

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

Purpose: The purpose of this policy is to set forth the process for submitting an appeal of the denial of a charter school application by the local board of education to the Tennessee Public Charter School Commission (the “Commission”).

Policy Sections

1. Generally
2. Notice of Appeal
3. Information from the Local Board of Education
4. Request for Additional Information
5. Fiscal Impact Information
6. Public Hearing
7. Standard of Review
8. Interviews
9. Transparency and Public Engagement
10. Decision-Making Principles
11. Decision of Commission
12. Post Application Approval

1. **Generally.** Pursuant to T.C.A. § 49-13-108, if a local board of education denies an amended charter school application, the prospective charter school sponsor (the “sponsor”) may appeal the decision to the Commission no later than ten (10) calendar days after the date of the local board of education’s decision to deny the charter school application.

The Commission will not consider appeals of applications that did not include all the statutorily required elements or that were submitted outside the application window set by T.C.A. § 49-13-107.

2. **Notice of Appeal.** The sponsor shall notify the Commission by email of the sponsor’s decision to appeal the local board of education’s denial of the amended charter school application no later than ten (10) calendar days after the date of such denial. The notice of appeal must be received by the Commission by 11:59 p.m. Central Standard Time on the tenth (10th) day. 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 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;

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

- (c) Copies of the letters informing the 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, LEA, or community.

Commission staff will confirm to the sponsor receipt of the appeal and the date of receipt. ~~Commission staff will not accept an incomplete appeal or any additional documentation from the sponsor beyond the contents of the notice of appeal.~~ 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 unless requested by the Commission staff. If the sponsor indicates in the notice of appeal that one of the requirements listed in paragraphs (a)–(e) above cannot be submitted, the sponsor shall include an explanation in the notice of appeal. Commission staff may conditionally accept the appeal and collect additional information to determine whether the appeal may be accepted despite the sponsor's inability to submit one the requirements listed in paragraph (a)–(e) above.

3. Information from the Local Board of Education. Commission staff will gather information related to each appealed application from the local board of education. The information requested may include, but is not limited to:

- (a) A list of individual(s) who reviewed the initial and amended applications;
- (b) Copies of the minutes, notes and presentations, if such were prepared, from any review team meetings, capacity/applicant interview, local board of education work sessions, and/or meetings in which the application(s) was discussed;
- (c) Copies of the completed scoring sheets used to evaluate the applications;
- (d) Copies of any reports or notes prepared for the local board of education by reviewers or other local board of education staff; and
- (e) Copies of the letters informing the sponsor of the local board of education's reasons for denying the initial and amended applications.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

The local board of education is requested to comply with such document request and provide any applicable documents to the Commission staff within five (5) calendar days after receipt of the document request or as soon as possible thereafter, but in no event more than seven (7) calendar days after the request.

4. **Request for Additional Information.** Commission staff may gather additional information related to each appealed application from the sponsor, the local board of education, and/or 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.

5. **Fiscal Impact Information.** If the denial by the local board of education was based upon substantial negative fiscal impact, the local board of education must 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 reserves the right to obtain information independently from the information provided by the local board of education. Supporting documentation should include, but is not limited to:
 - (a) Average Daily Membership (ADM) figures of the local education agency (LEA) (specifically all Kindergarten through grade 12 and special education students) for the current and two (2) preceding school years and an estimate of the number of students currently enrolled who will transfer to the charter school seeking authorization;

 - (b) An estimate, based on prior years' data, of the number of students who will no longer be enrolled in the LEA during the school year in which the charter school seeks to begin operation for reasons other than a transfer to the charter school;

 - (c) A projection of the LEA's ADM figures (specifically all Kindergarten through grade 12 and special education students) for the school year in which the charter school seeks to begin operation, excluding the estimated number of students who will transfer to the charter school seeking authorization. Such projections shall include estimates, using prior years' data, of increased revenue to the LEA from first-time enrollees or transferees into the district; and

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

- (d) Specific facts or financial information and a written statement demonstrating how placement or transfer of students to the charter school within the LEA will impose a budgetary or financial burden on the LEA beyond that associated with normal enrollment fluctuations, including an objective analysis of the LEA's ability to adjust expenses on a system-wide basis due to the estimated numbers and anticipated placement of students who will transfer to the charter school seeking authorization.

