

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
RENEWAL APPLICATIONS SUBMITTED TO THE CHARTER SCHOOL COMMISSION AND RENEWAL OF CHARTER AGREEMENTS	2.400

~~Pursuant to Tennessee Code Annotated (T.C.A.) section 49-13-121, a local board of education's decision to deny the renewal application of a charter school may be appealed to the Tennessee Public Charter School Commission ("Commission").~~

Purpose: This policy sets forth the process and criteria the Commission shall use when considering a renewal application received directly from a charter school where the Commission serves as the authorizer.

Policy Sections

1. Renewal Applications Submitted Directly to the Commission
2. Renewal Charter Agreement

1. Renewal Applications Submitted Directly to the Commission

- a. Generally. When the Commission is the authorizer, the governing body of a charter school shall submit a renewal application to the Commission no later than April 1 of the year prior to the year in which the charter expires. The Commission shall decide whether to approve or deny the renewal application on or before February 1 of the following year.
- b. Renewal Application.
 - i. Any school that seeks renewal from the Commission as its authorizer pursuant to T.C.A. § 49-13-121, shall submit a renewal application in accordance with T.C.A. § 49-13-121 and any charter renewal guidance issued by the Commission or the Department of Education. The guidance shall also include the standards and criteria that shall guide the Commission's renewal decisions. A school may choose not to submit a renewal application to the Commission, in which case the charter school shall close at the end of its current charter term.
 - ii. The deadline for the submission of all renewal applications is no later than April 1 of the year prior to the year in which the charter expires.
 - iii. The renewal application shall provide a school with the opportunity to make a clear and compelling case for renewal, respond to its cumulative performance report, and to submit any corrections or clarifications for the report. The renewal application shall require a charter school to present evidence supporting its case for charter renewal that is aligned with the Commission's renewal standards and the charter school's performance standards in its charter agreement, as well as any additional evidence and improvements undertaken during the charter term.

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The renewal application shall also require each charter school to present its plans for the next charter term.

c. Renewal Criteria

- i. The Commission shall adopt, publicize, and use clear and rigorous standards that establish the expectations for academic, organizational, and financial performance necessary to earn renewal of a charter where it serves as the authorizer.
- ii. The Commission shall execute charter agreements with its charter schools, pursuant to Commission Policy 4.300, that establish the performance standards under which schools shall be evaluated so that all stakeholders are aware from the outset what a charter school must accomplish in order to meet performance expectations set forth in the charter agreement.
- iii. The Commission shall ensure that renewal decisions are based on demonstrable merit and grant renewal only to charter schools that have sufficiently met the Commission’s high standards, sufficiently achieved the targets stated in the charter agreement, are organizationally and fiscally viable, have been faithful to the terms of their charter agreement and applicable law, and present sound academic, financial, and organizational plans for the next charter term.
- iv. The Commission shall not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.
- v. Ongoing monitoring, data collection, and reporting requirements shall be aligned with the Commission’s renewal standards and criteria.

d. Renewal Cumulative Performance Report

- i. Pursuant to T.C.A. § 49-13-121, the Commission shall develop a cumulative performance report for all charter schools where it serves as the authorizer whose agreement expires the following year.
- ii. The performance report shall summarize the charter school's performance record to date over the charter term based on the data required by law, the Commission, and the charter agreement. The report shall include the Commission’s summative findings concerning the charter school’s performance against the Commission’s renewal standards and criteria. It shall describe the charter school’s prospects for renewal at the time of the report and include notice of any weaknesses or

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concerns perceived by the Commission concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified.

- e. Renewal Application Review Committee
 - i. The Commission staff shall assemble a renewal application review committee (“Renewal Review Committee”) comprised of teams of internal and external evaluators with relevant and diverse educational, organizational (governance and management), financial and legal expertise, as well as a thorough understanding of the essential principles of public school autonomy and accountability. The Commission shall provide training to the Renewal Review Committee members to ensure consistent standards and fair treatment of all renewal application reviews.
 - ii. The Renewal Review Committee shall review the renewal record received directly by the Commission as the authorizer.
 - iii. The Commission shall ensure that the renewal review process, Renewal Review Committee members, and decision-making processes are free of conflicts of interest, in accordance with Commission Policy 1.100, and shall require full disclosure of any potential or perceived conflicts of interest between Renewal Review Committee members and applicable charter schools.
 - iv. The Renewal Review Committee members shall provide an evidence-based recommendation to the Executive Director of the Commission.

