**Section 108.20 Educational standards for Department facilities**

a) The Department shall be responsible for providing appropriate and effective educational programs, at no cost to the recipient's parents, for all exceptional persons aged 3 to 21 who are admitted, committed or transferred into state-operated facilities in accordance with the Code.

b) Each facility shall provide a comprehensive program of special education for recipients who are aged 3 to 21 years old. A comprehensive program shall include:

1) Systematic procedures for identifying and evaluating the need for special education and intervention modalities.

2) A continuum of program options which incorporate appropriate instructional programs and resource programs.

3) Qualified personnel, who can provide:

A) Supervisory services;

B) Instructional programs;

C) Resource programs; and

D) Intervention modalities.

4) Appropriate and adequate facilities, equipment and materials.

5) Functional relationships with other public or private agencies necessary to provide comprehensive programming and avoid duplicity of services. For example, some not-for-profit organizations may loan a recipient some needed adaptive equipment; others may provide services which are not available to the Department.

6) Interaction with parents, and with other concerned persons, which facilitates the educational development of recipients.

7) Procedures for internal evaluation of the special education programs and services.

8) Continuous planning for program growth and development based on internal and external evaluation.

c) Special education shall be established and conducted as an identifiable component of the total treatment and habilitation effort.

d) The Department shall be responsible for ensuring that those recipients who require special education services enjoy rights and privileges equal to those of all other persons who are 3 to 21 years old.

1) No recipient between the ages of 3 and 21 may be permanently excluded from the educational program, either by direct action by the facility, by indication of the facility's inability to provide an educational program or by an informal agreement between the parents and the facility to allow the recipient not to participate in an educational program.

2) No recipient whose individual treatment or habilitation plan includes special education instructional or resource programs shall be excluded from that program.

3) Any absence from a prescribed educational program must arise from medical limitation.

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