

TENNESSEE STATE BOARD OF EDUCATION

CHARTER SCHOOL RENEWAL & RENEWAL APPEALS

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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 State Board of Education ("State Board") until December 31, 2020.

Purpose: The purpose of this policy is to set forth the process and criteria the State Board shall use when considering the appeal of a local board of education's decision to deny the renewal of a charter agreement. This policy also sets forth the process and criteria the State Board shall use when considering a renewal application received directly from a charter school where the State Board serves as the authorizer.

Policy Sections

1. Appeals When the Local Board of Education Denies a Renewal Application
2. Renewal Applications Submitted Directly to the State Board
3. Renewal Charter Agreement

1. Appeals When the Local Board of Education Denies a Renewal Application

- a. Generally. Appeals may be submitted by the governing body of a charter school not authorized by the State Board. 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 State Board within ten (10) calendar days of the local board of education's decision to deny the renewal application.
- b. Notice of Appeal. The governing body shall notify the State Board by email of the governing body's decision to appeal the local board of education's denial of the charter renewal application within ten (10) calendar days of such denial. This notice of appeal must be received by the State Board by 4:30 p.m. Central Time on the tenth (10th) day. In order to be considered a complete appeal, this notice of appeal shall contain the following information:
 - i. 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.
 - ii. 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.

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- iii. Brief statement, no longer than three (3) pages, including but not limited to why the local 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.

State Board staff shall confirm receipt of the appeal and the date of receipt. State Board staff shall not accept an incomplete appeal or any additional documentation from the governing body beyond the contents of the notice of appeal unless requested by the State Board staff.

- c. Information from the Local Board of Education. State Board 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:
 - i. A list of individual(s) that reviewed the renewal application.
 - ii. 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.
 - iii. 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.
 - iv. 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 shall comply with such document request and provide any applicable documents to the State Board staff within five (5) calendar days of receipt of the document request.

- d. Request for Additional Information. State Board 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. The governing board, the local board of education, and/or the Tennessee Department of Education shall comply with such document requests and provide applicable documents to the State Board staff within five (5) calendar days of receipt of the request.
- e. Interviews. The State Board 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 Section 3 of State Board Policy 6.300, Application Review, provided that the focus of the interview shall be on evaluating the charter school's performance

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over the current term and the governing body and school leadership's capacity to effectively oversee the charter school during the next charter term.

- f. Public Hearing. The State Board shall hold a public hearing on the renewal application received on appeal within sixty (60) calendar days after receipt of the notice of appeal. The public hearing shall be held in accordance with Section 6 of State Board Policy 2.500, Charter School Appeals, provided, that any reference to "sponsor" in State Board Policy 2.500, Section 6 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 pupils, school district, or community, and the public hearing shall be held in the school district where the charter school is located.

- g. Standard of Review.
 - i. The State Board 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 State Board.
 - ii. In order to overturn a local board of education's denial of a renewal application, the State Board must find that the local board's decision was contrary to best interests of the pupils, school district, or community based on the evidence and record of performance provided in the renewal record.

- h. Renewal Application Review Committee.
 - i. The State Board staff shall assemble a Renewal Review Committee comprised of a highly competent 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 State Board 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 renewal applications received by the State Board on appeal.
 - iii. The State Board shall ensure that the renewal review process, Renewal Review Committee members, and decision-making processes are free of conflicts of interest, in accordance with State Board Policy 6.600, and shall require full disclosure of any potential or perceived conflicts of interest between Renewal Review Committee members and applicable charter schools.

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

i. Decision of State Board.

i. Following the public hearing and the review of the renewal record as set forth in this policy, the Executive Director of the State Board shall provide a written recommendation to the State Board. The Executive Director of the State Board shall consider the recommendations of the Renewal Review Committee in his or her final renewal recommendations to the State Board. 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 State Board shall meet and render a decision within sixty (60) days of receipt of the renewal application appeal. The State Board may:

1. Affirm the decision of the local board of education, or
2. If the renewal application is for a charter school in an LEA that does not contain a priority school on the current or last preceding priority school list, and if the State Board finds that the local board of education's decision was contrary to the best interests of the students, school district, or community, the State Board shall remand the decision to the local board of education with written instructions for approval of the renewal application. 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). The local board of education shall remain the authorizer.
3. If the renewal application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the local board of education's decision was contrary to the best interests of the students, school district, or community, the State Board shall 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 State Board 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. § 49-13-142.

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The State Board's decision to deny a renewal application on appeal shall be final and no appeal shall be taken.

2. Renewal Applications Submitted Directly to the State Board

a. Generally. When the State Board is the authorizer, the governing body of a charter school shall submit a renewal application to the State Board no later than April 1 of the year prior to the year in which the charter expires. The State Board 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 State Board 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 State Board or the Department of Education. The guidance shall also include the standards and criteria that shall guide the State Board's renewal decisions. A school may choose not to submit a renewal application to the State Board, 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 State Board'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. The renewal application shall also require each charter school to present its plans for the next charter term.

c. Renewal Criteria

i. The State Board 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 State Board shall execute charter agreements with its charter schools, pursuant to State Board Policy 6.400, that establish the performance standards under which schools shall be evaluated so that all stakeholders are aware from

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the outset what a charter school must accomplish in order to meet performance expectations set forth in the charter agreement.

- iii. The State Board shall ensure that renewal decisions are based on demonstrable merit and grant renewal only to charter schools that have sufficiently met the State Board'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 State Board 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 State Board's renewal standards and criteria.

d. Renewal Cumulative Performance Report

- i. Pursuant to T.C.A. § 49-13-121, the State Board 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 State Board, and the charter agreement. The report shall include the State Board's summative findings concerning the charter school's performance against the State Board'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 concerns perceived by the State Board concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified.

e. Renewal Application Review Committee

- i. The State Board staff shall assemble a renewal application review committee ("Renewal Review Committee") comprised of highly competent 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 State Board 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 State Board as the authorizer.

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- iii. The State Board shall ensure that the renewal review process, Renewal Review Committee members, and decision-making processes are free of conflicts of interest, in accordance with State Board Policy 6.600, 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 State Board.
- f. Renewal Application Evaluation.
- i. The State Board shall conduct a renewal evaluation site visit to each charter school that submits a charter renewal application to the State Board as the authorizer. The site visit shall take place after the State Board 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 State Board shall interview the governing body of the charter school in accordance with Section 1(e) of this policy. This interview may take place in conjunction with the renewal evaluation site visit.
 - ii. The Executive Director of the State Board shall issue a preliminary renewal recommendation prior to the public hearing. The Executive Director shall consider the recommendation of the Renewal Review Committee and the renewal evaluation site visit in his or her preliminary renewal recommendation to the State Board.
 - iii. A public hearing shall be held in accordance with Section 1(f) of this policy, 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 State Board staff member (the "Hearing Officer") shall preside at the hearing, and a State Board staff member shall summarize the State Board'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 State Board. Following the public hearing and the review of the renewal application as set forth in this policy, the Executive Director of the State Board shall provide a final recommendation to the State Board. 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 State Board. The State Board shall consider the recommendation of the Executive Director when rendering a decision on the renewal, but the Board is not bound by the

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recommendation. The State Board shall meet and render a decision on or before February 1 of the year following submission of the charter renewal application. If the State Board 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 State Board to revoke the charter agreement), and the State Board shall continue to be the authorizer. The State Board's decision on a renewal application is final and may not be appealed.

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