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Sequence Number: 02-03-20
Rule ID(s): 9303
File Date: 2/3/20
Effective Date: 9/3/20

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: State Board of Education
Division:
Contact Person: Angie Sanders
Address: 5th Floor, 500 James Robertson Parkway, Nashville, TN
Zip: 37243
Phone: 615-253-5707
Email: Angela.C.Sanders@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-14-01	Charter Schools
Rule Number	Rule Title
0520-14-01-.02	Appeals

Chapter 0520-14-01 Charter Schools is amended by changing the title of Rule 0520-14-01-.02 in the table of contents and revising the language in Rule 0520-14-01-.02 so that as amended, the revised Table of Contents and Rules shall read as follows:

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-01
CHARTER SCHOOLS**

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0520-14-01-.01	Approval of a Charter School	0520-14-01-.04	Enrollment
0520-14-01-.02	New Start, Renewal, and Revocation Appeals	0520-14-01-.05	Annual Authorizer Fee
0520-14-01-.03	Allocation of State and Local Funds	0520-14-01-.06	Amendments to the Charter Agreement

0520-14-01-.02 NEW START, RENEWAL, AND REVOCATION APPEALS.

(1) New Start Charter School Application Appeals.

(a) Pursuant to T.C.A. § 49-13-108(b)(4), 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 State Board of Education (State Board) within ten (10) calendar days after the local board of education's decision. The charter school sponsor shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board no later than 4:30 p.m. Central 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:

1. Copies of the initial and amended applications submitted to the local board of education;
2. 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;
3. Copies of the letters informing the charter school sponsor of the local board of education's reasons for denying the initial and amended applications;
4. 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, if applicable, any corrections to the application allowed under T.C.A. § 49-13-108(b)(4)(A)(iii) upon appeal to the State Board;
5. If applicable, a document outlining any proposed corrections allowed under T.C.A. § 49-13-108(b)(4)(A)(iii) made to the amended application upon appeal to the State Board. The charter school sponsor shall use the template provided by the State Board staff to submit any proposed corrections. Any proposed corrections to the charter school amended application, as permitted by T.C.A. § 49-13-108(b)(4)(A)(iii), must be made at the time of the appeal to the State Board. The State Board shall only accept corrections permitted by T.C.A. § 49-13-108(b)(4)(A)(iii). Corrections are changes that are minor in nature such as typographical, grammatical, or transposing. The State Board staff shall review all proposed corrections and notify the sponsor if the corrections will be accepted. If

the State Board staff does not accept a proposed correction, the State Board staff shall redact it from the amended application; and

6. 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.
- (b) State Board 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 State Board staff.
- (c) The State Board staff may request additional documentation from the charter school sponsor, the local board of education, and the Tennessee Department of Education.
- (d) The State Board shall conduct a de novo on the record review of the proposed charter school's amended application.
- (e) 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 State Board staff. The burden will be on the local board of education to prove that substantial negative fiscal impact does exist. The State Board will conduct a separate analysis for each application that was denied based upon substantial negative fiscal impact.
- (f) The State Board staff shall assemble a charter application review committee comprised of highly competent 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.
- (g) In reviewing the amended application, the State Board 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.
- (h) The State Board staff shall interview the governing board of each sponsor that has filed an appeal. The State Board staff shall assemble an interview panel that may include State Board staff, a State Board member, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the State Board in its decision.
- (i) 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).
- (j) All interview attendees (both on behalf of the charter school and State Board) shall attend the interview in-person. However, State Board staff may allow certain attendees to participate remotely in extraordinary circumstances.
- (k) Within sixty (60) calendar days after receipt of the notice of appeal or the making of a motion to review by the State Board and after reasonable public notice, the State Board shall hold a public hearing. The public hearing shall be attended by the State Board or its designated representative and shall occur in the LEA in which the proposed charter school submitted the charter school application.
- (l) Following the public hearing, the interview, and the review of the record including the amended application, the Executive Director of the State Board shall provide written findings and recommendations to the State Board. The State Board shall consider the findings and recommendations of the Executive Director when rendering a decision on the appeal, but the State Board is not bound by the recommendation.
- (m) Subsequently, but within sixty (60) calendar days after the State Board received the notice of appeal, the State Board shall meet to render a decision and shall forward its findings to

the local board of education.

