

ILLINOIS REGISTER

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

| Section | Purpose |
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| 226.10 | Purpose |
| 226.50 | Requirements for a Free Appropriate Public Education (FAPE) |
| 226.60 | Charter Schools |
| 226.75 | Definitions |

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

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| 226.110 | Evaluation Procedures |
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| 226.125 | Specific Learning Disability: Dyslexia |
| 226.130 | Additional Procedures for Students Suspected of or Having a Specific Learning Disability |
| 226.135 | Additional Procedures for Students Suspected of or Having an Intellectual Disability |
| 226.140 | Modes of Communication and Cultural Identification |
| 226.150 | Evaluation to be Nondiscriminatory |
| 226.160 | Medical Review |
| 226.170 | Criteria for Determining the Existence of a Specific Learning Disability (Repealed) |
| 226.180 | Independent Educational Evaluation |
| 226.190 | Reevaluation (Repealed) |

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

| Section | |
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| 226.210 | IEP Team |

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- 226.220 Development, Review, and Revision of the IEP
- 226.230 Content of the IEP
- 226.240 Determination of Placement
- 226.250 Child Aged Three Through Five
- 226.260 Child Reaching Age Three

SUBPART D: PLACEMENT

Section

- 226.300 Continuum of Alternative Placement Options
- 226.310 Related Services
- 226.320 Service to Students Living in Residential Care Facilities
- 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities
- 226.335 Nonpublic Special Education Placement of Public School Students

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- 226.340 Nonpublic Placements by Parents Where FAPE is at Issue
- 226.350 Service to Parentally-Placed Private School Students
- 226.360 Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section

- 226.400 Disciplinary Actions
- 226.410 Manifestation Determination Review (Repealed)
- 226.420 Appeals (Repealed)
- 226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
- 226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section

- 226.500 Language of Notifications
- 226.510 Notification of Parents' Rights
- 226.520 Notification of District's Proposal
- 226.530 Parents' Participation
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- 226.550 Surrogate Parents
- 226.560 Mediation
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| 226.600 | Calculation of Timelines |
| 226.605 | Request for Hearing; Basis (Repealed) |
| 226.610 | Information to Parents Concerning Right to Hearing |
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| 226.620 | Denial of Hearing Request (Repealed) |
| 226.625 | Rights of the Parties Related to Hearings |
| 226.630 | Qualifications, Training, and Service of Impartial Due Process Hearing Officers |
| 226.635 | Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers |
| 226.640 | Scheduling the Hearing and Pre-Hearing Conference |
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| 226.650 | Child's Status During Due Process Hearing (Repealed) |
| 226.655 | Expedited Due Process Hearing |
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| 226.670 | Decision of Hearing Officer; Clarification |
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| 226.690 | Transfer of Parental Rights |

SUBPART H: ADMINISTRATIVE REQUIREMENTS

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| 226.720 | Facilities and Classes |
| 226.730 | Class Size for 2009-10 and Beyond |
| 226.731 | Class Size Provisions for 2007-08 and 2008-09 (Repealed) |
| 226.735 | Work Load for Special Educators |
| 226.740 | Records; Confidentiality |
| 226.750 | Additional Services |
| 226.760 | Evaluation of Special Education |
| 226.770 | Fiscal Provisions |
| 226.780 | Procedures for Withdrawal Hearings before the Regional Board of School Trustees |

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SUBPART I: PERSONNEL

Section

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| 226.800 | Personnel Required to be Qualified |
| 226.810 | Special Education Teaching Approval |
| 226.820 | Authorization for Assignment |
| 226.830 | List of Independent Evaluators |
| 226.840 | Qualifications of Evaluators |
| 226.850 | List of Qualified Workers |
| 226.860 | List of Other Employees Qualifying for Reimbursement |

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

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; 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.

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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. _____, effective _____, for the remainder of the 150 days.

SUBPART D: PLACEMENT

Section 226.335 Nonpublic Special Education Placement of Public School Students
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During the mandated suspension of in-person instruction pursuant to ~~the Gubernatorial Disaster Proclamation 2020-038 and~~ Executive Orders 2020-05, ~~and~~ 2020-06, ~~and~~ 2020-18, and for the duration of the Gubernatorial Disaster Proclamations, all approved special education private facilities may continue to invoice school districts and school districts shall continue to pay the per diem approved by the Illinois Purchased Care Review Board under Section 14-7.02 of the School Code. The State Board of Education will reimburse school districts for all approved special education private facility expenditures. School districts will be reimbursed for special education private facility tuition expenditures per the statutory formula under Section 14-7.02 of the School Code. School districts will be reimbursed for special education room and board expenditures under Part B of the federal Individuals with Disabilities Education Act, as prescribed in Section 14-8.01 of the School Code.

(Source: Amended by emergency amendment to emergency rule at 44 Ill. Reg. _____, effective _____, for the remainder of the 150 days)