



Sen. Meg Loughran Cappel

Filed: 3/27/2025

10400SB1943sam001

LRB104 10771 LNS 24521 a

1 AMENDMENT TO SENATE BILL 1943

2 AMENDMENT NO. _____. Amend Senate Bill 1943 by replacing
3 everything after the enacting clause with the following:

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 use
10 of isolated time out, time out, and physical restraint on
11 children and youth carries risks to the health and safety of
12 students and staff; therefore, the ultimate goal is to reduce
13 and eventually eliminate the use of those interventions and
14 ultimately replace those interventions with other nonviolent
15 crisis interventions. The General Assembly also finds and
16 declares that the State Board of Education must take

1 affirmative action to lead and support schools in transforming
2 the school culture to reduce and eliminate the use of all such
3 interventions over time.

4 (b) In this Section:

5 "Chemical restraint" means the use of medication to
6 control a student's behavior or to restrict a student's
7 freedom of movement. "Chemical restraint" does not include
8 medication that is legally prescribed and administered as part
9 of a student's regular medical regimen to manage behavioral
10 symptoms and treat medical symptoms.

11 "Isolated time out" means the involuntary confinement of a
12 student alone in a time out room or other enclosure outside of
13 the classroom without a supervising adult in the time out room
14 or enclosure.

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

26 "Mechanical restraint" means the use of any device or

1 equipment to limit a student's movement or to hold a student
2 immobile. "Mechanical restraint" does not include any
3 restraint used to (i) treat a student's medical needs; (ii)
4 protect a student who is known to be at risk of injury
5 resulting from a lack of coordination or frequent loss of
6 consciousness; (iii) position a student with physical
7 disabilities in a manner specified in the student's
8 individualized education program, federal Section 504 plan, or
9 other plan of care; (iv) provide a supplementary aid, service,
10 or accommodation, including, but not limited to, assistive
11 technology that provides proprioceptive input or aids in
12 self-regulation; or (v) promote student safety in vehicles
13 used to transport students.

14 "Physical restraint" or "restraint" means holding a
15 student or otherwise restricting a student's movements.
16 "Physical restraint" or "restraint" does not include the
17 following interventions used based on the best judgment and
18 training of the staff at the time of implementation:

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

26 (2) the use of physical touch in a manner as

1 recommended by an occupational therapist, physical
2 therapist, school psychologist, or social worker in order
3 to assist a student in the regulation of the student's
4 body, such as proprioceptive exercises, joint compression,
5 or brief squeezes;

6 (3) momentary tactile contact with a student's
7 extremities used to redirect a student's attention, like a
8 tap on a student's shoulder that redirects the student's
9 attention to the teacher;

10 (4) momentary tactile contact used to comfort a
11 student in distress, such as a brief hug or a pat on the
12 back to comfort a student;

13 (5) physical restriction intended to prevent a student
14 from elopement, such as blocking a student from exiting a
15 classroom, the school building, the playground, or any
16 other part of school property and redirecting a student to
17 engage with the student's class; and

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

20 In no instance, including instances that do not count as
21 "physical restraint" or "restraint," may school personnel use
22 mechanical, chemical, prone, or any other method of restraint
23 as prohibited under this Section.

24 "Prone physical restraint" means a physical restraint in
25 which a student is held face down on the floor or other surface
26 and physical pressure is applied to the student's body to keep

1 the student in the prone position.

2 "Time out" means a behavior management technique for the
3 purpose of calming or de-escalation that involves the
4 involuntary monitored separation of a student from classmates
5 with a trained adult for part of the school day, only for a
6 brief time, in a nonlocked setting. "Time out" does not
7 include the detention of a student in a hallway or
8 administrator's office while the administrator is present as a
9 form of de-escalation or while the administrator is
10 investigating an incident involving the student.

