

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 Illinois Administrative Procedure Act is  
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that  
9 any agency finds reasonably constitutes a threat to the public  
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that  
12 requires adoption of a rule upon fewer days than is required by  
13 Section 5-40 and states in writing its reasons for that  
14 finding, the agency may adopt an emergency rule without prior  
15 notice or hearing upon filing a notice of emergency rulemaking  
16 with the Secretary of State under Section 5-70. The notice  
17 shall include the text of the emergency rule and shall be  
18 published in the Illinois Register. Consent orders or other  
19 court orders adopting settlements negotiated by an agency may  
20 be adopted under this Section. Subject to applicable  
21 constitutional or statutory provisions, an emergency rule  
22 becomes effective immediately upon filing under Section 5-65  
23 or at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the  
2 finding shall be filed with the rule. The agency shall take  
3 reasonable and appropriate measures to make emergency rules  
4 known to the persons who may be affected by them.

5 (c) An emergency rule may be effective for a period of not  
6 longer than 150 days, but the agency's authority to adopt an  
7 identical rule under Section 5-40 is not precluded. No  
8 emergency rule may be adopted more than once in any 24-month  
9 period, except that this limitation on the number of emergency  
10 rules that may be adopted in a 24-month period does not apply  
11 to (i) emergency rules that make additions to and deletions  
12 from the Drug Manual under Section 5-5.16 of the Illinois  
13 Public Aid Code or the generic drug formulary under Section  
14 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
15 emergency rules adopted by the Pollution Control Board before  
16 July 1, 1997 to implement portions of the Livestock Management  
17 Facilities Act, (iii) emergency rules adopted by the Illinois  
18 Department of Public Health under subsections (a) through (i)  
19 of Section 2 of the Department of Public Health Act when  
20 necessary to protect the public's health, (iv) emergency rules  
21 adopted pursuant to subsection (n) of this Section, (v)  
22 emergency rules adopted pursuant to subsection (o) of this  
23 Section, or (vi) emergency rules adopted pursuant to  
24 subsection (c-5) of this Section. Two or more emergency rules  
25 having substantially the same purpose and effect shall be  
26 deemed to be a single rule for purposes of this Section.

1 (c-5) To facilitate the maintenance of the program of  
2 group health benefits provided to annuitants, survivors, and  
3 retired employees under the State Employees Group Insurance  
4 Act of 1971, rules to alter the contributions to be paid by the  
5 State, annuitants, survivors, retired employees, or any  
6 combination of those entities, for that program of group  
7 health benefits, shall be adopted as emergency rules. The  
8 adoption of those rules shall be considered an emergency and  
9 necessary for the public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely  
11 implementation of the State's fiscal year 1999 budget,  
12 emergency rules to implement any provision of Public Act  
13 90-587 or 90-588 or any other budget initiative for fiscal  
14 year 1999 may be adopted in accordance with this Section by the  
15 agency charged with administering that provision or  
16 initiative, except that the 24-month limitation on the  
17 adoption of emergency rules and the provisions of Sections  
18 5-115 and 5-125 do not apply to rules adopted under this  
19 subsection (d). The adoption of emergency rules authorized by  
20 this subsection (d) shall be deemed to be necessary for the  
21 public interest, safety, and welfare.

22 (e) In order to provide for the expeditious and timely  
23 implementation of the State's fiscal year 2000 budget,  
24 emergency rules to implement any provision of Public Act 91-24  
25 or any other budget initiative for fiscal year 2000 may be  
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that  
2 the 24-month limitation on the adoption of emergency rules and  
3 the provisions of Sections 5-115 and 5-125 do not apply to  
4 rules adopted under this subsection (e). The adoption of  
5 emergency rules authorized by this subsection (e) shall be  
6 deemed to be necessary for the public interest, safety, and  
7 welfare.

8 (f) In order to provide for the expeditious and timely  
9 implementation of the State's fiscal year 2001 budget,  
10 emergency rules to implement any provision of Public Act  
11 91-712 or any other budget initiative for fiscal year 2001 may  
12 be adopted in accordance with this Section by the agency  
13 charged with administering that provision or initiative,  
14 except that the 24-month limitation on the adoption of  
15 emergency rules and the provisions of Sections 5-115 and 5-125  
16 do not apply to rules adopted under this subsection (f). The  
17 adoption of emergency rules authorized by this subsection (f)  
18 shall be deemed to be necessary for the public interest,  
19 safety, and welfare.

20 (g) In order to provide for the expeditious and timely  
21 implementation of the State's fiscal year 2002 budget,  
22 emergency rules to implement any provision of Public Act 92-10  
23 or any other budget initiative for fiscal year 2002 may be  
24 adopted in accordance with this Section by the agency charged  
25 with administering that provision or initiative, except that  
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to  
2 rules adopted under this subsection (g). The adoption of  
3 emergency rules authorized by this subsection (g) shall be  
4 deemed to be necessary for the public interest, safety, and  
5 welfare.

6 (h) In order to provide for the expeditious and timely  
7 implementation of the State's fiscal year 2003 budget,  
8 emergency rules to implement any provision of Public Act  
9 92-597 or any other budget initiative for fiscal year 2003 may  
10 be adopted in accordance with this Section by the agency  
11 charged with administering that provision or initiative,  
12 except that the 24-month limitation on the adoption of  
13 emergency rules and the provisions of Sections 5-115 and 5-125  
14 do not apply to rules adopted under this subsection (h). The  
15 adoption of emergency rules authorized by this subsection (h)  
16 shall be deemed to be necessary for the public interest,  
17 safety, and welfare.

18 (i) In order to provide for the expeditious and timely  
19 implementation of the State's fiscal year 2004 budget,  
20 emergency rules to implement any provision of Public Act 93-20  
21 or any other budget initiative for fiscal year 2004 may be  
22 adopted in accordance with this Section by the agency charged  
23 with administering that provision or initiative, except that  
24 the 24-month limitation on the adoption of emergency rules and  
25 the provisions of Sections 5-115 and 5-125 do not apply to  
26 rules adopted under this subsection (i). The adoption of

1 emergency rules authorized by this subsection (i) shall be  
2 deemed to be necessary for the public interest, safety, and  
3 welfare.

