

Good Cause Suspension of a Charter Policy Statement

The Applicant Agreement Information cover page of the application acknowledges that if approved to operate a charter school, the charter holder must begin providing educational instruction no later than the second fiscal year after the Board's decision to grant the charter. Failure to begin providing educational instruction accordingly may result in the revocation of the charter.

Before the first day of the fiscal year that a charter holder must begin providing educational instruction, an eligible charter holder of a not-yet-operational charter may submit to the Board a written request for a good cause suspension of a charter.

Eligibility Requirements:

A charter holder is eligible to apply for a good cause suspension of a charter if:

1. The charter holder has not been granted a good cause extension to execute a charter, and
2. The charter holder has not begun providing educational instruction under the charter, and
3. The charter holder has not received or has returned state equalization and other state or federal funding for which provision of instruction is a requirement of receipt.

Submission Requirements

The written request for a good cause suspension of a charter must include:

1. An explanation with evidence of why the charter holder is unable to implement the plans contained in their application package and begin providing educational instruction within the allotted time;
2. An explanation of the charter holder's new timeline for implementing the plans contained in the application package, and why the timeline is viable and adequate for achieving the proposed start-up date of the school and appropriate for operating a charter school in accordance with the performance frameworks adopted by the Board and requirements of statute and rule; and
3. Clear and specific action steps with target completion dates that will enable the charter holder to implement the plans contained in the application package in accordance with the timeline in item 2 above.

Board Consideration

The Board may grant a one-time good cause suspension of a charter if a charter holder demonstrates good cause. When considering a request for good cause extension of the execution of the charter contract, the Board shall consider:

1. The timeliness of the submission of the request and the proposed extension date;
2. The viability of the charter holder's new timeline for implementing the plans contained in the application package;
3. Whether the new timeline provided by the charter holder is adequate to begin providing educational instruction as required and complies with the plans contained in the application package;
4. Unforeseen circumstances affecting the charter holder's ability to begin providing educational instruction within the allotted time;
5. Whether there have been changes in the principals of the charter holder; and
6. The status of compliance with all applicable federal, State and local laws, and with all of the terms of the charter.

If the Board grants a one-time good cause extension of the execution of the charter, the Board will specify the date by which the charter holder shall begin providing educational instruction based on the timeline provided by the charter holder and the requirements in Rule.¹ A charter holder who is granted a one-time good cause suspension of a charter may execute and submit an amendment to the charter indicating a new effective date that conforms to the date on which the charter holder will begin providing educational instruction. If the charter holder does not begin providing educational instruction by the date specified by the Board, the Board will issue a notice of intent to revoke the charter.

A charter holder who is granted a one-time good cause suspension of a charter must not apply to receive any state or federal funding for which provision of instruction is a requirement of receipt until the fiscal year in which the charter holder plans to begin providing educational instruction and must return any such funding received prior to that fiscal year.

The Board shall not grant more than one good cause suspension of a charter to any charter holder for the same charter.

Historical Note:

Effective: November 15, 2004

Board Approval Date: November 15, 2004

Revised: December 9, 2013

¹ As provided in pending revisions to Rule including the provision that, "A charter holder who is granted a good cause suspension of a charter shall begin providing educational instruction no later than the third fiscal year after the Board's decision to grant the charter."