In compliance with T.C.A. § 49-13-108(c), the Commission will conduct a separate analysis for each application that was denied based upon substantial negative fiscal impact.

6. Public Hearing. The Commission is required to hold a public hearing on the charter application no later than seventy-five (75) calendar days after receipt of the notice of appeal.

- (a) *Date.* Commission staff will schedule a date for the public hearing to be held in the school district where the sponsor proposes to open the charter school and will communicate the date and time of this hearing to the sponsor and the local board of education and post notice of the hearing on the Commission's website and publish the same in a newspaper of general circulation in the county where the local board of education is located.

- (b) *Conduct.* The Executive Director of the Commission or a Commission staff member will preside over the hearing. The Executive Director or other staff member may ask questions of the sponsor, local board of education, or those offering public comments at any time during the hearing. The Executive Director or other staff member may end portions of the hearing or the hearing itself if the sponsor, local board of education, or members of the public are out of order. Examples of conduct that may warrant calling speakers out of order include, but are not limited to: yelling or using obnoxious or offensive language; speaking out of turn; or denigrating participants or other employees or officials of either the sponsor or the local board of education by name calling or similar conduct.

- (c) *Presentations.* The local board of education will have fifteen (15) minutes to present the reasons for the local board's denial. The sponsor will have fifteen (15) minutes to respond and show why the local board of education's decision is contrary to the best interests of the students, LEA, or community. Presentations may include PowerPoints and charts. Copies of any PowerPoints or charts utilized by the sponsor or local board shall be provided to the Commission staff.

- (d) *Public Comment.* There will be at least fifteen (15) total minutes for public comment, and the Executive Director or other staff member, in their discretion, may increase the time for public comment based on the circumstances. Members of the public who wish to comment shall register through a process designated by Commission staff, and to the

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

extent time permits, will be called to speak in the order their names appear on the registration list. Each member of the public will be permitted to speak for no more than three (3) minutes, but the Executive Director or other staff member will have discretion to set a time limit of less than three (3) minutes based on the circumstances. Written comments may also be submitted at the public hearing or submitted to the Commission as specified by Commission staff.

- (e) *Closing.* The local board of education and the sponsor will each have ten (10) minutes for a closing statement.

7. Standard of Review.

- (a) Commission staff and a charter application review committee (the “Review Committee”) will conduct a de novo on the record review of the proposed charter school’s application and provide recommendations to the Executive Director of the Commission.
- (b) In order to overturn a denial of the local board of education, the Commission must find that that the local board’s decision was contrary to the best interests of the students, the LEA, or the community.
- (c) If a local school board’s denial of a charter application is based on substantial negative fiscal impact, the Commission should also consider the financial impact of the charter school on the LEA. 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.
- (d) The Commission shall abide by the principles and criteria for application review set forth in Commission Policy 2.100.

8. Interviews.

- (a) The Commission shall also interview the governing board and school leadership, if named, of each sponsor that has filed an appeal in accordance with this policy. The interview panel may consist of Commission staff, a Commission member, and members of the Review Committee and shall be conducted in accordance with Commission Policy 2.100. These interviews shall not be open to the public. Results of the interview shall be considered in the Executive Director’s recommendations to the Commission.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

9. Transparency and Public Engagement.

- (a) The Commission is committed to employing fair and transparent procedures that promote evidence-based decisions regarding a charter application received on appeal. The Commission will inform the sponsor and local board of education of their rights and responsibilities at all stages of the appeal process, promptly notifying them of approval or denial decisions, including the basis for the decision.

10. Decision-Making Principles.

- (a) Pursuant to State Board Quality Charter Authorizing Standards, the Commission commits to using rigorous decision-making in granting charters only to sponsors that have demonstrated competence and capacity to succeed in all aspects of the proposed charter school.
- (b) The Review Committee members will provide evidence-based recommendations to the Commission staff that address established approval criteria. The Executive Director of the Commission will consider the recommendation of the Review Committee in his or her recommendation to the Commission for final approval or denial of the appeal consistent with the approval criteria and processes set forth in this policy and Commission Policy 2.100.

