



Charter School Renewal Appeal Process – Guidance Document

Disclaimer: This document is for guidance purposes only and does not supersede any statute, rule, or policy. Local boards of education and governing boards may be held to requirements and deadlines not contained in this document.

Overview of the Renewal Appeal Process

Pursuant to Tennessee Code Annotated (T.C.A.) § 49-13-121, public charter school's governing boards may appeal the denial of their renewal application by a local board of education to the State Board of Education (State Board) until December 31, 2020. An appeal of a charter school renewal application to the State Board is governed in accordance with T.C.A. § 49-13-121 and State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#). Upon receipt of an appeal, the State Board has sixty (60) calendar days to render a decision,¹ and typically, the State Board's meeting to render a decision on the appeal is near the end of that time frame. The State Board's decision is final and not subject to further appeal.

Standard of Review

- Renewal appeals involving local education agencies (LEAs) without a priority school on the current or last preceding priority school list:
 - If the State Board finds that the local board's decision to deny the renewal application of a charter school was contrary to the best interests of the pupils, school district, or community, the State Board will direct the chartering authority to approve the renewal of the charter agreement. In this case, the local board of education will be the chartering authority.²
- Renewal appeals involving LEAs with at least one priority school on the current or last preceding priority school list:
 - If the State Board finds that the local board's decision to deny the renewal application of a charter school was contrary to the best interests of the pupils, school district, or community, the State Board may approve the renewal of the charter agreement.³ Unless the LEA and the charter school agree within thirty (30) calendar days of the Board's vote⁴ that the charter school will be overseen and monitored by the LEA, the State Board will become the chartering authority of the school, and the school will be evaluated and held accountable to the State Board of Education's [Charter School Performance Framework](#).

¹ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121); State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#).

² T.C.A. § 49-13-121

³ T.C.A. § 49-13-121

⁴ T.C.A. § 49-13-142(b)(3)

Statutes, Rules and Policies Governing the Renewal Appeal Process

The following statutes, State Board rule, and State Board policies govern the charter school renewal appeal process. Any school's governing board or local board of education participating in the renewal appeal process should be familiar with the contents of these documents:

- T.C.A. §, 49-13-121 and 49-13-142⁵
- State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

Guidance for Governing Boards Submitting Renewal Appeals

A charter school's governing board that submits an appeal of a local board of education's denial of a renewal application should do so in accordance with T.C.A. § 49-13-121 and State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#). **The notice of appeal and corresponding documents must be submitted via e-mail to the State Board within ten (10) calendar days of the local board of education's denial of the renewal application. Any notice of appeal and corresponding documents submitted after 4:30 p.m. Central Time on the tenth (10th) calendar day will not be accepted.**⁶ The e-mail to the State Board shall contain a link to the file-sharing website (e.g., Dropbox, Box.com, Google Drive, etc.) with clearly labeled folders and documents corresponding to the required information below. **The notice of appeal must include all of the following in order to be considered:**⁷

- a) Copies of the renewal application, which shall include, but not be limited to, the information set forth in § 49-13-121.
- b) 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.
- c) 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 pupils, school district, or community.

The State Board will meet and render a final decision on each appeal within sixty (60) calendar days of receipt of the charter school renewal appeal.⁸ The State Board may meet at a special-called meeting or at a regularly scheduled meeting. The State Board will consider the Executive Director's Findings and Recommendation Report for the appeal, but the Board is not bound by the recommendation.⁹

⁵ Available at <http://www.lexisnexis.com/hottopic/tncode/>

⁶ State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

⁷ Failure to include any of the following documentation will result in the appeal being incomplete. The State Board will not consider incomplete appeals.

⁸ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-108(b)(4); State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

⁹ State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

Guidance for LEAs Participating in the Renewal Appeal Process

Upon receipt of an appeal, State Board staff will notify representatives of the LEA that an appeal has been received and that a request for information is forthcoming. The LEA shall provide the requested information within five (5) calendar days of receipt of the request.¹⁰ Documents should be submitted to the State Board via a file-sharing website (e.g., Dropbox, Box.com, Google Drive, etc.) with clearly labeled folders and documents corresponding to the required information below:

- a) A list of individual(s) that reviewed the renewal application.
- b) Copies of the minutes, presentations, and/or notes, if such were prepared, from any review team meetings and local board work sessions and/or meetings in which the renewal application was discussed.
- c) 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.
- d) Copies of the letters informing the governing body of the LEA's reasons for denying the renewal application.

