

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240  
ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

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SUBPART A: PROGRAM APPROVAL

**Section 240.10 Purpose**

This Subpart A establishes the requirements for approval of Alternative Learning Opportunities Programs established pursuant to Article 13B of the School Code [105 ILCS 5/Art. 13B] by school districts, either individually or as specified in subsection (b) of this Section.

- a) Alternative Learning Opportunities Programs shall broaden the range of academic, behavioral and social/emotional interventions that schools provide in order to increase the academic performance of students who are determined to be at risk of academic failure, as defined in Section 240.20 of this Part, so that those students can meet State standards (see 23 Ill. Adm. Code 1.Appendix D) and successfully complete their education.
- b) School districts may establish Alternative Learning Opportunities Programs or may contract with one or more entities specified in Section 13B-20.10 of the School Code [105 ILCS 5/13B-20.10] to operate such programs.
  - 1) A school district may collaborate with two or more school districts or with one or more Regional Offices of Education, or both, or with Intermediate Service Centers to create and operate an Alternative Learning Opportunities Program.
  - 2) The school board of each school district operating a program jointly or under contract with eligible entities shall establish the local governance of the Alternative Learning Opportunities Program through a cooperative or intergovernmental agreement (see 105 ILCS 5/13B-35.5).
- c) A school district may provide instructional services through a subcontractor only if the entity providing those instructional services is recognized by the State Board of Education (see 105 ILCS 5/13B-75). (See Section 240.30(a)(4) of this Part.)

### **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 50<sup>th</sup> 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 such requirements with a modification(s) 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 such 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(s) 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 (see 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].

**Section 240.25 Enrollment of Students with Individualized Education Programs**

A student with an Individualized Education Program (IEP) is eligible to enroll in an Alternative Learning Opportunities Program if he or she meets the eligibility criteria for the program, subject to the requirements of this Section.

- a) The student's IEP must identify enrollment of the student in the Alternative Learning Opportunities Program as the least restrictive placement for the student pursuant to the State Board's rules for Special Education (see 23 Ill. Adm. Code 226.210, 226.230, and 226.240), as well as federal regulations found at 34 CFR 300.550 through 300.554.
- b) The district of residence shall ensure that the student receives all of the special education and related services listed in his or her IEP.
- c) All services required by the student's IEP shall be delivered by properly qualified personnel.
- d) The student's district of residence remains responsible for ensuring that the IEP is fulfilled while the student is enrolled in an Alternative Learning Opportunities Program.
- e) If a student enrolled in an Alternative Learning Opportunities Program is referred for an evaluation to determine whether he or she is eligible for special education, the evaluation and eligibility determination shall be conducted in accordance with the State Board's rules for Special Education (see 23 Ill. Adm. Code 226, Subpart B).

### Section 240.30 Program Requirements

Each Alternative Learning Opportunities Program approved by the State Board of Education shall conform to the following program requirements.

- a) The program of instruction of an Alternative Learning Opportunities Program shall be consistent with State standards and provide innovative and varied instructional strategies designed to improve the educational achievement of the students enrolled in the program (see 105 ILCS 5/13B-20).
  - 1) Instructional programs shall offer services and activities that provide educational options, such as evening high school, in-school tutoring or mentoring, and high school completion programs (see 105 ILCS 5/13B-20.5), to improve the student's academic performance and facilitate the student's successful completion of an elementary school program or graduation from high school. These services and activities may be in addition to and/or vary in sequence, pace or mode of delivery from what is currently offered in the regular school program.
  - 2) The curriculum shall enable a student to receive credit towards completion of required courses and/or promotion to the next grade level in accordance with the criteria of the student's resident district.
  - 3) School districts must award academic credit for work completed in accordance with Section 13B-80 of the School Code (see 105 ILCS 5/13B-80).
  - 4) If the instructional program is provided by a non-profit or for-profit educational entity, then that entity shall be recognized by the State Board of Education (see 105 ILCS 5/13B-75). A recognized entity is one that:
    - A) is established by the State to provide education-related services or instruction (e.g., Regional Offices of Education, Intermediate Service Centers, public community colleges or universities); or
    - B) is a nonpublic elementary or secondary school recognized by the State Board of Education; or
    - C) is designated for operation through a standardized approval process administered by the State Board of Education (e.g., public university laboratory schools, private business and vocational schools, alternative schools, charter schools, area vocational centers); or

