**Section 240.100 Suspension and Revocation of Program Approval**

a) The State Board of Education shall investigate an Alternative Learning Opportunities Program when any of the following occurs:

1) the school district fails to receive approval to continue operating the program, in accordance with the requirements of Section 240.80 of this Part;

2) a parent or guardian files a written complaint with the school district or State Board of Education alleging that the program meets one or more of the conditions set forth in Section 13B-30.20 of the School Code for suspension or revocation of program approval;

3) the State Board receives information or becomes aware of allegations that the program meets one or more of the conditions set forth in Section 13B-30.20 of the School Code for suspension or revocation of program approval; or

4) for programs serving minority students, low-income students, or students with IEPs, a review of the continuation application shows a disproportionate number of these types of students being served in the program.

b) If the State Board of Education, at the conclusion of the investigation, identifies deficiencies in the program that meet any of the conditions specified in Section 13B-30.20 of the School Code, then it shall provide to each school district that established the program written notification of the specific deficiencies found.

1) The school district shall submit to the State Board of Education, within 30 calendar days after receiving the notification, a time-specific plan that addresses the specific steps to be taken and staff responsible to remedy each of the deficiencies cited. In no case shall the time needed to correct deficiencies exceed 120 days.

2) The State Board shall approve the corrective action plan no later than 15 days after receiving the plan if it meets all of the following requirements.

A) The timeframe is reasonable to correct the cited deficiencies.

B) The proposed steps to be taken to remedy the problems have a high likelihood of correcting the cited deficiencies.

C) A sufficient number of staff are proposed to implement the corrective action plan, and their expertise relates to the areas in which the deficiencies were found.

3) The school district shall provide a copy of the deficiencies and of the approved corrective action plan to any entity with which it has entered into a cooperative agreement, intergovernmental agreement, contract or subcontract in order to operate the program or to provide services for students enrolled.

4) If the school district provides evidence that it has corrected the deficiencies within the timeframe specified in the corrective action plan approved pursuant to subsection (b)(2) of this Section, then no change in the program's approved status shall be made.

c) A school district that is unable to correct all of the deficiencies within the timeframe specified in its corrective action plan and after the provision of technical assistance by the State Board of Education may submit to the State Board an amended corrective action plan.

1) The amended corrective action plan shall be submitted no later than 30 calendar days prior to the time the affected deficiencies were to be corrected.

2) The amended plan shall identify the deficiencies that are still unresolved, specifying the reasons for the delay and describing the steps to be taken to remedy the problems and the timeline for completing each. In no case shall the time needed to correct the remaining deficiencies exceed 30 additional calendar days.

3) The State Board of Education will accept the amended corrective action plan, provided the remaining deficiencies can be corrected within 30 calendar days and that none of the deficiencies:

A) presents an immediate health hazard or danger to students and staff;

B) severely affects the program's ability to provide a program appropriate to the needs of the students enrolled (i.e., addresses the Illinois Learning Standards, employs staff with the appropriate educator licensure, provides the services identified as necessary to assist with students' academic improvement); and

C) represents prolonged or repeated problems to a degree that indicates the program's intention not to correct the deficiencies.

d) If the school district fails to demonstrate that all of the deficiencies have been corrected within the timeframe specified in the amended corrective action plan, or fails to submit an amended corrective action plan that meets the requirements of subsection (c) of this Section, then approval to operate the program shall be suspended upon written notification from the State Board of Education.

1) The program may serve the students enrolled in the program during the time of its suspension, provided it continues to make progress as specified in its plan and no additional students are enrolled in the program.

2) The school district shall provide a copy of the notice of suspension to any entity with which it has entered into a cooperative agreement, intergovernmental agreement, contract or subcontract in order to operate the program or to provide services for students enrolled.

3) If the school district fails to correct all remaining deficiencies within 30 calendar days after receiving the notice of suspension, then approval to operate the program shall be revoked.

e) Notification to revoke program approval shall be sent by certified mail, return receipt requested to each school district that established the program. A school district shall have ten calendar days after receipt of this notice of revocation to submit a written request for a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and Subpart B of the State Board of Education's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The receipt of notification shall be determined by the date of receipt shown on the return receipt form.

f) Once approval for a program has been revoked:

1) a school district, or a regional office of education operating a program on behalf of a school district, shall be ineligible to file any claim upon the common school fund with regard to the program;

2) a school district shall not collect any tuition from another school district for students enrolled in the program;

3) pursuant to Section 13B-30.35 of the School Code [105 ILCS 5/13B-30.35], the State Board of Education shall recover grant funds from a school district in accordance with the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]; and

4) all students enrolled in the program shall be returned to the regular school program no later than ten school days following receipt of the notification that approval has been revoked.

g) Compliance with the requirements of Article 13B of the School Code and this Part shall be a factor in determining a school district's recognition status pursuant to 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

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