**Section 240.20 Requirements for Student Participation**

*Students in grades 4 through 12 who meet enrollment criteria established by the school district and who meet the definition of "at risk of academic failure" are eligible to participate in an Alternative Learning Opportunities Program* [105 ILCS 5/13B-20.25] approved under this Part.

a) A student shall be considered "at risk of academic failure" if he or she:

1) *is at risk of failing to meet the Illinois Learning Standards or failing to graduate from elementary or high school;* and

2) *demonstrates a need for educational support or social services beyond those provided by the regular school program* [105 ILCS 5/13B-15.10].

b) For purposes of this Section, "poor academic performance" is defined as the student's:

1) scoring in the 50th percentile or below on district-administered standardized tests; or

2) receiving a score on the State assessment that does not meet standards in one or more of the fundamental learning areas defined in Section 27-1 of the School Code [105 ILCS 5/27-1], as applicable for the student's grade level; or

3) not meeting grade-level expectations on a district-designed assessment.

c) In determining whether a particular student is at risk of academic failure, a school district shall at least consider whether any of the following applies.

1) The student demonstrates poor academic performance lasting for more than a semester, which has not responded to interventions routinely employed by the school.

2) The student exhibited poor academic performance on district and State assessments in the previous school year that may be due to factors other than the student's academic ability (e.g., social, emotional, or behavioral problems; substance abuse; poor health and/or nutrition; changes in life circumstances that affect the student's ability to succeed or motivation to participate in the educational program).

3) The student's poor academic performance has resulted in his or her not meeting district requirements for promotion in the current school year; however, the student could meet these requirements with modifications made to the instructional program that would include the provision of educational supports and/or other support services not currently available in the regular school program.

4) The student's poor academic performance has resulted in the student's lacking sufficient high school credits for his or her grade level to such a degree that he or she is likely to drop out of high school or otherwise fail to graduate as a consequence of this credit deficiency.

d) Each district's specific admission criteria shall conform to the following requirements.

1) The criteria used to determine a student's need for an Alternative Learning Opportunities Program shall be nondiscriminatory in purpose and effect (i.e., without regard to race, national origin, gender, religion or disability).

2) The performance of a student recommended for enrollment in the program must be deficient in one or more of the fundamental learning areas (see Section 27-1 of the School Code) and not have shown improvement with interventions currently available at the student's school or within the student's school district. The district shall document the interventions that it employed and the results of those interventions before determining that the student would be served best in the Alternative Learning Opportunities Program.

3) Indicators in addition to academic performance (e.g., family stress, problems with classmates, teachers' evaluations, excessive absences, information received from family members and other school personnel) should be considered when assessing the student's inability to successfully complete school work and achieve learning objectives for his or her grade level.

4) The home school must be unable to provide, as part of its regular program, the educational supports and/or other support services (as identified by a review of evidence pursuant to subsection (c)(2) of this Section) needed by the student to improve his or her academic achievement. (See Section 240.70(c)(6) of this Part.)

5) In instances where the student considered for enrollment in the program has an Individualized Education Program (IEP), the district has followed the procedures specified in Subpart E of the State Board of Education's rules for Special Education (23 Ill. Adm. Code 226, Subpart E).

e) Each school district that establishes an Alternative Learning Opportunities Program shall provide information about the program to the parents or guardians of all students enrolled in grades 4 through 12 and shall identify a staff member who may be contacted for information or assistance.

f) When school district personnel believe that a student is eligible for and would benefit from enrollment in an Alternative Learning Opportunities Program, the district shall send a written notification to the student and the student's parent or guardian to attend a conference about the program (see 105 ILCS 5/13B-60.10). This notification also shall contain a statement of the rights of the parent or guardian (e.g., requirement for written parental permission to enroll in the program, ability to withdraw consent for enrollment, participation in development of the Student Success Plan).

1) The conference shall be designed to help the parent or guardian determine whether the student's participation in the Alternative Learning Opportunities Program would be beneficial.

2) Relevant educational records and information yielded by diagnostic assessments (e.g., academic, behavioral, risk) shall be available at the time of the conference.

3) The district shall provide documentation identifying the interventions available in the school district and demonstrate that these have already been provided to the student.

