

ILLINOIS REGISTER

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

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AUTHORITY: Implementing Sections 2-3.25, 2-3.25b, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended

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April 27, 2020, for a maximum of 150 days; emergency expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; expired December 27, 2020; emergency amendment at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 17816, effective October 23, 2020, for the remainder of the 150 days; emergency rule as amended expired February 25, 2021; amended at 45 Ill. Reg. 867, effective January 4, 2021; amended at 45 Ill. Reg. 1644, effective January 22, 2021; emergency amendment at 45 Ill. Reg. 4543, effective March 24, 2021, for a maximum of 150 days; emergency expired August 20, 2021; amended at 45 Ill. Reg. 5362, effective April 12, 2021; amended at 45 Ill. Reg. 5744, effective April 21, 2021; amended at 45 Ill. Reg. 8280, effective June 24, 2021; amended at 45 Ill. Reg. 9446, effective July 7, 2021; amended at 45 Ill. Reg. 9760, effective July 22, 2021; emergency amendment at 45 Ill. Reg. 11212, effective August 26, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 13180, effective October 8, 2021; emergency amendment at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

EMERGENCY

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education ("[State Board](#)") pursuant to Section 2-3.25 of the School Code [105 ILCS 5] and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the Code and Section 1.100 of this Part or Section 22-60 of the Code and Section 1.110 of this Part.
 - 1) No later than September 30 of each year, each ~~school~~ district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education ("[State Superintendent](#)"), except that a district operated pursuant to Article 34 of the Code shall submit its application directly to the State Superintendent. For the purposes of this Part, references to "regional superintendent of schools" shall be understood to include the chief administrator of the Intermediate Service Centers established in that portion of Cook County located outside of the City of Chicago. (See 105 ILCS 5/3-0.01.)

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- 2) No later than October 15 of each year, each regional superintendent of schools shall summarize, through an electronic process established by the State Superintendent ~~of Education~~, the degree to which the schools in the districts for which the regional superintendent is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.
 - 3) As part of this process, the regional superintendent of schools shall periodically visit the region's ~~school~~ districts as the regional superintendent may deem necessary to ascertain the degree to which the districts' schools comply with operational requirements.
- b) Based upon the information provided by the district and the regional superintendent, or information obtained by the State Superintendent by any other means, the State Superintendent shall annually assign a recognition status for each school and for each district as a whole and may, in accordance with 105 ILCS 5/1A-4 and this Subpart, change the existing recognition status for a school or district at any time. The recognition status of each school and district, which will be posted and maintained on the State Board's website at <https://www.isbe.net/Pages/Public-School-Recognition.aspx>. In each case, a district~~the recognition status assigned~~ shall be recognized and assigned a status of either "Fully Recognized", "On Probation", or "Recognized Pending Further Review", or, after action is taken by the State Board consistent with this Section, shall be "Nonrecognized". A district or school that is placed on "Recognized Pending Further Review" or "On Probation" status shall not, because of this change in status, lose any rights or privileges afforded by the State Board to districts and schools that are "Fully Recognized".
- 1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the Code and this Part, shall be Fully Recognized~~fully recognized~~.
 - 2) A school or district shall be immediately placed On Probation by the State Superintendent~~on probation~~ if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;

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- B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications and who are not in the process of attaining these qualifications;
 - D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements, including failure to correct deficiencies as required by subsection (b)(3)(B).
- 3) A school or district shall be immediately Recognized Pending Further Review by the State Superintendent~~recognized pending further review~~ if:
- A) it exhibits any deficiencies other than those areas of noncompliance that A) are not serious enough to warrant probation as delineated in subsection (b)(2); and
 - B) such deficiencies may be corrected prior to the end of the school year following the school year in which they were identified.
- 4) ~~A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B).~~
- c) The recognition status of a district or a school may be changed to On Probation or Recognized Pending Further Review, upon written notification to the district, -by the State ~~Superintendent~~Board of Education at any time to reflect information confirmed during the compliance monitoring process outlined in subsection (a) or information obtained by the State Superintendent~~or by any other means, subject to the district's right to appeal the status change as provided in this Section~~means. Any change in status that may occur pursuant to this Section~~during the subsequent school year~~ will be posted on the State Board's website in accordance with subsection (b) no later than 30 days after the change in status ~~is determined~~.

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- d) Districts and Schools Recognized Pending Further Review
- 1) The superintendent of a district that is Recognized Pending Further Review, ~~recognized pending further review~~ or in which one or more schools are Recognized Pending Further Review, ~~recognized pending further review~~ may, within 530 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with State Board staff. By agreement of the parties, the conference may be conducted via videoconference or any other means~~representatives of the State Board~~.
- 2e) The superintendent of a district that is Recognized Pending Further Review, or in which one or more schools are Recognized Pending Further Review, may request a hearing to appeal the change in recognition status within 10 days after the designation is issued or 10 days after the conference in subsection (d)(1), whichever date is later. The request for appeal must be submitted in writing to the State Superintendent at RecognitionAppeal@isbe.net or, if the email address becomes inaccessible or is changed, via mail to the Illinois State Board of Education at 100 N 1st Street, Springfield, IL 62777, and must set forth evidence that the district or school is in compliance with the applicable requirements that resulted in the change of recognition status. Upon receipt of the district's request, the State Superintendent shall notify the district of the date, time, and location of the hearing, which shall be held no sooner than 10 days after receipt of the request for appeal. The date of the hearing scheduled by the State Superintendent may, by mutual agreement of the parties, be rescheduled. The hearing may be conducted via videoconference or any other means. The district may be represented by an attorney throughout the appeal process.
- A) The hearing shall be conducted by a hearing officer designated by the State Superintendent. The parties shall be notified of the appointment of the hearing officer.
- B) The hearing officer shall convene a hearing at which the district shall have the opportunity to present evidence that the district is in compliance with the applicable requirements that resulted in the change of recognition status.

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- C) The hearing officer shall provide a written decision to the district within 5 days of the date of the hearing.
- 3) A district or school that is Recognized Pending Further Review shall be Fully Recognized at any time upon submission of satisfactory evidence that demonstrates the district or school is in compliance with the applicable requirements that resulted in the change of recognition status.
- e) Districts and Schools Placed On Probation
- 1) The State Superintendent shall schedule a conference with the superintendent of a district prior to placing that ~~district is placed on probation,~~ or ~~any of its in which one or more schools On Probation are placed on probation,~~ at which representatives of the district will discuss compliance issues with State Board staff. By agreement of the parties, the conference may be conducted via videoconference or any other ~~means representatives of the State Board.~~ Within 5 days after the date of the scheduled conference, the State Superintendent will determine if the district or school(s) will be placed On Probation and will notify the district to ~~60 days following this effect.~~ ~~conference, the school~~
- 2) The superintendent of a district that is placed On Probation, or in which one or more schools are placed On Probation, may request a hearing to appeal the change in recognition status of the district or such school(s) within 10 days after the designation is issued pursuant to subsection (e)(1). The request for appeal must be submitted in writing to the State Superintendent at RecognitionAppeal@isbe.net or, if the email address becomes inaccessible or is changed, via U.S. mail to the Illinois State Board of Education at 100 N 1st Street, Springfield, IL 62777, and must set forth evidence that the district is in compliance with the applicable requirements that resulted in the change of recognition status. Upon receipt of the district's request, the State Superintendent shall notify the district of the date, time, and location of the hearing, which shall be held no sooner than 10 days after receipt of the request for appeal. The date of the hearing scheduled by the State Superintendent may, by mutual agreement of the parties, be rescheduled. The hearing may be conducted via videoconference or any other means. The district may be represented by an attorney throughout the appeal process.

