**Section 405.40 Satisfactory Proof**

All information called for in this Section shall be submitted no later than 15 days after an affected student's placement, using the method and format prescribed by the State Superintendent of Education.

a) As satisfactory proof of *appropriate* licensure *of teachers for the student population* (Section 14-7.05 of the School Code) in a given program, the provider of the program shall submit:

1) a description of the program, including the characteristics of the students for whom it is intended and the number of students served;

2) a listing of the names and license numbers of all licensed teachers assigned to the program, demonstrating that each general education teacher who serves the affected student holds the qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) and that each individual who provides special education to the affected student holds:

A) a professional educator license endorsed in accordance with 23 Ill. Adm. Code 25 (Educator Licensure) appropriate for the population to be served; or

B) a professional educator license endorsed in another teaching field that is valid for the grade range of the students served and bears an endorsement or approval for the population served, in accordance with 23 Ill. Adm. Code 25; or

C) until June 30, 2023, a short-term emergency approval in special education issued in accordance with 23 Ill. Adm. Code 25.48 (Short-term Emergency Approval in Special Education); or

D) the specific qualifications comparable to those issued in Illinois in connection with the position in question, if the facility is located outside Illinois.

b) As satisfactory proof that a program offers *an age-appropriate curriculum* (Section 14-7.05 of the School Code), the provider shall submit information demonstrating that:

1) the program is based upon evaluation of the participating students' current levels of academic achievement and performance and is designed to afford the students access to the general curriculum in the fundamental areas of learning identified in Section 27-1 of the School Code [105 ILCS 5/27-1] at levels that will promote their attainment of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D);

2) academic assessments administered to affected students are the same as those administered to other individuals served in the program who are of approximately the same age;

3) the age range of the pupils grouped in any class does not exceed four years (if at the elementary level) or six years (if at the secondary level); and

4) the program is delivered in an age-appropriate setting.

c) The provider shall submit a description of the method used for recording attendance on a daily basis, as well as information on enrollment in the program for which payment is being sought and information on the attendance of each affected student.

1) Enrollment information shall include:

A) the total number of individuals receiving educational services in or through the facility;

B) a description of how individuals are grouped (e.g., by grade level or age);

C) identification of the grouping or "program" in which the affected student is being served; and

D) the number of individuals served in each grouping described.

2) Attendance information shall include:

A) a signed assurance indicating that the provider will keep daily attendance records with respect to the affected student and will submit those records to the district of residence of the affected student in accordance with the requirements of Section 405.50 of this Part; and

B) a record reflecting the student's attendance during the first 10 days of service.

d) As satisfactory proof of the provider's ability to implement a particular student's IEP, the provider shall submit:

1) a copy of the student's current or most recent available IEP;

2) a list of all teachers and other professional service providers that also:

A) indicates the specific portions of the IEP that each will be responsible for fulfilling; and

B) identifies the certificate, license, or other credential held by each professional other than a teacher that qualifies the individual to provide the professional services in question;

3) if a paraprofessional educator will be assigned to assist in any class attended by the student, an assurance that the assignment of the individual will conform to the requirements of 23 Ill. Adm. Code 1.630(b); and

4) for any teacher or professional not directly employed by the provider, information regarding the individual's contractual status that will clarify the amount of time for which the individual is available for the program, and the number of students whom the individual is responsible for serving during that time, and the total amount of service time required with respect to those students.

(Source: Amended at 45 Ill. Reg. 14976, effective November 10, 2021)