

# Time-Out Checklist

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This document contains information for the compliance review of time-out areas and procedures. The purpose of the document is to verify compliance in the following areas:

- Time-out (health and safety standards and locking mechanisms)
- Time-out (procedures)
- Planned use of time-out
- Emergency use of time-out

The state compliance requirements for time-out and locked time-out may be found at:

- Minn. R. 3525.0210, subps. 5, 6, 9, 13, 17, 22, 29, 30, 46 and 47
- Minn. R. 3525.0850
- Minn. R. 3525.1100, subp. 2
- Minn. R. 3525.2710
- Minn. R. 3525.2810
- Minn. R. 3525.2900
- Minnesota State Fire Code, Minn. R. 7511.1008, subp. 3
- Minnesota State Building Code, Minn. R. 1305.1008, subp. 8

Activities the Minnesota Department of Education (MDE) will conduct during an on-site review of time-out areas and procedures are outlined below. This is not an exhaustive list but serves to provide examples of where information for verification of compliance.

Area of Review	MDE Activities
Time-Out (Health and Safety Standards and Locking Mechanisms)	Inspection of time-out facilities
Time-Out (Procedures)	Time-out room logs Student files: including IEP, FBA, BIP, contact w/parents Inspection of time-out facilities Documentation on time-out procedures Policies on time-out procedures
Planned Use of Time-Out	Time-out room logs Students files including IEP, FBA, BIP, contact w/parents Documentation on time-out procedures Policies on time-out procedures
Emergency Use of Time-Out	Time-out room logs Student files: including IEP, FBA, BIP, contact w/parents Documentation on time-out procedures Policies on time-out procedures

# Time-Out

## Health and Safety Standards and Locking Mechanisms

### Minnesota Rule 3525.2900:

- Time-out procedures that seclude a student in a specially designated isolation room or similar space must meet the following conditions ... (6) a safe environment for the pupil where all fixtures are tamper proof, walls and floors are properly covered, and control switches are located immediately outside the room; (7) an observation window or other device to permit continuous monitoring of the pupil; (8) a space that is at least five feet by six feet or substantially equivalent to these dimensions and be large enough to allow the pupil to stand, to stretch the pupil's arms, and to lie down; (9) be well-lighted, well-ventilated, adequately heated, and clean; and (10) all applicable fire and safety codes. *Minn. R. 3525.2900, subp. 5(D).*

### State Fire Code/SFC Minn. R. 7511.1008, subp. 3 and State Building Code/SBC Minn. R. 1305.1008, subp. 8:

**1008.1.10 Special locking arrangements.** Special locking arrangements meeting the requirements of sections 1008.1.10 through 1008.1.10.5 are permitted for rooms, other than cells, where the occupants are being restrained for safety or security reasons. The use of sections 1008.1.10 through 1008.1.10.5 may be revoked by the fire chief or building official for due cause.

**1008.1.10.1 Locking hardware.** Locking devices shall release upon any of the following conditions: (1) Activation of the automatic sprinkler system. (2) Activation of any automatic fire detection device. (3) Activation of an automatic fire alarm system. (4) Loss of electrical power to the locking device or the fire alarm system. (5) Activation of the fire alarm trouble signal. (6) Operation of a manual switch located in an approved location. All locking devices shall be designed to fail in the open position. Following the release of the locking devices for any of the conditions specified above in Items 1 through 6, relocking of the devices shall be by manual means only at the door.

**1008.1.10.2 Fire Extinguishing system.** When special locking arrangements are used, the room or area being secured must be protected with quick-response sprinklers.

**1008.1.10.3 Fire alarm and detection.** When special locking arrangements are used, the room or area and spaces between the room or area and an outside exit door shall be protected with automatic smoke detection connected to the building's fire alarm system. If the walls of the room or area do not extend to the ceiling, automatic smoke detection can be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection.

**1008.1.10.4 Construction.** Rooms or areas containing these special locking arrangements shall be constructed of noncombustible materials having a minimum of one-hour fire-resistive construction. Doors separating the room from other spaces must swing with egress travel from the room and have a fire-protection rating of not less than 20 minutes. Doors need not be self-closing. The interior finish of the wall and ceiling surfaces must not exceed a Class III (or Class C) flame spread rating.

**SFC 1008.1.10.5 Testing devices.** Special locking arrangements shall be tested at least monthly to ensure that they will release under the conditions set forth in Sections 1008.1.10.1, Items 1-5. Locking arrangements which are found not to comply with the requirements of Sections 1008.1.10.1 through 1008.1.10.5 shall not be used.