1. If the application is for a charter school in an LEA that does not contain a priority school, and if the State Board finds that the local board's decision was contrary to the best interests of the students, LEA, or community, the State Board shall remand the decision to the local board of education with written instructions for approval of the charter school application. The grounds upon which the State Board based its decision must be stated in writing and specify the objective reasons for the decision. The State Board's decision is final and not subject to appeal. The local board of education shall be the authorizer of the charter school.
 2. If the application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the local board's decision was contrary to the best interests of the students, LEA, or community, the State Board may approve the application for the charter school and become the charter school's authorizer. The State Board's decision is final and not subject to appeal.
- (n) The State Board shall maintain annual membership in the National Association of Charter School Authorizers (NACSA) and adopt state quality charter authorizing standards based on national best practices.

(2) Charter School Renewal Application Appeals.

- (a) Pursuant to T.C.A. § 49-13-121(e), 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 State Board within ten (10) calendar days after the local board of education's decision to deny the renewal application. The governing body shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board no later than 4:30 p.m. Central 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:
1. Copies of the renewal application, which shall include, but not be limited to, the information set forth in T.C.A. § 49-13-121;
 2. 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
 3. 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.
- (b) State Board 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 State Board staff.
- (c) The State Board staff may request additional documentation from the charter school governing body, the local board of education, and the Tennessee Department of Education.
- (d) The State Board shall conduct a de novo on the record review of the local board of education's renewal decision.
- (e) The State Board staff shall assemble a review committee comprised of highly competent 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.

- (f) In reviewing the renewal application and renewal record, the State Board shall use a scoring rubric to evaluate the charter school's renewal application and renewal record.
- (g) The State Board staff shall interview the governing board of each charter school operator that has filed an appeal. The State Board staff shall assemble an interview panel that may include State Board staff, State Board members, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the State Board in its decision.
- (h) 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).
- (i) All interview attendees (both on behalf of the charter school and State Board) shall attend the interview in-person. However, State Board staff may allow certain attendees to participate remotely in extraordinary circumstances.
- (j) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable public notice, the State Board shall hold a public hearing, attended by the State Board or its designated representative, in the school district in which the charter school has been operating.
- (k) Following the public hearing, the interview, and the review of the renewal record including the renewal application, the Executive Director of the State Board shall provide written findings and recommendations to the State Board. The State Board shall consider the findings and recommendations of the Executive Director when rendering a decision on the appeal, but the State Board is not bound by the recommendation.
- (l) Subsequently, but within the sixty (60) calendar days after receipt of the notice of appeal, the State Board shall meet to render a decision and shall forward its findings to the local board of education.
 - 1. If the renewal application is for a charter school in an LEA that does not contain a priority school on the current or last preceding priority school list, and if the State Board finds that the chartering authority's decision was contrary to the best interests of the students, LEA, or community, the State Board shall remand the decision to the local board of education with written instructions for approval of the renewal application. The local board of education shall remain the authorizer.
 - 2. If the renewal application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the chartering authority's decision was contrary the best interests of the students, LEA, or community and approves the renewal application, the State Board shall be the authorizer, unless the LEA agrees to oversee and manage the charter school pursuant to T.C.A. § 49-13-142.
 - 3. A decision by the State Board to deny renewal of a charter agreement is final and not subject to appeal.
- (m) If the governing body of a charter school authorized by the State Board submits its renewal application to the State Board pursuant to T.C.A. § 49-13-121 then the decision of the State Board on the renewal application is final and may not be appealed again to the State Board.

(3) Charter School Revocation Appeals.

