RULES
OF
THE TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHAPTER 1185-01-01
CHARTER SCHOOL APPEALS

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(1) Pursuant to T.C.A. § 49-13-108(b)(5), the charter school sponsor may appeal a decision by the local board of education to deny an amended application for a newly created public school to the Tennessee Public Charter School Commission ("Commission") no later than ten (10) calendar days after the date of local board of education's decision. The charter school sponsor shall submit a notice of appeal by email to the Commission. The notice of appeal must be received by the Commission no later than 11:59 p.m. Central Standard Time on the tenth (10th) day after the local board of education's decision. In order to be considered a complete appeal, this notice of appeal shall contain the following information:

(a) Copies of the initial and amended applications submitted to the local board of education;

(b) A summary of the application timeline including the dates that the initial and amended applications were originally submitted to the local board of education, the date of the public hearing, the date of the capacity/applicant interview (if applicable), and the dates the initial and amended applications were denied by the local board of education;

(c) Copies of the letters informing the charter school sponsor of the local board of education's reasons for denying the initial and amended applications;

(d) A clean version of the amended application without any tracked changes that includes all changes made upon resubmission to the local board of education; and

(e) A brief statement, no longer than three (3) pages, including, but not limited to, an explanation of why the local board of education's denial of the charter school application was contrary to the best interests of the students, local education agency ("LEA"), or community.

(2) Commission staff shall not accept an incomplete appeal or any additional documentation from the charter school sponsor beyond the contents of the notice of appeal.

(a) The Commission staff may, however, request additional documentation from the charter school sponsor, the local board of education, and the Tennessee Department of Education. In such case, each is requested to comply with the document request within five (5) calendar days of the request or as soon as possible thereafter, but in no event more than seven (7) calendar days after the request.

(3) The Commission shall conduct a de novo on the record review of the proposed charter school's

amended application.

(4) The Commission shall conduct a separate analysis for each application that was denied based upon substantial negative fiscal impact. If the local board of education's denial is based on substantial negative fiscal impact, the local board shall submit documentation explaining the fiscal impact of the charter school as requested by the Commission staff. The local board of education is requested to provide this documentation within five (5) calendar days of receiving notification from the Commission that a sponsor is appealing the local board of education's denial of a charter application or as soon as possible thereafter, but in no event more than seven (7) calendar days. The burden will be on the local board of education to prove that substantial negative fiscal impact does exist. The Commission may also obtain information independently from the information provided by the local board of education.

(5) The Commission staff shall assemble a charter application review committee comprised of teams of internal and external evaluators with relevant and diverse educational, organizational, financial, and legal expertise, as well as an understanding of the essential principles of public charter school autonomy and accountability.

(a) In reviewing the amended application, the application review committee shall:

1. Use the sample scoring criteria provided by the Commissioner of Education and available on the Tennessee Department of Education's website to evaluate the charter application; and

2. Review applications on appeal in accordance with the State Board of Education's quality public charter school authorizing standards.

(6) The Commission staff shall interview the governing board of each sponsor that has filed an appeal. The focus of the interview will be assessing the governing board and school leadership's capacity to operate a high-quality charter school that is consistent with the charter application and in a fiscally responsible manner that advances the mission of the charter school. The Commission staff shall assemble an interview panel that may include Commission staff, a Commission member, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the Commission in its decision.

(a) The officers of the governing board and the school leader (if named) shall attend the interview, and the total participants from the sponsor shall be limited to eight (8). The interviews will not be open to the public.

(b) All interview attendees (both on behalf of the charter school and Commission) shall attend the interview in-person. However, Commission staff may allow certain attendees to participate remotely in extraordinary circumstances.

(7) Within seventy-five (75) calendar days after receipt of the notice of appeal, the Commission, or the Commission's designee, shall hold a public hearing. The public hearing shall be attended by the Commission or its designated representative and shall occur in the LEA in which the proposed charter school submitted the charter school application. The hearing must be open to representatives from the local board of education and the sponsor. Notice of the hearing must be provided to the local board of education, the sponsor, and the general public. At least one (1) week before the hearing, notice of the hearing must be:

(a) Published in a newspaper of general circulation in the county where the LEA is located; and

(b) Posted on the Commission's website.

(8) Following the public hearing, the interview, and the de novo review of the record including the amended application, the Executive Director of the Commission shall provide written findings and recommendations to the Commission. The Commission shall consider the findings and recommendations of the Executive Director when rendering a decision on the appeal, but the Commission is not bound by the recommendation.