- f. Renewal Application Evaluation.
 - i. The Commission shall conduct a renewal evaluation site visit to each charter school that submits a charter renewal application to the Commission as the authorizer. The site visit shall take place after the Commission receives a charter school’s renewal application and before any preliminary renewal recommendation is issued. The renewal site visit shall be used to evaluate the school’s academic program, organizational and fiscal soundness, and plans for the next charter term. The Commission shall interview the governing body of the charter school in accordance with Section 1(e) of Policy 2.200, Renewal Appeals. This interview may take place in conjunction with the renewal evaluation site visit.
 - ii. The Executive Director of the Commission shall issue a preliminary renewal recommendation prior to the public hearing. The Executive Director shall

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consider the recommendation of the Renewal Review Committee and the renewal evaluation site visit in his or her preliminary renewal recommendation to the Commission.

iii. A public hearing shall be held in accordance with Section 1(f) of Policy 2.200, Renewal Appeals, except that such hearing shall be held after receipt of the renewal application and no later than November 1 of the school year in which the charter expires. Further, the Executive Director or a Commission staff member (the "Hearing Officer") shall preside at the hearing, and a Commission staff member shall summarize the Commission's preliminary renewal recommendation. The governing body or its designated representative shall have twenty (20) minutes to address the preliminary renewal recommendation at the public hearing.

g. Final Recommendation and Decision of the Commission. Following the public hearing and the review of the renewal application as set forth in this policy, the Executive Director of the Commission shall provide a final recommendation to the Commission. The Executive Director shall consider the recommendation of the Renewal Review Committee, the site visit, and the public hearing in his or her final renewal recommendation to the Commission. The Commission shall consider the recommendation of the Executive Director when rendering a decision on the renewal, but the Commission is not bound by the recommendation. The Commission shall meet and render a decision on or before February 1 of the year following submission of the charter renewal application. If the Commission grants the renewal application, the school shall continue to operate for the prescribed period of ten (10) academic years (subject to the right of the Commission to revoke the charter agreement), and the Commission shall continue to be the authorizer. The Commission's decision on a renewal application is final and may not be appealed.

2. Renewal Charter Agreement. For all charter schools where the Commission serves or will serve as the chartering authority, the Commission's approval of a charter school's renewal application is separate and distinct from the Commission's approval of its renewal charter agreement and a school's right to remain open. Once a renewal application is approved by the Commission, the Commission shall negotiate a renewal charter agreement with the school's governing body that must be signed by both parties and submitted to the Commission for approval.

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CHARTER SCHOOL REVOCATION APPEALS WITH COMMISSION AS AUTHORIZER	2.500

When serving as the authorizer, the Commission may, pursuant to § 49-13-122, revoke a charter agreement and is required to have a procedure for the closure of a charter school prior to denying renewal or revoking a charter agreement, pursuant to § 49-13-130.

Purpose: The purpose of this policy is to set forth the process and criteria the Commission will use when considering the revocation of a charter agreement where the Commission serves as the authorizer.

Policy Sections

Commission as Authorizer

- a. Generally. In accordance with the terms and provisions of § 49-13-122(a), when the Commission is the authorizer, the Commission may revoke a charter agreement if the school receives identification as a priority school for one (1) cycle, and the Commission shall revoke a charter agreement if a school receives identification as a priority school for two (2) cycles. Such revocation shall take effect immediately following the close of the school year after the school was identified as a priority school. A school’s identification as a priority school that is scheduled to close under § 49-13-122(a) shall be entitled to review by the Tennessee Department of Education to verify the accuracy of the data used to identify the school as a priority school.

Furthermore, when the Commission is the authorizer, the Commission may also revoke a charter agreement if it determines that the school:

- i. Failed to meet the minimum performance requirements set forth in the charter agreement;
 - ii. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter agreement; or
 - iii. Failed to meet generally accepted standards of fiscal management.
- b. Revocation Notice. The Commission shall deliver written notice (the “Revocation Notice”) of its intention to revoke a charter agreement to the governing body at least ten (10) business days prior to the public hearing on such revocation, unless exigent circumstances require immediate action by the Commission. The Revocation Notice should include an explanation of why the Commission intends to revoke the school’s charter pursuant to § 49-13-122. Commission staff shall provide the governing body with an opportunity to meet and present, in-person or via conference call, any additional information that is relevant to the revocation decision prior to the public hearing. The governing body may

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notify Commission staff at any time that they will not contest the revocation and agree to forego the public hearing.

c. Public Hearing.