- D) meets the requirements of a national or regional accrediting body (e.g., private colleges and universities, nonpublic elementary or secondary schools).
- b) Support services shall be provided for each student enrolled in the Alternative Learning Opportunities Program (see 105 ILCS 5/13B-15.20). The particular services provided shall be those that are determined to be necessary for the student's academic success.
- c) A Student Success Plan shall be developed for each student enrolled in the Alternative Learning Opportunities Program in accordance with Section 240.40 of this Part. Existing alternative education programs that receive approval pursuant to Sections 240.70 and 240.75 of this Part to become an Alternative Learning Opportunities Program shall develop a Student Success Plan for each student enrolled.
- d) Progress reports for students enrolled in the Alternative Learning Opportunities Program shall be provided at least in the same manner and with the same frequency as progress reports that are sent to parents and guardians of students enrolled in the regular school program (see 105 ILCS 5/13B-60.15).
  - 1) The school district operating the program shall establish procedures for reviewing the progress of each student enrolled.
    - A) If the review determines that the student has met all of the objectives established in his or her Student Success Plan, then the district shall begin the process of transferring the student back to the regular school program (see Section 240.50 of this Part).
    - B) If the district determines that the student has met all of the identified objectives but should continue to be enrolled in the Alternative Learning Opportunities Program, then it shall:
      - i) provide to the student and his or her parent or guardian a written rationale as to why the student should remain in the program;
      - ii) project the length of time the student would be expected to remain in the program before returning to the regular school program; and

- iii) amend the student's Student Success Plan to include revised goals and objectives that address the reasons why the district recommended the student's continuation in the program.
- 2) A student's parent or guardian may request a meeting anytime during the school year to review the student's progress, in accordance with procedures developed by the district (see 105 ILCS 5/13B-60.15). The school district shall respond to such a request within seven school days after the parent or guardian submits the request.
- e) Each Alternative Learning Opportunities Program shall have in place procedures, developed in accordance with Section 240.50 of this Part, to provide for the transition of students enrolled in the program back to the regular school program.
- f) Each Alternative Learning Opportunities Program shall employ staff who are appropriately certified.
  - 1) Teachers shall hold a valid and active elementary, secondary, special K-12 or special preschool—age 21 Illinois teaching certificate required for the grade levels to which they will be assigned (see 105 ILCS 5/13B-65).
  - 2) Professional personnel who provide other services for students enrolled in the program shall hold the certificates appropriate to their roles pursuant to State Board of Education rules for Certification (23 Ill. Adm. Code 25), except that:
    - A) personnel providing professional nursing services shall meet the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23],
    - B) personnel providing school counseling services shall meet the requirements of Section 10-22.24b of the School Code [105 ILCS 5/10-22.24b],
    - C) personnel providing noninstructional services shall meet the requirements of Section 10-22.34 of the School Code [105 ILCS 5/10-22.34],
    - D) personnel providing school psychological services shall meet the requirements of Section 14-1.09.1 of the School Code [105 ILCS 5/14-1.09.1], and

- E) personnel providing school social work services shall meet the requirements of Section 14-1.09.2 of the School Code [105 ILCS 5/14-1.09.2].

**Section 240.40 Student Success Plan**

- a) The Student Success Plan developed for each student in the Alternative Learning Opportunities Program shall contain the following:
  - 1) the elements specified in Section 13B-15.15 of the School Code [105 ILCS 5/13B-15.15];
  - 2) the reason the school district referred the student to the Alternative Learning Opportunities Program, which shall be consistent with the district's admission criteria developed pursuant to Section 240.20(d) of this Part;
  - 3) a determination of the needs and strengths exhibited by the student;
  - 4) the expected academic, social and behavioral outcomes to be achieved as a result of the student's participating in the Alternative Learning Opportunities Program;
  - 5) the assessment procedures to be used to determine the degree to which the student has achieved his or her learning objectives and other specified outcomes;
  - 6) an estimate of the length of time the student is expected to be enrolled in the Alternative Learning Opportunities Program, provided that no student should be enrolled in the program for more than two years unless documentation is provided that a longer period of time is necessary for the student to meet the academic, social and/or behavioral outcomes identified in the plan;
  - 7) a description of the commitments that the student's parent or guardian will make to support the student in successfully completing the Alternative Learning Opportunities Program; and
  - 8) for any student who is initially to receive less than five clock-hours of school work per day, both:
    - A) identification of objectives that must be achieved so that the student can resume receiving five hours of school work daily, and
    - B) a description of the instructional support that the student will receive to assist him or her in making sufficient academic progress

to permit a successful transition back into the regular school program.