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- A) The hearing shall be a hearing officer designated by the State Superintendent. The parties shall be notified of the appointment of the hearing officer.
- B) The hearing officer shall convene a hearing at which the district shall have the opportunity to present evidence that the district is in compliance with the applicable requirements that resulted in the change of recognition status.
- C) The hearing officer shall provide a written decision to the district within 5 days of the date of the hearing.
- 3) Within 15 days of the conference pursuant to subsection (e)(1) or, if applicable, a decision on the appeal described in subsection (e)(2) affirming the change in recognition status, whichever is later, the district shall submit to the regional superintendent of schools and the State Superintendent a corrective action plan that conforms to the requirements of subsection (e)(4)(f).

 - A~~1~~) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.
 - B~~2~~) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.
 - C~~f~~) The timeline for the submission of a corrective action plan may be extended by mutual agreement of the State Superintendent or designee and the district.
- 4) The State Superintendent shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:

 - A~~1~~) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;

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B2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and

C3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

5g) A district or school that is On Probation shall be Fully Recognized at any time upon submission of satisfactory evidence that demonstrates the district or school is in compliance with the applicable requirements that resulted in the change of recognition status.

f) Nonrecognition of Districts

1) If a district's corrective action plan does not meet the requirements of ~~of~~ approvable under subsection ~~(e)~~ (f), the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan meeting the requirements of subsection (e) is received within 1560 days after the district's conference with ~~the~~ State Board staff, or any extended timeline pursuant to subsection (e)(3)(C), or after a decision on the appeal affirming the change in recognition status, the State Superintendent shall recommend to the State Board that the district be Nonrecognized subject to the district's right to a hearing, the status of the district, or of the affected school or schools, as set forth in subsection (f)(3) and shall provide notification of this recommendation to the district ~~applicable, shall be changed to "nonrecognized".~~

2h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the State Superintendent shall recommend to the State Board that the status of the district, or of the affected school or schools, as applicable, shall be changed to Nonrecognized subject to the district's right to a hearing as set forth in subsection (f)(3)"nonreeognized".

i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may

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~~request a conference with representatives of the State Board within 15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the Code.)~~

- ~~1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal~~

- 3) A district that has been recommended to be Nonrecognized by the State Superintendent may submit a written request for a hearing to the State Board within 30 days of being notified of the State Superintendent's recommendation for nonrecognition. If the district does not request a hearing to challenge the State Superintendent's recommendation that the district be Nonrecognized within 30 days of being notified, the State Board will make a determination on the State Superintendent's recommendation for nonrecognition of the district at a State Board meeting, and the district will be notified of the decision in writing.
 - A) The request for a hearing must be formally approved by a local school board resolution.
 - B) The local school board resolution requesting the hearing must identify the specific findings with which the district disagrees. ~~The district will be given a hearing in accordance with the State Board's rules for Contested Cases~~
 - C) Upon submission of the local school board resolution requesting a hearing, the State Superintendent shall give written notice of the date, time and place of the hearing to the district superintendent not less than 21 days before the hearing date. The notice shall be sent by certified mail, return receipt requested. By agreement of both parties, the hearing may be conducted via videoconference or any other means. ~~Other Formal Hearings (23 Ill. Adm. Code 475).~~
 - D) The hearing shall be conducted by a hearing officer designated by the State Superintendent. The parties shall be notified when a hearing officer is appointed.

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- E) The district may be represented by an attorney throughout the proceedings. An attorney from the Office of the Legal Counsel to the State Board, or an attorney selected by the State Superintendent, will represent the State Superintendent.
- F) Both the district and the State Superintendent will be afforded the opportunity to file written briefs before the hearing. The district shall submit its brief to the hearing officer and a copy to the State Superintendent at the following address: Illinois State Board of Education, Office of Legal Counsel, 100 N First St., Springfield, IL 62777. The State Superintendent shall submit its brief to the hearing officer and a copy to the district superintendent or the district's attorney, if represented at the hearing by counsel.
 - i) The district's brief shall be due 7 days after receipt of the notice of the appointment of the hearing officer.
 - ii) The State Superintendent's brief shall be due 7 days after the State Superintendent's receipt of the district's brief.
- G) At the time its brief is filed, either the district or the State Superintendent may request an opportunity to present witnesses and/or oral argument before the hearing officer.
- H) If requested, each party may produce witnesses at the hearing. After the completion of witness testimony, if oral argument has been requested, each party will be given at least 30 minutes for oral argument. The hearing officer may ask questions during such arguments. The district shall present its argument first followed by the argument for the State Superintendent. The district will then be allowed at least 10 minutes for a rebuttal. If neither party requests oral argument, the hearing officer may request that the parties make an oral presentation on the date scheduled for the hearing.
- I) If two or more districts request an appeal regarding the same issue(s), the appeals may be consolidated if consolidation would secure economies of time and effort, promote uniformity of decision-making by the hearing officer, and consolidation would

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not prejudice the rights of a party. Consolidated appeals shall be handled as provided in this subsection (f)(3)(I).

- i) Each district may submit its own brief, or any two or more of the districts whose appeals are consolidated may elect to write a joint brief and may request oral argument.
 - ii) All districts whose appeals are consolidated will be given an opportunity to produce witnesses and a collective total of at least 40 minutes for oral argument, and the districts may reserve at least 10 of their 40 minutes for rebuttal. The districts shall either select one or more representatives to argue on behalf of the districts or divide the time equally amongst all districts.
 - iii) The State Superintendent shall submit one brief in response to the issue(s) subject to the consolidated appeal and shall have at least 30 minutes for oral argument.
 - J) During the hearing, the hearing officer shall consider only those issues raised in the written briefs, witness testimony if any and oral argument of the parties if the parties request the opportunity to present oral arguments. All hearings shall be recorded.
 - K) Within 14 days after the hearing, the hearing officer shall submit a written recommendation for action to the State Board and shall state the reasons for the recommendations. The hearing officer may recommend that the State Board adopt, modify, or reject the recommendation of the State Superintendent, in whole or in part.
 - L) A final decision shall be rendered by the State Board within 14 days after receipt of the hearing officer's recommendation and the parties shall be notified in writing of the decision. The decision shall specify whether it is final, and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/Art.III].
- 2) ~~If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.~~

