

TENNESSEE STATE BOARD OF EDUCATION

QUALITY CHARTER AUTHORIZING STANDARDS

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POLICY SECTIONS

- I. Purpose
- II. Quality Charter Authorizing Principles
- III. Quality Charter Authorizing Standards

I. Purpose

These quality charter authorizing standards are adopted pursuant to the Tennessee High Quality Charter Schools Act.¹ Passed in 2017, this Act amended T.C.A. § 49-13-108 to require authorizers² to adopt policies and practices for quality charter school authorizing standards as approved by the State Board of Education. These authorizing standards consist of the principles and standards outlined below and are based on the National Association of Charter School Authorizers' Principles and Standards for Quality Charter School Authorizing. The principles represent the overarching values and essential practices that should guide authorizers in all aspects of their work.

Authorizers shall provide annual assurance of their adoption of these quality charter authorizing standards (inclusive of the principles and standards outlined below) as part of their submission of the annual authorizing report to the State Board of Education and Department of Education as required by T.C.A. § 49-13-120 and shall be periodically evaluated on these standards by the State Board of Education as part of the authorizer evaluation set forth in State Board Authorizer Evaluation Policy 6.113 and State Board Authorizer Evaluation Rule 0520-14-01-.08.

II. Quality Charter Authorizing Principles

Principle 1. Maintain High Standards

A quality authorizer:

- a. Sets high but attainable standards for approving charter applicants.
- b. Maintains high standards for the schools it oversees.
- c. Effectively cultivates quality charter schools that meet identified educational and community needs.

¹ Public Acts of 2017, Chapter No. 307

² In accordance with T.C.A. 49-13-107, an "authorizer" means a local board of education, the Tennessee public charter school commission, or the achievement school district as defined in [§ 49-1-614](#), that makes decisions regarding approval, renewal, and revocation of a public charter school application or agreement.

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- d. Oversees charter schools that, over time, meet the performance standards and targets on a range of measures and metrics set forth in their charter agreement.
- e. Closes schools that fail to meet standards and targets set forth in law and by the charter agreement, in accordance with state law.

Principle 2. Uphold School Autonomy

A quality authorizer:

- a. Honors and preserves core autonomies crucial to school success including:
 - i. Governing board independence from the authorizer;
 - ii. Personnel;
 - iii. School vision and culture;
 - iv. Instructional programming, design, and use of time; and
 - v. Budgeting.
- b. Does not assume direct responsibility for the success or failure of individual schools but holds schools accountable for their performance.
- c. Actively seeks to minimize administrative burdens on schools whenever possible.
- d. Focuses on holding schools accountable for outcomes rather than processes.

Principle 3. Protect Student and Public Interests

A quality authorizer:

- a. Makes the well-being and interests of students the fundamental value informing all the authorizer's actions and decisions.
- b. Holds schools accountable for fulfilling fundamental public education obligations to all students, which includes providing:
 - i. Nonselective, nondiscriminatory access to all eligible students;
 - ii. Fair treatment in admissions and disciplinary actions for all students; and
 - iii. Appropriate services for all students, including those with disabilities and English learners, in accordance with applicable law.
- c. Holds schools accountable for fulfilling fundamental obligations to the public, which includes providing:
 - i. Sound governance, management, and stewardship of public funds; and
 - ii. Public information and operational transparency in accordance with law.
- d. Ensures in its own work:
 - i. Ethical conduct;

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- ii. Focus on the mission of chartering high-quality schools;
 - iii. Clarity, consistency, and public transparency in authorizing policies, practices, and decisions;
 - iv. Effective and efficient public stewardship; and
 - v. Compliance with applicable laws and regulations.
- e. Supports parents and students in being informed about the quality of education provided by charter schools.

III. Quality Charter Authorizing Standards

Standard 1. Agency Commitment and Capacity

A quality authorizer engages in chartering as a means to foster excellent schools that meet student needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.

a. Planning and commitment to excellence.

A quality authorizer:

- i. Ensures that the authorizer’s local board of education or authorizing board, leadership, and staff understand and are committed to these quality charter authorizing principles and standards.
- ii. Defines external relationships and lines of authority to protect its authorizing functions from conflicts of interest and political influence.
- iii. States a clear mission for quality authorizing and develops goals and timely plans for improvement in response to regular evaluation of its work against national and state authorizing standards.
- iv. Implements policies, processes, and practices that streamline and systematize its work toward stated goals and executes its duties efficiently.
- v. Makes authorizing decisions that are likely to result in positive student outcomes, in accordance with state law.

b. Human resources.

