**Section 314.60 Special Education**

a) Children for whom the Department is legally responsible will be classified as eligible for special education services only in accordance with mandated case study evaluation practices and multidisciplinary conferences provided under State and federal law. Furthermore, no child should be considered or determined eligible for special education services solely on the basis of his or her placement or other living arrangement, or the fact that he or she is in the custody or guardianship of the Department of Children and Family Services.

b) Children for whom the Department is legally responsible who are eligible for or receiving special education services are entitled to have a surrogate parent appointed for them by the Illinois State Board of Education (ISBE) to serve as their educational advocate in accordance with 23 Ill. Adm. Code 226.