

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER 0: MISCELLANEOUS

PART 650
CHARTER SCHOOLS

Section

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AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998.

NOTE: Capitalization denotes statutory language.

Section 650.10 Definitions

"Article 27A of the School Code" means 105 ILCS 5/Art. 27A (see P.A. 89-450, effective April 10, 1996).

Section 650.20 Purpose

Article 27A of the School Code sets forth the requirements for a charter school and the procedure for consideration of a charter school proposal by local boards of education. Pursuant to Section 27A-4(e) of the School Code, two or more local boards of education may jointly submit a proposal for a single charter school. This Part sets forth the procedures applicable to reporting to the State Board of Education by local school boards of the submission of charter school proposals, as required by Section 27A-8(f) of the School Code.

Section 650.30 Submission to State Board of Education

Local board(s) of education shall report to the State Board of Education as to the action by the local board(s) of education with regard to an application for, revision of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant or charter holder at the same time that the report is submitted to the State Board of Education. The report shall include a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the State Board of Education within 14 days after the postmark date that the report is submitted to the State Board of Education. Reports shall be submitted as follows:

- a) Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board. The form shall include a certification as to compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president(s) of the local school board(s) and the appropriate officers of the charter school governing body. Section 27A-6 of the School Code provides that a PROPOSED CONTRACT BETWEEN THE GOVERNING BODY OF A PROPOSED CHARTER SCHOOL AND THE LOCAL SCHOOL BOARD MUST BE SUBMITTED TO AND CERTIFIED BY THE STATE BOARD BEFORE IT CAN HAVE EFFECT.
- b) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by the local board(s) of education and a copy of each board's resolution setting forth the board's action and its reasons for the action.
- c) A certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, must be submitted with all reports.

- d) Reports shall be submitted via certified mail, return receipt requested, to:

Illinois State Board of Education
Charter Schools
100 North First Street
Springfield, Illinois 62777

No electronic or facsimile transmissions will be accepted.

- e) Reports must be postmarked not later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant or charter holder. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.

(Source: Amended at 22 Ill. Reg. 16455, effective September 3, 1998)

Section 650.40 Review of Local Approvals by State Board

- a) The State Board shall review each report of an approved application, revision or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements which are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. A certification of the charter shall be sent to the local school board(s) and the charter school governing body.
- b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Board shall so notify the submitting school board(s) and the applicant or charter holder, identifying the area(s) of deficiency that must be remedied before the proposal can be considered for certification.
- c) The State Superintendent shall notify the local school board(s) and the applicant or charter holder as to a determination made with respect to a report of an approved application, renewal or revision by certified mail within 14 days after receipt of the report (Section 27A-8(f) of the School Code).

(Source: Amended at 22 Ill. Reg. 16455, effective September 3, 1998)

Section 650.50 Revision and Renewal of Charters

NO MATERIAL REVISION TO A PREVIOUSLY CERTIFIED CONTRACT OR A RENEWAL SHALL BE EFFECTIVE UNLESS AND UNTIL THE STATE BOARD CERTIFIES THAT THE REVISION OR RENEWAL IS CONSISTENT WITH THE PROVISIONS of Article 27A (Section 27A-6(e) of the School Code). Proposed revisions or renewals of a charter shall be submitted to the State Board Education in the manner set forth in this Part.

Section 650.60 Appeal of Local School Board Decisions

- a) An applicant for a charter or a charter holder may appeal to the State Board of Education a local school board report which denies, revokes or refuses to renew a charter. The appeal must state the reasons why the decision of the school board should be reversed and must be postmarked not later than 14 calendar days following the postmark date of the report's submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address, with a copy sent by certified mail to the school board:

Illinois State Board of Education
Charter Schools
100 North First Street
Springfield, Illinois 62777

No electronic or facsimile transmissions will be accepted. Appeals postmarked later than 14 calendar days following the postmark date of submission of the report shall not be processed.

- b) The parties shall submit to the State Board such additional information as the State Board determines is necessary to decide the appeal.
- c) The applicant, charter holder, or school board may request an opportunity to make an oral presentation to staff of the State Board of Education designated by the State Superintendent of Education.
 - 1) An applicant or charter holder shall request an oral presentation in the appeal document submitted pursuant to this Section.
 - 2) If an applicant or charter holder does not request an oral presentation, the school board may request an oral presentation by mailing a written request to the State Board, with a copy sent to the applicant or charter holder, within seven days after the postmark date of the appeal.

- 3) Staff of the State Board of Education will schedule the presentation after giving no less than seven days' notice to each party, unless the State Superintendent can determine from the school board's report that the school or proposal, as a matter of law, does not comply with the Charter Schools Law.
 - 4) If either party has requested and is entitled to an oral presentation, each party shall be given 45 minutes to make a presentation.
 - 5) If neither party requests an oral presentation, staff of the State Board may request that the parties make an oral presentation after giving no less than seven days' notice to each party.
- d) Staff of the State Board of Education shall submit a recommendation to the State Superintendent of Education.
- 1) If the State Superintendent determines that the appeal is untimely or that the school or proposal, as a matter of law, does not comply with the Charter Schools Law, he shall issue a final decision to the parties containing his findings and denying the appeal. Otherwise the State Superintendent shall submit his findings and recommendation to the State Board of Education for a final decision.
 - 2) A copy of the final decision shall be sent by certified mail to each party within 60 days after receipt of the appeal, receipt of any additional information requested under subsection (b) of this Section, or the date of an oral presentation made pursuant to this Section, whichever occurs last.

(Source: Amended at 22 Ill. Reg. 16455, effective September 3, 1998)