

Amendment No. 7 to SB0796

**Swann
Signature of Sponsor**

AMEND Senate Bill No. 796

House Bill No. 940*

by deleting subdivisions (b)(5)(C) and (b)(5)(D) in the amendatory language of Section 24 and substituting instead the following:

(C)

(i) The commission shall either approve or deny a public charter school application no later than seventy-five (75) days from the commission's receipt of the notice of appeal; and

(ii) The commission shall review applications on appeal in accordance with the state board of education's quality public charter school authorizing standards. Except as provided in subsection (c), if the commission finds that the application meets or exceeds the metrics outlined in the department of education's application-scoring rubric and that approval of the application is in the best interests of the students, LEA, or community, then the commission may approve the public charter school's application;

(D)

(i) If the commission approves an application on appeal that was initially denied by the local board of education, then the local board of education may appeal the commission's decision to the state board of education within ten (10) calendar days of the commission's decision;

(ii) The state board of education's appeal and review process must be conducted in accordance with subdivision (b)(5);

(iii) If the state board of education approves an application on appeal and:

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(a) The state board of education affirms the commission's decision to approve the application, then the commission is the authorizer and the LEA for that public charter school; or

(b) The state board of education reverses the commission's decision to approve the application, then the local board of education's decision to deny the public charter school application is final and is not subject to further appeal;

AND FURTHER AMEND by deleting the language "Notwithstanding subdivision (b)(5)(D)" in subdivision (b)(5)(E) in the amendatory language of Section 24 and substituting instead the language "Notwithstanding subdivision (b)(5)(C)".

AND FURTHER AMEND by deleting subdivisions (f)(2) and (f)(3) in the amendatory language of Section 71 and substituting instead the following:

(2)

(A) If the commission finds that the local board of education's decision to deny renewal of a charter agreement is contrary to the best interest of the students, LEA, or community, then the commission shall approve the renewal application;

(B) If the commission approves a renewal application on appeal that was initially denied by the local board of education, then the local board of education may appeal the commission's decision to the state board of education within ten (10) calendar days of the commission's decision. The state board of education's review of the decision is limited to whether the local board's decision to deny

renewal of a charter agreement is contrary to the best interest of the students, LEA, or community;

(C) If the commission approves an application on appeal and:

(i) The state board of education affirms the commission's decision to approve the application, then the commission is the authorizer and the LEA for that public charter school; or

(ii) The state board of education reverses the commission's decision to approve the application, then the local board of education's decision to deny the public charter school application is final and is not subject to further appeal; and

(3) The public charter school and the commission shall enter into a renewed charter agreement in accordance with § 49-13-110(a) if:

(A) The commission approves the renewal application on appeal and the local board of education that initially denied the renewal application does not timely appeal to the state board of education; or

(B) The local board of education timely appeals the commission's decision to the state board of education and the state board of education affirms the commission's decision to approve the renewal application.

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

(g)

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

(A) A decision to revoke a charter agreement may be appealed to the commission no later than ten (10) days after the date of the decision, except for revocations based on the violations specified in subsection (a);

(B) 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;

(C)

(i) If the commission overturns the local board of education's decision to revoke a charter agreement on appeal, then the local board of education may appeal the commission's decision to the state board of education within ten (10) days of the commission's decision;

(ii) If a local board of education appeals the commission's decision to the state board of education pursuant to subdivision (g)(1)(C)(i), then the state board of education shall hold an open meeting and conduct a de novo on the record review in accordance with subdivision (g)(1)(B); and

(iii) If the commission overturns the local board of education's decision to revoke a charter agreement and:

(a) The local board of education does not timely appeal the commission's decision to the state board of education, then the commission shall remand the decision to the local board of education and the local board of education remains the authorizer and the LEA for that public charter school;

(b) The state board of education affirms the commission's decision to overturn the local board of

education's decision to revoke the charter agreement, then the commission shall remand the decision to the local board of education and the local board of education remains the authorizer and the LEA for that public charter school; or

(c) The state board of education reverses the commission's decision to overturn the local board of education's decision to revoke the charter agreement, then the local board of education's decision to revoke the charter agreement is final and is not subject to further appeal.

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