11. Decision of the Commission.

- (a) Following the public hearing and review of the application, the Executive Director of the Commission will provide written findings and recommendations to the Commission. The Commission will 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. The findings and recommendations of the Executive Director of the Commission will be discussed in a work session, if ruling at a regular meeting, or, prior to the vote on the agenda item, if ruling at a special-called meeting.
- (b) A representative of the sponsor and/or local school board may speak at the board meeting where the Commission will consider the findings and recommendations of the Executive Director in accordance with Commission policy 1.200. Alternatively, a representative of the sponsor and/or 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

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

be received by the Executive Director at least forty-eight (48) hours prior to the scheduled board meeting. The Commission shall accept only one written comment from each party.

- (c) The Commission will meet and render a decision within seventy-five (75) calendar days after receipt of the appeal. The Commission may:
 - i. Affirm the decision of the local board of education, or
 - ii. 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, the Commission may approve the application for the charter school. The decision of the Commission shall be final and not subject to appeal, and the Commission shall become the authorizer and LEA for that public charter school.
- (d) If the Commission becomes the chartering authority pursuant to 11(c)(ii) above, 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. If such 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. Such agreement can be submitted electronically.

12. Post Application Approval.

- (a) No charter school may begin operation before obtaining the authorizer's approval of its charter agreement.
- (b) For all charter schools authorized by the Commission, the following shall apply.
 - i. The Commission's approval of a charter school's application is separate and distinct from the Commission's approval of its charter agreement and a school's right to open.
 - ii. Once an application is approved by the Commission, the Commission will negotiate a charter agreement with the school's governing board that must be approved by the Commission and signed by both parties. The approved amended application shall be included as an exhibit to the charter agreement.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL APPEALS	2.000

- iii. The Commission will establish a Pre-Opening Checklist, substantial compliance therewith shall be a prerequisite for opening the charter school.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
APPLICATION REVIEW	2.100

Tennessee Code Annotated (T.C.A.) § 49-13-108 allows public charter school sponsors to appeal the denial of an application by the local board of education to the Tennessee Public Charter School Commission (“Commission”).

The Commission shall not consider appeals of applications that did not include all the statutorily required elements or that were submitted outside the application window set by the local board of education in accordance with T.C.A. § 49-13-107.

Purpose: The purpose of this policy is to set forth the principles and criteria that the Commission will use in reviewing charter school applications received on appeal.

Policy Sections

1. Generally
2. Substantive Application Review
3. Interviews

1. Generally. In reviewing charter school applications received on appeal, the Commission will use the standard of review set forth in Commission Policy 2.000. The Commission is committed to conducting a rigorous evaluation of all charter school applications received on appeal consistent with this policy and national and state authorizing standards.

2. Substantive Application Review.

- a. The Commission shall assemble a charter application review committee (Review Committee) to conduct a substantive charter application review of each application received on appeal in accordance with the submission instructions set forth in Commission Policy 2.000. In conducting the substantive application review, the Commission shall contract with third-parties or utilize volunteers as it deems appropriate to serve on the Review Committee.
- b. The Review Committee shall be comprised of teams of internal and external evaluators with relevant and diverse educational, organizational (governance and management), financial and legal expertise, as well as a thorough understanding of the essential principles of public charter school autonomy and accountability. The Commission will provide training to Review Committee members to ensure consistent standards and fair treatment of all application reviews.

The substantive application review shall be an evaluation of the statutorily required elements, as set forth in T.C.A. § 49-13-107, including but not limited to an evaluation of the proposed charter school’s mission; educational focus, program, and academic plan;

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
APPLICATION REVIEW	2.100

business plan, including an operating budget; governance board and structure; discipline code; and compliance with applicable laws and regulations. The Review Committee shall 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.

- c. The Commission and the Review Committee shall take into consideration and, if necessary, gather additional information regarding the past and current performance, including student growth and achievement, of any charter school operated by the sponsor pursuant to T.C.A. § 49-13-107(e).
- d. The Commission will ensure that the application review process, Review Committee members, and decision-making processes are free of conflicts of interest in accordance with Commission Policy 1.100 and will require full disclosure of any potential or perceived conflicts of interest between Review Committee members and sponsors.

