

TENNESSEE STATE BOARD OF EDUCATION

CHARTER SCHOOL RENEWAL

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Pursuant to Tennessee Code Annotated (T.C.A.) section 49-13-121, an LEA's decision to deny the renewal application of a charter school may be appealed to the State Board. Furthermore, when the State Board is the chartering authority, a charter school may submit its renewal application to either the State Board or the applicable LEA.

Purpose: The purpose of this policy is to set forth the process and criteria the State Board will use when considering the appeal of an LEA's decision to deny the renewal of a charter agreement when the LEA is the chartering authority and when the governing body of a charter school authorized by the State Board applies for renewal directly to the local district, pursuant to T.C.A. § 49-13-121(b). This policy also sets forth the process and criteria the State Board will use when considering a renewal application received directly from a charter school where the State Board serves as the chartering authority.

Policy Sections

1. Appeals
2. State Board as Chartering Authority
3. Renewal Application Review Committee
4. Decision of State Board
5. Renewal Charter Agreement

1. Appeals

- a. Generally. A governing body that wishes to appeal an LEA's decision to deny a renewal application must submit an appeal to the State Board within ten (10) calendar days of the LEA's decision to deny the renewal application.
- b. Notice of Appeal. The governing body shall notify the General Counsel of the State Board by email of the governing body's decision to appeal the LEA's denial of the charter renewal application within ten (10) calendar days of such denial. This notice of appeal must be received by the General Counsel of the State Board by 4:30 p.m. Central 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.
 - ii. Summary of the renewal application timeline including the date that the renewal application was originally submitted to the LEA, the date the renewal application was denied by the LEA, and any other dates relevant to the LEA's consideration of the renewal application.
 - iii. Brief statement, no longer than three (3) pages, explaining why the LEA's denial of the charter school renewal application was contrary to the best interests of the

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pupils, school district, or community based on the evidence and record of performance provided in the renewal application.

- c. Additional Information. State Board staff will gather information related to each renewal application received on appeal from the governing body, the LEA, or the Tennessee Department of Education. This information may include:
- i. A list of individual(s) that reviewed the renewal application.
 - ii. Copies of the minutes and/or notes, if such were prepared, from any review team meetings and LEA work sessions and meetings in which the renewal application was discussed.
 - iii. Copies of the completed scoring sheets used to evaluate the renewal application. Copies of any reports or notes prepared for the LEA by reviewers or other LEA staff.
 - iv. Copies of the letters informing the governing body of the LEA's reasons for denying the renewal application.

The governing body, the LEA, and/or the Tennessee Department of Education shall comply with such document request and provide any applicable documents to the State Board staff within five (5) business days of receipt of the document request.

- d. Interviews. The State Board shall interview the governing body of the charter school that has appealed an LEA's denial of its renewal application. The interview shall be held in accordance with Section 3 of State Board Policy 6.300, Application Review, provided that 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.
- e. Public Hearing. The State Board shall hold a public hearing on the renewal application received on appeal within sixty (60) calendar days after receipt of the notice of appeal. The public hearing shall be held in accordance with Section 5 of State Board Policy 2.500, Charter School Appeals, provided, that any reference to "sponsor" in State Board Policy 2.500, Section 5 shall be deemed to mean the governing body, and the public hearing will be held in the school district where the charter school is located.
- f. Standard of Review.
- i. The State Board staff and a charter renewal review committee (the "Renewal Review Committee"), as further described below, will conduct a de novo, on the

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record review of the renewal application and provide recommendations to the Executive Director of the State Board.

- ii. In order to overturn an LEA's denial of a renewal application, the State Board must find that the local board's decision was contrary to the best interests of the pupils, school district, or community based on the evidence and record of performance provided in the renewal application.

2. State Board as Chartering Authority.

- a. Generally. When the State Board is the chartering authority, the governing body of a charter school shall submit a renewal application to the State Board or the LEA in which the school is located no later than April 1 of the year prior to the year in which the charter expires. If the State Board receives a renewal application as the chartering authority pursuant to T.C.A. § 49-13-121, the State Board shall decide whether to approve or deny the renewal application on or before February 1 of the following year. Pursuant to T.C.A. § 49-13-122, if a charter school receives identification as a priority school, as defined by the state's accountability system in T.C.A. § 49-1-602 for 2017 or any year thereafter, no renewal shall be granted, unless an exception is provided under T.C.A. § 49-13-122.

- b. Renewal Application.

- i. Any school that seeks renewal from the State Board as its chartering authority pursuant to T.C.A. § 49-13-121, shall submit a renewal application in accordance with T.C.A. § 49-13-121 and any charter renewal guidance issued by the State Board or the Department of Education. The guidance will also include the standards and criteria that will guide the State Board's renewal decisions. A school may choose not to submit a renewal application to either the State Board or the LEA in which the school is located, in which case the charter school will close at the end of its current charter term.
- ii. The deadline for the submission of all renewal applications is no later than April 1 of the year prior to the year in which the charter expires.
- iii. The renewal application will provide a school with the opportunity to make a clear and compelling case for renewal, respond to its cumulative performance report, and to submit any corrections or clarifications for the report. The renewal application will require a charter school to present evidence supporting its case for charter renewal that is aligned with the State Board's renewal standards and the charter school's performance standards in its charter agreement, as well as any additional evidence and improvements undertaken during the charter term.

