

**CHARTER SCHOOLS HEARING PANEL**  
**RECONSIDERATION AND APPEAL PROCEDURES**

**I. Initiation of Request for Reconsideration or Appeal**

The Charter School Organizer may request reconsideration of a determination to revoke a Charter School's charter agreement or a determination not to renew a Charter School's charter agreement. Such a request must be in writing and delivered in accordance with the notice of provisions of the Organizer's charter within the applicable time frame specified in this Section I.

Receipt of a fax transmission will be accepted 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 must be made within five (5) business days after the date of deemed delivery of the notice of revocation. Otherwise, the request must be made within ten (10) business days after the date of deemed delivery of the notice of revocation or notice of non-renewal.

**II. Membership of Ball State University Charter Schools Hearing Panel**

Requests for reconsideration or appeal shall be made to the Ball State University Charter Schools Hearing Panel, consisting of three persons appointed by the University President, or the President's designee, who shall not have been previously involved in the decision to revoke or not renew the charter.

The President shall appoint a Hearing Officer who shall establish hearing procedures, convene the Ball State University Charter Schools Hearing Panel, and preside over the hearing process. The Hearing Officer shall be a non-voting participant in the hearing process.

No person may serve on the Hearing Panel if there is a demonstrated conflict of interest, including prior involvement with the matter, assignment to the same department as any principal in the case, business involvement, or a personal relationship with any principal. Decisions regarding conflicts of interest shall be made by the Hearing Officer.

**III. Timing**

If the charter has been suspended, a hearing shall be scheduled no sooner than five (5) business days after receipt of the request and generally within ten (10) business days after receipt of the request.

If the charter has not been suspended, a hearing shall be scheduled no sooner than ten (10) business days after receipt of the request and generally within twenty (20) business days after receipt of the request.

The University may, on its own initiative or upon approving a request from the Organizer, schedule the hearing at a later date as necessary to accommodate the Hearing Panel members or to allow proper preparation for the hearing.

The Hearing Officer, the Hearing Panel Chairperson, and the Executive Director of the Charter Schools Office ("OCS Executive Director") shall mutually determine the time and place of the hearing.

#### IV. Parties

The parties participating in the hearing are the Organizer and the OCS Executive Director.

#### V. Notice of Hearing

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

#### VI. Materials Used in Hearing

The record submitted to the Hearing Panel shall include the written recommendation supporting revocation or non-renewal, and any relevant statements, documents, files, records, and materials considered in reaching that determination.

The OCS Executive Director and the Organizer shall furnish the Hearing Panel, at least five (5) business days prior to the hearing, copies of all documents upon which they intend to rely that are not already part of the record, together with a list of all attendees, including witnesses, legal counsel, and representatives of administration, teachers, parents, and students.

Copies of such materials shall be distributed to all hearing participants at least three (3) business days prior to the hearing.

Additional materials or witnesses may not be used without consent of the Hearing Panel.

#### VII. Attendance at Hearing

The President of the Organizer's Board or a designee must attend the hearing and may present witnesses and evidence relevant to the revocation or non-renewal determination.

The Organizer may be represented by legal counsel at its own expense.

The Organizer may bring one representative from each of the following groups:

- Administration
- Teachers
- Parents
- Students

Additional attendees may be approved by the Hearing Officer upon written request.

The OCS Executive Director must attend and may present witnesses, evidence, and University representatives deemed appropriate. The OCS Executive Director may also be represented by legal counsel.

#### VIII. Quorum and Hearing Panel Actions

Three (3) members of the Hearing Panel shall constitute a quorum.

All actions shall be taken at a meeting where a quorum is present and shall require the affirmative vote of a majority of the members present and voting.

#### IX. Order of Business

The Organizer shall be heard first and may present arguments, witnesses, documents, and recommendations without interruption by the OCS Executive Director, except for questions of clarification from Hearing Panel members.

The Organizer's presentation shall not exceed two (2) hours.

The OCS Executive Director shall then present arguments, witnesses, documents, and recommendations without interruption by the Organizer, except for questions of clarification from Hearing Panel members.

The OCS Executive Director's presentation shall not exceed two (2) hours.

The Organizer shall have fifteen (15) minutes for final summation.

The OCS Executive Director shall have fifteen (15) minutes for final summation.

The hearing shall then conclude, and the Hearing Panel shall enter confidential deliberations.

#### X. Use of Witnesses

Either party may call witnesses as necessary.

Time used for initial witness testimony shall count against the calling party's allotted presentation time.

Time spent answering questions from the other party or Hearing Panel shall not count against allotted time.

The Hearing Panel may call or recall individuals for additional testimony concerning the issues involved in the case.

#### XI. Use of Documents and Written Testimony

The Organizer shall identify exhibits using the letter "A."

The OCS Executive Director shall identify exhibits using the letter "B."

Additional exhibit identification systems may be adopted as needed.

Both parties shall have the right to review all written materials submitted to the Hearing Panel.

Documents submitted as testimony or evidence shall be numbered.

#### XII. Conduct of the Hearing

All remarks shall be directed to the Hearing Panel unless otherwise authorized by the Hearing Officer.

Questions to be asked of the opposing party or witnesses shall be submitted in writing to the Hearing Officer, who shall direct the questions to the appropriate person.

The Hearing Panel may screen questions to avoid redundancy, repetition, immateriality, or irrelevance.

Verbal procedural questions may be allowed at the discretion of the Hearing Officer.

Neither party shall interrupt the proceedings and shall instead signal the Hearing Officer by raising a hand.

Persons accompanying either party may speak only on procedural matters, assist with documents, advise the party they accompany, and take notes.

Participation by legal counsel shall be limited to advising the represented party and shall not include presenting evidence or arguments directly to the Hearing Panel.

The proceedings may not be audio or video recorded.

#### XIII. Decisions of the Hearing Panel

If the charter has been suspended, the Hearing Panel shall issue a written recommendation within five (5) business days of the hearing date.

Otherwise, the Hearing Panel shall issue a written recommendation within ten (10) business days of the hearing date.

The Hearing Panel may recommend one of the following:

1. Uphold the revocation or non-renewal determination; or
2. Overturn the revocation or non-renewal determination.

The Hearing Panel shall submit its written recommendation to the President of the University.

If a revocation decision would otherwise become effective before the recommendation is issued, the revocation shall not take effect until the President has rendered a final decision or a later date specified by the University.

The President's decision shall be final.

#### XIV. Additional Procedures

The Hearing Officer or designee may establish additional procedures for the conduct of hearings to ensure fairness and orderliness, provided such procedures are not inconsistent with these procedures.

*Revised June 2026*