- (a) Pursuant to T.C.A. § 49-13-122(f), 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 State Board within ten (10) calendar days after 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 shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board no later than 4:30 p.m. Central 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:

1. 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
 2. 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.
- (b) State Board 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 State Board staff.
- (c) The State Board staff may request additional documentation from the charter school governing body, the local board of education, and the Tennessee Department of Education.
- (d) The State Board shall conduct a de novo on the record review of the local board of education's revocation decision.
- (e) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable public notice, the State Board shall hold a public hearing, attended by the State Board or its designated representative, 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.
- (f) Subsequently, but within sixty (60) calendar days after receipt of the notice of appeal, the State Board shall meet to render a decision and shall forward its findings to the local board of education.
1. If the State Board 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 State Board shall remand the decision to the local board of education and the local board of education shall remain the authorizer. The decision of the State Board is final and not subject to appeal.

Authority: T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, 49-13-121, 49-13-122, 49-13-126, and Public Chapter 219(2019). **Administrative History:** Original rules filed March 31, 2003; effective July 29, 2003. Amendment filed December 28, 2005; effective April 28, 2006. Amendment filed January 12, 2015; effective April 12, 2015.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nick Darnell	X				
Mike Edwards	X				
Bob Eby	X				
Gordon Ferguson	X				
Elissa Kim	X				
Lillian Hartgrove				X	
Wendy Tucker	X				
Darrell Cobbins	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 07/26/2019 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.



Date: 12/19/19

Signature: [Handwritten Signature]

Name of Officer: Angie Sanders

Title of Officer: General Counsel

Subscribed and sworn to before me on: 12-19-19

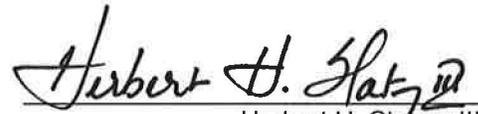
Notary Public Signature: [Handwritten Signature]

My commission expires on: 3-8-21

Agency/Board/Commission: TN State Board of Education

Rule Chapter Number(s): 0520-14-01-.02

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter
1/16/2020
Date

Department of State Use Only

Filed with the Department of State on: 2/3/20

Effective on: 5/3/20


Tre Hargett
Secretary of State

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PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small business.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

State Board Rule 0520-14-01-.02 Appeals sets forth the process for submitting an appeal of the denial of a charter school application by the local board of education to the State Board. These revisions propose to move information from State Board policy into rule regarding the charter school appeal process for new start appeals, revocation appeals and renewal appeals. Additional clarification was also added to the rule as a result of feedback from applicants and local districts after the State Board’s new start appeal process this year and changes necessitated by updates to law contained in Public Chapter 219 passed during the 111th General Assembly.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 219 of the Public Acts of 2019 made comprehensive changes to Title 49, Chapter 13 governing charter schools in Tennessee.

T.C.A. § 49-13-126 authorizes the State Board of Education to promulgate rules for the administration of Title 49, Chapter 13 governing public charter schools in Tennessee.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Department of Education and State Board of Education are directly affected by this rule and both urge adoption. Local Education Agencies and Tennessee public charter schools are also directly affected by this rule. No LEAs or charter schools have contacted the State Board to urge adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency’s annual budget or five hundred thousand dollars (\$500,000), whichever is less;

N/A

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders
Angela.C.Sanders@tn.gov

Nathan James
Nathan.James@tn.gov

Elizabeth Fiveash
Elizabeth.Fiveash@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders
Angela.C.Sanders@tn.gov

Nathan James
Nathan.James@tn.gov

Elizabeth Fiveash
Elizabeth.Fiveash@tn.gov

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders
500 James Robertson Parkway, 5th Floor
Nashville, TN 27243
(615) 253-5707
Angela.C.Sanders@tn.gov

Nathan James
500 James Robertson Parkway, 5th Floor
Nashville, TN 27243
(615) 532-3528
Nathan.James@tn.gov

Elizabeth Fiveash
710 James Robertson Parkway, 9th Floor
Nashville, TN 27243
(615) 253-1960
Elizabeth.Fiveash@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

RULES
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THE STATE BOARD OF EDUCATION

CHAPTER 0520-14-01
CHARTER SCHOOLS

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0520-14-01-02 NEW START, RENEWAL, AND REVOCATION APPEALS.

