

AT A GLANCE

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Appeals of Local School Board Denials of Charter School Applications

All “new start” charter schools in Tennessee seek authorization from a local board of education. If a charter school’s amended application^A is denied by a local board of education, the charter school’s sponsor^B may appeal the denial to the Public Charter School Commission (PCSC). Within 75 days of receiving the appeal, the PCSC must grant or deny it.

To appeal, the charter school’s sponsor must submit its denied application to the PCSC along with a written statement. The sponsor must submit this information within 10 days of the local board of education’s vote to deny. A committee created by the PCSC reviews and evaluates the submitted appeal using a rubric created by the Tennessee Department of Education. The review committee is made up of PCSC staff, volunteers, and/or third parties who have relevant expertise.

Interviews of the members of the proposed charter school’s governing board and leadership are conducted as part of the appeal process. The interview panel can consist of PCSC staff, a PCSC member, review committee members, and other individuals who have relevant expertise. The interviews give the proposed charter school’s governing board and school leadership the opportunity to address their capacity to manage a successful charter school in a fiscally responsible manner. The interviews are closed to the public.

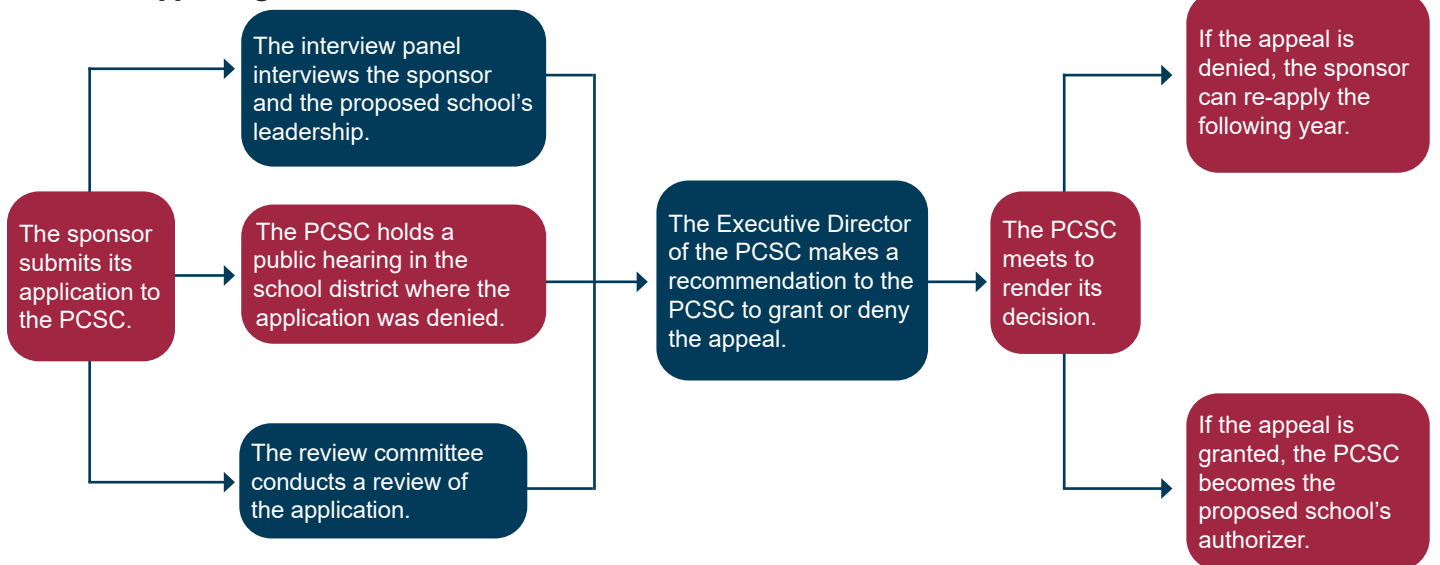
The appeal process also includes a public hearing, which is held in the school district where the proposed charter school would be located. This public hearing consists of opening statements from the two parties – the local board of education and the sponsor – and questions posed by the Executive Director of the PCSC to both parties. Members of the public are also allowed to comment at the hearing. Following the public comment portion of the hearing, the two parties may each make a closing statement.

Based on the results of the review committee’s evaluation, the interviews, and the public hearing, the Executive Director of the PCSC makes a recommendation to the PCSC to grant or deny the appeal. While this recommendation informs the PCSC’s final decision, it is non-binding.

Between 2021 and 2022, the PCSC heard 16 appeals challenging the denial of charter school applications by six different local boards of education. Five of the 16 appeals were granted by the PCSC, four were withdrawn before a decision was made, and seven were denied.

If the PCSC denies the appeal, the sponsor cannot open the school but is not prohibited from applying in a future school year. If the appeal is granted, the sponsor may proceed with opening. In such cases, the PCSC, rather than the local board of education, will serve as the charter school’s authorizer. Within 30 days of the PCSC granting the appeal, however, the local board of education and the sponsor can submit an agreement to transfer authorizing powers from the PCSC to the local board.

Exhibit 1: Appealing a Local School Board Denial to the PCSC



^A If a charter school application is denied by a local board of education, the sponsor is allowed to submit an amended application to the same local board of education in an attempt to correct the reason(s) for the initial denial and receive approval. If this amended application is also denied, the sponsor is permitted to appeal the denial.

^B A charter school sponsor is the entity filling an application to establish a public charter school. A sponsor cannot be a for-profit entity, a private school, or a religious group seeking to promote a religious agenda.