



Rep. Jonathan Carroll

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10200HB0219ham002

LRB102 10331 CMG 25182 a

1 AMENDMENT TO HOUSE BILL 219

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 219 by replacing  
3 everything after the enacting clause with the following:

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

1 shall include the text of the emergency rule and shall be  
2 published in the Illinois Register. Consent orders or other  
3 court orders adopting settlements negotiated by an agency may  
4 be adopted under this Section. Subject to applicable  
5 constitutional or statutory provisions, an emergency rule  
6 becomes effective immediately upon filing under Section 5-65  
7 or at a stated date less than 10 days thereafter. The agency's  
8 finding and a statement of the specific reasons for the  
9 finding shall be filed with the rule. The agency shall take  
10 reasonable and appropriate measures to make emergency rules  
11 known to the persons who may be affected by them.

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

1 necessary to protect the public's health, (iv) emergency rules  
2 adopted pursuant to subsection (n) of this Section, (v)  
3 emergency rules adopted pursuant to subsection (o) of this  
4 Section, or (vi) emergency rules adopted pursuant to  
5 subsection (c-5) of this Section. Two or more emergency rules  
6 having substantially the same purpose and effect shall be  
7 deemed to be a single rule for purposes of this Section.

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

17 (d) In order to provide for the expeditious and timely  
18 implementation of the State's fiscal year 1999 budget,  
19 emergency rules to implement any provision of Public Act  
20 90-587 or 90-588 or any other budget initiative for fiscal  
21 year 1999 may be adopted in accordance with this Section by the  
22 agency charged with administering that provision or  
23 initiative, except that the 24-month limitation on the  
24 adoption of emergency rules and the provisions of Sections  
25 5-115 and 5-125 do not apply to rules adopted under this  
26 subsection (d). The adoption of emergency rules authorized by

1 this subsection (d) shall be deemed to be necessary for the  
2 public interest, safety, and welfare.

3 (e) In order to provide for the expeditious and timely  
4 implementation of the State's fiscal year 2000 budget,  
5 emergency rules to implement any provision of Public Act 91-24  
6 or any other budget initiative for fiscal year 2000 may be  
7 adopted in accordance with this Section by the agency charged  
8 with administering that provision or initiative, except that  
9 the 24-month limitation on the adoption of emergency rules and  
10 the provisions of Sections 5-115 and 5-125 do not apply to  
11 rules adopted under this subsection (e). The adoption of  
12 emergency rules authorized by this subsection (e) shall be  
13 deemed to be necessary for the public interest, safety, and  
14 welfare.

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

1           (g) In order to provide for the expeditious and timely  
2 implementation of the State's fiscal year 2002 budget,  
3 emergency rules to implement any provision of Public Act 92-10  
4 or any other budget initiative for fiscal year 2002 may be  
5 adopted in accordance with this Section by the agency charged  
6 with administering that provision or initiative, except that  
7 the 24-month limitation on the adoption of emergency rules and  
8 the provisions of Sections 5-115 and 5-125 do not apply to  
9 rules adopted under this subsection (g). The adoption of  
10 emergency rules authorized by this subsection (g) shall be  
11 deemed to be necessary for the public interest, safety, and  
12 welfare.

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

25           (i) In order to provide for the expeditious and timely  
26 implementation of the State's fiscal year 2004 budget,

1 emergency rules to implement any provision of Public Act 93-20  
2 or any other budget initiative for fiscal year 2004 may be  
3 adopted in accordance with this Section by the agency charged  
4 with administering that provision or initiative, except that  
5 the 24-month limitation on the adoption of emergency rules and  
6 the provisions of Sections 5-115 and 5-125 do not apply to  
7 rules adopted under this subsection (i). The adoption of  
8 emergency rules authorized by this subsection (i) shall be  
9 deemed to be necessary for the public interest, safety, and  
10 welfare.

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

1           (k) In order to provide for the expeditious and timely  
2 implementation of the provisions of the State's fiscal year  
3 2006 budget, emergency rules to implement any provision of  
4 Public Act 94-48 or any other budget initiative for fiscal  
5 year 2006 may be adopted in accordance with this Section by the  
6 agency charged with administering that provision or  
7 initiative, except that the 24-month limitation on the  
8 adoption of emergency rules and the provisions of Sections  
9 5-115 and 5-125 do not apply to rules adopted under this  
10 subsection (k). The Department of Healthcare and Family  
11 Services may also adopt rules under this subsection (k)  
12 necessary to administer the Illinois Public Aid Code, the  
13 Senior Citizens and Persons with Disabilities Property Tax  
14 Relief Act, the Senior Citizens and Disabled Persons  
15 Prescription Drug Discount Program Act (now the Illinois  
16 Prescription Drug Discount Program Act), and the Children's  
17 Health Insurance Program Act. The adoption of emergency rules  
18 authorized by this subsection (k) shall be deemed to be  
19 necessary for the public interest, safety, and welfare.

