

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

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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SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill.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 Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill.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; peremptory 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; amended at 42 Ill. Reg. _____, effective _____.

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

- 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) Reimbursement for personnel expenditures shall be made by the State Board with respect to only those individuals who are qualified, pursuant to this Subpart I, to *deliver services to students with IEPs* [105 ILCS 5/14-1.10 and 14-13.01] and whose positions are listed either in Section 226.850 or 226.860 of this Part, or pursuant to 23 Ill. Adm. Code 25.48 (Short-Term Emergency Approval in Special Education) when applicable.
- 4) Each school district or special education cooperative shall develop and implement a comprehensive personnel development program for all 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 special preschool-age 21 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);~~or~~
- 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 issued pursuant to 23 Ill. Adm. Code 25.48.

c) An individual assigned as a career and technical coordinator shall be required to hold approval 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 with either a special preschool-age 21 endorsement or a secondary endorsement; 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;
 - 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 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 either a special preschool-age 21 endorsement for the disability area of assignment issued pursuant to 23 Ill. Adm. Code 25.43 or a secondary endorsement with special education approval in the applicable disability area issued pursuant to Section 226.810;
 - 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 professional educator 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 a special preschool-age 21 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 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-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 with an early childhood, elementary, secondary, or special kindergarten-grade 12 or preschool-age 21 endorsement 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:

- 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 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-age 21 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-age 21 endorsement for the area to be supervised or special education approval in that area.

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 [any of the following](#)~~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, 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); ~~or~~
- 3) approval as an LBS I issued by the State Board of Education pursuant to Section 226.810 and 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval) that either is unlimited or

specific to one of the disabilities prevalent in the students served by the school.

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 School Code [105 ILCS 5/~~Art. 21B~~] 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.
 - 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 ([See the Nurse Practice Act and the School Code.](#)).

i) [A Registered Nurse \(RN\) employed by the school or school district is the only individual who shall delegate the administration of medication. An individual student aide or other school staff not holding an appropriate professional nursing license may administer a medication to a student if all of the following are met:](#)

-) [the school or school district RN has delegated to this individual the task, within the professional nursing practice judgment of the RN and under the provisions of and within the direction and limitations set forth in the Nurse Practice Act and 68 Ill. Adm. Code 1300;](#)
-) [the school principal or chief school administrative officer of the school with supervisory authority over the staff member has agreed to designate the staff member permitted to perform the task;](#)
-) [the staff member has voluntarily accepted the performance of this task delegated to him or her by the school or school district RN;](#)
-) [the school or school district RN has provided the staff member training on the proper administration of the medication and in the professional judgment of the RN the staff member has demonstrated competency in the administration of the medication; and](#)
-) [the school or school district RN monitors the administration of medication by the staff member on a regular and ongoing basis for safety and competency.](#)

ii) [A school or school district RN is not required to delegate medication administration to any other staff member.](#)

iii) [A school or school district RN reserves the right to decline to delegate administration of medication to a specific staff member.](#)

- iv) A school or school district RN reserves the right to rescind a delegation.
- v) No other staff member, including a school administrator, other than an RN, may delegate the administration of medications to students except as allowed for medical emergencies or otherwise allowed under the Care of Students with Diabetes Act [105 ILCS 145].
- vi) The staff member to whom medication administration has been delegated to by the school or school district RN may not re-delegate the task to any staff member.
- vii) If a previously assigned staff member is unable to administer the medication as delegated, the district or school RN, school Licensed Practical Nurse, or school administrator may give the medication.

B) The provisions of this subsection (k) do not apply to paraprofessional educators licensed under Section 21B-20 of the School Code ~~[105 ILCS 5/21B-20]~~ 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.

(Source: Amended at 42 Ill. Reg. _____, effective _____)