

ILLINOIS REGISTER

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000;

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amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; preemptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6675, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 25, 2020, as amended April 9, 2020, expired August 21, 2020; amended at 44 Ill. Reg. 14792, effective August 27, 2020; amended at 45 Ill. Reg. 1671, effective January 22, 2021; amended at 45 Ill. Reg. 3377, effective March 2, 2021; emergency amendment at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days.

SUBPART A: GENERAL

Section 226.50 Requirements for a Free Appropriate Public Education (FAPE)
EMERGENCY

A "free appropriate public education ("FAPE")" as defined at 34 CFR 300.17, must be made available by school districts to children with disabilities in accordance with 34 CFR 300.101 through 300.103, unless otherwise specified in this Section.

- a) **Transfer Students**
Provision of FAPE to students who transfer into a local school district shall be made in accordance with the requirements of 20 USC 1414(d)(2)(C). The additional requirements of this subsection (a) shall also apply.
 - 1) In the case of an eligible student transferring into a district from another district within Illinois, when the new district obtains a copy of the student's IEP before or at the time the child is presented for enrollment:
 - A) The district may adopt the IEP of the former local school district without an IEP meeting if:
 - i) the parents indicate, either orally or in writing, satisfaction with the current IEP; and
 - ii) the new district determines that the current IEP is appropriate and can be implemented as written.

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- B) If the district does not adopt the former IEP and seeks to develop a new IEP for the child, within ten days after the date of the child's enrollment the district must provide written notice to the parent, including the proposed date of the IEP meeting, in conformance with Section 226.530 of this Part. While the new IEP is under development, the district shall implement services comparable to those described in the IEP from the former district.
- 2) If the new school district does not receive a copy of the child's current IEP or a verbal or written confirmation of the requirements of that IEP from the previous school district when the child is presented for enrollment, the child shall be enrolled and served in the setting that the receiving district believes will meet the child's needs until a copy of the current IEP is obtained or a new IEP is developed by the school district.
- A) In no case shall a child be allowed to remain without services during this interim.
 - B) The new district shall request the student's records from the sending district or school by the end of the next business day after the date of enrollment.
 - C) No later than ten days after expiration of the time allotted under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] for the sending district or school to forward the child's records, the new district shall provide written notice to the parent of an IEP meeting for the purpose of developing a new IEP, unless the sending district's or school's IEP arrives before this time elapses, the student has transferred from a district within Illinois, and the new district adopts the previously held IEP.
- b) **Jurisdictional Disputes**
Each school district is responsible for ensuring that no eligible child for whom services are sought is denied FAPE due to jurisdictional disputes among Illinois agencies. Provision of FAPE to such a student shall not preclude a district from seeking repayment for costs incurred from any other school district or entity that is determined responsible for such costs.
- c) **Eligibility; Graduation or Completion of Program**

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- 1) An eligible student who requires continued public school educational experience to facilitate his or her integration into society shall be eligible for such services through ~~the eligible age 21, inclusive (i.e., through the day before the student's 22nd birthday) (see 34 CFR 300.101(a)).~~
- 2) The provision of FAPE is not required with respect to a student with a disability who has graduated with a regular high school diploma.
- 3) A student with a disability who has fulfilled the minimum State graduation requirements set forth in Section 27-22 of the School Code [105 ILCS 5/27-22] shall be eligible for a regular high school diploma.
 - A) If the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond that point, issuance of that diploma shall be deferred so that the student will continue to be eligible for those services.
 - B) If the student is to receive a regular high school diploma, at least one year prior to the anticipated date of its issuance, both the parent and the student shall receive written notification in conformance with the requirements of 34 CFR 300.503 that eligibility for public school special education services ends following the granting of a diploma and that the parent (or the student, if Section 226.690 of this Part applies) may request an IEP meeting to review the recommendation that the student receive a regular diploma.
- 4) Students who have participated in a graduation ceremony but have not been awarded regular high school diplomas continue to be eligible to receive FAPE through ~~the eligible age 21, inclusive.~~
- d) Exception for Certain Students Incarcerated as Adults
~~The Pursuant to 34 CFR 300.102(a)(2), the~~ right to receive FAPE does not extend to students from ~~age 18 through the eligible age 21 years of age~~ who are incarcerated and who were not identified as eligible and did not have IEPs in their educational placements immediately prior to incarceration.

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(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 226.75 Definitions

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"Behavioral intervention" means an intervention based on the methods and empirical findings of behavioral science that is designed to positively influence a child's actions or behaviors.

"Business day" means Monday through Friday, except for federal and State holidays.

"Day" means a calendar day.

