



Rep. Jonathan Carroll

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10100HB3975ham001

LRB101 15600 CMG 67252 a

1 AMENDMENT TO HOUSE BILL 3975

2 AMENDMENT NO. _____. Amend House Bill 3975 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.130, 10-20.33, and 34-18.20 as follows:

6 (105 ILCS 5/2-3.130)

7 Sec. 2-3.130. Time out and physical restraint rules. The
8 State Board of Education shall promulgate rules governing the
9 use of time out and physical restraint in the public schools.
10 The rules shall include provisions prohibiting seclusion as
11 provided under Sections 10-20.33 and 34-18.20 and governing
12 recordkeeping that is required when physical restraint or more
13 restrictive forms of time out are used.

14 (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

15 (105 ILCS 5/10-20.33)

1 Sec. 10-20.33. Seclusion ~~Time out~~ and physical restraint.

2 (a) It is the policy of this State to treat with dignity
3 and respect all students, including students with disabilities
4 who receive special education services under Article 14, and
5 that a student, including a student with a disability who
6 receives special education services under Article 14, may not
7 be confined in an enclosed space, including, but not limited
8 to, a box, a closet, a room, or any other locked or unlocked
9 space, regardless of whether the space was specially designated
10 or utilized as either a discipline management practice or a
11 behavior management technique.

12 In this subsection (a), "seclusion" means a discipline
13 management practice or behavior management technique in which a
14 student is confined in an enclosed space that is designed
15 solely to seclude a person, regardless of space or dimension,
16 whether it is a box, a closet, a room, or any other specially
17 designated locked or unlocked space.

18 A school district employee or volunteer or an independent
19 contractor of a school district, including, but not limited to,
20 any agent acting on behalf or at the direction of a school
21 district employee or volunteer or independent contractor of a
22 school district, may not place a student in seclusion. This
23 subsection (a) does not apply to the use of seclusion in a
24 court-ordered placement, other than a placement in an
25 educational program of a school district, or in a placement or
26 facility to which other laws or rules apply. ~~Until rules are~~

1 ~~adopted under Section 2-3.130 of this Code, the use of any of~~
2 ~~the following rooms or enclosures for time out purposes is~~
3 ~~prohibited:~~

4 ~~(1) a locked room other than one with a locking~~
5 ~~mechanism that engages only when a key or handle is being~~
6 ~~held by a person;~~

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

8 ~~(3) a room where the student cannot be continually~~
9 ~~observed; or~~

10 ~~(4) any other room or enclosure or time out procedure~~
11 ~~that is contrary to current guidelines of the State Board~~
12 ~~of Education.~~

13 (b) The use of physical restraints is prohibited except as
14 provided by rules adopted under Section 2-3.130 of this Code.

15 The rules shall include provisions requiring that whenever ~~when~~

16 ~~(i) the student poses a physical risk to himself, herself, or~~
17 ~~others, (ii) there is no medical contraindication to its use,~~

18 ~~and (iii) the staff applying the restraint have been trained in~~
19 ~~its safe application. For the purposes of this Section,~~

20 ~~"restraint" does not include momentary periods of physical~~
21 ~~restriction by direct person-to-person contact, without the~~

22 ~~aid of material or mechanical devices, accomplished with~~
23 ~~limited force and that are designed (i) to prevent a student~~

24 ~~from completing an act that would result in potential physical~~
25 ~~harm to himself, herself, or another or damage to property or~~

26 ~~(ii) to remove a disruptive student who is unwilling to~~

1 ~~voluntarily leave the area. The use of physical restraints that~~
2 ~~meet the requirements of this Section may be included in a~~
3 ~~student's individualized education plan where deemed~~
4 ~~appropriate by the student's individualized education plan~~
5 ~~team. Whenever~~ physical restraints are used, school personnel
6 shall fully document the incident, including the events leading
7 up to the incident, the type of restraint used, the length of
8 time the student is restrained, and the staff involved. The
9 parents or guardian of a student shall be informed whenever
10 physical restraints are used.

11 (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

12 (105 ILCS 5/34-18.20)

13 Sec. 34-18.20. Seclusion ~~Time out~~ and physical restraint.

14 (a) It is the policy of this State to treat with dignity
15 and respect all students, including students with disabilities
16 who receive special education services under Article 14, and
17 that a student, including a student with a disability who
18 receives special education services under Article 14, may not
19 be confined in an enclosed space, including, but not limited
20 to, a box, a closet, a room, or any other locked or unlocked
21 space, regardless of whether the space was specially designated
22 or utilized as either a discipline management practice or a
23 behavior management technique.

24 In this subsection (a), "seclusion" means a discipline
25 management practice or behavior management technique in which a

1 student is confined in an enclosed space that is designed
2 solely to seclude a person, regardless of space or dimension,
3 whether it is a box, a closet, a room, or any other specially
4 designated locked or unlocked space.

5 A school district employee or volunteer or an independent
6 contractor of the school district, including, but not limited
7 to, any agent acting on behalf or at the direction of a school
8 district employee or volunteer or independent contractor of the
9 school district, may not place a student in seclusion. This
10 subsection (a) does not apply to the use of seclusion in a
11 court-ordered placement, other than a placement in an
12 educational program of the school district, or in a placement
13 or facility to which other laws or rules apply. ~~Until rules are~~
14 ~~adopted under Section 2 3.130 of this Code, the use of any of~~
15 ~~the following rooms or enclosures for time out purposes is~~
16 ~~prohibited:~~

17 ~~(1) a locked room other than one with a locking~~
18 ~~mechanism that engages only when a key or handle is being~~
19 ~~held by a person;~~

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

21 ~~(3) a room where the student cannot be continually~~
22 ~~observed; or~~

23 ~~(4) any other room or enclosure or time out procedure~~
24 ~~that is contrary to current guidelines of the State Board~~
25 ~~of Education.~~

26 (b) The use of physical restraints is prohibited except as

1 provided by rules adopted under Section 2-3.130 of this Code.
2 The rules shall include provisions requiring that whenever ~~when~~
3 ~~(i) the student poses a physical risk to himself, herself, or~~
4 ~~others, (ii) there is no medical contraindication to its use,~~
5 ~~and (iii) the staff applying the restraint have been trained in~~
6 ~~its safe application. For the purposes of this Section,~~
7 ~~"restraint" does not include momentary periods of physical~~
8 ~~restriction by direct person to person contact, without the~~
9 ~~aid of material or mechanical devices, accomplished with~~
10 ~~limited force and that are designed (i) to prevent a student~~
11 ~~from completing an act that would result in potential physical~~
12 ~~harm to himself, herself, or another or damage to property or~~
13 ~~(ii) to remove a disruptive student who is unwilling to~~
14 ~~voluntarily leave the area. The use of physical restraints that~~
15 ~~meet the requirements of this Section may be included in a~~
16 ~~student's individualized education plan where deemed~~
17 ~~appropriate by the student's individualized education plan~~
18 ~~team. Whenever~~ physical restraints are used, school personnel
19 shall fully document the incident, including the events leading
20 up to the incident, the type of restraint used, the length of
21 time the student is restrained, and the staff involved. The
22 parents or guardian of a student shall be informed whenever
23 physical restraints are used.

24 (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".