

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. The State Board
10 shall give priority in grant funding to those school
11 districts, special education nonpublic facilities approved
12 under Section 14-7.02 of this Code, and special education
13 cooperatives that submit a plan to achieve a significant
14 reduction or elimination in the use of isolated time out and
15 physical restraint in less than 3 years.

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

24 (e) The State Board shall establish goals within 90 days
25 after the effective date of this amendatory Act of the 102nd
26 General Assembly, with specific benchmarks, for schools to

1 accomplish the systemic reduction of isolated time out, time
2 out, and physical restraint within 3 years after the effective
3 date of this amendatory Act of the 102nd General Assembly. The
4 State Board shall engage in meaningful consultation with
5 stakeholders to establish the goals, including in the review
6 and evaluation of the data submitted. Each school board shall
7 create a time out and physical restraint oversight team that
8 includes, but is not limited to, teachers, paraprofessionals,
9 school service personnel, and administrators to develop (i) a
10 school-specific plan for reducing and eventually eliminating
11 the use of isolated time out, time out, and physical restraint
12 in accordance with the goals and benchmarks established by the
13 State Board and (ii) procedures to implement the plan
14 developed by the team.

15 The progress toward the reduction and eventual elimination
16 of the use of isolated time out and physical restraint shall be
17 measured by the reduction in the overall number of incidents
18 of those interventions and the total number of students
19 subjected to those interventions. In limited cases, upon
20 written application made by a school district and approved by
21 the State Board based on criteria developed by the State Board
22 to show good cause, the reduction in the use of those
23 interventions may be measured by the frequency of the use of
24 those interventions on individual students and the student
25 population as a whole. The State Board shall specify a date for
26 submission of the plans. School districts shall submit a

1 report once each year for 3 years after the effective date of
2 this amendatory Act of the 102nd General Assembly to the State
3 Board on the progress made toward achieving the goals and
4 benchmarks established by the State Board and modify their
5 plans as necessary to satisfy those goals and benchmarks.
6 School districts shall notify parents and guardians that the
7 plans and reports are available for review. On or before June
8 30, 2023, the State Board shall issue a report to the General
9 Assembly on the progress made by schools to achieve those
10 goals and benchmarks. The required plans shall include, but
11 not be limited to, the specific actions that are to be taken
12 to:

13 (1) reduce and eventually eliminate a reliance on
14 isolated time out, time out, and physical restraint for
15 behavioral interventions and develop noncoercive
16 environments;

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

24 (3) ensure that appropriate school personnel are fully
25 informed of the student's history, including any history
26 of physical or sexual abuse, and other relevant medical

1 and mental health information, except that any disclosure
2 of student information must be consistent with federal and
3 State laws and rules governing student confidentiality and
4 privacy rights; and

5 (4) support a vision for cultural change that
6 reinforces the following:

7 (A) positive behavioral interventions and support
8 rather than isolated time out, time out, and physical
9 restraint;

10 (B) effective ways to de-escalate situations to
11 avoid isolated time out, time out, and physical
12 restraint;

13 (C) crisis intervention techniques that use
14 alternatives to isolated time out, time out, and
15 physical restraint; and

16 (D) use of debriefing meetings to reassess what
17 occurred and why it occurred and to think through ways
18 to prevent use of the intervention the next time.

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

1 enforcement of that policy.

2 (g) The State Board shall establish a system of ongoing
3 review, auditing, and monitoring to ensure that schools comply
4 with the documentation and reporting requirements and meet the
5 State Board's established goals and benchmarks for reducing
6 and eventually eliminating the use of isolated time out, time
7 out, and physical restraint.

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

9 (105 ILCS 5/10-20.33)

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

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

21 (b) In this Section:

22 "Chemical restraint" means the use of medication to
23 control a student's behavior or to restrict a student's
24 freedom of movement. "Chemical restraint" does not include
25 medication that is legally prescribed and administered as part

1 of a student's regular medical regimen to manage behavioral
2 symptoms and treat medical symptoms.