- b) Each Student Success Plan shall be reviewed at least twice during the school year and more often, if necessary. Such review shall consider any changes in the elements of the plan, as specified under subsection (a) of this Section, that are necessary based on the student's academic progress since the previous review period or in the previous school year.
  - 1) For any student who remains in the Alternative Learning Opportunities Program for more than one school year, his or her Student Success Plan shall be reviewed prior to the start of any subsequent school year in which he or she remains in the program. If the plan is reviewed at the conclusion of the prior school year, then that review shall meet the requirements of this subsection (b)(1).
  - 2) If any changes are proposed for the Student Success Plan, then the school district shall notify the student's parent or guardian of the proposed changes in accordance with the procedures outlined in subsection (d) of this Section.
- c) Where appropriate, the goals and objectives specified in the plan shall take into account the social norms and behaviors specific to the student's cultural and linguistic background.
- d) The school district shall send a written notification ten school days in advance to the student and his or her parent or guardian of their opportunity to participate in the development of the Student Success Plan. The notice must include the time, date and place of the meeting to consider the plan. If the student or parent or guardian is unable to participate in the meeting, then the district shall:
  - 1) take other steps to ensure that the student and his or her parent or guardian have an opportunity to comment on the proposed plan, and
  - 2) provide to the student and his or her parent or guardian a copy of the final Student Success Plan after it is completed.
- e) The Student Success Plan and any subsequent revisions to the plan shall become part of the individual's Student Temporary Record, as defined in 23 Ill. Adm. Code 375.75, and shall be made available to the State Board of Education upon request in instances where there is a demonstrable educational interest (see 105 ILCS 10/6(a)(2)) and/or when necessary for State program purposes (see 34 CFR 99.31(a)(3)(iii)).

**Section 240.50 Requirements for Returning the Student to the Regular School Program**

- a) It shall be the goal of the Alternative Learning Opportunities Program to assist students in successfully completing their education, including, but not limited to, returning to the regular school program, or to a postsecondary or adult education program, as soon as appropriate. In establishing procedures for the transition of students to the regular school or another program, districts shall ensure that:
  - 1) an assessment is conducted prior to the student's leaving the Alternative Learning Opportunities Program to identify the educational supports and/or other support services the student would need to successfully progress in the regular school curriculum, and
  - 2) a staff member is assigned to monitor the student's progress in the regular school program for not less than two semesters after the student leaves the Alternative Learning Opportunities Program.
- b) The requirements of subsection (a) of this Section apply in instances where a student is removed from the Alternative Learning Opportunities Program by his or her parent or guardian before completion of the objectives stated in his or her Student Success Plan.

### **Section 240.60 Supplemental Services and Instructional Time**

The proposed calendar for the program shall be in conformance with the requirements of Section 13B-45 of the School Code [105 ILCS 5/13B-45]. A calendar that varies in the number of days or length of the instructional day (i.e., five clock-hours of school work) from those requirements shall be approved under the following conditions.

- a) The calendar meets all of the exceptions enumerated in Section 13B-45(1) through (4) of the School Code.
- b) The supplemental services, provided pursuant to Section 13B-45(3) of the School Code, that are noninstructional in nature (e.g., student assistance programs, counseling services, case management, life skills or conflict resolution training, career counseling, community service) shall be:
  - 1) directly linked to a need identified in the student's Student Success Plan developed pursuant to Section 240.40 of this Part and necessary to remove barriers to learning for that student (see 105 ILCS 5/13B-15.15(ii));
  - 2) provided by qualified personnel with the experience and skills appropriate to the service being provided; and
  - 3) monitored by Alternative Learning Opportunities Program staff to ensure that the services provided are effective in improving the student's academic achievement, as specified in his or her Student Success Plan, so that the student can be returned to the regular school program.
- c) Activities that are instructional in nature (e.g., work-based learning activities, service learning, physical fitness and health programs) shall not be considered supplemental services for the purposes of this Section. These shall be considered to be part of the five clock-hours of school work required under Section 18-8.05 of the School Code [105 ILCS 5/18-8.05], provided that:
  - 1) the activity is an integral and regular part of the academic instruction that the student is receiving and is tied to one or more of the fundamental learning areas (see Section 27-1 of the School Code);
  - 2) the student receives academic credit, in accordance with his or her district's policies for awarding such credit, upon successful completion of the activity; and
  - 3) the activity is provided under the direction of a certified teacher (see Section 240.30(f)(1) of this Part).

