**Section 401.140 Provision of Educational Program**

a) Each provider shall ensure that each student receives special education and related services in accordance with his or her IEP, provided that the use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control shall not be permitted. Providers utilizing disciplinary or behavioral techniques or interventions prohibited in Illinois are not eligible for approval, except as otherwise provided in Section 14-7.02 of the School Code.

b) Each educational program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226.720 (Facilities and Classes).

c) Each class offered in a program subject to this Part shall have a maximum enrollment of five students per licensed/certified special education teacher. The enrollment in a class may be increased by a maximum of five students when a full-time paraprofessional or other professional staff is provided, for a maximum of 10 students.

d) Deviations from the allowable class size requirements of subsection (c) or from subsection (b) may be requested in writing. A rationale for the request (e.g., a staff member resigns right before the start of the school year and the facility can provide documentation that it is actively pursuing filling the vacancy but has not yet found a qualified individual for the position) and plan for evaluation of the deviations shall be submitted with the request.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)