

3.400 Charter School Intervention

ADOPTED: October 28, 2020

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Purpose

The purpose of this policy is to set forth the criteria and process for authorizer intervention decisions and actions by the Tennessee Public Charter School Commission (“Commission”) with regard to its authorized charter schools.

Policy Sections

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Generally

The Commission shall have a clear, explicit plan for monitoring schools as set forth in the charter agreement. To the extent possible, this plan shall limit the administrative burden on schools. If there is reason for concern, the Commission shall monitor as often and vigorously as needed to ensure the charter school remedies serious issues in a timely manner. In cases where intervention by the Commission is warranted, it shall be proportionate to the identified problem, adhere to provisions of the charter agreement, and respect the autonomy of the charter school.

The Commission aligns intervention for authorized charter schools with requirements set forth by the Tennessee Department of Education (“TDOE”) for schools receiving state or federal designations, including priority schools.¹

Intervention

- The Commission has established this intervention policy stating the general conditions that may trigger intervention and the types of actions and consequences that may ensue. The table of interventions can be found on page 4 of this policy.
- This intervention policy shall be identified in the charter agreements of the charter schools authorized by the Commission.

¹ [TDOE Progressive Tiered Intervention System](#)

- The Commission shall give the charter schools in its portfolio timely notice of any charter agreement violations or performance deficiencies justifying intervention. Notices shall state the deficiency; the applicable regulatory, performance or contractual provision(s) not satisfactorily met; the expected remedy, including whether a Plan of Correction² is required (as further described below); and the timeframe by which the Commission expects a deficiency to be remedied and/or a Plan of Correction to be submitted.
- The Commission shall provide its charter schools with reasonable time and opportunity for submission of Plan of Correction and/or remediation in non-emergency situations.
- Where intervention is needed, the Commission shall engage in intervention strategies that preserve charter school autonomy and responsibility by identifying what the charter school must remedy without prescribing solutions.

Grounds for Intervention and Consequences

- If issues of concern or deficiencies are identified, the Commission may assign a level of intervention for the charter school.³ This policy as incorporated into the charter agreement shall outline these levels of intervention as well as the grounds that may result in certain levels of intervention. The Commission shall adhere to the provisions of the charter agreement if it determines an intervention is appropriate.
- Depending on the severity of the concern or deficiency, the Commission reserves the right to revoke the charter agreement in accordance with the terms and provisions of the charter agreement and T.C.A. § 49-13-122. If the Commission deems that an intervention other than contract revocation is appropriate, it may begin at any level of intervention and shall be permitted to increase levels. The Commission does not need to commence interventions at Level 1 and move incrementally through the levels.
- The Commission staff shall notify the governing board of any charter school that requires an intervention. The notice shall describe the intervention and may include additional consequences if the deficiency and/or concern(s) are not remedied within the stated timeline.
- A Plan of Correction shall include specific improvement objectives, responsible person(s) for each action, technical assistance requirements (if applicable), a schedule, data

² For schools designated as priority schools, the Plan of Correction will align with the Comprehensive Support and Improvement Plan required under T.C.A. § 49-1-602(b)(2)(D).

³ The approval of a level of intervention for a charter school may require official action by the Commission. Additional details regarding which levels require official board action can be found in the Table of Interventions on Page 4 of this Policy.

reporting frequency, and indicators of success. The charter school shall submit its Plan of Correction within the timelines prescribed by the Commission or its staff.

- Commission staff's approval of a Plan of Correction shall in no way abridge or mitigate the charter school's ultimate responsibility and accountability for remedying the deficiency and/or the Commission's authority to take additional action in response to the charter school's failure to remedy the deficiency satisfactorily including revocation of the charter agreement to operate a charter school.
- If there is an immediate concern for student or employee health or safety at a charter school, the Commission may revoke the charter agreement or adopt an interim reconstitution plan that may include the appointment of an interim governing board and/or a governing board chairperson.

Charter School Responsibilities

- When a charter school in the Commission's portfolio receives a deficiency notice from the Commission, it may:
 - Remedy noted deficiencies and provide evidence of such remedy to the Commission within the timeframe identified in the notice.
 - Contest the Commission's determination that a breach of the charter agreement has occurred by providing a written response contesting such determination to the Commission within the timeframe prescribed in a deficiency notice.
 - Submit a Plan of Correction within the timeframe identified in the notice.
- If a charter school is not able to meet timeframes for remediation and/or submission of a Plan of Correction, it shall provide a written response to the Commission within the stated timelines, which shall include a justification for its inability to meet the timeframe together with a proposed timeframe for remedying deficiencies. The Commission shall consider the charter school's justification and either approve, approve with modifications or reject the charter school's proposed timeframe.
- Charter schools shall be responsible for notifying the Commission when a deficiency has been remedied, if the charter school requires an extension of time to remedy a deficiency, or if the charter school requires a modification to its Plan of Correction.

Table of Interventions

The Table of Interventions for the Commission lays out the general conditions that may trigger interventions by the Commission, including types of actions and consequences. The outlined procedures are not a step-by-step process. **The Commission reserves the right to place a**

charter school on any status without going through the preceding steps if more immediate actions are warranted.

