

1 CCR 302-1

Rule 10.00 Revocation of the Charter School contract.

- 1) The Institute may revoke a charter school contract pursuant to C.R.S. § 22-30.5-511 and this Rule 10.00.
- 2) *Grounds for Revocation:* The Institute Board (“Board”) may revoke a Charter School Contract (“Contract”) if the Board determines that an Institute Charter School (“School”) did any of the following:
 - a) Committed a material violation of any of the conditions, standards, or procedures set forth in the Contract;
 - b) Failed to meet or make adequate progress toward achievement of the content standards, pupil performance standards, or targets for the measures used to determine the levels of attainment of the performance indicators identified in the Contract;
 - c) Was required to adopt a turnaround plan and the State Board recommended pursuant to C.R.S. § 22-11-210 that the School be restructured;
 - d) Failed to meet generally accepted standards of fiscal management; or
 - e) Violated any provision of law from which the School was not specifically exempted.
 - f) If a School is required to implement a turnaround plan pursuant to C.R.S. § 22-11-210 (2) for a second consecutive school year, the School shall present to the Board, in addition to the turnaround plan, a summary of the changes made by the School to improve its performance, the progress made in implementing the changes, and evidence, as requested by the Board, that the School is making sufficient improvement to attain a higher accreditation category within two school years or sooner. If the Board finds that the School's evidence of improvement is not sufficient or if the School is required to implement a turnaround plan for a third consecutive school year, the Board may revoke the School's Contract.
- 3) *Notice of Intent to Revoke*
 - a) The Charter School Institute Executive Director (“Executive Director”), upon reasonable belief that grounds for revocation of the Contract exist, shall notify by certified mail or electronic equivalent the governing body of the School by issuing a Notice of Intent to Revoke.

- i. The Notice of Intent to Revoke shall set forth the grounds for the proposed revocation.
- b) Within thirty (30) days of receipt of the Notice of Intent to Revoke, the governing body of the School shall respond in writing.
 - i. If the School admits the accuracy of the grounds of revocation, the response must contain a description of the School's plan and timeline for correcting the deficiencies ("Plan of Correction").
 - ii. If the School denies the accuracy of the grounds of revocation, the response shall include sufficient evidence to support its position.
 - iii. If the School does not respond by the deadline, the accuracy of the grounds of revocation shall be deemed admitted.
- c) In addition to responding in writing, School representatives may also choose to meet with the Executive Director or his/her designee.
 - i) This meeting must also occur within thirty (30) days of receipt of the Notice of Intent to Revoke.
 - ii) This meeting may occur in person, by phone, by video or any other means mutually agreed upon between the School and the Institute.
- d) Within fourteen (14) days of receipt of the School's written response, the Executive Director shall decide whether to withdraw the Notice of Intent to Revoke or proceed with a revocation hearing.
- e) The Executive Director may withdraw the Notice of Intent to Revoke if he/she determines:
 - i) The School's Plan of Correction is reasonable and likely to correct the identified deficiencies within an acceptable amount of time;
 - ii) The School's response addressed the perceived deficiencies in the Notice of Intent to Revoke in a satisfactory manner; or
 - iii) There is any other good reason to do so.

4) *Revocation Hearing*

- a) The Executive Director shall initiate a revocation hearing before the Board if he/she determines that, after proceeding through the Notice of Intent to Revoke process, grounds for revocation of the Contract exist.
- b) The Executive Director shall send a notice of the revocation hearing to the Board and School.
 - i. The notice of revocation hearing shall state the grounds for revocation as well as a written recommendation, including reasons supporting the recommendation, concerning whether to revoke the Contract. See C.R.S. § 22-30.5-511(5)(a) (stating requirement of written recommendation).
 - ii. The notice shall also state when and where the hearing shall occur.
- c) Within thirty (35) days of receipt of a notice of revocation hearing, the Board shall convene a revocation hearing.
- d) Within fourteen (14) days of receipt of the notice of revocation hearing, the School shall provide a written position statement to the Board and Executive Director.
 - i. The School's position statement should respond as fully as possible to the grounds for revocation and recommendation identified in the notice of revocation hearing.
 - ii. The School should include with its position statement exhibits, affidavits, and any other evidence it wants the Board to consider.
- e) Within fourteen (14) days of receipt of the School's position statement, the Executive Director may provide to the Board and the School a written reply, which may include documentation to support its reply.
 - i. The reply may not raise new grounds for revocation.
- f) At the revocation hearing, the Executive Director or his/her designee and the School or its designee shall each have thirty minutes to make their presentation to the Board, during which time Board members may question the parties.
- g) After the parties' presentations, Board members may discuss among themselves whether to revoke the Contract. This discussion shall take place in open session and in compliance with the Open Meetings Law.
- h) The Board shall decide whether to revoke the Contract by resolution, and a copy of the resolution shall be provided to the School's governing Board, the Executive Director, and the State Board.
 - i. The resolution shall state the Board's reasons for the revocation.
 - ii. The resolution shall also state the effective date of the revocation, recognizing that the State Board may review the Board's decision to revoke.

- 5) Any decision to revoke a Contract may be reviewed by the State Board pursuant to C.R.S. § 22-30.5-511(6).
 - a) If the School wishes to appeal the revocation, it shall provide the Board and the State Board with a notice of appeal within thirty (30) days after the Board's decision to revoke.
- 6) Notwithstanding any other provision of a Contract, monies remaining in the School's accounts upon revocation of the Contract revert to the Institute. See C.R.S. § 22-30.5-513.5(9)(b).
- 7) Notwithstanding the above procedures for revocation, if the Executive Director determines that immediate action to revoke a School contract is necessary to protect the safety of students or to preserve the school's funds and/or property, the Board may immediately convene a revocation hearing.
 - a) An immediate revocation hearing shall be commenced within five (5) days of written notice to the School by the Executive Director of the circumstances justifying immediate revocation.
 - b) The procedure at the hearing shall be as provided in Rule 10.6 above, except that each side shall provide its written position Statement to the other Party no later than 24 hours before the hearing.