20           (l) In order to provide for the expeditious and timely  
21 implementation of the provisions of the State's fiscal year  
22 2007 budget, the Department of Healthcare and Family Services  
23 may adopt emergency rules during fiscal year 2007, including  
24 rules effective July 1, 2007, in accordance with this  
25 subsection to the extent necessary to administer the  
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal  
2 Centers for Medicare and Medicaid Services necessitated by the  
3 requirements of Title XIX and Title XXI of the federal Social  
4 Security Act. The adoption of emergency rules authorized by  
5 this subsection (l) shall be deemed to be necessary for the  
6 public interest, safety, and welfare.

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

20 (n) In order to provide for the expeditious and timely  
21 implementation of the provisions of the State's fiscal year  
22 2010 budget, emergency rules to implement any provision of  
23 Public Act 96-45 or any other budget initiative authorized by  
24 the 96th General Assembly for fiscal year 2010 may be adopted  
25 in accordance with this Section by the agency charged with  
26 administering that provision or initiative. The adoption of



1 emergency rules authorized by this subsection (n) shall be  
2 deemed to be necessary for the public interest, safety, and  
3 welfare. The rulemaking authority granted in this subsection  
4 (n) shall apply only to rules promulgated during Fiscal Year  
5 2010.

6 (o) In order to provide for the expeditious and timely  
7 implementation of the provisions of the State's fiscal year  
8 2011 budget, emergency rules to implement any provision of  
9 Public Act 96-958 or any other budget initiative authorized by  
10 the 96th General Assembly for fiscal year 2011 may be adopted  
11 in accordance with this Section by the agency charged with  
12 administering that provision or initiative. The adoption of  
13 emergency rules authorized by this subsection (o) is deemed to  
14 be necessary for the public interest, safety, and welfare. The  
15 rulemaking authority granted in this subsection (o) applies  
16 only to rules promulgated on or after July 1, 2010 (the  
17 effective date of Public Act 96-958) through June 30, 2011.

18 (p) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 97-689,  
20 emergency rules to implement any provision of Public Act  
21 97-689 may be adopted in accordance with this subsection (p)  
22 by the agency charged with administering that provision or  
23 initiative. The 150-day limitation of the effective period of  
24 emergency rules does not apply to rules adopted under this  
25 subsection (p), and the effective period may continue through  
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this  
2 subsection (p). The adoption of emergency rules authorized by  
3 this subsection (p) is deemed to be necessary for the public  
4 interest, safety, and welfare.

5 (q) In order to provide for the expeditious and timely  
6 implementation of the provisions of Articles 7, 8, 9, 11, and  
7 12 of Public Act 98-104, emergency rules to implement any  
8 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
9 may be adopted in accordance with this subsection (q) by the  
10 agency charged with administering that provision or  
11 initiative. The 24-month limitation on the adoption of  
12 emergency rules does not apply to rules adopted under this  
13 subsection (q). The adoption of emergency rules authorized by  
14 this subsection (q) is deemed to be necessary for the public  
15 interest, safety, and welfare.

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

25 (s) In order to provide for the expeditious and timely  
26 implementation of the provisions of Sections 5-5b.1 and 5A-2

1 of the Illinois Public Aid Code, emergency rules to implement  
2 any provision of Section 5-5b.1 or Section 5A-2 of the  
3 Illinois Public Aid Code may be adopted in accordance with  
4 this subsection (s) by the Department of Healthcare and Family  
5 Services. The rulemaking authority granted in this subsection  
6 (s) shall apply only to those rules adopted prior to July 1,  
7 2015. Notwithstanding any other provision of this Section, any  
8 emergency rule adopted under this subsection (s) shall only  
9 apply to payments made for State fiscal year 2015. The  
10 adoption of emergency rules authorized by this subsection (s)  
11 is deemed to be necessary for the public interest, safety, and  
12 welfare.

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

25 (u) In order to provide for the expeditious and timely  
26 implementation of the provisions of the Burn Victims Relief

1 Act, emergency rules to implement any provision of the Act may  
2 be adopted in accordance with this subsection (u) by the  
3 Department of Insurance. The rulemaking authority granted in  
4 this subsection (u) shall apply only to those rules adopted  
5 prior to December 31, 2015. The adoption of emergency rules  
6 authorized by this subsection (u) is deemed to be necessary  
7 for the public interest, safety, and welfare.