4 (j) In order to provide for the expeditious and timely  
5 implementation of the provisions of the State's fiscal year  
6 2005 budget as provided under the Fiscal Year 2005 Budget  
7 Implementation (Human Services) Act, emergency rules to  
8 implement any provision of the Fiscal Year 2005 Budget  
9 Implementation (Human Services) Act may be adopted in  
10 accordance with this Section by the agency charged with  
11 administering that provision, except that the 24-month  
12 limitation on the adoption of emergency rules and the  
13 provisions of Sections 5-115 and 5-125 do not apply to rules  
14 adopted under this subsection (j). The Department of Public  
15 Aid may also adopt rules under this subsection (j) necessary  
16 to administer the Illinois Public Aid Code and the Children's  
17 Health Insurance Program Act. The adoption of emergency rules  
18 authorized by this subsection (j) shall be deemed to be  
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely  
21 implementation of the provisions of the State's fiscal year  
22 2006 budget, emergency rules to implement any provision of  
23 Public Act 94-48 or any other budget initiative for fiscal  
24 year 2006 may be adopted in accordance with this Section by the  
25 agency charged with administering that provision or  
26 initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections  
2 5-115 and 5-125 do not apply to rules adopted under this  
3 subsection (k). The Department of Healthcare and Family  
4 Services may also adopt rules under this subsection (k)  
5 necessary to administer the Illinois Public Aid Code, the  
6 Senior Citizens and Persons with Disabilities Property Tax  
7 Relief Act, the Senior Citizens and Disabled Persons  
8 Prescription Drug Discount Program Act (now the Illinois  
9 Prescription Drug Discount Program Act), and the Children's  
10 Health Insurance Program Act. The adoption of emergency rules  
11 authorized by this subsection (k) shall be deemed to be  
12 necessary for the public interest, safety, and welfare.

13 (l) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2007 budget, the Department of Healthcare and Family Services  
16 may adopt emergency rules during fiscal year 2007, including  
17 rules effective July 1, 2007, in accordance with this  
18 subsection to the extent necessary to administer the  
19 Department's responsibilities with respect to amendments to  
20 the State plans and Illinois waivers approved by the federal  
21 Centers for Medicare and Medicaid Services necessitated by the  
22 requirements of Title XIX and Title XXI of the federal Social  
23 Security Act. The adoption of emergency rules authorized by  
24 this subsection (l) shall be deemed to be necessary for the  
25 public interest, safety, and welfare.

26 (m) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year  
2 2008 budget, the Department of Healthcare and Family Services  
3 may adopt emergency rules during fiscal year 2008, including  
4 rules effective July 1, 2008, in accordance with this  
5 subsection to the extent necessary to administer the  
6 Department's responsibilities with respect to amendments to  
7 the State plans and Illinois waivers approved by the federal  
8 Centers for Medicare and Medicaid Services necessitated by the  
9 requirements of Title XIX and Title XXI of the federal Social  
10 Security Act. The adoption of emergency rules authorized by  
11 this subsection (m) shall be deemed to be necessary for the  
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2010 budget, emergency rules to implement any provision of  
16 Public Act 96-45 or any other budget initiative authorized by  
17 the 96th General Assembly for fiscal year 2010 may be adopted  
18 in accordance with this Section by the agency charged with  
19 administering that provision or initiative. The adoption of  
20 emergency rules authorized by this subsection (n) shall be  
21 deemed to be necessary for the public interest, safety, and  
22 welfare. The rulemaking authority granted in this subsection  
23 (n) shall apply only to rules promulgated during Fiscal Year  
24 2010.

25 (o) In order to provide for the expeditious and timely  
26 implementation of the provisions of the State's fiscal year



1 2011 budget, emergency rules to implement any provision of  
2 Public Act 96-958 or any other budget initiative authorized by  
3 the 96th General Assembly for fiscal year 2011 may be adopted  
4 in accordance with this Section by the agency charged with  
5 administering that provision or initiative. The adoption of  
6 emergency rules authorized by this subsection (o) is deemed to  
7 be necessary for the public interest, safety, and welfare. The  
8 rulemaking authority granted in this subsection (o) applies  
9 only to rules promulgated on or after July 1, 2010 (the  
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely  
12 implementation of the provisions of Public Act 97-689,  
13 emergency rules to implement any provision of Public Act  
14 97-689 may be adopted in accordance with this subsection (p)  
15 by the agency charged with administering that provision or  
16 initiative. The 150-day limitation of the effective period of  
17 emergency rules does not apply to rules adopted under this  
18 subsection (p), and the effective period may continue through  
19 June 30, 2013. The 24-month limitation on the adoption of  
20 emergency rules does not apply to rules adopted under this  
21 subsection (p). The adoption of emergency rules authorized by  
22 this subsection (p) is deemed to be necessary for the public  
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely  
25 implementation of the provisions of Articles 7, 8, 9, 11, and  
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
2 may be adopted in accordance with this subsection (q) by the  
3 agency charged with administering that provision or  
4 initiative. The 24-month limitation on the adoption of  
5 emergency rules does not apply to rules adopted under this  
6 subsection (q). The adoption of emergency rules authorized by  
7 this subsection (q) is deemed to be necessary for the public  
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 98-651,  
11 emergency rules to implement Public Act 98-651 may be adopted  
12 in accordance with this subsection (r) by the Department of  
13 Healthcare and Family Services. The 24-month limitation on the  
14 adoption of emergency rules does not apply to rules adopted  
15 under this subsection (r). The adoption of emergency rules  
16 authorized by this subsection (r) is deemed to be necessary  
17 for the public interest, safety, and welfare.

18 (s) In order to provide for the expeditious and timely  
19 implementation of the provisions of Sections 5-5b.1 and 5A-2  
20 of the Illinois Public Aid Code, emergency rules to implement  
21 any provision of Section 5-5b.1 or Section 5A-2 of the  
22 Illinois Public Aid Code may be adopted in accordance with  
23 this subsection (s) by the Department of Healthcare and Family  
24 Services. The rulemaking authority granted in this subsection  
25 (s) shall apply only to those rules adopted prior to July 1,  
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only  
2 apply to payments made for State fiscal year 2015. The  
3 adoption of emergency rules authorized by this subsection (s)  
4 is deemed to be necessary for the public interest, safety, and  
5 welfare.

