

Charter Schools Hearing Panel Appeal Procedures

I. Initiation of Appeal

The Charter School Organizer may request a hearing of the decision by the University to revocation of a Charter School's charter agreement. Such a request must be in writing and delivered in accordance with the notice provisions of the Organizer's charter within the applicable time frame specified in this Section I. Receipt of a fax transmission will be accepted, however, if legible and actually received by the Charter Schools Office within the applicable time frame and if followed by a request made pursuant to the notice provisions of the charter initiated no later than the date of the fax transmission. If the charter has been suspended, the request for hearing must be made within five (5) business days after the date of the deemed delivery of the notice of revocation was given. Otherwise, the request for hearing must be made within ten (10) business days after the date of the deemed delivery of the notice of revocation.

II. Membership of Ball State University Charter Schools Hearing Panel

Appeals will be made to the Ball State University Charter Schools Hearing Panel, consisting of three persons appointed by the University President, or his or her designee, and shall be persons not previously involved in the decision to issue the notice of intent to revoke. The President will appoint a hearing officer ("Hearing Officer") who will establish hearing procedures, convene the Ball State University Charter Schools Hearing Panel, and preside over the hearing process. The Hearing Officer is a non-voting participant in the hearing process.

Additionally, no one may serve to hear an appeal that has a demonstrated conflict of interest such as any other previous involvement with the situation, assignment to the same department as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the Hearing Officer.

III. Timing

If the charter has been suspended, a hearing on the notice of revocation will be scheduled no sooner than five (5) business days after receipt of the request for hearing by the Office of Charter Schools and will generally be scheduled within ten (10) business days after receipt of the hearing request. The University may, however, on its own initiative or upon approving a request from the Organizer, schedule the hearing at any later date prior to the revocation date stated in the notice of revocation, as necessary to accommodate the members of the Ball State University Charter Schools Hearing Panel or to allow proper preparation for the hearing.

If the charter has not been suspended, the hearing will be scheduled no sooner than ten (10) business days after receipt of the hearing request. The University may, however, on its own initiative or upon approving a request from the Organizer, schedule the hearing at any later date prior to the revocation date stated in the notice, as necessary to accommodate the members of the Ball State University Charter Schools Hearing Panel or to allow proper preparation for the hearing. The Hearing Officer, the panel chairperson, and the Executive Director of the Charter

Schools Office (the “OCS Executive Director”) shall mutually determine the time and place of the hearing.

IV. Parties

Parties participating in the appeal hearing are the appealing Organizer and the OCS Executive Director.

V. Notice of Hearing

Notice of the hearing shall be given in accordance with notice provisions of the Organizer’s charter.

VI. Materials used in Hearing

The record submitted to the Ball State University Charter Schools Hearing Panel shall include the OCS Executive Director’s written recommendation and any other relevant statements, documents, files, records, and materials obtained or considered by the OCS Executive Director in his/her determination. The OCS Executive Director and the appealing Organizer must also furnish the Ball State University Charter Schools Hearing Panel at least five (5) business days prior to the date of the hearing a copy of all documents upon which they intend to rely but which are not already a part of the record and a list of all persons who will be attending, including witnesses, legal counsel, if any, and representatives of administration, teachers, parents, and students. Copies of these materials must be distributed to all hearing participants at least three (3) business days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the Ball State University Charter Schools Hearing Panel.

VII. Attendance at Hearing

The president of the Organizer’s board or his/her designee must attend the appeal hearing and may present witnesses and evidence relevant to the stated grounds for revocation. The Organizer may be represented by legal counsel but shall do so at the Organizer’s expense. In addition, the school may bring one representative from each of the following groups: administration, teachers, parents, and students. Additional attendees may be requested in writing prior to the hearing. The OCS Executive Director must attend and may present relevant witnesses and evidence and have present such representatives of the University as it deems appropriate. The OCS Executive Director may also be represented by legal counsel.

VIII. Quorum: Ball State University Charter Schools Hearing Panel Actions

Three (3) members of the Ball State University Charter Schools Hearing Panel shall constitute a quorum. All Ball State University Charter Schools Hearing Panel actions shall be taken at a meeting where a quorum is present and shall require the affirmative vote of a majority of the Ball State University Charter Schools Hearing Panel Board members present and voting.

