The following displays the additional change to Section 226.130 that was adopted.

Section 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability

In addition to the requirements set forth in Sections 226.110 and 226.120 of this Part, the district shall adhere to the procedures set forth at 34 CFR 300.307, 300.308, 300.309, 300.310, and 300.311 when evaluating a student who is suspected of, or who has previously been identified as having, a specific learning disability as described in 34 CFR 300.8. By the beginning of the 2008-09 school year, each district shall implement the use of a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in 34 CFR 300.304. The scientific, research-based interventions may be used to determine whether a student has a specific learning disability. In addition, a district may use a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.
The following displays the additional changes to Section 226.730 that were adopted.

Section 226.730 Class Size for 2008-09 and Beyond

a) When a student’s IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for general education, and that is not designated as a general remedial classroom.

b) Class size means the total number of students an educator serves during any class period. As used in this subsection (b), “class” means any circumstance where at least one special education teacher is assigned and provides instruction and/or therapy exclusively to students with IEPs. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary, subject to the limitations of this subsection (b).

1) Except as provided in subsection (b)(5) of this Section, classes in which all the students are removed from the regular education classroom for less than 20 percent of the school day shall have at least one qualified teacher for each 15 students in attendance during any given class period. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class period.

2) Except as provided in subsection (b)(5) of this Section, each class in which any student is removed from the regular education classroom for 20-60 percent of the school day shall have at least one qualified teacher for each ten students in attendance during that class period. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class period.

3) Except as provided in subsection (b)(5) of this Section, each class in which any student is removed from the regular education classroom for more than 60 percent of the school day shall have at least one qualified teacher for each eight students in attendance during that class period. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class period.

4) Each class for children ages three through five shall have at least one qualified teacher for each five students in attendance during that class period.


5) For any school year in which the amount of State reimbursement for teachers identified in Section 14-13.01 of the School Code [105 ILCS 5/14-13.01] exceeds the amount in effect on January 1, 2007, by at least 100 percent and no corresponding reduction has been made in other State sources of support for special education:

A) The maximum class size stated in subsection (b)(1) of this Section shall be 13 rather than 15;

B) The maximum class size stated in subsection (b)(2) of this Section shall be eight rather than 10; and

C) The maximum class size stated in subsection (b)(3) of this Section shall be six rather than eight.

6) The provisions of subsections (b)(1)-(5) of this Section notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.

c) The maximum class sizes set forth in subsection (b) of this Section shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate in order to provide students with IEPs the free, appropriate public education to which they are entitled. Each entity subject to this Part shall, in cooperation with its affected employees or their exclusive representative, as applicable, adopt and place into effect, no later than the beginning of the 2007-08 school year, a policy stating how staffing decisions will be made so that all services required under students’ IEPs, as well as all needed ancillary and support services, can be provided at the requisite level of intensity. Each policy shall encompass, but need not be limited to:

1) individualized instruction;

2) consultative services and other collaboration among staff members;

3) attendance at IEP meetings and other staff conferences; and

4) paperwork and reporting.