6 (t) In order to provide for the expeditious and timely  
7 implementation of the provisions of Article II of Public Act  
8 99-6, emergency rules to implement the changes made by Article  
9 II of Public Act 99-6 to the Emergency Telephone System Act may  
10 be adopted in accordance with this subsection (t) by the  
11 Department of State Police. The rulemaking authority granted  
12 in this subsection (t) shall apply only to those rules adopted  
13 prior to July 1, 2016. The 24-month limitation on the adoption  
14 of emergency rules does not apply to rules adopted under this  
15 subsection (t). The adoption of emergency rules authorized by  
16 this subsection (t) is deemed to be necessary for the public  
17 interest, safety, and welfare.

18 (u) In order to provide for the expeditious and timely  
19 implementation of the provisions of the Burn Victims Relief  
20 Act, emergency rules to implement any provision of the Act may  
21 be adopted in accordance with this subsection (u) by the  
22 Department of Insurance. The rulemaking authority granted in  
23 this subsection (u) shall apply only to those rules adopted  
24 prior to December 31, 2015. The adoption of emergency rules  
25 authorized by this subsection (u) is deemed to be necessary  
26 for the public interest, safety, and welfare.

1 (v) In order to provide for the expeditious and timely  
2 implementation of the provisions of Public Act 99-516,  
3 emergency rules to implement Public Act 99-516 may be adopted  
4 in accordance with this subsection (v) by the Department of  
5 Healthcare and Family Services. The 24-month limitation on the  
6 adoption of emergency rules does not apply to rules adopted  
7 under this subsection (v). The adoption of emergency rules  
8 authorized by this subsection (v) is deemed to be necessary  
9 for the public interest, safety, and welfare.

10 (w) In order to provide for the expeditious and timely  
11 implementation of the provisions of Public Act 99-796,  
12 emergency rules to implement the changes made by Public Act  
13 99-796 may be adopted in accordance with this subsection (w)  
14 by the Adjutant General. The adoption of emergency rules  
15 authorized by this subsection (w) is deemed to be necessary  
16 for the public interest, safety, and welfare.

17 (x) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 99-906,  
19 emergency rules to implement subsection (i) of Section  
20 16-115D, subsection (g) of Section 16-128A, and subsection (a)  
21 of Section 16-128B of the Public Utilities Act may be adopted  
22 in accordance with this subsection (x) by the Illinois  
23 Commerce Commission. The rulemaking authority granted in this  
24 subsection (x) shall apply only to those rules adopted within  
25 180 days after June 1, 2017 (the effective date of Public Act  
26 99-906). The adoption of emergency rules authorized by this

1 subsection (x) is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 (y) In order to provide for the expeditious and timely  
4 implementation of the provisions of Public Act 100-23,  
5 emergency rules to implement the changes made by Public Act  
6 100-23 to Section 4.02 of the Illinois Act on the Aging,  
7 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
8 Section 55-30 of the Alcoholism and Other Drug Abuse and  
9 Dependency Act, and Sections 74 and 75 of the Mental Health and  
10 Developmental Disabilities Administrative Act may be adopted  
11 in accordance with this subsection (y) by the respective  
12 Department. The adoption of emergency rules authorized by this  
13 subsection (y) is deemed to be necessary for the public  
14 interest, safety, and welfare.

15 (z) In order to provide for the expeditious and timely  
16 implementation of the provisions of Public Act 100-554,  
17 emergency rules to implement the changes made by Public Act  
18 100-554 to Section 4.7 of the Lobbyist Registration Act may be  
19 adopted in accordance with this subsection (z) by the  
20 Secretary of State. The adoption of emergency rules authorized  
21 by this subsection (z) is deemed to be necessary for the public  
22 interest, safety, and welfare.

23 (aa) In order to provide for the expeditious and timely  
24 initial implementation of the changes made to Articles 5, 5A,  
25 12, and 14 of the Illinois Public Aid Code under the provisions  
26 of Public Act 100-581, the Department of Healthcare and Family

1 Services may adopt emergency rules in accordance with this  
2 subsection (aa). The 24-month limitation on the adoption of  
3 emergency rules does not apply to rules to initially implement  
4 the changes made to Articles 5, 5A, 12, and 14 of the Illinois  
5 Public Aid Code adopted under this subsection (aa). The  
6 adoption of emergency rules authorized by this subsection (aa)  
7 is deemed to be necessary for the public interest, safety, and  
8 welfare.

9 (bb) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 100-587,  
11 emergency rules to implement the changes made by Public Act  
12 100-587 to Section 4.02 of the Illinois Act on the Aging,  
13 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
14 subsection (b) of Section 55-30 of the Alcoholism and Other  
15 Drug Abuse and Dependency Act, Section 5-104 of the  
16 Specialized Mental Health Rehabilitation Act of 2013, and  
17 Section 75 and subsection (b) of Section 74 of the Mental  
18 Health and Developmental Disabilities Administrative Act may  
19 be adopted in accordance with this subsection (bb) by the  
20 respective Department. The adoption of emergency rules  
21 authorized by this subsection (bb) is deemed to be necessary  
22 for the public interest, safety, and welfare.

23 (cc) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 100-587,  
25 emergency rules may be adopted in accordance with this  
26 subsection (cc) to implement the changes made by Public Act

1 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
2 Pension Code by the Board created under Article 14 of the Code;  
3 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
4 the Board created under Article 15 of the Code; and Sections  
5 16-190.5 and 16-190.6 of the Illinois Pension Code by the  
6 Board created under Article 16 of the Code. The adoption of  
7 emergency rules authorized by this subsection (cc) is deemed  
8 to be necessary for the public interest, safety, and welfare.

