

1 **R277. Education, Administration.**

2 **R277-553. Charter School Oversight, Monitoring and Appeals.**

3 **R277-553-1. Authority and Purpose.**

4 (1) This rule is authorized under:

5 (a) Utah Constitution [Article X, Section 3](#) which vests general control and supervision
6 over public education in the Board;

7 (b) Subsection [53E-3-401](#)(4), which allows the Board to adopt rules in accordance
8 with its responsibilities;

9 (c) Subsection [53G-5-205](#)(5), which requires the Board to establish minimum
10 standards that a charter school authorizer is required to apply when evaluating a charter
11 school application and monitoring charter school compliance; and

12 (d) Subsection [53G-5-501](#)(5), which directs the Board to adopt rules specifying the
13 timeline for remedying deficiencies and ensuring the compliance of a charter school with
14 its charter.

15 (2) The purpose of this rule is to establish minimum standards that an authorizer is
16 required to apply when monitoring charter school compliance.

17 **R277-553-2. Authorizer Review of Charter Schools.**

18 (1) An authorizer shall review and evaluate annually the performance of charter
19 schools for which it is the authorizer, including requiring all charter schools to:

20 (a) comply with their charter agreements; and

21 (b) comply with statute and board rule.

22 (2) An authorizer shall:

23 (a) visit a charter school at least once during its first year of operation in order to
24 ensure adherence to an implementation of the approved charter and to finalize a review
25 process;

26 (b) visit a charter school as determined in the review process;

27 (c) provide written reports to a charter school after the visits that set forth:

28 (i) strengths;

29 (ii) deficiencies; and

- 30 (iii) proposed corrective actions;
- 31 (d) notify the Superintendent of a claim of fraud or misuse of public assets or funds
- 32 by a charter school; and
- 33 (e) coordinate the investigation of claims identified in Subsection (d) with the
- 34 Superintendent.
- 35 (3) An authorizer shall annually review and document matters specific to effective
- 36 charter school operations, including:
- 37 (a) financial performance;
- 38 (b) academic performance;
- 39 (c) enrollment; and
- 40 (d) governing board performance.
- 41 (4) An authorizer shall conduct and document a comprehensive review of governing
- 42 board performance and review the charter agreement at least once every five years.
- 43 (5) An authorizer shall coordinate with the Superintendent to regularly review its
- 44 charter schools as described in Subsection [53G-5-205](#)(2).

45 **R277-553-3. Remediation and Probation.**

- 46 (1)(a) An authorizer shall develop a written policy documenting the process and for
- 47 remediation of any deficiencies identified through the processes outlined in Section R277-
- 48 553-2.
- 49 (b) An authorizer shall submit a copy of their remediation policy to the Board for
- 50 approval along with their policy for approving new charters under Section R277-552-3.
- 51 (c) Notwithstanding Subsection (b), each authorizer shall submit a remediation policy
- 52 to the Board for approval by January 1, 2020.
- 53 (2) If a school fails to remedy deficiencies through the remediation process, an
- 54 authorizer may place the school on probation for no longer than one calendar year.
- 55 (3) Upon placing a school on probation, an authorizer shall set forth a written plan
- 56 outlining those provisions in the charter agreement, applicable laws, rules, and regulations
- 57 with which the school is not in compliance.
- 58 (4) The written plan required by Subsection (3) shall:

59 (a) set forth the terms, conditions, and timeline that the school shall follow in order
60 to be removed from probation; and

61 (b) a plan for further remedial action if the school fails to comply with probationary
62 terms.

63 (5) If a school complies with the terms of the written plan within the timeline
64 prescribed, the authorizer shall remove the school from probation.

65 (6) A school may request a single extension of no more than six months from an
66 authorizer to comply with the terms of the written plan.

67 (7) If a school fails to satisfy the terms of the written plan within the established
68 timeline, the authorizer shall propose to terminate the school's charter.

69 (8) While a school is on probation, the school may seek technical assistance from
70 the authorizer to remedy any deficiencies.

71 (9) An authorizer may, for good cause, or if the health, safety, or welfare of the
72 students at the school is threatened at any time during the probationary period, terminate
73 the charter immediately.

74 (10) An authorizer shall notify the Superintendent in writing within 30 days of any
75 probationary terms imposed under this Section R277-553-3.

76 (11) An authorizer shall comply with the notification requirements in Section [53G-5-](#)
77 [504](#) if the authorizer approves a motion to terminate a charter.

78 **R277-553-4. Charter School Governing Board Compliance with Law.**

79 (1) A charter school governing board may amend the charter school's charter
80 agreement by receiving approval from its authorizer consistent with Section 53G-5-303.

81 (2) A charter school governing board shall comply with the charter school's
82 authorizer's processes and timelines for all reviews, amendments, expansion requests, and
83 satellite applications.

