



**BILL LEE**  
GOVERNOR

STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
NINTH FLOOR, ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**  
COMMISSIONER

**Via Electronic Mail**

June 11, 2021

Bill C. Spurlock, Director of Schools  
Rutherford County Schools  
2240 Southpark Drive  
Murfreesboro, TN 37128

Re: Request for Waiver of State Board of Education Rules 0520-14-01-.01(2)(c)-(d)

Dear Director Spurlock:

I am in receipt of your June 11, 2021 letter requesting a waiver of State Board of Education Rules 0520-14-01-.01(2)(c) and (d) as it relates to the Rutherford County Board of Education's review of Rethink Forward, Inc.'s charter school application.

These State Board of Education Rules require the local board of education to review a charter school application no later than 90 calendar days after the local board of education receives the completed application. Should the local board of education fail to approve or deny a complete and timely charter school application within the 90-day timeframe, the application shall be deemed approved.

Your request for a waiver of these State Board of Education Rules is granted only for the limited purpose of providing additional time for your board to review Rethink Forward, Inc.'s charter school application and only on the condition that Rutherford County Schools takes definitive action. In addition, because this rule is based on Tenn. Code Ann. § 49-1-203(a), a limited waiver of this provision of the statute is also granted.

Please do not hesitate to call me if you have further questions.

Sincerely,

A handwritten signature in blue ink, appearing to be "PS", is written over a light blue horizontal line.

Dr. Penny Schwinn  
Commissioner



**Bill C. Spurlock**  
Director of Schools

## **Rutherford County Board of Education**

2240 Southpark Drive, Murfreesboro, TN 37128 Phone: 615.893.5812 www.rcschools.net

June 11, 2021

Dr. Penny Schwinn  
Commissioner  
Tennessee Department of Education  
710 James Robertson Parkway  
Nashville, Tennessee 37243

### **RE: Request for Waiver of State Board Rules**

Pursuant to TCA § 49-1-203, the Rutherford County Board of Education ("RCBOE") requests the waiver of Tennessee State Board Rules 0520-14-01-.01(2)(c) and (d) in order to complete review of Rethink Forward, Inc.'s charter school application. RCBOE anticipates that the review committee would require forty-five days to complete its review in order for RCBOE to vote to either approve or disapprove of the application. This request is supported by a unanimous vote by all members of the RCBOE in its official meeting on June 10, 2021, in compliance with TCA § 49-1-203(a).

Previously, RCBOE determined Rethink Forward Inc.'s application was incomplete and declined review and RCBOE notified the charter applicant and the Department of Education of this determination. On May 1, 2021, Commissioner Schwinn sent a letter to the applicant and RCBOE acknowledging ambiguities in the charter application itself, but ultimately recommended the application be deemed complete and reviewed. However, by May 1, 2021, the ninety-day window for review established by Rules 0520-14-01-.01(2)(c) and (d) and elapsed. After consideration of the perspectives of the charter applicant and the Department, RCBOE wishes to complete the review process but requires the time limitation of those Rules to be waived to do so.

While RCBOE stands by its concerns regarding the application, it acknowledges that a review on the merits would ensure, regardless the outcome, access to the appeal process with the Tennessee Public Charter School Commission. Additionally, it would avoid potential protracted litigation on the question of completeness. For these reasons, RCBOE asserts that this waiver is the most beneficial to all parties involved.

Sincerely

Sara R. Page  
Attorney for Rutherford County Schools