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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SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill.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.

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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 Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill.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.

SUBPART A: GENERAL

Section 226.10 Purpose

This Part establishes the requirements for the treatment of children and the provision of special education and related services pursuant to the Individuals with Disabilities Education Improvement Act (also referred to as "IDEA") (20 USC 1400 et seq.), its implementing regulations (34 CFR 300, as amended by 71 Fed. Reg. 46540 (August 14, 2006) **and 73 Fed. Reg. 73027 (December 1, 2008)**, no later amendments or editions included), and Article 14 of the School Code [105 ILCS 5/Art. 14]. This Part also distinguishes between requirements derived from federal authority and those imposed additionally pursuant to Article 14 of the School Code or the authority of the State Board of Education. The requirements of IDEA, its implementing regulations, and this Part shall apply in every instance when a child is or may be eligible for special education and related services.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.60 Charter Schools

For purposes of IDEA and this Part, charter schools established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] shall be treated either as schools within school districts or as local educational agencies in their own right.

- a) When a school's charter is issued by a local board of education pursuant to Section 27A-8 of the School Code [105 ILCS 5/27A-8], that charter school shall

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be considered as a school within the district over which that board of education exercises jurisdiction.

- b) When a school's charter is issued by the State ~~Board of Education~~Charter School Commission pursuant to Section ~~27A-9(f)-27A-7.5~~ of the School Code [105 ILCS 5/~~27A-9(f)27A-7.5~~], that charter school shall be considered as a local educational agency.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.75 Definitions

Assistive Technology Device: See 34 CFR 300.5.

Behavioral Intervention: An intervention based on the methods and empirical findings of behavioral science and designed to influence a child's actions or behaviors positively.

Case Study Evaluation: See "Evaluation".

Day; Business Day; School Day: See 34 CFR 300.11.

Developmental Delay: See 34 CFR 300.8 and 300.111(b). Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through nine years of age).

Disability: IDEA identifies 13 disabilities as the basis for students' eligibility for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disability, hearing impairment, ~~cognitive-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.

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Domain: 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.

Equipment (a programmatic definition, not intended to coincide with the definition of "equipment" given in the [Requirements for Accounting, Budgeting, Financial Reporting, and Auditing Program Accounting Manual](#) at 23 Ill. Adm. Code ~~110.120~~[100.20](#)): See 34 CFR 300.14.

Evaluation: See 34 CFR 300.15.

Extended School Year Services: See 34 CFR 300.106(b).

Functional Behavioral Assessment: 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: The curriculum adopted and/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.

IEP Team: See 34 CFR 300.23.

Independent Educational Evaluation: See 34 CFR 300.502(a)(3)(i).

Individualized Education Program or IEP: See 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: See 34 CFR 300.24.

Least Restrictive Environment (LRE): See 34 CFR 300.114.

Limited English Proficient: See 34 CFR 300.27.

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Native Language: See 34 CFR 300.29.

Parent: See 34 CFR 300.30.

Personally Identifiable (with reference to information): See 34 CFR 300.32.

Qualified Bilingual Specialist: An individual who holds the qualifications described in Section 226.800(f) ~~of this Part~~.

Qualified Personnel: 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: An individual who holds the applicable qualifications described in Subpart I ~~of this Part~~.

Related Services: See 34 CFR 300.34.

School District: A public school district established under Article 10 or Article 34 of the School Code [105 ILCS 5/Art. 10 or 34] or a charter school established under Article 27A of the School Code [105 ILCS 5/Art. 27A].

Special Education: See 34 CFR 300.39.

Student Record: See Section 2 of the Illinois School Student Records Act [105 ILCS 10/2] ~~and 23 Ill. Adm. Code 375.10 (Student Records)~~.

Supplementary Aids and Services: See 34 CFR 300.42.

Transition Services: See 34 CFR 300.43.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility

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This Section implements the requirements of 34 CFR 300.111.

- a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 CFR 300.131) who may be eligible for special education and related services. Procedures developed to fulfill the child find responsibility shall include:
 - 1) ~~An annual screening~~ Annual and ongoing screenings of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.
 - 2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems ~~which that~~ interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.
 - 3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines. Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(9) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.
- b) When the responsible school district staff members conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for evaluation set forth in this Subpart B shall apply.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.110 Evaluation Procedures

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Procedures for requesting and conducting initial evaluations of children who are suspected of requiring special education and related services shall conform to the requirements of 34 CFR 300.301, 300.304, 300.305, ~~and 300.306~~ and 300.309. For purposes of this Section, the "date of referral" ~~discussed in Section 14-8.02 of the School Code~~ shall be understood to be the date of written parental consent for an evaluation, and screening procedures done in accordance with 34 CFR 300.302 shall not be considered an evaluation. ~~Consent~~ Written consent for the initial evaluation shall be obtained in conformance with the requirements of 34 CFR 300.300. In addition, the following requirements shall apply.

a) Procedures for Requesting an Initial Evaluation

Each school district shall develop and make known to all concerned persons procedures by which an evaluation may be requested. These procedures shall:

- 1) Designate the steps to be taken in making a request for an evaluation;
- 2) Designate the persons to whom a request may be made;
- 3) Identify the information that must be provided;
- 4) Provide any assistance that may be necessary to enable persons making requests to meet any related requirements established by the district; and
- 5) Identify the process for providing the parents with notice of their rights with respect to procedural safeguards.

b) A request may be made by a parent of a child or by an employee of a State educational agency, another State agency, a local educational agency, or a community service agency.

c) District's Response to Request

- 1) The school district shall be responsible for processing the request, deciding what action should be taken, and initiating the necessary procedures.

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- 2) To determine whether the child requires an evaluation, the district may utilize screening data and conduct preliminary procedures, such as observation of the child, assessment for instructional purposes, consultation with the teacher or other individual making the request, and a conference with the child.
- 3) Within 14 school days after receiving a request for an evaluation, the district shall determine whether an evaluation is warranted. If the district determines not to conduct an evaluation, it shall provide written notice to the parents in accordance with 34 CFR 300.503(b). If an evaluation is to be conducted:
 - A) The district shall convene a team of individuals (including the parent) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.
 - B) The team shall identify the assessments necessary to complete the evaluation in accordance with 34 CFR 300.305 and shall prepare a written notification for the parents as required under 34 CFR 300.304(a). For each domain, the notification shall either describe the needed assessments or explain why none are needed.
 - C) The district shall ensure that the notification of the team's conclusions is transmitted to the parents within the 14-school-day timeline applicable under this subsection (c)(3), along with the district's request for the parents' consent to conduct the needed assessments.
- d) Upon completion of the assessments identified pursuant to subsection (c)(3) ~~of this Section~~, but no later than 60 school days following the date ~~of the parent signs the~~ written consent ~~from the parent~~ to perform the needed assessments, the determination of eligibility shall be made and the IEP meeting shall be completed. If fewer than 60 school days remain in a school year after the date of parental consent, the eligibility determination shall be made and the IEP meeting shall be

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completed prior to the first day of the following school year. (Section 14-8.02(b) of the School Code)

- e) At the conclusion of the meeting convened pursuant to subsection (d) ~~of this Section~~, the team shall prepare a report describing its consideration of pre-existing information about the child, all new evaluation reports obtained, and any other information relevant to the decision about the child's eligibility. This description shall relate the information considered to the child's needs and shall further conform to the requirements of Section 226.130 ~~of this Part~~ if applicable. The IEP Team's report shall also include:
 - 1) the date of the meeting;
 - 2) the signatures of the participants, indicating their presence at the meeting; and
 - 3) any separate written statement provided by a participant who wishes to be on record as disagreeing with the conclusions expressed in the team's report.
- f) The school district shall provide a copy of the IEP Team's report to the parent at the conclusion of the team's meeting. In addition, the district shall provide to the parent, ~~within ten school days after the meeting~~, written notice conforming to the requirements of Section 226.520 ~~of this Part~~ as to the eligibility determination reached with respect to the child. The parent shall also be entitled to receive copies of any evaluation reports upon request.
- g) A copy of the IEP Team's report, together with all documentation upon which it is based, shall become a part of the child's temporary student record.
- h) If an assessment is conducted under nonstandard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determine whether additional assessments are needed. For example, the use of a translator when a qualified bilingual specialist is not available may create nonstandard conditions.