- i. The Executive Director of the Commission shall hold a public hearing on the proposed revocation within sixty (60) days of delivery of the Revocation Notice to the governing body. Commission staff will schedule a date for the public hearing, which shall be held in the school district where the school is located. Commission staff will communicate the date and time of this hearing to the governing body and post notice of the hearing on the Commission’s website.
- ii. The Executive Director or a Commission staff member (the “Hearing Officer”) shall preside at the hearing, and a Commission staff member shall summarize why the Commission has initiated proceedings to revoke the school’s charter. The governing body or its designated representative shall have twenty (20) minutes to present any information it wishes as to why the school’s charter should not be revoked. [The Hearing Officer has discretion to extend the time for presentation as circumstances require.](#)
- iii. There will then be at least twenty (20) total minutes for public comment, and the Executive Director or other staff member, in their discretion, may increase the time for public comment based on the circumstances. Members of the public who wish to comment shall register through a process designated by the Commission staff, and to the extent time permits, will be called to speak in the order their names appear on the registration list. Each member of the public will be permitted to speak for no more than three (3) minutes, but the Executive Director or other staff member will have discretion to set a time limit of less than three (3) minutes based on the circumstances. Written comments may also be submitted at the public hearing or submitted to the Commission as specified at the hearing and on any notices or agendas.
- iv. The Hearing Officer may ask questions of the governing body or its designated representative or those offering public comments at any time during the hearing. The Hearing Officer may end portions of the hearing or the hearing itself if the governing body or its designated representative or members of the public are out of order. Examples of conduct that may warrant calling speakers out of order include: yelling or using obnoxious or offensive language; speaking out of turn; or denigrating hearing participants by name calling or similar conduct.
- v. No public hearing shall be held when the Commission intends to revoke a charter based on a charter school’s identification as a priority school for two (2) consecutive cycles pursuant to § 49-13-122(a). In such cases, the charter school

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shall only be entitled to request a review by the Tennessee Department of Education of the data used to designate it as a priority school, pursuant to § 49-13-122(b).

- d. Decision of the Commission. Following the public hearing, the Executive Director of the Commission will provide a final recommendation to the Commission. The Commission will meet and render a decision regarding the revocation of the charter agreement within sixty (60) days of the delivery of the Revocation Notice. If the Commission revokes a charter agreement, it shall provide written notice of its reasons for the revocation to the governing body. Except in the case of fraud, misappropriation of funds, flagrant disregard of the charter agreement or similar misconduct, the Commission’s decision to revoke a charter agreement will become effective at the close of the school year. The Commission’s decision to revoke a charter agreement is final and may not be appealed. If the Commission decides not to revoke the charter agreement, the school shall continue to operate and the Commission shall continue to be the authorizer.

Closure Protocol. The Commission will develop a school closure protocol prior to denying renewal or revoking a charter agreement. The closure protocol shall comply with and be developed in accordance with § 49-13-130.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
CORE AUTHORIZING PRINCIPLES	4.200

Purpose. The purpose of this policy is to affirm the Tennessee Public Charter School Commission’s (“Commission”) mission with regard to its authorizing functions as set forth in Commission Policy 4.100. The State Board is committed to implementing national and state authorizing standards as outlined in Commission Policy 4.110 and aligning with the core principles of charter school authorizing set forth below.

Policy Sections

1. Core Authorizing Principles
 2. Maintaining High Standards
 3. Upholding School Autonomy
 4. Protecting Student and Public Interests
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1. **Core Authorizing Principles.** The Commission will in all of its endeavors be guided by the following three (3) core authorizing principles: maintaining high standards for charter schools; upholding charter school autonomy; and protecting student and public interests.
 2. **Maintaining High Standards.** To maintain high standards, the Commission will:
 - a. Set high but attainable standards for the approval of charter schools in its portfolio.
 - b. Maintain high standards for the charter schools it oversees.
 - c. Hold charter schools accountable for, over time, meeting the performance standards and targets [on a range of measures and metrics](#) set forth in their charter agreements ~~on a range of measures and metrics~~.
 - d. Close all charter schools in its portfolio that fail to meet the standards and targets set forth in law and under their charter agreements.
 3. **Upholding School Autonomy.** To uphold school autonomy, the Commission will:
 - a. Honor and preserve the independence of its charter schools’ governing boards.
 - b. Preserve core school autonomies related to educational programming, budgeting, personnel, school vision and culture, and scheduling decisions.
 - c. Assume responsibility not for the success or failure of individual charter schools in its portfolio, but for holding schools accountable for their performance.
 - d. Focus on school accountability for outcomes rather than inputs and processes.
 - e. Minimize, within state and federal law, administrative burdens on charter schools in its portfolio.

