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File Date: 2/16/2023

# 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.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	N/A
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 8th Floor, Nashville, TN 37243
<b>Phone:</b>	(615) 253-5707
<b>Email:</b>	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:*

<b>ADA Contact:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 8th Floor, Nashville, TN 37243
<b>Phone:</b>	(615) 253-5707
<b>Email:</b>	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 <sup>st</sup> Floor		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	04/11/2023		
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> 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://tn.webex.com/tn/j.php?MTID=m0023d75e49e14ca921286ab82c407707>

**Meeting number:** 2311 019 6692  
**Password:** SBERules  
**Phone:** +1-415-655-0001  
**Access Code:** 2311 019 6692

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing.

Oral comments are invited at the hearing.  
In addition, written comments may be submitted via email at [angela.c.sanders@tn.gov](mailto:angela.c.sanders@tn.gov) or mailed to:  
Tennessee State Board of Education  
Attention: Angie Sanders  
Davy Crockett Tower, 5<sup>th</sup> Floor  
500 James Robertson Parkway  
Nashville, Tennessee 37243

Written comments must be received by **4:00 PM CT on April 14, 2023** in order to ensure consideration.

**\*\*\*Email comments are preferred as mail is running very slow and may not arrive in time\*\*\***

For further information, please contact Angie Sanders by e-mail at [angela.c.sanders@tn.gov](mailto: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.

**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. New authorizers that have authorized a charter school that has not yet opened shall be considered authorizers for purposes of participating in the evaluation and shall receive their first evaluation when at least one (1) of the authorizers' charter schools begins its second year of operation.
  - (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 authorizer's next evaluation year. 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 evaluators with experience in charter school authorization and/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 State Board Policy 6.113 Charter School Authorizer Evaluations. 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), or not applicable, indicating the degree to which an authorizer has met each standard on the Rubric; and
    - 2. Assign authorizers an overall rating in compliance with thresholds defined in State Board Policy 6.113 Charter School Authorizer Evaluations.
  - (e) The evaluation year is the school 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 review of authorizer appeal history, if applicable;

4. Evaluation Team interview with school leaders from the authorizer's charter schools;
  5. Evaluation Team meeting with the authorizer to receive additional context about the submitted documentation;
  6. An Evaluation Team member meeting with the authorizer to review preliminary evaluation ratings;
  7. Draft authorizer evaluation report shared with the authorizer. The authorizer shall have an opportunity to provide any factual corrections to the report prior to the report being finalized;
  8. 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. The Evaluation Report shall be presented to the State Board for approval at the next quarterly or special called meeting following release of the Evaluation Report to the authorizer;
  9. Upon approval of the Evaluation Report, State Board staff shall send written notification of approval to the authorizer. If an authorizer receives a rating of Approaching Satisfactory or Unsatisfactory/Incomplete, the authorizer shall acknowledge receipt of the Evaluation Report to the State Board no later than ten (10) business days after the written notification is sent to the authorizer and shall comply with any required follow-up actions including, but not limited to, development of a corrective action plan; and
  10. Posting the Evaluation Report on the State Board's website.
- (f) The non-evaluation year is the school year during which an authorizer does not undergo an authorizer evaluation by the State Board (the "Non-Evaluation Year"). The Non-Evaluation Year shall, at a minimum, consist of the following:
1. Authorizer completion of a self-assessment that shall be submitted to the State Board in addition to the annual authorizer report required by T.C.A. § 49-13-128. The self-assessment shall include, 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; and
  2. If the authorizer's corrective action plan requires interim reports, the authorizer shall provide information and evidence demonstrating completion of any corrective action plan tasks by the deadline required by the corrective action plan.
- (g) 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) The Evaluation Report shall assign an overall rating to each authorizer as further defined in State Board Policy 6.113 Charter School Authorizer Evaluations. Rating categories and corresponding follow-up actions are as follows:

1. Exemplary.

(i) An Exemplary rating includes, 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) Submission of a 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.

2. Commendable.

(i) A Commendable rating includes, but is not limited to, the following:

(I) Public recognition and highlighting authorizer best practices by the State Board; and,

(II) Submission of a self-assessment during the Non-Evaluation Year.

3. Satisfactory.

(i) A Satisfactory rating includes, but is not limited to, the following:

(I) Submission of a self-assessment during the Non-Evaluation Year.

4. Approaching Satisfactory.

(i) An Approaching Satisfactory rating includes, but is not limited to, the following:

(I) Submission of a corrective action plan, which shall include any specific follow-up actions identified in the Evaluation Report. The corrective action plan shall be approved by the Executive Director of the State Board or his/her designee prior to implementation;

(II) Submission of a self-assessment during the Non-Evaluation Year; and

(III) Submission of documentation demonstrating completion of requirements by the deadlines set forth in the approved 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 and length of time determined by the State Board in compliance with paragraph three (3) of this rule.

5. Unsatisfactory/Incomplete.

- (i) An Unsatisfactory/Incomplete rating includes, but is not limited to, the following:
  - (I) Requirement to participate in another authorizer evaluation the school year immediately following a rating of Unsatisfactory/Incomplete;
  - (II) Submission of a corrective action plan, which shall include any specific follow-up actions identified in the Evaluation Report. The corrective action plan shall be approved by the Executive Director of the State Board or his/her designee prior to implementation; and
  - (III) Submission of documentation demonstrating completion of requirements by the deadlines set forth in the approved corrective action plan. Failure to complete the requirements outlined in the corrective action plan and/or receiving a rating of Unsatisfactory/Incomplete in the authorizer's next evaluation may result in the reduction of the authorizer's authorizer fee in an amount and length of time determined by the State Board in compliance with paragraph three (3) of this rule.

(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 school year.
- (c) If the Executive Director determines that an authorizer fee reduction should be recommended to the State Board, the Executive Director of the State Board shall make a recommendation to the State Board regarding the reduction of an

authorizer's authorizer fee and the length of time; however, the State Board is not bound by that recommendation. Absent an Executive Director's recommendation, the State Board may still consider reduction of an authorizer's authorizer fee if the authorizer meets any of the requirements of paragraph (3)(a) of this rule. The amount 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 on a case-by-case basis. In making its determination, the State Board shall consider, but is not limited to, the following:

1. An authorizer's failure to remedy any noncompliance identified in the authorizer's Evaluation Reports and corresponding corrective action plans, if applicable; and
  2. Ratings received by the authorizer in prior Evaluation Reports, if applicable.
- (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.
- (e) Any reduction shall be equally prorated among all of the authorizer's open and operating charter schools.

**Authority:** T.C.A. §§ 49-13-145, 49-13-120, 49-13-126. **Administrative History:** New rule filed April 13, 2021; effective July 12, 2021.

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: 02/16/2023

Signature: \_\_\_\_\_



Name of Officer: Angela C. Sanders

Title of Officer: General Counsel

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Tre Hargett  
Secretary of State

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Feb 16 2023, 4:06 pm

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