

Appeals Criteria and Procedures

[See Rule 277-553-7](#)

Only an operating charter school, a charter school that has been recommended for approval to the Utah State Board of Education (Board), or a charter school applicant that has met State Charter School Board (SCSB) requirements for review by the full SCSB, may appeal SCSB administrative decisions or recommendations to the Board.

The following administrative decisions may be appealed to the Board:

- (1) termination of a charter;
- (2) denial of proposed amendments to charter agreement;
- (3) denial or withholding of funds from charter school governing boards; and
- (4) denial of a charter.

Appeals procedures and timelines

A charter school governing board chair or authorized agent may submit a written appeal to the State Superintendent within 14 calendar days of the chartering entity administrative action.

The Superintendent shall, in consultation with Board Leadership, review the written appeal and determine if the appeal addresses an administrative decision by a chartering entity. If the Superintendent and Board Leadership determine that the appeal is appropriate, Board Leadership shall designate three to five Board members and a hearing officer, who is not a Board member, to act as an objective hearing panel.

The hearing officer, in consultation with the Superintendent, shall set a hearing date and provide notice to all parties, including the chartering entity and staff.

The Hearing shall be held no more than 45 days following receipt of the written appeal.

The hearing officer shall establish procedures that provide fairness for all parties, which may include:

- (a) a request for parties to provide a written explanation of the appeal and related information and evidence;
- (b) a determination of time limits and scope of testimony and witnesses;
- (c) a determination for recording the hearing;
- (d) preliminary decisions about evidence; and
- (e) decisions about representation of parties.

The hearing panel shall make written findings and provide an appeal recommendation to the Board no more than 10 calendar days following the hearing.

The Board shall take action on the hearing report findings at the next regularly scheduled Board meeting.

The recommendation of the chartering entity shall be in place pending the conclusion of the appeals process, unless the Superintendent in his sole discretion, determines that the chartering entity's recommendation or failure to act presents a serious threat to students or an imminent threat to public property or resources.

All parties shall work to schedule and conclude hearings as fairly and expeditiously as possible.

The Board's acceptance or rejection of the hearing report is the final administrative action on the issue.