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4. **Protecting Student and Public Interests.** The well-being and interests of students will be the fundamental value informing all Commission actions and decisions.
- a. The Commission will hold its charter schools accountable for fulfilling fundamental public education obligations to all students, including:
- ~~i.~~ Non-selective, nondiscriminatory access to all eligible students;
 - ~~ii.~~ Prioritizing the state's most academically vulnerable students so they can thrive academically and social-emotionally;
 - ~~iii.~~ Fair treatment for all students in admissions and disciplinary actions; and
 - ~~iv.~~ Appropriate services for all enrolled students in accordance with the law.
- b. The Commission will hold its charter schools accountable for fulfilling fundamental obligations to the public, including that schools provide the following:
- i. Sound governance, management, and stewardship of public funds; and
 - ii. Public information and operational transparency in accordance with the law.
- c. When granting a charter and providing oversight to a Commission authorized charter school, the Commission will:
- i. As part of its mission, focus on chartering high-quality charter schools;
 - ii. Demonstrate clarity, consistency, and public transparency in authorizing policies, practices, and decisions;
 - iii. Maintain effective and efficient public stewardship of its public resources;
 - iv. Comply with all applicable laws and regulations; and
 - v. Employ ethical conduct in all activities.
- d. The Commission will support parents' and students' ability to make informed choices about educational options by providing clear, accurate, and timely information related to performance of the charter schools in the Commission's portfolio.

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CHARTER AGREEMENTS

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Tenn. Code Ann. § 49-13-110 requires that the approval by the chartering authority of a charter school application be in the form of a written charter agreement between the sponsor and the chartering authority. Pursuant to Tenn. Code Ann. § 49-13-104, “charter agreement” shall mean a fixed-term renewable agreement between the sponsor of a public charter school and the chartering authority that outlines the responsibilities and performance expectations of each party. Pursuant to Tenn. Code Ann. § 49-13-110, a charter agreement shall be effective upon approval of the charter application by the chartering authority and shall expire ten (10) years after the first day of instruction.

Purpose: The purpose of this policy is to set guidelines for the Tennessee Public Charter School Commission (“Commission”) as it enters into charter agreements with the charter schools it authorizes and serves as the chartering authority in order to articulate the rights and responsibilities of each party during the term of the charter.

Policy Sections

1. Generally
2. Charter Agreement; Rights and Responsibilities
3. Fee-based Services
4. Performance Standards
5. Parties, Terms, and Amendments
6. Negotiation Process

1. **Generally.** The Commission executes a charter agreement with each charter school in its portfolio that articulates the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The charter agreement is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be renewed. [While the charter agreement is separate from the charter application, the agreement must incorporate all material components of the approved application required under Tenn. Code Ann. § 49-13-107\(b\).](#)

2. **Charter Agreement; Rights and Responsibilities.** The Commission and the sponsor will execute a charter agreement to operate a charter school that clearly articulates the following:

- a. The rights and responsibilities of the charter school and the Commission;
- b. The statutory, regulatory, and procedural terms and conditions for the charter school’s operation, including but not limited to:
 - i. Required reporting as set forth in Tenn. Code Ann. § 49-13-120;
 - ii. A minimum of 180 school days; and
 - iii. The administration of state-mandated assessments according to the state testing calendar.

