Amanda Elliott  
Illinois State Board of Education  
100 North First Street S-493  
Springfield, Illinois 62777-0001

Sent via rules@isbe.net

Dear Ms. Elliott:

On behalf of the 103,000 members of the Illinois Federation of Teachers (IFT), I appreciate the opportunity to comment on the proposed rules for Part 1: Public Schools Evaluation, Recognition, and Supervision. While these comments relate specifically to the use of time out and physical restraint, I believe we must situate this topic within the much larger discussion regarding school culture and climate.

In the last year, the ISBE and General Assembly have spent a great deal of time addressing the issues of assessment, accountability, and the teacher shortage—all of which impact the culture and climate of schools. We must address the ways in which these overlap and intersect. The overutilization of high-stakes, standardized testing as a means of assessing our students has 1) increased the toxic stress levels of both students and teachers; 2) pushed teachers of color out of the profession; and 3) robbed teachers of the time they need to develop and maintain positive relationships with students—the foundation of trauma-informed pedagogy. While ESSA has provided an opportunity for states to move away from overreliance on standardized tests, Illinois has chosen to double down on their usage and requires more testing than even the federal government mandates. This has not resulted in more equitable outcomes for students, nor has it improved morale within schools. On the contrary, we are faced with an ever increasing number of teacher, substitute and paraprofessional vacancies and ballooning class sizes. Such understaffing endangers both students and school staff and disproportionately impacts our most vulnerable students and the staff that serve them. The shortage of teachers of color is especially pernicious as Black and Brown students are most often the subjects of punitive discipline strategies like forced seclusion and physical restraint. These issues are not isolated; they are intimately connected. We hope that the ISBE will take this opportunity to honestly engage with education stakeholders to develop a strategic plan that recognizes the interconnectedness of these issues and seeks solutions that are both holistic and comprehensive.

As was mentioned in my public comments following ISBE’s issuance of emergency rules, the IFT wholeheartedly supports the elimination of involuntary seclusion and physical restraint as forms of punishment and discipline. However, I must reiterate that the prohibition of these
strategies is not enough. The state must invest in our students and the school staff that care for them. Students need fully staffed schools and access to skilled professionals who are trained to support their academic, social-emotional, and behavioral needs. Creating trauma-responsive environments require that all members of the school community receive sustained, high-quality professional learning in trauma-informed, restorative practices. In addition, the ISBE also needs to be fully staffed so that it can fulfill its role and responsibilities as a state agency. These responsibilities include actively monitoring the use of time out and physical restraint, providing guidance to districts and schools when necessary, and reviewing and certifying high-quality training that districts can utilize to comply with these rules.

The IFT is in agreement with many of the practitioner organizations, like the Illinois Principals Association, on many of the issues relating to the implementation of these rules. However, our views on training requirements differ and so I am enclosing my individual comments to this letter. My comments include recommendations and several questions and concerns regarding the proposed rules for time out and restraint. I hope the ISBE will address these concerns and provide the needed clarity and specificity to these rules so that they may be implemented effectively.

Sincerely,

Daniel J. Montgomery
President, Illinois Federation of Teachers

Comments of the Illinois Federation of Teachers Regarding the Proposed Rules for Part 1 (Public Schools Evaluation, Recognition, and Supervision)

Section 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint

**IFT Comments:** The proposed rule states that “time out and physical restraint, as defined in this Section, shall be used only when the student’s behavior presents an imminent danger of serious physical harm to the student or others and other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm.” The term “imminent danger” is subjective and will result in multiple interpretations. The IFT recommends that ISBE allocate funding for all school staff to engage in mandatory, high-quality, ISBE-approved professional learning on race, the history of race relations in the U.S., and implicit and explicit bias in order to end discriminatory practices in school discipline.

**IFT Rationale:** Subjective terms such as “insubordinate,” “threatening,” and “defiant” are highly racialized and are most often used to describe students of color. As a result, these students are punished more harshly and frequently—though research indicates that they do not engage in more egregious behavior than their White peers. Black boys, who are disproportionately assigned to special education, are often perceived as “dangerous” and “threatening.” The perception of “imminent danger” will therefore disproportionately impact Black children and continue the pattern of inequity in school discipline. School staff need sustained, reflective professional training where they honestly reflect on the racial biases they may unconsciously harbor and understand how these influence their perceptions and judgments.

**IFT Comment:** The proposed rule states that “time out shall only be used when…other less restrictive and intrusive measures have been tried and proven ineffective.” Will ISBE provide examples of “less restrictive and intrusive measures?” The IFT believes that all school staff need to be trained in these less restrictive and intrusive measures once they are more clearly defined.