Status ⁴	Possible Triggers	Possible Action/Consequence ⁵
<p><u>Level 1</u> Notice of Concern</p>	<ul style="list-style-type: none"> • Signs of weak performance identified through routine monitoring; through implementation, compliance, or performance reviews, or through any other means identified by the Commission. • Signs of financial weakness identified through an annual financial audit. • Achievement of “falls far below standard” in one or more areas of the performance frameworks or achievement of “does not meet standard” in multiple areas of the performance frameworks. • Repeated failure to submit required documents on a timely basis. 	<ul style="list-style-type: none"> • Letter to the school’s governing board detailing areas of concern.
<p><u>Level 2</u> Notice of Deficiency</p>	<ul style="list-style-type: none"> • Achievement of “falls far below standard” in multiple areas of the performance frameworks or achievement of “does not meet standard” in a significant number of areas of the performance frameworks. • Signs of significant financial weakness identified through an annual financial audit. 	<ul style="list-style-type: none"> • Letters to the school’s governing board detailing areas of deficiency with a requirement that a Plan of Correction be developed and implemented (with specific improvements, objectives, timelines, and measures). The Plan of Correction must be developed with and approved by Commission staff.

⁴ Level 3 (Notice of Probationary Status), Level 4 (Charter Review), and Level 5 (Charter Revocation) require official action by the Commission.

⁵ The Commission reserves the right to impose additional actions/consequences to those listed in each category if such additional actions are deemed appropriate by Commission staff.

Status ⁴	Possible Triggers	Possible Action/Consequence ⁵
	<ul style="list-style-type: none"> • Failure to comply with applicable state laws, Commission rules/policies, or other regulations. • Failure to comply with terms of charter agreement with Commission. 	
<p><u>Level 3</u> Notice of Probationary Status</p>	<ul style="list-style-type: none"> • Continued failure to meet performance targets (state accountability, charter contract, or performance frameworks). • School was designated a priority school by the TDOE, requiring intervention under the TDOE’s Progressive Tiered Intervention System. • Failure to meet objectives set forth in the Plan of Correction. • Continued or significant signs of financial weakness identified through annual financial audits or other means. • Continued or significant failure to comply with applicable state laws, Commission rules/policies, or other regulations. • Continued or significant failure to comply with conditions of the charter agreement. 	<ul style="list-style-type: none"> • Letter to school’s governing board to serve as notice of probationary status and outlining terms of probation which includes the creation of a Plan of Correction in consultation with Commission staff to address the deficits and has measurable outcomes, a timeline, and very specific improvement expectations. The Plan of Correction must be developed with and approved by Commission staff.
<p><u>Level 4</u> Charter Review</p>	<ul style="list-style-type: none"> • Pattern of failure to comply with or meet performance targets (state accountability, charter contract, or performance frameworks). • Three consecutive years of achieving “falls far below standard” on the performance frameworks in the same category. 	<ul style="list-style-type: none"> • Recommendation to revoke the charter contract or to impose lesser sanctions including but not limited to a requirement to adopt an interim reconstitution plan that may include the appointment of an interim

Status ⁴	Possible Triggers	Possible Action/Consequence ⁵
	<ul style="list-style-type: none"> • Failure to successfully address the terms of the probationary status, including the Plan of Correction. • Flagrant disregard of the charter agreement (T.C.A. § 49-13-122); fraud, misappropriation of funds (T.C.A. § 49-13-122); extended pattern of failure to comply with the terms of the charter; failure to meet generally accepted standards of fiscal management. • Performed any of the acts that are conditions for non-approval of a charter school under T.C.A. § 49-13-108. 	<p>governing board and/or a governing board chairperson.</p> <ul style="list-style-type: none"> • Decision by the Commission to commence revocation proceedings.
<p><u>Level 5</u> Charter Revocation</p>	<ul style="list-style-type: none"> • Charter Review results in recommendation to revoke. • The school has done any of the following: <ul style="list-style-type: none"> ▪ Pattern of failure to comply with or meet performance targets (state accountability, charter contract, or performance frameworks). ▪ Three consecutive years of achieving “falls far below standard” on the performance frameworks in the same category. ▪ Failure to successfully address the terms of the probationary status, including the Plan of Correction. ▪ Flagrant disregard of the charter agreement (T.C.A. § 49- 	<ul style="list-style-type: none"> • Letter stating reasons for proposed revocation to governing board. • Charter closure timeline goes into effect immediately.

Status ⁴	Possible Triggers	Possible Action/Consequence ⁵
	<p>13-122); fraud, misappropriation of funds (T.C.A. § 49-13-122); extended pattern of failure to comply with the terms of the charter; failure to meet generally accepted standards of fiscal management.</p> <ul style="list-style-type: none"> ▪ Inclusion on the TDOE's Priority School List of the bottom 5% of schools in the state for two (2) consecutive cycles (T.C.A. § 49-13-122). ▪ Performed any of the acts that are conditions for nonapproval of a charter school under T.C.A. § 49-13-108. <ul style="list-style-type: none"> • Except in the cases of fraud, misappropriation of funds, flagrant disregard of the charter agreement, or similar misconduct, a decision to revoke shall become effective at the close of the academic year (T.C.A. § 49-13-122). 	