

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
6 supervision 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-I-15-501](#)(5), which directs the Board to adopt rules specifying
13 the timeline for remedying deficiencies and ensuring the compliance of a charter school
14 with its charter.

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

17

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

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

21 (a) comply with their charter agreements; and

22 (b) comply with statute and board rule.

23 (2) An authorizer shall:

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

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

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

29 (i) strengths;

30 (ii) deficiencies; and
31 (iii) proposed corrective actions;
32 (d) notify the Superintendent of a claim of fraud or misuse of public assets or funds
33 by a charter school; and

34 (e) coordinate the investigation of claims identified in Subsection (d) with the
35 Superintendent.

36 (3) An authorizer shall annually review, and document matters specific to effective
37 charter school operations, including:

- 38 (a) financial performance;
- 39 (b) academic performance;
- 40 (c) enrollment; and
- 41 (d) governing board performance.

42 (4) Every five years, ~~[An]~~ an authorizer shall:

43 (a) conduct and document a comprehensive review of governing board
44 performance; and

45 (b) review and update the charter agreement ~~[at least once every five years]~~.

46 (5) An authorizer shall coordinate with the Superintendent to regularly ~~[review]~~
47 monitor its charter schools as described in Subsection [53G-5-205](#)(2).

48

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

50 (1)(a) An authorizer shall develop a written policy documenting the process and
51 for remediation of any deficiencies identified through the processes outlined in Section
52 R277-553-2.

53 (b) An authorizer shall submit a copy of their remediation policy to the Board for
54 approval along with their policy for approving new charters under Section [R277-552](#)-3.

55 (c) Notwithstanding Subsection (b), each authorizer shall submit a remediation
56 policy to the Board for approval ~~[by January 1, 2020]~~.

57 (2) If a school fails to remedy deficiencies through the remediation process, an
58 authorizer may place the school on probation for no longer than one calendar year.

59 (3) Upon placing a school on probation, an authorizer shall set forth a written plan
60 outlining those provisions in the charter agreement, applicable laws, rules, and
61 regulations with which the school is not in compliance.

62 (4) The written plan required by Subsection (3) shall:

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

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

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

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

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

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

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

78 (10) An authorizer shall notify the Superintendent in writing within 30 days of any
79 probationary terms imposed under this ~~[Section R277-553-3]~~ section.

80 (11) An authorizer shall comply with the notification requirements in Section [53G-](#)
81 [5-504](#) if the authorizer approves a motion to terminate a charter.

82

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

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

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

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

92

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

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

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

98 (2) A charter school board shall:

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

101 (b) ensure the business administrator fulfills the duties outlined in Section [53G-4-](#)
102 [303](#).

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

106 (4) A charter school shall comply with the Utah State Procurement Code, [Title](#)
107 [63G, Chapter 6a](#).

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

110

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

112 (1) Upon receiving credible information of charter school financial
113 mismanagement or fraud, or a threat to the health, safety, or welfare of students, in

114 coordination with the Superintendent an authorizer shall direct an independent review or
115 monitoring, as appropriate.

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

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

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

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

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

127 (d) immediately terminate the school's charter in accordance with Subsection [53G-](#)
128 [5-503](#)(5).

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

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

134 (6) The Superintendent may impose the following corrective action against a
135 charter school with an identified deficiency:

136 (a) place state appropriations in a reimbursable status pending the outcome of an
137 appeal;

138 (b) suspend state appropriations pending the outcome of an appeal;

139 (c) direct fiscal monitoring visits for both state and federal programs ahead of other
140 scheduled visits to the charter school; or

141 (d) take other action at the direction of the Board consistent with state and federal
142 law.

143

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

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

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

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

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

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

154 (3) If a charter school appeals an authorizer's decision to terminate a charter, the
155 charter school governing board chair shall submit a written appeal to the Superintendent
156 within 14 calendar days of the authorizer's action.

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

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

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

163 or

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

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

167 (5) The Board [~~shall~~] may:

168 (a) uphold the authorizer's decision; or

169 (b) remand the matter to the authorizer with identified deficiencies in the
170 authorizer's decision and suggested remedies.

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

175 (7) The Board's acceptance or rejection of the hearing report is the final
176 administrative action on the issue.

177

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

179 **Date of Enactment or Last Substantive Amendment: May 26, 2020**

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