**Section 650.65 Monitoring of Charter Authorizers by the State Board of Education; Corrective Action**

In accordance with Section 27A-12 of the School Code, the State Board of Education shall rely on information reported by authorizers pursuant to Section 650.55 and *ongoing monitoring of both charter schools and authorizers* to determine whether *to remove the power to authorize from any authorizer in this State if the authorizer does not demonstrate a commitment to high-quality authorization practices and, if necessary, revoke* the charters of *the chronically low-performing charters authorized by the authorizer at the time* the power to authorize is removed. [105 ILCS 5/27A-12]

a) A charter school authorizer may be subject to corrective action, including but not limited to removal of chartering authority, in the following circumstances:

1) Failure to develop chartering policies and practices consistent with the principles and standards set forth in Appendix A (see Section 27A-7.10(e) of the Code);

2) Failure to comply with any State or federal statutory or regulatory requirement for charter authorization;

3) Failure to require a plan of remediation pursuant to Section 27A-9(c) of the Code for, or to close, charter schools that:

A) committed a material violation of any of the conditions, standards or procedures set forth in the charter; or

B) violated any provision of law from which the charter school was not exempted under Article 27A of the Code;

4) Failure to require a plan of remediation pursuant to Section 27A-9(c) of the Code for, or to close, charter schools that:

A) have exhibited low student performance as evidenced by:

i) a school's student achievement being among the lowest 5 percent of schools in the State, as determined by a three-year average of State assessment results for all students in reading and mathematics;

ii) if the charter school is a high school, an average graduation rate of less than 60 percent over the three school years immediately preceding the year in which corrective action is being considered; or

iii) receipt of a school improvement grant under Section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (20 USC 6301 et seq.); and/or

B) fail to meet performance targets and standards established by the authorizer in a charter school performance plan by the timelines specified in the plan;

5) Failure to require a plan of remediation pursuant to Section 27A-9(c) for, or to close, charter schools for financial mismanagement or failure to meet generally accepted standards of fiscal management; or

6) A pattern of evidence-based complaints about the authorizer or any of its public charter schools, filed with the State Superintendent of Education in accordance with subsection (b).

b) A complaint alleging that an authorizer has violated a requirement of Article 27A of the Code or this Part may be submitted in writing to the State Superintendent no later than one calendar year from the date of the alleged violations.

1) The written complaint shall include:

A) A statement as to which provision of law or rules has been violated;

B) The date or dates upon which the violation occurred;

C) The facts on which the statement is based; and

D) The signature and contact information for the complainant.

2) A complaint submitted in accordance with subsection (b)(1) shall be considered by the State Superintendent unless:

A) It clearly appears on its face to be frivolous, trivial or designed or intended primarily to harass the authorizer;

B) The State Superintendent has documentation that the authorizer already is satisfactorily addressing issues that are substantially the same as those raised in the complaint;

C) Prior to any action by the State Superintendent, the complainant withdraws the complaint; or

D) The alleged violation occurred more than one calendar year after the complaint was submitted to the State Superintendent.

3) At the conclusion of any complaint investigation, the State Board will provide to the complainant a written decision that addresses each allegation in the complaint and contains:

A) Findings of fact and conclusions with respect to those allegations;

B) The reasons for the State Board of Education's final decision; and

C) Orders for any actions or sanctions, including, without limitation, technical assistance activities and negotiation, imposed against the authorizer or any charter schools under its jurisdiction.

c) When the State Superintendent of Education has information that the authorizer may meet one or more of the conditions specified in subsection (a), or upon a determination that a complaint submitted pursuant to subsection (b) is within the State Board of Education's jurisdiction (i.e., alleges a violation of Article 27A of the Code or this Part) and merits consideration (e.g., subsection (b)(2)), the State Superintendent shall provide written notification to the authorizer enumerating the deficiencies found or the particulars of the complaint filed against the authorizer and providing a copy of the complaint, redacting any information that is protected from disclosure under one or more exemptions enumerated in the Freedom of Information Act [5 ILCS 140].

1) The written notification shall be sent by certified mail, return receipt requested, to the authorizer, and a copy of the notification shall be provided by regular U.S. mail to the complainant.

2) Upon receipt of the notification, the authorizer shall have no more than 15 days to provide a written response to the State Board. The authorizer and the State Superintendent may mutually agree to a longer time for response, but in no case shall the response time exceed 45 days. The written response shall be addressed to the General Counsel, Illinois State Board of Education, 100 West Randolph Street, Suite 14-300, Chicago, Illinois 60601.