"Disability" means the 13 disabilities identified in the federal Individuals with Disabilities Education Act for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disability, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment) shall be defined as set forth in 34 CFR 300.8(c). In addition, for purposes of this Part, "autism" shall include, but not be limited to, any Autism Spectrum Disorder that adversely affects a child's educational performance.

"Domain" means an aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.

"Eligible age" means a student who is 21 years of age or a student with an individualized education program who reaches the age of 22 during the time in which the student's in-person instruction, services, or activities are suspended for a period of 3 months or more during the school year as a result of the COVID-19 pandemic. All other requirements of Section 14-17 of the School Code shall apply to such students.

"Equipment" has the meaning ascribed to that term under 34 CFR 300.14.

"Evaluation" has the meaning ascribed to that term under 34 CFR 300.15.

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"Extended school year services" has the meaning ascribed to that term under 34 CFR 300.106(b).

"Functional behavioral assessment" means an assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

"General curriculum" means the curriculum adopted or used by a local school district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

"Individualized education program team" or "IEP team" has the meaning ascribed to that term under 34 CFR 300.23.

"Independent educational evaluation" has the meaning ascribed to that term under 34 CFR 300.502(a)(3)(i).

"Individualized education program" or "IEP" has the meaning ascribed to that term under 34 CFR 300.22. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student's education.

"Individualized Family Service Plan" or "IFSP" means 20 USC 1401(15).

"Interpreter" means a person fluent in English and in the necessary language of the parent and who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language.

"Interpretation services" means the verbal interpretation of English into another language and of the other language into English. "Interpretation services" may also include sight translations of written text into spoken word.

"Least Restrictive Environment" or "LRE" has the meaning ascribed in 34 CFR 300.114.

"Limited English proficient" has the meaning ascribed to that term under 34 CFR 300.27.

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"Native language" has the meaning ascribed to that term under 34 CFR 300.29.

"Parent" has the meaning ascribed to that term under 34 CFR 300.30.

"Personally identifiable" has the meaning ascribed to that term under 34 CFR 300.32.

"Preferred Language" means a parent's or guardian's native language or any other language with which the parent or guardian requests interpretation services.

"Preferred language" does not include artificial or constructed languages, including, but not limited to, Klingon, Dothraki, Elvish, or Esperanto.

"Qualified bilingual specialist" means an individual who holds the qualifications described in Section 226.800(f).

"Qualified Interpreter" means a school staff member or other personnel who is:

bilingual and demonstrably qualified and competent to interpret;

trained in providing the interpretations requested and sufficiently knowledgeable in both languages and of any specialized terminology needed; and

trained in ethics of interpretation.

"Qualified personnel" means staff members or other individuals who hold the certificate, educator or professional license, registration, or credential that is required for the performance of a particular task.

"Qualified specialist" means an individual who holds the applicable qualifications described in Subpart I.

"Related services" has the meaning ascribed to that term under 34 CFR 300.34.

"School Code" or "Code" means 105 ILCS 5.

"School Day" means any day, including a partial day, that children are in attendance at school for instructional purposes.

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"School district" means a public school district established under Article 10 or Article 34 of the School Code or a charter school established under Article 27A of the School Code.

"Special education" has the meaning ascribed to that term under 34 CFR 300.39.

"State Board" means the Illinois State Board of Education.

"Student record" has the meaning ascribed at 23 Ill. Adm. Code 375.10 (Student Records).

"Supplementary aids and services" has the meaning ascribed to that term under 34 CFR 300.42.

"Transition services" has the meaning ascribed to that term under 34 CFR 300.43.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.700 General

EMERGENCY

- a) Each school district, independently or in cooperation with other districts, shall provide a comprehensive program of special education for children with disabilities who are from three years of age through the eligible 21 years of age and who are resident in the district. A "comprehensive program" is one that includes:
- 1) A viable organizational and financial structure;
 - 2) Systematic procedures for identifying and evaluating the need for special education and related services;
 - 3) A continuum of appropriate alternative placements available to meet the needs of children for special education and related services (see Section 226.300 of this Part);
 - 4) Qualified personnel who are employed in sufficient number to provide:

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- A) Administration of the program;
 - B) Supervisory services;
 - C) Instructional and resource services;
 - D) Related services; and
 - E) Transportation services;
- 5) Appropriate and adequate facilities, equipment and materials;
 - 6) Functional relationships with public and private agencies that can supplement or enhance the special education services of the public schools;
 - 7) Interaction with parents and other concerned persons that facilitates the educational development of children with disabilities;
 - 8) Procedures for internal evaluation of the special education services provided; and
 - 9) Continuous planning for program growth and improvement based on internal and external evaluation.
- b) The school district is the primary agent for the delivery of special education services. Districts may carry out their obligations with regard to special education by forming cooperatives or joint agreements. These entities are:
- 1) Authorized by State law to develop, manage, and provide services or programs on behalf of school districts;
 - 2) Recognized as agencies for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State;
 - 3) Considered as service agents of the participating districts; and
 - 4) Directed by, and responsible to, all the participating local districts.

