TENNESSEE
PUBLIC CHARTER SCHOOL COMMISSION

New Start Appeals Refresher

October 8, 2026

Principles of Quality Authorizing

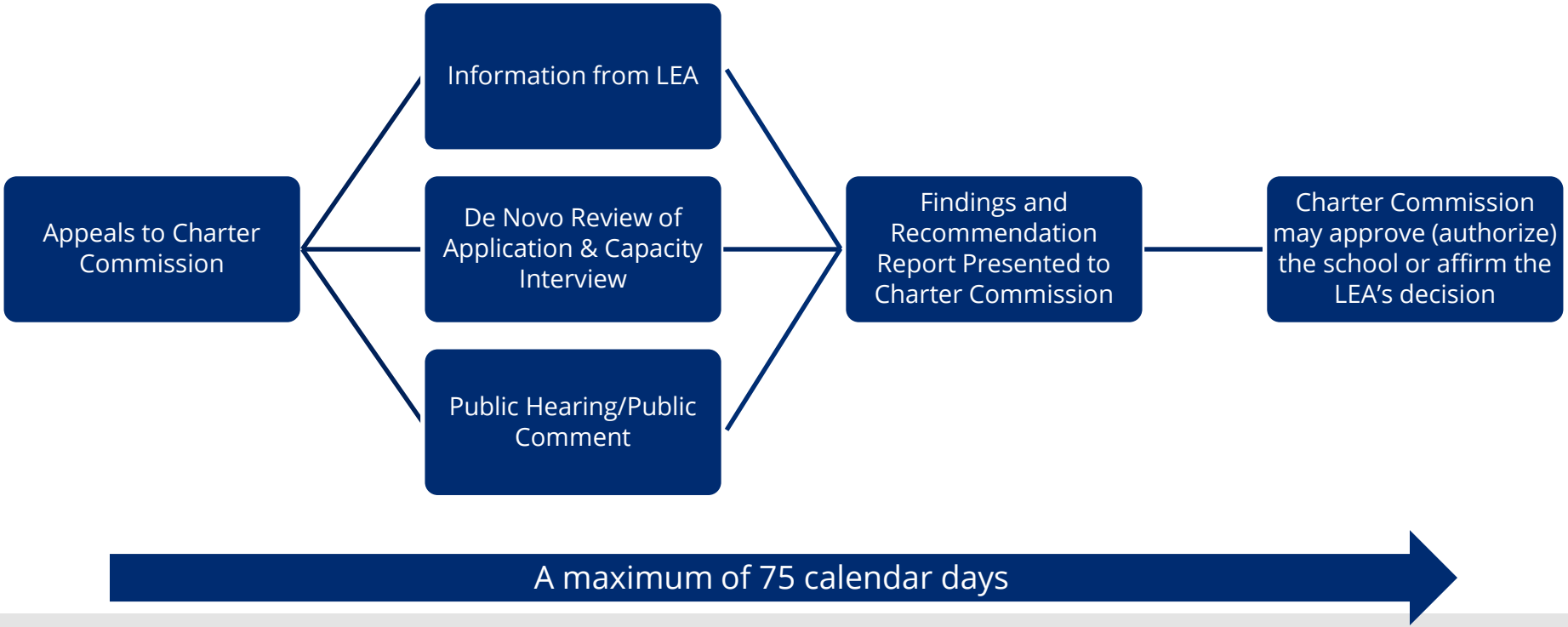
- In line with State Board Policy 6.111, a quality authorizer:
  - Grants charters only to applicants demonstrating **high capacity for success.**
  - Rigorously evaluates each application through **thorough review of the written proposal**, a substantive **in-person interview** with each qualified applicant, and all **appropriate due diligence** to examine the applicant's experience and capacity, conducted by knowledgeable and competent evaluators.
  - Compiles highly competent teams of **internal and external evaluators** with an **understanding of the essential principles of charter school autonomy and accountability** to conduct a review of the application.

New Start Appeals

Name of School	LEA	Type of Application
Trimble Academy	Dyer County Schools	New Start
Empowerment Academy – East Tennessee	Hamilton County Schools	New Start
Empowerment Academy – West Tennessee	Memphis-Shelby County Schools	New Start
Opportunity Youth Academy	Memphis-Shelby County Schools	Opportunity
Empowerment Academy – Middle Tennessee	Metropolitan Nashville Public Schools	New Start
Music City Academy	Metropolitan Nashville Public Schools	New Start
Nashville School of Excellence	Metropolitan Nashville Public Schools	New Start
The Gate School	Metropolitan Nashville Public Schools	New Start

Appeals Process

Appeals Process Flow Chart



Review Committee

- The review committee conducts a de novo review of the amended application and evaluates it using the state's scoring rubric.
- Following the initial review, the committee conducts a 90-minute capacity interview to assess the applicant and addresses clarifying questions.
- The committee then develops a comprehensive report that summarizes consensus ratings.
  - This report is submitted to the Executive Director for consideration in their recommendation.
  - This is Exhibit A in all recommendations.
- Applications must meet standards across all categories to receive an approval recommendation from the committee.