¹⁰ Ibid.

Frequently Asked Questions

1. How long does the renewal appeal process take?

The State Board is required to render a decision on a renewal appeal within sixty (60) calendar days of the receipt of the notice of appeal.¹¹ Typically, the State Board’s meeting to render a decision on a renewal appeal is near the end of the sixty (60) calendar day period.

2. Who is my main contact during a renewal appeal?

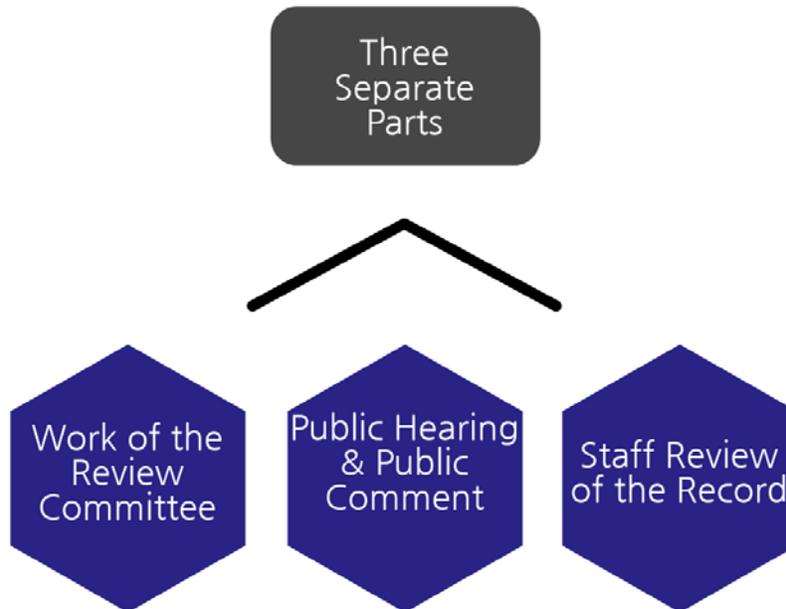
The State Board’s General Counsel and Deputy Director of Charter Schools are your primary contacts and can be reached at CharterSchool.Appeals@tn.gov.

3. Can we receive copies of the information submitted by the governing board or LEA as a part of the renewal appeal process?

Upon written request to CharterSchool.Appeals@tn.gov, State Board staff will provide the information submitted by the governing board on appeal or the information submitted by the LEA as a part of the request for information.

4. What does the State Board analyze in a renewal appeal?

THE APPEAL PROCESS



¹¹ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-108(a)(4); State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#).

The State Board shall conduct a de novo, on the record review of the charter renewal record and supporting documentation submitted in accordance with T.C.A. § 49-13-121.¹² Therefore, the substantive review of the renewal application and record by the State Board is done in three parts, all of which inform the Executive Director’s Findings and Recommendation Report that is presented to the State Board. The State Board will consider, but is not bound by, the Executive Director’s recommendation.¹³ The recommendation report is based on the following:

- **Part 1: Work of the Review Committee:**¹⁴ The State Board will assemble a charter application review committee (Review Committee), comprised of both internal and external evaluators, to review the renewal charter school application as submitted by the governing board to the State Board upon appeal. The Review Committee will be trained by the State Board staff to ensure consistent standards and fair treatment of all applications. The Review Committee’s work consists of three key parts, outlined below, and is completely separate from the public hearing and staff review of all documents on the record.
 - a) **Evaluation of the Renewal Record:** The Review Committee is responsible for conducting a de novo, on the record review of the renewal application and any supporting documentation used by the LEA in making the renewal decision.
 - b) **Capacity Interview:** After an initial review of the renewal application, the Review Committee will conduct a ninety (90) minute capacity interview with the school leaders and officers of the governing board. Additional information about the interview is contained in State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#). The interview will 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. The governing board will not have any opportunity for an opening statement at the beginning of the interview but will be granted time to present a closing statement during the last five (5) minutes of the interview. To start the interview, the Review Committee and individuals representing the governing board will briefly introduce themselves, and then the Review Committee will move straight into questions for the governing board.
 - c) **Review Committee Report:** After reviewing the renewal application and holding the capacity interview, the Review Committee develops a recommendation to present to the Executive Director on the renewal application. In developing the Executive Director’s recommendation, the Executive Director will give significant consideration to the recommendation of the Review Committee.

