interventions overall. The goal that was established was: "Over a 12-month period, a 25% reduction in the use of RTO for students experiencing over five or more instances in a 30-day period." This was selected to focus on students who were experiencing the most significant incidents of RTO and to focus resources on students with the highest needs. We did not previously collect data on students with repeated instances of RTO, but we found that for the 2021-22 school year 2,322 students experienced five incidents of RTO within a 30-day period. This is 44% of all students experiencing RTO.

Statewide Goal Achieved

The number of students that experienced five incidents of RTO within a 30-day period was significantly reduced to 1,657 during the 2022-23 school year. This reduction of 29% achieved the statewide goal. We recognize that the work in reducing and eliminating RTO is significant, and we can see that the efforts of schools statewide in targeting this student population have been successful. Further attention and resources are needed to continue this trajectory and achieve the desired reduction.

b. Goal 2

Background

In discussions with the stakeholder workgroup, many members expressed concerns over the amount of training that the rules now require for staff to use these RTO techniques lawfully and safely. The workgroup members also expressed concern over the cost of this ongoing training. Especially hard hit with the costs are the special education cooperatives and nonpublic special education facilities that are required to have all staff undergo this training due to the unique needs of the population of students that they serve. Stakeholders urged ISBE to create a training program that meets the rigorous training requirements set forth in rules and that all schools across the state could access for free.

Partnership with Illinois State University

ISBE, in collaboration with Illinois State University's Center for Intensive Behavioral Supports (CIBS), has successfully developed and implemented annual training modules that address crisis de-escalation, restorative practices, identifying signs of distress, trauma-informed practices, implicit bias training, and behavior management practices. The partnership with CIBS has allowed ISBE to tap into its extensive knowledge of behavior supports and interventions. CIBS staff are subject-matter experts who were able to develop evidence-based training materials and instructional materials. Their expertise has ensured that the training modules align with best practices in the field while meeting the needs of Illinois educators. The CIBS RTO training platform has been available since October 2022.

CIBS Training Usage Data

- As of March 31, 2023, 1,439 users have accessed this training, and 75.3% of these users have received a certificate of completion in at least one learning module.
- Users who have accessed this training include 82 district-level administrators, 105 special education administrators, 176 school-level administrators, 247 special education teachers, 183 general education teachers, 432 paraprofessionals, 148 related service providers, nine parents/guardians, and 57 users that classify themselves in the "Other" category.

Statewide Goal Achieved

The CIBS online presence continued to expand into more areas of needed support for educational staff. By the end of the 2022-23 school year, there were nine online modules and visual resources for teacher use, as well as an established Community of Practice that utilized book studies to highlight the importance of positive behavior interventions, functional behavioral assessments, and the role of communication needs of students in behavior management. The CIBS project held five in-person regional summits pertaining to the topic of RTO. These summits, hosted in collaboration with ISBE Student Care staff, provided entities that attended with in-person feedback regarding their RTO practices, RTO Reduction Plans, and opportunities to solve problems. More regional summits are planned prior to the start of the 2023-24 school year to assist schools with planning and behavior support. CIBS also plans to expand its online training platform to include training in time out/isolated time out practices, how to complete required ISBE documentation, self-regulation for staff, and self-regulation for students.

c. Goal 3

Background

In discussions with the stakeholder workgroup, concerns were raised about the feasibility of reducing and eliminating RTO use. Stakeholder engagement revealed diverse viewpoints on what constitutes effective alternatives to physical restraint, time out, and isolated time out practices. Stakeholders said they wanted to hear from others in the field who were making strides to reduce these interventions. It is from these discussions that the stakeholders urged ISBE to assist with the creation of the "Alternatives to Time Out and Physical Restraint Recognition Program" to assist school districts, special education cooperatives, and nonpublic special education facilities in best practices. The focus of this goal is to give educators access to materials that promote positive behavior management and create a supportive learning environment.