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

17 (w) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 99-796,  
19 emergency rules to implement the changes made by Public Act  
20 99-796 may be adopted in accordance with this subsection (w)  
21 by the Adjutant General. The adoption of emergency rules  
22 authorized by this subsection (w) is deemed to be necessary  
23 for the public interest, safety, and welfare.

24 (x) In order to provide for the expeditious and timely  
25 implementation of the provisions of Public Act 99-906,  
26 emergency rules to implement subsection (i) of Section

1 16-115D, subsection (g) of Section 16-128A, and subsection (a)  
2 of Section 16-128B of the Public Utilities Act may be adopted  
3 in accordance with this subsection (x) by the Illinois  
4 Commerce Commission. The rulemaking authority granted in this  
5 subsection (x) shall apply only to those rules adopted within  
6 180 days after June 1, 2017 (the effective date of Public Act  
7 99-906). The adoption of emergency rules authorized by this  
8 subsection (x) is deemed to be necessary for the public  
9 interest, safety, and welfare.

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

22 (z) In order to provide for the expeditious and timely  
23 implementation of the provisions of Public Act 100-554,  
24 emergency rules to implement the changes made by Public Act  
25 100-554 to Section 4.7 of the Lobbyist Registration Act may be  
26 adopted in accordance with this subsection (z) by the

1 Secretary of State. The adoption of emergency rules authorized  
2 by this subsection (z) is deemed to be necessary for the public  
3 interest, safety, and welfare.

4 (aa) In order to provide for the expeditious and timely  
5 initial implementation of the changes made to Articles 5, 5A,  
6 12, and 14 of the Illinois Public Aid Code under the provisions  
7 of Public Act 100-581, the Department of Healthcare and Family  
8 Services may adopt emergency rules in accordance with this  
9 subsection (aa). The 24-month limitation on the adoption of  
10 emergency rules does not apply to rules to initially implement  
11 the changes made to Articles 5, 5A, 12, and 14 of the Illinois  
12 Public Aid Code adopted under this subsection (aa). The  
13 adoption of emergency rules authorized by this subsection (aa)  
14 is deemed to be necessary for the public interest, safety, and  
15 welfare.

16 (bb) In order to provide for the expeditious and timely  
17 implementation of the provisions of Public Act 100-587,  
18 emergency rules to implement the changes made by Public Act  
19 100-587 to Section 4.02 of the Illinois Act on the Aging,  
20 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
21 subsection (b) of Section 55-30 of the Alcoholism and Other  
22 Drug Abuse and Dependency Act, Section 5-104 of the  
23 Specialized Mental Health Rehabilitation Act of 2013, and  
24 Section 75 and subsection (b) of Section 74 of the Mental  
25 Health and Developmental Disabilities Administrative Act may  
26 be adopted in accordance with this subsection (bb) by the

1       respective Department. The adoption of emergency rules  
2       authorized by this subsection (bb) is deemed to be necessary  
3       for the public interest, safety, and welfare.

4       (cc) In order to provide for the expeditious and timely  
5       implementation of the provisions of Public Act 100-587,  
6       emergency rules may be adopted in accordance with this  
7       subsection (cc) to implement the changes made by Public Act  
8       100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
9       Pension Code by the Board created under Article 14 of the Code;  
10      Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
11      the Board created under Article 15 of the Code; and Sections  
12      16-190.5 and 16-190.6 of the Illinois Pension Code by the  
13      Board created under Article 16 of the Code. The adoption of  
14      emergency rules authorized by this subsection (cc) is deemed  
15      to be necessary for the public interest, safety, and welfare.

16      (dd) In order to provide for the expeditious and timely  
17      implementation of the provisions of Public Act 100-864,  
18      emergency rules to implement the changes made by Public Act  
19      100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
20      may be adopted in accordance with this subsection (dd) by the  
21      Secretary of State. The adoption of emergency rules authorized  
22      by this subsection (dd) is deemed to be necessary for the  
23      public interest, safety, and welfare.

24      (ee) In order to provide for the expeditious and timely  
25      implementation of the provisions of Public Act 100-1172,  
26      emergency rules implementing the Illinois Underground Natural

1 Gas Storage Safety Act may be adopted in accordance with this  
2 subsection by the Department of Natural Resources. The  
3 adoption of emergency rules authorized by this subsection is  
4 deemed to be necessary for the public interest, safety, and  
5 welfare.