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- Mj) Nothing contained in this Section shall preclude the State Superintendent or the State Board, when required, and the district from reaching an agreement as to the resolution of an appeal at any time during the appeals process.
- g) Neither a district nor a school shall be ~~Nonrecognizednonrecognized~~ under this Section without first having been placed On Probation. Except that, the State Superintendent may recommend to the State Board that a district or school that was previously On Probation be Nonrecognized if it is subsequently noncompliant with the same requirements that led to its previous placement On Probation and both instances of noncompliance occur within the same school year. A district that is Nonrecognizedon probation. A district that is nonrecognized, or in which one or more schools are ~~Nonrecognizednonrecognized~~, shall be subject to the provisions of Section 18-8.15(h)(6)05(A)(3)(a) of the Code.
- h) Subject to Section 5-32 of the Code, a school or district that has been Nonrecognized by the State Board pursuant to this section may petition the State Board to be returned to Fully Recognized status if the school or district clearly demonstrates that:
- 1) Any noncompliance matters that resulted in nonrecognition have been resolved;
 - 2) The district or school has developed systems and processes to ensure that the noncompliance issues that resulted in the change in recognition status will not recur; and
 - 3) The district or school will agree to any additional corrective steps that the State Superintendent deems necessary to remedy any harm caused by the district's or school's noncompliance.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 1.95 Appeals Procedure

EMERGENCY

Pursuant to Section 2-3.25m of the School Code [105 ILCS 5/2-3.25m], a school district may request an appeal of a school's or the district's status ~~level, recognition level~~ determined pursuant

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to Section 2-3.25f of the School Code [related to the development and implementation of school and district improvement plans](#), or corrective actions undertaken by ISBE pursuant to Section 2-3.25f of the School Code or the No Child Left Behind Act of 2001. An appeal may not be brought ~~pursuant to Section 2-3.25m~~ challenging the validity of any State or federal law, [a legal challenge to this rule](#), or requesting relief that ISBE is without authority to provide. [This Section does not apply to recognition level changes under Section 1.20 of this Part.](#)

- a) A district shall request such an appeal by sending a written request to the State Board of Education for consideration by the Appeals Advisory Committee. The district must submit its appeal within 30 days after receipt of notification from the State Board of the school's or district's status level, ~~recognition level~~, or corrective action, or by September 1 of the calendar year in which the notification occurs, whichever occurs later. The appeal may not be based upon alleged inaccuracies in data in any State assessment other than the most recent State assessment, or any other cause known to the district during the prior year's period for appeals. Upon receipt of a request, State Board staff shall provide an opportunity for the district to meet with State Board staff (either in person or over the telephone) in an effort to resolve the issues raised in the request through informal means.
- b) If a district elects not to meet with State Board staff, or if the district wishes to proceed with the appeal upon conclusion of the informal resolution process, the State Board shall commence the appeals process set forth in this Section. The timeframes set forth for appeals shall be tolled during the pendency of the informal resolution process. Nothing contained in this Section shall preclude the State Board and the district from reaching agreement as to the resolution of an appeal at any time during the appeals process.
- c) After a determination of a review schedule by the Committee, the State Board will give written notice of the date, time, and place of the hearing to the school district not less than 21 days before the hearing date. The notice shall be sent by certified mail, return receipt requested.
- d) The school district may be represented by an attorney throughout the proceedings. The office of the General Counsel to the State Board will represent the State Board. Both the school district and the State Board will be afforded the opportunity to file written briefs before the hearing. The school district shall submit its brief to the following address: Illinois State Board of Education, Office of the General Counsel, 100 North First Street, Springfield, Illinois 62777-0001. The State Board shall submit its brief to the district and shall provide both the district's and the State Board's briefs to each member of the Committee.

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- 1) The school district's brief shall be due 7 days after the district's receipt of the notice of opportunity for hearing.
 - 2) The State Board's brief shall be due 14 days after the State Board's receipt of the district's brief or, if no brief is filed by the district, 14 days after the notice of opportunity for hearing is sent.
- e) After briefs have been submitted pursuant to subsection (d) of this Section, no party shall submit additional information to the Committee unless so requested by the Committee's chairperson. The State Board will provide a signed assurance to the Committee that any calculations at issue were double-checked.
- f) At the time its brief is filed, either the school district or the State Board may request an opportunity for oral argument before the Committee.
- 1) Each party will be given 30 minutes for argument, and the school district may reserve 10 of its 30 minutes for rebuttal. The Committee may ask questions during such argument.
 - 2) If neither party requests oral argument, the Committee may request that the parties make an oral presentation on the date scheduled for the hearing.
- g) If two or more districts request an appeal regarding the same question of policy, law, or fact, the State Board may consolidate those appeals if the agency determines that consolidation would secure economies of time and effort and promote uniformity of decision-making by the Committee. Consolidated appeals shall be handled as provided in this subsection (g).
- 1) Each district may submit its own brief, or any two or more of the districts whose appeals are consolidated may elect to write a joint brief.
 - 2) All districts whose appeals are consolidated will be given 40 minutes for argument, and the districts may reserve ten of their 40 minutes for rebuttal. The districts shall either select one or more representatives to argue on behalf of the districts or divide the time equally amongst all districts.
 - 3) The agency shall submit one brief in response to the question of policy, law, or fact subject to the consolidated appeal and shall have 30 minutes for argument.

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- h) The chairman of the Committee will conduct the review proceeding and hearing. During the hearing, the Committee shall consider only those issues raised in the briefs or by oral argument of the parties. All hearings will be recorded. A majority of committee members shall constitute a quorum. Committee recommendations must be approved by a majority vote of a quorum. Each committee member shall recuse himself or herself when hearing an appeal from a district with which the member has a conflict of interest, e.g., employment by the district, having a close family member in attendance at a school in the district or employed by the district, service as a school board member, or other affiliation with the district. The Committee may adopt other procedures for its governance not inconsistent with this Part.
- i) Within 30 days after the hearing, the Committee shall submit a written recommendation for action to the State Superintendent of Education and shall state the reasons for its recommendation. All recommendations shall be based on an objective evaluation of the district's claims and a review of the State Board's data and calculations. The Committee may recommend that the State Superintendent affirm or reverse the decision of the State Board, in whole or in part.
- j) The State Superintendent shall thereafter make a recommendation for action to the State Board of Education. The State Board of Education shall make the final determination.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 425

VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

Section

425.5	Definitions
	<u>EMERGENCY</u>
425.10	Purpose and Applicability
425.20	Requirements for Registration
	<u>EMERGENCY</u>
425.30	Requirements for Recognition
	<u>EMERGENCY</u>
425.40	Process for Initial Recognition
	<u>EMERGENCY</u>
425.50	Renewal of Recognition
	<u>EMERGENCY</u>
425.60	Changes in Recognition Status <u>(Repealed)</u>
	<u>EMERGENCY</u>
425.70	Appeals <u>(Repealed)</u>
	<u>EMERGENCY</u>
425.75	Other Recognition Considerations
425.80	Block Grant Funds
425.90	Textbook Block Grant Program
	<u>EMERGENCY</u>
425.100	Necessary Costs and Fees

AUTHORITY: Implementing Sections 2-3.25o, 3.51.5, 2-3.155 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5] and Section 5 of the Invest in Kids Act [30 ILCS 40].