3. Interviews.

- a. The Commission staff shall interview the governing board and school leadership, if named, of each sponsor that has filed an appeal in accordance with Commission Policy 2.000.
- b. The focus of the interview will be 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.
- c. The Commission staff will schedule interviews in a manner that accounts for scheduling conflicts. However, the final decision as to interview time and location is in the discretion of Commission staff. All interviews will be held in Nashville, Tennessee.
- d. The interviews will be closed and not be open to the public.
- e. The officers of the governing board and the school leader (if named) shall attend the interview. Other representatives that may attend the interview include, but are not limited to, all members of the governing board, school leadership positions, and key personnel of identified school partners. The Commission limits the total number of interview participants to eight (8).
- f. The Commission shall assemble an interview panel that may include Commission staff, a Commission member, Review Committee members, and any other internal or external

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
APPLICATION REVIEW	2.100

individuals whose knowledge and expertise would assist the Commission in its decision to authorize the charter school.

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

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL RENEWAL & RENEWAL APPEALS	2.200

Pursuant to Tennessee Code Annotated (T.C.A.) section 49-13-121, a local board of education’s decision to deny the renewal application of a charter school may be appealed to the Tennessee Public Charter School Commission (“Commission”).

Purpose: The purpose of this policy is to set forth the process and criteria the Commission shall use when considering the appeal of a local board of education’s decision to deny the renewal of a charter agreement.

Policy Section

Appeals When the Local Board of Education Denies a Renewal Application

Appeals When the Local Board of Education Denies a Renewal Application

- a. Generally. Appeals may be submitted by the governing body of a charter school not authorized by the Commission. A governing body that wishes to appeal a local board of education’s decision to deny a renewal application must submit an appeal 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.

- b. Notice of Appeal. The governing body shall notify the Commission by email of the governing body’s decision to appeal the local board of education’s denial of the charter renewal application no later than ten (10) calendar days after the date of such denial. This notice of appeal must be received by the Commission by 11:59 p.m. Central Standard Time on the tenth (10th) day. In order to be considered a complete appeal, this notice of appeal shall contain the following information:
 - i. 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.

 - ii. 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.

 - iii. Brief statement, no longer than three (3) pages, including but not limited to why the local board of education’s denial of the charter school renewal application was contrary to the best interests of the pupils, school district, or community

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHARTER SCHOOL RENEWAL & RENEWAL APPEALS

2.200

based on the evidence and record of performance provided in the renewal application.

Commission staff shall confirm receipt of the appeal and the date of receipt. ~~Commission staff shall not accept an incomplete appeal or any additional documentation from the governing body beyond the contents of the notice of appeal.~~ 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 unless requested by the Commission staff. If the governing body indicates in the notice of appeal that one of the requirements listed in paragraphs (i)–(iii) above cannot be submitted, the governing body shall include an explanation in the notice of appeal. Commission staff may conditionally accept the appeal and collect additional information to determine whether the appeal may be accepted despite the governing body’s inability to submit one the requirements listed in paragraph (i)–(iii) above.

- c. Information from the Local Board of Education. Commission staff may gather additional information related to each renewal application received on appeal from the local board of education. This information may include, but is not limited to:
- i. A list of individual(s) that reviewed the renewal application.
 - ii. Copies of the minutes, notes and presentations, if such were prepared, from any review team meetings and local board of education work sessions and/or meetings in which the renewal application was discussed.
 - iii. Copies of any completed scoring sheets used to evaluate the renewal application. Copies of any reports or notes prepared for the local board of education by reviewers or other local board of education staff.
 - iv. Copies of the letters informing the governing body of the local board of education’s reasons for denying the renewal application.

The local board of education 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.

- d. Request for Additional Information. Commission staff may gather additional information related to each appealed application from the governing board, the local board of education, and/or 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.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL RENEWAL & RENEWAL APPEALS	2.200

- e. Interviews. The Commission staff shall interview the governing body of the charter school that has appealed a local district’s denial of its renewal application. The interview shall be held in accordance with Commission Policy 2.100, Application Review, provided that the focus of the interview shall 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.