Efforts and Initiatives

As part of this effort, a training module has been developed to share the experience of a director of a special education cooperative who successfully reduced the number of instances of physical restraints, time out, and isolated time out. This module, which highlights effective strategies and best practices, serves as a valuable resource. It was developed after a director presented at a stakeholder workgroup meeting. The most exciting portion of the presentation is the data that this director shared regarding the use of these interventions at the cooperative. She said that there were 64 reported Incidents of physical restraints at the cooperative in the 2021-22 school year; there were only 24 reported

physical restraints in the 2022-23 school year. This is a 64% reduction in one year. There were 24 reported time outs reported in SY 2021-22 and 0 reported in SY 2022-23. This is a 100% reduction in the use of that intervention. The most important part of the training module is when the director shared the tools that she used to achieve these results. She said that she implemented a new training plan that included de-escalation training for all staff; all administrators also were required to receive the same training as the staff. She also added additional coaching opportunities in the beginning of the school year, as well as check-in meetings throughout the school year, so staff could receive assistance with students exhibiting maladaptive behaviors.

The results of this are exciting, but there is still work to be done in expanding the recognition program to include a broader range of schools across Illinois. Efforts by ISBE for the next school year will be focused on the identification of school districts and nonpublic special education facilities that have made significant strides in reducing the use of these interventions. Recognized schools will be provided opportunities to share their educational experiences and best practices with other educational institutions statewide.

III. School Year 2023-24

Many of these effective practices and services that are offered are reaching all areas of the state and continuing to expand as we look forward to the upcoming school year.

A. REVISIONS TO STATEWIDE GOALS

The overarching goal is the reduction and eventual elimination of RTO, so we met with stakeholders over the course of the 2022-23 school year to refine and expand this effort. We found that some school districts did not have any students that fell into the category of students with five incidents within a 30-day period, but still had RTO incidents to reduce and eventually eliminate. The stakeholder workgroup continued to ask for additional data to better understand who was most affected by RTO. They requested data by disability category, grade, age, race, and school type (public, special education cooperative, and nonpublic). We spent many meetings reviewing the data and discussing additional statewide goals that would address the needs we saw in the data at a statewide level.

We decided to focus all three statewide goals on RTO reduction for the 2023-24 school year to enhance the emphasis on the overall reduction of RTO. These new goals would be part of school district RTO Reduction Plans for the 2023-24 school year that are due on July 1, 2023. We decided to set two general reduction goals and one flexible, but targeted goal. The third goal afforded an entity the ability to determine how it would implement RTO reduction based upon its own data.

We selected the menu of optional goals for school districts based upon the statewide data analysis that the stakeholder workgroup requested. These goals provide school districts with a greater ability to tailor their plan to best meet the needs of their school population.

Entities must work on these two required goals during the upcoming school year:

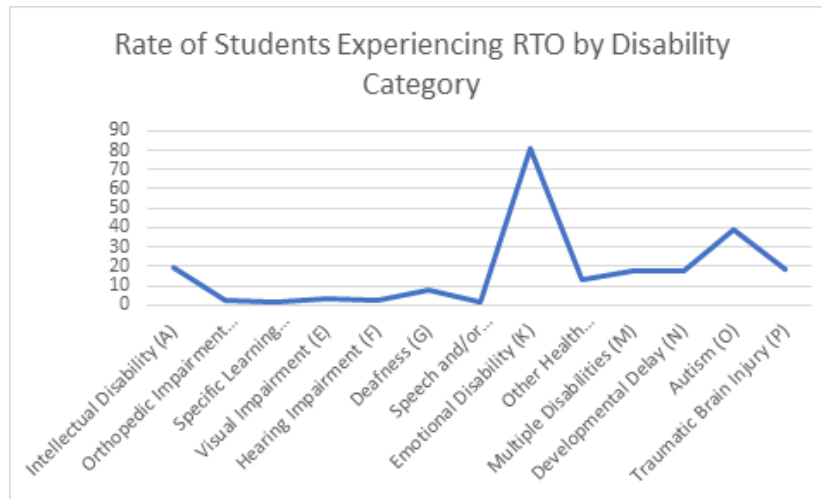
- Goal 1: Reduce the number of RTO incidents by 10%.
- Goal 2: Reduce the number of students experiencing RTO by 10%.

