**Section 108.80 Referrals to other special education facilities from state-operated facility programs**

a) If a treatment or habilitation conference determines that a recipient would benefit significantly from sustained interaction with non-handicapped peers, the facility may recommend educational placement in a public school or non-public special education facility in cooperation with the public school. Placement shall be recommended unless the recipient poses a physical threat to him (her) self or his or her non-handicapped peers. If, for any reason, the recommended placement cannot be immediately implemented, the facility shall provide as appropriate a placement as possible consistent with Section 108.90. Such placement shall be detailed in the recipient's clinical record.

b) The availability of community resources including non-public programs in no way relieves the facility of its responsibility to assure a comprehensive program of special education nor its responsibility to the individual recipient.

c) When a treatment or habilitation conference determines that a recipient cannot be provided with an appropriate education by the facility, the multi-disciplinary team shall meet with the recipient's parents, representative(s) of the school district of parental residency and the potential provider public school or non-public special education facility, to develop an individualized program in accordance with this Part prior to placement. If any of the representatives cannot attend, the facility shall use other methods to insure participation and document such efforts in the recipient's clinical record.

d) The facility shall be responsible for locating an appropriate public school or non-public special education facility and for facilitating the referral to that program. An appropriate program is one which will provide the recipient with special education experiences, in accordance with the recipient's individual treatment or habilitation plan.

e) Any recipient determined eligible under subsection (a) of this Section for placement in a public school or non-public special education facility shall, with the consent of the parent and the local school district, be enrolled by the facility in the local school district where that facility is located. If the local school district does not consent, the Department will provide the educational component of the individual treatment or habilitation plan.

f) The facility shall maintain a record of supportive data on each recipient placed in a public school or non-public special education facility. This data will include:

1) A summary of the recipient's diagnostic profile on which placement is based;

2) A description of the program as required by the educational component of the recipient's individual treatment or habilitation plan;

3) An explanation of why the recipient's needs cannot be met by the facility;

4) A description of the special education program offered by the provider school;

5) Conference report and periodic progress reports submitted by the provider school to the facility; and

6) An annual reassessment of the need for continued placement in a provider school.

g) The facility shall be expected to follow the progress of those recipients placed in a public school or non-public special education facility.

h) Facility personnel shall communicate, with the consent of the parent, no less than every 30 days with the provider school personnel to evaluate the recipient's progress and appropriateness of placement.

i) Staff of the provider program shall direct communications regarding the recipient's educational program to facility staff with the parent's consent.

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