A quality authorizer:

- i. Through intra- or inter-agency collaborations, contractual relationships and/or staff, enlists competent staff with relevant expertise for all areas essential to charter school oversight—including, but not limited to, education leadership; instruction and assessment; local community needs; special education, English learners, and other diverse learning needs; performance management and accountability; law; finance; facilities; and nonprofit governance and management.

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- ii. Demonstrates an on-going commitment to developing and retaining authorizing staff members and provides regular professional development for the agency's local board of education or authorizing board, leadership, and staff to achieve and maintain high standards of professional authorizing practice and to enable continual agency improvement.
 - iii. Ensures authorizing is visible and the people responsible for day-to-day authorizing functions have clear opportunities to provide input with decision-makers.
- c. Financial resources.

A quality authorizer:

- i. Determines the financial needs of the authorizing office and devotes financial resources to fulfill its authorizing responsibilities in accordance with national and state standards, commensurate with the scale of the charter school portfolio, and in accordance with Tennessee law, including all relevant requirements for use of the authorizer fee.
- ii. Structures its funding in a manner that avoids conflicts of interest, inducements, incentives, or disincentives that might compromise its judgment in charter approval and accountability decision making.
- iii. Deploys funds effectively, transparently, and efficiently with the public and student interests in mind.
- iv. Annually reports the authorizing obligations fulfilled using the authorizer fee in accordance with state law.

Standard 2. Application Process and Decision Making

A quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school.

- a. Proposal information, questions, and guidance.

A quality authorizer:

- i. Develops and publicly issues a charter application information packet or request for proposals (RFP) that:
 - a) States the authorizer's mission and any chartering priorities the authorizer may have established;
 - b) Provides the state's required comprehensive application and rubric to elicit the information needed for rigorous evaluation of applicants' plans and capacities; and communicates clear guidance, requirements, and timelines with prospective operators regarding the application process while explaining evaluation criteria.

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b. Fair, transparent, quality-focused procedures.

A quality authorizer:

- i. Implements a charter application process that is defined in policy, is open, well-publicized, and transparent, and is organized around clear, realistic timelines. Allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity and explains how each stage of the application process is conducted and evaluated.
- ii. Engages, for both written application reviews and applicant interviews, highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, as well as thorough understanding of the essential principles of charter school autonomy and accountability.
- iii. Provides orientation or training to application evaluators (including interviewers) to ensure consistent evaluation of standards, practices, and the fair and unbiased treatment of all applicants.

c. Rigorous approval criteria.

A quality authorizer:

- i. Utilizes the state's required application and rubric which:
 - a) Requires all applicants to present a clear and compelling mission, a quality educational program, a demonstration of community support, a solvent and sustainable budget and contingency financial plans, a clear demonstration of the effectiveness of the model for the target student population and students with diverse needs, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities in all phases of the school's development;
 - b) Establishes distinct requirements and criteria for applicants who are existing school operators or replicators including:
 1. Clear evidence of their capacity to operate new schools successfully while maintaining quality in existing schools;
 2. Documentation of their educational, organizational, and financial performance records based on all existing schools;
 3. Explanation for any never-opened, closed, revoked, or non-renewed schools (including closed, revoked or non-renewed third-party contracts to operate schools);
 4. Presentation of their growth plan, business plan, and most recent financial audits;
 5. Evidence of meeting high standards of academic, organizational, and financial success to earn approval for replication; and
 6. Document any current or past litigation and the resolution of such litigation.

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- c) Establishes distinct requirements and criteria for applicants proposing to contract with educational service providers (ESPs), including charter management organizations by requiring applicants to provide:
 - 1. Evidence of the service provider’s educational and management success;
 - 2. A description of the process for selecting the ESP;
 - 3. A draft (or existing) service/management contract that sets forth proposed key terms, including roles and responsibilities of the school governing board, the school staff, and the service provider; the services and resources to be provided; performance-evaluation measures and mechanisms; detailed explanation of compensation to be paid to the provider; financial controls and oversight; investment disclosure; methods of contract oversight and enforcement; and conditions for contract renewal and termination; and
 - 4. Disclosure and explanation of any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities.
- d) Considers diverse educational philosophies and approaches.
- e) Requires applicants to demonstrate capacity to serve students with diverse needs, such as students with disabilities or learning exceptionalities and English learners.
- ii. Requires all applicants to participate in a capacity interview to elicit evidence-based explanations which allow the applicant to demonstrate clear evidence of capacity to execute its plan successfully.
- d. Rigorous decision making.

