



## **Application Process for Schools Applying to Exit the Achievement School District Guidance Document**

*Disclaimer: This document is for guidance purposes only and does not supersede any statute, rule, or policy.*

### **Overview of the Application Process for Schools Applying to Exit the Achievement School District**

Pursuant to T.C.A. § 49-1-614(k)2 and Commission Rule 1185-01-03, public charter schools under the Achievement School District (ASD) that are deemed eligible to exit, under the specific criteria outlined in statute, may apply to the Commission for authorization. The Commission conducts a review of the application with the use of a review committee made up of both internal and external members. As a part of the application process, the Commission will hold a public hearing in the school district where the school is located. The Commission will also hold a capacity interview with the applicant. The Commission's decision is final and not subject to appeal. Upon receipt of an application, the Commission has seventy-five (75) calendar days to render a decision.<sup>1</sup>

### **Standard of Review**

Pursuant to T.C.A. § 49-1-614(k)2 and Commission Rule 1185-01-03, the Commission develops the application and scoring criteria for applications received from the ASD.<sup>2</sup> Commission staff and an independent charter application review committee conduct a review of each submitted application. Per the State Board of Education's Quality Authorizing Standards, "a quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria, and grants charters only to applicants who demonstrate a strong capacity to establish and operate a quality charter school." This includes requirements that all applicants present "a clear and compelling mission, a quality educational program, a demonstration of community support, a solvent and sustainable budget and contingency financial plans, a clear demonstration of the effectiveness of the model for the target student population, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities in all phases of the school's development, and clear evidence of the applicant's capacity to execute its plan successfully." An application that merits a recommendation for approval should satisfy each of these criteria.<sup>3</sup> In addition, the Commission is required to hold a public hearing in the district where the charter school is located.<sup>4</sup>

To warrant authorization under the Commission, the Commission must find that the application meets or exceeds the metrics outlined in the scoring rubric. All Commission decisions are final. If an application is approved by the Commission, the Commission becomes the authorizer and the LEA at the beginning of the

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<sup>1</sup> Commission Rule 1185-01-03

<sup>2</sup> Commission Rule 1185-01-03

<sup>3</sup> State Board of Education Quality Authorizing Standards. Policy 6.111

<sup>4</sup> Commission Rule 1185-01-03(3c)

next school year, and the school will be held accountable to and evaluated on the Commission's [School Performance Framework](#).

### **Statutes, Rules, and Policies Governing the ASD Application Process**

The following statutes, Commission rule, and Commission policies govern the pathway for which ASD schools may apply for authorization under the Commission. The Commission staff suggests that any sponsor or local geographic LEA or board of education participating in the appeal process be familiar with the contents of these documents:

- T.C.A. § 49-1-614(k)2
- Commission Rule 1185-01-03

### **Guidance for Operators Submitting Applications**

A charter school operating within the ASD may only apply directly to the Commission for continued authorization if the school has met one of the following criteria outlined in T.C.A. § 49-1-614(k):

1. **Commissioner of Education Authority:** "...the commissioner may determine that a school that entered the ASD and is operated as a charter school through authorization by the ASD... may exit the ASD prior to the expiration of the charter school's initial ASD charter agreement... The ASD-authorized charter school may apply to the Tennessee public charter school commission for a new charter agreement with a term not to exceed the term of the initial ASD charter agreement."<sup>5</sup>
2. **School Earns Priority Exit Status:** "If, at any time, an ASD-authorized charter school meets the priority exit criteria set forth in the state's accountability model, then the school may apply to the LEA or the commission for a new charter agreement with a term not to exceed the term of the initial ASD charter agreement."<sup>6</sup>

Once a school receives confirmation of eligibility to apply from the Department of Education, a letter of intent shall be filed with the Commission on or before October 15 of the year prior to the start of the upcoming school year. On or before November 15 of the year preceding the year in which the proposed ASD-authorized charter school intends to transfer to the Commission, an application will be filed with the Commission.

Additionally, an application to the Commission shall be accompanied by a fee of two thousand five hundred (\$2,500) dollars paid by November 15<sup>th</sup>. The application fee shall be made by check or money order and made payable to "State of Tennessee – Tennessee Public Charter School Commission." Failure to include payment of the application fee will result in the application not being accepted by the Commission. <sup>7</sup> The

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<sup>5</sup> T.C.A. § 49-1-614(k)(2)(b)

<sup>6</sup> T.C.A. § 49-1-614(k)(4)

<sup>7</sup> Commission Rule 1185-01-03-.03

operator will receive confirmation from Commission staff when payment has been received.