SOURCE: Adopted at 33 Ill. Reg. 17123, effective December 7, 2009; amended at 36 Ill. Reg. 2241, effective January 26, 2012; amended at 37 Ill. Reg. 9492, effective June 19, 2013; amended at 39 Ill. Reg. 2219, effective January 22, 2015; amended at 40 Ill. Reg. 5027, effective March 2, 2016; amended at 42 Ill. Reg. 5912, effective March 15, 2018; amended at 44 Ill. Reg. 16779, effective September 29, 2020; emergency amendment at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days.

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Section 425.5 Definitions

EMERGENCY

"Design Professional" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], an engineer licensed to practice in Illinois under the Professional Engineering Practice Act of 1989 [225 ILCS 325], or an engineer licensed to practice in Illinois under the Structural Engineering Practice Act of 1989 [225 ILCS 340]. A design professional must be knowledgeable about the local building codes applicable to the school.

"School" means a nonpublic elementary or secondary school as defined in 105 ILCS 5/2-3.25o.

"School Code" or "Code" means 105 ILCS 5.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 425.20 Requirements for Registration

EMERGENCY

- a) The State Superintendent of Education will make available an application to be used for ~~nonpublic~~ schools' voluntary registration. A school's initial registration may occur at any time from October 1 through June 30 of the relevant school year. Initial registration of a school must occur by means of an application process specified by the State Superintendent. Each registration application must be received by the State Board no later than June 25 for the school to be registered by June 30.
 - 1) Descriptive information that must be submitted by the school shall include, but is not limited to, the following:
 - A) the name of the school, its location and telephone number, its affiliation, and the name of the chief school administrator;

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- B) demographic and other data on the enrolled students, including a student's race, ethnicity, and grade level; and
 - C) data on the staff employed in various capacities.
- 2) The chief school administrator of each school shall provide assurances to the State Superintendent that the school can document ~~one of~~ the following:
- A) the school offers:
 - i) an academic term of at least 176 days of pupil attendance annually that meets the current statutory requirements regarding minimum hours of instruction per day (see Section 10-19.05 of the Code);
 - ii) at least 880 per-pupil clock hours of instruction annually; or
 - iii) an academic term that satisfies any other minimum instructional requirement established in statute that is applicable to public schools, including possible incorporation of exceptions provided for public schools;
 - B) *it provides instruction in English, except as otherwise permitted pursuant to Section 27-2 of the Code, in the branches of education taught to children of corresponding age and grade in the public schools [105 ILCS 5/26-1], including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health [105 ILCS 5/27-1];*
 - C) it requires the students who are enrolled to attend daily during the school's entire regular school term;
 - D) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements;
 - E) it requires evidence that, and furnishes to the State Superintendent, the required reports regarding the extent to which students have complied with the requirements of Section 27-8.1 of the Code and

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the rules of the Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and cooperates in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively;

- F) it complies with the applicable requirements of Section 22-30 of the Code, to the extent that the school allows the self-administration and self-carry of asthma medication, diabetes medication, and/or epinephrine auto-injectors, Section 22-33 of the Code, the Care of Students with Diabetes Act, 23 Ill. Adm. Code 1.540 (Undesignated Epinephrine Auto-injectors; Opioid Antagonists), to the extent that the school allows the administration of undesignated epinephrine auto-injectors or opioid antagonists, and any other law or rule pertaining to the administration or self-administration of prescription or non-prescription medications;
 - G) it can document that each student participating in interscholastic athletics has had an annual physical examination (23 Ill. Adm. Code 1.530) and that it complies with the concussion policy and other requirements under Section 22-80 of the Code and Section 1.20 of the Interscholastic Athletic Organization Act;
 - H) it complies with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Individuals with Disabilities Education Improvement Act of 2004 (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the School Code, and relevant case law; and
 - I) it complies with applicable State and federal laws, relevant case law, and State and federal rules and regulations.
- 3) The chief school administrator of each school must provide evidence to the State Superintendent that the school is a not-for-profit entity that is

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subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or is incorporated as a not-for-profit entity in another state and authorized to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5]. The evidence provided must consist of the file number assigned to the not-for-profit entity by the Illinois Secretary of State, Department of Business Services. Under certain circumstances, as determined by the State Superintendent, the State Superintendent may accept an alternative form of evidence from the chief school administrator to satisfy the requirements of this subparagraph.

- 4) The chief school administrator of each school must provide documentation that it complies with the requirements of Section 2-3.13a of the Code and 23 Ill. Adm. Code 375.75.
- b) Upon receipt of complete information for initial registration, including the required assurances, the State Superintendent must assign a unique identifying number to the school. This number is evidence of completed registration and permits the school's chief school administrator to apply for a user account affording access to the Illinois Web Application Security (IWAS) System, which the school may then use to exchange information with the State Superintendent as relevant to its situation.
- c) The application for renewal of a school's registration in any subsequent year must be submitted no sooner than October 1 and no later than November 15 of that school year or when prescribed by the State Superintendent. Annual renewal of a school's registration must be performed in a manner prescribed by the State Superintendent and must be submitted only by the school's chief school administrator.
- d) The chief school administrator of each school applying to renew its registration must submit to the State Superintendent the same information and assurances required in subsection (a).
- e) The State Superintendent may only register schools that have two or more of grades pre-kindergarten through 12.
- f) Each school that is registered must have access to official documentation of the school's status. The State Superintendent must maintain a publicly available list of registered schools by school year for, at a minimum, the preceding 5 school years.

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(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 425.30 Requirements for Recognition

EMERGENCY

- a) No ~~nonpublic~~ school may be considered for recognition unless it was registered for the immediately previous school year and has renewed that registration for the current school year. Some requirements listed in this Part do not apply to a school whose educational program is delivered via correspondence, online, or through other similar means in acknowledgment of the fact that students participating in a school of this type do not gather in a physical location.

- b) ~~Administrative Requirements~~ Each ~~nonpublic~~ school's recognition is contingent upon evidence of compliance with ~~the administrative~~ requirements ~~that are~~ made applicable to ~~nonpublic~~ schools by relevant statutes, case law, Executive Orders, and rules and regulations including, but not limited to, those set forth in this Part.

- c2) Each school seeking initial recognition or renewal of recognition must comply with the requirements of Section 425.20.

- d) Administrative Requirements
 - 1) A school must document to the State Superintendent that it complies with the requirements of:
 - A) Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5], Section 5 of the Missing Children Records Act [325 ILCS 50], Section 5 of the Missing Children Registration Law [325 ILCS 55], and the rules of the State Board promulgated pursuant to Section 2-3.13a of the Code (23 Ill. Adm. Code 375.75).
 - B) The School Reporting of Drug Violations Act [105 ILCS 127].
 - C) Sections 10-27.1A and 10-27.1B of the Code regarding firearms and drug-related incidents in schools.
 - D) Section 10-21.7 of the Code regarding the reporting of attacks on school personnel.