### **Section 240.70 Application for Program Approval**

No students shall be enrolled in the Alternative Learning Opportunities Program until the State Board of Education grants approval for the program to operate (see 105 ILCS 5/13B-25.10).

- a) The State Board of Education shall annually notify school districts of the opportunity to submit an application, specifying the information that school districts shall include in their applications and requiring that applications be submitted no later than the date specified in the notification.
- b) Each application shall be reviewed for completeness and conformance to the requirements of Article 13B of the School Code and this Part.
  - 1) Incomplete applications shall be returned to the applicant, specifying the additional information that is needed. Applicants shall supply the requested information within 15 calendar days after receiving the request.
  - 2) Based on the criteria contained in Section 240.75 of this Part, applications that do not meet the requirements of Article 13B of the School Code and this Part shall be returned to the applicant, specifying the reason(s) why the application was not acceptable.
- c) A school district seeking to establish a new Alternative Learning Opportunities Program or to receive approval for a conversion of an existing alternative program shall submit an application for approval, on a form supplied by the State Board of Education, that contains the following elements.
  - 1) A description of the planning process conducted to determine the type of Alternative Learning Opportunities Program to be established and a list of the participants in that process.
  - 2) A district plan for the program that meets the requirements of Section 13B-25.20 of the School Code [105 ILCS 5/13B-25.20].
    - A) In the case of a cooperative involving two or more school districts, the plan must address how it is consistent with each school district's mission and is aligned with the local school improvement plans of each participating school (see 105 ILCS 5/13B-25.20).
    - B) A copy of the plan must be sent to the Regional Office(s) of Education serving each district participating in the Alternative Learning Opportunities Program by the deadline indicated in the notification sent pursuant to subsection (a) of this Section.

- 3) An organizational chart that reflects the governance, administrative, educational and support structures of the proposed Alternative Learning Opportunities Program and describes the responsibilities of each entity involved in the program.
- 4) Evidence that the program is derived from scientifically based research on successful instructional approaches for students who are at risk of academic failure (see 105 ILCS 5/13B-30.5), including specific references to research that discuss the types of services and strategies to be offered by the program as effective in addressing the needs the district has identified among the students it plans to serve.
- 5) The specific curriculum to be used (see Section 240.30(a) of this Part) and a description of the ways in which it differs from the regular school program (e.g., program sequence, pace, instructional activities). If a non-profit or for-profit entity will be providing instructional services, then the district shall provide evidence that the entity meets the requirements of Section 240.30(a)(4) of this Part.
- 6) Evidence of the need for Alternative Learning Opportunities Program educational supports and other support services beyond those currently offered by the regular school program (e.g., the district lacks funding for the supports and services, specialized staff would need to be hired, proposed service would not have a general benefit for the majority of the students in the district). This evidence shall include a description of the educational and other service interventions that the district currently uses to assist its students who are experiencing difficulty with their academic achievement.
- 7) The procedures to be used to review student progress on a regular basis, which shall at least conform with the requirements of Section 240.30(d) of this Part.
- 8) The procedures to be used for participation of students in the State assessments required under Section 2-3.64 of the School Code [105 ILCS 5/13B-25.25]. The procedures shall indicate:
  - A) the site where the student or students will take the State assessment(s). If the program is located at a site that is other than a State assessment testing site recognized by the State Board of Education, such as a regular public school, then the student shall take the State assessment at his or her home school; and

- B) how the home school will ensure that the results for individual students will be shared with staff of the Alternative Learning Opportunities Program, if the program site is other than the student's home school.
- 9) The proposed calendar for the program, providing evidence that it is in conformance with the requirements of Section 13B-45 of the School Code and Section 240.60 of this Part.
- 10) The location of the Alternative Learning Opportunities Program.
- A) Consideration must be given to locating the program on-site in the regular school (i.e., a school where the general education curriculum is offered) (see 105 ILCS 5/20.30), subject to the requirements of Section 240.20(i) of this Part.
  - B) If the program is offered at other than a regular school, then the school district shall provide a rationale stating how the proposed site is in the best educational interests of the students to be served (e.g., the regular school has limited space for the program, the site is not accessible to all the students to be served, the proposed site provides a learning environment more conducive to the needs of the students enrolled in the program).
- 11) A plan for ensuring that students enrolled in the Alternative Learning Opportunities Program shall continue to receive other services for which they qualify (e.g., bilingual, special education, free and reduced-price lunch).
- 12) A plan for evaluating the effectiveness of the program in improving academic performance of the students who are enrolled and successfully returning them to the regular school program. The plan must include:
- A) the methods to be used to conduct the evaluation;
  - B) the data to be collected, which shall include at least the indicators outlined in Section 13B-30.15 of the School Code [105 ILCS 5/13B-30.15], as applicable to the program;
  - C) the specific procedures for how achievement levels of individual students enrolled in the program will be assessed to ensure that

