



## 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 ("Commission"). An appeal of a charter school renewal application to the Commission is governed in accordance with T.C.A. § 49-13-121, Commission Policy 2.200 Charter School Renewal Appeals, and Commission Rule 1185-01-01-.02 Charter School Renewal Application Appeals<sup>1</sup>. Upon receipt of an appeal, the Commission has sixty calendar days to render a decision,<sup>2</sup> and typically, the Commission's meeting to render a decision on the appeal is near the end of that time frame. The Commission's decision is final and not subject to further appeal.

### **Standard of Review**

Pursuant to Commission Policy 2.200 Charter School Renewal Appeals, Commission staff and an independent renewal review committee conduct a complete and thorough review of the renewal record. In order to overturn a local board of education's denial of a renewal application, the Commission must find that the local board's decision was contrary to the best interest of the students, school district, or community based on the evidence and record of performance provided in the renewal record. 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 T.C.A. § 49-13-110(a). The Commission is the authorizer of the charter school, and the school is evaluated and held accountable to Commission Policy 3.700 Charter School Performance Framework.

### **Statutes, Rules, and Policies Governing the Renewal Appeal Process**

The following statute, rule, and policy 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
- Commission Policy 2.200 Charter School Renewal Appeals
- Commission 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, Commission Policy 2.200 Charter School Renewal Appeals, and Commission Rule 1185-01-01-.02. **The notice of appeal must be submitted via email to the**

<sup>1</sup> All Commission rules and policies, including all referenced in this document, are found on the Commission's [website](#).

<sup>2</sup> Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Commission Policy 2.200 Charter School Renewal Appeals, and Commission Rule 1185-01-01-.02 Charter School Renewal Application Appeals

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**Commission ([CharterSchool.Appeals@tn.gov](mailto:CharterSchool.Appeals@tn.gov)) within ten calendar days of the local board of education's denial of the renewal application. Any materials submitted after 11:59 p.m. central time on the tenth calendar day will not be accepted.**<sup>3</sup> Documents must be submitted to the Commission via a file-sharing website (e.g., Microsoft Teams). The Commission staff will set up and invite the charter school's team members to a Microsoft Teams folder for each appeal. The folder will have clearly labeled subfolders for the required information below. The notice of appeal shall include all of the following in order to be considered:

- a) Copies of the renewal application, which shall include, but not be limited to, the information set forth in T.C.A. § 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 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.

Commission staff will confirm receipt of the appeal and the date of receipt with the governing board. Commission staff shall not accept an incomplete appeal or any additional documentation from the charter school governing board beyond the contents of the notice of appeal unless requested by the Commission staff. If the governing board indicates in the notice of appeal that one of the requirements listed in paragraphs (a)-(c) above cannot be submitted, the governing board shall include an explanation in the notice of appeal.

The Commission will meet and render a final decision on each appeal within sixty calendar days of receipt of the charter school renewal appeal.<sup>4</sup> The Commission may meet at a special-called meeting or at a regularly scheduled meeting. The Commission will consider the Executive Director's Findings and Recommendation Report for the appeal, but the Commission is not bound by the recommendation.<sup>5</sup>

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

Upon receipt of an appeal, 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 calendar days of receipt of the request, but in no event more than seven calendar days from the request.<sup>6</sup> Documents must be submitted to the Commission via a file-sharing website (e.g., Microsoft Teams). The Commission staff will set up and invite the local educational agency ("LEA") team members to a Microsoft Teams folder for each appeal.<sup>7</sup>

The Teams folder will have clearly labeled subfolders for the required information below. The information from the LEA must include all of the following:

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<sup>3</sup> Commission Policy 2.200 Charter School Renewal Appeals

<sup>4</sup> Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Commission Policy 2.200 Charter School Renewal Appeals, and Commission Rule 1185-01-01-.02 Charter School Renewal Application Appeals

<sup>5</sup> Commission Policy 2.200 Charter School Renewal Appeals

<sup>6</sup> Commission Policy 2.200 Charter School Renewal Appeals

<sup>7</sup> NOTE: LEA/district level email addresses that are connected to an existing @tneducation.gov account are often returned as undeliverable when the Commission tries to invite it to the Teams folders. The Commission strongly recommends that LEA staff provide an alternative email address to the Commission for full access to the Teams folders.



