**Section 108.10 Definitions**

For the purposes of this Part, the following terms are defined:

"Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Adapted physical education." A diversified program of developmental activities, games, sports and rhythms, suited to the interests, capacities, and limitations of recipients who may be unable to safely or successfully engage in unrestricted participation in the activities of a general physical education program.

"Adaptive behavior." Standards of personal independence and social responsibility expected of the recipient's age-appropriate and cultural group.

"Approval." A written notification issued by the Illinois State Board of Education to an individual attesting that he or she has met the requirements set forth at 23 Ill. Adm. Code 226 for one or more categories of special education personnel.

"Certificate." A license issued pursuant to Sections 21-1 et seq. of the School Code [105 ILCS 5/21-1] authorizing an individual to be employed in an Illinois public school as a teacher, school service personnel or an administrator.

*"Clinical psychologist." A psychologist registered with the Illinois Department of* *Professional Regulation* *who either has a doctoral degree from a regionally accredited university, college, or professional school, and has two years of supervised experience in health services of which at least one year is post doctoral and one year is in an organized health service program, or has a graduate degree in psychology from a regionally accredited university or college, and has not less than six years of experience as a psychologist with at least two years of supervised experience in health services.* (Section 1-103 of the Code)

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Consent." The recipient's parent(s) or guardian has been informed of all necessary information including a description of the activity for which consent is sought and the risks associated with allowing or disallowing the activity. He or she understands and agrees, in writing, to carry out the activity for which consent is sought; understands that the granting of consent is voluntary on his or her part and may be revoked at any time; and is informed of the consequences of withholding consent.

"Day." A calendar day unless otherwise specified.

"Department." The Department of Human Services.

*"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism, or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded persons. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap.* (Section 1-106 of the Code).

"Educational component of the individual treatment or habilitation plan." A written statement for a recipient that provides at least a statement of:

The recipient's present levels of educational performance, annual goals and short-term instructional objectives;

Specific special education services;

The extent of participation in a regular education program;

The projected dates for initiation of services;

Anticipated duration of services;

Appropriate objective criteria and evaluation procedures;

A schedule for annual determination of short-term objectives; and

A description of the intervention modalities.

This statement may be contained in the written treatment or habilitation plan or may be referenced therein and maintained elsewhere for ultimate inclusion in the clinical record.

"Endorsement." Refers to a statement on the face of an administrative special, school service personnel, provisional vocations, temporary provisional, vocational or general certificate limiting the holder to the functions, special area or service area specified.

"Evaluation." Any one or more parts of a diagnostic assessment or evaluation as delineated in Section 108.90.

"Hearing impaired." A hearing loss which ranges from mild to profound, and prevents full awareness of environmental sounds and spoken languages, limiting normal language acquisition and learning achievement.

"Individual treatment or habilitation plan." A written plan, which includes an educational component for special education, prepared within a specified number of days after admission, consistent with the recipient's diagnosis and needs pursuant to Section 3-209 (mentally ill) or Section 4-309 of the Code. The plan must be reviewed and updated at least every 30 days. A qualified professional shall be responsible for overseeing the implementation of such plan.

"Instructional programs." Those activities which provide the principal elements of the recipient's educational development at any given time. These activities may include any or all of the following:

Evaluation of the nature of the recipient's educational needs;

Amelioration of and compensation for visual, auditory, physical, speech or other impairments;

Development of language concepts and communication skills;

Educational experiences which are adjusted in content, emphasis, rate, or location; and

Modification of social skills or emotional adjustment in the classroom setting.

For the purposes of this Part, an instructional program shall be considered as one in which the recipient spends 50% or more of his or her school day.

"Intervention modalities." The developmental, corrective, and other supportive services discussed in Section 108.50 which are required for a recipient according to his or her individual treatment or habilitation plan. Many, but not all, of these services would be designated as related services in the public school special education setting.

"Language use pattern." Verbal or nonverbal language or combination of languages which the recipient uses to conceptualize and communicate those conceptualizations.

"Mental impairment." Markedly delayed intellectual development, adaptive behavior, and academic achievement. Such mental impairment may be mild, moderate, severe, or profound.

