
Charter School Appeals, Policy and Rule

The Background:

Pursuant to Public Chapter 850 (2014), the State Board of Education has become an appellate authorizer for charter schools who make application in an LEA that contains a priority school. This item changes State Board rules and policy regarding charter school appeals to reflect the changes in the law.

The Recommendation:

SBE staff recommends acceptance of this item on first reading.

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APPEALS.

- (1) Appeals.
The charter applicant may appeal a decision by the chartering authority to deny an amended application for a newly created public school to the state board of education within ten (10) days. The charter applicant shall forward the amended application to the executive director of the state board of education. The state board of education may request additional documentation from the charter applicant and the chartering authority.

Any corrections to the application, as permitted by T.C.A. § 49-13-108(a)(3)(C), must be made and submitted upon appeal to the state board of education.
- (2) In reviewing the amended application, the state board of education shall use the sample scoring criteria provided by the commissioner of education to the local boards of education. In reviewing the amended application, the state board of education shall review the decision of the local board of education.
- (3) If the LEA's denial is based on substantial negative fiscal impact, the state board shall consider the financial impact of the charter on the LEA.
- (4) Within sixty (60) 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, attended by the board or its designated representative, in the school district in which the proposed charter school has applied for a charter. Subsequently, but within 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.
- (5) The state board shall conduct a de novo on the record review of the proposed charter school's application.
 - (a) 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, or community, the state board shall remand such decision to the local board of education with written instructions for approval of the charter.

- (b) 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, or community, the state board may approve the application for the charter school and become the charter school's authorizer.
- (6) The state board shall maintain annual membership in the National Association of Charter School Authorizers (NACSA) and adopt national authorizing standards.