



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1943

Introduced 2/6/2025, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.33

Amends the School Code. Expands the definitions of "isolated time out" or "time out", "physical restraint" or "restraint", and "time out". Removes exceptions to the prohibition of prone restraint. Removes language providing that the parents or guardian of a student and the State Superintendent of Education shall be informed whenever isolated time out, time out, or physical restraint is used. Establishes complaint procedures to replace the complaint procedures set forth in the State Board of Education's rules. Provides that staff members responsible for implementing isolated time out, time out, or physical restraint must be trained in accordance with the system of non-violent intervention adopted by the school district and must be trained at least once every 2 years in a session that is not less than 6 hours. Requires the State Board to convene a group of stakeholders to annually review: (1) data associated with the use of physical restraint, time out, and isolated time out, and efforts made by public entities to reduce these practices; (2) strategies to reduce physical restraint, time out, and isolated time out; (3) decisions made by the State Board related to physical restraint, time out, and isolated time out; (4) student behavior and behavioral interventions that can be use as an alternative to physical restraint, time out, and isolated time out; and (5) professional development needed for public entities in behavioral interventions to ensure the proper use of physical restraint, time out, and isolated time out. Makes other changes.

LRB104 10771 LNS 20851 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 10-20.33 as follows:

6 (105 ILCS 5/10-20.33)

7 Sec. 10-20.33. Time out, isolated time out, restraint, and
8 necessities; limitations and prohibitions.

9 (a) The General Assembly finds and declares that the
10 improper use of isolated time out, time out, and physical
11 restraint on children and youth carries risks to the health
12 and safety of students and staff; therefore, the ultimate goal
13 is to reduce and eventually eliminate the improper use of
14 those interventions and ultimately replace those interventions
15 with other non-violent crisis interventions. The General
16 Assembly also finds and declares that the State Board of
17 Education must take affirmative action to lead and support
18 schools in transforming the school culture to reduce and
19 eliminate the improper use of all such interventions over
20 time.

21 (b) In this Section:

22 "Chemical restraint" means the use of medication to
23 control a student's behavior or to restrict a student's

1 freedom of movement. "Chemical restraint" does not include
2 medication that is legally prescribed and administered as part
3 of a student's regular medical regimen to manage behavioral
4 symptoms and treat medical symptoms.

5 "Isolated time out" means the involuntary confinement of a
6 student alone in a time out room or other enclosure outside of
7 the classroom without a supervising adult in the time out room
8 or enclosure.

9 "Isolated time out" or "time out" does not include a
10 student-initiated or student-requested break, a
11 student-initiated sensory break or a teacher-initiated sensory
12 break that may include a sensory room containing sensory tools
13 to assist a student to calm and de-escalate, an in-school
14 suspension or detention, or any other appropriate disciplinary
15 measure, including the student's brief removal to the hallway,
16 an office, or similar environment. "Isolated time out" or
17 "time out" does not mean blocking the egress of a student from
18 a classroom or a space within the classroom to prevent a
19 student from eloping.

20 "Mechanical restraint" means the use of any device or
21 equipment to limit a student's movement or to hold a student
22 immobile. "Mechanical restraint" does not include any
23 restraint used to (i) treat a student's medical needs; (ii)
24 protect a student who is known to be at risk of injury
25 resulting from a lack of coordination or frequent loss of
26 consciousness; (iii) position a student with physical

1 disabilities in a manner specified in the student's
2 individualized education program, federal Section 504 plan, or
3 other plan of care; (iv) provide a supplementary aid, service,
4 or accommodation, including, but not limited to, assistive
5 technology that provides proprioceptive input or aids in
6 self-regulation; or (v) promote student safety in vehicles
7 used to transport students.

8 "Physical restraint" or "restraint" means holding a
9 student or otherwise restricting a student's movements.