Additionally, each entity must pick at least one optional goal based on its data.

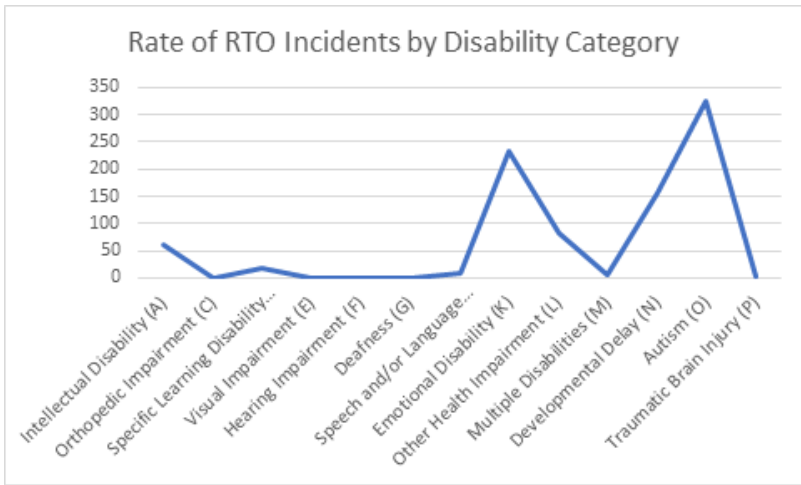
- Optional goals:
 - Reduce the number of K-2 students experiencing RTO by 25%.
 - Reduce the number of students of color experiencing RTO by 25%.
 - Reduce the number of students experiencing five-plus instances of RTO in a 30-day period by 25%.
 - Reduce the number of male students experiencing RTO by 25%.
 - Reduce the number of incidents of RTO for students with autism by 25%.
 - Reduce the number of students with an emotional disability experiencing RTO by 25%.

- Reduce the number of students with an Individualized Education Program experiencing RTO by 25%.

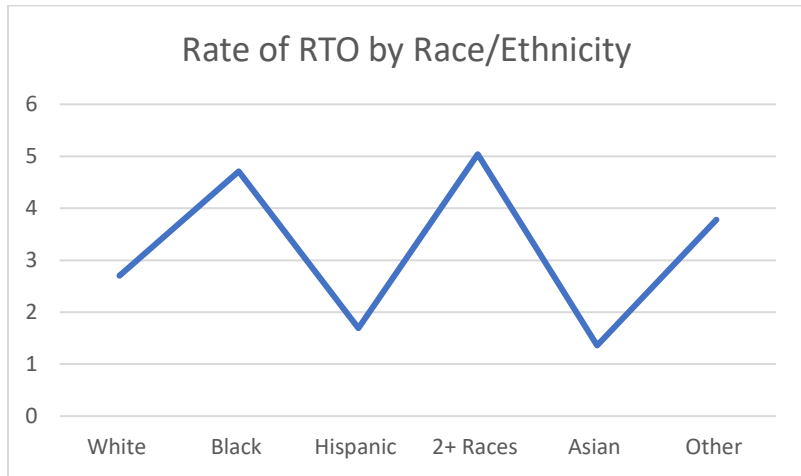
The stakeholder workgroup developed expanded optional goals that targeted specific student populations based upon the 2021-22 data that was pulled from SIS on February 21, 2023. See data tables below. The data is expressed in the rate of RTO per 1,000 students. The group noted that students with emotional disabilities were significantly more likely to experience an incident of RTO. Further, students with autism were experiencing the highest number of incidents of RTO, meaning that students with autism were likely experiencing multiple incidents of RTO if they had experienced at least one. Based upon this data, the RTO Stakeholder Workgroup incorporated disability specific goals for school districts to select as reduction goals if the district believed that its data reflected the need in that area. All of the optional goals targeted a specific student population that was experiencing higher rates of RTO.