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- i) If any needed portion of the evaluation cannot be completed due to lack of parental involvement, religious convictions of the family, or inability of the child to participate in an evaluative procedure, the district shall note the missing portions in the child's evaluation report and state the reasons why those portions could not be completed.
- j) In the event that the student is determined to be eligible for special education and related services pursuant to the procedures described in subsections (d) and (e) ~~of this Section~~, the IEP meeting shall be conducted within 30 days after the date of that determination.
- k) If a district fails to conduct the evaluation, the parent of the child in question (or the student, if Section 226.690 ~~of this Part~~ applies) may appeal this failure in an impartial due process hearing or request consideration of this failure using the State complaint procedures set forth at Section 226.570.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.120 Reevaluations

Procedures for the completion of reevaluations of children for whom special education and related services are currently being provided shall conform to the requirements of 34 CFR 300.303, 300.304, 300.305, 300.306 and 300.309, as well as ~~the relevant provisions of~~ Section 226.110 of this Part.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.125 Specific Learning Disability: Dyslexia

- a) For the purposes of this Section, dyslexia means a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that

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can impede growth of vocabulary and background knowledge. (Definition from the Board of Directors of the International Dyslexia Association.)

- b) In accordance with 34 CFR 300.8(b)(10), dyslexia is one of a number of disorders included as a specific learning disability that may adversely affect the student's educational performance and result in the child's eligibility for special education and related services.
- c) Each child suspected of having dyslexia or identified as dyslexic shall be referred for an evaluation in accordance with the requirements of 34 CFR 300.304 through 300.311 and Subpart B of this Part.

(Source: Added at 40 Ill. Reg. 2220, effective January 13, 2016)

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

- a) 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.
- b) Provided that the requirements of this subsection (b) are met, each district shall; ~~no later than the beginning of the 2010-11 school year,~~ implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304. When a district implements the use of a process of this type, the district shall not use any child's participation in the process as the basis for denying a parent's request for an evaluation.
 - 1) ~~No later than January 1, 2008, the~~The State Superintendent of Education shall, ~~in consultation with the statewide teacher organizations, statewide school management organizations, and State Advisory Council on Education of Students with Disabilities, prepare and~~ disseminate a plan outlining the nature and scope of the professional development that is necessary to permit implementation of a process of this type and

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describing any additional activities or resources that the Superintendent finds to be essential. Any amendments to the plan will be made in consultation with the statewide teacher organizations, statewide school management organizations, and State Advisory Council on Education of Students with Disabilities.

- 2) The plan shall quantify the estimated cost of the professional development and other necessary resources and shall identify sources of funding that are or may become available to the State Superintendent for these purposes.
- 3) The plan shall include:
 - A) a method of identifying school districts that are less able than others to implement a process of the required type without technical or financial assistance from the State;
 - B) a timeframe for the provision of training, other technical assistance and materials, or financial resources for related purposes that demonstrates the State Superintendent's best efforts to secure and provide relevant support to districts; and
 - C) a method of allocating resources that affords first consideration to districts that may otherwise be unable to implement a process of the required type without diverting necessary support from other aspects of the educational program.
- c) ~~No later than January 1, 2009, each~~Each district shall ~~develop~~have a plan for the ~~transition to the~~ use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304. Each district's plan shall identify the resources the district will devote to this purpose and include an outline of the types of State-level assistance the district expects to need, with particular reference to the professional development necessary for its affected staff members to implement this process. The ~~transition~~ plan developed pursuant to this subsection (c) may be incorporated into a district's district improvement plan (see 23 Ill. Adm. Code 1.85(b)) if one exists.

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- d) In addition to using an identification process of the type required by subsection (b) ~~of this Section~~, a district may use a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.135 Additional Procedures for Students Suspected of or Having a ~~Cognitive~~ Intellectual Disability

In addition to the requirements set forth in Sections 226.110 and 226.120 ~~of this Part~~, the district shall ensure that a psychological evaluation has been conducted and a recommendation for eligibility made by a school psychologist for any child who is suspected of or determined to have ~~a cognitive~~ an intellectual disability.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.150 Evaluation to be Nondiscriminatory

Each evaluation shall be conducted so as to ensure that it is nondiscriminatory with respect to language, culture, race, and gender. (See also 34 CFR 300.304(c).)

- a) The languages used to evaluate a child shall be consistent with the child's primary language or other mode of communication. (See Section 226.140 ~~of this Part~~.) If the language use pattern involves two or more languages or modes of communication, the child shall be evaluated by qualified specialists or, when needed, qualified bilingual specialists using each of the languages or modes of communication used by the child. The provisions of subsections (b) and (c) of this Section shall apply when a qualified bilingual specialist is needed but unavailable.
- b) If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall use an individual who possesses the professional credentials required under Section 226.840 ~~of this Part~~ to complete the specific components of the evaluation. This qualified specialist shall be assisted by a ~~certificated~~ school district employee holding an educator license

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issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B] or other individual who has demonstrated competencies in the language or modes of communication of the child.

- c) If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another individual as provided in subsection (b) ~~of this Section~~ are unsuccessful, the district shall conduct assessment procedures which do not depend upon language. Any special education resulting from ~~such these~~ alternative procedures shall be reviewed annually until the student's proficiency is determined no longer to be limited pursuant to 23 Ill. Adm. Code ~~228-228.25~~ (~~Transitional Bilingual Education; see Section 228.15~~ Program Options, Placement, and Assessment).
- d) Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his or her culture.
- e) If the child's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, the district shall utilize test instruments and procedures that do not stress spoken language and one of the following:
 - 1) Visual communication techniques in addition to auditory techniques.
 - 2) An interpreter to assist the evaluative personnel with language and testing.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.160 Medical Review

- a) In accordance with 34 CFR 300.304(c)(4), any student who is being evaluated or re-evaluated for special education services shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, communicative status, and motor abilities. The results of the medical review shall be used by the IEP team to address any educationally relevant medical findings or other health concerns that may affect the provision of FAPE to students with disabilities. The medical review shall consist of the following components.

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- 1) Subjective information, if relevant, which may include:
 - A) a description of the perceptions that the parents and student, as applicable, have regarding the student's health;
 - B) a health history of the student from the parents; and
 - C) a description of perceptions of the student's teachers relative to how the student's health may be affecting his or her academic performance or access to the curriculum.
- 2) Objective information, if relevant, which shall include:
 - A) a summary of information contained in the student's health record and the record of other health-related information, as defined at 23 Ill. Adm. Code 375.10 (Definitions), about his or her prior and current health conditions; and
 - B) a summary of any relevant health-related information obtained from records provided by or requested from the student's parent, health care provider, or health facility where the student has received services, which may address prenatal and birth history; early growth and development; medical issues the child has experienced; hospitalizations and significant injuries; medical diagnosis, if any; and medications or treatments the child currently receives.
- 3) Nursing services, if relevant, which shall include the identification of the school health services or school nurse services necessary to enable a student with a disability to receive FAPE as described in his or her IEP. (See 34 CFR 300.34(c)(13).)
- 4) Educationally relevant medical findings, which shall include the identification of the medical conditions and other health-related issues that are likely to adversely affect a child's educational performance.

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- 5) Recommendations, which shall include an analysis of the information gathered for the purpose of:
 - A) determining the medical, school health, and/or school nurse services that should be provided during the school day; and
 - B) developing a proposed plan that provides for specific accommodations, modifications, or interventions to be implemented when educationally relevant medical, school health, and/or school nurse findings are made, which shall include annual goals, short-term objectives, and ongoing evaluation.
- b) Qualifications of Personnel
 - 1) Until June 30, 2016, the practitioners who are qualified to conduct a medical review that addresses each of the components listed in subsection (a) ~~of this Section~~ shall be limited to:
 - A) An individual who holds a professional educator license endorsed for school support personnel ~~in for~~ school ~~nursing nurse~~, pursuant to 23 Ill. Adm. Code 25.245 (Endorsement for School Nurses); or
 - B) An individual licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60]; or
 - C) An individual licensed as a registered professional nurse pursuant to Article 60 of the Nurse Practice Act [225 ILCS 65/Art. 60]; or
 - D) An individual licensed as an advanced practice nurse pursuant to Article 65 of the Nurse Practice Act [225 ILCS 65/Art. 65].
 - 2) Beginning July 1, 2016, the practitioners who are qualified to conduct certain components of the medical review, as identified in this subsection (b)(2), shall be limited to:
 - A) An individual who holds a professional educator license ~~endorsed for~~ ~~with a~~ school support personnel ~~in endorsement for~~ school

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- ~~nursing~~nurse, pursuant to 23 Ill. Adm. Code 25.245 (Endorsement for School Nurses), who may conduct any of the components listed in subsections (a)(1) through (5) ~~of this Section~~; or
- B) An individual licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60], who may conduct any of those components listed in subsections (a)(1) through (4) ~~of this Section~~; or
- C) An individual licensed as a registered professional nurse pursuant to Article 60 of the Nurse Practice Act [225 ILCS 65/Art. 60] and who also holds a bachelor's degree in nursing, education or a related field, who may conduct any of those components listed in subsections (a)(1) through (4) ~~of this Section~~; or
- D) An individual licensed as an advanced practice nurse pursuant to Article 65 of the Nurse Practice Act [225 ILCS 65/Art. 65], who may conduct any of those components listed in subsections (a)(1) through (4) ~~of this Section~~.
- c) Certain exceptions shall apply to the personnel qualifications set forth in subsection (b) ~~of this Section~~.
- 1) After July 1, 2016, an individual meeting the qualifications set forth in subsection (b)(1)(B), (b)(1)(C) or (b)(1)(D) ~~of this Section~~ who is currently employed by a school district or special education cooperative also may continue to conduct activities described in subsection (a)(5) ~~of this Section~~, provided that no later than June 30, 2016, he or she:
- A) successfully completes a training course specific to special education laws and regulations and students with disabilities that is approved by the State Board of Education; or
- B) passes the content-area test for the school nurse endorsement authorized under 105 ILCS 5/21B-30 ~~and subject to the limitations regarding testing attempts set forth in 23 Ill. Adm. Code 25.720(i) (Applicability of Testing Requirement and Scores)~~.