10 "Physical restraint" or "restraint" does not include the
11 following interventions used based on the best judgment of the
12 staff at the time of implementation:

13 (1) momentary periods of physical restriction by
14 direct person to person contact, without the aid of
15 material or mechanical devices, that are accomplished with
16 limited force and that are designed to prevent a student
17 from completing an act that would result in potential
18 physical harm to himself, herself, or another or damage to
19 property; -

20 (2) the use of physical touch in a manner as
21 recommended by an occupational therapist, physical
22 therapist, school psychologist, or social worker in order
23 to assist a student in the regulation of the student's
24 body, such as proprioceptive exercises, joint compression,
25 or brief squeezes;

26 (3) momentary physical touch to a student's

1 extremities used to redirect a student's attention, like a
2 tap on a student's shoulder that that redirects the
3 student's attention to the teacher;

4 (4) momentary physical touch used to comfort a student
5 in distress, such as a brief hug or a pat on the back to
6 comfort a student;

7 (5) physical restriction intended to prevent a student
8 from elopement, such as blocking a student from exiting a
9 classroom, the school building, the playground, or any
10 other part of school property, and redirecting a student
11 to engage with the student's class; and

12 (6) physical restriction necessary to prevent or break
13 up a physical fight on school grounds.

14 "Prone physical restraint" means a physical restraint in
15 which a student is held face down on the floor or other surface
16 and physical pressure is applied to the student's body to keep
17 the student in the prone position.

18 "Time out" means a behavior management technique for the
19 purpose of calming or de-escalation that involves the
20 involuntary monitored separation of a student from classmates
21 with a trained adult for part of the school day, only for a
22 brief time, in a nonlocked setting. "Time out" does not
23 include the detention of a student in a hallway or
24 administrator's office while an administrator is present as a
25 form of de-escalation or while the administrator is
26 investigating an incident involving the student.

1 (c) Isolated time out, time out, and physical restraint,
2 other than prone physical restraint, may be used only if (i)
3 the student's behavior presents an imminent danger of serious
4 physical harm to the student or to others; (ii) other less
5 restrictive and intrusive measures have been tried and have
6 proven to be ineffective in stopping the imminent danger of
7 serious physical harm; (iii) there is no known medical
8 contraindication to its use on the student; and (iv) the
9 school staff member or members applying the use of time out,
10 isolated time out, or physical restraint on a student have
11 been trained in its safe application, as established by rule
12 by the State Board of Education. Isolated time out is allowed
13 only under limited circumstances as set forth in this Section.
14 If all other requirements under this Section are met, isolated
15 time out may be used only if the adult in the time out room or
16 enclosure is in imminent danger of serious physical harm
17 because the student is unable to cease actively engaging in
18 extreme physical aggression.

19 Mechanical restraint, ~~and~~ chemical restraint, and prone
20 restraint are prohibited. ~~Prone restraint is prohibited except~~
21 ~~when all of the following conditions are satisfied:~~

22 ~~(1) The student's Behavior Intervention Plan~~
23 ~~specifically allows for prone restraint of the student.~~

24 ~~(2) The Behavior Intervention Plan was put into place~~
25 ~~before January 1, 2021.~~

26 ~~(3) The student's Behavior Intervention Plan has been~~

1 ~~approved by the IEP team.~~

2 ~~(4) The school staff member or staff members applying~~
3 ~~the use of prone restraint on a student have been trained~~
4 ~~in its safe application as established by rule by the~~
5 ~~State Board of Education.~~

6 ~~(5) The school must be able to document and~~
7 ~~demonstrate to the IEP team that the use of other~~
8 ~~de-escalation techniques provided for in the student's~~
9 ~~Behavior Intervention Plan were ineffective.~~

10 ~~(6) The use of prone restraint occurs within the~~
11 ~~2021-2022 school year.~~

12 ~~All instances of the utilization of prone restraint must be~~
13 ~~reported in accordance with the provisions of this amendatory~~
14 ~~Act of the 102nd General Assembly. Nothing in this Section~~
15 ~~shall prohibit the State Board of Education from adopting~~
16 ~~administrative rules that further restrict or disqualify the~~
17 ~~use of prone restraint.~~

18 (d) The use of any of the following rooms or enclosures for
19 an isolated time out or time out purposes is prohibited:

20 (1) a locked room or a room in which the door is
21 obstructed, prohibiting it from opening, unless the staff
22 member supervising the room determines in the staff
23 member's own best judgment that egress must be blocked for
24 a short period of time in order to maintain safety of
25 students and staff;

26 (2) a confining space such as a closet or box;

1 (3) a room where the student cannot be continually
2 observed; or

3 (4) (blank) ~~any other room or enclosure or time out~~
4 ~~procedure that is contrary to current rules adopted by the~~
5 ~~State Board of Education.~~

6 (e) The deprivation of necessities needed to sustain the
7 health of a person, including, without limitation, the denial
8 or unreasonable delay in the provision of the following, is
9 prohibited:

10 (1) food or liquid at a time when it is customarily
11 served;

12 (2) medication; or

13 (3) the use of a restroom.

14 (f) (Blank).

15 (g) Following each incident of isolated time out, time
16 out, or physical restraint, but no later than 2 school days
17 after the incident, the principal or another designated
18 administrator shall notify the student's parent or guardian
19 that he or she may request a meeting with appropriate school
20 personnel to discuss the incident. This meeting shall be held
21 separate and apart from meetings held in accordance with the
22 student's individualized education program or from meetings
23 held in accordance with the student's plan for services under
24 Section 504 of the federal Rehabilitation Act of 1973, unless
25 the parent or guardian and the school district agree
26 otherwise. If a parent or guardian requests a meeting, the

1 meeting shall be convened within 2 school days after the
2 request, provided that the 2-school day limitation shall be
3 extended if requested by the parent or guardian. The parent or
4 guardian may also request that the meeting be convened via
5 telephone or video conference.

6 The meeting shall include the student, if appropriate, at
7 least one school staff member involved in the incident of
8 isolated time out, time out, or physical restraint, the
9 student's parent or guardian, and at least one appropriate
10 school staff member not involved in the incident of isolated
11 time out, time out, or physical restraint, such as a social
12 worker, psychologist, nurse, or behavioral specialist. During
13 the meeting, the school staff member or members involved in
14 the incident of isolated time out, time out, or physical
15 restraint, the student, and the student's parent or guardian,
16 if applicable, shall be provided an opportunity to describe
17 (i) the events that occurred prior to the incident of isolated
18 time out, time out, or physical restraint and any actions that
19 were taken by school personnel or the student leading up to the
20 incident; (ii) the incident of isolated time out, time out, or
21 physical restraint; and (iii) the events that occurred or the
22 actions that were taken following the incident of isolated
23 time out, time out, or physical restraint and whether the
24 student returned to regular school activities and, if not, how
25 the student spent the remainder of the school day. All parties
26 present at the meeting shall have the opportunity to discuss

1 what school personnel could have done differently to avoid the
2 incident of isolated time out, time out, or physical restraint
3 and what alternative courses of action, if any, the school can
4 take to support the student and to avoid the future use of
5 isolated time out, time out, or physical restraint. At no
6 point may a student be excluded from school solely because a
7 meeting has not occurred.

8 A summary of the meeting and any agreements or conclusions
9 reached during the meeting shall be documented in writing and
10 shall become part of the student's school record. A copy of the
11 documents shall be provided to the student's parent or
12 guardian. If a parent or guardian does not request a meeting
13 within 10 school days after the school has provided the
14 documents to the parent or guardian or if a parent or guardian
15 fails to attend a requested meeting, that fact shall be
16 documented as part of the student's school record.

