

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-09-02
ACCOUNTABILITY HEARINGS**

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Accountability Hearing Procedures
State Board Recommendation

0520-09-02-.01 ACCOUNTABILITY HEARINGS ELIGIBILITY.

- (1) Pursuant to T.C.A. § 49-3-112(c), the State Board of Education ("State Board") is authorized to call an Accountability Hearing ("Hearing") for any local education agency ("LEA") that operates a public school that receives a "D" or "F" letter grade on the state report card, or any public charter school that receives a "D" or "F" letter grade and the public charter school's authorizer as defined in T.C.A. § 49-13-104. The Hearing shall review the public school's performance and how the LEA's or public charter school's spending decisions may have affected the ability of the school to achieve student performance goals, including those defined in T.C.A. § 49-3-112(a).
- (2) The State Board shall begin conducting annual Hearings in the 2025-2026 school year.
- (3) Following the Tennessee Department of Education's ("Department") annual release of school letter grades pursuant to T.C.A. § 49-1-228, an LEA shall be called for a Hearing if:
 - (a) The LEA meets one (1) of the following criteria:
 1. Has at least one (1) public school for which that same school received an "F" letter grade for the two (2) most recent school years in which school letter grades have been issued; or
 2. Has at least one (1) public school for which that same school received an "F" letter grade immediately following the year in which that school received a "D" letter grade; and
 - (b) The LEA has not been called for a Hearing during the two (2) consecutive school years prior to the school year in which the Hearing will be held.
- (4) Following the Department's annual release of school letter grades pursuant to T.C.A. § 49-1-228, a public charter school and its authorizer shall be called for a Hearing if:
 - (a) The public charter school meets one (1) of the following criteria:
 1. Received an "F" letter grade for the two (2) most recent school years in which school letter grades have been issued; or
 2. Received an "F" letter grade immediately following the year in which it received a "D" letter grade; and
 - (b) The public charter school has not been called for a Hearing during the two (2) consecutive school years prior to the school year in which the Hearing will be held.

(Rule 0520-09-02-.01, continued)

- (5) If an LEA or public charter school is called for a Hearing based on the criteria stated in paragraphs (3) or (4) of this Rule and that school has closed or is scheduled to close by June 30th of the year in which the Hearing will be held, the LEA or public charter school shall provide documented evidence of the vote to close the school by the local board of education, the governing body, the authorizer, or the Tennessee Public Charter School Commission, when acting in its official capacity as the appellate body, to the State Board's executive director within five (5) calendar days of receipt of the written notification of a Hearing. If documented evidence of the vote to close the school is timely provided to the State Board's executive director, the LEA or public charter school shall not be called for a Hearing on behalf of the closing or closed school.

Authority: T.C.A. §§ 49-1-302, 49-1-228, and 49-3-112. **Administrative History:** Original rules filed; effective.

0520-09-02-.02 NOTIFICATION.

- (1) The State Board staff shall notify in writing the LEAs, public charter schools, and authorizers called for a Hearing. The notification shall be sent to the individuals listed in paragraphs (3)(a), (4)(a), and (4)(e) of State Board Rule 0520-09-02-.03 and shall, at a minimum, include:
 - (a) The date, time, and location of the Hearing;
 - (b) The basis for the LEA or public charter school and its authorizer's selection for a Hearing as outlined in T.C.A. § 49-3-112(c) and State Board Rule 0520-09-02-.01;
 - (c) Required attendees, as outlined in State Board Rule 0520-09-02-.03(3) or (4), and details on how to inform the State Board of whether any of the additional attendees allowed per State Board Rule 0520-09-02-.03(5) also plan to attend;
 - (d) Details regarding opportunities to provide information, documentation, and data to the State Board before and during the Hearing;
 - (e) A list of information and documentation to be submitted to the State Board for review regarding the LEA and its school(s), or the public charter school and its authorizer; and
 - (f) The process and deadline by which any information or documentation must be submitted to the State Board.

Authority: T.C.A. §§ 49-1-302, 49-1-228, and 49-3-112. **Administrative History:** Original rules filed; effective.

0520-09-02-.03 ACCOUNTABILITY HEARING PROCEDURES.

- (1) The Hearings shall be conducted before a committee of the State Board ("Hearing Committee") appointed by the State Board Chair. The Hearing Committee shall be comprised of three (3) voting members of the State Board. The Hearing Committee shall be responsible for conducting the Hearings and reporting to the full State Board, as described in State Board Rule 0520-09-02-.04.