A quality authorizer:

 - i. Grants charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of their particular charter school model, consistent with the stated approval criteria.
 - ii. Rigorously evaluates each application through thorough review of the written proposal, a substantive in-person interview with each qualified applicant, and all appropriate due diligence to examine the applicant’s experience and capacity.
 - iii. Ensures that the application-review process and decision making are free of conflicts of interest and requires full disclosure of any potential or perceived conflicts of interest between applicants, the reviewers, and the decision makers.
 - iv. Promptly notifies applicants of its application recommendation and decision, explaining in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer’s decision and including written explanation of the evidence-based factors that determined the decision so that applicants can decide if they wish to revise their plans based in part on that information and resubmit in the future.

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- v. Does not make application decisions on the basis of political or community pressure.

Standard 3. Performance Contracting

A quality authorizer executes a charter agreement with charter schools that articulates the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The charter agreement is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.

a. Charter agreement negotiation, and execution.

A quality authorizer:

- i. Executes a charter agreement with a legally incorporated governing board independent of the authorizer.
- ii. Ensures mutual understanding and acceptance of the terms of the charter agreement by the school's governing board.

b. Terms, rights and responsibilities.

A quality authorizer:

- i. Grants charter agreements for an initial term of ten operating years with the authorizer conducting a high-stakes review every five years and producing annual performance reports.
- ii. Explicitly defines material and non-material terms of the charter agreement.
- iii. Allows—and requires charter agreement amendments for—occasional material changes to a school's plans, but does not require a formal amendment process for modifications to non-material terms of the charter agreement.
- iv. Executes charter agreements that clearly:
 - a) State the rights and responsibilities of the school and the authorizer;
 - b) State and respect the autonomies to which schools are entitled—based on statute, waiver, or authorizer policy—including those relating to the school's authority over educational programming, staffing, budgeting, and scheduling;
 - c) Define performance standards, criteria, and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions;
 - d) State the statutory, regulatory, and procedural terms and conditions for the school's operation;
 - e) State reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly;

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- f) State the responsibility and commitment of the school to adhere to essential public-education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy ; and
 - g) State the responsibilities of the school and the authorizer in the event of school closures.
 - v. Ensures that purchasing any fee-based services that the authorizer provides is explicitly not a condition of charter approval, continuation, or renewal.
 - vi. For any fee-based services that the authorizer provides, the authorizer develops a separate services agreement that respects charter school autonomy and treats the charter school equitably compared to district schools, if applicable.
- c. Performance standards.

A quality authorizer:

- i. Executes charter agreements with a performance framework incorporated in the agreement, commonly as an attachment, that plainly establishes the standards under which schools will be evaluated and includes:
 - a) Objective and verifiable measures of student achievement as the primary measure of school quality, in accordance with state law;
 - b) Clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal, including but not limited to state and federal measures; and
 - c) Expectations for appropriate access, education, support services, and outcomes for students with disabilities;
- ii. The performance framework includes clearly defined and measurable indicators, measures, metrics, and targets that:
 - a) Academic Performance
 1. Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation;
 2. Set expectations for student academic achievement status or proficiency, including comparative proficiency;
 3. Set expectations for student academic growth, including adequacy of growth toward state standards;
 4. Incorporate state and federal accountability systems, including state grading and/or rating systems;
 5. Set expectations for postsecondary readiness, including graduation rates (for high schools); and
 6. Provide schools an option to incorporate mission-specific performance measures for which the school has presented valid, reliable, and rigorous means of assessment approved by the authorizer.
 - b) Financial Performance

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1. Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation, including the school's annual financial audit conducted by a qualified independent auditor;
 2. Enable the authorizer to monitor and evaluate the school's financial stability and viability based on short-term performance; and
 3. Enable the authorizer to monitor and evaluate the school's long-term financial sustainability.
- c) Organizational Performance
1. Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation;
 2. Define the essential elements of the educational program for which the authorizer will hold the school accountable;
 3. Define financial management and oversight standards based on generally accepted accounting principles;
 4. Hold school governing boards accountable for meeting statutory and board-established operating and reporting requirements;
 5. Ensure school compliance with student and employee rights and obligations; and
 6. Establish expectations related to the school environment, including health and safety, transportation, facilities, and appropriate handling of records.
- d. Provisions for educational service provider (ESP) (if applicable).