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- c. The pre-opening requirements and conditions for new charter schools;
 - d. The autonomies to which charter schools are entitled based on statute, waiver and Commission rule and policy, including those related to educational program, governance and management, operations, and finance;
 - ~~d.e.~~ [The collection of an annual authorizer fee as set forth in Tenn. Code Ann. § 49-13-128;](#)
 - f. The Commission's performance standards, criteria and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions;
 - ~~e.g.~~ [The responsibility and commitment of the charter school to admit and serve all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer;](#)
 - ~~f.h.~~ The responsibility and commitment of the charter school to adhere to essential public education obligations, especially concerning admissions and enrollment ~~of~~ students with disabilities and English language learners, ~~and discipline and expulsion;~~ and
 - ~~g.i.~~ The responsibilities of the charter school and the Commission in the event of school closure;
3. **Fee-based Services.** The Commission will ensure that any fee-based services provided by the Commission are set forth in a services agreement that is separate from the charter agreement and ensure that the purchase of such services is not and will never be a condition of charter approval, continuation, modification or renewal.
4. **Performance Standards.** The Commission will execute charter agreements with its charter schools that establish the academic, financial, and organizational performance standards under which charter schools will be evaluated and renewed.
- a. Academic Performance. The academic performance standards shall include at a minimum indicators, measures, and metrics that:
 - i. Set expectations for student academic achievement status or proficiency, including comparative proficiency and proficiency for all groups of students as identified in state-mandated assessments;
 - ii. Set expectations for student academic growth, including adequacy of growth toward state standards;
 - iii. Incorporate state and federal accountability systems, including the Tennessee Value-Added Assessment System;
 - iv. Set expectations for postsecondary readiness, including graduation rates (for high schools); and

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- v. Provide schools an option to incorporate mission-specific performance measures for which the school has presented valid, reliable, and rigorous means of assessment approved by the Commission.
- b. **Financial Performance.** The financial performance standards shall include at a minimum indicators, measures, and metrics that:
 - i. Enable the Commission to monitor and evaluate the charter school's financial stability and viability based on short-term performance, and
 - ii. Enable the Commission to monitor and evaluate the charter school's long-term financial sustainability.
- c. **Organizational Performance.** The organizational performance standards shall include at a minimum indicators, measures, and metrics that:
 - i. Define the essential elements of the educational program for which the Commission will hold the school accountable;
 - ii. Define financial management and oversight standards based on generally accepted accounting principles;
 - iii. Hold the charter school governing boards accountable for meeting statutory and board-established operating and reporting requirements;
 - iv. Ensure charter school compliance with student and employee rights and obligations; and
 - v. Establish expectations related to the school environment, including health and safety, transportation, facilities, and appropriate handling of records.
- d. The performance standards will:
 - i. Establish the performance expectations under which charter schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality;
 - ii. Define clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the charter school must meet as a condition of renewal, including but not limited to state and federal measures;
 - iii. Include expectations for appropriate access, education, support services, and outcomes for students with disabilities;
 - iv. Define the sources of academic, financial, and organizational data that will form the evidence base for ongoing and renewal evaluation.

5. Parties, Terms, and Amendments.

- a. The Commission will execute a charter agreement only with a legally incorporated governing board that is established in compliance with all laws applying to the selection and terms of charter school governing boards¹.

¹See T.C.A. §49-13-104

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- b. The Commission will grant contracts for a ten-year term with a high-stakes interim review² in year five (5) and a high-stakes review³ at the end of each term to determine whether the charter agreement will be renewed.
 - c. The Commission will define the material terms of the charter agreement as being those relevant to renewal.
 - d. The Commission will make best efforts to ensure mutual understanding and acceptance of the terms of the charter agreement by the charter school’s governing body prior to agreement approval.
 - e. The Commission will allow and require charter agreement amendments for occasional material changes to a charter school’s plans subject to the approval of both parties, but will not require amending the charter agreement for non-material modifications to a charter school’s plans, where a material change is one which would be relevant and significant to a renewal decision.
6. **Negotiation Process.** The Commission will engage in a fair and transparent negotiation process of appropriate length and depth with all approved sponsors and their counsel regarding the terms of the charter agreement between the sponsor and the Commission. In considering items raised in negotiations, the Commission will adhere wherever possible to its contract template, and insist on all terms which are material to renewal being included in the charter agreement between the parties.

² T.C.A. § 49-13-121(k)

³ T.C.A. § 49-13-121; Commission Policy 2.400; Commission Policy 4.111

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OVERSIGHT AND EVALUATION

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Purpose: The purpose of this policy is to establish guidelines for the Tennessee Public Charter School Commission's ("Commission") oversight and evaluation activities of the charter schools authorized by the Commission where the Commission serves as the authorizer and local educational agency while simultaneously ensuring the charter schools' autonomy.

Policy Sections

1. Generally
2. Performance and Compliance Monitoring Systems
3. Requirements for Data Collection and Analysis
4. Reporting by the State Board
5. School Site Visits
6. Preserving and Enhancing Charter School Autonomy

1. **Generally.** The Commission shall conduct school oversight to competently evaluate performance and monitor charter school compliance; ensure charter schools' legally entitled autonomy; protect students' rights; inform intervention, revocation and renewal decisions; and report publicly on individual and cumulative performance of the charter schools in its portfolio.