3 "Isolated time out" means the involuntary confinement of a
4 student alone in a time out room or other enclosure outside of
5 the classroom without a supervising adult in the time out room
6 or enclosure.

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

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

1 self-regulation; or (v) promote student safety in vehicles
2 used to transport students.

3 "Physical restraint" or "restraint" means holding a
4 student or otherwise restricting a student's movements.

5 "Physical restraint" or "restraint" does not include momentary
6 periods of physical restriction by direct person to person
7 contact, without the aid of material or mechanical devices,
8 that are accomplished with limited force and that are designed
9 to prevent a student from completing an act that would result
10 in potential physical harm to himself, herself, or another or
11 damage to property.

12 "Prone physical restraint" means a physical restraint in
13 which a student is held face down on the floor or other surface
14 and physical pressure is applied to the student's body to keep
15 the student in the prone position.

16 "Time out" means a behavior management technique for the
17 purpose of calming or de-escalation that involves the
18 involuntary monitored separation of a student from classmates
19 with a trained adult for part of the school day, only for a
20 brief time, in a nonlocked setting.

21 (c) Isolated time out, time out, and physical restraint,
22 other than prone physical restraint, may be used only if (i)
23 the student's behavior presents an imminent danger of serious
24 physical harm to the student or to others; (ii) other less
25 restrictive and intrusive measures have been tried and have
26 proven to be ineffective in stopping the imminent danger of

1 serious physical harm; (iii) there is no known medical
2 contraindication to its use on the student; and (iv) the
3 school staff member or members applying the use of time out,
4 isolated time out, or physical restraint on a student have
5 been trained in its safe application, as established by rule
6 by the State Board of Education. Isolated time out is allowed
7 only under limited circumstances as set forth in this Section.
8 If all other requirements under this Section are met, isolated
9 time out may be used only if the adult in the time out room or
10 enclosure is in imminent danger of serious physical harm
11 because the student is unable to cease actively engaging in
12 extreme physical aggression.

13 Mechanical restraint and chemical restraint are
14 prohibited. Prone restraint is prohibited except when all of
15 the following conditions are satisfied:

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

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

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

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

26 (5) The school must be able to document and

1 demonstrate to the IEP team that the use of other
2 de-escalation techniques provided for in the student's
3 Behavior Intervention Plan were ineffective.

4 (6) The use of prone restraint occurs within the
5 2021-2022 school year.

6 All instances of the utilization of prone restraint must be
7 reported in accordance with the provisions of this amendatory
8 Act of the 102nd General Assembly. Nothing in this Section
9 shall prohibit the State Board of Education from adopting
10 administrative rules that further restrict or disqualify the
11 use of prone restraint.

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

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

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

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

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

25 (e) The deprivation of necessities needed to sustain the
26 health of a person, including, without limitation, the denial

1 or unreasonable delay in the provision of the following, is
2 prohibited:

3 (1) food or liquid at a time when it is customarily
4 served;

5 (2) medication; or

6 (3) the use of a restroom.

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

24 (g) Following each incident of isolated time out, time
25 out, or physical restraint, but no later than 2 school days
26 after the incident, the principal or another designated

1 administrator shall notify the student's parent or guardian
2 that he or she may request a meeting with appropriate school
3 personnel to discuss the incident. This meeting shall be held
4 separate and apart from meetings held in accordance with the
5 student's individualized education program or from meetings
6 held in accordance with the student's plan for services under
7 Section 504 of the federal Rehabilitation Act of 1973. If a
8 parent or guardian requests a meeting, the meeting shall be
9 convened within 2 school days after the request, provided that
10 the 2-school day limitation shall be extended if requested by
11 the parent or guardian. The parent or guardian may also
12 request that the meeting be convened via telephone or video
13 conference.