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

18 (gg) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 101-1,  
20 emergency rules may be adopted by the Department of Labor in  
21 accordance with this subsection (gg) to implement the changes  
22 made by Public Act 101-1 to the Minimum Wage Law. The adoption  
23 of emergency rules authorized by this subsection (gg) is  
24 deemed to be necessary for the public interest, safety, and  
25 welfare.

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



1 implementation of the provisions of Public Act 101-10,  
2 emergency rules may be adopted in accordance with this  
3 subsection (hh) to implement the changes made by Public Act  
4 101-10 to subsection (j) of Section 5-5.2 of the Illinois  
5 Public Aid Code. The adoption of emergency rules authorized by  
6 this subsection (hh) is deemed to be necessary for the public  
7 interest, safety, and welfare.

8 (ii) In order to provide for the expeditious and timely  
9 implementation of the provisions of Public Act 101-10,  
10 emergency rules to implement the changes made by Public Act  
11 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid  
12 Code may be adopted in accordance with this subsection (ii) by  
13 the Department of Public Health. The adoption of emergency  
14 rules authorized by this subsection (ii) is deemed to be  
15 necessary for the public interest, safety, and welfare.

16 (jj) In order to provide for the expeditious and timely  
17 implementation of the provisions of Public Act 101-10,  
18 emergency rules to implement the changes made by Public Act  
19 101-10 to Section 74 of the Mental Health and Developmental  
20 Disabilities Administrative Act may be adopted in accordance  
21 with this subsection (jj) by the Department of Human Services.  
22 The adoption of emergency rules authorized by this subsection  
23 (jj) is deemed to be necessary for the public interest,  
24 safety, and welfare.

25 (kk) In order to provide for the expeditious and timely  
26 implementation of the Cannabis Regulation and Tax Act and

1 Public Act 101-27, the Department of Revenue, the Department  
2 of Public Health, the Department of Agriculture, the  
3 Department of State Police, and the Department of Financial  
4 and Professional Regulation may adopt emergency rules in  
5 accordance with this subsection (kk). The rulemaking authority  
6 granted in this subsection (kk) shall apply only to rules  
7 adopted before December 31, 2021. Notwithstanding the  
8 provisions of subsection (c), emergency rules adopted under  
9 this subsection (kk) shall be effective for 180 days. The  
10 adoption of emergency rules authorized by this subsection (kk)  
11 is deemed to be necessary for the public interest, safety, and  
12 welfare.

13 (ll) In order to provide for the expeditious and timely  
14 implementation of the provisions of the Leveling the Playing  
15 Field for Illinois Retail Act, emergency rules may be adopted  
16 in accordance with this subsection (ll) to implement the  
17 changes made by the Leveling the Playing Field for Illinois  
18 Retail Act. The adoption of emergency rules authorized by this  
19 subsection (ll) is deemed to be necessary for the public  
20 interest, safety, and welfare.

21 (mm) In order to provide for the expeditious and timely  
22 implementation of the provisions of Section 25-70 of the  
23 Sports Wagering Act, emergency rules to implement Section  
24 25-70 of the Sports Wagering Act may be adopted in accordance  
25 with this subsection (mm) by the Department of the Lottery as  
26 provided in the Sports Wagering Act. The adoption of emergency

1 rules authorized by this subsection (mm) is deemed to be  
2 necessary for the public interest, safety, and welfare.

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

10 (oo) In order to provide for the expeditious and timely  
11 implementation of the provisions of subsection (c) of Section  
12 20 of the Video Gaming Act, emergency rules to implement the  
13 provisions of subsection (c) of Section 20 of the Video Gaming  
14 Act may be adopted in accordance with this subsection (oo) by  
15 the Illinois Gaming Board. The adoption of emergency rules  
16 authorized by this subsection (oo) is deemed to be necessary  
17 for the public interest, safety, and welfare.

18 (pp) In order to provide for the expeditious and timely  
19 implementation of the provisions of Section 50 of the Sexual  
20 Assault Evidence Submission Act, emergency rules to implement  
21 Section 50 of the Sexual Assault Evidence Submission Act may  
22 be adopted in accordance with this subsection (pp) by the  
23 Department of State Police. The adoption of emergency rules  
24 authorized by this subsection (pp) is deemed to be necessary  
25 for the public interest, safety, and welfare.

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

1 implementation of the provisions of the Illinois Works Jobs  
2 Program Act, emergency rules may be adopted in accordance with  
3 this subsection (qq) to implement the Illinois Works Jobs  
4 Program Act. The adoption of emergency rules authorized by  
5 this subsection (qq) is deemed to be necessary for the public  
6 interest, safety, and welfare.

