

Charter School Enrollment and Lottery Procedures

Purpose

[T. C. A. § 49-13-113](#) and [SBE Rule 0520-14-01-.04](#) set forth the procedures for public charter school enrollment and lotteries. Charter schools are public schools and open to any student residing within the geographic boundaries of the LEA (Local Educational Agency) in which the charter school is located. A public charter school authorized by the Tennessee Public Charter School Commission is open to any student residing within the geographic boundaries of the LEA in which the charter school is located. A charter school may also enroll students residing outside the geographic district in which the school is located if permitted by the LEA's out-of-district enrollment policy.¹

Enrollment Requirements

Charter schools must offer an initial application period of at least thirty (30) days. During this period, all eligible students may apply. A charter school shall not exclude students from enrollment based on race, color, ethnicity, national origin, religion, income level, disability, proficiency in the English language, or academic ability. If a charter school's approved application limits enrollment to a single sex, then enrollment may be limited on that basis, if in compliance with Title IX. A charter school may refuse to admit any student who is expelled from another public school or district or who is in the process of being expelled from another public school or district.

A charter school must enroll any eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. If the charter school is over capacity after the application period ends, then the school must conduct a lottery. The enrollment preferences used in the lottery process and the order of priority are addressed below.

Prior to a Lottery

Before conducting a lottery, the charter school should first make the following enrollment placements:

- 1. Students who attended the charter school during the previous school year shall be given first enrollment preference and excluded from entering into a lottery.**

Students that attended the charter school during the previous school year shall not be required to re-apply.

- 2. Charter schools may give an enrollment preference to children of the charter school's employees or to the children of a member of the charter school's governing body, not to**

¹ Any out-of-district enrollment must comply with the LEA's out-of-district enrollment policy and with [T.C.A. § 49-6-3003](#) and [T.C.A. § 49-6-403 \(f\)](#).

exceed ten percent (10%) of the charter school's total enrollment or twenty-five (25) students, whichever is less. These students also have a first enrollment preference and are excluded from entering into a lottery.

Lottery Process and Preferences

If, at the end of the initial application period, the number of eligible students seeking to be enrolled does not exceed the school's capacity or the capacity of a program, class, grade level or building, then the enrollment of eligible students may proceed on a first-come, first-served basis and no lottery is required.

If, at the end of the initial application period, the number of applications exceeds the planned capacity of a program, class, grade level or building, then the enrollment of eligible students must be determined on the basis of a lottery. Any lottery must be conducted within thirty (30) calendar days of the close of the initial application period.

If an enrollment lottery is conducted, a public charter school shall give enrollment preferences in the following order:

- (1) Students enrolled in a pre-K program operated by the charter school sponsor;
- (2) Students who are economically disadvantaged, as defined in [T.C.A. § 49-3-104\(10\)](#), if the enrollment preference is used by the public charter school. Note: A charter school may request information to verify that a student is economically disadvantaged on the application but shall not require it;
- (3) Students enrolled in a charter school that has an articulation agreement with the enrolling charter school, provided the articulation agreement has been approved by the authorizer;
- (4) Siblings of students already enrolled in the charter school. Note: This preference refers to a sibling that has already enrolled in and received instruction at the charter school and does not refer to a sibling who is admitted earlier in the same lottery process;
- (5) Students residing within the geographic boundaries of the LEA in which the charter school is located who were enrolled in another public school during the previous school year; and
- (6) Students residing outside the geographic boundaries of the LEA in which the charter school is located, if permitted through the authorizer's out-of-district enrollment policy.

If enrollment within a group of preferences listed above exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery.

Certification of Lottery Process

Following the completion of the lottery, a charter school must provide to the department of education certification by an independent accounting or law firm that each lottery conducted for enrollment purposes complied with the requirements of [T.C.A. § 49-13-113](#). Charter schools that choose to participate in the enrollment process of their authorizer may use certification from the authorizer to satisfy this requirement. Lottery certification should be submitted via the [Tennessee Charter School Upload Form](#) thirty (30) calendar days of the date the lottery was conducted.

In lieu of an independent accounting firm or law firm, charter schools may request that the department of education review and pre-approve the school's lottery process. For the lottery pre-approval process, the charter school must:

- (1) Submit the charter school's written policy for enrollment and lottery practices via the [Tennessee Charter School Upload Form](#).
- (2) Provide documentation to support the preferences identified in the lottery practices. For example, if relying upon the preference related to articulation agreements, provide a copy of the articulation agreement along with evidence of the authorizer's approval. Documentation should also explain how residential addresses are verified and correlated with the geographic boundaries of the LEA. If a preference is inapplicable, the preference may be omitted. For example, if the charter sponsor does not operate a pre-K program, that preference may be omitted;
- (3) Identify a timeline for posting the lottery policy, accepting applications, conducting a lottery, and communicating results; and
- (4) Ensure all materials are submitted to the department of education for pre-approval no fewer than thirty (30) days prior to the opening of the initial application window. Department representatives will review the policies and procedures to ensure their compliance with statute and regulation. Approvals or requests for further clarification will be communicated within ten (10) business days of receipt of all materials.

Policies that are pre-approved by the department do not need to be certified.

FERPA (Family Educational Rights and Privacy Act)

The charter school must comply with the Family Educational Rights and Privacy Act ([20 U.S.C. § 1232g](#)) with respect to the publication of any students' names before, during, or after the enrollment and lottery process.

Conversion Charter Schools

A charter school that has been converted partially or entirely from a non-charter public school under [T.C.A. § 49-13-106](#) must give enrollment preference to students who reside within the former school zone of the converted public school. These students do not participate in the lottery.

Students living in other school zones may enroll in a conversion charter school after those living in the school zone have the opportunity to enroll, but only if there is program, class, grade level, and building capacity to serve the out-of-zone students. If applications by out-of-zone students exceed the charter school's capacity, then enrollment of out-of-zone students shall be determined on the basis of a lottery. Out-of-zone students who attended the school the previous school year and such students' siblings may be given preference in enrollment.

Additional Achievement School District Guidance

Public charter schools authorized by the Achievement School District (ASD) must conduct an initial student application period of at least thirty (30) days. During this period, all students zoned to attend or currently enrolled in a school that is eligible to be placed in the ASD may enroll.

If, at the end of the initial student enrollment period, the number of eligible students seeking to enroll does not exceed the charter school's capacity or the capacity of a program, class, grade level, or building, then the charter school may enroll additional students residing within the geographic boundaries of the LEA in which the charter school is located; provided, however, that a charter school's total enrollment of these students does not exceed twenty-five percent (25%) of the charter school's total enrollment.