Public Hearing

- In accordance with statute, the Executive Director presides over a public hearing in the district the proposed school would locate.
- During the hearing, the sponsor of the school and the local board of education present on the appeal.
- The Executive Director asks questions of the sponsor and the local board based on the initial review of the record.
- Each hearing allots time for in-person public comments and the Commission accepts written public comments which are included in the Commissioner's record.
- A summary of the public hearing is included in the Executive Director's Recommendation and the video recording is contained in the record.

Guiding Questions During Review

- Is this a high-quality application supported by well thought out plans and evidence of success?
- Whether the school's model, people, finances, governance, and track record demonstrate the capacity to open successfully, serve all students, and sustain long-term performance.
- Are my concerns significant enough to undermine the school's overall readiness to open, based on major inconsistencies within the application, or align with the common root causes of charter school failure?
- Did the school meet the required standards across each category of the application?
- Based on the totality of the evidence, is the school ready to open?

Charge of the Commission

Charge of the Commission

- The Commission was created under T.C.A. § 49-13-105 which lays out the Commission's responsibility to hear charter school appeals and to serve as the authorizer and LEA of approved charter schools.
- T.C.A. § 49-13-108 allows public charter school sponsors to appeal the denial of an application by the local board of education to the Tennessee Public Charter School Commission.
- The Commission is charged with conducting a de novo, on the record review of the proposed charter school's application.

Review of the Record

- Information that can be considered is limited to what is officially “on the record” in the appeal.
- Commissioner’s record includes:
  - Correspondence from the Commission staff to parties
  - Notice of Appeal from the Sponsor
  - Recording of Capacity Interview
  - Recording of Public Hearing and Public Comment
  - Executive Director’s Recommendation inclusive of the review committee report
  - Statements in response to recommendation

Criteria for Approval

- The Commission may approve the application if the application:
  1. Meets or exceeds the metrics outlined by the state's application-scoring rubric **and**
  2. Approval of the application is in the best interests of the students, LEA, or community
- The Commission shall consider the findings and recommendations of the Executive Director…but the Commission is not bound by the recommendation
  1. Commission Rule 1185-01-01-.01(8)

Additional Context

Additional Context

- The following slides are meant to address unique items and issues that were present in this year's appeals.
- To support the overall deliberations of the Commission, staff is providing additional context outside of specific applications or appeals.
- While not exhaustive, the following represent topics that arise across multiple appeals.

Fiscal Impact

- T.C.A. § 49-13-108(c):
  - An LEA may deny on the basis that the opening of the charter school will cause a substantial negative fiscal impact on the district.
  - When cited as a reason for denial, the Commission shall determine whether a substantial negative fiscal impact on an LEA exists **before** a decision to approve an amended application.
  - **In an appeal, the burden is on the district to prove a substantial negative fiscal impact.**
- Key questions for consideration include:
  - How the district has dealt with historical enrollment fluctuations, and
  - How would opening the proposed school compare with these fluctuations?

Evaluating the Educational Ecosystem

- As part of determining whether approval is in the best interests of students, the LEA, and the community, the Commission may consider:
  - Availability and quality of existing educational options
  - Enrollment and demographic trends
  - Whether the proposal provides a meaningful educational option for students
  - Likelihood of successful implementation and long-term sustainability
  - Potential benefits to students and the broader community

Enrollment & Financial Viability

- Many new start charter schools initially struggle to meet enrollment targets during early years of operation.
- As a part of due diligence, consider the budget flexibility and financial viability of a school model if enrollment targets are not met.
- Many new operators seek grants that are only guaranteed upon authorization.
- Consider the likelihood of these grants coming through and how much budget reliance is on unsecured grants.
- Many applicants were not awarded the Charter Schools Program (CSP) grant, a funding source that was previously available following authorization.
- Given the current unavailability of CSP funding, applicants were evaluated on their ability to open and operate without reliance on this funding.

Staffing, Leadership, and Board Capacity

- Recruiting and retaining licensed staff, particularly for special populations and high school positions, continues to be a challenge.
- Strong leadership and an engaged governing board are critical to navigating the school opening process, providing effective oversight, and holding school leadership accountable for results.
- Because the governing board holds the charter agreement, applications should clearly identify board members, governance structure, and lines of accountability.

Post Authorization and Next Steps

Post Commission Decision

- If the application is approved:
  - The district and the sponsor have 30 calendar days to mutually agree for the district to be the authorizer.
    - Upon receipt of a notice of reconciliation, the Commission has no further oversight or jurisdiction over the charter school.
  - If no agreement is made, the Commission remains the authorizer.
- If the application is denied:
  - Sponsor may submit letter of intent/application for next application cycle.

Charter Agreement

- The charter agreement negotiation process begins after 30 calendar days.
- The Commission's legal relationship is with the governing board of each school, as the named parties to the agreement.
- The charter agreement sets forth material terms that govern the responsibilities and oversight of the parties.
- Charter agreements will be brought to the Commission for approval at the January 2027 meeting.

Pre-Opening

- The Commission conducts a robust, detailed pre-opening process spanning the eight months prior to a new school opening.
- The charter agreement includes a pre-opening checklist that must be substantially completed with key indicators met to demonstrate that the school is ready to open.
- The ready to open criteria focuses on key deliverables related to facilities, enrollment, staffing, and financial plan.
- Charter schools may also exercise their right to delay opening for up to one year.
- The pre-opening process and school progress will be presented and discussed at the January 2027 Commission meeting.



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