

**RULES**  
**OF**  
**THE STATE BOARD OF EDUCATION**

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

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**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 based on outcomes from the immediately preceding school year, or any public charter school that receives a "D" or "F" letter grade based on outcomes from the immediately preceding school year and the public charter school's authorizer as defined in T.C.A. § 49-13-104. The Hearing shall review the public schools' performance and how the LEA's or public charter school's spending decisions may have affected the ability of the school to achieve performance goals defined in T.C.A. § 49-3-112(a).
- (2) The State Board shall begin conducting annual Hearings in the 2025-2026 school year. The Hearings shall be conducted in accordance with the Tennessee Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301 et seq., and Tenn. R. & Regs. 1360-04-01.
- (3) Following the Tennessee Department of Education's ("Department") annual release of school letter grades, the State Board shall call for a Hearing an LEA that meets either of the following criteria:

  - (a) The LEA has at least one (1) public school that received an "F" letter grade in both of the two (2) consecutive school years in which school letter grades have been issued prior to the school year in which the Hearing is to occur; or
  - (b) The LEA has at least one (1) public school whose letter grade decreased from a "D" to an "F" in the two consecutive school years in which school letter grades have been issued prior to the school year in which the Hearing is to occur.
- (4) Following the Department's annual release of school letter grades, the State Board shall additionally call for a Hearing a public charter school that meets either of the following criteria and its authorizer:

  - (a) The public charter school received an "F" letter grade in both of the two (2) consecutive school years in which school letter grades have been issued prior to the school year in which the Hearing is to occur; or
  - (b) The public charter school's letter grade decreased from a "D" to an "F" in the two (2) consecutive school years in which school letter grades have been issued prior to the school year in which the Hearing is to occur.
- (5) Any LEA or public charter school called for a Hearing based on the criteria stated in paragraphs (3) and (4) of this Rule shall not be called for another Hearing for the next two (2) consecutive school years.

- (6) If an LEA or public charter school is called for a Hearing due to a “D” or “F” rated school and that school has closed or is scheduled to close by June 30<sup>th</sup> of the year in which the Hearing is to occur, the LEA or public charter school shall provide documented evidence of the local board of education’s, the governing body’s, or the authorizer’s decision to close the school to the State Board’s executive director within five (5) calendar days of receiving written notification of a Hearing. If documentation is timely provided to the State Board’s executive director, the LEA or public charter school and its authorizer shall be exempt from attending the Hearing for the closing or closed school.
- (7) Authorizers shall be called for a Hearing on behalf of the public charter school(s) they authorize.

#### **0520-09-02-.02 NOTIFICATION.**

- (1) State Board staff shall notify in writing the LEAs, public charter schools, and authorizers called for a Hearing. The notifications shall be sent to the individuals listed in paragraphs (3) and (4) of 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) Details regarding opportunities to provide and discuss information, documentation, and data with the State Board before and during the Hearing;
  - (d) 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
  - (e) The process and deadline by which any information or documentation must be submitted to the State Board.

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

- (1) The Hearings shall be conducted before a committee of the 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 Rule 0520-09-02-.04.
- (2) Hearing topics shall include, but are not limited to:
- (a) School and district finance;
  - (b) Instructional decisions;
  - (c) Staffing decisions; and
  - (d) School climate and culture.
- (3) When an LEA is selected for a Hearing, the following persons shall attend:
- (a) The director of schools;

- (b) The school board chair;
- (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 board chair;
  - (g) The authorizer's director of charter schools, or equivalent; and
  - (h) The authorizer's chief of finance, or equivalent.
- (5) The LEA, public charter school, or authorizer may bring additional employees or officials (e.g., board members, school administrators, school counselors, or educators) to the Hearing to appear in their official capacities, as determined necessary by the 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). 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 school board chair or governing body chair is unable to attend the Hearing, the chair may appoint another school board or governing body member to attend as their designee in accordance with the LEA or public charter schools' 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.

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

- (1) At the conclusion of the Hearing, the Hearing Committee shall determine whether to recommend to the Board that the Department:
  - a. Audit and investigate the LEA's or public charter school's academic programming and spending for the "D" or "F" rated school(s). The audit and investigation shall consider, at a minimum, the school-level per-pupil spending decisions and how those decisions may have

impacted student outcomes, including achievement, growth, and college and career readiness for the "D" or "F" rated school(s); or

- b. Require the LEA or public charter school to complete a corrective action plan. The corrective action plan shall be incorporated into the LEA plan, or the school improvement plan for a public charter school, and shall be submitted to the Department for approval. The corrective action plan shall include an analysis of the current plan and the addition of specific and measurable action items, timelines, and expected outcomes for the "D" or "F" rated school(s) that are related to topics discussed during the Hearing.

(2) The Hearing Committee shall make its proposed recommendation to the Board as follows:

- (a) No action or a corrective action plan, as described in subparagraph (1)(b), for an LEA or public charter school appearing before the Hearing Committee for the first time;
  - (b) No action or audit and investigation, as described in subparagraph (1)(a), for an LEA or public charter school appearing before the Hearing Committee for a second time; and
  - (c) For an LEA or public charter school appearing before the Hearing Committee for the third time or more, no action, completion of a new corrective action plan that includes goals and actions based on the results of a comprehensive school analysis, or audit and investigation into a specific portion of the LEA's or public charter school's academic programing and spending.
- (3) Following the Hearing, the Hearing Committee shall provide to the State Board a report on the Hearing that includes the Hearing Committee's proposed recommendation. The State Board shall vote to take no action or to recommend 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 decision in writing.
- (5) For any corrective actions required by the Department, the Department shall provide to the State Board documentation of the rationale for any apportioned costs. The apportionment shall be subject to approval of the State Board.
- (6) 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.