- each student is making anticipated progress, as stipulated in his or her Student Success Plan;
- D) the specific procedures for how achievement levels of students with IEPs will be assessed, if these students are enrolled in the program;
  - E) how the evaluation will measure the extent to which the program overall is an effective strategy for improving the achievement levels of students identified as being at risk of academic failure; and
  - F) how the evaluation results will be used to improve the program.
- 13) A description of how the school district's professional development plan will address instruction of at-risk students (see 105 ILCS 5/13B-50.10)].

### **Section 240.75 Program Approval Criteria**

All complete applications to establish an Alternative Learning Opportunities Program shall be reviewed in accordance with the following criteria and approved based upon the extent to which:

- a) the proposed eligibility criteria will ensure that children shall not be recommended for the program based solely on their membership in a particular group or on family or individual characteristics (e.g., minority, low income, disability) and include procedures and indicators that have a high likelihood of identifying children who, without educational supports and/or other support services not currently offered in the regular school program, may be at risk of academic failure;
- b) the proposed program is structured to meet the individual needs of the students anticipated to be served, includes research-based approaches shown to be successful in serving students who are at risk of academic failure, and will be located at a site that will be educationally beneficial for the students to be served;
- c) the applicant has documented the intervention strategies that it currently employs before consideration of a student for enrollment in the Alternative Learning Opportunities Program, including evidence that the district would be unable to provide as part of the regular school program the proposed educational supports and/or support services necessary for that student to improve his or her academic achievement;
- d) the curriculum is tied to State and district standards, its pace and sequence will likely lead to improvement of achievement in a timely way, and the specific educational goals and accompanying procedures for assessing student progress are clearly defined and measurable;
- e) support services are appropriate and necessary for students to improve their academic achievement and will not unduly interrupt the ability of the students to progress academically;
- f) procedures for returning students to the regular school program are likely to ensure that such transition will be successful, and the students will be afforded access to educational supports and/or other support services necessary to ensure success in the regular school program;
- g) evidence is presented that the staff to be employed meet the requirements of Section 240.30(f) of this Part and that any not-for-profit or for-profit entity proposed to provide instructional services is recognized by the State Board of Education; and

- h) the financial plan to support the program is cost-effective, as evidenced by the numbers to be served and services to be provided, and includes evidence that local, State or federal funds and other sources of revenue will be coordinated to ensure the efficient and effective delivery of program services and activities.

**Section 240.80 Application for Program Continuation**

- a) In order to continue to operate an Alternative Learning Opportunities Program approved pursuant to Article 13B of the School Code and this Part, the school district shall annually submit an application for continuation, on a form supplied by the State Board of Education, that shall include the following:
  - 1) a description of proposed changes in any of the elements of the district plan for the Alternative Learning Opportunities Program (see Section 240.70(c) of this Part);
  - 2) the results of the evaluation of the previous year's program conducted pursuant to Section 240.70(c)(12) of this Part, including the educational outcomes achieved by the students enrolled in the program;
  - 3) the activities proposed for the continuation period in light of the evaluation of the preceding year's project, including the identification of each unmet objective and the rationale for its continued inclusion or its deletion from the program;
  - 4) an expenditure report, on a form supplied by the State Board of Education, for the previous school year; and
  - 5) updated information regarding any subcontracts, contracts, or cooperative or intergovernmental agreements into which the district has entered to operate the program or provide services, including any changes to the entities involved or in their roles and responsibilities.
- b) Pursuant to Section 13B-30.20 of the School Code [105 ILCS 5/13B-30.20], an Alternative Learning Opportunities Program shall be approved for continuation provided that it:
  - 1) submits evidence that it is meeting the educational outcomes specified in the district plan, including the educational outcomes identified for the individual students served;
  - 2) continues to comply with all applicable State and federal laws;
  - 3) in the year previous to the continuation application, complied with:
    - A) the terms and conditions of any grant it received pursuant to Subpart B of this Part;

- B) the plan submitted for program approval pursuant to Section 240.70 of this Part; and
  - C) any updates to that plan subsequently submitted to the State Board of Education pursuant to subsection (a) of this Section; and
- 4) maintains financial records in accordance with the requirements of 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing).
- c) An Alternative Learning Opportunities Program that is not approved for continuation shall be subject to the requirements of Section 240.100 of this Part.