(9) Subsequently, but within seventy-five (75) calendar days after the Commission received the notice of appeal, the Commission shall meet to render a decision and shall forward its findings to the local board of education.

(a) A representative of the sponsor and local school board may speak at the meeting where the Commission will consider the findings and recommendations of the Executive Director. Alternatively, a representative of the sponsor and local school board may submit a written comment to be read into the record by a member of the Commission staff during the meeting where the Commission will consider the findings and recommendations of the Executive Director. Written comments shall not be more than one (1) page typed in length and shall be received by the Executive Director at least forty-eight (48) hours prior to the scheduled board meeting. The Commission shall accept only one (1) written comment from each party.

(b) If the Commission finds that the application meets or exceeds the metrics outlined in the Department of Education's application-scoring rubric and that approval of the application is in the best interests of the students, LEA, or community, then the Commission may approve the public charter school's application and become the charter school's authorizer and LEA.

(c) If a local board of education's decision to deny a public charter school application is based on substantial negative fiscal impact, the Commission shall not approve for operation any public charter school that the Commission determines will have a substantial negative fiscal impact on an LEA, such that authorization of the public charter school would be contrary to the best interests of the students, LEA, or community. The Commission's decision is final and not subject to appeal.

(d) If the Commission becomes the chartering authority pursuant to T.C.A. § 49-13-108(b)(5)(D), the LEA and the charter school may submit a charter agreement signed by the LEA and the charter school to the Commission stating that the charter school shall be overseen and monitored by the LEA. In such case, if the charter agreement is received by the Commission within thirty (30) calendar days after the Commission becomes the charter authorizer, then the authorization of the charter school shall be officially transferred to the LEA.

Authority: *T.C.A. §§ 49-13-105, 49-13-108.* ***Administrative History:***

1185-01-01-.02 CHARTER SCHOOL RENEWAL APPLICATION APPEALS

(1) Pursuant to T.C.A. § 49-13-121(f), the governing body of a public charter school may appeal a decision by the local board of education to deny a renewal application to the Commission no later than ten (10) calendar days after the date of the local board of education's decision to deny the renewal application. The governing body of the charter school shall submit a notice of appeal by email to the Commission. The notice of appeal must be received by the Commission no later than 11:59 p.m. Central Standard Time on the tenth (10th) day after the local board of education's decision. In order to be considered a complete appeal, this notice of appeal shall contain the following information:

(a) Copies of the renewal application, which shall include, but not be limited to, the information set forth in T.C.A. § 49-13-121. Corrections to the renewal application shall not be accepted;

(b) Summary of the renewal application timeline including the date that the renewal application was originally submitted to the local board of education, the date the renewal application was denied by the local board of education, and any other dates relevant to the local board of education's consideration of the renewal application; and

(c) Brief statement, no longer than three (3) pages, including but not limited to an explanation for why the local board of education's denial of the charter school renewal application was contrary to the best interests of the students, LEA, or community.

(2) Commission staff shall not accept an incomplete appeal or any additional documentation from the charter school governing body beyond the contents of the notice of appeal.

(a) The Commission staff may, however, request additional documentation from the charter school governing body, the local board of education, and the Tennessee Department of Education. In such case, each is requested to comply with the document request within five (5) calendar days of the request or as soon as possible thereafter, but in no event more than seven (7) calendar days after the request.

(3) The Commission shall conduct a de novo on the record review of the local board of education's renewal decision.

(4) The Commission staff shall assemble a renewal review committee comprised of teams of internal and external evaluators with relevant and diverse educational, organizational, financial, and legal expertise, as well as an understanding of the essential principles of public charter school autonomy and accountability.

(a) In reviewing the renewal application and renewal record, the renewal review committee shall use a scoring rubric to evaluate the charter school's renewal application and renewal record.

(5) The Commission staff shall interview the governing board of each charter school operator that has filed an appeal. The focus of the interview will be on evaluating the charter school's performance over the current term and the governing body and school leadership's capacity to effectively oversee the charter school during the next charter term. The Commission staff shall assemble an interview panel that may include Commission staff, a Commission member, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the Commission in its decision.

(a) The officers of the governing board and the school leader shall attend the interview, and the total participants from the charter school operator shall be limited to eight (8). The interviews will not be open to the public.

(b) All interview attendees (both on behalf of the charter school and Commission) shall attend the interview in-person. However, Commission staff may allow certain attendees to participate remotely in extraordinary circumstances.

