**Section 650.63 Appeal of Local School Board Decisions**

a) A charter holder may appeal to the State Board of Education a local school board report that revokes or refuses to renew a charter. Any appeal must be submitted to the State Superintendent no later than 21 days after the local school board voted on the charter revocation or non-renewal.

1) The appeal shall be submitted electronically to the State Superintendent at charterappeals@isbe.net, with a copy sent by certified mail or electronic mail to the local school board.

2) Based on the information available to the charter holder, the appeal submitted by the charter holder shall state the reason why the decision of the local school board should be overturned.

3) Any appeal not submitted within the deadline specified in this subsection (a) will not be considered by the State Superintendent, and the State Superintendent will notify the applicant that the appeal will not be considered.

b) The State Superintendent will conduct a documentary review of the materials submitted with any appeal that is filed within the deadline specified in subsection (a), which, at the State Superintendent's discretion, may be conducted by State Board personnel or independent evaluators. The parties shall submit any additional information that the State Superintendent determines is necessary to consider the appeal.

c) Hearings on Charter Appeals

1) Within 7 days after receipt of any appeal that is timely filed under subsection (a), the State Superintendent will select a hearing officer and will issue a written Notice of Opportunity for Hearing, which will be served upon the local school board and the charter holder.

A) The Notice of Opportunity for Hearing must include a copy of the appeal and the electronic or mailing address to which the recipient of the Notice must send the request for hearing.

B) A request for hearing must be submitted to the State Superintendent within 10 days after receipt of the Notice of Opportunity for Hearing.

2) If no hearing is requested in accordance with this subsection (c), the hearing officer shall issue an order finding that no hearing has been requested and that a proposed order will be generated in accordance with subsection (d)(3).

3) No later than 10 days following the receipt of a request for a hearing, the hearing officer must issue to the parties a Notice of Hearing. The Notice of Hearing must include the date, time, and location of the hearing, with the hearing convened and conducted no later than 45 days after receipt of a timely filed appeal under subsection (a), unless otherwise agreed to by all parties to the matter. The hearing must be conducted at either the State Board of Education's Springfield office or Chicago office, unless the State Superintendent, local school board, and charter holder all agree on an alternative location. No less than 48 hours before the hearing, the Notice of Hearing must be posted on the State Board's website and at the principal office holding the meeting.

4) A local school board may submit to the State Superintendent a formal response to the appeal.

A) The response must be submitted electronically to the State Superintendent at charterappeals@isbe.net, with a copy sent by certified mail or electronic mail to the charter holder.

B) The response must address the reasons for the local school board's decision to revoke or not renew the charter of the charter holder, to the extent not already addressed in the local school board's final report submitted under Section 650.30 of this Part. In accordance with Section 27A-9(c) of the School Code, *no local school board may arbitrarily or capriciously revoke or not renew a charter*. The response must also detail how the local school board will ensure that all students who are currently enrolled in the charter school will be offered placement in a higher performing school, *as defined in the State's Every Student Succeeds Act accountability plan*. If the local school board is unable to offer all students placement in a higher performing school, the response *must detail, by clear and convincing evidence, that factors unrelated to the charter school's accountability designation outweigh the charter school's academic performance*.

C) If the hearing officer receives this response before the date of the hearing, he or she must consider it as part of his or her proposed order under subsection (d)(2).

5) The following shall be the order of proceedings for all hearings concerning a local school board's decision to revoke or not renew a charter, subject to modification by the hearing officer for good cause:

A) Oral presentation by the charter holder of up to 45 minutes to address the reasons why the decision of the local school board should be overturned. The charter holder may cede any part of its time to any member of the public who wishes to speak on the charter holder's behalf.

B) Oral presentation by the local school board or boards of up to 45 minutes each to address the reasons why a local school board's decision was proper under Article 27A of the School Code. The local board may cede any part of its time to any member of the public who wishes to speak on the local board's behalf.

C) Questions to the charter holder to clarify any issues or to address any deficiencies noted by State Board personnel or independent evaluators through the documentary review conducted under subsection (b).

D) Questions to the local school board to clarify any issues or to address any deficiencies noted by State Board personnel or independent evaluators through the documentary review conducted under subsection (b).

6) A hearing conducted under this subsection (c) must be open to the public.

d) Proposed Orders

1) In reviewing appeals, the State Board will consider whether the charter school subject to closure *is in compliance with Article 27A of the Code and is in the best interests of the students the charter school is designed to serve*. (Section 27A-9(e) of the Code)

2) No later than 14 days after the close of a hearing, the hearing officer shall issue proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act [5 ILCS 100] (IAPA). These recommendations must be made upon consideration of the record as a whole or any portion of the record as may be supported by competent, material, and substantial evidence. After the hearing officer issues his or her proposed order to the State Superintendent, the State Superintendent will review the record and the hearing officer's findings of fact, conclusions of law, and recommendations and may accept, reject, or modify the hearing officer's recommendation.

3) If no hearing is conducted under this Section, the State Superintendent will review any appeal materials submitted by the parties and any additional analysis conducted by State Board personnel or independent evaluators under subsection (b), and will make a recommendation, by way of a proposed order that complies with IAPA Section 10-45.

4) The State Superintendent will forward a copy of the proposed findings of fact, conclusions of law, and recommendations to both the charter holder and the local school board or boards.

e) Final Decision

1) The State Superintendent will submit his or her findings and recommendation, together with any exceptions or briefs, to the State Board for a final decision.

2) A copy of the final decision will be sent by certified mail to each party no later than 60 days after receipt of the appeal, after receipt of any additional information requested under subsection (b), after the date of the hearing conducted under this Section, or after receipt of any exceptions or briefs filed in accordance with IAPA Section 10-45, whichever occurs last. The State Board's failure to strictly comply to the time constraints under this subsection (e)(2) does not invalidate the State Board's final decision.

3) The decision of the State Board is final unless appealed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 27A-9(e) of the Code.

f) Any appeals validly-filed with the State Charter School Commission under Section 27A-9(e) of the Code that are still pending on June 30, 2020 will be determined by the State Board in accordance with this Section. The State Superintendent may extend the time for review as necessary for thorough review, but in no case may the extension exceed the time that would have been available had the appeal been submitted to the State Board on July 1, 2020.

(Source: Added at 44 Ill. Reg. 13375, effective July 28, 2020)