**Section 1.20 Operational Requirements**

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 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.)

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, 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 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 will be posted and maintained on the State Board's website at https://www.isbe.net. In each case, a district or school shall be recognized and assigned a status of "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.

2) A school or district shall be immediately placed On Probation by the State Superintendent following the process outlined in Section 1.20(e) if it:

A) exhibits deficiencies that present a health hazard or a danger to students or staff;

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 regulatory requirements; 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 if:

A) it exhibits any deficiencies other than those 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.

c) The recognition status of a district or 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 district or school, by the State Superintendent at any time to reflect information confirmed during the compliance monitoring process outlined in subsection (a) or information obtained by the State Superintendent by any other means, subject to the district's right to appeal the status change as provided in this Section. Any change in status that may occur pursuant to this Section will be posted on the State Board's website no later than 30 days after the change in status.

d) Districts and Schools Recognized Pending Further Review

1) The superintendent of a district that is Recognized Pending Further Review, or in which one or more schools are Recognized Pending Further Review, may, within 5 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.

2) 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 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, who is determined to be impartial and disinterested and to have relevant knowledge of this Section and the enabling Sections of the School Code. The hearing officer so designated shall not be an employee of the State Board. 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) 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 or any of its schools 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. 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 this effect.

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 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, who is determined to be impartial and disinterested and to have relevant knowledge of this Section and the enabling Sections of the School Code. The hearing officer so designated shall not be an employee of the State Board. 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).

A) 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) 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.

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

B) 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

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 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 subsection (e), the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no plan meeting the requirements of subsection (e) is received within 15 days after the district's conference with 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 as set forth in subsection (f)(3) and shall provide notification of this recommendation to the district.

2) 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 be changed to Nonrecognized subject to the district’s right to a hearing as set forth in subsection (f)(3).

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.

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.

D) The hearing shall be conducted by a hearing officer, designated by the State Superintendent, who is determined to be impartial and disinterested and to have relevant knowledge of this Section and the enabling Sections of the School Code. The hearing officer so designated shall not be an employee of the State Board. The parties shall be notified of the appointment of the hearing officer.

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

i) The hearing officer may consider any objections by the parties related to the consolidation of appeals prior to such consolidation.

ii) 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.

iii) 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.

iv) 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 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 district from reaching an agreement as to the resolution of an appeal at any time during the appeals process.

g) The timelines set forth in subsections (d), (e), and (f) may be extended by the mutual agreement of the district and the State Superintendent or designee.

h) Neither a district nor a school shall 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 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 Nonrecognized, or in which one or more schools are Nonrecognized, shall be subject to the provisions of Section 18-8.15(h)(6) of the Code.

i) 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 at 46 Ill. Reg. 6272, effective April 11, 2022)