"Multiple impairment." Two or more impairments, severe in nature or total impact, which significantly affect a recipient's ability to benefit from a standard educational program.

"Parent." The natural or adoptive parent, a guardian, a person acting as a parent of a minor recipient. Guardian means the plenary or limited guardian appointed by the court for a person over age 18 so long as the limited guardian's duties encompass educational concerns. For recipients over 18 years of age without court-appointed guardians, parents may be informed or participate only with the consent of the adult recipient. Parent also includes a person acting as a parent for educational purposes such as a surrogate parent appointed by the Illinois State Board of Education.

"Parent counseling and training." Procedures used in assisting parents in understanding the special needs of their child and providing parents with information about child development.

"Physical or health impairment." A physical or health disability, either temporary or permanent, ranging from mild to profound, which adversely affects a recipient's educational performance and requires adaptation of the physical plant or the use of supplementary aids and services.

"Provisional certificate." Refers to a credential valid for up to two years entitling the holder to teach at grades kindergarten-nine – provisional elementary (type 30), six-12 – provisional high school (type 31), or kindergarten-12 – provisional special (type 33), in compliance with Sections 21-1 et seq. of the School Code and based on the individual's meeting the requirements for a regular certificate of the same type in another state.

"Psychological evaluation." An individual evaluation of the child's functioning in cognitive, social, emotional and academic achievement or aptitude areas using appropriately validated formal and informal tests and evaluation material.

"Qualified professional." Those professional personnel who meet either the certification or approval requirements described in Sections 108.40(d), 108.40(g), 108.40(h), and 108.40(i), exclusive of interns and aides.

*"Recipient of services" or "recipient." A person who has received or is receiving treatment or habilitation* (Section 1-123 of the Code).

"Re-evaluation." A series of diagnostic procedures which are performed in accordance with Section 108.90 for the purpose of determining a recipient's continued eligibility for special education programming.

"Resource programs." Specialized educational instructional services which are provided to the recipient for less than 50% of his or her school day.

"School days." Those days on which school is officially conducted during the regularly established school year in accordance with Section 10-19 of the School Code [105 ILCS 5/10-19].

"School psychologist." An individual certified as such by the State Board of Education in accordance with Section 21-25 of the School Code [105 ILCS 5/21-25].

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Social developmental study." A compilation and analysis of information concerning those life experiences of the recipient, both past and present, which pertain to the recipient's problems and/or to the possible alleviation of those problems.

"Special education." Those instructional and resource programs, unique materials, physical plant adjustments, and other special educational facilities provided by the facility to meet the unique needs of recipients, which modify, supplement, support, or are in the place of the standard educational program of the public school. The term includes speech pathology and vocational education.

"Specific learning disability." The recipient exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. This term includes such conditions as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include recipients who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. Such disorder may range from mild to profound.

"Speech or language impairment." Deviations of speech and language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development. Such impairment may range from mild to profound.

"Standard certificate." Refers to a credential valid for four years issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21], entitling the holder to teach at grades kindergarten-nine – standard elementary (type 03), six-12 – standard high school (type 09), or kindergarten-12 – standard special (type 10) levels.

"Standard educational program." The educational program similar to that offered by the local school district to its non-handicapped students.

"Standard special certificate." Refers to a credential (type 10) issued to individuals completing the requirements set forth at 23 Ill. Adm. Code 25.40, 25.43 and 25.45, which is endorsed for one of the following: educable mentally handicapped, learning disabilities, social, emotional disorders, trainable mentally handicapped, blind and partially seeing, deaf and hard of hearing, physically handicapped or speech and language impaired.

"State-operated facility" or "facility." A mental health and/or developmental center operated by the State of Illinois, under the jurisdiction of the Department, which provides treatment or habilitation services for recipients who are mentally ill or developmentally disabled or who are a danger to themselves or others.

"Visual impairment." Vision is such that the recipient cannot develop his or her educational potential without special services and materials. Such impairment may range from mild to profound.

"Vocational education." Organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or higher degree.

(Source: Amended at 15 Ill. Reg. 6122, effective April 15, 1991)