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- c) Special education and related services that would not comply with specific requirements of this Part shall require written approval from the State Board of Education prior to their implementation. A district's request for approval shall be submitted in writing to the State Board and shall include a description of the district's proposal. In determining whether to approve such a request, the State Board's staff shall consider whether the proposed program or service will compromise students' educational opportunity or prevent the full implementation of any student's IEP, in light of such factors as the students' disabilities and the proposed class size, staff qualifications, physical plant and evaluation plan. Denial of such a request may be appealed to the State Superintendent of Education.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified
EMERGENCY

- a) General
- 1) Each school district, or the special education cooperative of which it is a member, shall employ sufficient professional personnel and personnel not holding Illinois educator licensure to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district or districts served by the cooperative. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
 - 2) Each school district or special education cooperative shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.
 - 3) Each school district or special education cooperative shall develop and implement a comprehensive personnel development program for all

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personnel involved with the education of children with disabilities.

- b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall:
- 1) hold a valid professional educator license endorsed for the grade range to be served and meet the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
 - 2) hold a valid professional educator license endorsed in another teaching area and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810);
 - 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820; or
 - 4) hold short-term emergency approval or endorsement issued pursuant to 23 Ill. Adm. Code 25.48.
- c) An individual assigned as a career and technical coordinator shall be required to hold an approval or endorsement for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has two years' teaching experience;
 - 2) holds a valid professional educator license endorsed in a teaching field;
and
 - 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (H):
 - A) Survey of the exceptional child;
 - B) Diagnosis of, and characteristics of the student with, all the disabilities encompassed by the Learning Behavior Specialist I (LBS I) credential;

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- C) Adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential;
 - D) Career and technical programming for students with disabilities;
 - E) Methods appropriate for teaching children with all the disabilities encompassed by the LBS I credential;
 - F) Guidance and counseling;
 - G) Educational and psychological diagnosis;
 - H) Career and technical education.
- d) An individual assigned as a teacher coordinator shall be required to hold approval or endorsement for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) holds a valid professional educator license with an endorsement for the disability area of assignment issued pursuant to 23 Ill. Adm. Code 25.43;
 - 2) has completed a course in career and technical programming for students with disabilities; and
 - 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or career and technical education.
- e) An individual assigned as a business manager's assistant shall hold a valid license endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.
- f) **Qualified Bilingual Specialists**
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they submit the required application and meet the applicable requirements set forth in this subsection (f).
- 1) A holder of a valid professional educator license with an endorsement in the area of responsibility issued pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English

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language of instruction and shall have completed coursework covering:

- A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
 - C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.
- 2) A holder of a valid professional educator license with an early childhood, elementary, secondary, or special preschool-[eligible](#) age ~~21~~ endorsement who also holds special education approval in the area of responsibility (see Section 226.810) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C).
- 3) A holder of a valid professional educator license endorsed in a teaching field who also holds an endorsement to teach bilingual education or English as a second language shall have completed coursework covering:
- A) Methods for teaching in the special education area of assignment;
 - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and
 - C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 4) A holder of a valid educator license with stipulations endorsed for transitional bilingual educator issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:

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- A) Survey of children with all types of disabilities;
 - B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;
 - C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
 - D) Methods for teaching in the special education area of assignment; and
 - E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 5) A holder of a valid professional educator license with a school support personnel endorsement for school counselor, school social worker, school psychologist, or speech and language pathologist shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.
- g) **Directors and Assistant Directors of Special Education**
Each school district, or the special education cooperative of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity.
- 1) Each director or assistant director of special education shall hold a valid professional educator license endorsed for director of special education issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in 23 Ill. Adm. Code 25.365(b). Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 (Director of Special Education).
 - 2) Each school district or the special education cooperative of which it is a

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member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education by his or her full name and Illinois Educator Identification Number. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the school district or special education cooperative.

h) Supervisors

- 1) Each school district or special education cooperative shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.
- 2) Each individual performing a supervisory function shall hold one of the following:
 - A) a valid professional educator license with a special preschool-[eligible](#) age-~~24~~ or K-[eligible](#) age~~24~~ endorsement in the area to be supervised, and a supervisory endorsement issued pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or
 - B) a valid professional educator license with a school support personnel endorsement, and a supervisory endorsement issued, with two years' experience in the area to be supervised; or
 - C) a valid professional educator license with an administrative endorsement issued under 23 Ill. Adm. Code 25.Subpart E and either a special preschool-[eligible](#) age-~~24~~ or K-[eligible](#) age~~24~~ endorsement for the area to be supervised.