9 (dd) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 100-864,  
11 emergency rules to implement the changes made by Public Act  
12 100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
13 may be adopted in accordance with this subsection (dd) by the  
14 Secretary of State. The adoption of emergency rules authorized  
15 by this subsection (dd) is deemed to be necessary for the  
16 public interest, safety, and welfare.

17 (ee) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 100-1172,  
19 emergency rules implementing the Illinois Underground Natural  
20 Gas Storage Safety Act may be adopted in accordance with this  
21 subsection by the Department of Natural Resources. The  
22 adoption of emergency rules authorized by this subsection is  
23 deemed to be necessary for the public interest, safety, and  
24 welfare.

25 (ff) In order to provide for the expeditious and timely  
26 initial implementation of the changes made to Articles 5A and

1 14 of the Illinois Public Aid Code under the provisions of  
2 Public Act 100-1181, the Department of Healthcare and Family  
3 Services may on a one-time-only basis adopt emergency rules in  
4 accordance with this subsection (ff). The 24-month limitation  
5 on the adoption of emergency rules does not apply to rules to  
6 initially implement the changes made to Articles 5A and 14 of  
7 the Illinois Public Aid Code adopted under this subsection  
8 (ff). The adoption of emergency rules authorized by this  
9 subsection (ff) is deemed to be necessary for the public  
10 interest, safety, and welfare.

11 (gg) In order to provide for the expeditious and timely  
12 implementation of the provisions of Public Act 101-1,  
13 emergency rules may be adopted by the Department of Labor in  
14 accordance with this subsection (gg) to implement the changes  
15 made by Public Act 101-1 to the Minimum Wage Law. The adoption  
16 of emergency rules authorized by this subsection (gg) is  
17 deemed to be necessary for the public interest, safety, and  
18 welfare.

19 (hh) In order to provide for the expeditious and timely  
20 implementation of the provisions of Public Act 101-10,  
21 emergency rules may be adopted in accordance with this  
22 subsection (hh) to implement the changes made by Public Act  
23 101-10 to subsection (j) of Section 5-5.2 of the Illinois  
24 Public Aid Code. The adoption of emergency rules authorized by  
25 this subsection (hh) is deemed to be necessary for the public  
26 interest, safety, and welfare.



1           (ii) In order to provide for the expeditious and timely  
2 implementation of the provisions of Public Act 101-10,  
3 emergency rules to implement the changes made by Public Act  
4 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid  
5 Code may be adopted in accordance with this subsection (ii) by  
6 the Department of Public Health. The adoption of emergency  
7 rules authorized by this subsection (ii) is deemed to be  
8 necessary for the public interest, safety, and welfare.

9           (jj) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 101-10,  
11 emergency rules to implement the changes made by Public Act  
12 101-10 to Section 74 of the Mental Health and Developmental  
13 Disabilities Administrative Act may be adopted in accordance  
14 with this subsection (jj) by the Department of Human Services.  
15 The adoption of emergency rules authorized by this subsection  
16 (jj) is deemed to be necessary for the public interest,  
17 safety, and welfare.

18           (kk) In order to provide for the expeditious and timely  
19 implementation of the Cannabis Regulation and Tax Act and  
20 Public Act 101-27, the Department of Revenue, the Department  
21 of Public Health, the Department of Agriculture, the  
22 Department of State Police, and the Department of Financial  
23 and Professional Regulation may adopt emergency rules in  
24 accordance with this subsection (kk). The rulemaking authority  
25 granted in this subsection (kk) shall apply only to rules  
26 adopted before December 31, 2021. Notwithstanding the

1 provisions of subsection (c), emergency rules adopted under  
2 this subsection (kk) shall be effective for 180 days. The  
3 adoption of emergency rules authorized by this subsection (kk)  
4 is deemed to be necessary for the public interest, safety, and  
5 welfare.

6 (ll) In order to provide for the expeditious and timely  
7 implementation of the provisions of the Leveling the Playing  
8 Field for Illinois Retail Act, emergency rules may be adopted  
9 in accordance with this subsection (ll) to implement the  
10 changes made by the Leveling the Playing Field for Illinois  
11 Retail Act. The adoption of emergency rules authorized by this  
12 subsection (ll) is deemed to be necessary for the public  
13 interest, safety, and welfare.

14 (mm) In order to provide for the expeditious and timely  
15 implementation of the provisions of Section 25-70 of the  
16 Sports Wagering Act, emergency rules to implement Section  
17 25-70 of the Sports Wagering Act may be adopted in accordance  
18 with this subsection (mm) by the Department of the Lottery as  
19 provided in the Sports Wagering Act. The adoption of emergency  
20 rules authorized by this subsection (mm) is deemed to be  
21 necessary for the public interest, safety, and welfare.

22 (nn) In order to provide for the expeditious and timely  
23 implementation of the Sports Wagering Act, emergency rules to  
24 implement the Sports Wagering Act may be adopted in accordance  
25 with this subsection (nn) by the Illinois Gaming Board. The  
26 adoption of emergency rules authorized by this subsection (nn)

1 is deemed to be necessary for the public interest, safety, and  
2 welfare.

3 (oo) In order to provide for the expeditious and timely  
4 implementation of the provisions of subsection (c) of Section  
5 20 of the Video Gaming Act, emergency rules to implement the  
6 provisions of subsection (c) of Section 20 of the Video Gaming  
7 Act may be adopted in accordance with this subsection (oo) by  
8 the Illinois Gaming Board. The adoption of emergency rules  
9 authorized by this subsection (oo) is deemed to be necessary  
10 for the public interest, safety, and welfare.

11 (pp) In order to provide for the expeditious and timely  
12 implementation of the provisions of Section 50 of the Sexual  
13 Assault Evidence Submission Act, emergency rules to implement  
14 Section 50 of the Sexual Assault Evidence Submission Act may  
15 be adopted in accordance with this subsection (pp) by the  
16 Department of State Police. The adoption of emergency rules  
17 authorized by this subsection (pp) is deemed to be necessary  
18 for the public interest, safety, and welfare.

19 (qq) In order to provide for the expeditious and timely  
20 implementation of the provisions of the Illinois Works Jobs  
21 Program Act, emergency rules may be adopted in accordance with  
22 this subsection (qq) to implement the Illinois Works Jobs  
23 Program Act. The adoption of emergency rules authorized by  
24 this subsection (qq) is deemed to be necessary for the public  
25 interest, safety, and welfare.