17 (h) Whenever isolated time out, time out, or physical
18 restraint is used, school personnel shall fully document and
19 report the following to the parent or guardian of the student
20 and the State Board of Education on a form developed by the
21 State Board of Education: the incident, including the events
22 leading up to the incident, what alternative measures that are
23 less restrictive and intrusive were used prior to the use of
24 isolated time out, time out, or physical restraint, why those
25 measures were ineffective or deemed inappropriate, the type of
26 restraint, isolated time out, or time out that was used, the

1 length of time the student was in isolated time out or time out
2 or was restrained, and the staff involved. ~~The parents or~~
3 ~~guardian of a student and the State Superintendent of~~
4 ~~Education shall be informed whenever isolated time out, time~~
5 ~~out, or physical restraint is used.~~

6 Schools shall provide parents and guardians with the
7 following information, ~~to be developed by the State Board and~~
8 ~~which may be incorporated into the State Board's prescribed~~
9 ~~physical restraint and time out form at the discretion of the~~
10 ~~State Board,~~ after each incident in which isolated time out,
11 time out, or physical restraint is used during the school
12 year, in printed form or, upon the written request of the
13 parent or guardian, by email:

14 (1) a copy of the standards for when isolated time
15 out, time out, and physical restraint can be used;

16 (2) information about the rights of parents,
17 guardians, and students; and

18 (3) information about the parent's or guardian's right
19 to file a complaint with the State Board ~~Superintendent~~ of
20 Education, the complaint process, and other information to
21 assist the parent or guardian in navigating the complaint
22 process.

23 (i) The following complaint procedures replace the
24 procedures set forth in the State Board of Education's rules:

25 (1) Any parent or guardian, or the parent's or
26 guardian's legal representative, may file a signed,

1 written complaint with the State Board of Education
2 alleging that a local school district or entity has
3 inappropriately used time out, isolated time out, or
4 physical restraint. The complaint shall include the
5 following:

6 (A) the facts on which the complaint is based;

7 (B) the signature and contact information of the
8 complainant and the complainant's relationship to the
9 student involved in the complaint;

10 (C) the school of attendance of the student or
11 students involved;

12 (D) any known witnesses to the incident giving
13 rise to the complaint; and

14 (E) a proposed resolution to the incident giving
15 rise to the complaint, if possible.

16 (2) After receiving the complaint that meets the
17 requirements of this subsection, the State Board of
18 Education shall:

19 (A) conduct an investigation into the incident
20 giving rise to the complaint, including an on-sight
21 investigation if deemed necessary by the investigator;

22 (B) give the complainant the opportunity to submit
23 additional information in writing about the
24 allegations in the complaint, which will be provided
25 to the entity which is subject to the complaint; and

26 (C) require the public entity to respond to the

1 complaint in writing and provide evidence as requested
2 by the State Board of Education.

3 (3) The State Board of Education must issue a written
4 decision to the complainant that addresses each allegation
5 in the complaint. The written decision shall include: a
6 findings of fact and conclusion; the rationale for the
7 agency's determination; any compliance requirements; and
8 technical assistance.

9 (4) If either the complainant or the public entity
10 responding to the complaint disagrees with the
11 determination of the State Board, the complainant or the
12 public entity may appeal to the State Superintendent for
13 review. The State Superintendent's review of the State
14 Board's decision shall be considered a final
15 administrative decision and is reviewable by a court of
16 competent jurisdiction.

17 (j) Any use of isolated time out, time out, or physical
18 restraint that is permitted by a school board's policy shall
19 be implemented in accordance with written procedures.

20 (k) Staff members responsible for implementing isolated
21 time out, time out, or physical restraint must be trained in
22 accordance with the system of non-violent intervention adopted
23 by the school district and must be trained at least once every
24 2 years in a session that is not less than 6 hours.

25 (l) The State Board of Education shall convene a group of
26 stakeholders not less than annually to review the following:

1 (1) data associated with the use of physical
2 restraint, time out, and isolated time out, and efforts
3 made by public entities to reduce these practices;

4 (2) strategies to reduce physical restraint, time out,
5 and isolated time out;

6 (3) decisions made by the State Board of Education
7 related to physical restraint, time out, and isolated time
8 out;

9 (4) student behavior and behavioral interventions that
10 can be use as an alternative to physical restraint, time
11 out, and isolated time out; and

12 (5) professional development needed for public
13 entities in behavioral interventions to ensure the proper
14 use of physical restraint, time out, and isolated time
15 out.

16 (Source: P.A. 102-339, eff. 8-13-21.)