
Charter School Appeals Policy

The Background:

Public Chapter Number 466, passed June 2011, requires the State Board of Education to provide written objective reasons for any decision to remand a charter school denial. This policy amendment includes the requirement from Public Chapter 466. This is current practice of the SBE.

The Master Plan Connection:

This item ensures that eligible students have access to effective teachers and leaders at approved public charter schools, and that chartering authorities (local boards of education) have clear guidance on the statutorily provided appeal process.

The Recommendation:

SBE staff recommends adoption of this item on final reading.

TENNESSEE STATE BOARD OF EDUCATION	
CHARTER SCHOOL APPEALS	2.500

Tenn. Code Ann. § 49-13-108 allows public charter school sponsors to appeal the denial of an application by the local board of education to the State Board of Education.

The Board will not consider appeals of applications that did not include all of the statutorily required elements or that were submitted outside the application window set by the local board of education in accordance with Tenn. Code Ann. § 48-13-107.

Upon receipt of an appeal, the Board will use the following procedure:

1. Board staff will confirm to the sponsor receipt of the appeal and the date of receipt (Tenn. Code Ann. § 49-13-108 requires the Board to rule on the appeal within sixty (60) days of receipt).
2. Board staff will schedule a date for the hearing to be held in the school district where the sponsor proposes to open.
3. Board staff will communicate the date and time of the hearing to the sponsor and the local board of education, and post notice of the hearing on the internet (e.g., Board website or blog).
4. Board staff will gather the information related to each application from the sponsor, local board of education and/or the Tennessee Department of Education. The compilation may include:
 - a. Copies of the initial and amended applications.
 - b. A list of individual(s) that reviewed the initial and amended applications
 - c. Copies of the minutes and/or notes, if such were prepared, from any review team meetings and local board of education work sessions and meetings in which the application was discussed.
 - d. Copies of the completed scoring sheets used to evaluate the applications.
 - e. Copies of any reports or notes prepared for the local board of education by reviewers or other local board of education staff.
 - f. Copies of the letters informing the sponsors of the local board of education's reasons for denying the initial and amended applications
5. The executive director or another Board staff member will preside at the hearing.
 - a. The executive director or other staff member may ask questions of the sponsor, local board of education or those offering public comments at any time during the hearing.
 - b. The executive director or other staff member may end portions of the hearing or the hearing itself if the sponsor, local board of education or members of the public are out of order. Examples of conduct that may warrant calling speakers out of order include:
 - i. Yelling or using obnoxious or offensive language,
 - ii. Speaking out of turn, or
 - iii. Denigrating participants or other employees or officials of either the sponsor or the local board of education by name calling or similar conduct.

TENNESSEE STATE BOARD OF EDUCATION

CHARTER SCHOOL APPEALS

2.500

6. Appeal hearings will proceed as follows:
 - a. The local board of education will have twenty (20) minutes to present the reasons for the Board's denial.
 - b. The sponsor will have twenty (20) minutes to respond and show why the local board of education's decision is contrary to the best interests of the students, school district, or community.
 - c. There will then be fifteen (15) total minutes for public comment.
 - i. Members of the public who wish to comment may register at the hearing.
 - ii. Those registered in that way will be called to speak in the allotted time.
 - iii. The executive director or other staff member may increase the time for public comment based on the circumstances.
 - iv. Written comments may also be submitted at the meeting or submitted to the Board as specified at the hearing and on any notices or agendas.
 - d. The local board of education will have five (5) minutes for a closing statement.
 - e. The sponsor will have five (5) minutes for a closing statement.
7. Following the hearing, the executive director will provide written findings and recommendations to the Board.
8. The Board will meet and render a decision within sixty (60) days of receipt of the appeal. The Board may
 - a. Affirm the decision of the local board of education, or
 - b. If the "state board finds that the local board's decision was contrary to the best interests of the pupils, school district or community, the state board shall remand the decision to the local board of education with written instructions for approval of the charter. The decision of the state board shall be final and not subject to appeal. The LEA, however, shall be the chartering authority."¹
9. The findings and recommendations will 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.
10. A decision to remand the application for approval shall be communicated in writing, "specifying objective reasons for the decision."²

¹ T.C.A. § 49-13-108(3).

² *Id.*