

Bill No. CS for SB 2-D

Amendment No. Barcode 950880

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Sullivan moved the following amendment:

Senate Amendment

14 On page 215, line 28, after the period, to page 216,
15 line 30 delete those lines

17 and insert: Upon receipt of notification from the State
18 Board of Education that a charter school applicant is filing
19 an appeal, the Commissioner of Education shall convene a
20 meeting of the Charter School Appeal Commission to study and
21 make recommendations to the State Board of Education regarding
22 its pending decision about the appeal. The commission shall
23 forward its recommendation to the state board no later than 7
24 calendar days prior to the date on which the appeal is to be
25 heard. The State Board of Education shall by majority vote
26 accept or reject the decision of the district school board no
27 later than 60 calendar days after an appeal is filed in
28 accordance with State Board of Education rule. The Charter
29 School Appeal Commission may reject an appeal submission for
30 failure to comply with procedural rules governing the appeals
31 process. The rejection shall describe the submission errors.

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1 The appellant may have up to 15 calendar days from notice of
2 rejection to resubmit an appeal that meets requirements of
3 State Board of Education rule. An application for appeal
4 submitted subsequent to such rejection shall be considered
5 timely if the original appeal was filed within 30 calendar
6 days after receipt of notice of the specific reasons for the
7 district school board's denial of the charter application.
8 The State Board of Education shall remand the application to
9 the district school board with its written decision that the
10 district school board approve or deny the application. The
11 district school board shall implement the decision of the
12 State Board of Education. The decision of the State Board of
13 Education is not subject to the provision of the
14 Administrative Procedure Act, Chapter 120.

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

19 (d)1. A Charter School Appeal Commission is
20 established to assist the commissioner and the State Board of
21 Education with a fair and impartial review of appeals by
22 applicants whose charters have been denied or whose charter
23 contracts have not been renewed by their sponsors.

24 2. The Charter School Appeal Commission may receive
25 copies of the appeal documents forwarded to the State Board of
26 Education, review the documents, gather other applicable
27 information regarding the appeal, and make a written
28 recommendation to the commissioner. The recommendation must
29 state whether the appeal should be upheld or denied and
30 include the reasons for the recommendation being offered. The
31 commission shall forward the recommendation to the State Board

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1 of Education no later than 7 calendar days prior to the date
2 on which the appeal is to be heard. The state board must
3 consider the commission's recommendation in making its
4 decision, but is not bound by the recommendation. The
5 decision of the Charter School Appeal Commission is not
6 subject to the provisions of the Administrative Procedure Act,
7 chapter 120.

8 3. The commissioner shall appoint the members of the
9 Charter School Appeal Commission. Members shall serve without
10 compensation but may be reimbursed for travel and per diem
11 expenses in conjunction with their service. One-half of the
12 members must represent currently operating charter schools and
13 one-half of the members must represent school districts. The
14 commission or a named designee shall chair the Charter School
15 Appeal Commission.

16 4. The chair shall convene meetings of the commission
17 and shall ensure that the written recommendations are
18 completed and forwarded in a timely manner. In cases where the
19 commission cannot reach a decision, the chair shall make the
20 written recommendation with justification, noting that the
21 decision was rendered by the chair.

22 5. Commission members shall thoroughly review the
23 materials presented to them from the appellant and the
24 sponsor. The commission may request information to clarify
25 the documentation presented to it. In the course of its
26 review, the commission may facilitate the postponement of an
27 appeal in those cases where additional time and communication
28 may negate the need for a formal appeal and both parties
29 agree, in writing, to postpone the appeal to the State Board
30 of Education. A new date certain for the appeal shall then be
31 set based upon the rules and procedures of the State Board of

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1 Education. Commission members shall provide a written
2 recommendation to the state board as to whether the appeal
3 should be upheld or denied. A fact-based justification for
4 the recommendation must be included. The chair must ensure
5 that the written recommendation is submitted to the State
6 Board of Education members no later than 7 calendar days prior
7 to the date on which the appeal is to be heard. Both parties
8 in the case shall also be provided a copy of the
9 recommendation.

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11 (Redesignate subsequent sections.)

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