(a)(1) New Start Charter School Application Appeals.

(a) Pursuant to T.C.A. § 49-13-108(b)(4), the charter applicant school sponsor may appeal a decision by the chartering authority/local board of education to deny an amended application for a newly created public school to the State Board of Education (State Board) within ten (10) calendar days after the local board of education's decision. The charter applicant school sponsor shall forward the submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board no later than 4:30 p.m. Central 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:

1. Copies of the initial and amended applications submitted to the local board of education;
2. A summary of the application to the Executive Director of the State Board of Education 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;
3. Copies of the letters informing the charter school sponsor of the local board of education's reasons for denying the initial and amended applications;
4. 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, if applicable, any corrections to the application allowed under T.C.A. § 49-13-108(b)(4)(A)(iii) upon appeal to the State Board;
5. If applicable, a document outlining any proposed corrections allowed under T.C.A. § 49-13-108(b)(4)(A)(iii) made to the amended application upon appeal to the State Board. The State Board of Education charter school sponsor shall use the template provided by the State Board staff to submit any proposed corrections. Any proposed corrections to the charter school amended application, as permitted by T.C.A. § 49-13-108(b)(4)(A)(iii), must be made at the time of the appeal to the State Board. The State Board shall only accept corrections permitted by T.C.A. § 49-13-108(b)(4)(A)(iii). Corrections are changes that are minor in nature such as typographical, grammatical, or transposing. The State Board staff shall review all proposed corrections and notify the sponsor if the corrections will be accepted. If the State Board staff does not accept a proposed correction, the State Board staff shall redact it from the amended application, and

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6. 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.
- (b) State Board 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 State Board staff.
- (c) The State Board staff may request additional documentation from the charter applicant and the chartering authority school sponsor, the local board of education, and the Tennessee Department of Education.
- (d) Any corrections to The State Board shall conduct a de novo on the record review of the proposed charter school's amended application.
- (e) 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 permitted requested by T.C.A. § 49-13-108(a)(3)(C). must the State Board staff. The burden will be made and submitted on the local board of education to prove that substantial negative fiscal impact does exist. The State Board will conduct a separate analysis for each application that was denied based upon appeal to the State Board of Education substantial negative fiscal impact.
- (f) The State Board staff shall assemble a charter application review committee comprised of highly competent 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.
- (g) In reviewing the amended application, the State Board of Education shall use the sample scoring criteria provided by the Commissioner of Education to and available on the local boards Tennessee Department of education. In reviewing Education's website to evaluate the amended charter application, the
- (2)(h) The State Board of Education staff shall interview the governing board of each sponsor that has filed an appeal. The State Board staff shall assemble an interview panel that may include State Board staff, a State Board member, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the State Board in its decision of the local board of education.
- (i) If The officers of the Local Education Agency's (LEA) denial is based on substantial negative fiscal impact, governing board and the State Board of Education school leader (if named) shall consider attend the financial impact interview, and the total participants from the sponsor shall be limited to eight (8).
- (3)(j) All interview attendees (both on behalf of the charter on the LEA school and State Board) shall attend the interview in-person. However, State Board staff may allow certain attendees to participate remotely in extraordinary circumstances.
- (4)(k) Within sixty (60) calendar days after receipt of the notice of appeal or the making of a motion to review by the State Board and after reasonable public notice, the State Board of Education shall hold a public hearing. The public hearing shall be attended by the State Board or its designated representative, and shall occur in the school district LEA in which the proposed charter school has applied for a charter. Subsequently, but within submitted the sixty (60) days, the State Board of Education shall review the decision of the local board and shall forward its findings to the local board of education charter school application.

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(e) The State Board of Education shall conduct a de novo on the record review of the proposed charter school's application.