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- C) Any practitioner receiving authorization under subsection (c)(1) ~~of this Section~~ to conduct activities set forth in subsection (a)(5) ~~of this Section~~ retains that authorization provided he or she completes the professional development required at 23 Ill. Adm. Code 25.27525.Subpart J (Renewal of ~~the~~ Professional Educator ~~License for School Support Personnel Licenses~~).
- 2) Beginning on July 1, 2016, a school district or special education cooperative may first employ a practitioner who meets the qualifications set forth in subsection (b)(2)(B), (b)(2)(C) or (b)(2)(D) to conduct the activities described in subsection (a)(5) ~~of this Section who is not fully qualified~~, provided that each of the conditions listed in this subsection (c)(2) are met.
- A) A school district or special education cooperative has not been able to recruit an individual meeting the qualifications set forth in subsection (b)(1)(A) ~~of this Section~~ due to a shortage of these individuals.
- B) The school district or special education cooperative must be actively engaged in the recruitment process, as evidenced by written documentation such as notices on the agency's website, postings with professional organizations, or personnel notices placed in newspapers, either online or in print. The school district or special education cooperative shall retain this documentation, which must include the date of publication or notice, for the duration of the employment of the practitioner recruited under the provisions of subsection (c)(2) ~~of this Section~~, and make it available upon request to the State Board of Education or its designee.
- C) Any individual hired pursuant to subsection (c)(2) ~~of this Section~~ shall meet the qualifications of subsection (b)(2)(B), (b)(2)(C) or (b)(2)(D) ~~of this Section~~ and meet either of the requirements stated in subsection (c)(1) ~~of this Section~~ as soon as is practicable, but in no case longer than 12 months from the date of hire.

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- D) Any practitioner receiving authorization under this subsection (c)(2) to conduct activities set forth in subsection (a)(5) ~~of this Section~~ retains that authorization provided he or she completes the professional development required at 23 Ill. Adm. Code ~~25.27525.Subpart J~~ (Renewal of ~~the~~ Professional Educator ~~License for School Support Personnel Licenses~~).

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.180 Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation of their child at public expense in accordance with 34 CFR 300.502 and Section 14-8.02(b) ~~and (g-5)~~ of the School Code. The following rights and requirements shall also apply.

- a) If the parents disagree with the district's evaluation and wish to obtain an independent educational evaluation at public expense, their request to that effect shall be submitted in writing to the local school district superintendent.
- b) When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:
 - 1) an individual whose name is included on the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 ~~of this Part~~ with regard to the relevant types of evaluation; or
 - 2) another individual possessing the credentials required by Section 226.840 ~~of this Part~~.
- c) If the parent wishes an evaluator to have specific credentials in addition to those required by Section 226.840 ~~of this Part~~, the parent and the school district shall agree on the qualifications of the examiner and the specific evaluations to be completed prior to the initiation of an independent educational evaluation at public expense. If agreement cannot be reached, the school district shall initiate a

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due process hearing subject to the time constraints set forth in this Section, as applicable.

- d) ~~The~~ Within 10 days after receiving a report of an independent evaluation conducted at either public or private expense, the district shall provide written notice ~~convening stating the date upon which the IEP Team's meeting within ten days after receiving the report of an evaluation conducted at public expense Team will meet to consider the results. In the case of an evaluation conducted at private expense, the district shall send the notice within ten days after the parent requests a meeting to consider the results.~~ (Also see Section 226.530.)

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.220 Development, Review, and Revision of the IEP

The development, review, and revision of each child's IEP shall conform to the requirements of 34 CFR 300.324 and 300.328. The additional requirements of this Section shall also apply.

- a) When an IEP has been developed or revised, the district shall provide notice in accordance with 34 CFR 300.503(b) and (c) immediately to the parents, and implementation of the IEP shall occur no later than ~~ten~~ 10 school days after the provision of this notice or by the beginning of the following school year if the IEP is developed or revised with fewer than 10 school days remaining in the school year. If the new or revised IEP requires extended-year services, those services shall be provided in accordance with the provisions of the IEP.
- b) Either a child's educational provider or a child's parent may request an IEP meeting at any time. Within ~~ten~~ 10 days after receipt of ~~such~~ a request, the district shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child.
- c) The development of an IEP for a child who has a disability on the autism spectrum shall include consideration of the factors specified in Section 14-8.02(b) (1) through (7) of the School Code.

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(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.230 Content of the IEP

The content of each child's IEP shall conform to the requirements of 34 CFR 300.320. The additional requirements of this Section shall also apply.

- a) Each IEP shall include:
 - 1) A statement of measurable annual goals that reflect consideration of the State Goals for Learning and the Illinois Learning Standards (see 23 Ill. Adm. Code 1), as well as benchmarks or short-term objectives developed in accordance with the child's present levels of educational-academic and functional performance.
 - 2) A statement regarding the child's ability to participate in State and district-wide assessments.
 - 3) A statement as to the languages or modes of communication in which special education and related services will be provided, if other than or in addition to English.
 - 4) A statement as to whether the child requires the provision of services beyond the district's normal school year in order to receive FAPE ("extended school year services") and, if so, a description of those services that includes their amount, frequency, duration, and location.
- b) The IEP of a student who requires a behavioral intervention plan shall:
 - 1) Summarize the findings of the functional behavioral assessment;
 - 2) Summarize prior interventions implemented;
 - 3) Describe any behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;

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- 4) Identify the measurable behavioral changes expected and methods of evaluation;
 - 5) Identify a schedule for a review of the interventions' effectiveness; and
 - 6) Identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.
- c) Beginning not later than the first IEP to be in effect when the child turns 14½, and updated annually thereafter, the IEP shall include:
- 1) appropriate, measurable, postsecondary goals based upon age-appropriate assessments related to employment, education or training, and ~~as needed,~~ independent living;
 - 2) the transition services that are needed to assist the child in reaching those goals, including courses of study and any other needed services to be provided by entities other than the school district; and
 - 3) any additional requirements set forth in Section 14-8.03 of the School Code [105 ILCS 5/14-8.03].
- d) For purposes of 34 CFR 300.320(c), the age of majority under Illinois law is 18. The IEP of a student who may, after reaching age 18, become eligible to participate in the home-based support services program for adults with **cognitive intellectual** disabilities that is authorized by the Developmental Disability and Mental Disability Services Act [405 ILCS 80] shall set forth specific plans related to that program that conform to the requirements of Section 14-8.02 of the School Code.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

SUBPART D: PLACEMENT

Section 226.300 Continuum of **Alternative** Placement Options

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Each local school district shall, in conformance with the requirements of 34 CFR 300.39 and 300.115, ensure that a continuum of placements is available to meet the needs of children with disabilities for special education and related services. With respect to the home instruction and instruction in hospitals and institutions referenced in 34 CFR 300.39 and 300.115:

- a) The child receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition.
- b) When an eligible student has a medical condition that will cause an absence for two or more consecutive weeks of school or ongoing intermittent absences, as defined in Section 14-13.01(a) of the School Code [105 ILCS 5/14-13.01(a)], the IEP Team for that child shall consider the need for home or hospital services. The provision of home or hospital services shall be based upon a written statement from a physician licensed to practice medicine in all its branches that specifies:
 - 1) the child's medical condition;
 - 2) the impact on the child's ability to participate in education (the child's physical and mental level of tolerance for receiving educational services); and
 - 3) the anticipated duration or nature of the child's absence from school.
- c) *Special education and related services required by the child's IEP must be implemented as part of the child's home or hospital instruction, unless the IEP Team determines that modifications are necessary during the home or hospital instruction due to the child's condition. (Section 14-13.01 of the School Code)*
 - ~~1)~~ The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs.
 - 2) The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week. In the event that the child's illness or a teacher's absence reduces the number of hours

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in a given week to which the child is entitled, the school district shall work with the IEP Team and the child's parents to provide the number of hours missed, as medically advisable for the child.