**SBC 1008.1.10.5 Location.** The room or rooms shall be located on a floor that provides direct grade level access when located in buildings or portions thereof consisting of nonrated construction.

Requirements/ Legal Citation	YES	NO	Comments	Corrective Action Required To Meet Requirements
<b>Health and Safety Standards</b>				
<p>A <b>safe environment</b> for the pupil where all fixtures are tamper proof, walls and floors are properly covered, and control switches are located immediately outside the room <i>Minn. R. 3525.2900, subp. 5(D)(6)</i></p>				
<p>An observation window or other device to permit <b>continuous monitoring</b> of the pupil <i>Minn. R. 3525.2900, subp. 5(D)(7)</i></p>				
<p>A <b>space that is at least five feet by six feet</b> or substantially equivalent to these dimensions and be large enough to allow the pupil to stand, to stretch the pupil's arms, and to lie down <i>Minn. R. 3525.2900, subp. 5(D)(8)</i></p>				
<p><b>Well-ventilated</b> <i>Minn. R. 3525.2900, subp. 5(D)(9)</i></p>				
<p><b>Well-lighted</b> <i>Minn. R. 3525.2900, subp. 5(D)(9)</i></p>				
<p><b>Adequately heated</b> <i>Minn. R. 3525.2900, subp. 5(D)(9)</i></p>				
<p><b>Clean</b> <i>Minn. R. 3525.2900, subp. 5(D)(9)</i></p>				

<b>Locking Mechanisms</b>	YES	NO	COMMENTS	CORRECTIVE ACTION
<p><b>Locking devices shall release upon any of the following conditions:</b>            (1) Activation of the automatic sprinkler system;            (2) Activation of any automatic fire detection device;            (3) Activation of an automatic fire alarm system;            (4) Loss of electrical power to the locking device or the fire alarm system;            (5) Activation of the fire alarm trouble signal;            (6) Operation of a manual switch located in an approved location.  <b>(If one of 1-6 is not met, the locking device shall not be used)</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>	YES	NO		
<p>All locking devices shall be designed <b>to fail in the open position</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>Following the release of the locking devices for any of the conditions specified above (1-6), <b>relocking of the device shall be by manual means only at the door</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>If locking device is used, the room or area being secured must be protected with <b>quick-response sprinklers</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>If locking device is used, the room or area and spaces between the room or area and an outside exit door shall be <b>protected with automatic smoke detection</b> connected to the building's fire alarm system  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				

<p><b>If the walls of the room or area do not extend to the ceiling</b>, automatic smoke detection can be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection.  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>If locking device is used, the room or area shall be constructed of noncombustible materials having a minimum of <b>one-hour fire-resistive construction</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>If locking device is used, the doors separating the room from other spaces shall <b>swing with egress travel from the room</b> and have a <b>fire-protection rating of not less than 20 minutes</b> (Doors need not be self-closing).  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>If locking device is used, the interior finish of the wall and ceiling <b>surfaces must not exceed a Class III (or Class C) flame spread rating</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i>  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				
<p>Locking devices shall be <b>tested at least monthly</b> to ensure they release under the conditions 1-5 above. <b>(If one of 1-5 is not met, the locking device shall not be used).</b>  <i>SFC Minn. R. 7511.1008, subp. 3</i></p>				
<p>The room or rooms shall be located on a floor that provides <b>direct grade-level access</b> when located in buildings or portions thereof consisting of nonrated construction.  <i>SBC Minn. R. 1305.1008, subp. 8</i></p>				

## Time-Out Procedures

**Minnesota Rule 3525.2900:**

- Time-out procedures that seclude a student in a specially designated isolation room or similar space must meet the following conditions:
  - (1) specific criteria for returning the pupil to the routine activities and regular education environment;
  - (2) an evaluation to determine whether seclusion is contraindicated for psychological or physical health reasons;
  - (3) provision for the pupil to be continuously monitored by trained staff;
  - (4) adequate access to drinking water and to a bathroom for a time-out that exceeds 15 minutes;
  - (5) documentation of the length of time spent in each time-out procedure and the number of occurrences each school day.