IX. Order of Business of the Ball State University Charter Schools Hearing Panel

The Organizer shall be heard first. The Organizer shall present arguments, witnesses, documents, and recommendations to the Ball State University Charter Schools Hearing Panel without interruption from the OCS Executive Director. Members of the Ball State University Charter Schools Hearing Panel may interrupt the presentation to ask questions of clarification. Other questions will be held until the end of the presentation. The time limit for the appealing Organizer's presentation shall not exceed two hours. After the appealing Organizer has stated his/her case, the OCS Executive Director shall present his/her arguments, witnesses, documents, and recommendations to the Ball State University Charter Schools Hearing Panel without interruption from the appealing Organizer. Members of the Ball State University Charter Schools Hearing Panel may interrupt the presentation to ask questions of clarification. Other questions will be held until the end of the presentation. The time limit for the OCS Executive Director's presentation shall not exceed two hours. The Organizer shall have no more than fifteen (15) minutes for final summation. The OCS Executive Director shall have no more than fifteen (15) minutes for final summation. The hearing shall be called to an end, and the Ball State University Charter Schools Hearing Panel shall begin its confidential deliberations.

X. Use of Witnesses for the Hearing

The Organizer or the OCS Executive Director may call witnesses, which may include representatives attending the hearing, as necessary. The time used by witnesses in initial testimony shall be counted as part of the allotted time of the person who calls that witness. Time spent answering any questions by the other party or the Ball State University Charter Schools Hearing Panel shall not be counted as part of the time allotted to the person who calls the witness. The Ball State University Charter Schools Hearing Panel may call or recall persons to give additional testimony concerning the issues involved in the case.

XI. Use of Pertinent Papers, Written Testimony, Documents

The Organizer and the OCS Executive Director shall each use a letter system to identify and document material submitted in evidence to the Ball State University Charter Schools Hearing Panel. The Organizer should mark each document with the letter A; and the OCS Executive Director should mark each document with the letter B. Additional marking symbol systems may be devised to best serve the needs of each party. Both the Organizer and the OCS Executive Director shall have the right to see all written documents presented to the Ball State University Charter Schools Hearing Panel. Papers submitted as testimony or evidence shall be numbered.

XII. Conduct of the Ball State University Charter Schools Hearing Panel

All remarks made by those participating in the hearing by either party must be directed to the Ball State University Charter Schools Hearing Panel unless the Hearing Officer rules otherwise. The Organizer and the OCS Executive Director shall submit all questions in writing to be asked of the other party or any witness to the Hearing Officer, who shall direct the questions to the intended party. The Organizer and the OCS Executive Director may submit questions in writing to the Hearing Officer prior to or during the hearing. The Ball State University Charter Schools Hearing Panel reserves the right to screen questions but generally will do so only to avoid

redundancy, repetition, immateriality, or irrelevance. Verbal questions, for procedural clarification, that either party wishes to direct will be allowed at the discretion of the Hearing Officer. Neither party shall interrupt the proceedings but shall signal the attention of the Hearing Officer by raising his/her hand.

Any person accompanying the Organizer or the OCS Executive Director may speak only to a point of procedure. Such person may advise the party being accompanied, help with papers and documents, and take notes. Participation by legal counsel is limited to providing counsel directly to the Organizer or OCS Executive Director and not a presentation of evidence or arguments to the Ball State University Charter Schools Hearing Panel. The proceedings of the Ball State University Charter Schools Hearing Panel may not be audio or video recorded.

XIII. Decisions of the Ball State University Charter Schools Hearing Panel

If the charter has been suspended, the Ball State University Charter Schools Hearing Panel shall issue a written decision on the appeal within five (5) business days of the hearing date. Otherwise, it will render its decision within ten (10) business days. If the panel's determination is not made prior to the effective date of revocation stated in the notice of intent to revoke, revocation, if any, shall not be effective until the date on which the decision of the hearing panel is rendered or any later date that may be specified by the Ball State University Charter Schools Hearing Panel in its written determination. The Ball State University Charter Schools Hearing Panel may make one of the following two determinations: (1) Uphold the revocation of the Organizer's charter or (2) Overturn the decision to revoke. The Hearing Panel will submit their recommendation to the President of the University. The decision of the President is final.

XIV. Additional Procedures

The Hearing Officer or his/her designee may establish additional procedures for the conduct of hearings in order to ensure that they are conducted in a fair and orderly manner provided that such procedures shall not be inconsistent with the procedures stated herein.