- e)d) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.
- f)e) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.
- g)f) Home or hospital instructors shall meet the requirements of 23 Ill. Adm. Code 1.610 (Personnel Required to be Qualified).
- h)g) In accordance with Section 14-13.01(a) of the School Code, services required by the IEP shall be implemented not later than five school days after the district receives the physician's statement.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.320 Service to Students Living in Residential Care Facilities

Children with disabilities may be placed into public or nonpublic residential facilities for reasons other than education by various public entities, such as the Department of Corrections, the Department of Children and Family Services, or the juvenile courts. Except as provided in Section 14-8.01 of the School Code, the school district within whose boundaries ~~such a~~ public or nonpublic residential facility is located is responsible for ensuring special education and related services in the least restrictive environment to those students who are eligible pursuant to this Part. "Residential facilities" refers to any of the following.

- a) "Children's Home" or "Orphanage": any licensed residential institution, other than those directly operated by the State of Illinois, ~~which that~~ cares for disabled, neglected, delinquent, and/or dependent children.
- b) "Foster Family Home": an individual residential unit ~~which that~~ cares for one or more disabled, neglected, delinquent, or dependent children who are not members of the primary family. ~~Such a~~ home of this type accepts foster children for care

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under specific and written authority of a municipal, county, or State agency authorized to make ~~such the~~ placement.

- c) "State Residential Units": residential housing units ~~which that~~ are directly operated by the State of Illinois, on property owned by the State, and primarily funded by an agency of the State.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.550 Surrogate Parents

The qualifications, responsibilities, and appointment procedures for surrogate parents shall conform to the requirements of 34 CFR 300.519 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a]. In addition, the following requirements shall apply:

- a) When a child who is a ward of the State is placed in a residential facility, a representative of that facility shall submit to the State Board of Education a request for the appointment of a surrogate parent ~~if the district has not already done so.~~ Upon enrollment of a student, the resident school district is responsible for ensuring the assignment of a surrogate parent if the residential facility has not already done so.
- b) The State Board of Education shall appoint a surrogate parent for each child who requires one, in keeping with the criteria set forth in 34 CFR 300.519(d) and the following requirements.
- 1) All reasonable efforts shall be made to secure a surrogate parent whose racial, linguistic, and cultural background is similar to the child's.
 - 2) The surrogate parent shall have been trained by the State Board.
- c) When a surrogate parent is appointed, the State Board of Education shall provide written notification to the local school district, the individual appointed, and, if applicable, the residential facility of the name and address of the surrogate parent,

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the specific responsibilities to be fulfilled, and the length of time for which the appointment is valid.

- d) When a child living in a residential facility no longer requires a surrogate parent, a representative of the facility shall notify the State Board of Education in writing to that effect. This notification shall include the reason for withdrawal of the request.
- e) When a surrogate parent's appointment is terminated, the State Board of Education shall so notify the surrogate parent, the local school district, and, if applicable, the residential facility.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.560 Mediation

- a) The procedures for mediation shall conform to the requirements of 34 CFR 300.506.
- b) The agreement of the parties to enter mediation shall allow the child to remain, or "stay put", in his or her current placement during the pendency of the mediation. The placement shall be the last placement to which the parties agreed. If mediation fails to resolve the dispute between the parties, the parent (or student if 18 years of age or older or emancipated) shall have 10 days after the mediation concludes to file a request for a due process hearing in order to continue to invoke the "stay-put" provisions. (Section 14-8.02(j) of the School Code)

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.570 State Complaint Procedures

This Section sets forth the State Board of Education's written complaint procedures, as required by 34 CFR 300.151, 300.152, and 300.153 and Section 14-8.02e of the School Code.

- a) A parent, individual, ~~or~~ organization, ~~or advocate~~ may file a signed, written complaint with the State Board of Education alleging that a local school district,

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cooperative service unit, or the State has violated the rights of one or more children with disabilities. ~~Such a~~The complaint shall include:

- 1) A statement that a responsible public entity has violated a requirement of Part B of the IDEA, 34 CFR, Article 14 of the School Code, or this Part;
 - 2) The facts on which the statement is based;
 - 3) The signature and contact information for the complainant;
 - 4) The names and addresses of the students involved (and the names of the schools of attendance), if known;
 - 5) A description of the nature of the problem of the child, including the facts relating to the problem; and
 - 6) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- b) A complaint shall only be considered if it alleges that the violation occurred not more than one year prior to the date on which the complaint is received.
- c) Within 60 days after ~~a valid complaint is filed~~receiving a complaint that meets the requirements of subsections (a) and (b), the State Board of Education shall:
- 1) Carry out an independent on-site investigation, if deemed necessary by the State Board of Education.
 - 2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
 - 3) Require that the public entity that is the subject of the complaint submit a written response to the complaint. (See Section 14-8.02e of the School Code.) The public entity shall submit its response and all other documentation to the State Board of Education and the parent, individual, or organization filing the complaint no later than the date indicated in the

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written correspondence received under this subsection (c)(3), which in no case shall exceed 45 days.

- 4) Provide the public entity with the opportunity during the complaint process to:
- A) offer a proposal to resolve the complaint; ~~and/or~~
 - B) offer to engage the parent in mediation or alternative means of dispute resolution.
- 4)5) Review all relevant information and make an independent determination as to whether the public entity is violating a requirement of Part B of the IDEA, 34 CFR, Article 14 of the School Code, or this Part.
- 5)6) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
- A) findings of fact and conclusions;
 - B) the reasons for the State Board of Education's final decision;
 - C) orders for any actions, including without limitation technical assistance activities and negotiation, that are necessary to bring the public entity into compliance with applicable requirements.
- d) An extension of the time limit set forth in subsection (c) ~~of this Section~~ shall be allowed if exceptional circumstances exist with respect to a particular complaint or if the parent and the public entity agree to extend the time to conduct the activities pursuant to subsection (c)(3)(B) ~~of this Section~~.
- e) If a written complaint is received by the State Board of Education involving one or more issues that are also the subject of a due process hearing, the State Board shall hold those portions of the complaint in abeyance pending the completion of the hearing. However, any issues that are not the subject of the hearing shall be resolved as provided in this Section.

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- f) If a complaint is filed about an issue that has previously been decided in a due process hearing involving the same parties, the decision arising from that hearing shall be considered binding, and the State Board shall inform the complainant to that effect. A complaint alleging a public entity's failure to implement a decision arising from due process, however, shall be resolved by the State Board pursuant to Section 226.675 ~~of this Part~~.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.710 Policies and Procedures

- a) Each local school district, or the special education cooperative ~~entity~~ of which it is a member, shall develop written policies and procedures conforming to the requirements of subsection (b) ~~of this Section and shall submit these to the State Board of Education for approval, using a format supplied by the State Board. The policies and procedures shall be kept on file and presented to the State Board of Education upon request. The State Board shall approve those that conform to the requirements of this Section and are consistent with applicable federal and State statutes and regulations. The State Board shall notify districts of any deficiencies that must be remedied before approval will be granted.~~
- b) Each set of policies and procedures shall address the district's compliance with at least the requirements for:
- 1) the provision of a free appropriate public education;
 - 2) child find;
 - 3) evaluation (including policies and procedures developed pursuant to Section 226.130) and determination of eligibility;
 - 4) Individualized Education Programs;
 - 5) students' participation in assessments;

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- 6) serving students in the least restrictive environment;
- 7) the provision of extended school year services;
- 8) transition of children served under Part C of the Individuals with Disabilities Education Act into preschool programs;
- 9) serving students who attend nonpublic schools;
- 10) procedural safeguards;
- 11) establishing the goal of full educational opportunity;
- 12) confidentiality of personally identifiable information; and
- 13) the use of federal matching funds under the Medicaid (Title XIX) or Children's Health Insurance (KidCare; Title XXI) program to supplement special education programs and services (if the district is participating in one or more of those federal programs).

e) ~~Any revision of a set of policies and procedures shall be submitted to the State Board for approval prior to its implementation.~~

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.730 Class Size for 2009-10 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 holding an educator license~~ for general education and who is employed for that purpose, and that is not designated as a general remedial classroom. For purposes of this subsection (a), a student who receives speech services outside of the general education classroom and who does not require modifications to the content of the general education curriculum shall be included in the calculation of the percentage of students without IEPs. (See 105 ILCS 5/14-2.)