**IFT Comment:** Section (a) defines time out as “a behavior management technique for the purpose of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under subsection (i) for part of the school day, only for a brief time, in a non-locked setting.” However, the section also states that time out does not include “a student’s brief removal to the hallway or similar environment.” If this brief removal to the hallway or a similar environment is teacher-initiated and not a voluntary act by the student, does it qualify as a time out as defined in this section? In defining what time out is and is not, both definitions use the term “brief” to describe the separation of a student from other students in the learning environment. What criteria determines if the separation is a time out or not? There are times when a student’s behavior may not pose a threat of imminent danger but is disruptive to the learning environment. These times may require that a student be removed involuntarily, not as a form of discipline, but in order to regulate her/his emotions and behavior in a different setting. The IFT recommends that ISBE provide more clarity on what classifies as a time out vs. “a brief removal” of a student to some different environment.
**IFT Comment:** Under section a(3), ISBE proposes, “An adult trained under this subsection (i) who is responsible for supervising the student shall remain in the same room as the student at all times during the time out.” What trained adult will remain with the child? Is this the teacher of the student or some other trained adult? Many of our schools are currently understaffed so having someone fulfill this role may prove challenging and will likely result in a staff person being pulled away from her/his primary role and responsibility. Also, is there a recommended or mandatory ratio of supervising adults to students? In other words, does each student in a time out setting require one supervising adult or can the trained adult supervise more than one student in time out? What precautions, if any, will be developed to protect the safety of the adult responsible for supervising a student in time out?

**IFT Comment:** Section 7(E) states that during each incident in which supine restraints are used, “one school staff person trained in identifying the signs of distress must be assigned to observe and monitor the student during the entire incident.” Compliance with this section will require that multiple staff be trained in applying physical restraint and in identifying signs of distress. Because a trained staff person must monitor the entire incident in which restraint is used, she/he will need to be in close proximity to where the incident takes place. If there are only one or two staff trained in these practices, how will schools guarantee that this person observes the entirety of the incident if she/he is in a different section of the school building when the incident initially occurs? What if there are multiple incidences simultaneously? The IFT recommends that ISBE allocate funding for all staff to be thoroughly trained in these strategies and procedures to ensure that they are applied, observed, and evaluated properly.

**IFT Comment:** Section 7(F) proposes that “if after 30 minutes, the emergency has not resolved… a school administrator, with the consultation of a psychologist, social worker, nurse, or behavior specialist may authorize the continuation of the restraint or an additional supine restraint.” Many of our schools do not have daily access to psychologists, social workers, or nurses. If an incident occurs and none of these practitioners are accessible, how should the administrator determine what decision to make? What annual training is required of administrators to ensure they have the knowledge and expertise necessary to make accurate assessments regarding the use of physical restraint? Full compliance with these rules requires that all schools be staffed daily with social workers, nurses, and personnel professionally trained to support the physical and mental needs of students. In addition, all staff, including administrators, need to receive annual training in the use of time out, restraint, and other more trauma-informed and restorative practices.

**Section (f): Documentation and Evaluation**

**IFT Comment:** In section f (3), ISBE proposes that whenever there is an episode where time out exceeds 30 minutes, physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period, “A licensed educator knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.” How will the licensed educator be deemed “knowledgeable” enough to qualify as an evaluator? Is there designated training that the licensed educator must receive or criteria she/he must meet to
demonstrate that she/he is knowledgeable in the use of time out? Who designates the licensed educator as an evaluator? Can the supervisor of a time out and/or physical restraint also be the evaluator of the same incident? The IFT recommends that all staff be trained so that multiple individuals can serve as supervisors and/or evaluators of time out and/or physical restraint.

IFT Comment: Section 3(C) states that the “results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated under this Section.” Is the evaluation shared with the parties involved? If the results of the evaluation suggest that time out or physical restraint could have been prevented and/or was used improperly, what is the responsibility of the local administration to articulate the results to school staff so that adjustments can be made? Section (g) highlights that the parents/caregivers of a student subject to time out or physical restraint must be notified of the incident. However, it does not indicate whether the parents/caregivers will be provided with the results of the evaluation. The IFT recommends that the results of the evaluation and any recommendations be shared with parents/caregivers of the student subjected to time out and/or physical restraint.

IFT Comment: Section f (4) states that after 3 instances of time out or restraint, the “school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program, or for special education eligibility, or, for a student already eligible for special education, for a change in program.” Do the 3 instances of time out or restraint have to be within a designated period of time in order for a behavioral plan to be created or reviewed? For example, is a behavioral plan review required if time out and/or restraint is utilized for a student in 3rd grade, then in 6th and then in 8th? Or do the 3 instances of time out or restraint have to take place within one school year? The IFT recommends clarity be provided around this issue. The IFT is concerned that subjecting a student to time out and/or restraint three different times before requiring a review or creation of an IEP or behavior plan is inappropriate and dangerous.