26 (rr) In order to provide for the expeditious and timely

1 implementation of the provisions of subsection (c) of Section  
2 2-3.130 of the School Code, emergency rules to implement  
3 subsection (c) of Section 2-3.130 of the School Code may be  
4 adopted in accordance with this subsection (rr) by the State  
5 Board of Education. The adoption of emergency rules authorized  
6 by this subsection (rr) is deemed to be necessary for the  
7 public interest, safety, and welfare.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;  
9 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.  
10 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;  
11 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.  
12 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,  
13 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;  
14 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.  
15 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;  
16 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.  
17 8-16-19; 101-601, eff. 12-10-19.)

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

20 (105 ILCS 5/2-3.130)

21 Sec. 2-3.130. Isolated time out, time ~~Time~~ out, and  
22 physical restraint rules; grant program; third-party  
23 assistance; goals and plans.

24 (a) For purposes of this Section, "isolated time out",

1 "physical restraint", and "time out" have the meanings given  
2 to those terms under Section 10-20.33.

3 (b) The State Board of Education shall promulgate rules  
4 governing the use of isolated time out, time out, and physical  
5 restraint in special education nonpublic facilities and the  
6 public schools. The rules shall include provisions governing  
7 the documentation and reporting ~~recordkeeping~~ that is required  
8 each time these interventions ~~when physical restraint or more~~  
9 ~~restrictive forms of time out~~ are used.

10 The rules adopted by the State Board shall include a  
11 procedure by which a person who believes a violation of  
12 Section 10-20.33 or 34-18.20 has occurred may file a  
13 complaint. The rules adopted by the State Board shall include  
14 training requirements that must be included in training  
15 programs used to train and certify school personnel.

16 The State Board shall establish procedures for progressive  
17 enforcement actions to ensure that schools fully comply with  
18 the documentation and reporting requirements for isolated time  
19 out, time out, and physical restraint established by rule,  
20 which shall include meaningful and appropriate sanctions for  
21 the failure to comply, including the failure to report to the  
22 parent or guardian and to the State Board, the failure to  
23 timely report, and the failure to provide detailed  
24 documentation.

25 (c) Subject to appropriation, the State Board shall, by  
26 adoption of emergency rules under subsection (rr) of Section

1 5-45 of the Illinois Administrative Procedure Act if it so  
2 chooses, create a grant program for school districts, special  
3 education nonpublic facilities approved under Section 14-7.02  
4 of this Code, and special education cooperatives to implement  
5 school-wide, culturally sensitive, and trauma-informed  
6 practices, positive behavioral interventions and supports, and  
7 restorative practices within a multi-tiered system of support  
8 aimed at reducing the need for interventions, such as isolated  
9 time out, time out, and physical restraint.

10 (d) Subject to the Illinois Procurement Code, the Illinois  
11 School Student Records Act, the Mental Health and  
12 Developmental Disabilities Confidentiality Act, and the  
13 federal Family Educational Rights and Privacy Act of 1974, the  
14 State Board may contract with a third party to provide  
15 assistance with the oversight and monitoring of the use of  
16 isolated time out, time out, and physical restraint by school  
17 districts.

18 (e) The State Board shall establish goals within 90 days  
19 after the effective date of this amendatory Act of the 102nd  
20 General Assembly, with specific benchmarks, for schools to  
21 accomplish the systemic reduction of isolated time out, time  
22 out, and physical restraint within 3 years after the effective  
23 date of this amendatory Act of the 102nd General Assembly. The  
24 State Board shall engage in meaningful consultation with  
25 stakeholders to establish the goals, including in the review  
26 and evaluation of the data submitted. Each school board shall

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

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

1 plans and reports are available for review. On or before June  
2 30, 2023, the State Board shall issue a report to the General  
3 Assembly on the progress made by schools to achieve those  
4 goals and benchmarks. The required plans shall include, but  
5 not be limited to, the specific actions that are to be taken  
6 to:

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

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

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

25 (4) support a vision for cultural change that  
26 reinforces the following:



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

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

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

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

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

22           (g) The State Board shall establish a system of ongoing  
23           review, auditing, and monitoring to ensure that schools comply  
24           with the documentation and reporting requirements and meet the  
25           State Board's established goals and benchmarks for reducing  
26           and eventually eliminating the use of isolated time out, time

1 out, and physical restraint.

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

3 (105 ILCS 5/10-20.33)

4 Sec. 10-20.33. Time out, isolated time out, and physical  
5 restraint, and necessities; limitations and prohibitions.

6 (a) The General Assembly finds and declares that the use  
7 of isolated time out, time out, and physical restraint on  
8 children and youth carries risks to the health and safety of  
9 students and staff; therefore, the ultimate goal is to reduce  
10 and eventually eliminate the use of those interventions. The  
11 General Assembly also finds and declares that the State Board  
12 of Education must take affirmative action to lead and support  
13 schools in transforming the school culture to reduce and  
14 eliminate the use of all such interventions over time.

15 (b) In this Section:

16 "Chemical restraint" means the use of medication to  
17 control a student's behavior or to restrict a student's  
18 freedom of movement. "Chemical restraint" does not include  
19 medication that is legally prescribed and administered as part  
20 of a student's regular medical regimen to manage behavioral  
21 symptoms and treat medical symptoms.

22 "Isolated time out" means the involuntary confinement of a  
23 student alone in a time out room or other enclosure outside of  
24 the classroom without a supervising adult in the time out room  
25 or enclosure.

1       "Isolated time out" or "time out" does not include a  
2 student-initiated or student-requested break, a  
3 student-initiated sensory break or a teacher-initiated sensory  
4 break that may include a sensory room containing sensory tools  
5 to assist a student to calm and de-escalate, an in-school  
6 suspension or detention, or any other appropriate disciplinary  
7 measure, including the student's brief removal to the hallway  
8 or similar environment.

