

HOUSE BILL 446

By Forgety

AN ACT to amend Tennessee Code Annotated, Section 49-13-108, relative to the operation of charter schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-13-108(a)(3), is amended by deleting the existing language in its entirety and by substituting instead the following new language:

(3)

(A) A denial by the local board of education of an application to establish a public charter school may be appealed by the sponsor, within ten (10) days of the final decision to deny, to the state board of education. The appeal and review process shall be in accordance with this subdivision (a)(3). Within sixty (60) days after receipt of the notice of appeal, the state board, at a public hearing attended by the board or its designated representatives shall review the decision of the local board of education. This hearing shall take place in the school district in which the proposed charter school has applied for the charter. Within thirty (30) days of the close of the hearing, the state board of education shall render its written final decision.

(B) If the state board finds that the decision of the local board should be upheld, the state board shall render its written final decision to the local board of education. The grounds upon which the state board of education based its decision to uphold the decision of the local board of education shall be stated in writing, specifying objective reasons for the decision.

(C) If the state board finds that the decision of the local board was contrary to the best interests of the pupils, the school district or the community, the state board shall issue a written final decision remanding the application to the local board of education with an order to establish the charter school. The grounds upon which the state board of education based its decision to remand the application shall be stated in writing, specifying objective reasons for the decision.

(D) Either the local board of education or the sponsor proposing the charter school application may appeal the final decision of the state board of education within thirty (30) days of its entry to the chancery court in the judicial circuit in which the local board of education is located. The review of the court shall be de novo on the record and shall be undertaken in accordance with the procedures governing common law writs of certiorari.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.