**Section 765.230 Determinants**

The principal determinants of the number of students served in each special education instructional program shall be the age of the students, the nature and severity of their disabilities, the nature of the instructional program, and the degree of intervention necessary. All exceptions to the following program size limitations for academic classes shall require the written approval of DHS-DRS and ISBE prior to the implementation of the program.

a) Academic instructional programs for students five years of age and younger shall have a maximum ratio of one qualified teacher to five students in attendance at any one given time; total enrollment shall be limited according to the needs of the students for individualized programming.

b) Academic instructional programs that primarily serve students whose disabilities are either profound in degree or multiple in nature shall have a maximum enrollment of five students.

c) Academic instructional programs that primarily serve students whose primary disabilities are severe visual, auditory, physical, speech or language impairments or behavioral disorders shall have a maximum enrollment of eight elementary students or 12 high school students.

d) Academic instructional programs that primarily serve students whose primary disabilities are moderate visual or auditory impairments shall have a maximum enrollment of 12 students.

e) The School may increase the enrollment in a special education instructional program by a maximum of two additional students to meet unique circumstances that occur during the school year. Additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met, or the School may increase the enrollment in a special education instructional program by a maximum of five additional students when the program is provided with a full-time, certified assistant (education aide).

f) When the School wishes to exceed the maximum enrollments indicatedin this section, approval shall be requested in writing to DHS-DRS and the Division of Program Compliance of ISBE. The request shall include a rationale for the proposed enrollment deviation and a plan for its evaluation. If the request for an enrollment deviation is approved by DHS-DRS but is denied by ISBE, DHS-DRS may appeal the decision to the State Superintendent of Education.

(Source: Amended at 37 Ill. Reg. 11340, effective July 2, 2013)