



Charter School Renewal Appeal Process – Guidance Document

Disclaimer: This document is for guidance purposes only and does not supersede any statute, rule, or policy. Local boards of education and governing boards may be held to requirements and deadlines not contained in this document.

Overview of the Renewal Appeal Process

Pursuant to Tennessee Code Annotated (T.C.A.) § 49-13-121, public charter school's governing board may appeal the denial of their renewal application by a local board of education to the Tennessee Public Charter School Commission (Charter Commission). An appeal of a charter school renewal application to the Charter Commission is governed in accordance with T.C.A. § 49-13-121, Charter Commission policy 2.200 [Charter School Renewal Appeals](#), and Rule 1185-01-01-.02 Charter School Renewal Application Appeals. Upon receipt of an appeal, the Charter Commission has sixty (60) calendar days to render a decision,¹ and typically, the Charter Commission's meeting to render a decision on the appeal is near the end of that time frame. The Charter Commission's decision is final and not subject to further appeal.

Standard of Review

- If the Charter Commission finds that the local board of education's decision to deny renewal of a charter agreement is contrary to the best interest of the students, LEA, or community, then the commission shall approve the renewal application and the commission shall become the authorizer.²
- If the commission approves the renewal of a charter agreement on appeal from a local board of education, then the public charter school and the commission shall enter into a renewed charter agreement in accordance with § 49-13-110(a).

Statutes, Rules and Policies Governing the Renewal Appeal Process

The following statutes, rules, and policies govern the charter school renewal appeal process. Any school's governing board or local board of education participating in the renewal appeal process should be familiar with the contents of these documents:

- T.C.A. § 49-13-121
- Policy 2.200 [Charter School Renewal Appeals](#)
- Rule 1185-01-01-.02 Charter School Renewal Application Appeals

Guidance for Governing Boards Submitting Renewal Appeals

A charter school's governing board that submits an appeal of a local board of education's denial of a renewal application should do so in accordance with T.C.A. § 49-13-121, Charter Commission policy 2.200 [Charter](#)

¹ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Charter Commission Policy 2.200 [Charter School Renewal Appeals](#), and Rule 1185-01-01-.02 Charter School Renewal Application Appeals.

² Unless mutually agreed to by the public charter school and the local board of education of the LEA where the school is located that the local board of education will be the authorizer and LEA for the public charter school in writing within thirty (30) days, pursuant to T.C.A. § 49-13-108(b)(5)(E).

[School Renewal Appeals](#), and Rule 1185-01-01-.02 Charter School Renewal Application Appeals. **The notice of appeal and corresponding documents must be submitted via e-mail to the Charter Commission within ten (10) calendar days of the local board of education's denial of the renewal application. Any notice of appeal and corresponding documents submitted after 11:59pm Central Time on the tenth (10th) calendar day will not be accepted.**³ The e-mail to the Charter Commission shall contain a link to the file-sharing website (e.g., Dropbox, Box.com, Google Drive, etc.) with clearly labeled folders and documents corresponding to the required information below. **The notice of appeal shall include all of the following in order to be considered:**⁴

- a) Copies of the renewal application, which shall include, but not be limited to, the information set forth in § 49-13-121. Corrections to the renewal application shall not be accepted.
- b) Summary of the renewal application timeline including the date that the renewal application was originally submitted to the local board of education, the date the renewal application was denied by the local board of education, and any other dates relevant to the local board of education's consideration of the renewal application.
- c) Brief statement, no longer than three (3) pages, explaining why the local board of education's denial of the charter school renewal application was contrary to the best interests of the pupils, school district, or community.

The Charter Commission will meet and render a final decision on each appeal within sixty (60) calendar days of receipt of the charter school renewal appeal.⁵ The Charter Commission may meet at a special-called meeting or at a regularly scheduled meeting. The Charter Commission will consider the Executive Director's Findings and Recommendation Report for the appeal, but the Commission is not bound by the recommendation.⁶

Guidance for Local Boards of Education Participating in the Renewal Appeal Process

Upon receipt of an appeal, Charter Commission staff will notify representatives of the local board of education that an appeal has been received and that a request for information is forthcoming. The local board of education shall provide the requested information within five (5) calendar days of receipt of the request or as soon as possible thereafter, but in no event more than seven (7) calendar days after the request.⁷ Documents should be submitted to the Charter Commission via a file-sharing website (e.g., Dropbox, Box.com, Google Drive, etc.) with clearly labeled folders and documents corresponding to the required information below:

- a) A list of individual(s) that reviewed the renewal application.
- b) Copies of the minutes, presentations, and/or notes, if such were prepared, from any review team meetings and local board of education work sessions and/or meetings in which the renewal application

³ Charter Commission Policy 2.200 [Charter School Renewal Appeals](#)

⁴ Failure to include any of the following documentation will result in the appeal being incomplete. The Charter Commission will not consider incomplete appeals.

⁵ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Charter Commission Policy 2.200 [Charter School Renewal Appeals](#), and Rule 1185-01-01-.02 Charter School Renewal Application Appeals.

