**Section 1.95** **Appeals Procedure**

A school district may request an appeal of a school's or the district's status determined pursuant 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 Every Student Succeeds Act. An appeal may not be brought 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 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.

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.

h) The chair 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 at 46 Ill. Reg. 6272, effective April 11, 2022)