7 (rr) In order to provide for the expeditious and timely  
8 implementation of the provisions of subsection (c) of Section  
9 2-3.130 of the School Code, emergency rules to implement  
10 subsection (c) of Section 2-3.130 of the School Code may be  
11 adopted in accordance with this subsection (rr) by the State  
12 Board of Education. The adoption of emergency rules authorized  
13 by this subsection (rr) is deemed to be necessary for the  
14 public interest, safety, and welfare.

15 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;  
16 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.  
17 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;  
18 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.  
19 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,  
20 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;  
21 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.  
22 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;  
23 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.  
24 8-16-19; 101-601, eff. 12-10-19.)

25 Section 10. The School Code is amended by changing

1 Sections 2-3.130, 10-20.33, and 34-18.20 as follows:

2 (105 ILCS 5/2-3.130)

3 Sec. 2-3.130. Isolated time out, time out, and  
4 physical restraint rules; grant program; third-party  
5 assistance; goals and plans.

6 (a) For purposes of this Section, "isolated time out",  
7 "physical restraint", and "time out" have the meanings given  
8 to those terms under Section 10-20.33.

9 (b) The State Board of Education shall promulgate rules  
10 governing the use of isolated time out, time out, and physical  
11 restraint in special education nonpublic facilities and the  
12 public schools. The rules shall include provisions governing  
13 the documentation and reporting recordkeeping that is required  
14 each time these interventions when physical restraint or more  
15 restrictive forms of time out are used.

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

22 The State Board shall establish procedures for progressive  
23 enforcement actions to ensure that schools fully comply with  
24 the documentation and reporting requirements for isolated time  
25 out, time out, and physical restraint established by rule,

1 which shall include meaningful and appropriate sanctions for  
2 the failure to comply, including the failure to report to the  
3 parent or guardian and to the State Board, the failure to  
4 timely report, and the failure to provide detailed  
5 documentation.

6 (c) Subject to appropriation, the State Board shall, by  
7 adoption of emergency rules under subsection (rr) of Section  
8 5-45 of the Illinois Administrative Procedure Act if it so  
9 chooses, create a grant program for school districts, special  
10 education nonpublic facilities approved under Section 14-7.02  
11 of this Code, and special education cooperatives to implement  
12 school-wide, culturally sensitive, and trauma-informed  
13 practices, positive behavioral interventions and supports, and  
14 restorative practices within a multi-tiered system of support  
15 aimed at reducing the need for interventions, such as isolated  
16 time out, time out, and physical restraint.

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

25 (e) The State Board shall establish goals within 90 days  
26 after the effective date of this amendatory Act of the 102nd

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

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

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

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

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

25 (3) ensure that appropriate school personnel are fully  
26 informed of the student's history, including any history



1 of physical or sexual abuse, and other relevant medical  
2 and mental health information, except that any disclosure  
3 of student information must be consistent with federal and  
4 State laws and rules governing student confidentiality and  
5 privacy rights; and

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

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

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

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

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

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

1 physical restraint on a student and is able to demonstrate the  
2 enforcement of that policy.

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

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

10 (105 ILCS 5/10-20.33)

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

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

22 (b) In this Section:

23 "Chemical restraint" means the use of medication to  
24 control a student's behavior or to restrict a student's  
25 freedom of movement. "Chemical restraint" does not include

1 medication that is legally prescribed and administered as part  
2 of a student's regular medical regimen to manage behavioral  
3 symptoms and treat medical symptoms.

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

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

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

1 technology that provides proprioceptive input or aids in  
2 self-regulation; or (v) promote student safety in vehicles  
3 used to transport students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (e) The deprivation of necessities needed to sustain the

1 health of a person, including, without limitation, the denial  
2 or unreasonable delay in the provision of the following, is  
3 prohibited:

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

6 (2) medication; or

7 (3) the use of a restroom.

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

25 (g) Following each incident of isolated time out, time  
26 out, or physical restraint, but no later than 2 school days

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

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



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

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

26 (h) Whenever isolated time out, time out, or physical

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

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

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

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

26 (3) information about the parent's or guardian's right

1 to file a complaint with the State Superintendent of  
2 Education, the complaint process, and other information to  
3 assist the parent or guardian in navigating the complaint  
4 process.

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

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

9 (105 ILCS 5/34-18.20)

10 Sec. 34-18.20. 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 school years of 2021-2022 and 2022-2023.

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 the board's policy shall be  
6       implemented in accordance with written procedures.

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

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