14 The meeting shall include the student, if appropriate, at
15 least one school staff member involved in the incident of
16 isolated time out, time out, or physical restraint, the
17 student's parent or guardian, and at least one appropriate
18 school staff member not involved in the incident of isolated
19 time out, time out, or physical restraint, such as a social
20 worker, psychologist, nurse, or behavioral specialist. During
21 the meeting, the school staff member or members involved in
22 the incident of isolated time out, time out, or physical
23 restraint, the student, and the student's parent or guardian,
24 if applicable, shall be provided an opportunity to describe
25 (i) the events that occurred prior to the incident of isolated
26 time out, time out, or physical restraint and any actions that

1 were taken by school personnel or the student leading up to the
2 incident; (ii) the incident of isolated time out, time out, or
3 physical restraint; and (iii) the events that occurred or the
4 actions that were taken following the incident of isolated
5 time out, time out, or physical restraint and whether the
6 student returned to regular school activities and, if not, how
7 the student spent the remainder of the school day. All parties
8 present at the meeting shall have the opportunity to discuss
9 what school personnel could have done differently to avoid the
10 incident of isolated time out, time out, or physical restraint
11 and what alternative courses of action, if any, the school can
12 take to support the student and to avoid the future use of
13 isolated time out, time out, or physical restraint. At no
14 point may a student be excluded from school solely because a
15 meeting has not occurred.

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

25 (h) Whenever isolated time out, time out, or physical
26 restraint is used ~~physical restraints are used~~, school

1 personnel shall fully document and report to the State Board
2 of Education the incident, including the events leading up to
3 the incident, what alternative measures that are less
4 restrictive and intrusive were used prior to the use of
5 isolated time out, time out, or physical restraint, why those
6 measures were ineffective or deemed inappropriate, the type of
7 restraint, isolated time out, or time out that was used, the
8 length of time the student was in isolated time out or time out
9 or was is restrained, and the staff involved. The parents or
10 guardian of a student and the State Superintendent of
11 Education shall be informed whenever isolated time out, time
12 out, or physical restraint is ~~restraints are~~ used.

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

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

23 (2) information about the rights of parents,
24 guardians, and students; and

25 (3) information about the parent's or guardian's right
26 to file a complaint with the State Superintendent of

1 Education, the complaint process, and other information to
2 assist the parent or guardian in navigating the complaint
3 process.

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

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

8 (105 ILCS 5/34-18.20)

9 Sec. 34-18.20. ~~Time out, isolated time out, and physical~~
10 ~~restraint, and necessities; limitations and prohibitions.~~

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

20 (b) In this Section:

21 "Chemical restraint" means the use of medication to
22 control a student's behavior or to restrict a student's
23 freedom of movement. "Chemical restraint" does not include
24 medication that is legally prescribed and administered as part
25 of a student's regular medical regimen to manage behavioral

1 symptoms and treat medical symptoms.

2 "Isolated time out" means the involuntary confinement of a
3 student alone in a time out room or other enclosure outside of
4 the classroom without a supervising adult in the time out room
5 or enclosure.

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

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

1 used to transport students.

2 "Physical restraint" or "restraint" means holding a
3 student or otherwise restricting a student's movements.

4 "Physical restraint" or "restraint" does not include momentary
5 periods of physical restriction by direct person to person
6 contact, without the aid of material or mechanical devices,
7 that are accomplished with limited force and that are designed
8 to prevent a student from completing an act that would result
9 in potential physical harm to himself, herself, or another or
10 damage to property.

11 "Prone physical restraint" means a physical restraint in
12 which a student is held face down on the floor or other surface
13 and physical pressure is applied to the student's body to keep
14 the student in the prone position.

15 "Time out" means a behavior management technique for the
16 purpose of calming or de-escalation that involves the
17 involuntary monitored separation of a student from classmates
18 with a trained adult for part of the school day, only for a
19 brief time, in a nonlocked setting.