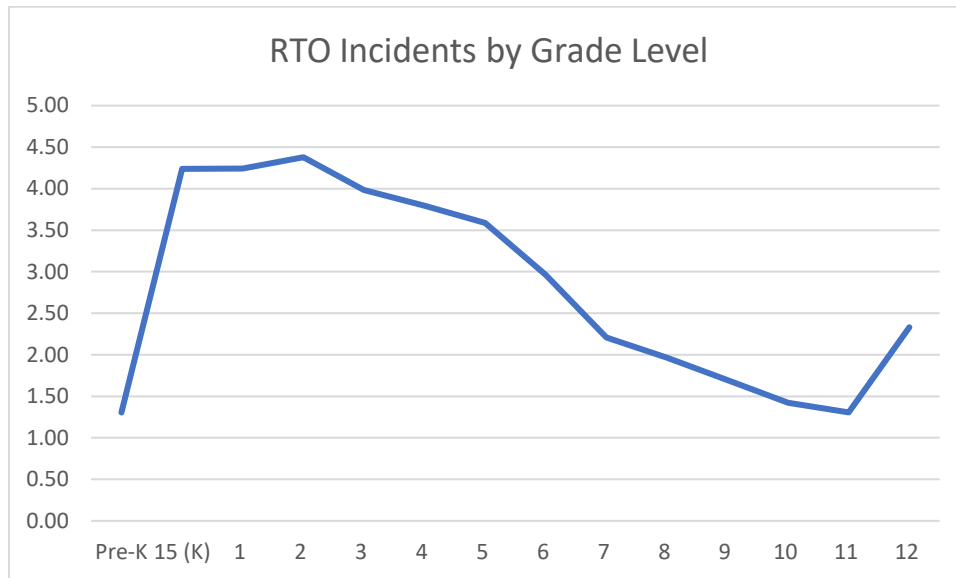
Intellectual Disability (A)	19.06028
Orthopedic Impairment (C)	2.436054
Specific Learning Disability (D)	1.514243
Visual Impairment (E)	3.164557
Hearing Impairment (F)	2.101723
Deafness (G)	7.905138
Speech and/or Language Impairment (I)	1.183607
Emotional Disability (K)	80.5547
Other Health Impairment (L)	12.79744
Multiple Disabilities (M)	17.36714
Developmental Delay (N)	17.82996
Autism (O)	39.19681
Traumatic Brain Injury (P)	18.45018



Intellectual Disability (A)	60.40251698
Orthopedic Impairment (C)	0.449460647
Specific Learning Disability (D)	16.90471434
Visual Impairment (E)	0.174790252
Hearing Impairment (F)	0.324610467
Deafness (G)	0.374550539
Speech and/or Language Impairment (I)	7.84059129
Emotional Disability (K)	234.0940871
Other Health Impairment (L)	81.97662805
Multiple Disabilities (M)	5.818018378
Developmental Delay (N)	157.610867
Autism (O)	325.0848981
Traumatic Brain Injury (P)	2.646823811



White	2.7
Black	4.71
Hispanic	1.69
2+ Races	5.04
Asian	1.36
Other	3.78



Pre-K	1.30
K	4.24
1	4.24
2	4.38
3	3.99
4	3.80
5	3.59
6	2.96
7	2.21
8	1.97
9	1.69
10	1.42
11	1.31
12*	2.33

*Students in Grade 12 includes students in transition programs up to age 22.

Districts have until July 1, 2023, to submit their updated RTO Reduction Plan to ISBE for review and approval. As of June 12, 29% of districts (248 of 862) have submitted their plan. ISBE Student Care staff continue to communicate with the field regarding the timeline. Sixty-one districts requested the opportunity to establish their own optional goal based on their local data. All 61 of those requests were approved because those districts had the ability to demonstrate the use of local RTO data to establish a rigorous goal toward the reduction of use of RTO.

