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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	Angie Sanders
Address:	500 James Robertson Parkway, 5 th Floor, Nashville, TN 37243
Phone:	(615) 253-5707
Email:	Angela.C.Sanders@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Angie Sanders
Address:	500 James Robertson Parkway, 5 th Floor, Nashville, TN 37243
Phone:	(615) 253-5707
Email:	Angela.C.Sanders@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Building, Conference Room 1C, 1 st Floor		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	09/14/2020		
Hearing Time:	10:00 AM	<input checked="" type="checkbox"/> _X_	CST/CDT <input type="checkbox"/> _EST/EDT

Additional Hearing Information:

*****Anyone wishing to participate electronically may access the hearing using the following information:**

URL: <https://bit.ly/3blcMft>

Password: SBERules

Dial-in: 415-655-0003

Access code: 612 521 945

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing. If prohibitions on in-person gatherings due to COVID-19 prevent this hearing from occurring in-person, such information will be posted on the State Board's website and all attendees will utilize the above information to participate electronically.

Oral comments are invited at the hearing. In addition, written comments may be submitted via email at angela.c.sanders@tn.gov or mailed to: Tennessee State Board of Education, Attention: Angie Sanders, Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243. Written comments must be received by 4:30 PM CT on September 17, 2020 in order to ensure consideration. For further information, please contact Angie Sanders at the above address or by e-mail at angela.c.sanders@tn.gov.

If attending the hearing in-person, please bring identification so that you may be checked into the building by

security. Conference room 1C is located on the first floor of the building.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-14-01	Charter Schools
Rule Number	Rule Title
0520-14-01-.08	Authorizer Evaluation

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-01
CHARTER SCHOOLS**

0520-14-01-.08 AUTHORIZER EVALUATION.

- (1) Evaluation Process.
- (a) Pursuant to T.C.A. § 49-13-145, the State Board shall conduct periodic authorizer evaluations of all authorizers that oversee at least one (1) charter school. Authorizers that have authorized a charter school that has not yet opened shall be considered authorizers for purposes of participating in the evaluation.
 - (b) Authorizers shall be evaluated by the State Board at least every other year. However, an authorizer that achieves an Exemplary rating for two (2) consecutive evaluations may be exempted from undergoing an evaluation during the next evaluation cycle. Authorizers that achieve an Unsatisfactory/Incomplete rating during an evaluation shall be required to participate in another authorizer evaluation in the year immediately following the rating of Unsatisfactory/Incomplete.
 - (c) State Board staff shall assemble an authorizer evaluation team (the "Evaluation Team") comprised of internal and external evaluators with experience in charter school authorization or authorizer evaluation.
 - (d) The State Board shall develop and approve an authorizer evaluation rubric (the "Rubric") to evaluate authorizer compliance with the requirements of state law, the rules and regulations of the State Board, and to ensure alignment with the State Board Quality Charter School Authorizing Standards Policy 6.111. The Rubric shall be an attachment to the State Board Quality Charter School Authorizing Standards Policy 6.111. The Rubric shall, at a minimum, require the Evaluation Team to:
 - 1. Assign authorizers a score on a scale of zero (0) to four (4) indicating the degree to which an authorizer has met each standard of the Rubric; and
 - 2. Assign authorizers an overall rating based on a percentage of Rubric standards that are determined by the Evaluation Team to be met.
 - (e) The evaluation year is the year during which an authorizer undergoes an authorizer evaluation by the State Board (the "Evaluation Year"). The Evaluation Year shall, at a minimum, consist of the following:
 - 1. Submission of documentation by the authorizer to the State Board;
 - 2. Evaluation Team review of submitted documentation;
 - 3. Evaluation Team interview with school leaders from the authorizer's charter schools;

4. Evaluation Team meeting with the authorizer to provide additional context about the submitted documentation;
 5. Evaluation Team meeting with the authorizer to review initial evaluation ratings;
 6. Final authorizer evaluation report (the "Evaluation Report") including scores for each standard of the Rubric, an overall evaluation rating, and any required follow-up actions shared with the authorizer;
 - i. Prior to the public release of the Evaluation Report, the authorizer shall be provided an opportunity for the authorizer to respond to the Evaluation Report no later than ten (10) business days after the release of the Evaluation Report to the authorizer. Any response shall be included as an appendix to the Evaluation Report; and
 7. Posting the Evaluation Report on the State Board's website, including any response by the authorizer.
- (f) The Non-Evaluation Year is the year immediately following an authorizer's evaluation, if the authorizer is not required by the State Board to undergo an evaluation in the year immediately following an authorizer's evaluation (the "Non-Evaluation Year"). The Non-Evaluation Year shall, at a minimum, consist of the following:
1. Authorizer reporting on progress toward completion of any corrective action plan required by the State Board as a result of the authorizer's most recent Evaluation Report; and
 2. Authorizer completion of a self-assessment that shall be submitted as part of the annual authorizer report required by T.C.A. § 49-13-128. The self-assessment shall include supporting documentation required by the State Board and, if applicable, information and evidence demonstrating completion of a corrective action plan required by the State Board as a result of the authorizer's most recent Evaluation Report.
 3. The authorizer self-assessments shall be publicly posted on the State Board's website.
- (h) State Board staff shall provide a report on each authorizer's Evaluation Report to the State Board at the next quarterly board meeting following the release of an Evaluation Report. Authorizer progress toward completion of a corrective action plan shall be reported by State Board staff to the State Board at least annually.
- (2) Authorizer Ratings and Follow-up Actions.
- (a) Through the Evaluation Report, the State Board shall assign an overall rating to each authorizer as defined in State Board Policy 6.113 Charter School Authorizer Evaluations. Rating categories and corresponding follow-up actions are as follows:
2. Exemplary.
 - i. An Exemplary rating may include, but is not limited to, the following:
 - I. Public recognition and highlighting authorizer best practices by the State Board;