11 (c) Isolated time out, time out, and physical restraint,
12 other than prone physical restraint, may be used only if (i)
13 the student's behavior presents an imminent danger of serious
14 physical harm to the student or to others; (ii) other less
15 restrictive and intrusive measures have been tried and have
16 proven to be ineffective in stopping the imminent danger of
17 serious physical harm; (iii) there is no known medical
18 contraindication to its use on the student; and (iv) the
19 school staff member or members applying the use of time out,
20 isolated time out, or physical restraint on a student have
21 been trained in its safe application, as established by rule
22 by the State Board of Education. In any instance of use of
23 isolated time out, time out, or physical restraint, school
24 district employees shall consider whether the student has an
25 individualized education program or federal Section 504 plan
26 that includes a behavior intervention plan and whether the use

1 of isolated time out, time out, or physical restraint
2 implicates that plan. Isolated time out is allowed only under
3 limited circumstances as set forth in this Section. If all
4 other requirements under this Section are met, isolated time
5 out may be used only if the adult in the time out room or
6 enclosure is in imminent danger of serious physical harm
7 because the student is unable to cease actively engaging in
8 extreme physical aggression.

9 Mechanical restraint, ~~and~~ chemical restraint, and prone
10 restraint are prohibited. ~~Prone restraint is prohibited except~~
11 ~~when all of the following conditions are satisfied:~~

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

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

16 ~~(3) The student's Behavior Intervention Plan has been~~
17 ~~approved by the IEP team.~~

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

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

26 ~~(6) The use of prone restraint occurs within the~~

1 ~~2021-2022 school year.~~

2 ~~All instances of the utilization of prone restraint must be~~
3 ~~reported in accordance with the provisions of this amendatory~~
4 ~~Act of the 102nd General Assembly. Nothing in this Section~~
5 ~~shall prohibit the State Board of Education from adopting~~
6 ~~administrative rules that further restrict or disqualify the~~
7 ~~use of prone restraint.~~

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

10 (1) a locked room or a room in which the door is
11 obstructed, prohibiting it from opening, unless the staff
12 member supervising the room determines that the egress
13 must be blocked for no more than 15 minutes in order to
14 prevent the student from harming the student, the staff
15 member, or another student;

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

17 (3) a room where the student cannot be continually
18 observed; or

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

22 (e) The deprivation of necessities needed to sustain the
23 health of a person, including, without limitation, the denial
24 or unreasonable delay in the provision of the following, is
25 prohibited:

26 (1) food or liquid at a time when it is customarily

1 served;

2 (2) medication; or

3 (3) the use of a restroom.

4 (f) (Blank).

5 (g) Following each incident of isolated time out, time
6 out, or physical restraint, but no later than 2 school days
7 after the incident, the principal or another designated
8 administrator shall notify the student's parent or guardian
9 that he or she may request a meeting with appropriate school
10 personnel to discuss the incident. This meeting shall be held
11 separate and apart from meetings held in accordance with the
12 student's individualized education program or from meetings
13 held in accordance with the student's plan for services under
14 Section 504 of the federal Rehabilitation Act of 1973, unless
15 the parent or guardian and the school district agree
16 otherwise. If a parent or guardian requests a meeting, the
17 meeting shall be convened within 2 school days after the
18 request, provided that the 2-school day limitation shall be
19 extended if requested by the parent or guardian. The parent or
20 guardian may also request that the meeting be convened via
21 telephone or video conference.

22 The meeting shall include the student, if appropriate, at
23 least one school staff member involved in the incident of
24 isolated time out, time out, or physical restraint, the
25 student's parent or guardian, and at least one appropriate
26 school staff member not involved in the incident of isolated

1 time out, time out, or physical restraint, such as a social
2 worker, psychologist, nurse, or behavioral specialist. During
3 the meeting, the school staff member or members involved in
4 the incident of isolated time out, time out, or physical
5 restraint, the student, and the student's parent or guardian,
6 if applicable, shall be provided an opportunity to describe
7 (i) the events that occurred prior to the incident of isolated
8 time out, time out, or physical restraint and any actions that
9 were taken by school personnel or the student leading up to the
10 incident; (ii) the incident of isolated time out, time out, or
11 physical restraint; and (iii) the events that occurred or the
12 actions that were taken following the incident of isolated
13 time out, time out, or physical restraint and whether the
14 student returned to regular school activities and, if not, how
15 the student spent the remainder of the school day. All parties
16 present at the meeting shall have the opportunity to discuss
17 what school personnel could have done differently to avoid the
18 incident of isolated time out, time out, or physical restraint
19 and what alternative courses of action, if any, the school can
20 take to support the student and to avoid the future use of
21 isolated time out, time out, or physical restraint. At no
22 point may a student be excluded from school solely because a
23 meeting has not occurred.