A quality authorizer:

- i. Includes, for any school that contracts with an ESP provider for the management of its educational program, or school operations, provisions within the charter agreement that:³
 - a) Clearly establish the primacy of the charter agreement over the ESP contract;
 - b) Clearly identify the school governing board as the party ultimately responsible for the success or failure of the school, and clearly define the ESP as a vendor of services;
 - c) Prohibit the ESP from selecting, approving, employing, compensating, or serving as school governing board members;
 - d) Provide for sufficient transparency around the spending of public monies; and
 - e) Require all instructional materials, furnishings, and equipment purchased or developed with public funds to be the property of the school, not the ESP, in compliance with state law.

³ The standard does not apply to contracts with ESPs that do not have substantial responsibility for education, operational, and financial operations such as for payroll, textbooks, curriculum, etc.

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- ii. Reviews the proposed ESP contract with the charter school’s governing board to ensure that it is consistent with applicable law, authorizer policy, and the public interest and requires, prior to contract execution, the contract between the ESP and the charter school’s governing board to articulate:
 - a) The roles and responsibilities of the school governing board and the ESP, including all services to be provided under the contract;
 - b) The performance measures, consequences, and mechanisms by which the school governing board will hold the ESP accountable for performance, aligned with the performance measures in the charter agreement;
 - c) All compensation to be paid to the ESP including all fees, bonuses, and what such compensation includes or requires;
 - d) Terms of any facility agreement that may be part of the relationship;
 - e) Financial reporting requirements and provisions for the school governing board’s financial oversight;
 - f) All other financial terms of the contract, including disclosure and documentation of all loans or investments by the ESP to the school, and provision for the disposition of assets in accordance with law;
 - g) Assurances that the school governing board, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school’s performance;
 - h) Provisions for contract termination; and
 - i) Respective responsibilities of the governing board and ESP in the event of school closure, including transparency in the school's revenues and expenditures, as well as those managed by the ESP.

Standard 4. Ongoing Oversight and Evaluation

A quality authorizer conducts contract oversight that: competently evaluates performance and monitors compliance; ensures schools’ legally entitled autonomy; protects student rights; informs intervention, revocation, and renewal decisions; and provides annual public reports on school performance.

a. Performance evaluation and compliance monitoring.

A quality authorizer:

- i. Implements a comprehensive performance accountability and compliance monitoring system that is defined by the charter agreement, outlined in policy, and provides the information necessary to make rigorous and standards-based renewal, revocation, and intervention decisions.
- ii. Defines and communicates to schools the process, methods, and timing of gathering and reporting school performance and compliance data.
- iii. Implements an accountability system that effectively streamlines federal, state, and local performance expectations and compliance requirements while

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protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens.

- iv. Solicits feedback from its schools and utilizes the results to provide clear technical guidance to schools to ensure timely compliance with applicable rules and regulations.
- v. Conducts at least one formal on-site review to each school annually and provides schools with a report summarizing the review; additional visits as appropriate and necessary.
- vi. Proactively communicates the purpose of any proposed on-site visit and ensures visits are used for collecting data that cannot be obtained otherwise and in accordance with the contract, while ensuring that the frequency, purposes, and methods of such visits respect school autonomy, minimize administrative burdens, and avoid operational interference.
- vii. Evaluates each school annually on its performance and progress toward meeting the standards and targets stated in the charter agreement, including essential compliance requirements, and clearly communicates evaluation results to the school's governing board and leadership.

b. Respecting school autonomy.

A quality authorizer:

- i. Respects the school's authority over its day-to-day operations by refraining from directing or participating in educational decisions or choices that are within a school's purview under the charter law or contract and does not conflict with the authorizer's additional responsibilities as the local education agency.
- ii. Collects information from the school in a manner that minimizes administrative burdens on the school, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.
- iii. Regularly reviews compliance requirements and evaluates the potential to increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations.

c. Protecting student rights.

A quality authorizer:

- i. Ensures that schools admit students through a random selection process that is open to all students, is publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service, or parent contracts) that exclude students as provided by federal, state, and local law.
- ii. Ensures that schools provide equitable access and inclusive services to all students as required by applicable federal and state law, including, but not limited to, students with disabilities, English learners, homeless students, students in foster care, migrant students, and gifted students.