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- 23) The school must document to the State Superintendent that:
- A) It maintains written descriptions of its governance structure and its policy-making procedure, maintains its policies in written form, and makes its policies routinely available to parents of the students enrolled and to school staff, as well as to other individuals upon request; or
 - B) It maintains a written description of its methods for complying with the nondiscrimination requirements identified in subsection ~~(a)(2)(H)-(a)(1)(C)~~.

ee) Educational Program

~~Each nonpublic school's recognition is contingent upon evidence of compliance with the programmatic requirements that are made applicable to nonpublic schools by relevant statutes, case law, or administrative rules or regulations.~~

- 1) The school must document that instruction is *provided in English*, except as otherwise permitted pursuant to Section 27-2 of the School Code, *in the branches of education taught to children of corresponding age and grade in the public schools* (Section 26-1 of the Code), *including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health* (Section 27-1 of the Code).
- 2) Each school supported or maintained wholly or in part by public funds must document that it:
 - A) provides instruction *in American patriotism, the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag* (Section 27-3 of the Code);
 - B) leads students in the Pledge of Allegiance daily (Section 27-3 of the Code);
 - C) devotes not *less than one hour per week* to the study of the subject matter identified in subparagraph (A) *in grades 7 and 8 or their*

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equivalent and in all high school grades (Section 27-4 of the Code);

- D) ensures that no student receives a certificate of graduation without passing an examination on the subjects listed in subparagraph (A) (Section 27-3 of the Code); and
- E) ensures that *no student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of a comprehensive knowledge of the subject.* (Section 27-21 of the Code)

- 3) The school must provide health education as required by the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

fd) Personnel Requirements

~~Each nonpublic school's recognition is contingent upon evidence of compliance with the requirements of Section 2-3.25o(e-5) of the School Code or with any other relevant statute, case law, or administrative rule.~~ The school must document that:

- 1) it requires from each new employee *evidence of physical fitness to perform duties assigned and freedom from communicable disease* (Section 24-5(b) of the Code). A new or existing employee may be subject to additional health examinations, including screening for tuberculosis, as may be required under the administrative rules of the Department of Public Health at 77 Ill. Adm. Code 696 or any other relevant statute, case law, or administrative rule;
- 2) its personnel policies require:
 - A) monitoring the performance of each employee who provides or assists with instruction or has other instructional responsibilities (e.g., teachers, teacher aides, administrators, department chairs); and
 - B) formal evaluation at least every two years in terms of proficiency and competency;

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- 3) students' needs for support services such as counseling and social work are evaluated when school staff believe consideration is needed, such as when there are changes in the student body or stresses within the surrounding community, and the school's staffing configuration reflects decision-making about how those needs should be addressed; and
- 4) each individual first assigned to a full-time teaching or administrative position at or after the beginning of the 2011-12 school year shall hold a bachelor's or higher degree.
- 5) each individual first assigned to a full-time teaching or administrative position prior to the beginning of the 2011-12 school year who does not hold a bachelor's or higher degree shall participate annually in professional development that is demonstrably designed to strengthen his or her knowledge and skills in areas directly related to job duties (e.g., content-area knowledge or pedagogy for teaching staff, and administration, supervision, evaluation, or school management for administrators).
- 6) each individual employed in a nonteaching or nonadministrative field requiring licensure (e.g., school nurses) holds and practices within the scope of the relevant license.

ge) Health and Safety

~~Each nonpublic school's recognition must be contingent upon evidence of compliance with the health and safety requirements that are made applicable to nonpublic schools by the following relevant statutes, case law, or administrative rules.~~ The school must document that:

- 1) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements. This compliance may be documented with any of the following:
 - A) For each school whose geographic location falls within the jurisdiction of a code authority, a copy of a certificate of occupancy issued by that authority, or a copy of a report of the most recent safety and fire inspection conducted by or on behalf of the relevant local authority and valid for the upcoming school year.

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- B) For each school not located within the jurisdiction of any code authority, a letter provided by a design professional indicating that he or she has evaluated the facility and found no condition that would constitute a threat to the health and safety of the occupants and no condition that would constitute an obvious violation of the building code under Section 180.60.
 - C) For any school, the State Superintendent may accept a report from an individual other than a local authority or design professional.
- 2) if the school provides reimbursable food service, the nutrition program and the facilities used must comply with the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), the Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125];
 - 3) it has a wellness policy on file that complies with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004 (section 204 of Public Law 108-265; 42 USC 1751 et seq.);
 - 4) it complies with the requirements of the School Safety Drill Act [105 ILCS 128], including conducting a review of the plan in accordance with Section 25(f) of that Act;
 - 5) it complies with the requirements of the Eye Protection in School Act [105 ILCS 115];
 - 6) it complies with the requirements of the Toxic Art Supplies in Schools Act [105 ILCS 135];
 - 7) it complies with the applicable requirements of the Asbestos Abatement Act [105 ILCS 105]; and
 - 8) it complies with the requirements of Section 22-80 of the School Code.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 425.40 Process for Initial Recognition

EMERGENCY

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A ~~nonpublic~~ school may choose whether to seek recognition under subsection (a) or subsection (b). An application for initial recognition may be submitted at any time.

a) Direct Recognition

- 1) The chief school administrator of a registered ~~nonpublic~~ school must submit an application for recognition, using a format specified by the State Superintendent. The application must include summary information about the school, including but not limited to, various assurances of compliance and information about its educational program.
- 2) Upon receipt of a complete application, the State Superintendent must schedule a recognition visit and empanel a review team, whose members must, at a minimum, include the following people, unless this requirement is waived by the State Superintendent due to extenuating circumstances. The State Superintendent may authorize the ~~nonpublic~~ school to select the team members from subsections (a)(2)(B) and (C)~~subparagraphs (B) and (C)~~.
 - A) a representative of the State Superintendent;
 - B) an individual who is familiar with the public educational milieu, such as an administrative or instructional employee of a school ~~district~~ or regional office of education or a representative of a department of education at a public college or university; and
 - C) an individual who is familiar with the nonpublic educational milieu, such as a representative of a nonpublic school, other than the school whose recognition is being considered, or a representative of a department of education at a nonpublic college or university.
- 3) As part of a school visit, the team must observe the operations of the school, review the required documentation, and, in a format specified by the State Superintendent, prepare a report of its findings for the consideration of the State Superintendent to determine the recognition of the school as either Fully Recognized~~full, pending, probationary, or Recognized Pending Further Review~~~~none~~, as described in Section 425.50(c)(1) and (2), respectively.~~4)After consideration of the evidence~~

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~~presented and the recommendations of the review team and relevant staff members, the State Superintendent must recognize the school if it meets the requirements of Sections 425.20 and 425.30. If a school seeking initial recognition exhibits one or more deficiencies under 425.50(c)(3), initial recognition will not be granted; in such a case, the school may reapply pursuant to subsection (a) or (b).~~

4) ~~If the State Superintendent assigns a status of Recognized Pending Further Review, the State Superintendent must identify to the school the deficiencies leading to that determination and Section 425.50(e) shall apply. The State Superintendent must give a school that is assigned a recognition status of "Recognized Pending Further Review" or "on probation" an opportunity to resolve those deficiencies preventing Fully Recognized status.~~

5) The State Superintendent may postpone until the following school year consideration for recognition of a school whose application is received in the offices of the State Board after the resources for that consideration have been exhausted for the current school year.

b) Recognition via External Accrediting Organizations

1) After receipt of a request for recognition from an accrediting organization, the State Superintendent must review the processes used by that organization to identify if that entity's approval, recognition, or accreditation of schools is granted on the basis of compliance with at least the requirements of Sections 425.20 and 425.30 or if the accrediting organization can properly review a registered ~~nonpublic~~ school for recognition under this Part on behalf of the State Superintendent. The State Superintendent must approve an entity meeting this standard for the entity to be able to review a registered ~~nonpublic~~ school for recognition purposes under this Part.

