**Section 425.50 Renewal of Recognition**

a) Cycle for On-Site Review

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

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(f)(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.

c) Based upon the renewal application materials, 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 assign a recognition status for the 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 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 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".

1) 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:

A) it exhibits any deficiencies other than those delineated in subsection (c)(3); and

B) such deficiencies may be anticipated to be corrected prior to the end of the school year following the school year in which they were identified.

3) A school shall be immediately placed On Probation by the State Superintendent following the process outlined in Section 425.50(f) 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 or 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 (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 days after receipt of notification to this effect, request a conference at which representatives of the school 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 chief school administrator of 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 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 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, 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 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 representatives of the school 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 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 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 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, 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 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 shall submit to the State Superintendent a corrective action plan that conforms to the requirements of subsection (f)(4). The plan shall be signed by the chief school administrator and each affected principal.

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

1) If a school's plan does not meet the requirements of subsection (f), the State Superintendent shall notify the school to this effect. If no plan is submitted, or if no plan meeting the requirements of subsection (f) is received within 15 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 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.

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 school be changed to Nonrecognized subject to the school's right to a hearing as set forth in subsection (g)(3)..

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

iii) 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.

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

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

i) 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.

j) 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 noncompliance.

k) If a recognized school fails to renew its registration under subsection 425.30(a), 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 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.

l) If a recognized 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 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 at 46 Ill. Reg. 6491, effective April 11, 2022)