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

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

(a)1. If the application is for a charter school in an LEA that does not contain a priority school, and if the State Board finds that the local board's decision was contrary to the best interests of the students, school district, LEA, or community, the State Board of Education shall remand such the decision to the local board of education with written instructions for approval of the charter school application. The grounds upon which the State Board based its decision must be stated in writing and specify the objective reasons for the decision. The State Board's decision is final and not subject to appeal. The local board of education shall be the authorizer of the charter school.

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(b)2. If the application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the local board's decision was contrary to the best interests of the students, school district, LEA, or community, the State Board of Education may approve the application for the charter school and become the charter school's authorizer. The State Board's decision is final and not subject to appeal.

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(6)(n) The State Board shall maintain annual membership in the National Association of Charter School Authorizers (NACSA) and adopt national state quality charter authorizing standards based on national best practices.

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(2) Charter School Renewal Application Appeals.

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(a) Pursuant to T.C.A. § 49-13-121(e), 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 State Board within ten (10) calendar days after the local board of education's decision to deny the renewal application. The governing body shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board no later than 4:30 p.m. Central 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:

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

2. 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

3. 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.

- (b) State Board 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 State Board staff.
- (c) The State Board staff may request additional documentation from the charter school governing body, the local board of education, and the Tennessee Department of Education.
- (d) The State Board shall conduct a de novo on the record review of the local board of education's renewal decision.
- (e) The State Board staff shall assemble a review committee comprised of highly competent 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.
- (f) In reviewing the renewal application and renewal record, the State Board shall use a scoring rubric to evaluate the charter school's renewal application and renewal record.
- (g) The State Board staff shall interview the governing board of each charter school operator that has filed an appeal. The State Board staff shall assemble an interview panel that may include State Board staff, State Board members, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the State Board in its decision.
- (h) 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).
- (i) All interview attendees (both on behalf of the charter school and State Board) shall attend the interview in-person. However, State Board staff may allow certain attendees to participate remotely in extraordinary circumstances.
- (j) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable public notice, the State Board shall hold a public hearing, attended by the State Board or its designated representative, in the school district in which the charter school has been operating.
- (k) Following the public hearing, the interview, and the review of the renewal record including the renewal application, the Executive Director of the State Board shall provide written findings and recommendations to the State Board. The State Board shall consider the findings and recommendations of the Executive Director when rendering a decision on the appeal, but the State Board is not bound by the recommendation.
- (l) Subsequently, but within the sixty (60) calendar days after receipt of the notice of appeal, the State Board shall meet to render a decision and shall forward its findings to the local board of education.
 1. If the renewal application is for a charter school in an LEA that does not contain a priority school on the current or last preceding priority school list, and if the State Board finds that the chartering authority's decision was contrary to the best interests of the students, LEA, or community, the State Board shall remand the decision to the local board of education with written instructions for approval of the renewal application. The local board of education shall remain the authorizer.
 2. If the renewal application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State

Board finds that the chartering authority's decision was contrary the best interests of the students, LEA, or community and approves the renewal application, the State Board shall be the authorizer, unless the LEA agrees to oversee and manage the charter school pursuant to T.C.A. § 49-13-142.

3. A decision by the State Board to deny renewal of a charter agreement is final and not subject to appeal.

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

(3) Charter School Revocation Appeals.

(a) Pursuant to T.C.A. § 49-13-122(f), 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 State Board within ten (10) calendar days after 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 shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board no later than 4:30 p.m., Central 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:

1. 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

2. 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.

(b) State Board 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 State Board staff.

(c) The State Board staff may request additional documentation from the charter school governing body, the local board of education, and the Tennessee Department of Education.

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

(e) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable public notice, the State Board shall hold a public hearing, attended by the State Board or its designated representative, 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.

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

1. If the State Board 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 State Board shall remand the decision to the

- local board of education and the local board of education shall remain the authorizer. The decision of the State Board is final and not subject to appeal.

Authority: T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, 49-13-121, 49-13-122, 49-13-126, and Public Chapter 850 (2014/219/2019). **Administrative History:** Original rules filed March 31, 2003; effective July 29, 2003. **Amendment** filed December 28, 2005; effective April 28, 2006. Amendment filed January 12, 2015; effective April 12, 2015.

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