84 (3) A charter school shall notify the Superintendent and charter school's authorizer
85 of lawsuits filed against the charter school within 30 days of the school being served with
86 the complaint.

87 **R277-553-5. Charter School Financial Practices and Training.**

88 (1)(a) A charter school shall hire or contract with a business administrator to perform
89 the duties described in Section [53G-4-303](#).

90 (b) A charter school business administrator shall attend business meetings required
91 by the Superintendent or the school's authorizer.

92 (2) A charter school board shall:

93 (a) regularly monitor the charter school's business administrator described under
94 Subsection (1); and

95 (b) ensure the business administrator fulfills the duties outlined in Section [53G-4-](#)
96 [303](#).

97 (3) The Board may impose corrective action against a charter school for failure to
98 provide financial and statistical information required by law or Board rules in accordance
99 with Rule [R277-114](#).

100 (3) A charter school shall comply with the Utah State Procurement Code, [Title 63G,](#)
101 [Chapter 6a](#).

102 (4) A charter school may not receive necessarily existent small schools funding
103 under Subsection [53F-2-304](#)(2) and Rule [R277-445](#).

104 **R277-553-6. Remediating Charter School Deficiencies.**

105 (1) Upon receiving credible information of charter school financial mismanagement
106 or fraud, or a threat to the health, safety, or welfare of students, in coordination with the
107 Superintendent an authorizer shall direct an independent review or monitoring, as
108 appropriate.

109 (2) An authorizer may direct a charter school governing board or the charter school
110 administration to take reasonable action to protect students or state or federal funds
111 consistent with Section [53G-5-503](#).

112 (3) Upon receipt of findings documenting a threat to the health, welfare, or safety of
113 a school under Subsection (1), an authorizer may:

114 (a) recommend that the Superintendent impose corrective action against the school
115 in accordance with Rule [R277-114](#);

116 (b) take immediate or subsequent corrective action with charter school governing
117 board members or employees who are responsible for deficiencies consistent with Section
118 [53G-5-501](#);

119 (c) identify a remediation team to work with the school; or

120 (d) immediately terminate the school's charter in accordance with Subsection [53G-5-](#)
121 [503](#)(5).

122 (4) Upon notification of an authorizer placing a charter school on probation or
123 notification of an authorizer recommending closure of a charter school pending an appeal,
124 the Superintendent may do one or any combination of the following:

125 (a) place state appropriations in a reimbursable status pending the outcome of the
126 appeal;

127 (b) suspend state appropriations pending the outcome of the appeal; or

128 (c) direct fiscal monitoring visits for both state and federal programs ahead of other
129 scheduled visits to the charter school.

130 ([4]5) Upon receipt of findings documenting financial mismanagement or fraud by
131 a charter school, an authorizer shall coordinate appropriate corrective action with the
132 Superintendent.

133 ([5]6) An authorizer may exercise flexibility for good cause in making a
134 recommendation regarding an identified deficiency.

135 **R277-553-7. Appeals to the Board.**

136 (1) An operating charter school may appeal an authorizer's decision to terminate the
137 school's charter to the Board.

138 (2) Upon terminating a charter, an authorizer shall:

139 (a) provide written notice to the charter school;

140 (b) provide written notice of appeal rights and timelines to the charter school
141 governing board chair or authorized agent; and

142 (c) post information about the appeals process on its website and provide training
143 to charter school governing board members and authorized agents regarding the appeals
144 procedure.

145 (3) If a charter school appeals an authorizer’s decision to terminate a charter, the
146 charter school governing board chair shall submit a written appeal to the Superintendent
147 within 14 calendar days of the authorizer’s action.

148 (4)(a) Upon receipt of an appeal under this section, Board leadership may:

149 (i) set a hearing before a standing committee to make a recommendation to the
150 Board for consideration at its next regularly scheduled meeting;

151 (ii) designate three to five Board members and a hearing officer, who is not a Board
152 member, to act as an objective hearing panel to conduct a hearing and provide a
153 recommendation to the Board for consideration at its next regularly scheduled meeting; or

154 (iii) set a hearing before the full Board.

155 (b) A hearing under Subsection (4)(a) shall be held no more than 45 days following
156 receipt of the written appeal.

157 (5) The Board shall:

158 (a) uphold the authorizer’s decision; or

159 (b) remand the matter to the authorizer with identified deficiencies in the authorizer’s
160 decision and suggested remedies.

161 (6) The recommendation of the chartering entity shall be in place pending the
162 conclusion of the appeals process, unless the Superintendent in the Superintendent’s sole
163 discretion, determines that the authorizer’s decision or failure to act presents a serious
164 threat to students or an imminent threat to public property or resources.

165 (7) The Board’s acceptance or rejection of the hearing report is the final
166 administrative action on the issue.

167 **KEY: charter schools, oversight, monitoring, appeals**

168 **Date of Enactment or Last Substantive Amendment:**

169 **Notice of Continuation:**

170 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205**