

Amendment No. 15 to HB0940

Johnson G
Signature of Sponsor

AMEND Senate Bill No. 796

House Bill No. 940*

by deleting subdivision (b)(5)(A) in the amendatory language of Section 24 and substituting instead the following:

(A) If a local board of education denies a public charter school application and the local board of education's LEA:

(i) Is located in any county having a population of not less than four hundred thirty-two thousand and two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, then the local board of education's decision is final and is not subject to appeal; or

(ii) Is located in any county that does not have a population of not less than four hundred thirty-two thousand and two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, then the sponsor may appeal the local board of education's decision to deny the public charter school application to the commission no later than ten (10) days after the date of the local board of education's decision. The appeal and review process must be conducted in accordance with this subdivision (b)(5);

AND FURTHER AMEND by deleting subdivision (f)(1) in the amendatory language of Section 71 and substituting instead the following:

(1) If a local board of education denies a public charter school's application for renewal of a charter agreement and the local board of education's LEA:

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(A) Is located in any county having a population of not less than four hundred thirty-two thousand and two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, then the local board of education's decision is final and is not subject to appeal; or

(B) Is located in any county that does not have a population of not less than four hundred thirty-two thousand and two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, then the local board of education's decision to deny renewal of the charter agreement may be appealed by the governing body to the commission no later than ten (10) days after the date of the local board of education's decision;

AND FURTHER AMEND by deleting subsection (g) in the amendatory language of Section 75 and substituting instead the following:

(g) Beginning immediately upon the repeal of subsection (f):

(1) If a local board of education revokes a public charter school's charter agreement and the local board of education's LEA:

(A) Is located in any county having a population of not less than four hundred thirty-two thousand and two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, then the local board of education's decision is final and is not subject to appeal; or

(B) Is located in any county that does not have a population of not less than four hundred thirty-two thousand and two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, then the local board of education's decision to revoke the charter agreement may be appealed to the commission no later than ten (10) days after the date of the local board of education's decision, except for revocations based on the violations specified in subsection (a);

(2) No later than sixty (60) days after the commission receives a notice of appeal and after the commission provides reasonable public notice, the commission shall hold an open meeting in the LEA in which the public charter school has been operating to conduct a de novo on the record review of the local board of education's decision. In order to overturn a local board of education's decision to revoke a charter agreement, the commission must find that the decision was contrary to § 49-13-122. If the commission overturns the local board of education's decision to revoke a charter agreement, then the commission shall remand the decision to the local board of education and the local board of education shall remain the authorizer. The commission's decision is final and is not subject to appeal; and

(3) This subsection (g) only applies to decisions to revoke a charter agreement for which the local board of education is the authorizer.