- f. Public Hearing. The Commission shall hold a public hearing on the renewal application received on appeal no later than sixty (60) calendar days after receipt of the notice of appeal. The public hearing shall be held in accordance with Commission Policy 2.000, Charter School Appeals, provided, that any reference to “sponsor” shall be deemed to mean the governing body. The governing body’s presentation should focus on why the local board’s decision was contrary to the best interests of the students, school district, or community, and the public hearing shall be held in the school district where the charter school is located.

- g. Standard of Review.
 - i. The Commission staff and a charter renewal review committee (the “Renewal Review Committee”), as further described below, shall conduct a de novo, on the record review of the renewal record and provide recommendations to the Executive Director of the Commission.

 - ii. In order to overturn a local board of education’s denial of a renewal application, the Commission must find that the local board’s decision was contrary to best interests of the students, school district, or community based on the evidence and record of performance provided in the renewal record.

- h. Renewal Application Review Committee.
 - i. The Commission staff shall assemble a Renewal Review Committee comprised of a team of internal and external evaluators with relevant and diverse educational, organizational (governance and management), financial and legal expertise, as well as a thorough understanding of the essential principles of public charter school autonomy and accountability. The Commission shall provide training to the Renewal Review Committee members to ensure consistent standards and fair treatment of all renewal application reviews.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHARTER SCHOOL RENEWAL & RENEWAL APPEALS

2.200

- ii. The Renewal Review Committee shall review renewal applications received by the Commission on appeal.
 - iii. The Commission shall ensure that the renewal review process, Renewal Review Committee members, and decision-making processes are free of conflicts of interest, in accordance with Commission Policy 1.100, and shall require full disclosure of any potential or perceived conflicts of interest between Renewal Review Committee members and applicable charter schools.
 - iv. The Renewal Review Committee members shall provide evidence-based recommendations to the Commission staff that address established renewal criteria. The Executive Director of the Commission shall consider the recommendations of the Renewal Review Committee in his or her renewal recommendations to the Commission.
- i. Decision of Commission.
- i. Following the public hearing and the review of the renewal record as set forth in this policy, the Executive Director of the Commission shall provide a written recommendation to the Commission. The Executive Director of the Commission shall consider the recommendations of the Renewal Review Committee in his or her final renewal recommendations to the Commission. The recommendation of the Executive Director shall be discussed in a work session, if ruling at a regular meeting, or prior to the agenda item, if ruling at a special called meeting. The Commission shall meet and render a decision no later than sixty (60) days of receipt of the renewal application appeal. The Commission may:
 - 1. Affirm the decision of the local board of education, or
 - 2. If the Commission finds that the local board of education's decision was contrary to the best interests of the students, school district, or community, the Commission will approve the renewal application and the charter school shall continue to operate for the prescribed period of ten (10) academic years (subject to the right of the chartering authority to revoke the charter agreement during the renewal term) and the Commission shall be the authorizer, unless the local board of education and the charter school agree that the local board of education will oversee the charter school pursuant to T.C.A. § 49-13- 121.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL RENEWAL & RENEWAL APPEALS	2.200

The Commission's decision to deny a renewal application on appeal shall be final and no appeal shall be taken.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHARTER SCHOOL REVOCATION & REVOCATION APPEALS

2.300

Pursuant to T.C.A. § 49-13-122, a local board of education’s decision to revoke a charter agreement may be appealed to the Tennessee Public Charter School Commission (“Commission”) except when a charter school’s identification as a priority school is the local board of education’s reason for revocation of a charter agreement in accordance with § 49-13-122(a).

Purpose: The purpose of this policy is to set forth the process and criteria the Commission will use when considering the appeal of a local board of education’s decision to revoke a charter agreement.

Policy Section

Appealing a Local Board of Education’s Revocation Decision

Appealing a Local Board of Education’s Revocation Decision

- a. Generally. A governing body of a charter school may appeal a local board of education’s decision to revoke a charter agreement unless such decision is made pursuant to § 49-13-122(a). Such appeal must be submitted to the Commission no later than ten (10) calendar days after the date of the local board of education’s decision to revoke the charter agreement.
- b. Notice of Appeal. The governing body shall notify the Commission by email of the governing body’s decision to appeal the local board of education’s revocation of the charter agreement no later than ten (10) calendar days after the date of such revocation decision. This notice of appeal must be received by the Commission by 11:59 p.m. Central Standard Time on the tenth (10th) day. In order to be considered a complete appeal, this notice of appeal shall contain the following information:
 - i. Copy of the statement issued by the local district stating its reasons for revocation as required by § 49-13-122(d).
 - ii. Brief statement, no longer than three (3) pages, explaining why the local board of education erred in revoking the charter agreement under the Tennessee Public Charter Schools Act, § 49-13-122.

