

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHARTER SCHOOL RENEWAL APPEALS

2.200

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

Policy Sections

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1. Generally. Appeals may be submitted by the governing body of a charter school not authorized by the Commission. A governing body that wishes to appeal a local board of education's decision to deny a renewal application must submit an appeal to the Commission no later than ten (10) calendar days after the date of the local board of education's decision to deny the renewal application.

2. Notice of Appeal. The governing body shall notify the Commission's general counsel by email of the governing body's decision to appeal the local board of education's denial of the charter renewal application no later than ten (10) calendar days after the date of such denial. This notice of appeal must be received by the Commission's general counsel by 11:59 p.m. Central Standard Time on the tenth (10th) day. To be considered a complete appeal, this notice of appeal shall contain the following information:

- (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 (3) pages, including but not limited to why the local

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board of education's denial of the charter school renewal application was contrary to the best interests of the pupils, school district, or community based on the evidence and record of performance provided in the renewal application.

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

3. Information from the Local Board of Education. Commission staff may gather additional information related to each renewal application received on appeal from the local board of education. This information may include, but is not limited to:

- (a) A list of individual(s) that reviewed the renewal application;
- (b) Copies of the minutes, notes and presentations, 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 any 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; and
- (d) Copies of the letters informing the governing body of the local board of education's reasons for denying the renewal application.

The local board of education is requested to comply with the document request within five (5) calendar days of the request or as soon as possible thereafter, but in no event more than seven (7) calendar days after the request.

4. 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 (5) calendar days of the request or as soon as possible thereafter, but in no event more than seven (7) calendar days after the request. In filing an appeal with the Commission, the sponsor consents to the Commission staff completing a general due diligence review in order to form an accurate recommendation.

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5. **Interviews.** The Commission staff shall interview the governing body of the charter school that has appealed a local district’s denial of its renewal application. The interview shall be held in accordance with Commission Policy 2.100, Application Review, provided that the focus of the interview shall be on evaluating the charter school’s performance over the current term and the governing body and school leadership’s capacity to effectively oversee the charter school during the next charter term.

6. **Public Hearing.** The Commission shall hold a public hearing on the renewal application received on appeal no later than sixty (60) calendar days after receipt of the notice of appeal. The public hearing shall be held in accordance with Commission Policy 2.000, Charter School Appeals, provided, that any reference to “sponsor” shall be deemed to mean the governing body. The governing body’s presentation should focus on why the local board’s decision was contrary to the best interests of the students, school district, or community, and the public hearing shall be held in the school district where the charter school is located.

7. **Standard of Review.**
 - (a) The Commission staff and a charter renewal review committee (the “Renewal Review Committee”), as further described below, shall conduct a de novo, on the record review of the renewal record and provide recommendations to the Executive Director of the Commission.
 - (b) 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 best interests of the students, school district, or community based on the evidence and record of performance provided in the renewal record.

8. **Renewal Application Review Committee.**
 - (a) The Commission staff shall assemble a Renewal Review Committee comprised of a team 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 charter 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.
 - (b) The Renewal Review Committee shall review renewal applications received by the Commission on appeal. The Commission shall ensure that the renewal review process,

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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.

- (c) The Renewal Review Committee members shall provide evidence-based recommendations to the Commission staff that address established renewal criteria. The Executive Director of the Commission shall consider the recommendations of the Renewal Review Committee in his or her renewal recommendations to the Commission.

9. Decision of Commission.

- (a) Following the public hearing and the review of the renewal record as set forth in this policy, the Executive Director of the Commission shall provide a written recommendation to the Commission. The Executive Director of the Commission shall consider the recommendations of the Renewal Review Committee in his or her final renewal recommendations to the Commission. The recommendation of the Executive Director shall be discussed in a work session, if ruling at a regular meeting, or prior to the agenda item, if ruling at a special called meeting. The Commission shall meet and render a decision no later than sixty (60) days of receipt of the renewal application appeal. The Commission may:
 - i. Affirm the decision of the local board of education, or
 - ii. If the Commission finds that the local board of education’s decision was contrary to the best interests of the students, school district, or community, the Commission will approve the renewal application and the charter school shall continue to operate for the prescribed period of ten (10) academic years (subject to the right of the chartering authority to revoke the charter agreement during the renewal term) and the Commission shall be the authorizer, unless the local board of education and the charter school agree that the local board of education will oversee the charter school pursuant to T.C.A. § 49-13-121.
- (b) The Commission’s decision to deny a renewal application on appeal shall be final and no appeal shall be taken.
- (c) If the Commission becomes the chartering authority pursuant to 9(a)(ii) above, the LEA and the charter school may submit a charter agreement signed by the LEA and the charter school to the Commission stating that the charter school shall be overseen and monitored by the LEA. If such charter agreement is received by the Commission within thirty (30) calendar days after the Commission becomes the charter authorizer, then the authorization of the charter school shall be officially transferred to the LEA. Such agreement can be submitted

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electronically. When a charter agreement has not been provided within thirty (30) calendar days, both parties (sponsor and LEA) shall submit proof of approval that the charter school is under the jurisdiction of the LEA.