3) The authorizer's written response shall include a statement addressing any of the deficiencies cited by the State Superintendent or the issues raised in a complaint, as well as any documentation requested by the State Superintendent.

4) The authorizer shall provide a copy of the written response and any supporting documentation to the complainant within the timelines established pursuant to subsection (c)(2).

d) Reasonable Inquiry

1) The State Superintendent of Education may conduct a reasonable inquiry to determine if the authorizer has violated any of the provisions of Article 27A of the Code or this Part if:

A) The authorizer fails to respond to the complaint within the timeframe specified in subsection (c);

B) The authorizer denies the allegations in the complaint;

C) It cannot otherwise be determined on the face of the complaint and the authorizer's response as to whether the authorizer has violated any Section of the Charter Schools Law or this Part; or

D) In the authorizer's initial response, the authorizer concedes noncompliance and agrees to take appropriate remedial action, but:

i) The complainant submits additional documentation, either orally or in writing, alleging that no remedial action has occurred or that remediation was not completed within the timeframe committed to by the authorizer; or

ii) The State Superintendent finds that no remedial action has occurred or remediation was not completed within the timeframe committed to by the authorizer.

2) The reasonable inquiry may include one or more of the following steps, which may be conducted by State Board of Education personnel, or an outside entity, at the State Superintendent's discretion. The State Superintendent shall notify the authorizer in advance of commencing the reasonable inquiry of the identity of any outside entity to be used to conduct the inquiry.

A) Review of all or selected portions of the authorizer's policies, practices, education records or curriculum;

B) Contact with individuals from the authorizer or any charter school under the authorizer's jurisdiction who might reasonably be expected to have information relevant to identified deficiencies or the allegations of the complaint;

C) Desk audit, whereby the State Superintendent would require submission or complete access to materials or data from the authorizer or any charter school under the authorizer's jurisdiction that the State Superintendent determines will assist him or her in responding to the identified deficiencies or the allegations in the complaint; or

D) Technical assistance as needed to attempt to bring the authorizer into compliance.

e) If the reasonable inquiry results in a determination of noncompliance, the State Superintendent shall provide a written notification of noncompliance to the authorizer by certified mail, return receipt requested. The notification of noncompliance shall specify the following:

1) All formal findings of noncompliance specific to the statutory or regulatory violations that led to the finding of noncompliance, to include any new allegations raised during the reasonable inquiry conducted pursuant to subsection (d);

2) The timeframe within which the areas of noncompliance must be cured;

3) The technical assistance available to the authorizer, if applicable;

4) The consequences that may be imposed by the State Board of Education should the authorizer fail to address the areas of noncompliance (see subsection (i)); and

5) A statement informing the authorizer that it may seek a conference with representatives of the State Board of Education to dispute the findings of noncompliance, including those resulting from any new allegations raised during the reasonable inquiry conducted pursuant to subsection (d), by submitting a written request to the address specified in subsection (c)(2) within 15 days after receiving the notification of noncompliance.

f) Within 60 days after the date of receipt of notification of noncompliance issued under subsection (e), or within 60 days after the date of any conference scheduled pursuant to subsection (e)(5), whichever is later, the authorizer shall submit to the State Superintendent a corrective action plan that conforms to the requirements of subsection (g). The authorizer and State Superintendent may mutually agree to a longer time for response, but in no case shall the response time exceed 90 days. The plan must be signed by the president and secretary of the local board of education, pursuant to Section 10-7 of the Code, as evidence that the board adopted a resolution authorizing its submission.

g) The State Superintendent of Education shall approve or disapprove a corrective action plan no later than 30 days after its receipt from the authorizer and shall notify the authorizer in writing of that decision.

1) The State Superintendent shall approve a plan if it:

A) Specifies the steps to be taken by the authorizer that are directly related to the area or areas of noncompliance cited;

B) Provides evidence that the authorizer has the resources and ability to take the steps described without giving rise to other issues of compliance that would subject the authorizer to corrective action; and

C) Specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

2) If no plan is submitted, or if no approvable plan is received within the timeframe required under subsection (f), the State Board of Education may impose sanctions against the authorizer in accordance with subsection (i).

h) If, at any time while a plan for corrective action is in effect, the State Board determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the State Board may impose sanctions in accordance with subsection (i).

i) Sanctions Against an Authorizer

In accordance with Section 27A-12 of the Code, the State Board of Education may remove an authorizer's power to authorize charter schools. For the purposes of this Section, "removal of the power to authorize" means removal of an authorizer's power to approve and oversee any new charter schools or removal of an authorizer's power to oversee charter schools already operating that are under the jurisdiction of the authorizer.