(Source: Amended at 33 Ill. Reg. 9427, effective June 22, 2009)

### **Section 240.90 Program Funding**

A school district or regional office of education that operates an Alternative Learning Opportunities Program approved by the State Board of Education shall be eligible to receive General State Aid, subject to subsections (a) through (c) of this Section, provided that it meets the requirements for claiming State aid specified in Section 18-8.05 of the School Code and meets the criteria specified in Sections 13B-50.5 and 13B-50.10 of the School Code [105 ILCS 5/13B-50.5 and 13B-50.10].

- a) If two or more school districts operate a program under a cooperative agreement, then the attendance shall be reported to the resident district of each student enrolled in the program and used by that district in calculating its average daily attendance for the purpose of claiming General State Aid.
- b) In instances where a school district contracts with an entity other than a regional office of education to operate a program, the attendance shall be reported to the district of each student enrolled in the program and used by the district in calculating its average daily attendance for the purpose of the district's claiming General State Aid.
- c) When a regional office of education operates an Alternative Learning Opportunities Program under a cooperative agreement with one or more school districts, it is entitled to submit a claim directly to the State Board of Education for General State Aid at the foundation level of support (see 105 ILCS 5/13B-50.15).
  - 1) The regional office of education's claim shall include only the time period during which students from the school district or districts subject to the provisions of the cooperative agreement are enrolled in the Alternative Learning Opportunities Program.
  - 2) The school district or districts subject to the provisions of the cooperative agreement shall not claim students for the time period during which those students were enrolled in the Alternative Learning Opportunities Program operated by the regional office of education.
  - 3) In instances where the school district's per capita tuition charge exceeds the foundation level of support provided to the regional office of education, then it shall be the responsibility of that school district to provide for its students enrolled in the program the difference between the foundation level received by the regional office and the district's per capita tuition charge.

(Source: Amended at 27 Ill. Reg. 10004, effective June 23, 2003)

**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 such 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 the school district(s) that established the program written notification of the specific deficiencies found.
  - 1) The school district(s) 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 reason(s) for the delay and describing the steps to be taken to remedy the problem(s) 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 certified staff, 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 the school district(s) that established the program. A school district shall have ten calendar days after receipt of such notice of revocation to submit a written request for a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and 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 or receive the remaining payments of a grant awarded pursuant to Subpart B of this Part;
  - 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).

**Section 240.110 Terms and Conditions of Approval**

- a) All contracts, subcontracts, and cooperative or intergovernmental agreements necessary for the operation of the program shall be approved by the board of education of each school district participating in the Alternative Learning Opportunities Program and shall specify the roles of and amount to be paid to each entity subject to the contract or agreement.
- b) Student records for each student enrolled in the Alternative Learning Opportunities Program shall be maintained by the student's resident district in accordance with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the State Board of Education rules governing Student Records (23 Ill. Adm. Code 375).
- c) Pursuant to Section 13B-50.10(3) of the School Code [105 ILCS 5/13B-50.10(3)], programs established and operated in accordance with Article 13B of the School Code and this Part must comply with all State and federal laws applicable to education providers. The programs are further subject to all State Board of Education rules that govern school districts (found in 23 Ill. Adm. Code, Subtitle A, Chapter I), provided that those rules are not contrary to the requirements of Article 13B.
- d) It will be the responsibility of the Alternative Learning Opportunities Program to maintain records of attendance for the students enrolled in the program in accordance with the procedures established by the resident district.

SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

**Section 240.200 Purpose (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

**Section 240.210 Eligible Applicants (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

**Section 240.220 Planning Grants (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

**Section 240.230 Implementation Grants (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

**Section 240.240 Supplemental Grants (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

**Section 240.250 Grant Awards (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

**Section 240.260 Terms of the Grant (Repealed)**

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)