2. **Performance and Compliance Monitoring Systems.**

- a. The Commission shall implement a comprehensive performance accountability and compliance monitoring system that is defined by the charter agreement and provides the Commission with the information necessary to make rigorous, evidence-based renewal, revocation, and intervention decisions.
- b. In order to implement this system, the Commission shall establish the following standards under which charter schools will be evaluated and renewed:
 - i. Academic Performance Standards
 - ii. Financial Performance Standards
 - iii. Organizational Performance Standards
- c. The Commission shall implement an accountability system that effectively streamlines federal, state, and Commission performance expectations and compliance requirements while protecting charter schools' legally entitled autonomy and minimizing their administrative and reporting burdens.

3. **Requirements for Data Collection and Analysis.**

- a. Charter schools shall provide the information required by state law and comply with the requirements of the Commission master reporting calendar.

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- b. The Commission shall annually promulgate a master reporting calendar for its charter schools that defines and communicates to charter schools the process, methods and timing of gathering and reporting data.
- c. Charter schools shall provide information and data to the Commission pursuant to the reporting calendar and through a Commission-selected student information system. A charter school must inform the Commission if it will not meet a deadline along with a justification for said delay and a proposed revised deadline. Extensions of any deadlines contained in the reporting calendar shall be handled according to the process set forth in the Commission’s LEA Reporting Calendar Procedures.
- d. Charter schools shall administer the state-mandated assessments according to the state testing calendar to assess student performance and include measures within the performance standards related to performance on the state-mandated assessments.
- e. Pursuant to Tennessee Code Annotated § 49-13-120, each charter school shall submit an annual report to assist in gathering complete information about each school. The charter school’s annual report shall include all information as required by the Tennessee Department of Education.
- f. The annual performance targets shall require the disaggregation of all student performance data by agreed-upon student specific subgroups.
- g. Multiple charter schools overseen by a single governing board shall be required to report their performance as separate, individual charter schools, and each charter school shall be:
 - i. Held independently accountable for its performance, and
 - ii. Held independently accountable to state law regarding charter school closure and revocation.

4. Reporting by the Commission

- a. The Commission shall evaluate each charter school annually on its performance and progress toward meeting the standards and targets stated in the charter agreement, including essential compliance requirements.
- b. The Commission shall clearly communicate evaluation results to the charter school’s governing board and leadership in an annual written report to each charter school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement.
- c. The results of all evaluations shall be made accessible to the public.

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- d. The Commission shall communicate with the charter schools in its portfolio as needed, including both the school leader and governing board, and provide timely notice of any material charter agreement violations and performance deficiencies.
- e. The Commission shall articulate and enforce stated consequences for failing to meet performance expectations or compliance requirements.
- f. The Commission shall produce for the public an annual report that provides clear, accurate performance data for all of the charter schools it oversees, reporting on individual school and overall cumulative portfolio performance according to the performance standards set forth in the charter agreement.

5. School Site Visits.

- a. In addition to the renewal visit at the end of the charter term, the Commission shall conduct at least one annual site visit during each year of the charter term of each charter school in its portfolio. Pursuant to Commission Policy 4.110, site visits are for the purpose of collecting data or gathering qualitative information that cannot be obtained otherwise and in accordance with the charter agreement, while insuring that the frequency, purposes, and methods of such visits respect school autonomy and minimize operational interference.
- b. The Commission shall develop a site visit protocol that is aligned to the Commission's Charter School Performance Framework and articulates the expectations [and purpose](#) for charter schools prior to, during and after the visit, including review of documents and data, classroom observations and stakeholder interviews.
- c. [Within a reasonable amount of time, t](#)The Commission shall provide the school with a written report that summarizes the school's performance against the renewal standards and criteria addressed by the site visit. The report shall present an analysis of relevant data and observations; it may also provide general recommendations [in alignment with subsection of 6\(c\) of this policy.](#) ~~to the school.~~

6. Preserving and Enhancing Charter School Autonomy.

- a. The Commission shall respect each charter school's authority over its day-to-day operations.
- b. The Commission shall collect information from the charter schools that it oversees in a manner that minimizes administrative burdens on the charter schools, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.

