

TENNESSEE STATE BOARD OF EDUCATION

APPLICATION REVIEW

6.300

Tenn. Code Ann. § 49-13-108 allows public charter school sponsors to appeal the denial of an application by the local board of education to the State Board of Education (the “State Board”).

The State Board will not consider appeals of applications that did not include all of the statutorily required elements or that were submitted outside the application window set by the local board of education in accordance with Tenn. Code Ann. § 49-13-107.

Purpose: The purpose of this policy is to set forth the principles and criteria that the State Board will use in reviewing charter school applications received on appeal.

Policy Sections

1. Generally
2. Substantive Application Review
3. Interviews
4. Transparency and Public Engagement
5. Post Application Approval

1. **Generally.** In reviewing charter school applications received on appeal, the State Board will use the standard of review set forth in State Board Policy 2.500. The State Board is committed to conducting a rigorous evaluation of all charter school applications received on appeal consistent with this policy and national and state authorizing standards.

2. **Substantive Application Review.**

- a. The State Board shall conduct a substantive charter application review of each application received on appeal in accordance with the submission instructions set forth in State Board Policy 2.500. In conducting the substantive application review, the State Board shall contract with third-parties or utilize volunteers as it deems appropriate.
- b. The substantive application review shall be an in-depth evaluation of the statutorily required elements, as set forth in Tenn. Code Ann. § 49-13-107, including but not limited to an evaluation of the proposed charter school’s mission; educational focus, program, and academic plan; business plan, including an operating budget; governance board and structure; discipline code; and compliance with applicable laws and regulations. If the local school board’s denial of a charter application is based on substantial negative fiscal impact, the State Board will also consider the financial impact of the charter school on the LEA, as set forth in State Board Policy 2.500. In addition, the State Board shall take into consideration the past and current performance, or lack thereof, of any charter school operated by the sponsor pursuant to Tenn. Code Ann. § 49-13-107(e).
- c. The State Board staff may request additional information or documents from the local board of education or the sponsor to assist the staff in the substantive review. The State Board staff may impose deadlines for the submission of such additional information or documents, if requested.

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- d. The State Board staff will assemble a charter application review committee (the “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 charter school autonomy and accountability. The State Board will provide training to Review Committee members to ensure consistent standards and fair treatment of all application reviews.
- e. The State Board will ensure that the application review process, Review Committee members, and decision-making processes are free of conflicts of interest in accordance with State Board Policy 6.600 and will require full disclosure of any potential or perceived conflicts of interest between Review Committee members and sponsors.

3. Interviews.

- a. The State Board shall interview the governing board of each sponsor that has filed an appeal in accordance with State Board Policy 2.500.
- b. The focus of the interview will be the governing board and school leadership’s capacity to operate a charter school that is consistent with the charter application and in a fiscally responsible manner that advances the mission of the charter school.
- c. The State Board staff will schedule interviews in a manner that accounts for scheduling conflicts. However, the final decision as to interview time and location is in the discretion of State Board staff.
- d. The interviews will be closed and not be open to the public.
- e. The officers of the governing board and the school leader (if named) shall attend the interview. Other representatives of the sponsor that may attend the interview include, but are not limited to, all members of the governing board, school leadership positions, and key personnel of identified school partners. The State Board reserves the right to limit the total number of interview participants.
- f. The State Board 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 to authorize the charter school.
- g. All interview attendees (both on behalf of 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.

- 4. **Transparency and Public Engagement.** The State Board is committed to employing fair and transparent procedures that promote evidence-based decisions regarding a charter application

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received on appeal. The State Board will inform appellants and applicable local boards of education of their rights and responsibilities at all stages of the process, promptly notifying them of approval or denial decisions, including the basis for the decision.

5. **Decision-Making Principles.**

- a. The State Board commits to using rigorous decision-making in granting charters only to sponsors that have demonstrated competence and capacity to succeed in all aspects of the proposed charter school.
- b. The Review Committee members will provide evidence-based recommendations to the State Board staff that address established approval criteria. The Executive Director of the State Board will consider the recommendation of the Review Committee in his or her recommendation to the State Board for final approval or denial of the appeal consistent with the approval criteria and processes set forth in this policy and State Board Policy 2.500.

6. **Post Application Approval.**

- a. No charter school may begin operation before obtaining the chartering authority's approval of its charter agreement.
- b. For all charter schools authorized by the State Board, the following shall apply.
 - i. The State Board's approval of a charter school's application is separate and distinct from the State Board's approval of its charter agreement and a school's right to open.
 - ii. Once an application is approved by the State Board, the State Board will negotiate a charter agreement with the school's governing board that must be signed by both parties and submitted to the State Board.
 - iii. The State Board will establish a Pre-Opening Checklist, substantial compliance therewith shall be a prerequisite for opening the charter school.