- 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 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.

### **On the Record Review**

Pursuant to T.C.A. § 49-13-121, Commission Rule 1185-01-01-.02 et. al., and Policy 2.200 Charter School Renewal Appeals, Commission staff and an independent renewal review committee conduct a complete and thorough review of the renewal record. The renewal application and comprehensive academic, financial, and operational performance data, as reviewed by the local board of education, is considered the foundation of the Commission's record. In addition to the renewal application, Commission staff conducts a full review of the record prior to forming the Executive Director's Recommendation to the Commission, and this information includes from the governing board through the notice of appeal, documents submitted by the local board of education, the review committee's recommendation, testimonies heard at the public hearing, and public comment.

Commissioners are also charged with conducting a complete and thorough review of the appeal record. For purposes of appeals before the Commission, the record will include the renewal application, as submitted to the local board of education, any additional clarifying information requested by the Commission staff in accordance with Commission rule, the notice of appeal from the governing board, the public hearing and public comment (both oral and written), the Executive Director's Recommendation including the review committee report, and written statements in response to the recommendation. The Commission may request additional and/or clarifying information from the charter school governing body and the local board of education.

### **Request for Additional Information**

Commission staff may gather additional information related to each appealed application 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 five calendar days of the request or as soon as possible thereafter, but in no event more than seven calendar days after the request.<sup>8</sup> In filing an appeal with the Commission, the governing board consents to the Commission staff completing a general due diligence review in order to form an accurate recommendation.

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<sup>8</sup> Commission Rule 1185-01-01-.01(2)(a)



## Frequently Asked Questions

### 1. How long does the renewal appeal process take?

The Commission is required to render a decision on a renewal appeal within sixty calendar days of the receipt of the notice of appeal.<sup>9</sup> Typically, the Commission's meeting to render a decision on a renewal appeal is near the end of the sixty calendar day period.

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

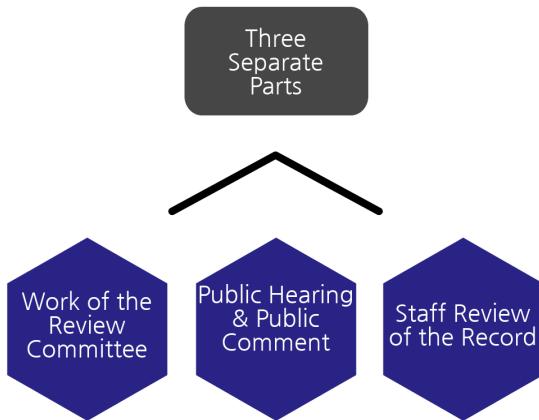
Questions related to the renewal process should be sent to [CharterSchool.Appeals@tn.gov](mailto:CharterSchool.Appeals@tn.gov). Once an appeal has been submitted, please continue to send any questions or concerns regarding the process to this email address, and a Commission staff member will reply to the email within one business day.

### 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 [CharterSchool.Appeals@tn.gov](mailto:CharterSchool.Appeals@tn.gov), the Commission staff 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 Commission analyze in a renewal appeal?

## THE APPEAL PROCESS



The Commission shall conduct a complete and thorough review of the charter renewal record and supporting documentation submitted in accordance with T.C.A. § 49-13-121.<sup>10</sup> Therefore, the substantive review of the renewal application and record by the Commission staff is done in three parts, all of which inform the Executive Director's Findings and Recommendation Report that is presented to the Commission. The Commission will consider, but is not bound by, the Executive Director's recommendation.<sup>11</sup> The recommendation report is based on the following:

<sup>9</sup> Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Commission Policy 2.200 Charter School Renewal Appeals, and Commission Rule 1185-01-01-.02 Charter School Renewal Application Appeals

