**Section 401.240 Staffing Requirements**

a) The composition and qualifications of each facility's professional and paraprofessional staff shall be in accordance with the needs and requirements of the students with disabilities placed under Section 14-7.02 of the School Code. Each provider subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the requirements of 23 Ill. Adm. Code 226, Subpart I (Personnel), as those requirements are affected by Section 10-21.4a of the School Code and 23 Ill. Adm. Code 25 (Educator Licensure). A head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code shall be required to hold a supervisory endorsement. Paraprofessional educators employed by facilities under this Part shall be subject to the requirements of 23 Ill. Adm. Code 25.510 (Endorsement for Paraprofessional Educators). Licenses/certificates issued by the Illinois Department of Financial and Professional Regulation (DFPR) or the licensing agency in the state in which the facility is located, are acceptable credentials. The position title listed on the application shall match the position titles listed in 23 Ill. Adm. Code 226, Subpart I or 23 Ill. Adm. Code 25 and/or the licenses/certificates issued by DFPR or the licensing agency in the state in which the facility is located.

b) A substitute teacher holding a valid license endorsed for early childhood, elementary, secondary, special K-12, special preschool-age 22 or holding a substitute teaching license/certificate, shall be employed to replace absent teachers. Only teachers holding a license/certificate or teaching approval in special education, as applicable to the students to be taught, shall be used to open new classrooms, begin a school year, or meet the staffing requirements set forth in this Section for purposes of approval of an application for eligibility.

c) Facilities located outside Illinois shall employ personnel who possess the specific qualifications comparable to those issued in Illinois in connection with the positions in question.

d) If the State Superintendent determines that a program has been operated for more than 40 business days in noncompliance with the requirements of this Section, the State Superintendent shall change the provider's SBE approval status accordingly, pursuant to the provisions of Section 401.30.

(Source: Amended at 46 Ill. Reg. 6486, effective April 11, 2022)