ISBE and the RTO Stakeholder Workgroup also developed alternative goals for which an entity could apply. The purpose of developing an alternative goal was outlined in 105 ILCS 5/2-3.130(e). It specified that a school district could apply for an alternative goal based upon ISBE-established criteria to develop their RTO Reduction Plans to address the needs of individual students and the student population as a whole in an entity. We found that schools that had small populations of students who experienced more RTO were most interested in seeking out an individual student RTO Reduction Plan

as the few number of students could skew the district’s reported data. The criteria for the alternative goal application are:

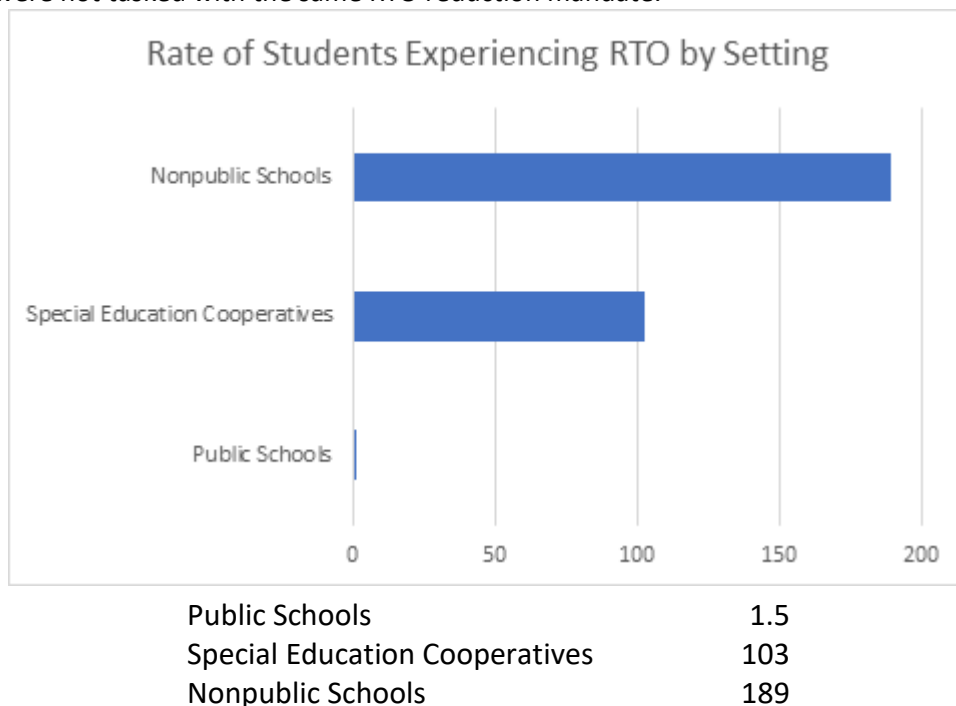
(1) The entity must have 20 students or fewer who experienced an RTO event in the previous school year to apply for the alternative goal.

(2) Any entity that has had a systemic complaint finding regarding an RTO event in the previous or current school years is not eligible to apply to use an alternative goal for an RTO Reduction Plan.

- The alternative goals are:
 - Option 1: Reduce the number of physical restraint incidents per individual student in a 30- day period by 20%.
 - Option 2: Reduce the number of days each individual student experiences physical restraint in a 30-day period by 20%.

B. UPCOMING LEGISLATIVE CHANGES

One major barrier to the implementation of statewide RTO reduction has been that not every type of school entity has been required to develop an RTO Reduction Plan. When PA 102-0339 was passed, it initially specified that only school districts were required to develop RTO Reduction Plans. ISBE worked on amending the legislation through a cleanup bill in the 2021-22 school year, but it was not passed. When we review the data of the type of students that experience an incident of RTO, it is overwhelmingly students in nonpublic special education schools and special education cooperatives. In the graph and data table below, we can see that students in nonpublic special education schools are over 100 times more likely to experience an incident of RTO than a public school student. However, nonpublic special education schools were not tasked with the same RTO reduction mandate.



