

**RULES
OF
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.

(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. 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. 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 of 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. 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 of the local board of education's decision to revoke, except that a revocation based on violations in T.C.A. § 49-13-122(a) are not appealable. The governing body 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. 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.