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

23       "Physical restraint" or "restraint" means holding a  
24 student or otherwise restricting a student's movements.  
25 "Physical restraint" or "restraint" does not include momentary  
26 periods of physical restriction by direct person to person

1 contact, without the aid of material or mechanical devices,  
2 that are accomplished with limited force and that are designed  
3 to prevent a student from completing an act that would result  
4 in potential physical harm to himself, herself, or another or  
5 damage to property.

6 "Prone physical restraint" means a physical restraint in  
7 which a student is held face down on the floor or other surface  
8 and physical pressure is applied to the student's body to keep  
9 the student in the prone position.

10 "Time out" means a behavior management technique for the  
11 purpose of calming or de-escalation that involves the  
12 involuntary monitored separation of a student from classmates  
13 with a trained adult for part of the school day, only for a  
14 brief time, in a nonlocked setting.

15 (c) Isolated time out, time out, and physical restraint,  
16 other than prone physical restraint, may be used only if (i)  
17 the student's behavior presents an imminent danger of serious  
18 physical harm to the student or to others; (ii) other less  
19 restrictive and intrusive measures have been tried and have  
20 proven to be ineffective in stopping the imminent danger of  
21 serious physical harm; (iii) there is no known medical  
22 contraindication to its use on the student; and (iv) the  
23 school staff member or members applying the use of time out,  
24 isolated time out, or physical restraint on a student have  
25 been trained in its safe application, as established by rule  
26 by the State Board of Education. Isolated time out is allowed

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

7 Mechanical restraint and chemical restraint are  
8 prohibited. Prone restraint is prohibited except when all of  
9 the following conditions are satisfied:

10 (1) The student's Behavior Intervention Plan  
11 specifically allows for prone restraint of the student.

12 (2) The Behavior Intervention Plan was put into place  
13 before January 1, 2021.

14 (3) The student's Behavior Intervention Plan has been  
15 approved by the IEP team.

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

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

24 (6) The use of prone restraint occurs within the  
25 school years of 2021-2022 and 2022-2023.

26 All instances of the utilization of prone restraint must be

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

6 (d) The ~~Until rules are adopted under Section 2-3.130 of~~  
7 ~~this Code,~~ the use of any of the following rooms or enclosures  
8 for an isolated time out or time out purposes is prohibited:

9 (1) a locked room or a room in which the door is  
10 obstructed, prohibiting it from opening ~~other than one~~  
11 ~~with a locking mechanism that engages only when a key or~~  
12 ~~handle is being held by a person;~~

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

14 (3) a room where the student cannot be continually  
15 observed; or

16 (4) any other room or enclosure or time out procedure  
17 that is contrary to current rules adopted by ~~guidelines of~~  
18 the State Board of Education.

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

23 (1) food or liquid at a time when it is customarily  
24 served;

25 (2) medication; or

26 (3) the use of a restroom.

1        (f) (Blank). ~~The use of physical restraints is prohibited~~  
2 ~~except when (i) the student poses a physical risk to himself,~~  
3 ~~herself, or others, (ii) there is no medical contraindication~~  
4 ~~to its use, and (iii) the staff applying the restraint have~~  
5 ~~been trained in its safe application. For the purposes of this~~  
6 ~~Section, "restraint" does not include momentary periods of~~  
7 ~~physical restriction by direct person to person contact,~~  
8 ~~without the aid of material or mechanical devices,~~  
9 ~~accomplished with limited force and that are designed (i) to~~  
10 ~~prevent a student from completing an act that would result in~~  
11 ~~potential physical harm to himself, herself, or another or~~  
12 ~~damage to property or (ii) to remove a disruptive student who~~  
13 ~~is unwilling to voluntarily leave the area. The use of~~  
14 ~~physical restraints that meet the requirements of this Section~~  
15 ~~may be included in a student's individualized education plan~~  
16 ~~where deemed appropriate by the student's individualized~~  
17 ~~education plan team.~~

18        (g) Following each incident of isolated time out, time  
19 out, or physical restraint, but no later than 2 school days  
20 after the incident, the principal or another designated  
21 administrator shall notify the student's parent or guardian  
22 that he or she may request a meeting with appropriate school  
23 personnel to discuss the incident. This meeting shall be held  
24 separate and apart from meetings held in accordance with the  
25 student's individualized education program or from meetings  
26 held in accordance with the student's plan for services under

1 Section 504 of the federal Rehabilitation Act of 1973. If a  
2 parent or guardian requests a meeting, the meeting shall be  
3 convened within 2 school days after the request, provided that  
4 the 2-school day limitation shall be extended if requested by  
5 the parent or guardian. The parent or guardian may also  
6 request that the meeting be convened via telephone or video  
7 conference.

8 The meeting shall include the student, if appropriate, at  
9 least one school staff member involved in the incident of  
10 isolated time out, time out, or physical restraint, the  
11 student's parent or guardian, and at least one appropriate  
12 school staff member not involved in the incident of isolated  
13 time out, time out, or physical restraint, such as a social  
14 worker, psychologist, nurse, or behavioral specialist. During  
15 the meeting, the school staff member or members involved in  
16 the incident of isolated time out, time out, or physical  
17 restraint, the student, and the student's parent or guardian,  
18 if applicable, shall be provided an opportunity to describe  
19 (i) the events that occurred prior to the incident of isolated  
20 time out, time out, or physical restraint and any actions that  
21 were taken by school personnel or the student leading up to the  
22 incident; (ii) the incident of isolated time out, time out, or  
23 physical restraint; and (iii) the events that occurred or the  
24 actions that were taken following the incident of isolated  
25 time out, time out, or physical restraint and whether the  
26 student returned to regular school activities and, if not, how



1 the student spent the remainder of the school day. All parties  
2 present at the meeting shall have the opportunity to discuss  
3 what school personnel could have done differently to avoid the  
4 incident of isolated time out, time out, or physical restraint  
5 and what alternative courses of action, if any, the school can  
6 take to support the student and to avoid the future use of  
7 isolated time out, time out, or physical restraint. At no  
8 point may a student be excluded from school solely because a  
9 meeting has not occurred.