⁶ Charter Commission Policy 2.200 [Charter School Renewal Appeals](#)

⁷ Ibid.



was discussed.

- c) Copies of the completed scoring sheets used to evaluate the renewal application. Copies of any reports or notes prepared for the local board of education by reviewers or other local board of education staff.
- d) Copies of the letters informing the governing body of the local board of education's reasons for denying the renewal application.

Frequently Asked Questions

1. How long does the renewal appeal process take?

The Charter Commission is required to render a decision on a renewal appeal within sixty (60) calendar days of the receipt of the notice of appeal.⁸ Typically, the Charter Commission's meeting to render a decision on a renewal appeal is near the end of the sixty (60) calendar day period.

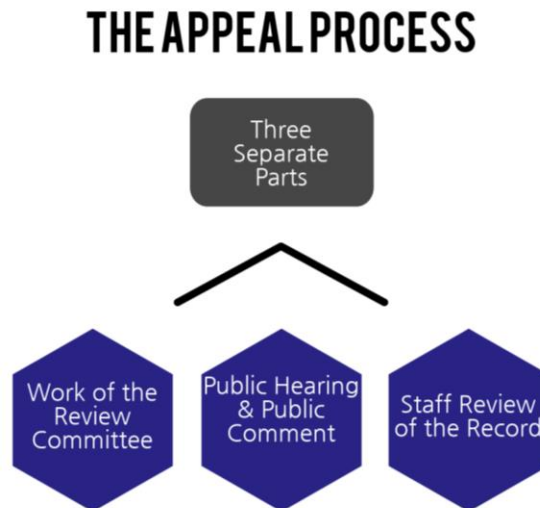
2. Who is my main contact during a renewal appeal?

The Charter Commission's General Counsel, Ashley Thomas, is your primary contact and can be reached at Ashley.Thomas2@tn.gov.

3. Can we receive copies of the information submitted by the governing board or local board of education as a part of the renewal appeal process?

Upon written request to Ashley.Thomas2@tn.gov, the Charter Commission's General Counsel will provide the information submitted by the governing board on appeal or the information submitted by the local board of education as a part of the request for information.

4. What does the Charter Commission analyze in a renewal appeal?



The Charter Commission shall conduct a de novo, on the record review of the charter renewal record and supporting documentation submitted in accordance with T.C.A. § 49-13-121.⁹ Therefore, the substantive review of the renewal application and record by the Charter Commission staff is done in three parts, all of which

⁸ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Charter Commission Policy 2.200 [Charter School Renewal Appeals](#), and Rule 1185-01-01-.02 Charter School Renewal Application Appeals.

⁹ T.C.A. § 49-13-121

inform the Executive Director's Findings and Recommendation Report that is presented to the Charter Commission. The Charter Commission will consider, but is not bound by, the Executive Director's recommendation.¹⁰ The recommendation report is based on the following:

- **Part 1: Work of the Review Committee:**¹¹ The Charter Commission will assemble a charter application review committee (Review Committee), comprised of both internal and external evaluators, to review the renewal charter school application as submitted by the governing board to the Charter Commission upon appeal. The Review Committee will be trained by the Charter Commission staff to ensure consistent standards and fair treatment of all applications. The Review Committee's work consists of three key parts, outlined below, and is completely separate from the public hearing and staff review of all documents on the record.
 - a) **Evaluation of the Renewal Record:** The Review Committee is responsible for conducting a de novo, on the record review of the renewal application and any supporting documentation used by the LEA in making the renewal decision.
 - b) **Capacity Interview:** After an initial review of the renewal application, the Review Committee will conduct a ninety (90) minute capacity interview with the school leaders and officers of the governing board. Additional information about the interview is contained in Charter Commission policy 2.200 [Charter School Renewal Appeals](#). The interview will be held in accordance with Charter Commission policy 2.100 [Charter School Application Review](#), provided that the focus of the interview will be on evaluating the charter school's performance over the current term and the governing body and school leadership's capacity to effectively oversee the charter school during the next charter term. The governing board will not have any opportunity for an opening statement at the beginning of the interview but will be granted time to present a closing statement during the last five (5) minutes of the interview. To start the interview, the Review Committee and individuals representing the governing board will briefly introduce themselves, and then the Review Committee will move straight into questions for the governing board.
 - c) **Review Committee Report:** After reviewing the renewal application and holding the capacity interview, the Review Committee develops a recommendation to present to the Executive Director on the renewal application.
- **Part 2: Public Hearing and Public Comment:** The Charter Commission will hold a public hearing on the renewal application during the sixty (60) calendar days that the Charter Commission is considering an appeal.¹² The public hearing is held in the local school district in which the applicant operates, and the hearing gives the local board of education, the governing board, and the local community the opportunity to be heard on the renewal application. Specific details regarding the hearing can be found in Charter Commission policy 2.200 [Charter School Renewal Appeals](#). The public hearing will be held in accordance with Charter Commission policy [2.000 - Charter School Appeals](#), provided that any reference to "sponsor" shall be deemed to mean the governing body. The proceedings of the public hearing are wholly separate from the work of the review committee described in Part 1, and neither part informs the other's work. In

¹⁰ Charter Commission Policy 2.200 [Charter School Renewal Appeals](#)

¹¹ Charter Commission Policy 2.200 [Charter School Renewal Appeals](#) and 2.100 [Charter School Application Review](#)

¹² Charter Commission Policy 2.200 [Charter School Renewal Appeals](#)

developing the Executive Director's recommendation, the Executive Director will consider information presented at the public hearing.

