

2.300 Charter School Revocation Appeals

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Pursuant to T.C.A. § 49-13-122, a local board of education's decision to revoke a charter agreement may be appealed to the Tennessee Public Charter School Commission ("Commission") except when a charter school's identification as a priority school is the local board of education's reason for revocation of a charter agreement in accordance with T.C.A. § 49-13-122(a).

Purpose

The purpose of this policy is to set forth the process and criteria the Commission will use when considering the appeal of a local board of education's decision to revoke a charter agreement.

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Generally

A governing body of a charter school may appeal a local board of education's decision to revoke a charter agreement unless such decision is made pursuant to T.C.A. § 49-13-122(a). Such appeal must be submitted to the Commission no later than ten calendar days after the date of the local board of education's decision to revoke the charter agreement.

Notice of Appeal

The governing body shall notify the Commission by email to CharterSchool.Appeals@tn.gov of the governing body's decision to appeal the local board of education's revocation of the charter agreement no later than ten (10) calendar days after the date of such revocation decision. This notice of appeal must be received by the Commission by 11:59 p.m. Central Time on the tenth day. To be considered a complete appeal, this notice of appeal shall contain the following information:

- A copy of the statement issued by the local board of education stating its reasons for



revocation as required by T.C.A. § 49-13-122(d).

- A brief statement, no longer than three (3) pages, explaining why the local board of education erred in revoking the charter agreement under the Tennessee Public Charter Schools Act § 49-13-122.

Commission staff will confirm receipt of the appeal and the date of receipt. Commission staff shall not accept an incomplete appeal or any additional documentation from the charter school governing body beyond the contents of the notice of appeal unless requested by the Commission staff. If the governing body indicates in the notice of appeal that one of the requirements listed above cannot be submitted, the governing body shall include an explanation in the notice of appeal. Commission staff may conditionally accept the appeal and collect additional information to determine whether the appeal may be accepted despite the governing body's inability to submit one the requirements listed above.

Information from the Local Board of Education

Commission staff may gather additional information related to the revocation decision from the local board of education. This information may include, but is not limited to:

- Copies of the approved charter school application and signed charter agreement between the governing body and the local board of education, including any exhibits to the charter agreement.
- Timeline of the approval of the original charter application and revocation decision.
- A copy of the record provided to the local board of education in advance of or at the board meeting where the revocation decision was made.
- Copies of all correspondence from the local board of education to the governing body regarding the status of the charter school.
- Any investigative summaries or reports compiled by the local board of education's staff regarding the charter school.
- Any evidence supporting the local board of education's reasons for revocation.
- Copies of all reports, including annual reports, site visit reports, and interim reports from the local board of education to the governing body on the performance status of the charter school.
- Copies of all annual progress reports submitted by the governing body to the local board of education and Commissioner of Education in accordance with T.C.A. § 49-13-120.
- Copies of all annual financial audits submitted by the governing body to the local



district, the Commissioner of Education, and the Comptroller of the Treasury in accordance with T.C.A. § 49-13-127.

The local board of education is requested to comply with the document request within seven (7) calendar days of the request.

Request for Additional Information

Commission staff may gather additional information related to a revocation appeal from the governing board, the local board of education, and/or the Tennessee Department of Education. In such case, each is requested to comply with the document request within seven calendar days of the request.

Public Hearing

The Commission shall hold a public hearing on the appeal of a local board of education's decision to revoke a charter agreement within sixty calendar days of receipt of the notice of appeal. The public hearing shall be held in accordance with Policy 2.000, Charter School Appeals, provided, that (i) any reference to "sponsor" in Policy 2.000 shall be deemed to mean the governing board; (ii) any time periods set forth in this policy shall control; and (iii) the public hearing will be held in the school district where the charter school is located. The governing board's presentation should focus on why the local district's decision was contrary to T.C.A. § 49-13-122;

Standard of Review

The Commission staff will conduct a de novo, on the record, review of the revocation decision, taking into account any additional information gathered during the public hearing and at the discretion of the Commission staff and will provide a recommendation to the Executive Director the Commission. To overturn a local board of education's decision to revoke a charter agreement, the Commission must find that such decision was contrary to the Tennessee Public Charter Schools Act § 49-13-122.

Decision of Commission

Following the public hearing and the review of the local board of education's decision to revoke the charter agreement as set forth in this policy, the Executive Director of the Commission will provide a written recommendation to the Commission. The Commission will consider the recommendation of the Executive Director when rendering a decision on the appeal, but the Commission is not bound by the recommendation. The Commission will meet and render a decision within sixty days of receipt of the appeal. The Commission may:

- Affirm the decision of the local board of education, or



- If the Commission overturns the decision of the local board of education, the charter school shall continue to operate, and the local board of education will remain the authorizer.

The Commission's decision to sustain the revocation decision of a local board of education on appeal shall be final and no appeal shall be taken.