i) Chief Administrator of Special School

The chief administrator of a special school shall hold a valid professional educator license with a general administrative, principal or director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.335, 25.337, or 25.365 and either:

- 1) an endorsement or approval that is specific to at least one of the disabilities prevalent in the students served by the school, if the school serves students who are deaf or hard of hearing, blind or visually impaired,

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or speech- and language-impaired; or

- 2) an endorsement as Learning Behavior Specialist I that either is unlimited or specific to one of the disabilities prevalent in the students served by the school (see 23 Ill. Adm. Code 25.46).

j) Other Professional Personnel

Each individual employed in a professional capacity not specified in subsections (a) through (i) shall, as appropriate to his or her assignment, hold:

- 1) a valid professional educator license endorsed for school support personnel appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
- 2) a valid professional license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or
- 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist). Evidence of the individual's credential shall be kept on file by the school district or special education cooperative and presented to the State Board of Education upon request.

k) Personnel Not Holding Educator Licensure

- 1) Each professional individual not holding educator licensure issued under Article 21B of the Code employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
- 2) Each program assistant or aide, whether providing instructional or noninstructional services, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.

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- A) Nothing in this subsection (k) authorizes individual student aides or others who do not hold an appropriate professional license to perform any nursing activity, as nursing activity may be defined in the Nurse Practice Act [225 ILCS 65] and rules governing that Act (68 Ill. Adm. Code 1300), including any procedures and duties requiring a medical order (e.g., tube feedings, catheterizations, administration of medications, tracheal suctioning, tube insertions, blood draws, dressing changes), except as may be otherwise authorized under State law.
- B) The provisions of this subsection (k) do not apply to paraprofessional educators licensed under Section 21B-20 of the Code nor to educational interpreters approved pursuant to 23 Ill. Adm. Code 25.550 (Approval of Educational Interpreters).
- 3) Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F.
- l) Qualified Interpreters
 - 1) A qualified interpreter must:
 - A) Meet all employment eligibility requirements of the school district.
 - B) Demonstrate proficiency in English and the target language by passing State-approved language proficiency tests. A State-approved language proficiency test must include the following domains: listening, speaking, and reading (if the language exists in written form). An individual is exempt from the testing requirements of this subsection (l)(1)(B) if he or she meets any of the following:
 - i) For an English language proficiency test exemption, the individual possesses a post-secondary degree in which the official language of instruction, as documented, is English.
 - ii) For a target language proficiency test exemption, the individual:

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- possesses a post-secondary degree in which the official language of instruction, as documented, is the target language;
 - possesses the State Seal of Biliteracy with a minimum score of Advanced Low in the target language;
 - receives a score of 4 or higher on the AP language test in the target language;
 - currently possesses, or has possessed, an educator license with stipulations endorsed for transitional bilingual educator or a professional educator license endorsed in LBSII/Bilingual Special Education Specialist or bilingual education; or
 - currently possesses an Administrative Office of the Illinois Courts Court Interpreter Certification, a Certified Medical Interpreter Certification, or an Advanced Proficiency Level Interpreter License under 68 Ill. Adm. Code 1515, and the individual has completed additional coursework on special education terminology, as referenced in subsection (1)(1)(C).
- iii) In the instance of a target language for which an exam does not yet exist, a reliable alternative assessment or documentation of proficiency in that language shall be established by the State Board if it is not feasible for the State Board to otherwise offer a test in that language within a reasonable amount of time.
- C) Complete at least six hours of training on special education terminology and protocol. Individuals who already hold special education licenses, endorsements, or approvals are exempt from this six-hour training requirement.
- D) Complete at least nine hours of training:

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- i) on:
 - interpreting in and out of English;
 - interpretation standards of practice, ethics and confidentiality;
 - the role of the interpreter and role boundaries; and
 - respect, impartiality, professionalism, cultural competence and responsiveness, and advocacy for communication and cultural needs; and
 - ii) that includes videos demonstrating proper and improper interpretation techniques.
- E) After completing the required training:
- i) successfully complete, with a score of 80% or higher, a written examination to demonstrate knowledge of:
 - special education terminology and protocol;
 - interpretation standards and techniques; and
 - interpretation ethics; and
 - ii) successfully complete an oral examination, with a score of 70% or higher, to demonstrate proficiency in:
 - interpreting in and out of English, through consecutive or simultaneous interpreting; and
 - sight translation.
- 2) To maintain the designation of "Qualified Interpreter", an individual must, at least once every two years, participate in at least six hours of ongoing professional development related to interpretation in the following categories:

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- A) Confidentiality.
- B) Accuracy.
- C) Impartiality.
- D) Interpreter ethics and professionalism.
- E) Cultural awareness.
- F) Special Education processes.
- G) Special Education vocabulary.
- H) Language acquisition.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 226.820 Authorization for Assignment
EMERGENCY

In the circumstances described in this Section, neither the qualifications required by Section 226.800 nor special education approval under Section 226.810 shall be required.