- **Part 2: Public Hearing and Public Comment:** The State Board will hold a public hearing on the renewal

¹² T.C.A. § 49-13-121

¹³ State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

¹⁴ State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#) and [6.300 – Application Review](#)

application during the sixty (60) calendar days that the State Board is considering an appeal.¹⁵ The public hearing is held in the local school district in which the applicant operates, and the hearing gives the local board of education, the governing board, and the local community the opportunity to be heard on the renewal application. Specific details regarding the hearing can be found in State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#). The public hearing will be held in accordance with Section 5 of State Board policy [2.500 - Charter School Appeals](#), provided that any reference to "sponsor" shall be deemed to mean the governing body. The proceedings of the public hearing are wholly separate from the work of the review committee described in Part 1, and neither part informs the other's work. In developing the Executive Director's recommendation, the Executive Director will consider information presented at the public hearing. However, the Executive Director will give significant consideration to the recommendation of the Review Committee.

- a) At any point prior to the public hearing and up to the deadline set by the State Board, the public may submit written comments to the State Board for consideration in the Executive Director's recommendation. All written comments submitted to the State Board office are provided to the members of the State Board. The State Board staff will set a deadline by which no further written comments will be accepted, and this deadline will be stated on the public hearing agenda and the State Board's website.
- **Part 3: Staff Review of the Record:** The State Board staff will conduct a de novo on the record review of all documentation submitted by the governing board and local board of education. This documentation includes all materials submitted within the notice of appeal by the governing board, all materials submitted by the local board, the review committee report, and information received during the public hearing and via public comment. Additionally, the State Board staff may conduct due diligence on the school, including but not limited to outreach to current authorizers or a review of state and nationally normed internal assessment data.

5. What could the Executive Director recommend?

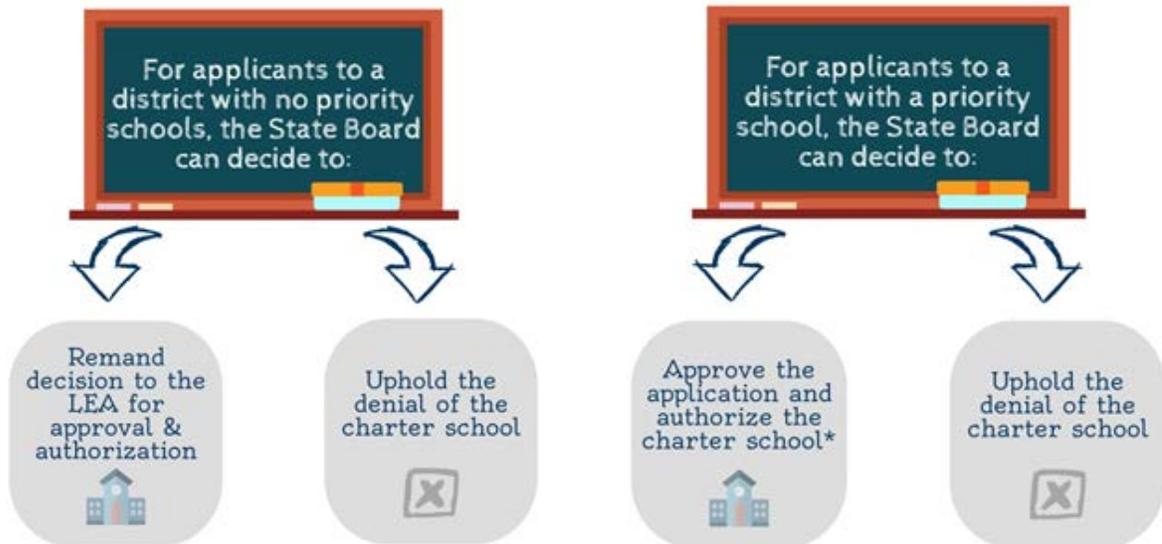
The recommendation of the Executive Director depends on whether the school is located in an LEA with a school on the current or last preceding priority school list.