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- b) Class size means the total number of students an educator serves during any special education class. As used in this subsection (b), "class" means any circumstance in which only students with IEPs are served and 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 receive special education services for 20 percent of the school day or less shall have at least one qualified teacher for each 15 students in attendance during any given class. However, the district may increase the class size by a maximum of two students when a paraprofessional educator is provided for the entire class.
 - 2) Except as provided in subsection (b)(5)~~-of this Section~~, each class in which any student receives special education services for more than 20 percent of the school day but no more than 60 percent of the school day shall have at least one qualified teacher for each ~~ten-10~~ students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional educator is provided for the entire class.
 - 3) Except as provided in subsection (b)(5)~~-of this Section~~, each class in which any student receives special education services 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. However, the district may increase the class size by a maximum of five students when a paraprofessional educator is provided for the entire class.
 - 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. However, the district may increase the class size by a maximum of five students when a paraprofessional educator is provided for the entire class.

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- 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) through (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 in the least restrictive environment to which they are entitled.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.731 Class Size Provisions for 2007-08 and 2008-09 (Repealed)

- 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 regular (general) education, and that is not designated as a general remedial classroom.~~

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- b) ~~A student shall be considered to require "instructional" classes when he or she receives special education instruction for 50 percent of the school day or more. Classes for such students shall be subject to the limitations of this subsection (b).~~
- 1) ~~Early childhood instructional classes shall have a maximum ratio of one qualified teacher to five students in attendance at any given time; total enrollment shall be limited according to the needs of the students for individualized programming.~~
 - 2) ~~Instructional classes for students who have either a severe/profound disability or multiple disabilities shall have a maximum enrollment of five students.~~
 - 3) ~~Instructional classes for children whose primary disability is a severe visual, auditory, physical, speech or language impairment, autism, traumatic brain injury, or an emotional disability or behavioral disorder shall have a maximum enrollment of eight students.~~
 - 4) ~~Instructional classes for children whose primary disability is a specific learning disability or that serve children who have different disabilities shall have a maximum enrollment of ten students. Instructional programs that group students who have different disabilities shall be formulated only under the following circumstances:~~
 - A) ~~The students are grouped in relation to a common educational need; or~~
 - B) ~~The program can be completely individualized and the teacher is qualified to plan and provide an appropriate educational program for each student in the group.~~
 - 5) ~~Instructional classes designed for children whose primary disability is moderate visual or auditory impairment shall have a maximum enrollment of 12 students.~~
 - 6) ~~Instructional classes for children whose primary disability is mild/moderate cognitive disability shall have a maximum enrollment of 12~~

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~~students at the primary level and 15 students at the intermediate, middle, junior high, and secondary levels.~~

- ~~7) A school district may increase the enrollment in an instructional class by a maximum of two students in response to unique circumstances that occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met. Alternatively, the district may increase the enrollment in an instructional class by a maximum of five students when a full-time, noncertified assistant is provided.~~
- ~~e) A student shall be considered to require "resource" classes when he or she receives special education instruction for less than 50 percent of the school day. Classes for such students shall be subject to the limitations of this subsection (e).~~
- ~~1) Enrollment shall be limited to the number of students who can effectively and appropriately receive assistance, up to a maximum of 20 students.~~
- ~~2) The teacher shall participate in determining the appropriate enrollment.~~
- ~~d) The caseload/class size for any service provider includes each student who receives direct or indirect service, such as consultation services, as delineated in an IEP.~~

(Source: Repealed at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.735 Work Load for Special Educators

In order to provide students with IEPs the free, appropriate education to which they are entitled, each entity subject to this Part shall ~~adopt a plan specifying implement and maintain~~ limits on the work load of its special educators 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.

- a) ~~Each plan~~ Work load limits shall be developed in cooperation with the entity's affected employees and, where there is an exclusive representative, in accordance with the Illinois Educational Labor Relations Act (IELRA) [115 ILCS 5], to

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~~ensure timely implementation by the start of the school year. Each plan shall take effect for the 2009-10 school year, or as soon as possible after that date, if a later date is necessary to comply with an agreement under the IELRA in effect at the beginning of that school year.~~

- b) ~~Each plan~~Work load limits shall be based on an analysis of the activities for which the entity's special educators are responsible and 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.
- c) The number of children served by a ~~speech language~~speech and language pathologist shall be based on the speech-language needs of each child. The other provisions of this Section notwithstanding, at no time shall the caseload of a ~~speech language~~speech and language pathologist exceed 60 students.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.770 Fiscal Provisions

- a) Requirements Related to the Provision of FAPE
- 1) A school district is responsible for developing students' IEPs and remains responsible for ensuring that children receive all the services described in their IEPs in a timely fashion, regardless of whether another agency will ultimately pay for the services.
 - 2) A school district may look to non-educational entities such as insurance companies and the Medicaid program, to pay for services for which ~~such~~these entities are otherwise responsible. The district must have written consent from parents in order to use their private insurance.

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- 3) Services required by an IEP must be provided at no cost to the child's parents, whether they have public or private insurance. Parents shall be notified that the use of their private insurance proceeds to pay for services is voluntary. In the case of a child who is dually insured (through private insurance and Medicaid), a family shall not be required to draw upon private insurance whose use is a prerequisite to billing Medicaid if that use of insurance will result in financial costs to the family.
- 4) "Financial costs to the family" include:
 - A) Out-of-pocket expenses incurred in filing a claim, such as the payment of a deductible or required co-payment, but not including incidental costs such as the time needed to file an insurance claim or the postage needed to mail the claim;
 - B) A decrease in available lifetime coverage or any other benefit under an insurance policy;
 - C) Payment by the family for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school;
 - D) An increase in premiums or the discontinuation of a policy; and
 - E) A risk in terms of loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures.
- b) The federal regulations implementing the Individuals with Disabilities Education Act (see 34 CFR 300) establish detailed requirements for the use of federal funds in connection with service to students who are eligible under this Part. School districts and cooperative entities are required to comply with those federal requirements.
- c) School districts and cooperative entities shall use federal matching funds received under Medicaid or the KidCare program only to supplement special education programs and services.

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d) Computation of Reimbursement Under Section 14-7.03 of the School Code

The amount of reimbursement for which a district shall be eligible under Section 14-7.03 of the School Code shall be computed by determining the actual cost of maintaining the program in accordance with the State Board's rules for Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130), ~~as further specified in this subsection (d).~~

- ~~1) The district's cost for administration and supervision shall be computed based on the relationship that the average daily membership of children in special education classes bears to the district's total average daily membership.~~
- ~~2) The cost of buildings and facilities shall not exceed 10% of the expenditures for classes.~~
- ~~3) All payments authorized by law, including State or federal grants for the education of children, shall be deducted when program reimbursement or per capita tuition is calculated.~~
- 4) The total reimbursement for a child who is living in a residential care facility and who has been placed in a nonpublic special education program by the responsible district shall not exceed the amount authorized under Section 14-7.02 of the School Code.

e) Eligibility of Students for Funding Under Section 14-7.03 of the School Code

- 1) A student who meets the requirements of Section 14-1.11a(5) of the School Code [105 ILCS 5/14-1.11a(5)] is eligible for reimbursement under Section 14-7.03 of the School Code if he or she:
 - A) is a resident of one of the residential care facilities described in Section 226.320 ~~of this Part~~;

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- B) would not be a resident of that school district except by virtue of his or her placement in one of the residential care facilities described in Section 226.320(a)-~~of this Part~~; and
 - C) has been declared eligible for special education and related services pursuant to this Part.
- 2) A student who has been declared eligible for special education and related services pursuant to this Part and is living in a State residential unit or county-operated detention center is eligible for reimbursement under Section 14-7.03 of the School Code.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

- a) General
 - 1) Each school district, or the special education cooperative ~~entity~~ of which it is a member, shall employ sufficient professional personnel and ~~noncertified~~ 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 ~~entity~~ 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

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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 ~~Certification-Approval~~ in Special Education) when applicable.