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- c. The Commission shall focus its evaluation efforts on the performance standards set forth in the charter agreement and present its analyses in a straightforward manner that clearly indicates whether a charter school is meeting or making progress towards meeting the standards and criteria for renewal. Evaluation reports and presentations shall not prescribe solutions to those areas not meeting standards and identified in need of improvement, except for any area of non-compliance as required by federal and state law and Commission rules and policies.

- d. The Commission shall periodically review its compliance requirements and evaluation procedures to increase charter school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHARTER SCHOOL AUTONOMY

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Purpose. The purpose of this policy is to affirm the autonomy of the charter schools authorized by the Tennessee Public Charter School Commission (“Commission”), under which the Commission serves as the chartering authority.

Policy Sections

1. Generally
2. Areas of Autonomy
3. Enhancing Autonomy and Minimizing Burden
4. Conflicts of Interest

1. **Generally.** A fundamental feature of charter schools is autonomy in exchange for accountability. The Commission will respect and preserve the core autonomies crucial to charter school success, including legal, educational and financial autonomy. It will assume responsibility not for the success or failure of individual schools but for holding schools accountable for their performance.

2. **Areas of Autonomy.**

- a. The Commission will articulate the autonomies to which charter schools in its portfolio are entitled based on statute, waiver, or Commission rule and policy.
- b. The Commission will promote the educational autonomy and flexibility of charter schools in its portfolio, including with respect to curriculum, facilities management, instructional approach, length of the school day, week, or year (though no fewer than 180 school days), and personnel management.
- c. The Commission will respect and support the independence of each charter school’s governing board from the Commission and allow charter school management to decide how best to operate its school within the limits of applicable laws and regulations.
- d. The Commission will honor the autonomy of the charter schools it authorizes and serves as the chartering authority regarding budget and financial matters, including the right to generate revenue and make expenditure decisions.
- e. The Commission will oversee the charter schools in its portfolio in such a way as to maximize the legal autonomy of these schools, consistent with Tennessee charter school laws and regulations.
- f. Charter schools in the Commission’s portfolio should not expect technical assistance from the Commission.

3. **Enhancing Autonomy and Minimizing Burden**

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CHARTER SCHOOL AUTONOMY	4.500

- a. The Commission will only impose requirements on charter schools in its portfolio when there is a legal basis or compelling reason to do so. It will minimize to the extent possible administrative and compliance burdens on its charter schools and focus on holding schools accountable for outcomes rather than processes.
- b. The Commission will periodically review its existing policies, practices, rules and regulations to evaluate the potential to increase charter school autonomy and reduce requirements for all charter schools in its portfolio based on flexibility in the law and available efficiencies.
- c. The Commission will seek opportunities to enhance autonomy for individual charter schools in its portfolio that demonstrate high levels of performance.

4. Conflicts of Interest

- a. In accordance with the Conflict of Interest Disclosure established in Commission Policy 1.100, no employee, board member, agent, or representative of the Commission may simultaneously serve as an employee, board member, agent, representative, vendor, or contractor of a charter school authorized by the Commission.
- b. The Commission will not provide technical support to a charter school that it authorizes and serves as the chartering authority whenever said technical support will directly and substantially impact any authorizer decision related to the authorization, renewal, revocation, or nonrenewal of the charter school.
- c. The granting, revocation, or renewal of charter may never be contingent on the charter school being required to contract, lease or purchase services from the Commission.

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHARTER SCHOOL INTERVENTION

4.600

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

Policy Sections

1. Generally
2. Intervention
3. Grounds for Intervention and Consequences
4. Charter School Responsibilities
5. Table of Interventions

1. 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.

2. Intervention.

- a. 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 3 of this policy.
- b. This intervention policy shall be set forth in the charter agreements of the charter schools it authorizes and serves as the chartering authority.
- c. 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 Correction 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.
- d. The Commission shall provide its charter schools with reasonable time and opportunity for submission of Plan of Corrections and/or remediation in non-emergency situations.
- e. 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.

3. Grounds for Intervention and Consequences.

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- a. If issues of concern or deficiencies are identified, the Commission may assign a level of intervention for the charter school.¹ 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.
- b. 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 Tenn. Code Ann. § 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 jump levels. The Commission does not need to commence interventions at Level 1 and move incrementally through the levels.
- c. 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.
- d. A Plan of Correction shall include specific improvement objectives, responsible person(s) for each action, technical assistance requirements (if applicable), a schedule, and indicators of success. The charter school shall submit its Plan of Correction within the timelines prescribed by the Commission or its staff.
- e. 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.
- f. 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.