(Rule 0520-09-02-.03, continued)

- (2) Hearing topics shall include, but are not limited to:
 - (a) School and district finance;
 - (b) Instructional decisions;
 - (c) Staffing decisions;
 - (d) School climate and culture; and
 - (e) Any other matter identified by the Hearing Committee.
- (3) When an LEA is selected for a Hearing, the following persons shall attend:
 - (a) The director of schools;
 - (b) The chair of the local board of education;
 - (c) The chief of academics, or equivalent; and
 - (d) The chief of finance, or equivalent.
- (4) When a public charter school and its authorizer are selected for a Hearing, the following persons shall attend:
 - (a) The public charter school's executive director, or equivalent (or principal if the public charter school does not have an executive director);
 - (b) The public charter school's governing body chair;
 - (c) The public charter school's chief of academics, or equivalent;
 - (d) The public charter school's chief of finance, or equivalent;
 - (e) The authorizer's director of schools;
 - (f) The authorizer's local board of education chair;
 - (g) The authorizer's director of charter schools, or equivalent; and
 - (h) The authorizer's chief of finance, or equivalent.
- (5) The LEA's director of schools or the public charter school's executive director or equivalent (or principal if the public charter school does not have an executive director) may bring additional employees or officials (e.g., board members, school administrators, school counselors, educators) to the Hearing to appear in their official capacities. A list of additional attendees appearing in their official capacities shall be provided in writing to the State Board's executive director at least ten (10) calendar days prior to the Hearing.
- (6) If a chair of a local board of education or governing body chair is unable to attend the Hearing due to an unavoidable conflict, the local board of education chair or the governing body chair may appoint another local board of education member or governing body

(Rule 0520-09-02-.03, continued)

member to attend as their designee in accordance with the LEA or public charter school's board policies. Documentation of the appointment shall be provided in writing to the State Board's executive director at least ten (10) calendar days prior to the Hearing.

- (7) The Hearings shall include an opportunity for public comment in accordance with state law and the procedures established in State Board Rule 0520-09-01-.02. Instructions for submitting public comment shall be provided on the Hearing agenda and posted on the State Board's website.

Authority: T.C.A. §§ 49-1-302, 49-1-228, and 49-3-112. **Administrative History:** Original rules filed; effective.

0520-09-02-.04 STATE BOARD RECOMMENDATION.

- (1) At the conclusion of the Hearing, the Hearing Committee shall determine whether to propose to the State Board that a recommendation be made to the Department to:
- (a) Audit and investigate the LEA's or public charter school's academic programming and spending for the "F" rated school(s) in accordance with the criteria established in State Board Policy 1.600; or
 - (b) Require the LEA or public charter school to develop, submit to the Department for approval, and implement a corrective action plan in accordance with the criteria established in State Board Policy 1.600.
- (2) The Hearing Committee shall make its proposal to the State Board as follows:
- (a) For an LEA or public charter school appearing before the Hearing Committee for the first time:
 - 1. A corrective action plan, as described in subparagraph (1)(b); or
 - 2. No action.
 - (b) For an LEA or public charter school appearing before the Hearing Committee for a second time:
 - 1. An audit and investigation, as described in subparagraph (1)(a);
 - 2. A corrective action plan, if not completed following the first appearance before the Hearing Committee; or
 - 3. No action.
 - (c) For an LEA or public charter school appearing before the Hearing Committee for the third time or more:
 - 1. Completion of a new corrective action plan developed in consultation with, monitored, and evaluated by the Department;

(Rule 0520-09-02-.04, continued)

2. Audit and investigation, which may be more narrowly tailored than the audit and investigation in subparagraph (1)(a), of the LEA's or public charter school's academic programming and spending; or
 3. No action.
- (3) At a meeting following the Hearings, the Hearing Committee shall provide to the State Board a report on the Hearing that includes the Hearing Committee's proposal. The State Board shall vote to take no action or to recommend that the Department take one (1) of the corrective actions authorized by T.C.A. § 49-3-112(c).
 - (4) Within ten (10) calendar days of the State Board's vote outlined in paragraph (3), the State Board's executive director shall notify the Department and the LEA or the public charter school and its authorizer of the recommendation in writing.
 - (5) The Department shall notify the State Board and the LEA or public charter school and its authorizer of its decision and rationale whether to impose the recommended corrective action within thirty (30) calendar days of the State Board's written notification.
 - (6) For any corrective action required by the Department that will incur a cost, the Department shall provide to the State Board documentation and the rationale for any apportioned costs between the Department and the LEA or public charter school. The apportionment shall be subject to State Board approval.
 - (7) LEAs and public charter schools shall report the outcomes of a corrective action, as requested by the Department. The Department shall annually update the State Board on the status of any corrective actions recommended by the State Board.

Authority: T.C.A. §§ 49-1-302, 49-1-228, and 49-3-112. **Administrative History:** Original rules filed; effective.