- 4) Each school district or special education cooperative ~~entity~~ 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 ~~certificate~~ and meet the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
- 2) hold ~~another~~ valid professional educator license endorsed in another teaching certificate-area and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 ~~of this Part~~); or
- 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820 ~~of this Part~~; or
- 4) hold short-term emergency certification-approval issued pursuant to 23 Ill. Adm. Code 25.48 ~~(beginning January 1, 2002)~~.

c) An individual assigned as a ~~vocational-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;

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- 2) holds a valid professional educator license with either a special preschool-age 21 certificate endorsement or a high school certificate 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)(I)~~ of this Section:
 - A) Survey of the exceptional child;
 - B) ~~Characteristics-Diagnosis of, and characteristics~~ of the student with, all the disabilities encompassed by the Learning Behavior Specialist I (LBS I) credential-an intellectual disability;
 - C) ~~Characteristics of the socially and/or emotionally maladjusted student~~ Adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential;
 - D) ~~Vocational-Career and technical~~ programming for students with disabilities;
 - E) ~~Characteristics of other exceptionalities~~;
 - ~~F)~~ Methods course in special education appropriate for teaching children with all the disabilities encompassed by the LBS I credential;
 - ~~G)~~ F) Guidance and counseling;
 - ~~H)~~ G) Educational and psychological diagnosis;
 - ~~D)~~ H) ~~Vocational-Career~~ and technical education.

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- 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 ~~certificate endorsed endorsement~~ for the disability area of assignment issued pursuant to 23 Ill. Adm. Code 25.43 or a ~~high school certificate~~ secondary endorsement with special education approval in the applicable disability area issued pursuant to Section 226.810 ~~of this Part~~;
 - 2) has completed a course in ~~vocational~~ 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 ~~vocational~~ career and technical education.
- e) An individual assigned as a business manager's assistant shall hold ~~an administrative certificate~~ 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 ~~certificate endorsed 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;

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- 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 ~~an a valid professional educator license with an~~ early childhood, elementary, ~~high school~~secondary, or special ~~certificate endorsement~~ preschool-age 21 who also holds special education approval in the area of responsibility (see Section 226.810 ~~of this Part~~) 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) ~~of this Section~~.
- 3) A holder of ~~an a valid professional educator license with an~~ early childhood, elementary, ~~high school~~secondary, or special ~~certificate~~ kindergarten-grade 12 or preschool-age 21 endorsement who also holds ~~approval 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 ~~certificate-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 service support ~~certificate endorsed endorsement~~ for guidance school counselor, school social ~~work~~worker, school ~~psychology~~psychologist, or ~~speech language pathologyspeech 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 ~~entity~~ 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 ~~administrative certificate~~professional educator license endorsed for director of special education issued pursuant to 23 Ill. Adm. Code 25.365

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and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in ~~either~~ 23 Ill. Adm. Code 25.365(b) ~~or (c), as applicable~~. 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 ~~entity~~ 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 ~~entity~~.

h) Supervisors

- 1) Each school district or special education cooperative ~~entity~~ 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 ~~certificate endorsement~~ in the area to be supervised, and a supervisory endorsement issued endorsed for supervision 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 ~~service support~~ personnel ~~certificate endorsed for supervision~~ endorsement, and a supervisory endorsement issued, with ~~and~~ two years' experience in the area to be supervised; or
 - C) a valid professional educator license with an administrative ~~certificate endorsement issued under 23 Ill. Adm. Code 25.Subpart E~~ and either a ~~valid~~ special preschool-age 21 ~~certificate~~

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~~endorsed~~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 ~~an administrative certificate~~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, 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 ~~of this Part~~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) ~~of this Section~~ shall, as appropriate to his or her assignment, hold:

- 1) ~~the a valid professional educator license endorsed for~~ school ~~service support~~ personnel ~~certificate endorsed as~~ 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

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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) ~~Noncertified~~ Personnel Not Holding Educator Licensure

- 1) Each ~~noncertified~~ 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 ~~/aide~~ 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.
 - 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

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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) ~~of this Section~~. Training shall be in lieu of the requirements for ~~noncertified~~ personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.810 Special Education Teaching Approval

Special education approval for LBS I or early childhood may be issued by the State Board of Education to an individual who does not hold a special preschool-age 21 ~~certificate endorsement on his or her professional educator license~~ or who lacks some of the qualifications for one of the endorsements enumerated in 23 Ill. Adm. Code 25.43. After August 31, 2015, LBS I approvals under this Section shall no longer be issued.

- a) Beginning July 1, 2001, special education teaching approval will be issued for individuals to serve as ~~Learning Behavior Specialist (LBS)-LBS I~~ and may be limited to one or more of the following areas, as applicable (see 23 Ill. Adm. Code 25.47):
 - 1) Learning disabilities;
 - 2) Social/emotional disorders;
 - 3) Intellectual disability; and
 - 4) Physically handicapped.
- b) An individual who holds a valid professional educator license with an early childhood, special, elementary, ~~high school or secondary endorsement~~, or a valid educator license with stipulations endorsed for transitional bilingual ~~certificate educator~~ shall receive LBS I approval to teach in a special education area listed in

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subsection (a) ~~of this Section~~ if he or she has successfully completed college-level coursework addressing each of the following areas:

- 1) Survey of exceptional children;
- 2) Characteristics of special education students in the specific area of approval sought;
- 3) Methods of teaching in the area of special education approval sought; and
- 4) Psychological diagnosis for children with all types of disabilities.

c) Except as provided in subsection (d) ~~of this Section~~, an individual who wishes to receive special education teaching approval shall submit an application for ~~a special certificate~~ an LBS I endorsement on a form supplied by the State Board of Education and shall comply with ~~such any~~ other application procedures as the State Board may require.

- 1) If the individual qualifies for ~~a special certificate~~ an LBS I endorsement, the State Board shall issue one and endorse it as warranted.
- 2) If the individual does not qualify for ~~a special certificate~~ an LBS I endorsement, the State Board shall evaluate the application for special education approval and either issue the approval or notify the applicant of any deficiencies.

d) Special education approval issued prior to January 1, 2002, shall not be limited with regard to time or district of employment but shall be valid only for the special education areas indicated and the grade levels to which the individual's ~~certificate~~ professional educator license or educator license with stipulations applies.

e) Any approval issued on or after January 1, 2002, shall be valid for three years, after which time the holder shall no longer be assigned to a special education teaching position unless he or she has received an unlimited LBS I endorsement pursuant to 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval).

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- e) ~~As of July 1, 2001, each teaching approval listed in subsection (a) of this Section shall automatically be reissued for service as an LBS I. An individual's pre-existing approvals shall result in receipt of either a limited or an unlimited LBS I approval (see 23 Ill. Adm. Code 25.47).~~
- f) Beginning January 1, 2002, the State Board shall issue early childhood special education approval to an individual who ~~either holds~~ a valid professional educator license with an early childhood ~~certificate endorsement~~ or a special preschool-age 21 certificate with an LBS I endorsement, provided that the individual makes application for approval ~~on a form supplied in a format specified~~ by the State Board demonstrating that he or she has successfully completed coursework in all the following areas:
- 1) Methods – Developmentally and individually appropriate methods for fostering the social, emotional, cognitive, communication, adaptive, and motor development and learning of young children with special needs in various settings, such as the home, the school, and the community.
 - 2) Assessment – Strategies, procedures, and formal and informal instruments for assessing young children's social, emotional, cognitive, communication, and motor skills; family concerns, priorities, and resources; and school, home, and community learning environments; and methods for conducting formative and summative individual and program evaluation.
 - 3) Language Development – Typical and atypical language development in young children; specific language disabilities; the relationship between communication delays and other areas of early learning and development; and alternative communication systems for young children with disabilities.
 - 4) Family and Community Relationships – Strategies in developing positive and supportive relationships with families of young children with special needs, including the legal and philosophical basis for family participation; family-centered services; and strategies for working with socially, culturally, and linguistically diverse families. Strategies and models for

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promoting effective consultation and collaboration with other professionals and agencies within the community.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.820 Authorization for Assignment

In the circumstances described in this Section, neither the qualifications required by Section 226.800 ~~of this Part~~ nor special education approval under Section 226.810 ~~of this Part~~ shall be required. When authorized pursuant to this Section, reimbursement shall be available for staff providing special education and related services.

a) No Fully Qualified Individual Available

1) 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 School 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 if the director of special education submits a written request through the regional superintendent of schools, on a form provided by the State Board, that:~~

- A) ~~describes the position or assignment involved or the services to be provided and identifies the required certificate or approval;~~
- B) ~~describes the population to be served, including the number of students in each disability category represented;~~
- C) ~~describes the type and frequency of supervision and technical assistance to be provided to the individual, including the name and title of the supervisor and any other individual who will provide technical assistance;~~

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- ~~D) describes the unique training, education, experience, or other qualifications that will assist the individual in fulfilling the requirements of the position;~~
- ~~E) describes the district's or cooperative entity's efforts to locate a fully qualified individual to fill the position, including contacts with universities, regional superintendents, and the State Board of Education; and~~
- ~~F) indicates that the individual to be assigned is working toward attainment of the required certificate, endorsement, or approval for the position.~~
- ~~2) The State Board's authorization to assign such an individual shall be specific to the affected position and to the district or cooperative entity requesting the authorization and shall be limited to two years in duration.~~
- ~~3) As of January 1, 2002, no further authorizations to assign individuals to special education teaching positions shall be issued pursuant to this Section. The provisions of 23 Ill. Adm. Code 25.48 (Short-Term Emergency Certification Approval in Special Education) shall apply instead. An individual for whom an authorization was issued prior to January 1, 2002, shall be allowed to serve in the current assignment until that authorization expires.~~

b) Interns

The State Board may also authorize the assignment of interns in school psychology, school social work, school nursing, and ~~speech/language~~speech and language pathology who will work under the supervision of fully qualified professionals, subject to the requirements of this subsection (b).

