



REVOCATION POLICY

rev. 4.7.2023

The goal for this policy is to ensure that Washington University in St. Louis (University) as sponsor establishes clear revocation guidelines for its charter public schools (Charter). The process for revocation can be complex and time-consuming, and can have serious consequences for schools. Therefore, it's important for the University to work closely with its Charter to address any concerns or issues that arise and to take steps to confirm the Charter is meeting its obligations under the charter agreement.

As outlined in section 160.405.8, RSMo, the University shall revoke a charter during the charter term if there is clear evidence of underperformance or violation of law or the public trust that imperils students or public funds. The following steps shall be considered in the revocation process.

Investigation

The revocation process may involve a review of the following:

- A. Failure to meet academic performance standards, including metrics in the annual performance report (APR), as set forth in the Charter Documents;
- B. Failure to meet generally accepted standards of fiscal management;
- C. Failure to provide information necessary to confirm compliance with all provisions of the charter and charter school legislation, within forty-five days following receipt of written notice requesting such information;
- D. Violation of applicable federal or state laws;
- E. A change in charter school legislation which alters or amends the responsibilities and obligations of either the Charter or the University and the parties hereto are unable to agree upon amendments to the Contract necessary to conform its terms and conditions to said statutory amendments;
- F. Insufficient student enrollment to successfully operate;
- G. Charter insolvency, or has been adjudged bankrupt, or has operated for two or more fiscal years with a fund deficit balance;
- H. The Charter's directors, officers, employees, or agents have provided false or misleading information or documentation to the University in connection with the issuance of the Contract, or the Charter's reporting requirements under the Contract or applicable law.

If the University's investigation finds there are grounds for revocation, the Charter will be notified of the intent to revoke their charter. The notice will specify the reasons for revocation and provide a timeline for the Charter to respond.

Notice of Grounds for Proposed Action

Aligning with 5 CSR 20-100.260.6(I), at least sixty (60) days before acting to revoke a Charter Contract, the University shall notify the Charter's board of directors, in writing, of the proposed action and the grounds therefore (the "Notice of Proposed Revocation"). The Notice of Proposed Revocation will also inform the Charter of its opportunity to request, in writing and within two weeks of the effective date of notice, a hearing before the University.

CHARTER CONTRACT REVOCATION HEARING PROCEDURES

In accordance with the provisions of RSMo Section 160.405.8(4), the following procedures are established for the purpose of conducting administrative hearings to determine whether a Charter Contract, entered into by the University and the Charter should be revoked.

Necessity of Request for Hearing

If the Charter submits a timely, written request for a hearing to the University, the procedures outlined herein shall apply to the conduct of such a hearing. Failure of the Charter to make a written request for a hearing within two weeks of the effective date of the Notice of Proposed Revocation shall constitute a waiver of the Charter's right to a hearing before the hearing panel.

Necessity of Answer

If the Charter contests any of the reasons for the proposed revocation contained in the Notice of Proposed Revocation, it must file a written answer specifying those reasons being contested and setting forth its reasons for contending that such proposed revocation is inappropriate. Such written answer must be received by the University not later than five calendar days prior to the date of the hearing. The Charter's failure to file such an answer shall constitute an admission of the accuracy and legitimacy of the reasons for the proposed revocation contained in the notice.

Appointment of and Role of Hearing Panel

The University shall appoint a hearing panel to be comprised of University employees, not exceeding three in number, and shall designate one such employee as the chair of the hearing panel. This panel shall be comprised of the Vice Chancellor of Government & Community Relations, the University Provost, and the Executive Vice Chancellor for Administration, or their designees.

If a timely, written request for a hearing has been submitted by the Charter, the hearing panel shall conduct a hearing and, based upon the information presented at such hearing, shall make a written determination as to whether the Charter Contract should or should not be revoked consistent with the provisions of RSMo Section 160.405.8.

Hearing Procedure

If a timely, written request for a hearing has been submitted by the Charter and received by the University, the University shall send via mail or email a written notice to the Charter specifying the date, time and place of such hearing (“Notice of Hearing”). The hearing shall be held not more than fourteen days after the written request for a hearing has been received by the University unless, for good cause shown, the hearing is rescheduled by the chair of the hearing panel.

The chair of the hearing panel shall preside at the hearing, shall call the roll of the hearing panel, and shall ascertain the presence or absence of a representative of the Charter, including its legal or other advisor or counselor, and the presence or absence of the University, including its legal or other advisor or counselor. Unless such reading is waived by the Charter, the chair shall read the Notice of Hearing, shall read the grounds for revocation stated in the written Notice of Proposed Revocation and shall read any written Response submitted on behalf of the Charter.

The hearing shall be recorded, either by court reporter or otherwise, and shall be open to the public.

Burden of Proof and Rules of Evidence

The burden of demonstrating the existence of one or more of the alleged reasons for revoking a Charter Contract shall rest with the University. Formal rules of evidence shall not be required.

Opening Statements

The University shall make opening remarks outlining the grounds for the proposed revocation of the Charter Contract. The representative of the Charter may also make opening remarks and may elect to do so either immediately following the opening remarks of the University or at the close of the presentation.

University’s Evidence

The University may call witnesses and may present written information at the hearing as deemed appropriate by the hearing panel. Witnesses called by the University may be questioned by the Charter’s representative and/or by the members of the hearing panel.

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Rebuttal Evidence

The hearing panel shall permit the University and/or the Charter to present additional information in rebuttal of the other's presentation.

Authority of the Hearing Panel

The hearing panel shall have the authority:

- a. To determine relevancy and admissibility of any evidence offered by the University and/or the Charter;
- b. To permit a stipulation of facts agreed to by the University and the Charter;
- c. To permit the incorporation into the record by reference of any document, affidavit or exhibit produced at the hearing and available for the University and the Charter to examine and comment upon;
- d. To request the attendance of witnesses in addition to those witnesses called by the University or the Charter;
- e. To dismiss any person from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the hearing panel or its chair; and
- f. To have present a legal advisor to the hearing panel, who shall be designated by the University's General Counsel.

University and Charter's Rights upon Hearing

In addition to other rights specified herein, the University and the Charter shall have the following rights in connection with a hearing:

- a. To be present at the hearing, which right is deemed waived by failure to appear for such hearing;
- b. To have present at the hearing any legal or other advisor or counselor, to consult with such advisor or counselor during the hearing and to have such advisor or counselor make statements on their behalf and participate in the questioning of witnesses, in accordance with the provisions of the section of this policy entitled "Legal or Other Counselor or Advisor";
- c. To hear or examine evidence presented by the other;
- d. To question witnesses present and testifying on behalf of the other or witnesses present and testifying at the request of the hearing panel; and
- e. To be informed in writing of the hearing panel's determination.

Determination by the Hearing Panel

The hearing panel shall meet in executive session, outside the presence of the University and the Charter representative, shall discuss the evidence presented at the hearing and, by a majority vote of the members of the hearing panel, shall reach its determination regarding the proposed action. The hearing panel shall transmit same within ten (10) days after the hearing, with written determination being provided to the University and the Charter.

Right to Appeal to State Board of Education

In accordance with the provisions of RSMo Section 160.405.8 (4) a final decision on the revocation of a Charter Contract is subject to an appeal to the State Board of Education, which shall determine whether the charter shall be revoked.

Termination of the Contract shall be effective at the conclusion of the school year in which such decision is made, unless the University determines that continued operation of the Charter presents a clear and immediate threat to the health and safety of students.