2) In keeping with the review cycle and process of the relevant accrediting organization, each registered ~~nonpublic~~ school recognized under this Part through an accrediting organization approved by the State Superintendent must be visited by that accrediting organization. The school must submit documentation of the recognition visit to the State Superintendent from the accrediting organization by the required deadline, as determined by the State Superintendent. The State Superintendent must evaluate the

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documentation ~~and assign the school a status of "fully recognized," "recognized pending further review," "on probation" or no recognition, as described in Section 425.50(e), based on the observations of the accrediting body~~ in the same manner as when evaluating site visit reports generated under subsection (a) and assign the school a status of Fully Recognized or Recognized Pending Further Review as described in Section 425.50(c)(1) and (2), respectively. If a school seeking initial recognition exhibits one or more deficiencies under 425.50(c)(3), initial recognition will not be granted; in such a case, the school may reapply pursuant to subsection (a) or (b).

3) If the State Superintendent assigns a status of Recognized Pending Further Review, the State Superintendent must identify to the school the deficiencies leading to that determination and Section 425.50(e) shall apply. The State Superintendent must give a school that is assigned a recognition status of Recognized Pending Further Review an opportunity to resolve those deficiencies preventing Fully Recognized status.

4) The State Superintendent must periodically review the processes of approved accrediting organizations to confirm the organization's ongoing alignment with the requirements of this Part.

54) The State Superintendent must maintain on the agency's website a list of all accrediting organizations whose determinations are accepted pursuant to this subsection.

c) The State Superintendent must treat each registered ~~nonpublic~~ school recognized under subsection (b) in the same manner as a registered ~~nonpublic~~ school recognized under subsection (a).

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 425.50 Renewal of Recognition

EMERGENCY

a) Cycle for On-Site Review

1) Each ~~nonpublic~~ school recognized pursuant to Section 425.40(a) and seeking continued recognition must receive periodic visits by a review

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team as may be deemed necessary by the State Superintendent to ascertain the degree to which the school complies with applicable requirements of Sections 425.20 and 425.30 and, for those schools receiving block grant funds under Section 2-3.51.5 of the School Code, the degree to which the school complies with the requirements of Section 425.80. The process for renewal visits must be conducted in the same manner as visits conducted under Section 425.40. The State Superintendent must consider the evidence presented and proceed as discussed in subsection (c) of this Section.

- 2) Each school recognized pursuant to Section 425.40(b) must be visited in keeping with the review cycle of the relevant accrediting organization. ~~If this review results in a change in a school's recognition status or results in loss of recognition in the course of a school year, the change affects the school's status for the year of the review.~~

b) Renewal in Intervening Years

- 1) For each school year between on-site reviews, the chief school administrator of a school recognized pursuant to Section 425.40(a) must apply for renewal of the school's recognition by submitting, in a format and time specified by the State Superintendent, assurances that the school continues to comply with the requirements of this Part, including any revisions that may have occurred, and that no significant changes have been made in its operations, its facilities, or its programs that would negatively impact recognition.
- 2) If annual professional development is required for any staff member pursuant to Section 425.30(d)(5), the school's chief school administrator must separately submit an assurance that written plans for ensuring that the affected individuals complete relevant activities are in place and are being followed. The school must maintain copies of these plans and proof of their implementation in the individual's personnel file.
- 3) For each school year between on-site reviews, the chief school administrator of a school recognized pursuant to Section 425.40(b) must apply for renewal of the school's recognition by submitting, in a manner determined by the State Superintendent, evidence that the school's accreditation from the relevant organization is in effect for that school year.

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- c) ~~Based upon~~~~Upon consideration of~~ the renewal application materials, ~~and~~ the report; and recommendation of the review team if a site visit was conducted, or information obtained by the State Superintendent by any other means, the State Superintendent will annually~~must~~ assign a recognition status ~~for~~~~to~~ the ~~nonpublic~~ school at any time. The recognition status of each school will be posted and maintained on the State Board's website at <https://www.isbe.net>. In each case, a school shall be recognized and assigned. ~~1) The State Superintendent must assign a school~~ a status of "Fully Recognized", "On Probation", "Recognized Pending Further Review", or, after action is taken by the State Board consistent with this Section, shall be "Nonrecognized". A school that is placed on Recognized Pending Further Review or On Probation shall not, because of this change in status, lose any rights or privileges afforded by the State Board to schools that are "Fully Recognized". ~~"fully recognized" if the school meets the requirements of this Part.~~
- 12) Each school that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25o of the Code and this Part, shall be Fully Recognized.
- 2) A school shall be immediately Recognized Pending Further Review by the State Superintendent ~~if~~ may recognize a school, but assign a school a status of "recognized pending further review" if the school
- A) it exhibits any deficiencies other than those areas of noncompliance that: ~~A) are not serious enough to warrant probation as delineated in subsection (c)(3); and~~
- B) such deficiencies may~~ean~~ be anticipated to be corrected prior to the end of the school year following the school year in which they ~~were~~are identified.
- 3) ~~The State Superintendent may recognize a school, but assign it a status of "on probation" if the school has significant areas of noncompliance or areas of noncompliance that can be anticipated to require extended time for correction. Areas of significant noncompliance may include, but are not limited to, the following:~~
- 3A) A school shall be immediately placed On Probation by the State Superintendent if it:

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- A) ~~exhibit~~exhibiting multiple deficiencies that present a health hazard or a danger to students or staff;
 - B) ~~fails~~failing to offer required coursework;
 - C) ~~employ~~employing personnel who lack the required qualifications and who are not in the process of attaining these qualifications;
 - D) ~~fails~~failing or ~~refuses~~refusing to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) ~~prolongs~~prolonging or ~~repeats~~repeating instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements including failure to correct deficiencies as required by subsection (c)(2)(B).
- d) The recognition status of a school may, in accordance with 105 ILCS 5/1A-4 and this Part, be changed to On Probation or Recognized Pending Further Review, upon written notification to the school, by the State Superintendent at any time to reflect information confirmed during the compliance monitoring process outlined in subsection (a), through the renewal application process outlined in subsection (b), or obtained by the State Superintendent by any other means, subject to the school's right to appeal such status change as provided in this Section. Any change in status that may occur pursuant to this subsection will be posted on the State Board's website no later than 30 days after the change in status.
- e) Schools Recognized Pending Further Review
- 1) The chief school administrator of a school that is Recognized Pending Further Review may, within 5~~When a school is recognized pending further review, the school's chief administrator may, within 30~~ days after receipt of notification to this effect, request a conference at which representatives of the school ~~will~~must have an opportunity to discuss compliance issues with ~~representatives of the~~ State Board staff. By agreement of the parties, the conference may be conducted via videoconference or any other means.
 - 2e) The chief school administrator of~~When~~ a school that is Recognized Pending Further Review may request a hearing to appeal the change in recognition status within 10 days after the designation is issued or 10 days