Currently, House Bill 3071, which would amend the RTO legislation, is awaiting Governor Pritzker’s signature. The upcoming changes to 105 ILCS 5/2-3.130 (e) would define an entity as:

For the purpose of this subsection and subsection (f), “entity” means a school district, a special education nonpublic school approved under Section 14-7.02 of this Code and located in this State, or a special education cooperative to the extent the cooperative operates separate schools or programs within schools.

This change in legislation means special education nonpublic schools and special education cooperatives will be required to submit their RTO Reduction Plans to ISBE on July 1, 2024, for the 2024-25 school year. We anticipate that this change will result in targeting the entities where students experience RTO in the greatest numbers and will result in the reduction of RTO throughout the state.

Conclusion

ISBE has demonstrated significant progress in the statewide goals that were designed to assist schools across Illinois to reduce and eventually eliminate the use of physical restraint, time out, and isolated time out practices. However, there is still work that needs to be done to significantly change the use of these techniques and reduce the number of students who are subjected to physical restraint, time out, and isolated time out. Looking ahead, ISBE remains committed to the goal of statewide reduction and eventual elimination of the use of these practices. To ensure continued progress, the following next steps are recommended for the upcoming school year.

1. **Sustained Training Efforts:** ISBE should continue to prioritize ongoing professional development for educators, administrators, and support staff. The Illinois State University CIBS partnership should be maintained to ensure the development of high-quality and relevant training materials. Equity and cultural competence training that addresses the implicit biases that may contribute to the disproportionate use of physical restraint, time out, and isolated time out on students of color should be developed. This training should also include strategies for fostering culturally responsive and inclusive classrooms where all students feel valued and respected.
2. **Targeted Technical Assistance:** ISBE will continue to provide technical assistance to those school districts that have been found to be in violation of the use of these interventions. The assistance should include onsite support, mentoring, and guidance to help educators implement alternative strategies and create positive learning environments.
3. **Expanding the Recognition Program:** ISBE will further expand the recognition program to include a wider range of schools that have successfully implemented alternative practices and achieved a significant reduction in the use of these interventions. ISBE will prioritize schools that have developed successful strategies for specialized populations of students, especially those students on the autism spectrum or the students with emotional disabilities.

Implementation of these next steps will enable ISBE to continue to make progress toward the reduction and eventual elimination of physical restraint, time out, and isolated time out practices in Illinois schools. ISBE will continue to collaborate with stakeholders and Illinois State University to assist schools in creating a safe, inclusive, and supportive learning environment for all students.

ISBE appreciates the General Assembly's support and commitment to the well-being and success of Illinois students.

Appendix A – RTO Data

	School Year 2018-19	School Year 2019-20	School Year 2020-21**	School Year 2021-22	School Year 2022-23*
Students with Incidents	3,403	4,447	2,610	5,224	5,676
Incidents	40,364	30,509	21,505	41,985	45,647
Physical restraints	20,757	17,693	14,732	32,582	33,590
Time outs	17,393	11,772	4,274	8,853	6,863
Isolated Time Outs	2168	1028	1714	2453	2137
Supine Restraints	11	0	626	2,206	3,041
Prone Restraints	35	16	159	212	15
Danger to Self	12,515	11,361	9,428	19,658	19,600
Danger to Staff	24,217	20,644	15,746	34,622	34,529
Danger to Students	10,952	10,176	4,432	11,482	11,445
No Danger Identified	4,347	2,327	89	76	158

*=as of 6/12/2023
**COVID School Year

Reduction Goal Data:

School Year	Number of Students with 5 Incidents in a 30-day Period
2021-22	2,322
2022-23	1,657

School Year	Number of RTO Complaints Received at ISBE
2020-21	4
2021-22	28
2022-23	25*

*Four of these complaints were systemic complaints.