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The renewal application will also require each charter school to present its plans for the next charter term.

c. Renewal Criteria

- i. The State Board will adopt, publicize, and use clear and rigorous standards that establish the expectations for academic, organizational, and financial performance necessary to earn renewal of a charter where it serves as the chartering authority.
- ii. The State Board will execute charter agreements with its charter schools, pursuant to State Board Policy 6.400, that establish the performance standards under which schools will be evaluated so that all stakeholders are aware from the outset what a charter school must accomplish in order to meet performance expectations set forth in the charter agreement.
- iii. The State Board will ensure that renewal decisions are based on demonstrable merit and grant renewal only to charter schools that have sufficiently met the State Board's high standards, sufficiently achieved the targets stated in the charter agreement, are organizationally and fiscally viable, have been faithful to the terms of their charter agreement and applicable law, and present sound academic, financial, and organizational plans for the next charter term.
- iv. The State Board will not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.
- v. Ongoing monitoring, data collection, and reporting requirements will be aligned with the State Board's renewal standards and criteria.

d. Renewal Cumulative Performance Report.

- i. Pursuant to T.C.A. § 49-13-121, the State Board shall develop a cumulative performance report for all charter schools where it serves as the chartering authority whose agreement will expire the following year.
- ii. The performance report will summarize the charter school's performance record to date over the charter term based on the data required by law, the State Board, and the charter agreement. The report will include the State Board's summative findings concerning the charter school's performance against the State Board's renewal standards and criteria. It will describe the charter school's prospects for renewal at the time of the report and include notice of any weaknesses or concerns perceived by the State Board concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified.

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- e. Renewal Application Evaluation.
 - i. The State Board will conduct a renewal evaluation site visit to each charter school that submits a charter renewal application to the State Board as the chartering authority. The site visit will take place after the State Board receives a charter school's renewal application and before any preliminary renewal recommendation is issued. The renewal site visit will be used to evaluate the school's academic program, organizational and fiscal soundness, and plans for the next charter term. The State Board shall interview the governing body of the charter school in accordance with Section 1(d) of this policy. This interview may take place in conjunction with the renewal evaluation site visit.
 - ii. The Executive Director of the State Board will issue a preliminary renewal recommendation prior to the public hearing.
 - iii. A public hearing will be held in accordance with Section 1(e) of this policy, except that such hearing shall be held within ninety (90) calendar days of the State Board's receipt of the renewal application. Further, the Executive Director or a State Board staff member (the "Hearing Officer") shall preside at the hearing, and a State Board staff member shall summarize the State Board's preliminary renewal recommendation. The governing body or its designated representative shall have twenty (20) minutes to address the preliminary renewal recommendation at the public hearing.

3. Renewal Application Review Committee.

- a. The State Board staff will assemble a renewal application review committee ("Renewal Review Committee") comprised of highly competent 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 school autonomy and accountability. The State Board will provide training to the Renewal Review Committee members to ensure consistent standards and fair treatment of all renewal application reviews.
- b. The Renewal Review Committee will review both renewal applications received by the State Board on appeal as well as the renewal applications received directly by the State Board as the chartering authority.
- c. The State Board will ensure that the renewal review process, Renewal Review Committee members, and decision-making processes are free of conflicts of interest, in accordance

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with State Board Policy 6.600, and will require full disclosure of any potential or perceived conflicts of interest between Renewal Review Committee members and applicable charter schools.

- d. The Renewal Review Committee members will provide evidence-based recommendations to the State Board staff that address established renewal criteria. The Executive Director of the State Board will consider the recommendations of the Renewal Review Committee in his or her renewal recommendations to the State Board.

4. Decision of State Board.

- a. Appeals of LEA Decision. Following the public hearing and the review of the renewal application as set forth in this policy, the Executive Director of the State Board will provide a written recommendation to the State Board. The recommendation of the Executive Director will 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 State Board will meet and render a decision within sixty (60) days of receipt of the renewal application appeal. The State Board may:
 - i. Affirm the decision of the local board of education, or
 - ii. 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 directs the chartering authority to approve the renewal of the charter agreement, the charter school shall continue to operate for the prescribed period of ten (10) academic years. The LEA will remain the chartering authority.
 - iii. 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 approves the renewal of the charter agreement, the charter school shall continue to operate for the prescribed period of ten (10) academic years and the State Board shall be the chartering authority, unless the LEA agrees to oversee and manage the charter school pursuant to T.C.A. § 49-13-142.
 - iv. If the renewal application is for a charter school authorized by the State Board and the governing body applied for renewal directly to the local district pursuant to T.C.A. § 49-13-121(b), and if the State Board approves the renewal of the charter agreement, the charter school shall continue to operate for the prescribed period of ten (10) academic years, and the State Board shall continue to be the chartering authority.

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

- b. State Board as Chartering Authority. Following the public hearing and the review of the renewal application as set forth in this policy, the Executive Director of the State Board will provide a final recommendation to the State Board. The State Board will meet and render a decision on or before February 1 of the year following submission of the charter renewal application. If the State Board grants the renewal application, the school shall continue to operate for the prescribed period of ten (10) academic years, and the State Board shall continue to be the chartering authority. The State Board's decision on a renewal application is final and may not be appealed.
5. **Renewal Charter Agreement.** For all charter schools where the State Board serves or will serve as the chartering authority, the State Board's approval of a charter school's renewal application is separate and distinct from the State Board's approval of its renewal charter agreement and a school's right to remain open. Once a renewal application is approved by the State Board, the State Board will negotiate a renewal charter agreement with the school's governing body that must be signed by both parties and submitted to the State Board for approval.