

I initially felt that a special-called meeting would be in order for the Board's vote on the proposed Knox Prep Charter School and Thursday evening's meeting confirmed that suspicion. The tie vote that resulted that evening on both the approval of the proposed school and the reasoning for the denial of the application has created a situation that is unclear and will almost certainly be challenged by one party or another.

Tenn. Code Ann. § 49-13-108 provides the following:

(1) This section only applies to applications for the creation of new public charter schools that are submitted to a local board of education.

(2) The local board of education shall rule by resolution, at a regular or specially called meeting, to approve or deny a public charter school application no later than ninety (90) days after the local board of education's receipt of the completed application. If the local board of education fails to approve or deny a public charter school application within the ninety-day time period prescribed in this subdivision (b)(2), then the public charter school application shall be deemed approved.

(3) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing and must specify objective reasons for the denial. Upon receipt of the grounds for denial, the sponsor has thirty (30) days from receipt to submit an amended application to correct the deficiencies. The local board of education has sixty (60) days from receipt of an amended application to deny or to approve the amended application. If the local board of education fails to approve or deny the amended application within sixty (60) days, then the amended application shall be deemed approved.

Without a clear denial with reasons or an approval, the applicant and its supporters are left wondering if they will be approved by default or if they should respond to the denial without clear reasons. Likewise, opponents of the proposed school are left to wonder if the denial without reasons is "good" and whether they will need to file an action to block an approval by default. Julie Thompson and I have spoken to the Consultant who has been assisting KCS with this process, Carol Swann, and she has not seen a situation like this in her significant experience. I know Knox County likes to be trendsetter, but there are some trends no one wants to set (a little humor there). Likewise, we have also heard from state officials (TDOE and the Charter Commission) who are also recommending that the Knox County Board of Education correct the situation. I do not always agree with state officials, but I do agree with them in this matter. Finally, I have also talked to a few school attorneys who also agree with my recommendation.

Specifically, I recommend, on behalf of the Law Director's Office, that the Knox County Board of Education reconvene in a special-called meeting to vote on a resolution to approve or deny the Knox Prep Charter School application. That meeting needs to be held before May 1 and I would recommend it be held on April 27 since there is already a special-called meeting on that date. I will create two draft resolutions. One will be to approve the charter school application. The other resolution will be to deny the application and will state some specific reasons for the denial. Board Members will be able to revise the resolutions at the meeting, but there will need to be a majority vote (5 or more) on one of the resolutions. No matter which resolution is approved, such approval will clear up the present legal questions and concerns surrounding Thursday's

meeting.

If you have questions you may respond individually (not reply all) to Dr. Rysewyk or I.

Thank you,

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