- Renewal appeals from LEAs without a priority school on the current or last preceding priority school list:
 - The Executive Director could recommend that the State Board affirm the local board of education's decision to deny the renewal application or recommend that the State Board remand the application to the local board with instructions to approve the renewal application. If the State Board remands the application back to the local board, the local board will be the chartering authority.¹⁶
- Renewal appeals from LEAs with at least one priority school on the current or last preceding priority school list:

¹⁵ State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

¹⁶ T.C.A. § 49-13-108(a)(4)(D)

- The Executive Director could recommend that the State Board affirm the local board of education’s decision to deny the renewal application or recommend that the State Board approve the application. If approved, the State Board will be the chartering authority,¹⁷ unless the local board and charter school agree within thirty (30) calendar days of the Board’s vote that the charter school will be overseen by the LEA.¹⁸



*The school and its LEA have 30 calendar days to reconcile; if this does not happen, the State Board automatically authorizes the school.

6. When is the Executive Director’s recommendation published online?

Typically, the Executive Director’s Findings and Recommendation report is posted on the State Board’s website a couple of days prior to the Board’s meeting.

7. What is the State Board’s decision-making process?

The State Board will meet at a special-called meeting or a regularly scheduled quarterly meeting to render a decision within sixty (60) calendar days of receipt of the notice of appeal.¹⁹ If the Board renders a decision at a special-called meeting, the Board will discuss the Executive Director’s recommendation prior to the vote on the agenda item. If the Board renders a decision at a regularly scheduled quarterly meeting, the Board will discuss the Executive Director’s recommendation at the State Board’s workshop,

¹⁷ T.C.A. § 49-13-121

¹⁸ T.C.A. § 49-13-142(b)(3)

¹⁹ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

usually held the day before the meeting.²⁰ All State Board meetings and workshops are livestreamed, and the link will be available on the State Board's website.

8. Is there time for public comment on the appeal at the State Board meeting?

Requests for public comment at State Board meetings are governed by State Board policy [1.400 - Board Meetings](#). The meetings are open to the public and livestreamed online. All individuals wishing to comment on a renewal appeal are encouraged to attend the appeal's public hearing or submit a written comment in accordance with the State Board's published guidelines. A representative of the operator and/or local school board may choose to submit a written comment to be read into the record by a member of the State Board staff during the board meeting where the State Board will consider the findings and recommendations of the Executive Director. Written comments shall not be more than one (1) page typed in length and shall be received by the Executive Director at least forty-eight (48) hours prior to the scheduled board meeting. The State Board shall accept only one written comment from each party.

9. What happens after the State Board renders a decision?

The school's governing board and local board of education will be notified via U.S. Mail of the State Board's decision on the renewal appeal. If the State Board approves the renewal application, the local board of education and the governing board can mutually agree for the charter school to continue to be overseen by the LEA. Written notification of this agreement must be submitted to the State Board within thirty (30) calendar days of the Board's decision.²¹

10. What happens if the State Board becomes the authorizer?

If after thirty (30) calendar days the local board of education and the school's governing board do not mutually agree for the charter school to be overseen by the LEA, State Board staff will reach out to the charter school's governing board to discuss next steps for the charter school to be overseen by the State Board, including the negotiation of the charter agreement. The amended application and renewal application will be exhibits to the charter agreement.

11. Can the State Board's decision be appealed?

The State Board's decisions in renewal appeals are final.²²

12. Who should I contact with additional questions?

Please contact the General Counsel and the Deputy Director of Charter Schools at:
CharterSchool.Appeals@tn.gov.

²⁰ State Board policy [6.800 – Charter School Renewal & Renewal Appeals](#)

²¹ T.C.A. § 49-13-142(b)(3).

²² T.C.A. § 49-13-121