**Section 401.110 Use by Public School Districts**

Each public school district shall be responsible for monitoring the performance of each program where its students are placed, to ensure that the implementation of each student's IEP conforms to the applicable requirements of all applicable federal and State laws and regulations, including, but not limited to, 23 Ill. Adm. Code 226 (Special Education). Contracting with a program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources. In addition, except for emergency and student-specific placements made pursuant to 23 Ill. Adm. Code 226.330(g) or (i), no public school district shall place any student in a special education program that is subject to the requirements of this Part, nor shall the provider of any program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met:

a) ISBE has approved the program for the school year for which placement is sought;

b) The Purchased Care Review Board has established the allowable costs for the program pursuant to Section 14-7.02 of the School Code;

c) The district has made the certification of inability to meet the student's needs to the State Superintendent, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code;

d) ISBE has approved the program for all of the categories of impairment applicable to the student and requiring services as identified in the IEP;

e) ISBE has approved the program for the age range that includes the age of the student;

f) The district has determined that educational programming and related services specified on the student's IEP will be provided to the student. The use of a facility or program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources; and

g) The district and the provider have entered into the contractual agreement called for in 23 Ill. Adm. Code 226.330.

(Source: Amended at 46 Ill. Reg. 13278, effective July 13, 2022)