IFT Rationale: Time out and restraint should be methods of last resort. Even when used appropriately, these strategies can result in physical and emotional trauma. Thus they should be used sparingly and only when there is a legitimate threat of physical harm to a student or others. If these methods have to be utilized against a student more than once, this is a red flag that a student’s needs are not being met and calls for an immediate response from the school community to develop a plan that more effectively wraps the necessary supports around the student.

Section (h): Report to the State Superintendent

IFT Comment: The proposed rule states, “No later than 2 school days after any use of time out or physical restraint, the school district or other entity serving the student shall, in a form and
manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State Superintendent.” The IFT recommends that the initial details of the incident be reported to ISBE within 2 days of the incident but the evaluation of the incident and recommended changes/adjustments be reported within 7 school days from the date of the incident.

**IFT Rationale:** The IFT supports the immediate reporting of the use of time out/restraints. The details of the incident should be reported while the details are still clear in the minds of the parties involved. However, the rules require that the evaluation of the incident and recommendations also be reported within 2 days of the incident. The IFT is concerned that this is not enough time. If the evaluator is not the person who supervised and/or applied the restraint or time out, she/he needs time to interview each of the parties involved to understand the details, background, and context of the incident. After collecting the necessary data, she/he needs time to synthesize this info and make an assessment on the appropriateness of usage. Additionally, the evaluator and individuals who implemented, monitored and evaluated the time out and/or restraint must meet to discuss the evaluation and make recommendations for future steps and adjustments. The student’s teachers and other school personnel who engage with the student will need to be included in this meeting so that they are informed and knowledgeable of any new or altered strategies, techniques, and/or services they may need to utilize during their interaction with the student. To assess and evaluate the incident thoroughly and make solid recommendations will require more than 48 hours. Also, what if there is only one staff person qualified to be an evaluator and multiple incidences of restraint and/or time out occur within a short period of time? A 48-hour turnaround time will be insufficient to do a thorough examination and make thoughtful recommendations centered on the individual student’s circumstances and well-being. The IFT again recommends that ISBE provide funding so that all school staff can be trained in the application, supervision, and evaluation of time out and restraint so that these duties do not fall solely on one or two individuals.

**IFT Comment:** While this section outlines school reporting of all time out/restraint incidences to ISBE, it does not include info regarding if, how, or when the State Superintendent or the ISBE will provide feedback to the district regarding the reported incident. ISBE must do an internal assessment and evaluation of all time out/restraint cases and must provide timely feedback to districts and school regarding each reported incident. This requires that ISBE staff receive thorough training in the use of time out and restraint; trauma and restorative practices; and race and implicit bias. The IFT recommends the following language be added to section (h)(1): “No later than 2 school days after any use of time out or physical restraint, the school district or other entity serving the student shall, in a form and manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State Superintendent. The ISBE will review each incident and provide detailed feedback to the school district regarding the appropriateness of the time out or restraint within 14 calendar days of the reported incident.”

**IFT Rationale:** Districts and schools have been collecting and documenting information for years regarding their use of time out and restraint. Some of this data revealed that these strategies were being used improperly. Hence data collection alone is insufficient. While school staff must be held accountable for documenting each case of time out or physical restraint, the ISBE and local management must be held accountable for reviewing and providing timely feedback to
school staff regarding each submitted incident so that staff have a clear understanding of when usage was appropriate, and more importantly, when usage violated the letter and/or spirit of the law. In cases where usage of time out or physical restraint is deemed inappropriate, feedback from ISBE and local management should be detailed and clearly articulated to all parties involved so that changes and adjustments on the local level can quickly be implemented. For the ISBE to provide feedback that is useful, effective, and research-based, ISBE staff will need to be thoroughly trained in all the strategies outlined in these proposed rules.

Section (i): Requirements for Training

IFT Comment: The proposed rule outlines that “any adult who is supervising a student in time out or who is involved in a physical restraint shall receive at least 8 hours of training in crisis de-escalation; restorative practices; identifying signs of distress during physical restraint and time out; trauma-informed practices; and behavior management practices.” The IFT recommends that all school staff be trained in these strategies.

IFT Rationale: Students can be triggered at any time during the school day: while on the school bus, in classrooms, hallways, the cafeteria, at recess, etc. A trauma-informed and responsive school community requires school wide infrastructure and school wide professional learning so that all adults have the capacity to support students experiencing trauma. Research shows that the single most common factor for children who develop resilience is at least one stable and committed relationship with a supportive parent, caregiver, or other adult. Hence, every adult in the school community can and should be utilized as a resource. Students should have immediate access to an adult who can support them in managing their triggers—regardless of where students may be on the school grounds.

IFT Comment: In addition to the topics proposed, training on implicit and explicit biases and systemic racism should be included for all school staff, and especially any adults supervising time out.