- a) **No Fully Qualified Individual Available**
When a district or cooperative entity, regional superintendent of schools, or nonpublic special education facility approved pursuant to 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the Code) demonstrates to the State Board of Education that it is unable to secure the services of an individual who holds the required credentials for a particular assignment, the State Board may authorize the assignment of another individual in accordance with 23 Ill. Adm. Code 25.48 (Short-Term Emergency Approval in Special Education).
- b) **Interns**
The State Board may also authorize the assignment of interns in speech and language pathology who will work under the supervision of fully qualified professionals, subject to the requirements of this subsection (b). For each intern in

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speech and language pathology, the director of special education shall submit evidence that the individual holds a valid interim approval issued under 25 Ill. Adm. Code 25.255 (Interim Approval for Speech-Language Pathologist Interns). The director of special education shall provide evidence that the intern will be supervised by an individual who holds a valid professional educator license endorsed for special preschool-eligible age-~~21~~ speech and language pathologist issued pursuant to 23 Ill. Adm. Code 25.43 (Standards for Licensure of Special Education Teachers) or 23 Ill. Adm. Code 25.252 (Endorsement for Non-Teaching Speech-Language Pathologist), as applicable.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 226.840 Qualifications of Evaluators

EMERGENCY

The following list identifies the credentials required to administer certain types of evaluations. Where no requirements are established, an evaluation may be performed by an individual who is qualified to administer it according to the technical specifications of the publisher.

TYPE

REQUIRED QUALIFICATIONS

Academic Performance

Professional educator license or approval issued under Section 226.810 appropriate for the age or disability of the child, or professional educator license with a school support personnel endorsement for school psychologist or school counselor. (See Article 21B of the School Code and the State Board's rules at 23 Ill. Adm. Code 1 and 23 Ill. Adm. Code 25.)

Adapted Physical Education

Professional educator license endorsed for physical education with an approval or endorsement in adapted physical education (23 Ill. Adm. Code 25.43).

Assistive Technology

To the extent that a test is used in performing this assessment, qualification for administering the test according to the instructions provided by the test's publisher.

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Audiological	License to practice as an audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
Clinical Psychological	License issued pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15].
Cultural Background Assessment	Professional educator license with a school support personnel endorsement for school psychologist, school social worker, or school counselor.
Hearing Screening	License to practice as an audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]; professional educator license with a school support personnel endorsement for speech and language pathologist or special preschool- eligible age- 21 endorsement for speech and language pathologist (23 Ill. Adm. Code 25.43 or 25.252); or certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).
Learning Processes Evaluation	Professional educator license with a school support personnel endorsement for school psychologist or LBS I endorsement.
Medical Review	Meet the requirements set forth in Section 226.160 of this Part, as applicable.
Neurological Evaluation	Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60].

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Occupational Therapy Evaluation	Certificate/Registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].
Orientation/Mobility	Certification for orientation/mobility instruction and evaluation (Certified Orientation and Mobility Specialist, Academy for Certification of Vision Rehabilitation and Education Professionals, 4732 North Oracle Road, Suite 217, Tucson AZ 85705, or predecessor credential issued by the Association for Education and Rehabilitation of the Blind and Visually Impaired, 1703 North Beauregard Street, Suite 440, Alexandria VA 22311).
Physical Therapy Evaluation	Certificate/registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Psychiatric Evaluation	Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987.
School Psychological	Professional educator license with a school support personnel endorsement for school psychologist.
Social Developmental Study (Adaptive Behavior, Cultural Background, Family History)	Professional educator license with a school support personnel endorsement for social worker, school counselor, or school psychologist (23 Ill. Adm. Code 25.215, 25.225, or, as applicable, 25.230 or 25.235).
Speech and Language Assessment	Professional educator license with a speech and language pathologist endorsement (23 Ill. Adm. Code 25.252).

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Vision Screening

Certificate of training issued by the Department
of Public Health (77 Ill. Adm. Code 675).

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective
_____, for a maximum of 150 days)