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after the conference in subsection (e)(1), whichever date is later. The request for appeal must be submitted in writing to the State Superintendent at RecognitionAppeal@isbe.net or, if the email address becomes inaccessible or is changed, via mail to the Illinois State Board of Education at 100 N 1st Street, Springfield IL 62777, and must set forth evidence that the school is in compliance with the applicable requirements that resulted in the change of recognition status. Upon receipt of the school's request, the State Superintendent shall notify the school of the date, time, and location of the hearing, which shall be held no sooner than 10 days after receipt of the request for appeal. The date of the hearing scheduled by the State Superintendent may, by mutual agreement of the parties, be rescheduled. The hearing may be conducted via videoconference or any other means. The school may be represented by an attorney throughout the appeal process.

A) The hearing shall be conducted by a hearing officer designated by the State Superintendent. The parties shall be notified of the appointment of the hearing officer.

B) The hearing officer shall convene a hearing at which the school shall have the opportunity to present evidence that the school is in compliance with the applicable requirements that resulted in the change of recognition status.

C) The hearing officer shall provide a written decision to the school within 5 days of the date of the hearing.

3) A school that is Recognized Pending Further Review shall be Fully Recognized at any time upon submission of satisfactory evidence that demonstrates the school is in compliance with the applicable requirements that resulted in the change of recognition status.

f) Schools Placed On Probation

1) The State Superintendent shall schedule a conference with the chief school administrator of a school prior to placing that school On Probation, at ~~which placed on probation,~~ representatives of the school will State Board ~~must conduct a conference at which representatives of the school may discuss compliance issues with representatives of the State Board staff.~~ By agreement of the parties, the conference may be conducted via

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videoconference or any other means. Within 5 days after the date of the scheduled conference, the State Superintendent will determine if the school will be placed On Probation and will notify the school to this effect.

- 2) The chief school administrator of a school that is placed On Probation may request a hearing to appeal the change in recognition status of the school within 10 days after the designation is issued pursuant to subsection (f)(1). The request for appeal must be submitted in writing to the State Superintendent at RecognitionAppeal@isbe.net or, if the email address becomes inaccessible or is changed, via U.S. mail to the Illinois If requested by the representatives of the State Board of Education at 100 N 1st Street, Springfield IL 62777, and must set forth evidence that the school is in compliance with the applicable requirements that resulted in the change of recognition status. Upon receipt of the school's request, the State Superintendent shall notify the school of the date, time, and location of the hearing, which shall be held no sooner than 10 days after receipt of the request for appeal. The date of the hearing scheduled by the State Superintendent may, by mutual agreement of the parties, be rescheduled. The hearing may be conducted via videoconference or any other means. The school may be represented by an attorney throughout the appeal process.
 - A) The hearing shall be conducted by a hearing officer designated by the State Superintendent. The parties shall be notified of the appointment of the hearing officer.
 - B) The hearing officer shall convene a hearing at which the school shall have the opportunity to present evidence that the school is in compliance with the applicable requirements that resulted in the change of recognition status.
 - C) The hearing officer shall provide a written decision to the school within 5 days of the date of the hearing.
- 3) Within 15 days of the conference pursuant to subsection (f)(1) or, if applicable, a decision on the appeal described in subsection (f)(2) affirming the change in recognition status, whichever is later, the school, within 60 days following a conference under this subsection, the school's chief administrator shall submit to the State Superintendent a plan for

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corrective action plan that conforms to the requirements of subsection (f)(4).

A) The plan shall be signed by the chief school administrator and each affected principal.

B) The timeline for the submission of a corrective action plan may be extended by mutual agreement of the~~The~~ State Superintendent or designee~~must review~~ and the school.

4) The State Superintendent shall respond to the submission of a plan within 15 days after receiving it. The State Superintendent shall~~must~~ approve a plan if it:

A) specifies steps to be taken by the school that are directly related to the area or areas of noncompliance cited;

B) provides evidence that the school has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and

C) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

5) A school that is On Probation shall be Fully Recognized at any time upon submission of satisfactory evidence that demonstrates the school is in compliance with the applicable requirements that resulted in the change of recognition status.

g) Nonrecognition of Schools

1g) If a school's plan ~~does~~is not meet the requirements of~~approvable under~~ subsection (f), the State Superintendent shall~~must~~ notify the ~~school's~~school's ~~chief administrator~~ to this effect. If no plan is submitted, or if no ~~approvable~~plan meeting the requirements of subsection (f) is received within ~~1560~~ days after the school's conference with staff, or any extended timeline pursuant to subsection (f)(3)(B), or after a decision on the appeal affirming the change in recognition status, the State Superintendent shall recommend to the State Board that the school be Nonrecognized

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~~representatives of the State Board, the school's recognition may be withdrawn, subject to the school's right to a hearing as set forth in subsection (g)(3) and shall provide notification of this recommendation to the school.~~ ~~appeal under Section 425.70.~~

- 2h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the State Superintendent shall recommend to the State Board that the status of the school be changed to Nonrecognized subject to the school's right to a hearing as set forth in subsection (g)(3). ~~may withdraw the school's recognition, subject to appeal under Section 425.70.~~
- 3) A school that has been recommended to be Nonrecognized by the State Superintendent may submit a written request for a hearing to the State Board within 30 days of being notified of the State Superintendent's recommendation for nonrecognition. If the school does not request a hearing to challenge the State Superintendent's recommendation that the school be Nonrecognized within 30 days of being notified, the State Board will make a determination on the State Superintendent's recommendation for nonrecognition of the school at a State Board meeting, and the school will be notified of the decision in writing.
- A) The request for a hearing must be submitted by the chief school administrator.
- B) The request for a hearing must identify the specific findings with which the school disagrees.
- C) Upon submission of the request for a hearing, the State Superintendent shall give written notice of the date, time and place of the hearing to the chief school administrator not less than 21 days before the hearing date. The notice shall be sent by certified mail, return receipt requested. By agreement of both parties, the hearing may be conducted via videoconference or any other means.
- D) The hearing shall be conducted by a hearing officer designated by the State Superintendent. The parties shall be notified when a hearing officer is appointed.