<sup>10</sup> T.C.A. § 49-13-121

<sup>11</sup> Commission Policy 2.200 Charter School Renewal Appeals



- **Part 1: Work of the Review Committee:**<sup>12</sup> The 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 Commission upon appeal. The Review Committee is trained by the Commission staff to ensure consistent standards and fair treatment of all applications, and all Review Committee members complete a conflict-of-interest disclosure form before beginning any review. 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 complete and thorough review of the renewal application and any supporting documentation used by the LEA in making the renewal decision. The committee will only review the renewal application and accompanying attachments, and **it will not review any additional information submitted by the governing board or local board of education upon appeal.** Therefore, the Review Committee does not see the local board of education's reasons for denial nor is the Review Committee confined to the local board's reasons for denial. The Review Committee will score the application based on the Tennessee Department of Education's Application Scoring Rubric.<sup>13</sup>
  - b) **Capacity Interview:** After an initial review of the renewal application, the Review Committee will conduct a ninety-minute capacity interview with the school leaders and officers of the governing board virtually. Additional information about the interview is contained in Commission Policy 2.200 Charter School Renewal Appeals. The interview is held in accordance with Commission Policy 2.100 Charter School Application Review, provided that the focus of the interview is on evaluating the charter school's performance over the current term and the governing board 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 is provided an opportunity for a closing statement during the last five minutes of the interview. To start the interview, the Review Committee and individuals representing the charter school will briefly introduce themselves, and then the Review Committee will move straight into questions for the governing board based on their review of the application. Since the Review Committee conducts a review of the application, the Review Committee is not confined to the local board's reasons for denial. Therefore, the Review Committee may ask questions about areas or issues that were or were not raised by the local board of education. Accordingly, the governing board should prepare to answer questions about the academic success, operational stability, financial health, and future plans/projections sections of the application.
  - 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 Commission will hold a public hearing on the renewal application during the sixty calendar days that the Commission is considering an appeal.<sup>14</sup> The public hearing is held in the local school district in which the charter school 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

<sup>12</sup> Commission Policies 2.200 Charter School Renewal Appeals and 2.100 Charter School Application Review

<sup>13</sup> Rubric is available on the Tennessee Department of Education's [website](#).

<sup>14</sup> Commission Policy 2.200 Charter School Renewal Appeals



application. Specific details regarding the hearing can be found in Commission Policy 2.200 Charter School Renewal Appeals. The public hearing is held in accordance with Commission Policy 2.000 Charter School Appeals, provided that any reference to "sponsor" shall be deemed to mean the governing board. 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 developing the Executive Director's recommendation, the Executive Director will consider information presented at the public hearing. There are two opportunities for the public to participate in this process:

- a) Oral Public Comment: The Executive Director will reserve forty minutes for oral public comment during the public hearing. Commission staff will allot ten spots to members of the public speaking in favor of renewing the charter school and ten spots to members of the public speaking in favor of the local board's decision to deny the renewal. The Commission will notify both parties in advance of when the sign-up for public comments are posted on the Commission's website. Oral public comment sign-ups will close when all slots are full or twenty-four hours in advance of the hearing, whichever occurs first.<sup>15</sup> A list of public speakers is provided to both parties in advance of the hearing after the sign-up process has closed. Slots that remain unfilled after the sign-up has closed or that become available due to an individual not showing up for in-person comment cannot be transferred to an alternative speaker.

During the public hearing, the individuals who signed up in advance are recognized by Commission staff to provide up to two minutes of comments. When signing up for public comment, individuals are asked to confirm that they are a resident of the school district and select which party they are speaking in support of. Further, before beginning the public comment, each speaker must identify themselves by name, resident district status, relation to the school/school district (e.g., parent, community member, local elected representative, etc.) and clearly state for the record whether they are in support or opposition of the school. The first and last name of individuals who have signed up for public comment are displayed at the hearing in speaking order to minimize the transition time between speakers.

While signs are permitted, individuals that are considered disruptive to the order of the public hearing are asked to refrain from unorderly conduct or be escorted out by designated personnel, in accordance with Commission Policy 1.200. Additionally, any comment submitted by a member of the public is considered a public record and may be provided in response to a public records request.<sup>16</sup>

- b) Written Public Comment: At any point prior to the public hearing and up to the deadline set by the Commission, the public may submit written comment to the Commission for consideration in the Executive Director's Recommendation. All written comments submitted to the Commission's office are provided to the members of the Commission, are posted to the Commission's website, and are public records. The Commission staff will set a deadline by which no further written comment are accepted, and this deadline is stated on the public hearing agenda and the Commission's website.
- Part 3: Staff Review of the Record: The Commission staff will conduct a complete and thorough 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.

