

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

Sec. 5-45. Emergency rulemaking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/2-3.130)

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

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

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

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

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

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

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

5-45 of the Illinois Administrative Procedure Act if it so chooses, create a grant program for school districts, special education nonpublic facilities approved under Section 14-7.02 of this Code, and special education cooperatives to implement school-wide, culturally sensitive, and trauma-informed practices, positive behavioral interventions and supports, and restorative practices within a multi-tiered system of support aimed at reducing the need for interventions, such as isolated time out, time out, and physical restraint. The State Board shall give priority in grant funding to those school districts, special education nonpublic facilities approved under Section 14-7.02 of this Code, and special education cooperatives that submit a plan to achieve a significant reduction or elimination in the use of isolated time out and physical restraint in less than 3 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

enforcement of that policy.

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

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

(105 ILCS 5/10-20.33)

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

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

(b) In this Section:

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

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

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

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

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

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

"Physical restraint" or "restraint" means holding a student or otherwise restricting a student's movements. "Physical restraint" or "restraint" does not include momentary periods of physical restriction by direct person to person contact, without the aid of material or mechanical devices, that are accomplished with limited force and that are designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property.

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

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

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

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

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

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

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

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

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

(5) The school must be able to document and

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

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

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

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

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

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

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

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

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

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

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

(2) medication; or

(3) the use of a restroom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/34-18.20)

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

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

(b) In this Section:

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

symptoms and treat medical symptoms.

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

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

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

used to transport students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

prohibited:

- (1) food or liquid at a time when it is customarily served;
- (2) medication; or
- (3) the use of a restroom.

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

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

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

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

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

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

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

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

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

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

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

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

assist the parent or guardian in navigating the complaint process.

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

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

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