

3.500 Charter School Revocation with Commission as Authorizer

ADOPTED: October 28, 2020

REVISED:

When serving as the authorizer, the Commission may, pursuant to T.C.A. § 49-13-122, revoke a charter agreement and is required to have a procedure for the closure of a charter school prior to denying renewal or revoking a charter agreement, pursuant to § 49-13-130.

Purpose

The purpose of this policy is to set forth the process and criteria the Commission will use when considering the revocation of a charter agreement where the Commission serves as the authorizer.

Policy Sections

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Generally

In accordance with the terms and provisions of § 49-13-122(a), when the Commission is the authorizer, the Commission may revoke a charter agreement if the school receives identification as a priority school for one cycle, and the Commission shall revoke a charter agreement if a school receives identification as a priority school for two cycles. Such revocation shall take effect immediately following the close of the school year after the school was identified as a priority school. A school's identification as a priority school that is scheduled to close under § 49-13-122(a) shall be entitled to review by the Tennessee Department of Education to verify the accuracy of the data used to identify the school as a priority school.

Furthermore, when the Commission is the authorizer, the Commission may also revoke a charter agreement if it determines that the school:

- Failed to meet the minimum performance requirements set forth in the charter agreement;
- Committed a material violation of any of the conditions, standards, or procedures set forth in the charter agreement; or
- Failed to meet generally accepted standards of fiscal management.

Revocation Notice

The Commission shall deliver written notice (the “Revocation Notice”) of its intention to revoke a charter agreement to the governing body at least ten (10) business days prior to the public hearing on such revocation, unless exigent circumstances require immediate action by the Commission. The Revocation Notice should include an explanation of why the Commission intends to revoke the school’s charter pursuant to T.C.A. § 49-13-122. Commission staff shall provide the governing body with an opportunity to meet and present, in-person or via conference call, any additional information that is relevant to the revocation decision prior to the public hearing. The governing board may notify Commission staff at any time that they will not contest the revocation and agree to forego the public hearing.

Public Hearing

- The Executive Director of the Commission shall hold a public hearing on the proposed revocation within sixty days of delivery of the Revocation Notice to the governing body. Commission staff will schedule a date for the public hearing, which shall be held in the school district where the school is located. Commission staff will communicate the date and time of this hearing to the governing board and post notice of the hearing on the Commission’s website.
- The Executive Director or a Commission staff member (the “Hearing Officer”) shall preside at the hearing, and a Commission staff member shall summarize why the Commission has initiated proceedings to revoke the school’s charter. The governing board or its designated representative shall have twenty minutes to present any information it wishes as to why the school’s charter should not be revoked. The Hearing Officer has discretion to extend the time for presentation as circumstances require.
- There will then be at least ~~thirty~~forty total minutes for public comment, and the Executive Director or other staff member, in their discretion, may increase the time for public comment based on the circumstances. Members of the public who wish to comment shall register through a process designated by the Commission staff, and to the extent time permits, will be called to speak in the order their names appear on the registration list. Each member of the public will be permitted to speak for no more than two minutes, but the Executive Director or other staff member will have discretion to set a time limit of less than two minutes based on the circumstances. Written comments may also be submitted at the public hearing or submitted to the Commission as specified at the hearing and on any notices or agendas.
- The Hearing Officer may ask questions of the governing board or its designated representative or those offering public comments at any time during the hearing. The



Hearing Officer may end portions of the hearing or the hearing itself if the governing board or its designated representative or members of the public are out of order. Examples of conduct that may warrant calling speakers out of order include: yelling or using obnoxious or offensive language; speaking out of turn; or denigrating hearing participants by name calling or similar conduct.

- No public hearing shall be held when the Commission intends to revoke a charter based on a charter school's identification as a priority school for two consecutive cycles pursuant to § 49-13-122(a). In such cases, the charter school shall only be entitled to request a review by the Tennessee Department of Education of the data used to designate it as a priority school, pursuant to § 49-13-122(a)(4).

Decision of the Commission

Following the public hearing, the Executive Director of the Commission will provide a final recommendation to the Commission. The Commission will meet and render a decision regarding the revocation of the charter agreement within sixty (60) days of the delivery of the Revocation Notice. If the Commission revokes a charter agreement, it shall provide written notice of its reasons for the revocation to the governing body. Except in the case of fraud, misappropriation of funds, flagrant disregard of the charter agreement or similar misconduct, the Commission's decision to revoke a charter agreement will become effective at the close of the school year. The Commission's decision to revoke a charter agreement is final and may not be appealed. If the Commission decides not to revoke the charter agreement, the school shall continue to operate, and the Commission shall continue to be the authorizer.

Closure Protocol

The Commission will develop a school closure protocol prior to denying renewal or revoking a charter agreement. The closure protocol shall comply with and be developed in accordance with § 49-13-130.