

hbd-38

Amendment No. 17 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Arza, Melvin, Kilmer, and Baxley offered the following:

Amendment

On page 212, line 15, through page 213, line 27, remove: all of said lines

and insert:

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the district school board shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about

1 the appeal. The commission shall forward its recommendation
2 to the state board no later than 7 calendar days prior to the
3 date on which the appeal is to be heard. The State Board of
4 Education shall by majority vote accept or reject the decision
5 of the district school board no later than 60 calendar days
6 after an appeal is filed in accordance with State Board of
7 Education rule. The Charter School Appeal Commission may
8 reject an appeal submission for failure to comply with
9 procedural rules governing the appeals process. The rejection
10 shall describe the submission errors. The appellant may have
11 up to 15 calendar days from notice of rejection to resubmit an
12 appeal that meets requirements of State Board of Education
13 rule. An application for appeal submitted subsequent to such
14 rejection shall be considered timely if the original appeal
15 was filed within 30 calendar days after receipt of notice of
16 the specific reasons for the district school board's denial of
17 the charter application. The State Board of Education shall
18 remand the application to the district school board with its
19 written decision that the district school board approve or
20 deny the application. The district school board shall
21 implement the decision of the State Board of Education. The
22 decision of the State Board of Education is not subject to the
23 provisions of the Administrative Procedures Act, chapter 120.

24 (c) The district school board shall act upon the
25 decision of the State Board of Education within 30 calendar
26 days after it is received. The State Board of Education's
27 decision is a final action subject to judicial review.

28 (d)1. A Charter School Appeal Commission is
29 established to assist the commissioner and the State Board of
30 Education with a fair and impartial review of appeals by
31 applicants whose charters have been denied or whose charter

- 1 contracts have not been renewed by their sponsors.
- 2 2. The Charter School Appeal Commission may receive
3 copies of the appeal documents forwarded to the State Board of
4 Education, review the documents, gather other applicable
5 information regarding the appeal, and make a written
6 recommendation to the commissioner. The recommendation must
7 state whether the appeal should be upheld or denied and
8 include the reasons for the recommendation being offered. The
9 commissioner shall forward the recommendation to the State
10 Board of Education no later than 7 calendar days prior to the
11 date on which the appeal is to be heard. The state board must
12 consider the commission's recommendation in making its
13 decision, but is not bound by the recommendation. The
14 decision of the Charter School Appeal Commission is not
15 subject to the provisions of the Administrative Procedure Act,
16 chapter 120.
- 17 3. The commissioner shall appoint the members of the
18 Charter School Appeal Commission. Members shall serve without
19 compensation but may be reimbursed for travel and per diem
20 expenses in conjunction with their service. One-half of the
21 members must represent currently operating charter schools and
22 one-half of the members must represent school districts. The
23 commissioner or a named designee shall chair the Charter
24 School Appeal Commission.
- 25 4. The chair shall convene meetings of the commission
26 and shall ensure that the written recommendations are
27 completed and forwarded in a timely manner. In cases where
28 the commission cannot reach a decision, the chair shall make
29 the written recommendation with justification, noting that the
30 decision was rendered by the chair.
- 31 5. Commission members shall thoroughly review the

1 materials presented to them from the appellant and the
2 sponsor. The commission may request information to clarify
3 the documentation presented to it. In the course of its
4 review, the commission may facilitate the postponement of an
5 appeal in those cases where additional time and communication
6 may negate the need for a formal appeal and both parties
7 agree, in writing, to postpone the appeal to the State Board
8 of Education. A new date certain for the appeal shall then be
9 set based upon the rules and procedures of the State Board of
10 Education. Commission members shall provide a written
11 recommendation to the state board as to whether the appeal
12 should be upheld or denied. A fact-based justification for
13 the recommendation must be included. The chair must ensure
14 that the written recommendation is submitted to the State
15 Board of Education members no later than 7 calendar days prior
16 to the date on which the appeal is to be heard. Both parties
17 in the case shall also be provided a copy of the
18 recommendation.

19
20 and renumber subsequent paragraphs

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