Documents must be submitted to the Commission via a file-sharing website (e.g. Microsoft Teams) for a completed application. The Commission staff will set up and invite the sponsor's team members to a Microsoft Teams folder for each application. The folder will have clearly labeled subfolders for the required information below. The application materials must include all of the following to be considered:

1. Application and all required attachments;
2. Any annual past performance information provided to the school from the ASD such as annual reporting; and
3. Commission staff will confirm receipt of the application and the date of receipt with the operator. The Commission will review the materials for a complete application prior to the application's evaluation and will provide an opportunity for the operator to cure any deficiencies in the application.<sup>8</sup>

The Commission will meet and render a final decision on each application within seventy-five (75) calendar days of receipt of the charter school's application. The Commission will consider the Executive Director's Findings and Recommendation Report for the application, but the Charter Commission is not bound by the recommendation.<sup>9</sup>

### **Application Review**

Pursuant to Commission Rule 1185-01-03, Commission staff and an independent charter application review committee conduct a review of each application. The application is considered the foundation of the Commission's record. In addition to the application, Commission staff and the review committee review the entire record including additional documents submitted demonstrating past performance, previous annual reporting, any notices of deficiencies, plans of correction, and historical financial information. External of the application review process, Commission staff also conduct a public hearing in the local district to answer any additional questions and demonstrate community support.

Commissioners will deliberate and/or decide on an ASD application, based on the entirety of the record. "The record" before the Commission will include the application, any additional information as requested by the Commission staff from the ASD for past performance, and any additional clarifying information such as school data run through the Commission's school performance framework. Additionally, the record will include the findings of the public hearing and public comments received through the application process. In accordance with Commission rule<sup>10</sup>, the Executive Director's Recommendation is considered by the Commission in rendering a decision to approve or deny. However, the Commission is not bound by the Executive Director's recommendation.

### **Request for Additional Information**

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<sup>8</sup> Commission Rule 118-01-03

<sup>9</sup> Commission Rule 118-01-03

<sup>10</sup> Commission Rule 1185-01-03



Commission staff may gather additional information related to each application from the operator, the ASD, and/or the Tennessee Department of Education. In filing an application with the Commission, the operator consents to the Commission staff completing a general due diligence review in order to form an accurate recommendation.

## Frequently Asked Questions

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

The Commission is required to render a decision on an application from a school within the ASD within seventy-five (75) calendar days of the receipt of the notice of application.<sup>11</sup> All applications to the Commission are due by November 15<sup>th</sup>. The Commission’s January quarterly meeting to render a decision on an appeal is near the end of the seventy-five (75) calendar day timeframe.

### 2. Who is my main contact during an application process?

Questions related to the ASD application process should be sent to Maggie Lund, Deputy Director of Authorizing at [Maggie.Lund@tn.gov](mailto:Maggie.Lund@tn.gov). Once an application has been submitted, please continue to send any questions or concerns regarding the process to this email address, and she will reply to the email within one (1) business day.

### 3. What are the components of the application review process for schools exiting the ASD?



The Charter Commission shall conduct a review of the submitted application. Therefore, the substantive review of the application and record by the Charter Commission is done in three distinct parts, each operating separately from one another. All three of these parts come together to inform the Executive Director’s Findings and Recommendation Report that is presented to the Charter Commission. The Commission will consider, but is not bound by, the Executive Director’s Recommendation.<sup>12</sup> The recommendation report is based on the

<sup>11</sup> Commission Rule 118-01-03

<sup>12</sup> Commission Rule 118-01-03

following:

- Part 1: Staff Review of the Record: The Commission staff will conduct a review of all documentation submitted by the operator and the ASD. This documentation includes the application, all additional and applicable materials submitted by the operator, and compiled historical academic data run through the Commission's school performance framework. This initial review is done within ten days of receipt of the application. Commission staff will follow up with the operator if any information is incorrect, missing, or if additional information is required for any sections of the application. The operator may correct and submit this information, but only for the sections noted by Commission staff as deficient.
- Part 2: Work of the Review Committee: The Commission will assemble a charter application review committee (Review Committee), comprised of both internal and external evaluators, to review the application, including any corrections from the initial review. The Review Committee will be 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 separate from the public hearing and staff review of all documents on the record.
  - a. Evaluation of the Application: The Review Committee is responsible for conducting a review of the application. The committee will review the application and accompanying attachments including the budget, and any subsequent performance documentation provided by Commission staff and the school. The Review Committee will score the application based on the Commission's ASD Application Scoring Rubric.<sup>13</sup>
  - b. Capacity Interview: After an initial review of the application, the Review Committee will conduct a ninety (90) minute capacity interview with the school leaders and officers of the governing board **virtually**. These interviews are not open to the public. The operator will not have any opportunity for an opening statement at the beginning of the interview but will be provided an opportunity for a closing statement during the last five (5) minutes of the interview. To start the interview, the Review Committee and individuals representing the operator will briefly introduce themselves, and then the Review Committee will move straight into questions for the operator based on their review of the application. The operator should be prepared to answer questions about the academic, operational, and financial sections of the application.
  - c. Review Committee Report: After reviewing the application and holding the capacity interview(s), the Review Committee develops a consensus rating for each of the main sections of the application and provides a recommendation to the Executive Director on the application. Applicants must receive a "meets or exceeds the standard" in the academic, operational, financial, and past performance sections in order for the Review Committee to recommend approval.
- Part 2: Public Hearing and Public Comment: The Commission will hold a public hearing on the charter application during the seventy-five (75) calendar days that the Commission is considering an application.<sup>14</sup>

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<sup>13</sup> Rubric is available on the Commission's website.