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- iii. Ensures clarity in the roles and responsibilities of all parties involved in serving students with disabilities.
- iv. Ensures that schools' student discipline policies and actions are legal, fair, and equitable and that no student is suspended, expelled, or counseled out of a school outside of that process, and that schools have a clear process for addressing parent/ community grievances.

d. School Intervention.

A quality authorizer:

- i. Establishes and clearly communicates to schools at the outset an intervention and problem-solving policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue.
- ii. Utilizes ongoing oversight and evaluation processes to determine when intervention in non-emergency situations is needed.
- iii. Provides clear, evidence-based, and timely notice of contract violations or performance deficiencies that are aligned to the intervention policy and is communicated to the school leaders and governing board.
- iv. Allows schools reasonable time and opportunity for remediation in non-emergency situations.
- v. Engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions) while clearly stating possible consequences for noncompliance.

e. Public reporting.

A quality authorizer:

- i. Produces and communicates to its decision makers, charter school leaders, and the public an annual authorizer report that:
 - a) Provides clear, accurate performance data for the charter schools it oversees;
 - b) Reports on individual school and overall portfolio performance according to the framework set forth in the charter agreement in accordance with state law; and
 - c) Reports on the authorizer's performance in meeting its goals.

Standard 5. Amendment, Renewal and Revocation Decision Making

A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based amendment and renewal decisions and revokes charters when necessary to protect student and public interests.

a. Amendments to the Charter Agreement.

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A quality authorizer:

- i. Establishes and clearly communicates to schools an amendment process that utilizes the state's required application and is aligned to the state's amendment requirements, timeline and approval criteria.
- ii. Promptly notifies a school of its amendment recommendation and decision, including written explanation of the evidence-based reasons for denial, as applicable.
- iii. Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.
- iv. Grants amendments only to schools with a petition that demonstrates alignment to the school's mission and goals and provides specific, evidence-based information that shows thorough preparation and viability of the plan.
- v. Does not make amendment decisions on the basis of political or community pressure.

b. Cumulative report and renewal application.

A quality authorizer:

- i. Provides to each school, in advance of the renewal decision using the timeline specified in state law, a cumulative performance report that:
 - a) Summarizes the school's performance record over the charter term; and
 - b) States the authorizer's summative findings concerning the school's performance and its prospects for renewal.
- ii. Allows the school meaningful opportunity and reasonable time to respond to the cumulative report; to correct the record, if needed; and to present additional evidence regarding its performance.
- iii. Requires any school seeking renewal to complete the state's renewal application and follows the renewal application timeline required in state law.

c. Renewal decisions based on merit and inclusive evidence.

A quality authorizer:

- i. Establishes and clearly communicates a renewal policy which requires the thorough analysis of a school's comprehensive body of objective evidence defined by the performance framework and is consistent with the charter agreement and state law, including any policy changes thereto.
- ii. Defines and communicates with its schools the criteria for renewal and non-renewal decisions that are consistent with the charter agreement.
- iii. Grants renewal only to schools that have achieved the standards and targets stated in the charter agreement, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.
- iv. Promptly notifies a school of its renewal recommendation and decision, including written explanation of the evidence-based reasons for denial, as applicable.
- v. Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.

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- vi. Promptly communicates renewal decisions to the school community and public within a time frame that allows parents and students to exercise choices for the upcoming school year.
 - vii. Does not make renewal decisions on the basis of political or community pressure or solely on promises of future improvement.
- d. Revocation.
- A quality authorizer:
- i. Clearly communicates a revocation policy with criteria for charter revocation decisions that are consistent with the charter agreement and state law, including any policy changes thereto.
 - ii. Revokes a charter during the charter term only if there is clear violation in accordance with the reasons set forth in state law.
 - iii. Promptly notifies a school of its revocation recommendation and decision, including written explanation of the reasons for the recommendation and decision.
 - iv. Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.
 - v. Promptly communicates revocation decisions to the school community and public within a timeframe that allows parents and students to exercise choices for the upcoming school year.
 - vi. Does not make revocation decisions on the basis of political or community pressure.
- e. Closure.
- A quality authorizer:
- i. Establishes and clearly communicates to schools a closure policy or procedure that is consistent with the charter agreement and state law and requires the authorizer to oversee and work with the school governing board and leadership in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.

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