- a) At any point prior to the public hearing and up to the deadline set by the Charter Commission, the public may submit written comments to the Charter Commission for consideration in the Executive Director's recommendation. All written comments submitted to the Charter Commission office are provided to the members of the Charter Commission. The Charter Commission staff will set a deadline by which no further written comments will be accepted, and this deadline will be stated on the public hearing agenda and the Charter Commission's website.
 - b) In accordance with Charter Commission policy 1.200 Commission meetings, each meeting of the Commission shall reserve at least 30 minutes for public comment. The public may sign up to give a public comment at the Charter Commission by visiting the [meeting page of the Charter Commission's website](#).
- **Part 3: Staff Review of the Record:** The Charter Commission staff will conduct a de novo on the record review of all documentation submitted by the governing board and local board of education. This documentation includes all materials submitted within the notice of appeal by the governing board, all materials submitted by the local board, the review committee report, and information received during the public hearing and via public comment. Additionally, the Charter Commission staff may conduct due diligence on the school, including but not limited to outreach to current authorizers or a review of state and nationally normed internal assessment data.

5. What could the Executive Director recommend?

The Executive Director can recommend that the Charter Commission affirm the local board of education's decision to deny the renewal application or recommend that the Charter Commission approve the renewal application.

6. When is the Executive Director's recommendation published online?

Typically, the Executive Director's Findings and Recommendation report is posted on the Charter Commission's website a couple of days prior to the Charter Commission's meeting.

7. What is the Charter Commission's decision-making process?

The Charter Commission will meet at a special-called meeting or a regularly scheduled quarterly meeting to render a decision within sixty (60) calendar days of receipt of the notice of appeal.¹³ If the Charter Commission renders a decision at a special-called meeting, the Charter Commission will discuss the Executive Director's recommendation prior to the vote on the agenda item. If the Charter Commission renders a decision at a regularly scheduled quarterly meeting, the Charter Commission will discuss the Executive Director's

¹³ Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Charter Commission Policy 2.200 [Charter School Renewal Appeals](#), and Rule 1185-01-01-.02 Charter School Renewal Application Appeals.

recommendation at the Charter Commission's work session.¹⁴ All Charter Commission meetings and work sessions are livestreamed, and the link will be available on the Charter Commission's website.

8. Is there time for public comment on the appeal at the Charter Commission meeting?

Requests for public comment at Charter Commission meetings are governed by Charter Commission policy [1.100 - Commission Meetings](#). In accordance with Charter Commission policy, each meeting of the Commission shall reserve at least 30 minutes for public comment. The public may sign up to give a public comment at the Charter Commission by visiting the [meeting page of the Charter Commission's website](#). The meetings are also open to the public and livestreamed online.

A representative of the governing board and/or local board of education may choose to speak at the meeting or submit a written comment to be read into the record by a member of the Charter Commission staff during the meeting where the Charter Commission will consider the findings and recommendations of the Executive Director. Written comments shall not be more than one (1) page typed in length and shall be received by the Executive Director at least forty-eight (48) hours prior to the scheduled Charter Commission meeting. The Charter Commission staff shall accept only one written comment from each party.

9. What happens after the Charter Commission renders a decision?

The school's governing board and local board of education will be notified via email of the Charter Commission's decision on the renewal appeal. If the Charter Commission approves the renewal application, the local board of education and the governing board can mutually agree for the charter school to continue to be overseen by the local board of education. Written notification of this agreement must be submitted to the Charter Commission within thirty (30) calendar days of the Charter Commission's decision.¹⁵

10. What happens if the Charter Commission becomes the authorizer?

If after thirty (30) calendar days the local board of education and the school's governing board do not mutually agree for the charter school to be overseen by the local board of education, Charter Commission staff will reach out to the charter school's governing board to discuss next steps for the charter school to be overseen by the Charter Commission, including the negotiation of the charter agreement. The amended application and renewal application will be exhibits to the charter agreement.

11. Can the Charter Commission's decision be appealed?

The Charter Commission's decisions in renewal appeals are final.¹⁶

12. Who should I contact with additional questions?

Please contact the General Counsel, Ashley Thomas, at Ashley.Thomas2@tn.gov.

¹⁴ Charter Commission Policy 2.200 [Charter School Renewal Appeals](#)

¹⁵ Rule 1185-01-01-.02 Charter School Renewal Application Appeals

¹⁶ Rule 1185-01-01-.02 Charter School Renewal Application Appeals