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For Department of State Use Only

Sequence Number: 01-05-15
Rule ID(s): 5865
File Date: 1-12-15
Effective Date: 4-12-15

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Joanna E. Collins
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Revision Type (check all that apply):
X Amendment
____ New
____ Repeal

Rule(s) Revised (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
0520-14-01	Charter Schools
Rule Number	**Rule Title**
0520-14-01-.02	Appeals

Chapter Number	**Chapter Title**
Rule Number	**Rule Title**

Charter Schools
0520-14-01
Amendment

Rule 0520-14-01-.02(1) is amended by substituting the words "charter applicant" for "sponsor." The rule is further amended to add a new paragraph so that, as amended, the paragraph (1) shall read:

(1) Appeals.

The charter applicant may appeal a decision by the chartering authority to deny an amended application for a newly created public school to the State Board of Education within ten (10) days. The charter applicant shall forward the amended application to the Executive Director of the State Board of Education. The State Board of Education may request additional documentation from the charter applicant and the chartering authority.

Any corrections to the application, as permitted by T.C.A. § 49-13-108(a)(3)(C), must be made and submitted upon appeal to the State Board of Education.

(2) In reviewing the amended application, the State Board of Education shall use the sample scoring criteria provided by the Commissioner of Education to the local boards of education. In reviewing the amended application, the State Board of Education shall review the decision of the local board of education.

Rule 0520-14-01-.02(3) is amended by deleting the present language in its entirety and substituting instead the following so that, as amended, the new paragraph shall read:

(3) If the Local Education Agency's (LEA) denial is based on substantial negative fiscal impact, the State Board of Education shall consider the financial impact of the charter on the LEA.

Rule 0520-14-01-.02(4) is amended by deleting the present language in its entirety and substituting instead the following so that, as amended, the new paragraph shall read:

(4) Within sixty (60) days after receipt of the notice of appeal or the making of a motion to review by the State Board and after reasonable public notice, the State Board of Education shall hold a public hearing, attended by the Board or its designated representative, in the school district in which the proposed charter school has applied for a charter. Subsequently, but within the sixty (60) days, the State Board of Education shall review the decision of the local board and shall forward its findings to the local board of education.

Rule 0520-14-01-.02 is amended by adding paragraph (5) so that, as amended, the new paragraph shall read:

(5) The State Board of Education shall conduct a de novo on the record review of the proposed charter school's application.

(a) If the application is for a charter school in an LEA that does not contain a priority school, and if the State Board finds that the local board's decision was contrary to the best interests of the students, school district, or community, the State Board of Education shall remand such decision to the local board of education with written instructions for approval of the charter.

(b) If the application is for a charter school in an LEA that contains at least one (1) priority school on the current or last preceding priority school list, and if the State Board finds that the local board's decision was contrary to the best interests of the students, school district, or community, the State Board of Education may approve the application for the charter school and become the charter school's authorizer.

Rule 0520-14-01-.02 is amended by adding paragraph (6) so that, as amended, the new paragraph shall read:

(6) The State Board shall maintain annual membership in the National Association of Charter School Authorizers (NACSA) and adopt national authorizing standards.

Authority: Public Chapter 850 (2014), T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, and 49-13-126

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartrgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Sloyan	X				
Tucker	X				
Student Member	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education on 07/25/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 11-19-14

Signature: Gary Nixon

Name of Officer: Dr. Gary L. Nixon

Title of Officer: Executive Director

PHYLLIS E. CHILDRESS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

MY COMMISSION EXPIRES: January 9, 2016

Subscribed and sworn to before me on: 11/19/14

Notary Public Signature: Phyllis E. Childress

My commission expires on:

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III

Herbert H. Slatery III
Attorney General and Reporter

12/22/2014
Date

Department of State Use Only

Filed with the Department of State on: 1-12-15

Effective on: 4-12-15

Tre Hargett
Secretary of State

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2015 JAN 12 AM 10: 26
SECRETARY OF STATE

Regulatory Flexibility Addendum
Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly.)

This rule will have no impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Pursuant to Public Chapter 850 (2014), the State Board of Education has become an appellate authorizer for charter schools who make application in an LEA that contains a priority school. This item changes State Board rules and policy regarding charter school appeals to reflect the changes in the law.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 850 (2014), T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, and 49-13-126

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Charter School Applicants

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

N/A

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

N/A

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Ms. Joanna E. Collins
joanna.collins@tn.gov

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Ms. Joanna E. Collins
joanna.collins@tn.gov

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Ms. Joanna Collins
1st Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243
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(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A