Commission staff will confirm receipt of the appeal and the date of receipt. ~~Commission staff will not accept an incomplete appeal or any additional documentation from the governing body beyond the contents of the notice of appeal.~~ 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 unless requested by the Commission staff. If the governing body indicates in the notice of appeal that one of the requirements listed in paragraphs (i)–(ii) above cannot be submitted, the governing body

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL REVOCATION & REVOCATION APPEALS	2.300

[shall include an explanation in the notice of appeal. Commission staff may conditionally accept the appeal and collect additional information to determine whether the appeal may be accepted despite the governing body's inability to submit one the requirements listed in paragraph \(i\)--\(ii\) above.](#)

- c. Information from the Local Board of Education. Commission staff may gather additional information related to the revocation decision from the local board of education. This information may include, but is not limited to:
- i. Copies of the approved charter school application and signed charter agreement between the governing body and the local board of education, including any exhibits to the charter agreement.
 - ii. Timeline of the approval of the original charter application and revocation decision.
 - iii. A copy of the record provided to the local board of education in advance of or at the board meeting where the revocation decision was made.
 - iv. Copies of all correspondence from the local board of education to the governing body regarding the status of the charter school.
 - v. Any investigative summaries or reports compiled by the local board of education's staff regarding the charter school.
 - vi. Any evidence supporting the local board of education's reasons for revocation.
 - vii. Copies of all reports, including annual reports, site visit reports, and interim reports from the local board of education to the governing body on the performance status of the charter school.
 - viii. Copies of all annual progress reports submitted by the governing body to the local board of education and Commissioner of Education in accordance with T.C.A. § 49-13-120.
 - ix. Copies of all annual financial audits submitted by the governing body to the local district, the Commissioner of Education, and the Comptroller of the Treasury in accordance with T.C.A. § 49-13-127.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL REVOCATION & REVOCATION APPEALS	2.300

The local board of education 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.

- d. Request for Additional Information. Commission staff may gather additional information related to a revocation appeal from the governing board, the local board of education, and/or 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.

- e. Public Hearing. The Commission shall hold a public hearing on the appeal of a local board of education's decision to revoke a charter agreement within sixty (60) calendar days of receipt of the notice of appeal. The public hearing shall be held in accordance with Policy 2.000, Charter School Appeals, provided, that (i) any reference to "sponsor" in Policy 2.000 shall be deemed to mean the governing body. The governing body's presentation should focus on why the local district's decision was contrary to T.C.A. § 49-13-122; (ii) any time periods set forth in this policy shall control; and (iii) the public hearing will be held in the school district where the charter school is located.

- f. Standard of Review. The Commission staff will conduct a de novo, on the record, review of the revocation decision, taking into account any additional information gathered during the public hearing and at the discretion of the Commission staff and will provide a recommendation to the Executive Director the Commission. In order to overturn a local board of education's decision to revoke a charter agreement, the Commission must find that such decision was contrary to the Tennessee Public Charter Schools Act, § 49-13-122.

- g. Decision. Following the public hearing and the review of the local board of education's decision to revoke the charter agreement as set forth in this policy, the Executive Director of the Commission will provide a written recommendation to the Commission. The Commission will consider the recommendation of the Executive Director when rendering a decision on the appeal, but the Commission is not bound by the recommendation. The Commission will meet and render a decision within sixty (60) days of receipt of the appeal. The Commission may:
 - i. Affirm the decision of the local board of education, or

 - ii. If the Commission overturns the decision of the local board of education, the charter school shall continue to operate and the local board of education will remain the authorizer.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CHARTER SCHOOL REVOCATION & REVOCATION APPEALS	2.300

The Commission's decision to sustain the revocation decision of a local board of education on appeal shall be final and no appeal shall be taken.