

Forming Public Charter Schools in Tennessee

Charter schools are public schools (grades K-12) operated by independent, non-profit governing bodies that must include parents. In Tennessee, public charter school students are measured against the same academic standards as students in other public schools. Local boards of education ensure that only those charter schools that are meeting the needs of their students open and remain open. Local boards do this through rigorous authorization processes, ongoing monitoring of the academic and financial performance of charter schools, and, when necessary, through the revocation or non-renewal of charters. In exchange for the opportunity to meet these standards, charter school operators may be granted waivers from some State laws and rules (for example, many Tennessee charter schools have longer school hours and school years).

Students

Any child is eligible to attend a public charter school in the child's school district. Though any student may attend a charter school in that child's district, the law requires authorizers to give preference to applications that demonstrate the capacity of a charter school to meet the needs of at-risk students. T.C.A. § 49-13-106.

Charter schools are also required to serve all students, including those with limited English language ability, and students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

Sponsor

"Sponsor" means any individual, group, or other organization filing an application in support of the establishment of a public charter school; provided, however, that a sponsor cannot be a for-profit entity, a private elementary or secondary school, a post-secondary institution not accredited by AdvancEd, a religious or church school or promote the agenda of any religious denomination or religiously affiliated entity." T.C.A. § 49-13-104(7).

Governing Body

Upon approval of a charter application, the sponsor authorizes a governing body to operate the public charter school. This governing body may be the same entity as the sponsor. "Governing body" means the organized group of persons who will operate a public charter school by deciding matters, including, but not limited to, budgeting, curriculum and other operating procedures for the public charter school and by overseeing management and administration of a public charter school." Governing bodies of public charter schools must have at least one parent from one of the schools operated by the governing body. Charter management organizations (CMOs) may satisfy this requirement by having "an advisory school council . . . [consisting] of no fewer than five (5) members and . . . [including] the principal, at least one (1) parent and at least one (1) teacher representative." T.C.A. § 49-13-107.

The governing body must be a not-for-profit organization with exemption from federal taxation under 501(c)(3) of the Internal Revenue Code. No charter shall be granted to a for-profit corporation, and no cyber-based public charter school may be authorized.

Authorizer

“Chartering authority’ means the local board of education . . . that approves, renews, or [revokes] a public charter school application or agreement.” T.C.A. § 49-13-104(2). The Achievement School District (ASD) may authorize new charter schools to serve only those students geographically zoned for ASD-eligible schools (schools performing in the bottom five percent academically of all Tennessee schools) or convert ASD schools to charter status. A public charter school may be formed in several ways.

Newly Created Public Charter Schools

“Chartering authority’ means the local board of education . . . that approves, renews, or [revokes] a public charter school application or agreement.” T.C.A. § 49-13-104(2). The Achievement School District (ASD) may authorize new charter schools to serve only those students geographically zoned for ASD-eligible schools (schools performing in the bottom five percent academically of all Tennessee schools) or convert ASD schools to charter status. A public charter school may be formed in several ways.

Conversation of Eligible Schools

An eligible public school may be converted on the initiative of the local education agency, or a petition may be brought to the LEA by parents of students or faculty members of a particular school. If the parents of sixty percent (60%) of the children enrolled at the school or sixty percent (60%) of the teachers assigned to the school agree and demonstrated support by signing a petition seeking conversion *and* the local education agency (LEA) agrees to the conversion. Unlike so-called “trigger” laws in other states, Tennessee’s law does not require the LEA to approve the conversion initiated by parents or faculty. Sufficient support for the conversion requires the LEA to review the application, however. The conversion of a traditional public school to a public charter school must occur at the beginning of an academic year. No charter may be granted “that authorizes the conversion of any private, parochial, cyber-based, or home-based school to charter status.” T.C.A. § 49-13-106(c)(1). More details, including potential timelines for conversion applications, are available on the department’s website. **Contact the LEA for application requirements for and timelines for conversion charter schools.**

Appeals of Denied Applications

A denial of an amended charter school application by the local board of education may be appealed to the State Board of Education. A separate entity from the Tennessee Department of Education, the State Board of Education is the governing and policy making body for the Tennessee system of public elementary and secondary education. An LEA’s decision whether to convert an eligible public school to a charter school may not be appealed to the State Board of Education. Details on the appeal process, including a sample timeline, are available on the department’s website.

Term

Charters for new schools, conversion schools and all renewals of charter agreements shall be for ten-year periods. Public charter school agreements may be revoked during the term of the charter, or denied renewal by the chartering authority as outlined in T.C.A. § 49-13-122. Being placed on the list of priority schools (the lowest five percent in student achievement) requires automatic revocation of a charter school that may not be appealed to the state board of education.