- 1) For each intern in school psychology, school social work, or school nursing, the director of special education shall submit, on forms supplied by the State Board:

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- A) verification provided by an educational institution that the candidate is participating in a formal internship under its auspices; and
 - B) a request for authorization to assign the individual to an intern's position.
- 2) For each intern in ~~speech/~~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), ~~teaching certificate and has a bachelor's degree in communication disorders. The individual shall also either have completed graduate level coursework in communication disorders or be enrolled in a program providing such coursework.~~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 a special preschool-age 21 ~~certificate endorsed for speech and language impaired or speech language pathology pathologist issued~~ pursuant to 23 Ill. Adm. Code 25.43 (Standards for Licensure of Special Education Teachers) or 25.4523 Ill. Adm. Code 25.252 (Endorsement for Non-Teaching Speech-Language Pathologist), as applicable.
- e) No Specific Credential Required
- 1) ~~When a school district or cooperative entity needs to fill a position for which no specific certificate, endorsement, or other credential is required, the district or cooperative entity shall seek authorization from the State Board of Education to assign the individual who has been selected.~~
 - 2) ~~The director of special education shall submit a written request through the regional superintendent of schools, on a form provided by the State Board, that:~~
 - A) ~~describes the position or the service to be provided, why it is needed, and for how long it is expected to be needed; and~~

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- ~~B) describes the training, education, experience, or other qualifications held by the individual selected that will be relevant to the unique needs of the students to be served (e.g., experience in teaching students with similar disabilities, experience in providing the specific services involved).~~
- ~~3) The State Board's authorization to assign such an individual shall be limited to the period for which the service is stated to be needed and shall be specific to the affected position and to the requesting entity.~~

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.830 List of Independent Evaluators

- a) The State Board of Education shall develop a list of independent educational evaluators who hold the credentials required for the performance of the various evaluation components pursuant to Section 226.840 of this Part and meet the requirements of Section 14-8.02(g-5) of the School Code.
- b) No person shall be included in the State Board's list unless he or she has provided in writing to the State Board the following specific information for each credential for which the Board's acknowledgment is sought:
 - 1) name of license, certificate, or other credential;
 - 2) name of credentialing agency or body;
 - 3) number of certificate, license, registration, or other credential;
 - 4) date of issue; and
 - 5) period of validity.
- c) An individual who wishes to be considered a qualified bilingual specialist shall identify any language(s)languages other than English in which he or she is proficient and identify the specific qualifications held that correspond to the relevant requirements of Section 226.800(f) ~~of this Part.~~

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- d) Persons wishing to be included on this list may submit the information about their credentials required under subsection (b) ~~of this Section~~ to the State Board at any time. The State Board shall update the list as changes may warrant and shall provide the list to school districts.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.840 Qualifications of Evaluators

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

~~Teaching certificate/approval~~ 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 Service Personnel Certificate endorsed school support personnel endorsement for school ~~psychology psychologist or guidance~~ school counselor. (See Article ~~21-21B~~ of the School Code [105 ILCS 5/Art. 2121B] and the State Board's rules at 23 Ill. Adm. Code 1 and 23 Ill. Adm. Code 25.)

Adapted Physical Education

~~Special Certificate~~ Professional educator license endorsed for physical education with approval 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.

Audiological

License to practice as an Audiologist audiologist issued

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TYPE	REQUIRED QUALIFICATIONS
Clinical Psychological	by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
Cultural Background Assessment	Professional educator license with a School Service Personnel Certificate endorsed school support endorsement for school psychology psychologist, school social work worker, or school counseling counselor.
Hearing Screening	License to practice as an Audiologist 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 Certificate endorsed special preschool-age 21 endorsement for speech and language impairments speech and language pathologist (23 Ill. Adm. Code 25.45 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 Service Personnel Certificate endorsed school support personnel endorsement for school psychology psychologist or Special Preschool-Age 21 Certificate endorsed for Learning Behavior Specialist 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

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TYPE	REQUIRED QUALIFICATIONS
Occupational Therapy Evaluation	Financial and Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60]. 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 (Certification for Certified Orientation and Mobility Specialist, Orientation and Mobility Division, 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, 4600 Duke Street, #430, P.O. Box 22397, 1703 North Beauregard Street, Suite 440, Alexandria, Virginia 22304; 1984; no later amendments or editions are included 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 Service Personnel Certificate endorsed school support personnel endorsement for school psychology psychologist.
Social Developmental Study (Adaptive Behavior, Cultural	Professional educator license with a School Service Personnel Certificate endorsed school support personnel

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TYPE	REQUIRED QUALIFICATIONS
Background, Family History)	endorsement for social work worker, guidance school counselor, or school psychology psychologist (23 Ill. Adm. Code 25.215, 25.225, or, <u>as applicable, 25.230 or 25.235</u>).
Speech and Language Assessment	Professional educator license with a Special Preschool-Age 21 Certificate endorsed for speech and language impairment or speech language pathology special preschool-age 21 speech and language pathologist endorsement (23 Ill. Adm. Code 25.45 <u>25.43</u>), or School Service Personnel Certificate endorsed school support personnel endorsement for speech language pathology speech and language pathologist (23 Ill. Adm. Code 25.250 <u>25.252</u>).
Vision Screening	Certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.850 List of Qualified Workers

The following table lists the work assignments and qualifications for qualified workers for whom reimbursement may be requested under Section 14-13.01 of the School Code. All requirements necessary for proper certification, educator or professional licensure, or approval in these work assignments are found in this Subpart I, unless otherwise noted.

WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
Adapted Physical Education	A valid Illinois <u>professional educator license</u> teaching certificate endorsed for physical education and an adapted physical education approval encompassing the grade levels and age ranges of the students served.
Administrator of a Special School	Must meet the requirements of Section 226.800(i) of this Part .

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Art Therapist	Registration from American Art Therapy Association or a master's degree in art therapy awarded by a regionally accredited institution of higher education.
Assistant Director	Must hold a valid <u>professional educator license administrative certificate</u> with a director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.365 and 23 Ill. Adm. Code 1.705 and meet-meets the requirements of Section 226.800(g) of this Part.
Audiologist	Licensed to practice as an audiologist by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] or Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association.
Autism	A valid Illinois teaching certificate <u>professional educator license</u> either with a categorical or cross-categorical special education <u>an LBS I or early childhood special education</u> endorsement or approval encompassing the grade levels and age ranges of the students served.
Behavior Analyst	Board Certified Behavior Analyst (BCBA) as evidenced by a current valid certificate awarded by the Behavior Analyst Certification Board, Inc.
<u>Career and Technical Coordinator</u>	<u>Meets the requirements set forth in Section 226.800(c) of this Part and 23 Ill. Adm. Code 1.737(c).</u>
<u>Career and Technical Transition Specialist</u>	<u>Must hold a contract with the Illinois Department of Human Service-Division of Rehabilitation Services, under the Secondary Transition Experience Program (STEP).</u>
Cognitive Disability	A valid Illinois teaching certificate either with a cross-categorical special education endorsement or approval or intellectual disability endorsement or approval encompassing the grade levels and age ranges of the students served.
Cross-categorical	A valid Illinois teaching certificate with a cross-categorical special education endorsement or approval encompassing the grade levels and

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WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
	age ranges of the students served.
Daily Living Skills Specialist	Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization.
Diagnostic <u>Teacher</u>	A valid Illinois professional educator license with an prekindergarten through age 21 (PreK-21) teaching certificate either with a learning disability or cross-categorical special education <u>LBS I</u> endorsement or approval.
Early Childhood	A valid Illinois professional educator license with an <u>early childhood certificate endorsement and</u> either with an early childhood special education endorsement or early childhood special education approval or with a valid Illinois professional educator license with an PreK-21 certificate endorsed either for categorical or cross-categorical special education <u>LBS I endorsement</u> and early childhood special education approval.
Emotional Disability	A valid Illinois teaching certificate <u>professional educator license</u> either with a cross-categorical special education or a social emotional disorders <u>an LBS I</u> endorsement or approval encompassing the grade levels and age ranges of the students served.
Hearing Impairment	A valid Illinois professional educator license teaching certificate endorsed for teacher of students with deafness/hard of hearing who are deaf or hard of hearing pursuant to 23 Ill. Adm. Code 25.43.
Home/Hospital Instructor (see Section 226.300 of this Part)	A valid Illinois teaching certificate <u>professional educator license</u> either with a cross-categorical special education an LBS I endorsement or approval encompassing the area of student's disability (i.e., intellectual disability, physically handicapped, learning disabilities or social/emotional disorders), or a valid Illinois teaching certificate <u>professional educator license</u> endorsed in the area of speech language pathology <u>speech and language pathologist</u> , blind or visually impaired, or deaf or hard of hearing.
Infant/Toddler/Family Specialist	For federally funded programs serving infants and toddlers, birth through two years of age: Completion of a degree program with evidence of specific training in child development and family

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development specific for children ages birth to five years.