*Minn. R. 3525.2900, Subd. 5(D).*

Requirements/ Legal Citation	YES	NO	Comments	Corrective Action Required To Meet the Regulatory Requirements
<b>Time-Out Procedures</b>				
<b>Specific criteria</b> for returning the pupil to the routine activities and regular education environment <i>Minn. R. 3525.2900, subp. 5(D)(1)</i>				
An evaluation to determine whether seclusion is <b>contraindicated for psychological or physical health reasons</b> <i>Minn. R. 3525.2900, subp. 5(D)(2)</i>				
Provision for the pupil to be <b>continuously monitored</b> by trained staff <i>Minn. R. 3525.2900, subp. 5(D)(3)</i>				
Adequate access to <b>drinking water</b> and to a <b>bathroom</b> for a time-out that exceeds 15 minutes <i>Minn. R. 3525.2900, subp. 5(D)(4)</i>				
Documentation of the <b>length of time spent</b> in each time-out procedure and the <b>number of occurrences</b> each school day <i>Minn. R. 3525.2900, subp. 5(D)(5)</i>				

## Planned Use of Time-Out

### Minnesota Rule 3525.2710 and 3525.2900:

- Prior to using any conditional procedure, the IEP team must conduct a functional behavioral assessment (FBA) as defined in part 3525.0210, subpart 22. The team must also document that it has ruled out any other treatable cause for the behavior, for example, a medical or health condition, for the interfering behavior. *Minn. R. 3525.2710, subp. 4(F)*.
- In order to utilize a conditional procedure, the IEP team must: (a) identify the frequency and severity of target behaviors for which the conditional procedure is being considered; (b) identify at least two positive interventions implemented and the effectiveness of each; and (c) design and implement regulated interventions based on present levels of performance, needs, goals and objectives, and document in the IEP. *Minn. R. 3525.2900, subp. 5(A)(1)*.

Requirements/ Legal Citation	YES	NO	Comments	Corrective Action Required To Meet the Regulatory Requirements
<b>Planned Time-Out</b>				
Functional behavior assessment completed <i>Minn. R. 3525.2710, subp. 4(F)</i>				
IEP team has <b>ruled out any other treatable cause</b> for the behavior (for example, a medical or health condition, for the interfering behavior) <i>Minn. R. 3525.2710, subp. 4(F)</i>				
IEP team has identified the <b>frequency and severity of target behaviors</b> for which the conditional procedure is being considered <i>Minn. R. 3525.2900, subp. 5(A)(1)(a)</i>				
IEP team has identified at least <b>two positive interventions</b> implemented and the effectiveness of each <i>Minn. R. 3525.2900, subp. 5(A)(1)(b)</i>				
IEP team has designed and implemented regulated interventions <b>based on present levels of performance, needs, goals and objectives, and documented in the IEP</b> <i>Minn. R. 3525.2900, subp. 5(A)(1)(c)</i>				

## Emergency Use of Time-Out

### **Minnesota Rule 3525.0210 and 3525.2900:**

- Emergency means a situation in which immediate intervention is necessary to protect a pupil or other individual from physical injury, emotional abuse due to verbal and nonverbal threats and gestures, or to prevent severe property damage. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. This subpart does not prohibit staff persons from using reasonable force to protect themselves or other pupils or students as provided in Minnesota Statutes, section. 609.379. *Minn. R. 3525.0210, subp. 17.*
- If an emergency intervention is used twice in a month or a pupil's pattern of behavior is emerging that interferes with the achievement of the pupil's educational goals and objectives, a team meeting must be called to determine if the pupil's IEP is adequate, if additional evaluation is needed, and, if necessary, to amend the IEP. Districts may use conditional procedures in emergencies until the IEP team meets, provided the emergency measures are deemed necessary by the district to protect the individual pupil or others from harm. The IEP team shall meet as soon as possible, but no later than five school days after emergency procedures have commenced. District administration and parents must be notified immediately when a regulated procedure is used in an emergency situation. *Minn. R. 3525.2900, subp. 5(C).*

Requirements/ Legal Citation	YES	NO	Comments	Corrective Action Required To Meet the Regulatory Requirements
<b>Emergency Use of Time-Out</b>				
Used to protect a pupil or other individual from <b>physical injury</b> <i>Minn. R. 3525.0210, subp. 17</i>				
Used to prevent <b>severe property damage</b> <i>Minn. R. 3525.0210, subp. 17</i>				
Used to prevent <b>emotional abuse due</b> to verbal and nonverbal threats and gestures <i>Minn. R. 3525.0210, subp. 17</i>				
<b>Notify parent</b> immediately when time-out is used in an emergency situation. <i>Minn. R. 3525.2900, subp. 5(C)</i>				
Must be the <b>least intrusive intervention</b> possible to reasonably react to the emergency situation <i>Minn. R. 3525.0210, subp. 17</i>				
If <b>used twice in a month</b> a team meeting must be called to determine if the pupil's IEP is adequate, if additional evaluation is needed, and, if necessary, to amend the IEP within 5 school days <i>Minn. R. 3525.2900, subp. 5(C)</i>				