- II. Exemption from an upcoming evaluation if the authorizer has achieved an Exemplary rating for two (2) consecutive Evaluation Years; and
 - III. Exemption from the requirement to submit supporting documentation to accompany the authorizer's self-assessment during the Non-Evaluation Year.
 - ii. An authorizer shall not be rated as Exemplary if the authorizer receives a zero (0) or one (1) rating for any Rubric standard.
- 3. Commendable.
 - i. A Commendable rating may include, but is not limited to, the following:
 - I. Public recognition and highlighting authorizer best practices by the State Board; and
 - II. Exemption from the requirement to submit supporting documentation to accompany the authorizer's self-assessment during the Non-Evaluation Year.
- 4. Satisfactory.
 - i. A Satisfactory rating may include, but is not limited to, the following:
 - I. Submission of a self-assessment during the Non-Evaluation Year with supporting documentation required by the State Board.
- 5. Approaching Satisfactory.
 - i. An Approaching Satisfactory rating may include, but is not limited to, the following:
 - I. Submission of a corrective action plan;
 - II. Submission of a self-assessment during the Non-Evaluation Year with supporting documentation required by the State Board; and
 - III. Submission of documentation demonstrating completion of requirements outlined in the corrective action plan. Failure to complete the requirements outlined in the corrective action plan and/or receiving a rating of Approaching Satisfactory or Unsatisfactory/Incomplete in the next authorizer evaluation may result in the reduction of the authorizer's authorizer fee in an amount determined by the State Board in compliance with paragraph three (3).
- 6. Unsatisfactory/Incomplete.
 - i. An Unsatisfactory/Incomplete rating may include, but is not limited to, the following:

- I. Requirement to participate in another authorizer evaluation the year immediately following a rating of Unsatisfactory/Incomplete;
- II. Submission of a corrective action plan; and
- III. Submission of documentation demonstrating completion of requirements outlined in the corrective action plan. Failure to complete the requirements outlined in the corrective action plan and/or receiving a rating of Unsatisfactory/Incomplete in the next authorizer evaluation may result in the reduction of the authorizer's authorizer fee in an amount determined by the State Board in compliance with paragraph three (3).

(3) Authorizer Fee Reduction.

- (a) The State Board may reduce the authorizer fee of an authorizer that receives:
 1. An Approaching Satisfactory rating during the Evaluation Year and fails to complete the requirements outlined in the authorizer's corrective action plan;
 2. An Unsatisfactory/Incomplete rating during the Evaluation Year and fails to complete the requirements outlined in the authorizer's corrective action plan; or
 3. An Unsatisfactory/Incomplete or Approaching Satisfactory rating during two (2) consecutive Evaluation Years.
- (b) The State Board shall not reduce an authorizer's authorizer fee by more than fifty percent (50%) in any fiscal year.
- (c) The percentage of any reduction of an authorizer's authorizer fee and the length of time of any reduction shall be determined and approved by the State Board. In making its determination, the State Board shall consider an authorizer's failure to remedy any noncompliance identified in the authorizer's Evaluation Reports and corresponding corrective action plans, if applicable. The Executive Director of the State Board shall make a recommendation to the State Board regarding the percent reduction of any authorizer fee and the length of time, however, the State Board is not bound by that recommendation.
- (d) If the State Board approves the reduction of an authorizer's authorizer fee by a certain percentage, the Department of Education shall determine the exact amount of the reduction based on the total authorizer fee received by the authorizer in the Evaluation Year or the first year that the authorizer receives an authorizer fee, if no fee has been collected by the authorizer during the Evaluation Year.

Authority: T.C.A. §§ 49-13-145. **Administrative History:**

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 5/19/20

Signature: _____



Name of Officer: Angie Sanders

Title of Officer: General Counsel

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Tre Hargett
Secretary of State