<sup>15</sup> Oral public comment sign-ups will close on Friday for hearings that occur on a Monday.

<sup>16</sup> Any personally identifiable information is removed prior to responding to a public record request. Please note: first and last name, email addresses, and phone numbers are not considered personally identifiable information.



Additionally, the 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. Are all components of the appeal process considered equally in the Executive Director's Recommendation?**

The renewal application, as submitted to the local board of education, is the foundation of the record before the Commission and will serve as the foundation of the Executive Director's Recommendation. The Executive Director's Recommendation will summarize all parts of the appeal process: the notice of appeal, the Review Committee Report, information presented at the public hearing, public comment, information from the local board of education, and the staff review of the record.

**6. What could the Executive Director recommend?**

The Executive Director can recommend that the Commission affirm the local board of education's decision to deny the renewal application or recommend that the Commission approve the renewal application. If approved, the Commission will be the charter school authorizer, pursuant to T.C.A § 49-13-121.

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

The Executive Director's Findings and Recommendation Report is posted on the Commission's website prior to the Commission meeting, and both parties in an appeal are notified by Commission staff when the recommendation is posted.

**8. What is the Commission's decision-making process?**

The Commission will meet at a special-called meeting or a regularly scheduled quarterly meeting to render a decision within sixty calendar days of receipt of the notice of appeal.<sup>17</sup> The Commission will discuss the Executive Director's Recommendation prior to the vote on the agenda item, regardless the type of meeting.<sup>18</sup> All Commission meetings are livestreamed and open to the public, and the link will be available on the Commission's website.

**9. Is there time for public comment on the appeal at the Commission meeting?**

Requests for public comment at Commission meetings are governed by Commission Policy 1.200 - Commission Meetings. In accordance with Commission policy, each meeting of the Commission shall reserve at least thirty minutes for in-person, oral public comment. The public may sign up to give a comment at the Commission meeting by visiting the meeting page of the Commission's website. Additionally, the Commission accepts written public comments, submitted through its website, on any agenda item before the Commission for consideration. Commission meetings are also open to the public and livestreamed for viewing. Because the official record for the renewal appeal is closed prior to the Commission meeting, these public comment opportunities are reserved for comments related to Commission business and should not be used by governing boards or LEAs to add additional information to the record that was not presented throughout the appeal process (e.g., within the notice of appeal, public hearing, etc.).

In accordance with Commission rule and policy, one representative of the school's governing board and the local board of education are permitted to submit a response to the recommendation, either by speaking in-person at

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<sup>17</sup> Unless otherwise agreed to by the LEA and the governing board to extend the deadline. T.C.A. § 49-13-121; Commission Policy 2.200 Charter School Renewal Appeals, and Commission Rule 1185-01-01-.02 Charter School Renewal Application Appeals

<sup>18</sup> Commission Policy 2.000 – Charter School Appeals



the Commission meeting or by submitting a written comment to be read into the record by a member of the Commission staff prior to the Commission's discussion of the Executive Director's Recommendation. In-person speakers will be provided up to two minutes to speak, and written responses shall not be more than one page typed in length. Written statements and the names of representatives speaking in person shall be received by the Executive Director at least forty-eight hours prior to the scheduled Commission meeting. The Commission staff shall accept only one written response/in-person representative from each party.

**10. What happens after the Commission renders a decision?**

The school's governing board and local board of education are notified via email of the Commission's decision on the renewal appeal. If the Commission approves the renewal application, the Commission is the authorizer of the school, and a new charter agreement is negotiated.

**11. What happens if the Commission becomes the authorizer?**

Commission staff will reach out to the charter school's governing board to discuss the next steps for the charter school to be overseen by the Commission, including the negotiation of the charter agreement and pre-opening process. The original charter application and renewal application will be exhibits to the charter agreement.

**12. Can the Commission's decision be appealed?**

The Commission's decisions in renewal appeals are final.<sup>19</sup>

**13. Who should I contact with additional questions?**

Please contact the Commission at [CharterSchool.Appeals@tn.gov](mailto:CharterSchool.Appeals@tn.gov).

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<sup>19</sup> Commission Rule 1185-01-01-02