10 A summary of the meeting and any agreements or conclusions  
11 reached during the meeting shall be documented in writing and  
12 shall become part of the student's school record. A copy of the  
13 documents shall be provided to the student's parent or  
14 guardian. If a parent or guardian does not request a meeting  
15 within 10 school days after the school has provided the  
16 documents to the parent or guardian or if a parent or guardian  
17 fails to attend a requested meeting, that fact shall be  
18 documented as part of the student's school record.

19 (h) Whenever isolated time out, time out, or physical  
20 restraint is used ~~physical restraints are used~~, school  
21 personnel shall fully document and report to the State Board  
22 of Education the incident, including the events leading up to  
23 the incident, what alternative measures that are less  
24 restrictive and intrusive were used prior to the use of  
25 isolated time out, time out, or physical restraint, why those  
26 measures were ineffective or deemed inappropriate, the type of

1 restraint, isolated time out, or time out that was used, the  
2 length of time the student was in isolated time out or time out  
3 or was is restrained, and the staff involved. The parents or  
4 guardian of a student and the State Superintendent of  
5 Education shall be informed whenever isolated time out, time  
6 out, or physical restraint is restraints are used.

7 Schools shall provide parents and guardians with the  
8 following information, to be developed by the State Board and  
9 which may be incorporated into the State Board's prescribed  
10 physical restraint and time out form at the discretion of the  
11 State Board, after each incident in which isolated time out,  
12 time out, or physical restraint is used during the school  
13 year, in printed form or, upon the written request of the  
14 parent or guardian, by email:

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

17 (2) information about the rights of parents,  
18 guardians, and students; and

19 (3) information about the parent's or guardian's right  
20 to file a complaint with the State Superintendent of  
21 Education, the complaint process, and other information to  
22 assist the parent or guardian in navigating the complaint  
23 process.

24 (i) Any use of isolated time out, time out, or physical  
25 restraint that is permitted by a school board's policy shall  
26 be implemented in accordance with written procedures.

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

2 (105 ILCS 5/34-18.20)

3 Sec. 34-18.20. Time out, isolated time out, and physical  
4 restraint, and necessities; limitations and prohibitions.

5 (a) The General Assembly finds and declares that the use  
6 of isolated time out, time out, and physical restraint on  
7 children and youth carries risks to the health and safety of  
8 students and staff; therefore, the ultimate goal is to reduce  
9 and eventually eliminate the use of those interventions. The  
10 General Assembly also finds and declares that the State Board  
11 of Education must take affirmative action to lead and support  
12 schools in transforming the school culture to reduce and  
13 eliminate the use of all such interventions over time.

14 (b) In this Section:

15 "Chemical restraint" means the use of medication to  
16 control a student's behavior or to restrict a student's  
17 freedom of movement. "Chemical restraint" does not include  
18 medication that is legally prescribed and administered as part  
19 of a student's regular medical regimen to manage behavioral  
20 symptoms and treat medical symptoms.

21 "Isolated time out" means the involuntary confinement of a  
22 student alone in a time out room or other enclosure outside of  
23 the classroom without a supervising adult in the time out room  
24 or enclosure.

25 "Isolated time out" or "time out" does not include a

1 student-initiated or student-requested break, a  
2 student-initiated sensory break or a teacher-initiated sensory  
3 break that may include a sensory room containing sensory tools  
4 to assist a student to calm and de-escalate, an in-school  
5 suspension or detention, or any other appropriate disciplinary  
6 measure, including the student's brief removal to the hallway  
7 or similar environment.

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

22 "Physical restraint" or "restraint" means holding a  
23 student or otherwise restricting a student's movements.  
24 "Physical restraint" or "restraint" does not include momentary  
25 periods of physical restriction by direct person to person  
26 contact, without the aid of material or mechanical devices,

1 that are accomplished with limited force and that are designed  
2 to prevent a student from completing an act that would result  
3 in potential physical harm to himself, herself, or another or  
4 damage to property.

5 "Prone physical restraint" means a physical restraint in  
6 which a student is held face down on the floor or other surface  
7 and physical pressure is applied to the student's body to keep  
8 the student in the prone position.

9 "Time out" means a behavior management technique for the  
10 purpose of calming or de-escalation that involves the  
11 involuntary monitored separation of a student from classmates  
12 with a trained adult for part of the school day, only for a  
13 brief time, in a nonlocked setting.

14 (c) Isolated time out, time out, and physical restraint,  
15 other than prone physical restraint, may be used only if (i)  
16 the student's behavior presents an imminent danger of serious  
17 physical harm to the student or to others; (ii) other less  
18 restrictive and intrusive measures have been tried and have  
19 proven to be ineffective in stopping the imminent danger of  
20 serious physical harm; (iii) there is no known medical  
21 contraindication to its use on the student; and (iv) the  
22 school staff member or members applying the use of time out,  
23 isolated time out, or physical restraint on a student have  
24 been trained in its safe application, as established by rule  
25 by the State Board of Education. Isolated time out is allowed  
26 only under limited circumstances as set forth in this Section.

1 If all other requirements under this Section are met, isolated  
2 time out may be used only if the adult in the time out room or  
3 enclosure is in imminent danger of serious physical harm  
4 because the student is unable to cease actively engaging in  
5 extreme physical aggression.

6 Mechanical restraint and chemical restraint are  
7 prohibited. Prone restraint is prohibited except when all of  
8 the following conditions are satisfied:

9 (1) The student's Behavior Intervention Plan  
10 specifically allows for prone restraint of the student.

11 (2) The Behavior Intervention Plan was put into place  
12 before January 1, 2021.

13 (3) The student's Behavior Intervention Plan has been  
14 approved by the IEP team.

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

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

23 (6) The use of prone restraint occurs within the  
24 school years of 2021-2022 and 2022-2023.

25 All instances of the utilization of prone restraint must be  
26 reported in accordance with the provisions of this amendatory

1 Act of the 102nd General Assembly. Nothing in this Section  
2 shall prohibit the State Board of Education from adopting  
3 administrative rules that further restrict or disqualify the  
4 use of prone restraint.

