

1 **R277. Education, Administration.**

2 **R277-555. Corrective Action Against Charter School Authorizers.**

3 **R277-555-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

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

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

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

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17 **R277-555-2. Authorizer Accountability.**

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

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

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

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

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

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

28 (a) all areas of noncompliance;

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

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

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

33 (a) referral for monitoring by a Board section;

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

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

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

39 (e) training for the authorizer's staff.

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

42 (a) the severity of the violation; or

43 (b) repeated violations by an authorizer.

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

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

48 (a) the authorizer's administrators; and

49 (b) the authorizer's governing board.

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

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

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55 **R277-555-3. Authorizer Appeals.**

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

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

60 (3) The Board may:

61 (a) review the appeal as a full board; or  
62 (b) refer the matter to a Board standing or audit committee to make a  
63 recommendation to the Board for action.

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65 **KEY: charter schools, corrective action**

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

67 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53G-5-205](#)**