<sup>14</sup> Commission Rule 118-01-03

The public hearing is typically held at the school and provides an opportunity for the members of the specific community to be heard as it relates to the school's application. Commission staff will also notify the local LEA and offer the opportunity to participate in the public hearing, but the local LEA is not required to participate. Commission staff provide the operator questions prior to the public hearing for preparation and provide logistical information and agendas. The proceedings of the public hearing are separate from the work of the review committee described in Part 2, and neither part informs the other's work. There are two (2) opportunities for the public to participate in this process:

- a. Oral Public Comment: The Executive Director will reserve 40 minutes for oral public comment during the public hearing. Commission staff will allot ten (20) spots to members of the public. The Commission will notify the operator 24 hours in advance of when the sign-up for public comments will be posted on the Commission's website. Oral public comment sign-ups will close when all slots are full or 24 hours in advance of the hearing, whichever occurs first. A list of public speakers will be provided to the operator 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 will be recognized by Commission staff to provide up to two (2) minutes of comments. When signing up for public comment, the individual will be asked to confirm that they are a resident of the school district and/or how they are affiliated with the school. Further, before beginning the public comment, each speaker must identify themselves by name, resident district status, relation to the application/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 being authorized by the Commission. The first and last name of individuals who have signed up for public comment will be 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 will be asked to refrain from unorderly conduct or escorted out by designated personnel, in accordance with Commission policy. 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>15</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, will be posted to the Charter Commission's website, and are public records. The Charter Commission staff will set a deadline by which no

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<sup>15</sup> Any Personally Identifying Information will be removed prior to responding to a public record request. Please note: first and last name, email addresses, and phone numbers are not considered Personally Identifying Information.

further written comment will be accepted, and this deadline will be stated on the public hearing agenda and the Commission's website.

**4. Are all components of the application process considered equally in the Executive Director's recommendation?**

The application 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 application process: the Review Committee Report, information presented at the public hearing, public comment, additional performance information, and the staff review of the record.

**5. Can an operator make changes or corrections to the application?**

An operator may make changes or corrections to the application only during the reconciliation period if Commission staff find deficiencies with the application during the preliminary review. The reconciliation period for the application includes ten business days of staff initial review and seven business days for applicants to respond with any edits or additions. Commission staff will communicate with the operator if changes or corrections are necessary in specific sections of the application and the operator may only make changes to the outlined sections. Once the reconciliation period has closed, the operator may not make additional changes or corrections to the application.

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

The Executive Director could recommend that the Commission approve the charter school application or deny the charter school application. If approved, the Commission will be the charter school authorizer, and the school will transition to the Commission for the next school year. If the Commission denies the school's application, the school will remain in operation under the ASD. All Commission decisions are final and cannot be appealed.

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

The Executive Director's Findings and Recommendation is posted on the Commission's website prior to the Commission meeting, and the operator will be notified by Commission staff when the recommendation is posted.

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

The Commission will meet at a regularly scheduled quarterly meeting in January to render a decision within seventy-five (75) calendar days of receipt of the application. The Commission will discuss the Executive Director's recommendation prior to the vote on the agenda item. All Charter Commission meetings are livestreamed and open to the public, and the link will be available on the Charter Commission's website.

**9. Is there time for public comment on the application 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 30 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 ASD application process is closed at the time of the Commission meeting, these public comment opportunities are reserved for comments related to Commission business and should not be used by operators to add additional information to the record that was not presented throughout the application process.

In addition to the public comment described above, one representative of the school is permitted to submit a response to the recommendation, either by speaking in-person at 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 comments shall not be more than one (1) page typed in length. A written statement or the name of the representative speaking in person shall be received by the Executive Director at least forty-eight (48) hours prior to the scheduled Commission meeting. The Commission staff shall accept only one written comment/in-person representative from the school.

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

The operator, the ASD, and local board of education (geographic LEA) will be notified via e-mail of the Commission's decision on the charter school application. If the Commission approves the application, the Commission will become the authorizer of the school for the next school year, and the Commission staff will begin the transition process. This transition process concludes in July of the same year in which the school officially becomes a Commission-authorized school. If the Commission denies the school's application, the school will remain in operation under the ASD.

#### **11. Can the Commission's decision be appealed?**

The Commission's decisions in appeals are final.<sup>16</sup>

#### **12. Whom should I contact with additional questions?**

Please contact the Deputy Director of Authorizing, Maggie Lund at [Maggie.Lund@tn.gov](mailto:Maggie.Lund@tn.gov).

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<sup>16</sup> T.C.A. § 49-13-108(b)(5)