4) If the parent or guardian fails to participate in the conference (i.e., either attendance at the conference or participation through a telephone conference call), the student shall not be enrolled in the program (see 105 ILCS 5/13B-60.5).

5) If the parent or guardian attends the conference and determines that the program would be beneficial to the student, the parent or guardian may request the student's enrollment by providing written consent.

g) If a student's parent or guardian believes that the student is eligible for and would benefit from enrollment in an Alternative Learning Opportunities Program, the parent or guardian may initiate the conference described in subsection (f) of this Section by sending a written request to the contact person identified by the district pursuant to subsection (e) of this Section.

1) The district shall conduct the conference requested by a parent or guardian no later than ten school days after receipt of the written request.

2) The requirements of subsection (f) of this Section shall apply to any conference held pursuant to this subsection (g).

3) The district may limit the frequency with which a parent or guardian may request a conference in a given school year, provided that the limit imposed does not exceed 45 calendar days.

h) *No student shall be enrolled in the Alternative Learning Opportunities Program without the consent of the student's parent or guardian* (Section 13B-60.10 of the School Code). In the case of an existing alternative education program that receives approval to operate as an Alternative Learning Opportunities Program, the program shall provide written notification to the parent or guardian of each student enrolled in the existing program that:

1) the program has been changed to an Alternative Learning Opportunities Program;

2) the parent or guardian has a right to attend a conference about the program, held pursuant to the requirements of subsection (f) of this Section;

3) consent for the student's continued participation in the program shall be deemed granted unless the parent or guardian requests, within ten school days after receiving notification, that the student be returned to the regular school program; and

4) the parent or guardian has a right to participate in the development of the Student Success Plan (see Section 240.40 of this Part).

i) In no instance shall a student in grade 4 or 5 who is enrolled in an Alternative Learning Opportunities Program participate in that program or receive services outside of his or her home school. Every effort should be made to ensure that the educational supports and other services are provided to the student as part of his or her activities in the classroom to which he or she is originally assigned, unless the nature of the services dictates otherwise (e.g., due to a need for privacy, services would cause a disruption for other students or interrupt instruction, one-on-one intervention is required).

j) A student enrolled in an Alternative Learning Opportunities Program shall be returned to the regular school program no later than ten school days after the district receives a written request to that effect from the parent or guardian (see 105 ILCS 5/13B-60.15). If notice is received within two weeks before the end of a grading period (i.e., a quarter or semester), then the student shall remain in the Alternative Learning Opportunities Program until the start of the next grading period.

k) A student may be enrolled both in an Alternative Learning Opportunities Program and in the regular school program (see 105 ILCS 13B-20.20).

l) A student enrolled in an Alternative Learning Opportunities Program with the intention of graduating from high school or qualifying to participate in the High School Equivalency Testing Program pursuant to Section 3-15.12 of the School Code [105 ILCS 5/3-15.12] may receive services up to the age of 21 (see Section 13B-15.10 of the School Code).

m) An approved Alternative Learning Opportunities Program may enroll nonresident students in accordance with Section 13B-55 of the School Code [105 ILCS 5/13B-55].

n) The enrollment of students with Individualized Education Programs in Alternative Learning Opportunities Programs shall be subject to the additional requirements set forth in Section 240.25 of this Part.

o) In accordance with Section 13B-20.25 of the School Code, all rights granted under Article 13B of the School Code and this Part to the student's parent or guardian shall become those of the student once the student reaches 18 years of age, subject to the provisions of the Emancipation of Mature Minors Act [750 ILCS 5/Art. 11a].

p) Notwithstanding the eligibility criteria stated in Section 13B-20.25 of the School Code, a school district may enroll in its Alternative Learning Opportunities Program any student it has suspended or expelled, in accordance with the provisions of Section 10-22.6 or 34-19 of the School Code [105 ILCS 5/10-22.6 or 34-19].

1) The enrolling school district shall ensure that the educational program and other services provided for the suspended or expelled student meet each of the requirements set forth in this Part.

2) A suspended or expelled student shall not be permitted to return to or re-enroll in his or her home school pursuant to subsection (j) of this Section until the term of the suspension or expulsion is completed.

(Source: Amended at 38 Ill. Reg. 8345, effective April 1, 2014)