20 (c) Isolated time out, time out, and physical restraint,
21 other than prone physical restraint, may be used only if (i)
22 the student's behavior presents an imminent danger of serious
23 physical harm to the student or to others; (ii) other less
24 restrictive and intrusive measures have been tried and have
25 proven to be ineffective in stopping the imminent danger of
26 serious physical harm; (iii) there is no known medical

1 contraindication to its use on the student; and (iv) the
2 school staff member or members applying the use of time out,
3 isolated time out, or physical restraint on a student have
4 been trained in its safe application, as established by rule
5 by the State Board of Education. Isolated time out is allowed
6 only under limited circumstances as set forth in this Section.
7 If all other requirements under this Section are met, isolated
8 time out may be used only if the adult in the time out room or
9 enclosure is in imminent danger of serious physical harm
10 because the student is unable to cease actively engaging in
11 extreme physical aggression.

12 Mechanical restraint and chemical restraint are
13 prohibited. Prone restraint is prohibited except when all of
14 the following conditions are satisfied:

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

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

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

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

25 (5) The school must be able to document and
26 demonstrate to the IEP team that the use of other

1 de-escalation techniques provided for in the student's
2 Behavior Intervention Plan were ineffective.

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

5 All instances of the utilization of prone restraint must be
6 reported in accordance with the provisions of this amendatory
7 Act of the 102nd General Assembly. Nothing in this Section
8 shall prohibit the State Board of Education from adopting
9 administrative rules that further restrict or disqualify the
10 use of prone restraint.

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

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

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

19 (3) a room where the student cannot be continually
20 observed; or

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

24 (e) The deprivation of necessities needed to sustain the
25 health of a person, including, without limitation, the denial
26 or unreasonable delay in the provision of the following, is

1 prohibited:

2 (1) food or liquid at a time when it is customarily
3 served;

4 (2) medication; or

5 (3) the use of a restroom.

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

23 (g) Following each incident of isolated time out, time
24 out, or physical restraint, but no later than 2 school days
25 after the incident, the principal or another designated
26 administrator shall notify the student's parent or guardian

1 that he or she may request a meeting with appropriate school
2 personnel to discuss the incident. This meeting shall be held
3 separate and apart from meetings held in accordance with the
4 student's individualized education program or from meetings
5 held in accordance with the student's plan for services under
6 Section 504 of the federal Rehabilitation Act of 1973. If a
7 parent or guardian requests a meeting, the meeting shall be
8 convened within 2 school days after the request, provided that
9 the 2-school day limitation shall be extended if requested by
10 the parent or guardian. The parent or guardian may also
11 request that the meeting be convened via telephone or video
12 conference.

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

1 incident; (ii) the incident of isolated time out, time out, or
2 physical restraint; and (iii) the events that occurred or the
3 actions that were taken following the incident of isolated
4 time out, time out, or physical restraint and whether the
5 student returned to regular school activities and, if not, how
6 the student spent the remainder of the school day. All parties
7 present at the meeting shall have the opportunity to discuss
8 what school personnel could have done differently to avoid the
9 incident of isolated time out, time out, or physical restraint
10 and what alternative courses of action, if any, the school can
11 take to support the student and to avoid the future use of
12 isolated time out, time out, or physical restraint. At no
13 point may a student be excluded from school solely because a
14 meeting has not occurred.

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

24 (h) Whenever isolated time out, time out, or physical
25 restraint is used ~~physical restraints are used~~, school
26 personnel shall fully document and report to the State Board

1 of Education the incident, including the events leading up to
2 the incident, what alternative measures that are less
3 restrictive and intrusive were used prior to the use of
4 isolated time out, time out, or physical restraint, why those
5 measures were ineffective or deemed inappropriate, the type of
6 restraint, isolated time out, or time out that was used, the
7 length of time the student was in isolated time out or time out
8 or was is restrained, and the staff involved. The parents or
9 guardian of a student and the State Superintendent of
10 Education shall be informed whenever isolated time out, time
11 out, or physical restraint is ~~restraints are~~ used.

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

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

22 (2) information about the rights of parents,
23 guardians, and students; and

24 (3) information about the parent's or guardian's right
25 to file a complaint with the State Superintendent of
26 Education, the complaint process, and other information to

1 assist the parent or guardian in navigating the complaint
2 process.

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.