(6) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable public notice, the Commission shall hold a public hearing, attended by the Commission or its designated representative, in the school district in which the charter school has been operating.

(7) Following the public hearing, the interview, and the de novo review of the renewal record including the renewal application, the Executive Director of the Commission shall provide written findings

and recommendations to the Commission. The Commission shall consider the findings and recommendations of the Executive Director when rendering a decision on the appeal, but the Commission is not bound by the recommendation.

(8) Subsequently, but within the sixty (60) calendar days after receipt of the notice of appeal, the Commission shall meet to render a decision and shall forward its findings to the local board of education.

(a) A representative of the governing board and local school board may speak at the meeting where the Commission will consider the findings and recommendations of the Executive Director. Alternatively, a representative of the governing board and local school board may submit a written comment to be read into the record by a member of the Commission staff during the meeting where the Commission will consider the findings and recommendations of the Executive Director. Written comments shall not be more than one (1) page typed in length and shall be received by the Executive Director at least forty-eight (48) hours prior to the scheduled board meeting. The Commission shall accept only one (1) written comment from each party.

(b) If the Commission finds that the local board of education's decision was contrary the best interests of the students, LEA, or community and approves the renewal application, the Commission shall be the authorizer, unless the LEA agrees to oversee and manage the charter school pursuant to T.C.A. § 49-13-108.

(c) A decision by the Commission to deny renewal of a charter agreement is final and not subject to appeal.

(d) If the governing body of a charter school authorized by the Commission submits its renewal application to the Commission pursuant to T.C.A. § 49-13-121 then the decision of the Commission on the renewal application is final and may not be appealed again to the Commission.

Authority: *T.C.A. §§ 49-13-105, 49-13-121.* ***Administrative History:***

1185-01-01-.03 CHARTER SCHOOL REVOCATION APPEALS

(1) Pursuant to T.C.A. § 49-13-122(g), the governing body of a public charter school may appeal a decision by the local board of education to revoke the charter agreement to the Commission no later than ten (10) calendar days after the date of the local board of education's decision to revoke, except that a revocation based on violations in T.C.A. § 49-13-122(a) are not appealable. The governing body of the charter school shall submit a notice of appeal by email to the Commission. The notice of appeal must be received by the Commission no later than 11:59 p.m. Central Standard Time on the tenth (10th) day after the local board of education's decision. In order to be considered a complete appeal, this notice of appeal shall contain the following information:

(a) A copy of the statement issued by the local board of education stating its reasons for revocation as required by T.C.A. § 49-13-122(d); and

(b) Brief statement, no longer than three (3) pages, including but not limited to an explanation for why the local board of education's decision to revoke the charter agreement was contrary to T.C.A. § 49-13-122.

(2) Commission staff shall not accept an incomplete appeal or any additional documentation from the

charter school governing body beyond the contents of the notice of appeal.

(3) The Commission staff may request additional documentation from the charter school governing body, the local board of education, and the Tennessee Department of Education. In such case, each is requested to comply with the document request within five (5) calendar days of the request or as soon as possible thereafter, but in no event more than ten (10) calendar days after the request.

(4) The Commission shall conduct a de novo on the record review of the local board of education's revocation decision.

(5) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable public notice, the Commission shall hold an open meeting, attended by the Commission or its designated representative, the governing board of the charter school, and the local board of education or the local board of education's designated representative in the LEA in which the charter school has been operating.

(6) Subsequently, but within sixty (60) calendar days after receipt of the notice of appeal, the Commission shall meet to render a decision and shall forward its findings to the local board of education.

(a) A representative of the governing board and local school board may speak at the board meeting where the Commission will consider the findings and recommendations of the Executive Director. Alternatively, a representative of the governing board and local school board may submit a written comment to be read into the record by a member of the Commission staff during the meeting where the Commission will consider the findings and recommendations of the Executive Director. Written comments shall not be more than one (1) page typed in length and shall be received by the Executive Director at least forty-eight (48) hours prior to the scheduled board meeting. The Commission shall accept only one (1) written comment from each party.

(b) If the Commission finds that the local board of education's decision was contrary to T.C.A. § 49-13-122 and overturns the local board of education's decision to revoke the charter agreement, the Commission shall remand the decision to the local board of education and the local board of education shall remain the authorizer. The decision of the Commission is final and not subject to appeal.

Authority: *T.C.A. §§ 49-13-105, 49-13-122.* ***Administrative History***