5 ~~(d) The~~ Until rules are adopted under Section 2-3.130 of  
6 ~~this Code,~~ the use of any of the following rooms or enclosures  
7 for an isolated time out or time out purposes is prohibited:

8 (1) a locked room or a room in which the door is  
9 obstructed, prohibiting it from opening ~~other than one~~  
10 ~~with a locking mechanism that engages only when a key or~~  
11 ~~handle is being held by a person;~~

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

13 (3) a room where the student cannot be continually  
14 observed; or

15 (4) any other room or enclosure or time out procedure  
16 that is contrary to current rules adopted by ~~guidelines of~~  
17 the State Board of Education.

18 (e) The deprivation of necessities needed to sustain the  
19 health of a person, including, without limitation, the denial  
20 or unreasonable delay in the provision of the following, is  
21 prohibited:

22 (1) food or liquid at a time when it is customarily  
23 served;

24 (2) medication; or

25 (3) the use of a restroom.

26 (f) (Blank). ~~The use of physical restraints is prohibited~~

1 ~~except when (i) the student poses a physical risk to himself,~~  
2 ~~herself, or others, (ii) there is no medical contraindication~~  
3 ~~to its use, and (iii) the staff applying the restraint have~~  
4 ~~been trained in its safe application. For the purposes of this~~  
5 ~~Section, "restraint" does not include momentary periods of~~  
6 ~~physical restriction by direct person to person contact,~~  
7 ~~without the aid of material or mechanical devices,~~  
8 ~~accomplished with limited force and that are designed (i) to~~  
9 ~~prevent a student from completing an act that would result in~~  
10 ~~potential physical harm to himself, herself, or another or~~  
11 ~~damage to property or (ii) to remove a disruptive student who~~  
12 ~~is unwilling to voluntarily leave the area. The use of~~  
13 ~~physical restraints that meet the requirements of this Section~~  
14 ~~may be included in a student's individualized education plan~~  
15 ~~where deemed appropriate by the student's individualized~~  
16 ~~education plan team.~~

17 (g) Following each incident of isolated time out, time  
18 out, or physical restraint, but no later than 2 school days  
19 after the incident, the principal or another designated  
20 administrator shall notify the student's parent or guardian  
21 that he or she may request a meeting with appropriate school  
22 personnel to discuss the incident. This meeting shall be held  
23 separate and apart from meetings held in accordance with the  
24 student's individualized education program or from meetings  
25 held in accordance with the student's plan for services under  
26 Section 504 of the federal Rehabilitation Act of 1973. If a



1 parent or guardian requests a meeting, the meeting shall be  
2 convened within 2 school days after the request, provided that  
3 the 2-school day limitation shall be extended if requested by  
4 the parent or guardian. The parent or guardian may also  
5 request that the meeting be convened via telephone or video  
6 conference.

7 The meeting shall include the student, if appropriate, at  
8 least one school staff member involved in the incident of  
9 isolated time out, time out, or physical restraint, the  
10 student's parent or guardian, and at least one appropriate  
11 school staff member not involved in the incident of isolated  
12 time out, time out, or physical restraint, such as a social  
13 worker, psychologist, nurse, or behavioral specialist. During  
14 the meeting, the school staff member or members involved in  
15 the incident of isolated time out, time out, or physical  
16 restraint, the student, and the student's parent or guardian,  
17 if applicable, shall be provided an opportunity to describe  
18 (i) the events that occurred prior to the incident of isolated  
19 time out, time out, or physical restraint and any actions that  
20 were taken by school personnel or the student leading up to the  
21 incident; (ii) the incident of isolated time out, time out, or  
22 physical restraint; and (iii) the events that occurred or the  
23 actions that were taken following the incident of isolated  
24 time out, time out, or physical restraint and whether the  
25 student returned to regular school activities and, if not, how  
26 the student spent the remainder of the school day. All parties

1 present at the meeting shall have the opportunity to discuss  
2 what school personnel could have done differently to avoid the  
3 incident of isolated time out, time out, or physical restraint  
4 and what alternative courses of action, if any, the school can  
5 take to support the student and to avoid the future use of  
6 isolated time out, time out, or physical restraint. At no  
7 point may a student be excluded from school solely because a  
8 meeting has not occurred.

9 A summary of the meeting and any agreements or conclusions  
10 reached during the meeting shall be documented in writing and  
11 shall become part of the student's school record. A copy of the  
12 documents shall be provided to the student's parent or  
13 guardian. If a parent or guardian does not request a meeting  
14 within 10 school days after the school has provided the  
15 documents to the parent or guardian or if a parent or guardian  
16 fails to attend a requested meeting, that fact shall be  
17 documented as part of the student's school record.

18 (h) Whenever isolated time out, time out, or physical  
19 restraint is used ~~physical restraints are used~~, school  
20 personnel shall fully document and report to the State Board  
21 of Education the incident, including the events leading up to  
22 the incident, what alternative measures that are less  
23 restrictive and intrusive were used prior to the use of  
24 isolated time out, time out, or physical restraint, why those  
25 measures were ineffective or deemed inappropriate, the type of  
26 restraint, isolated time out, or time out that was used, the

1 length of time the student was in isolated time out or time out  
2 or was ~~is~~ restrained, and the staff involved. The parents or  
3 guardian of a student and the State Superintendent of  
4 Education shall be informed whenever isolated time out, time  
5 out, or physical restraint is ~~restraints are~~ used.

6 Schools shall provide parents and guardians with the  
7 following information, to be developed by the State Board and  
8 which may be incorporated into the State Board's prescribed  
9 physical restraint and time out form at the discretion of the  
10 State Board, after each incident in which isolated time out,  
11 time out, or physical restraint is used during the school  
12 year, in printed form or, upon the written request of the  
13 parent or guardian, by email:

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

16 (2) information about the rights of parents,  
17 guardians, and students; and

18 (3) information about the parent's or guardian's right  
19 to file a complaint with the State Superintendent of  
20 Education, the complaint process, and other information to  
21 assist the parent or guardian in navigating the complaint  
22 process.

23 (i) Any use of isolated time out, time out, or physical  
24 restraint that is permitted by the board's policy shall be  
25 implemented in accordance with written procedures.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.