



Charter Dispute Resolution Policy

*For Charter Schools Authorized by
the Indiana Charter School Board*

Adopted May 2018

For more information, please visit the
Indiana Charter School Board website:

<http://www.in.gov/icsb>

Introduction

Indiana Code (“IC”) § 20-24 et seq. gives the Indiana Charter School Board (“ICSB”) significant discretion with respect to its authorizing, monitoring, renewal, and revocation decisions. In some cases, such as a decision by ICSB not to grant a charter to an organizer, the law provides a specific remedy. Specifically, under IC § 20-24-3-11, the organizer may amend its proposal and resubmit it to ICSB or submit its proposal to another authorizer. As such, a decision by ICSB not to grant a charter is not considered to be a “final order” and is thus not reviewable.

General disputes between an organizer and ICSB regarding an active charter are governed by Section 8.5, Dispute Resolution, and Section 9.6, Charter Appeals, of the Charter Agreement and this Policy.

General Dispute Resolution Policy

With respect to a dispute arising from the provisions of the Charter, the Charter Agreement requires organizers to meet with ICSB staff and attempt a good faith negotiation of the resolution of the dispute before exercising any other remedy.

Specifically, the organizer must provide timely written notice, which may be delivered electronically, to ICSB’s Executive Director, setting forth a description of the dispute. Immediately following the receipt of such notice, the Executive Director and the organizer shall schedule either a meeting or conference call, as agreed to by both parties, to attempt to resolve the dispute. Such meeting or conference call shall take place as soon as practical, but at no time later than fifteen days (15) following the receipt of notice, if the dispute affects, or has the potential to affect, the daily operation of the school. There is no limit on the number of meetings or calls in which the parties may engage, provided that the Executive Director may impose a deadline if he or she determines it is in the best interest of the school. At or before that time, both parties shall either reach an agreement by mutual consent or shall enter into alternative dispute resolution by selecting a neutral party to mediate the issue. The parties will employ the Shared Neutrals Program (<http://www.in.gov/oea/neutrals/>) to select the appropriate mediator.

Appeal of Charter Revocation or Nonrenewal

Administrative Review

If an organizer wishes to appeal an ICSB nonrenewal or revocation decision, the organizer must submit a request for an appeal in writing within fifteen (15) business days following the decision showing cause as to why the charter should not be revoked or should be renewed. The request must be signed by the party and mailed to the ICSB Executive Director. The appropriate mailing address is 143 West Market Street, Suite #420, Indianapolis, IN 46204. Upon receipt of a request for an

appeal, ICSB will schedule an informal hearing within twenty-five (25) business days but no sooner than five (5) business days from the receipt of the request for review.

ICSB staff will arrange for space and staffing, including the appointment of an Administrative Law Judge (“ALJ”). During the hearing, ICSB staff will present the reasons and evidence supporting revocation or nonrenewal. The organizer, in turn, may (1) present evidence; (2) have an attorney present; (3) present witnesses to testify in opposition of the reasons given for nonrenewal or revocation; and (4) provide a proposed renewal or revocation corrective action plan.

The ALJ will consider all evidence presented and then make a final order recommendation. A final order recommendation must be issued in writing within ninety (90) days of the hearing conclusion or after the submission or proposed findings. This time frame can be extended or shortened with the written consent of all parties. The order will include a separately stated findings of facts, remedy prescribed, and the action taken on a petition for stay of effectiveness. It must also include a statement of available procedures. ICSB will vote on the recommendation at a public hearing. The ICSB’s vote on the ALJ’s recommendation is considered the “final decision” regarding the nonrenewal or revocation.

Judicial Review

If the petitioning party is not satisfied with ICSB’s final order, the party may seek judicial review within thirty (30) days of receiving the final order. The trial court will only dispute the issues of fact found in the record of the administrative appeal. The court cannot retry the appeal but will simply affirm or reject the final order.