IFT Rationale: There are wide racial disparities in the frequency and severity of school discipline. Black children, especially, are suspended, expelled, and arrested at much higher rates than their White peers. Since adults in school communities make the decisions that result in such disparities, adults must analyze the ways in which implicit and explicit biases and stereotypes impact our decision-making. We must also analyze the ways in which larger district and school policies perpetuate these inequities and are manifestations of institutional racism. Without an honest, reflective, and historic analysis of how and why racial disparities exist, we will be unable to interrupt these inequitable processes and will continually perpetuate harm and trauma on students of color.

IFT Comment: The IFT is concerned that 8 hours of annual training for adults supervising time out is insufficient. The IFT recommends at least 30 hours of initial training with no less than 15 hours being face-to-face instruction. In addition, training should be sustained and ongoing with at least 10 hours of re-training and continual development provided to all staff annually.
**IFT Rationale:** Each of the training topics proposed by ISBE, as well as in-depth training on race and racism, are necessary for adults who will be responsible for monitoring the safety of children in time out. This is such an important role that training must be comprehensive and thorough. The IFT recommends at least 30 hours of initial training: approximately 5 hours for each topic (de-escalation strategies, restorative practices, time out and restraint training, trauma-informed practices, behavior management strategies and race and implicit bias training.) This allows each topic to be covered with fidelity and provides necessary time for personal reflection, group discussion, and simulated practice to demonstrate competence.

Educators are required to participate in continuous professional learning in order to maintain their professional licenses. The state recognizes the need for educators to engage in continual learning in order to stay abreast of the latest research and most effective education practices. Hence it is vital that the training outlined in these rules be ongoing. Developing cultural competence and becoming an effective educator is not a “one and done” endeavor. It is a lifelong pursuit. Some of the skills and strategies outlined in the initial training may not be used regularly. However, it is vital—potentially life-saving—that educators are knowledgeable of these strategies and able to appropriately utilize them should the need arise. Individuals who participate in CPR training, for example, are encouraged to take refresher courses in order to review the skills and strategies. Most people will not use their CPR training regularly. But if and when they need to, their ability to utilize the skills could save someone’s life. Similarly, the training and strategies outlined in these rules in regards to administering time out and restraint must be reviewed regularly. And just as CPR training is most effective when it is hands-on, time out and restraint trainings and refresher courses must have a face-to-face component so that participants can physically practice the techniques and receive coaching and feedback from trained practitioners.

**IFT Comment:** The IFT recommends that training for schools and school staff be phased in until 100% of schools and school staff are trained.

**IFT Rationale:** Providing high quality training for all staff in Illinois public schools will require significant financial resources. However, it is an investment that must be made for the safety and well-being of our students and the adults who serve them. The ISBE ranks schools each year in terms of academic performance and provides financial resources to the schools with the lowest academic outcomes as reported by test scores. In a similar way, the IFT recommends that the ISBE initially provide resources for training to the “top” 25% of schools that report the most instances of time out and restraint and the largest racial disparities in suspension and expulsion. After the initial 25% of schools have received funding, the next 25% would receive the necessary funds for training and so on until 100% of schools have received the funding necessary for school staff to be trained. This will allow ISBE to garner and allocate funds over time rather than all at once while targeting the “neediest” schools first.

Just as schools would be phased in, school staff at individual schools could also receive training in phases. The IFT recommends that for the initial training, 25% of a school’s staff be trained for 4 consecutive semesters so that 100% of school staff is trained in the topics outlined in these rules within 2 school years.
**IFT Comment:** Section (i)(3) states that “the training required under this Section with respect to time out or physical restraint may be provided either by the employer or by an external entity.” The IFT recommends that ISBE convene education stakeholders (education practitioners and their unions, youth, parent and community groups, and organizations with demonstrated commitment, experience, and expertise in restorative school discipline and youth mental health and wellness) to review, develop criteria, and/or create a high-quality training that districts can utilize to comply to these rules and improve the culture and climate of their schools.

**IFT Rationale:** The effective implementation of these rules is highly dependent on the quality of training received by school staff. While many vendors offer trainings on race, diversity, and trauma-informed, restorative practices, not all of these are high-quality. Such trainings require a high level of content knowledge and expertise as well as an in-depth understanding of local context and power dynamics. As the state agency, the ISBE has a responsibility to ensure that districts are utilizing trainings that meet the highest of standards because the health and safety of students are at stake. There is already precedent for this: teachers earning professional development hours for their PEL must complete courses by ISBE-approved providers. In order for an individual to observe, evaluate, and rate a teacher’s performance, she/he must complete an ISBE-approved training and meet certain criteria. Similarly, mandated training for school staff who will monitor time out and physical restraint should be subject to ISBE’s review and approval before being utilized by districts.