4. Charter School Responsibilities.

- a. When a charter school in the Commission's portfolio receives a deficiency notice from the Commission, it may:
 - i. Remedy noted deficiencies and provide evidence of such remedy to the Commission within the timeframe identified in the notice.

¹ 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 3 of this Policy.

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- ii. 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.
 - iii. Submit a Plan of Correction, if requested, to the Commission within the timeframe identified in the notice.
- b. 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.
- c. 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.

5. 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 ²	Possible Triggers	Possible Action/Consequence ³
<u>Level 1</u> Notice of Concern	<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 Tennessee Public Charter School Commission (“Commission”). • Signs of financial weakness identified through an annual financial audit. • Achievement of “falls far below standard” in one area of the performance frameworks or achievement of “does not meet standard” in multiple areas of the performance frameworks. 	<ul style="list-style-type: none"> • Letter to the school’s governing board detailing areas of concern.

² Level 3 (Notice of Probationary Status), Level 4 (Charter Review), and Level 5 (Charter Revocation) require official action by the Commission.

³ 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.

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Status ²	Possible Triggers	Possible Action/Consequence ³
	<ul style="list-style-type: none"> Repeated failure to submit required documents on a timely basis. 	
<u>Level 2</u> Notice of Deficiency	<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. Failure to comply with applicable state laws, Commission rules/policies, or other regulations. Failure to comply with terms of charter agreement with Commission. 	<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 approved by Commission staff.
<u>Level 3</u> Notice of Probationary Status	<ul style="list-style-type: none"> Continued failure to meet performance targets (state accountability, charter contract, or performance frameworks). 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 approved by Commission staff.
<u>Level 4</u> Charter Review	<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. § 49-13-122); fraud, 	<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 governing board and/or a governing board chairperson. For schools identified on the Priority School List for which

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Status ²	Possible Triggers	Possible Action/Consequence ³
	<p>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"> • Performed any of the acts that are conditions for non-approval of a charter school under T.C.A. § 49-13-108. • Inclusion on the TDOE’s Priority School List of the bottom five percent (5%) of schools in the state (T.C.A. § 49-13-122). 	<p>revocation is not recommended, the school shall develop and implement a comprehensive support and improvement plan (T.C.A. § 49-13-122).</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. § 49-13-122); 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 	<ul style="list-style-type: none"> • Letter stating reasons for proposed revocation to governing board. • Charter closure timeline goes into effect immediately.

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Status ²	Possible Triggers	Possible Action/Consequence ³
	<p>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). 	

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION	
LEA AS SPONSOR	4.800

Pursuant to Tenn. Code Ann. § 49-13-141, an LEA may be the sponsor of a charter school and in the event an LEA seeks to sponsor a charter school, the Commission shall serve as the chartering authority.

Purpose: The purpose of this policy is to set forth the process and criteria the Commission will use in reviewing and approving charter school applications where the LEA is the sponsor and in overseeing such schools in the event of approval.

Policy Sections

1. Charter Application
2. Application Process
3. Charter Agreements
4. Oversight and Evaluation; Charter School Intervention; and Renewal

This policy applies only to charter schools where the sponsor is an LEA.

1. **Charter Application.**
 - a. The sponsor shall follow the process for submitting a letter of intent and a charter school application in accordance with § 49-13-107. The charter application shall contain the required elements as set forth in § 49-13-107. The Commission may develop a form charter school application or issue additional application guidance. In this case, the Commission will post such form or additional guidance on its website.
2. **Application Process.** The Commission shall follow the process set forth in § 49-13-108 for the review and approval of charter school applications received pursuant to § 49-13-141 except that the denial of a charter school application by the Commission shall be final and not subject to appeal.
3. **Charter Agreements.** The Commission and the sponsor of any charter application approved under this policy shall execute a charter agreement in accordance with the terms and conditions set forth in Policy 4.300.
4. **Oversight and Evaluation; Autonomy; Charter School Intervention; and Renewal.** Any charter school authorized pursuant to § 49-13-141 shall be subject to the following policies set forth by the Commission for charter schools where the Commission is the chartering authority: Policy 4.400 Oversight and Evaluation; Policy 4.500 Charter School Autonomy; Policy 4.600 Charter School Intervention; Policy 2.400 Charter School Renewal with Commission as Authorizer; and any other policies that may be established by the Commission for charter schools where the Commission serves as the chartering authority.