S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

July 24, 2003

Opinion No. 03-090

Student Eligibility for Enrollment in Type 1 Charter School

QUESTION

Is it permissible for students who have not been enrolled in a failing school to enroll in a new Type 1 charter school if the local education agency agrees to allow such enrollment?

OPINION

No. The general law, and not the local education agency, determines charter school enrollment eligibility.

ANALYSIS

We find nothing in the Tennessee Public Charter Schools Act, Tenn. Code Ann. §§ 49-13-101, *et seq.*, that permits a local education agency to modify the statutory criteria for Type 1 charter school enrollment.

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

KATE EYLER
Deputy Attorney General

Requested by:

The Honorable Keith Brewer
Deputy Commissioner, Department of Education
6th Floor, Andrew Johnson Tower
Nashville, TN 37243-0375