

Alabama Public Charter School Appeals Process

The Alabama Public Charter School Commission was established by the Alabama School Choice and Student Opportunity Act of 2015 (the “Charter School Act”). The Commission is an independent state entity charged with the mission of authorizing high quality charter schools. The Commission has the authority to act as the authorizer for Charter Schools in two instances:

1. When considering an application for a Charter School to be located in a school district where there is no local school board as authorizer; and
2. When a local school board has elected to act as authorizer and a denied Charter School application is considered on appeal by the Commission.

The following guidelines will be employed as part of the appellate process:

1. **Timing.** The Act does not provide a specific time or deadlines for appeal. Clearly, an appeal cannot be processed before an application is considered by a local school board authorizer (where there is one). Further, the Act requires a local school board authorizer which denies an application to report to the State Department of Education the action it has taken. This “Report” is necessarily written and must include a copy of the authorizer’s resolution settling forth the action taken and reasons for the decision and assurances as to compliance with all of the procedural requirements and elements set forth in §16-6F-7 of the Alabama Code. This Report has to be provided within thirty (30) days of action taken and has to be provided to the applicant as well as the ALSDE. Because the appeal cannot be considered without the Report, the appeal will not be complete and ready for consideration until the report is received.
2. **The Appeal Submission.** The appeal by the denied applicant should be filed with the Commission and should contain the complete “package” for ease of processing and consideration. A copy of the Appeal must be provided the ALSDE and the local board authorizer. All of the following materials should be required as part of the appeal submission:

1. The application, exhibits, and all supporting materials previously submitted to the local board authorizer.
2. The “Report” received from the local board authorizer.
3. The RFP of the local board authorizer pursuant to which the application was submitted.
4. Any other regulations, procedural guidance, standards or other information utilized or considered by the local board in its review of the application.
5. Any other materials or information the applicant would like the Commission to consider.

Once all materials are submitted by the appealing applicant, the appeal will be considered under submission and next steps can be taken.

3. **The Rotating Commission Seat.** The Act provides that, for purposes of appeal, the Commission shall be comprised of eleven (11) members, with the 11th member to be appointed by the local school board that denied the application. The 11th member (the “Rotating Member”) is to be selected “through board action” by the local board. Once an appeal is submitted and all materials have been provided, the Commission Chair should notify the denying local board of its obligation to appoint the Rotating Member at its next board meeting.
4. **The Open Community Hearing.** Once the full commission is seated for purposes of the appeal, the Chair will schedule an “open community hearing opportunity for public comment” within the local school system where the application was denied. The Chair should schedule the hearing as soon as practicable, while also considering ample time for notice to the community and convenience for commission members.

5. **Consideration of the Appeal.** Once the appeal is received, the Rotating Member is seated, and the open community hearing is scheduled, the Chair may schedule the appeal as part of a regular or special called Commission meeting. The appeal may be fully considered at that first meeting or the appeal may be continued (in whole or in part) by the Commission so that it may fully consider the evidence, conduct deliberations or otherwise best meet its obligations under the Act. The Commission will strive to make a final determination within thirty (30) days of the appeal being first considered at a meeting and within sixty (60) days of the date that the appeal and all other pertinent materials are received by the Commission. However, the Commission will necessarily reserve the right to modify those dates as necessary, in its discretion, if the situation or full and thoughtful consideration of the appeal requires additional time.