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- E) The school may be represented by an attorney throughout the proceedings. An attorney from the Office of the Legal Counsel to the State Board, or an attorney selected by the State Superintendent, will represent the State Superintendent.
- F) Both the school and the State Superintendent will be afforded the opportunity to file written briefs before the hearing. The school shall submit its brief to the hearing officer and a copy to the State Superintendent at the following address: Illinois State Board of Education, Office of Legal Counsel, 100 N First St., Springfield IL 62777. The State Superintendent shall submit its brief to the hearing officer and a copy to the chief school administrator or the school's attorney, if represented at the hearing by counsel.
 - i) The school's brief shall be due 7 days after receipt of the notice of the appointment of the hearing officer.
 - ii) The State Superintendent's brief shall be due 7 days after the State Superintendent's receipt of the school's brief.
- G) At the time its brief is filed, either the school or the State Superintendent may request an opportunity to present witnesses and/or oral argument before the hearing officer.
- H) If requested, each party may produce witnesses at the hearing. After the completion of witness testimony, if oral argument has been requested, each party will be given at least 30 minutes for oral argument. The hearing officer may ask questions during such arguments. The school shall present its argument first, followed by the argument for the State Superintendent. The school will then be allowed at least 10 minutes for a rebuttal. If neither party requests oral argument, the hearing officer may request that the parties make an oral presentation on the date scheduled for the hearing.
- I) If two or more schools request an appeal regarding the same issue(s), the appeals may be consolidated if consolidation would secure economies of time and effort, promote uniformity of decision-making by the hearing officer, and consolidation would

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not prejudice the rights of a party. Consolidated appeals shall be handled as provided in this subsection (g)(3)(I).

- i) Each school may submit its own brief, or any two or more of the schools whose appeals are consolidated may elect to write a joint brief and may request oral argument.
- ii) All schools whose appeals are consolidated will be given an opportunity to produce witnesses and a collective total of at least 40 minutes for oral argument, and the schools may reserve at least 10 of their 40 minutes for rebuttal. The schools shall either select one or more representatives to argue on behalf of the schools or divide the time equally amongst all schools.
- iii) The State Superintendent shall submit one brief in response to the issue(s) subject to the consolidated appeal and shall have at least 30 minutes for oral argument.
- J) During the hearing, the hearing officer shall consider only those issues raised in the written briefs, witness testimony, if any, and oral argument of the parties if the parties request the opportunity to present oral arguments. All hearings shall be recorded.
- K) Within 14 days after the hearing, the hearing officer shall submit a written recommendation for action to the State Board and shall state the reasons for the recommendations. The hearing officer may recommend that the State Board adopt, modify, or reject the recommendation of the State Superintendent, in whole or in part.
- L) A final decision shall be rendered by the State Board within 14 days after receipt of the hearing officer's recommendation and the parties shall be notified in writing of the decision. The decision shall specify whether it is final, and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/Art.III].
- M) Nothing contained in this Section shall preclude the State Superintendent or the State Board, when required, and the school from reaching an agreement as to the resolution of an appeal at any time during the appeals process.

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- h) A school shall not be Nonrecognized under this Section without first having been placed On Probation. Except that, the State Superintendent may recommend to the State Board that a school that was previously On Probation be Nonrecognized if it is subsequently noncompliant with the same requirements that led to its previous placement On Probation and both instances of noncompliance occur within the same school year.
- i) A school that has been Nonrecognized by the State Board pursuant to this section may petition the State Board to be returned to Fully Recognized status if the school clearly demonstrates that:
- 1) Any noncompliance matters that resulted in nonrecognition have been resolved;
 - 2) The school has developed systems and processes to ensure that the noncompliance issues that resulted in the change in recognition status will not recur; and
 - 3) The school will agree to any additional corrective steps that the State Superintendent deems necessary to remedy any harm caused by the school's or school's noncompliance.
- j) If a recognized ~~nonpublic~~ school fails to renew its registration under subsection ~~425.30(a)(b)(1)~~, the school forfeits its recognition status. Because this loss of recognition status is not due to an administrative action by the State Superintendent, the appeal process in this Section ~~425.70~~ does not apply. A school seeking to receive a recognition status after forfeiting its status under this subsection must follow the procedures in Section 425.40.
- kj) If a recognized ~~nonpublic~~ school renews its registration but fails to annually renew its recognition as required in subsection (b)(1), the school forfeits its recognition status. Because this loss of recognition status is not due to an administrative action by the State Superintendent, the appeal process in this Section ~~425.70~~ does not apply. A school seeking to receive a recognition status after forfeiting its status under this subsection must follow the procedures in Section 425.40.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

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Section 425.60 Changes in Recognition Status (Repealed)
EMERGENCY

~~A nonpublic school's recognition status may be changed by the State Superintendent at any time to reflect information confirmed during compliance monitoring or by any other means, subject to the provisions of Section 425.70. Except in instances in which the State Superintendent determines there is an emergency situation present at a school, no school may have its recognition removed by administrative action without first having been placed on probation.~~

(Source: Repealed by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 425.70 Appeals (Repealed)
EMERGENCY

~~A school's chief administrator who wishes to appeal a nonpublic school's placement into nonrecognition status must submit to the State Superintendent a written statement of appeal within 14 days after receiving notification of the planned status change.~~

- ~~a) Within 30 days after receipt of the appeal, the State Superintendent or a designee must convene a hearing to review all pertinent information, including the procedures that led to the planned recognition status change. Representatives of the affected school must have an opportunity to present evidence demonstrating that the school complies with the requirements of this Part.~~
- ~~b) No later than 30 days after the conclusion of the hearing, the State Superintendent must inform the school's chief administrator of the State Superintendent's determination. If there is no change in the school's recognition status, the school does not need to take any further action. If the school's recognition is removed, and the school wishes to become recognized again, the school must follow the procedure in Section 425.40. The decision of the State Superintendent of Education is a final administrative decision, subject to the Administrative Review Law [735 ILCS 5/Art. III].~~

(Source: Repealed by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 425.90 Textbook Block Grant Program
EMERGENCY

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Recognized ~~nonpublic~~ schools serving students in kindergarten through grade 12 are eligible to receive annual funding for the direct purchase of selected secular textbooks.

- a) Funding received under the Textbook Block Grant Program shall be used only for the direct purchase of secular textbooks, as defined in Section 2-3.155(b) of the School Code.
- b) For the purposes of monitoring compliance with Section 2-3.155(d) of the School Code, each ~~nonpublic~~ school that receives funding under the Textbook Block Grant Program shall provide to the State Superintendent, upon request, a copy of the purchase order and receipt confirmation for any textbooks acquired that includes the:
 - 1) title of each textbook purchased, including its International Standard Book Number (ISBN), or, if no ISBN is provided, a description of the materials purchased;
 - 2) quantity received; and
 - 3) total cost of the textbooks ordered.
- c) Records associated with the purchase of textbooks under Section 2-3.155 of the School Code shall be maintained for three years following the school year in which the textbooks were purchased.
- d) In the event that the ~~nonpublic~~ school fails to comply with Section 2-3.155 of the School Code and this Section, then it shall return to the State Board of Education any grant funds expended on textbooks not in compliance with Section 2-3.155 of the School Code.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)