1) An authorizer that is subject to sanctions pursuant to this Section may make an oral presentation to the State Board. A request to make an oral presentation must be submitted in writing and postmarked no later than 30 days from the date of receipt of notice that sanctions may be imposed, and must identify the specific agency findings with which the authorizer disagrees. The State Board shall consider oral presentations and written documents presented by staff and interested parties prior to rendering a final decision.

2) In the event that chartering authorization is removed, the State Board shall determine the status of each charter school within the authorizer's portfolio. With respect to each charter school, the State Board may:

A) Allow the charter school to continue operating under the jurisdiction of the authorizer;

B) Terminate the existing charter agreement between the authorizer and the governing board of the charter school and transfer the charter school to the State Board in accordance with subsection (j); or

C) Terminate the existing charter agreement between the authorizer and the governing board of the charter school and close the charter school in accordance with subsection (k).

j) Transfer of Charter Schools

1) Based upon a recommendation of the State Superintendent of Education, the State Board of Education may order that the authorization for any charter school under the jurisdiction of a local school board that has had its power to authorize charter schools removed under this Section be transferred to the State Board.

2) The State Superintendent shall provide written notification of the transfer recommendation by certified mail, return receipt requested, to the governing bodies of any charter school subject to transfer. If the charter school does not consent to the transfer, it must provide written notification to the State Superintendent no later than 14 days after receipt of the transfer recommendation. If the State Superintendent does not receive this notification, he or she shall present the transfer recommendation at a meeting of the State Board and the State Board will vote on whether to enter into a charter agreement with the charter school.

A) The State Board will order a charter school that does not consent to a transfer under this subsection (j) to close. Prior to this direction, the State Board will permit members of the governing board of the charter school subject to closure to present written and oral comments to the State Board.

B) Any closure of a charter school pursuant to subsection (j)(2)(A) shall follow the procedures set forth in Section 650.70.

3) Except in the case of an emergency that places the health, safety or education of the charter school's students at risk, the transfer of the charter school to the State Board shall occur at the end of the school year.

4) The term of the contract with the State Board after a transfer of authorizers may be for a period not to exceed five years following the date the State Board voted to assume jurisdiction over the transferred charter school.

k) Closure of Charter Schools

1) The State Board of Education may order any charter school under the jurisdiction of the authorizer that has had its power to authorize charter schools removed under this Section to close if the State Board clearly demonstrates that the charter school did any of the following or otherwise failed to comply with the requirements of Article 27A of the Code:

A) Exhibited low student performance, as defined in subsection (a)(4)(A), or failed to meet performance targets and standards established by the charter school's authorizer in a charter school performance plan within the timelines specified in the plan;

B) Mismanaged its finances or failed to meet generally accepted standards of fiscal management;

C) Violated any provision of law from which the charter school was not exempted pursuant to Section 27A-5 of the Code; or

D) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

2) Prior to the State Board ordering any charter school to close under this subsection (k), the State Superintendent will provide written notification by certified mail, return receipt requested, to the governing board of the charter school subject to closure. The notice shall summarize the reasons for the closure recommendation and provide, as applicable, the formal opinion pertaining to the recommendation.

3) The governing board of the charter school subject to closure shall have seven days from the date of receipt of the State Superintendent's notice to request the opportunity to present written and oral comments to the State Board about the closure recommendation.

4) Any closure of a charter school pursuant to this subsection (k) shall follow the procedures set forth in Section 650.70.

l) An authorizer that has had its power to authorize charter schools removed pursuant to this Section may petition the State Board for a return of authorizing powers. The State Board of Education will reinstate the power to authorize to an authorizer if the authorizer clearly demonstrates that:

1) Any noncompliance matters that resulted in the sanctions have been resolved;

2) The authorizer has developed systems and processes to ensure that the noncompliance issues that resulted in the sanctions will not recur; and

3) The authorizer has participated in a State-level or national-level training program designed to develop the capacity and effectiveness of charter school authorizers.

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