

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-01
CHARTER SCHOOLS**

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0520-14-01-.02 APPEALS.

(1) New Start Charter School Application Appeals.

- (a) Pursuant to T.C.A. § 49-13-108(a)(f)(A), the charter school sponsor may appeal a decision by the local board of education to deny an amended application for a newly created public school to the State Board of Education (State Board) within ten (10) calendar days. The charter school sponsor shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by 4:30 p.m. Central Time on the tenth (10th) day. In order to be considered a complete appeal, this notice of appeal shall contain the following information:
1. Copies of the initial and amended applications submitted to the local board of education;
 2. A summary of the application timeline including the dates that the initial and amended applications were originally submitted to the local board of education, the date of the public hearing, the date of the capacity/applicant interview (if applicable), and the dates the initial and amended applications were denied by the local board of education;
 3. Copies of the letters informing the charter school sponsor of the local board of education's reasons for denying the initial and amended applications;
 4. A clean version of the amended application without any tracked changes that includes all changes made upon resubmission to the local board of education and, if applicable, any corrections to the application allowed under T.C.A. § 49-13-108(a)(4)(C) upon appeal to the State Board;
 5. If applicable, a document outlining any proposed corrections allowed under T.C.A. § 49-13-108(a)(4)(C) made to the amended application upon appeal to the State Board. The charter school sponsor shall use the template provided by the State Board to submit any proposed corrections. Any proposed corrections to the charter school amended application, as permitted by T.C.A § 49-13-108(a)(4)(C), shall be made at the time of the appeal to the State Board. The State Board shall only accept corrections permitted by T.C.A § 49-13-108(a)(4)(C). Corrections are changes that are minor in nature such as typographical, grammatical, or transposing errors. The State Board shall review all proposed corrections and notify the sponsor if the corrections shall be accepted. If the State Board does not accept a proposed correction, the State Board shall redact it from the amended application; and
 6. A brief statement, no longer than three (3) pages, including, but not limited to, an explanation of why the local board of education's denial of the charter school

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application was contrary to the best interests of the pupils, school district, or community.

- (b) State Board staff shall not accept an incomplete appeal or any additional documentation from the charter school sponsor beyond the contents of the notice of appeal unless requested by the State Board staff.
- (c) The State Board may request additional documentation from the charter school sponsor, the local board of education, and the Tennessee Department of Education.
- (d) The State Board shall conduct a de novo, on-the-record review of the proposed charter school's amended application.
- (e) In reviewing the amended application, the State Board shall use the sample scoring criteria provided by the Commissioner of Education to the local boards of education.
- (f) If the Local Education Agency's (LEA) denial is based on substantial negative fiscal impact, the State Board shall consider the financial impact of the charter school on the LEA.
- (g) Within sixty (60) calendar days after receipt of the notice of appeal or the making of a motion to review by the State Board and after reasonable public notice, the State Board shall hold a public hearing, attended by the Board or its designated representative, in the school district in which the proposed charter school has applied for a charter.
- (h) Subsequently, but within the sixty (60) calendar days, the State Board shall meet to render a decision and shall forward its findings to the local board of education.
 - 1. If the application is for a charter school in an LEA that does not contain a priority school, and if the State Board finds that the local board's decision was contrary to the best interests of the students, school district, or community, the State Board shall remand such decision to the local board of education with written instructions for approval of the charter.
 - 2. If the application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the local board's decision was contrary to the best interests of the students, school district, or community, the State Board may approve the application for the charter school and become the charter school's authorizer.
- (i) The State Board shall maintain annual membership in the National Association of Charter School Authorizers (NACSA) and adopt state quality charter authorizing standards based on national best practices.

(2) Charter School Renewal Application Appeals.

- (a) Pursuant to T.C.A. § 49-13-121(b)(2)(A), the governing body of a public charter school may appeal a decision by the chartering authority to deny a renewal application to the State Board within ten (10) calendar days of the chartering authority's decision to deny the renewal application, except that a failure to renew based on violations in T.C.A. § 49-13-122(a) are not appealable. The governing body shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by 4:30 p.m. Central Time on the tenth (10th) day. In order to be considered a complete appeal, this notice of appeal shall contain the following information:

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1. Copies of the renewal application, which shall include, but not be limited to, the information set forth in T.C.A. § 49-13-121;
 2. Summary of the renewal application timeline including the date that the renewal application was originally submitted to the chartering authority, the date the renewal application was denied by the chartering authority, and any other dates relevant to the chartering authority's consideration of the renewal application; and
 3. Brief statement, no longer than three (3) pages, including but not limited to an explanation for why the chartering authority's denial of the charter school renewal application was contrary to T.C.A. § 49-13-122.
- (b) State Board 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 State Board staff.
 - (c) The State Board may request additional documentation from the charter school governing body, the chartering authority, and the Tennessee Department of Education.
 - (d) The State Board shall conduct a de novo, on-the-record review of the charter school's renewal application.
 - (e) Within sixty (60) calendar days after receipt of the notice of appeal or the making of a motion to review by the State Board and after reasonable public notice, the State Board shall hold a public hearing, attended by the Board or its designated representative, in the school district in which the charter school has been operating.
 - (f) Subsequently, but within the sixty (60) calendar days, the State Board shall meet to render a decision and shall forward its findings to the local board of education.
1. If the renewal application is for a charter school in an LEA that does not contain a priority school on the current or last preceding priority school list, and if the State Board finds that the chartering authority's decision was contrary to T.C.A. § 49-13-122 and directs the chartering authority to approve the renewal of the charter agreement, the charter school shall continue to operate for the prescribed period of ten (10) academic years, subject to the statutory rights of the chartering authority to revoke the charter during the renewal term. The LEA shall remain the chartering authority.
 2. If the renewal application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the chartering authority's decision was contrary to T.C.A. § 49-13-122 and approves the renewal of the charter agreement, the charter school shall continue to operate for the prescribed period of ten (10) academic years, subject to the statutory rights of the chartering authority to revoke the charter during the renewal term, and the State Board shall be the chartering authority, unless the LEA agrees to oversee and manage the charter school pursuant to T.C.A. § 49-13-142.
 3. If the renewal application is for a charter school authorized by the State Board and the governing body applied for renewal directly to the local district pursuant to T.C.A. § 49-13-121(b), and if the State Board finds that the local district's decision was contrary to T.C.A. § 49-13-122 and approves the renewal of the charter agreement, the charter school shall continue to operate for the prescribed period of

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ten (10) academic years, subject to the statutory rights of the chartering authority to revoke the charter during the renewal term, and the State Board shall continue to be the chartering authority.

- (g) If the governing body of a charter school authorized by the State Board submits its renewal application directly to the State Board pursuant to T.C.A. § 49-13-121(b)(1), then the decision of the State Board on the renewal application is final and may not be appealed again to the State Board.

(3) Charter School Revocation Appeals.

- (a) Pursuant to T.C.A. § 49-13-122(f), the governing body of a public charter school may appeal a decision by the chartering authority to revoke the charter agreement to the State Board within ten (10) calendar days of the chartering authority's decision to revoke, except that a revocation based on violations in T.C.A. § 49-13-122(a) are not appealable. The governing body shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by 4:30 p.m. Central Time on the tenth (10th) day. In order to be considered a complete appeal, this notice of appeal shall contain the following information:
1. A copy of the statement issued by the chartering authority stating its reasons for revocation as required by T.C.A. § 49-13-122(d); and
 2. Brief statement, no longer than three (3) pages, including but not limited to an explanation for why the chartering authority's decision to revoke the charter agreement was contrary to T.C.A. § 49-13-122.
- (b) State Board 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 State Board staff.
- (c) The State Board may request additional documentation from the charter school governing body, the chartering authority, and the Tennessee Department of Education.
- (d) The State Board shall conduct a de novo, on-the-record review of the revocation decision.
- (e) Within sixty (60) calendar days after receipt of the notice of appeal or the making of a motion to review by the State Board and after reasonable public notice, the State Board shall hold a public hearing, attended by the Board or its designated representative, in the school district in which the charter school has been operating.
- (f) Subsequently, but within the sixty (60) calendar days, the State Board shall meet to render a decision and shall forward its findings to the local board of education.
1. If the State Board finds that the chartering authority's decision was contrary to T.C.A. § 49-13-122 and overturns the chartering authority's decision to revoke the charter agreement, the charter school shall continue to operate for the remainder of the charter term, subject to the statutory rights of the chartering authority to revoke the charter. The LEA shall remain the chartering authority.

Authority: T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, 49-13-121, 49-13-122, 49-13-126, and Public Chapter 850(2014). **Administrative History:** Original rules filed March 31, 2003; effective July 29, 2003. Amendment filed December 28, 2005; effective April 28, 2006. Amendment filed January 12, 2015; effective April 12, 2015.