**Section 108.40 School schedule and staff requirements**

a) Each facility shall operate its special education program five days per week unless a regularly scheduled day falls on a legal holiday and shall ensure recipient attendance throughout the period of admission as specified in the educational component of the individual treatment or habilitation plan.

b) Each facility shall develop a school calendar specifying the days on which special education programs will operate; the calendar shall specify a minimum of at least 185 days.

c) Each facility shall provide or assure for each recipient a full program of five clock hours of group or individual instruction on days specified as school days, except as delineated in Section 108.70.

d) In all facilities, all newly hired professional teachers and administrators shall be properly certified in accordance with Section 14-9.01 and Article 21 of the School Code [105 ILCS 5/14-9.01 and Art. 21].

1) In all programs serving recipients who are mentally ill, proper certification may be construed to mean personnel certified as regular education personnel, where such are teamed with or regularly consult with certified special educators as needed in accordance with the recipient's individual treatment plan.

2) In all programs serving recipients who are developmentally disabled, proper certification in the most nearly appropriate special education areas shall be required.

3) All professional personnel, supervisors, and administrators who were employed to provide special education services for persons who are developmentally disabled at the facilities on or before July 1, 1983 shall be exempt from the requirements of this Section until July 1, 1988.

e) Facilities may also employ non-teaching personnel or use volunteer personnel for non-teaching duties not requiring instructional judgment or evaluation of students. Facilities may use volunteer or non-certified personnel to assist in the instruction of recipients under the immediate supervision of an educator who holds an appropriate certification.

f) All teacher aides shall hold an approval form issued by the Illinois State Teacher Certification Board. Approval is based on 30 semester hours of college training or completion of an approved teacher aide program as at 23 Ill. Adm. Code 25.Subpart G).

g) Psychologists shall be registered clinical psychologists or certified school psychologists or be a clinical or school psychology intern functioning under the general supervision of such a person. A clinical psychology intern must be at the doctoral level in his or her training. A school psychology intern must be in a master's degree program in school psychology. All testing and reports must be reviewed by the supervising clinical or certified school psychologist.

h) Social workers shall have graduated from a school of social work which has been approved by the Council on Social Work Education and shall possess the master in social work degree and a type 73 certificate issued in accordance with 23 Ill. Adm. Code 226 or hold a bachelor's degree or function as a social work intern under the general supervision of such a person.

i) Other professional providers of direct service, such as medical services personnel, including nurses and physicians and physical therapists, all of whom must be registered with the Illinois Department of Professional Regulation in accordance with the Illinois Nursing Act of 1987 [225 ILCS 65], the Medical Practice Act of 1987 [225 ILCS 60] and the Illinois Physical Therapy Act [225 ILCS 90]; occupational therapists who must hold certification with the American Occupational Therapy Association (Illinois Occupational Therapy Practice Act [225 ILCS 75]); and licensed audiologists and licensed speech-language-pathologists and those who function under their supervision who shall be available in numbers adequate to meet the needs of recipients as specified in the educational component of their individual treatment or habilitation plans (Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]).

j) General supervision of a recipient's individual treatment or habilitation plan may be provided by a qualified professional or by a regularly scheduled consultant who provides technical assistance, supervision and consultation to each professional functioning under his or her direction and supervision on a weekly basis. Additional consultation or supervision must be provided if required by a recipient's individual treatment or habilitation plan.

k) The principal determinants of the number of recipients served in each instructional group shall be the age of the recipients, the nature and severity of their exceptional characteristics, and the degree of intervention necessary. Exceptions to the following instructional group size limitations shall require the prior written approval of the Illinois State Board of Education.

1) Early childhood instructional groups shall have a ratio of one qualified teacher to five recipients in attendance at any one given time.

2) Instructional groups which primarily serve recipients whose exceptional characteristics are either profound in degree or multiple in nature shall have a maximum of five recipients to one qualified teacher at any one given time.

3) Instructional groups which primarily serve recipients whose principal exceptional characteristics are mild to severe mental impairments or severe behavioral disorders shall have a ratio of one qualified teacher to eight students at any one given time.

4) In the instructional programs above, no qualified teacher shall have a total roster of more than two times the number of students allowed per instructional group.

5) A facility may increase the instructional group size by a maximum of five additional recipients when the class is provided with a full-time non-certified assistant.

l) The age range of recipients within an instructional group shall not exceed four years.

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