

R277. Education, Administration.

R277-555. Corrective Action Against Charter School Authorizers.

R277-555-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools; and

(d) Subsection 53G-5-205(6), which authorizes the Board to establish reasonable consequences for a charter school authorizer that fails to comply with state statute or board rule.

(2) The purpose of this rule is to establish procedures for review and consequences for non-compliance by a charter school authorizer.

R277-555-2. Authorizer Accountability.

(1) The Superintendent may initiate corrective action as described in this rule if an authorizer:

(a) fails to develop and implement a process meeting minimum standards for authorizing charter schools as described in Rule R277-552;

(b) fails to develop and implement a process meeting minimum standards for charter school oversight monitoring as described in Rule R277-553; or

(c) fails to comply with statute or Board rule.

(2) For each authorizer subject to corrective action, the Superintendent shall design and implement a consistent monitoring plan.

(3) The Superintendent shall clearly outline in a corrective action plan:

(a) all areas of noncompliance;

(b) steps required to satisfy the corrective action plan; and

(c) a reasonable time frame for an authorizer to correct identified issues.

(4) In addition to the requirements of Subsection (3), a corrective action plan may include provision and a timeline for:

(a) referral for monitoring by a Board section;

(b) referral for monitoring to the Board's internal audit department, with approval of the Board's Audit Committee;

(c) periodic meetings between a recipient administrator or governing board member and the Superintendent or a member of the Superintendentcy;

(d) planned appearances before the Board to provide status updates; and

(e) training for the authorizer's staff.

(5) The Superintendent may employ escalating restrictive conditions in a corrective action plan based on:

(a) the severity of the violation; or

(b) repeated violations by an authorizer.

(6) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).

(7) The Superintendent shall give notice and a copy of the corrective action plan in writing to:

(a) the authorizer's administrators; and

(b) the authorizer's governing board.

(8) The Superintendent shall notify an authorizer of changes to a corrective action plan.

(9) The Superintendent shall report to the Board monthly about the status of noncompliant authorizers.

R277-555-3. Authorizer Appeals.

(1) An authorizer may file an appeal to the Board of any adverse decision of the Superintendent resulting from a corrective action plan or penalty.

(2) An appeal must be made in writing and within 30 days of the date of the Superintendent's action.

(3) The Board may:

(a) review the appeal as a full board; or

(b) refer the matter to a Board standing or audit committee to make a recommendation to the Board for action.

KEY: charter schools, corrective action

Date of Enactment or Last Substantive Amendment: January 9, 2019

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