24 A summary of the meeting and any agreements or conclusions
25 reached during the meeting shall be documented in writing and
26 shall become part of the student's school record. A copy of the

1 documents shall be provided to the student's parent or
2 guardian. If a parent or guardian does not request a meeting
3 within 10 school days after the school has provided the
4 documents to the parent or guardian or if a parent or guardian
5 fails to attend a requested meeting, that fact shall be
6 documented as part of the student's school record.

7 (h) Whenever isolated time out, time out, or physical
8 restraint is used, school personnel shall fully document and
9 report the following to the parent or guardian of the student
10 and the State Board of Education on a form developed by the
11 State Board of Education: the incident, including the events
12 leading up to the incident;7 what alternative measures that
13 are less restrictive and intrusive were used prior to the use
14 of isolated time out, time out, or physical restraint;7 why
15 those measures were ineffective or deemed inappropriate;7 the
16 type of restraint, isolated time out, or time out that was
17 used;7 the length of time the student was in isolated time out
18 or time out or was restrained;7 and the staff involved. ~~The~~
19 ~~parents or guardian of a student and the State Superintendent~~
20 ~~of Education shall be informed whenever isolated time out,~~
21 ~~time out, or physical restraint is used.~~

22 Schools shall provide parents and guardians with the
23 following information, ~~to be developed by the State Board and~~
24 ~~which may be incorporated into the State Board's prescribed~~
25 ~~physical restraint and time out form at the discretion of the~~
26 ~~State Board,~~ after each incident in which isolated time out,

1 time out, or physical restraint is used during the school
2 year, in printed form or, upon the written request of the
3 parent or guardian, by email:

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

6 (2) information about the rights of parents,
7 guardians, and students; and

8 (3) information about the parent's or guardian's right
9 to file a complaint with the State ~~Board Superintendent~~ of
10 Education, the complaint process, and other information to
11 assist the parent or guardian in navigating the complaint
12 process.

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

15 (1) Any parent or guardian or the parent's or
16 guardian's legal representative, including an advocate,
17 may file a signed, written complaint with the State Board
18 of Education alleging that a school district or entity has
19 inappropriately used time out, isolated time out, or
20 physical restraint. The complaint shall include the
21 following:

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

23 (B) the signature and contact information of the
24 complainant and the complainant's relationship to the
25 student involved in the complaint;

26 (C) the school of attendance of the student or

1 students involved;

2 (D) any known witnesses to the incident giving
3 rise to the complaint; and

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

6 (2) Any organization or advocate may file a sworn,
7 written complaint with the State Board of Education
8 alleging concerns that a school district or other entity
9 serving students has violated this Section. The complaint
10 shall include the following:

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

12 (B) the signature and contact information of the
13 complainant and the complainant's relationship to the
14 school district or other entity involved in the
15 complaint;

16 (C) the reason for which the organization or
17 advocate is filing a complaint without the
18 participation of students or parents attending the
19 school district;

20 (D) the school of attendance of the student or
21 students involved;

22 (E) any known witnesses to the incident giving
23 rise to the complaint; and

24 (F) a proposed resolution to the incident giving
25 rise to the complaint, if possible.

26 (3) After receiving a complaint that meets the

1 requirements of this subsection, the State Board of
2 Education shall:

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

6 (B) give the complainant the opportunity to submit
7 additional information in writing about the
8 allegations in the complaint, which will be provided
9 to the entity that is subject to the complaint; and

10 (C) require the entity to respond to the complaint
11 in writing and provide evidence as requested by the
12 State Board of Education.

13 (4) The State Board of Education must issue a written
14 decision to the complainant that addresses each allegation
15 in the complaint. The written decision shall include: a
16 findings of fact and conclusion; the rationale for the
17 State Board's determination; any compliance requirements;
18 and technical assistance.

19 (5) If either the complainant or the entity responding
20 to the complaint disagrees with the determination of the
21 State Board of Education, the complainant or the entity
22 may appeal to the State Superintendent of Education for
23 review. The State Superintendent's review of the State
24 Board's decision shall be considered a final
25 administrative decision and is reviewable by a court of
26 competent jurisdiction.

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

4 (k) Staff members responsible for implementing isolated
5 time out, time out, or physical restraint must be trained in
6 accordance with the system of nonviolent intervention adopted
7 by the school district and must be trained at least once every
8 2 years in a session that is not less than 6 hours.

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