

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 2-3.130 as follows:

6 (105 ILCS 5/2-3.130)

7 Sec. 2-3.130. Isolated time out, time out, and physical  
8 restraint rules; grant program; third-party assistance; goals  
9 and plans.

10 (a) For purposes of this Section, "isolated time out",  
11 "physical restraint", and "time out" have the meanings given  
12 to those terms under Section 10-20.33.

13 (b) The State Board of Education shall promulgate rules  
14 governing the use of isolated time out, time out, and physical  
15 restraint in special education nonpublic facilities and the  
16 public schools. The rules shall include provisions governing  
17 the documentation and reporting that is required each time  
18 these interventions are used.

19 The rules adopted by the State Board shall include a  
20 procedure by which a person who believes a violation of  
21 Section 10-20.33 or 34-18.20 has occurred may file a  
22 complaint. The rules adopted by the State Board shall include  
23 training requirements that must be included in training

1 programs used to train and certify school personnel.

2 The State Board shall establish procedures for progressive  
3 enforcement actions to ensure that schools fully comply with  
4 the documentation and reporting requirements for isolated time  
5 out, time out, and physical restraint established by rule,  
6 which shall include meaningful and appropriate sanctions for  
7 the failure to comply, including the failure to report to the  
8 parent or guardian and to the State Board, the failure to  
9 timely report, and the failure to provide detailed  
10 documentation.

11 (c) Subject to appropriation, the State Board shall, by  
12 adoption of emergency rules under subsection (rr) of Section  
13 5-45 of the Illinois Administrative Procedure Act if it so  
14 chooses, create a grant program for school districts, special  
15 education nonpublic facilities approved under Section 14-7.02  
16 of this Code, and special education cooperatives to implement  
17 school-wide, culturally sensitive, and trauma-informed  
18 practices, positive behavioral interventions and supports, and  
19 restorative practices within a multi-tiered system of support  
20 aimed at reducing the need for interventions, such as isolated  
21 time out, time out, and physical restraint. The State Board  
22 shall give priority in grant funding to those school  
23 districts, special education nonpublic facilities approved  
24 under Section 14-7.02 of this Code, and special education  
25 cooperatives that submit a plan to achieve a significant  
26 reduction or elimination in the use of isolated time out and

1 physical restraint in less than 3 years.

2 (d) Subject to the Illinois Procurement Code, the Illinois  
3 School Student Records Act, the Mental Health and  
4 Developmental Disabilities Confidentiality Act, and the  
5 federal Family Educational Rights and Privacy Act of 1974, the  
6 State Board may contract with a third party to provide  
7 assistance with the oversight and monitoring of the use of  
8 isolated time out, time out, and physical restraint by school  
9 districts.

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

16 The State Board shall establish goals within 90 days after  
17 August 13, 2021 (the effective date of Public Act 102-339)  
18 ~~this amendatory Act of the 102nd General Assembly~~, with  
19 specific benchmarks, for entities to accomplish the systemic  
20 reduction of isolated time out, time out, and physical  
21 restraint ~~within 3 years after the effective date of this~~  
22 ~~amendatory Act of the 102nd General Assembly~~. The State Board  
23 shall engage in meaningful consultation with stakeholders to  
24 establish the goals, including in the review and evaluation of  
25 the data submitted. The State Board shall also consult  
26 stakeholders in efforts to develop strategies to measure and

1 reduce racial and ethnic disparities in the use of isolated  
2 time out, time out, and physical restraint. Each entity shall  
3 create a time out and physical restraint oversight team that  
4 includes, but is not limited to, teachers, paraprofessionals,  
5 school service personnel, and administrators to develop (i) an  
6 entity-specific plan for reducing and eventually eliminating  
7 the use of isolated time out, time out, and physical restraint  
8 in accordance with the goals and benchmarks established by the  
9 State Board and (ii) procedures to implement the plan  
10 developed by the team.

11 The progress toward the reduction and eventual elimination  
12 of the use of isolated time out and physical restraint shall be  
13 measured by the reduction in the overall number of incidents  
14 of those interventions and the total number of students  
15 subjected to those interventions. In limited cases, upon  
16 written application made by an entity and approved by the  
17 State Board based on criteria developed by the State Board to  
18 show good cause, the reduction in the use of those  
19 interventions may be measured by the frequency of the use of  
20 those interventions on individual students and the student  
21 population as a whole. The State Board shall specify a date for  
22 submission of the plans. Entities shall submit a report once  
23 each year until August 1, 2027 ~~for 3 years after the effective~~  
24 ~~date of this amendatory Act of the 102nd General Assembly~~ to  
25 the State Board on the progress made toward achieving the  
26 goals and benchmarks established by the State Board and modify

1 their plans as necessary to satisfy those goals and  
2 benchmarks. Entities shall notify parents and guardians that  
3 the plans and reports are available for review. On or before  
4 June 30, 2026 ~~2023~~, the State Board shall issue a report to the  
5 General Assembly on the progress made by entities to achieve  
6 those goals and benchmarks. The required plans shall include,  
7 but not be limited to, the specific actions that are to be  
8 taken to:

9 (1) reduce and eventually eliminate a reliance on  
10 isolated time out, time out, and physical restraint for  
11 behavioral interventions and develop noncoercive  
12 environments;

13 (2) develop individualized student plans that are  
14 oriented toward prevention of the use of isolated time  
15 out, time out, and physical restraint with the intent that  
16 a plan be separate and apart from a student's  
17 individualized education program or a student's plan for  
18 services under Section 504 of the federal Rehabilitation  
19 Act of 1973;

20 (3) ensure that appropriate personnel are fully  
21 informed of the student's history, including any history  
22 of physical or sexual abuse, and other relevant medical  
23 and mental health information, except that any disclosure  
24 of student information must be consistent with federal and  
25 State laws and rules governing student confidentiality and  
26 privacy rights; and

1           (4) support a vision for cultural change that  
2 reinforces the following:

3           (A) positive behavioral interventions and support  
4 rather than isolated time out, time out, and physical  
5 restraint;

6           (B) effective ways to de-escalate situations to  
7 avoid isolated time out, time out, and physical  
8 restraint;

9           (C) crisis intervention techniques that use  
10 alternatives to isolated time out, time out, and  
11 physical restraint; and

12           (D) use of debriefing meetings to reassess what  
13 occurred and why it occurred and to think through ways  
14 to prevent use of the intervention the next time.

15           (f) An entity, as defined in subsection (e), is exempt  
16 from the requirement to submit a plan and the annual reports  
17 under subsection (e) if the entity is able to demonstrate to  
18 the satisfaction of the State Board that (i) within the  
19 previous 3 years, the entity has never engaged in the use of  
20 isolated time out, time out, or physical restraint and (ii)  
21 the entity has adopted a written policy that prohibits the use  
22 isolated time out, time out, and physical restraint on a  
23 student and is able to demonstrate the enforcement of that  
24 policy.

25           (g) The State Board shall establish a system of ongoing  
26 review, auditing, and monitoring to ensure that entities

1 comply with the documentation and reporting requirements and  
2 meet the State Board's established goals and benchmarks for  
3 reducing and eventually eliminating the use of isolated time  
4 out, time out, and physical restraint.

5 (Source: P.A. 102-339, eff. 8-13-21; 103-175, eff. 6-30-23.)