Inservice Coordinator

A valid Illinois ~~teaching certificate~~professional educator license endorsed either for categorical or cross-categorical special education with an LBS I endorsement or a valid Illinois professional educator license endorsed for school service support personnel ~~certificate~~ (see 23 Ill. Adm. Code 25.Subpart D).

Intellectual Disability

A valid Illinois professional educator license endorsed in a teaching field with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.

LBS I

Meets the requirements of 23 Ill. Adm. Code 25.43 appropriate to the area of responsibility or holds a valid Illinois professional educator license with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.

Medical Services Personnel
(Diagnostics and Evaluation)

Registration with the Illinois Department of Financial and Professional Regulation.

Music Therapist

Registration from the ~~American Music Therapy Association~~National Music Therapy Registry, certification from the Certification Board for Music Therapists, or master's degree in music therapy from a regionally accredited institution of higher education.

Occupational Therapist

Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Orientation and Mobility
Specialist

Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization or the Association for the Education and Rehabilitation of the Blind and Visually Impaired.

Orthopedic Impairment

A valid Illinois ~~teaching certificate~~professional educator license either with a cross-categorical special education or physically handicapped endorsement or with approval encompassing the grade levels and age ranges of students served.

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Physical Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Recreational Therapist	Licensed by the National Council for Therapeutic Recreation or its predecessor organization.
Rehabilitation Counselor	Certificate from the Commission on Rehabilitation Counselor Certification (CRCC) or a master's degree in rehabilitation counseling awarded by a regionally accredited institution of higher education.
School Counselor/Guidance Counselor	Meets the requirements of 23 Ill. Adm. Code 25.43 appropriate to the area of responsibility or holds a valid Illinois <u>professional educator license endorsed for school service support personnel certificate endorsed for school counseling counselor issued under 23 Ill. Adm. Code 25.225.</u>
School Counselor Intern	Meets the requirements of 23 Ill. Adm. Code 25.227.
School Nurse	Meets the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23] and 23 Ill. Adm. Code 25.245.
School Nurse (Grandfathered)	Employed as a registered school nurse prior to July 1, 1976 and continuing in the same position with the same district or joint agreement.
School Nurse Intern	Meets the requirements of Section 226.820(b) of this Part. Reimbursement for this position shall not be for a period of time that exceeds four months.
School Psychologist	Meets the requirements of Section 14-1.09 of the School Code [105 ILCS 5/14-1.09] and 23 Ill. Adm. Code <u>25.230 or 25.235, as applicable.</u>
School Psychologist Intern	Meets the requirements of Section 226.820(b) of this Part.
School Social Worker	Meets the requirements of Section 14-1.09a of the School Code [105 ILCS 5/14-1.09a], and Section 226.820(b) of this Part and 23 Ill. Adm. Code 25.215, as applicable.
School Social Work Intern	Meets the requirements of Section 226.820(b) of this Part.

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REQUIRED QUALIFICATIONS

Specific Learning Disability	A valid Illinois teaching certificate <u>professional educator license</u> either with a cross-categorical special education <u>an LBS I or learning disability</u> endorsement or <u>with</u> approval encompassing the grade levels and age ranges of the students served.
Speech-Language	Non-teaching Position: Meets the requirements of Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b] and 23 Ill. Adm. Code 25.252, as applicable, for speech languages <u>speech and language</u> pathologist. Teaching Position: Holds a valid Illinois teaching certificate <u>professional educator license</u> issued pursuant to 23 Ill. Adm. Code 25.43 endorsed in speech language pathology <u>for speech and language pathologist</u> .
Speech-Language Pathologist Intern (Interim)	Meets the requirements of 23 Ill. Adm. Code 25.255 and Section 226.820(b) of this Part.
State-Approved Director of Special Education (serving in a full-time capacity)	Meets the requirements of 23 Ill. Adm. Code 25.365 and Section 226.800(g) of this Part.
Supervisor	Meets the requirements of Section 226.800(h) of this Part and 23 Ill. Adm. Code 1.705(h), as applicable.
Support Teacher	A valid Illinois teaching certificate <u>professional educator license</u> either with a categorical or cross-categorical special education <u>an LBS I</u> endorsement or <u>with</u> approval encompassing the grade levels and age ranges of the students served.
Teacher Coordinator of Vocational Education	Meets the requirements of Section 226.800(d) of this Part .
Visual Impairment	A valid Illinois teaching certificate <u>professional educator license</u> issued pursuant to 23. Ill. Adm. Code 25.43 and endorsed for teacher of students with visual impairments <u>who are blind or visually impaired</u> .
Vocational Coordinator	Meets the requirements set forth in Section 226.800(c) of this Part and 23 Ill. Adm. Code 1.737(e)(3).
Vocational Transition	Must hold a contract with the Illinois Department of Human Services,

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REQUIRED QUALIFICATIONS

Specialist	Division of Rehabilitation Services, under the Secondary Transition Experience Program (STEP).
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(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)

Section 226.860 List of ~~Nonecertified-Other~~ Employees Qualifying for Reimbursement

The following table lists the work assignments and qualifications for ~~nonecertified~~ employees considered to be "noncertified" for the purposes of requesting whom reimbursement ~~may be requested~~ under Section 14-13.01 of the School Code. In order to qualify for reimbursement, the noncertified employee shall provide direct services to students with IEPs. (See Section 14-13.01(h) of the School Code; also see Section 226.800(k) of this Part.)

WORK ASSIGNMENT

REQUIRED QUALIFICATIONS

Hearing Screening Technician	Must hold a certificate from the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 675.
Individual Student Aide (noninstructional duties)	Training specific to the needs of the students being served, as determined by the school district under Section 226.800(k) of this Part .
Interpreter for the Deaf or Cued Speech <u>Oral Transliteration</u>	Meets the requirements of 23 Ill. Adm. Code 25.550 for approval from the State Board of Education.
Noncertified Health Aide	Licensed by the Illinois Department of Financial and Professional Regulation pursuant either to Article 55 or 60 of the Nurse Practice Act [225 ILCS 65/Art. 55 or 60].
Occupational Therapy Assistant	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 9 of the Illinois Occupational Therapy Practice Act [225 ILCS 75/9] and 68 Ill. Adm. Code 1315.
Paraprofessional/ Teacher Aide <u>Educator</u>	<u>Holds a valid educator license with stipulations for paraprofessional educator and/or meets</u> Meets the requirements of 23 Ill. Adm. Code 25.510, <u>for or holds</u> approval from the State Board of Education <u>issued in accordance with 23 Ill. Adm. Code 25.15 (Types of Licenses: Exchange).</u>

PLEASE NOTE: THE CHANGES DISPLAYED IN THIS DOCUMENT BECAME EFFECTIVE 1-13-2016. Part 226 incorporating these changes is located at <http://www.isbe.net/rules/archive/pdfs/226ark.pdf>.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

WORK ASSIGNMENT

REQUIRED QUALIFICATIONS

Physical Therapy Assistant	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 8.1 of the Illinois Physical Therapy Act [225 ILCS 90/8.1] and 68 Ill. Adm. Code 1340.
Speech-Language Pathology Assistant	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 8.5 of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/8.5] and 68 Ill. Adm. Code 1465.
Speech Language Paraprofessional	Holds a bachelor's degree in speech language pathology and approval from the State Board of Education.
Vision Screening Technician	Must hold a certificate from the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 685.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)