

**RULES
Of
THE STATE BOARD OF EDUCATION**

CHAPTER 0520-14-01

CHARTER SCHOOLS

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- (1) The Commissioner of Education shall provide an application for charter school sponsors to use in applying for a public charter school and shall provide scoring criteria addressing the elements of the charter school application.
- (2) All prospective charter school sponsors who intend to submit a charter application for consideration, including a charter school replication application, shall submit a letter of intent to both the Department of Education and to the appropriate chartering authority at least sixty (60) calendar days prior to the date on which the application is due. The letter of intent shall be completed on the form provided by the Department of Education.
- (3) Failure to submit a letter of intent to both the Department of Education and to the appropriate chartering authority shall exclude a charter school sponsor from submitting an application for that application cycle.
- (4) On April 1 of the year preceding the year in which the proposed public charter school plans to begin operation, the charter school sponsor seeking to establish a public charter school shall prepare and file the state charter school application with the chartering authority and the Department of Education. If the April 1 due date for charter applications falls on a Saturday, Sunday, or state observed holiday, the application materials shall be due on the next business day.
- (5) In addition to the state charter school application, each chartering authority may ask charter school sponsors to address additional priorities as a means of evaluating “the best interests of the pupils, school district or community” (T.C.A. § 49-13-108). Charter school sponsors may choose not to address any of those priorities. Chartering authorities may not deny or refuse to review an application for failing to address additional priorities. Chartering authorities shall submit to the Department of Education by January 1 of each year all local application requirements.
- (6) All local policies regarding the submission of charter school applications shall be consistent with state law, policies, rules, and regulations.
- (7) Chartering authorities may charge an application fee of up to \$2,500 for each application the charter school sponsor files.
- (8) An application shall be considered complete if:
 - (a) The application is submitted on the Department of Education’s state charter application form for that application cycle;

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- (b) The application contains all required information, materials, documents, attachments, and signatures; and
 - (c) The application fee, if required, is submitted with the application.
- (9) Chartering authorities shall not be required to review and formally act upon an application if:
 - (a) The charter school sponsor did not submit a letter of intent by the required due date;
 - (b) The charter application is not complete as defined in paragraph (8); or
 - (c) The application and applicable fee is not submitted to the chartering authority by the required deadline.
- (10) If a charter application is submitted but not reviewed, any required application fee shall be refunded to the charter school sponsor by the chartering authority.
- (11) Chartering authorities shall review all complete and timely applications in accordance with quality charter authorizing standards approved by the State Board.
- (12) Approval of a charter application shall not be based on conditions or contingencies.
- (13) The chartering authority shall rule by resolution, at a regular or special called meeting, on the approval or denial of a charter application within ninety (90) calendar days of the application due date. Applications may be submitted prior to the due date; however, all complete and timely applications shall be reviewed and acted upon within ninety (90) calendar days following the due date.
- (14) Should the local board of education fail to either approve or deny a complete and timely charter application within the ninety (90) calendar day time limit, the application shall be deemed approved.
- (15) If a charter school application is denied, the grounds upon which the local board of education based the decision to deny an application must be stated in writing, specifying objective reasons for the denial and the deadline by which the charter school sponsor must submit an amended application.
- (16) If a charter school application is denied, the charter school sponsor shall have thirty (30) calendar days within which to submit an amended application to correct the deficiencies. The local board of education shall have sixty (60) calendar days from the deadline identified pursuant to paragraph (15) to either deny or approve the amended application. Amended applications may be submitted prior to the stated deadline; however, all applications shall be reviewed and acted upon within sixty (60) calendar days following the deadline. Should the local board of education fail to either approve or deny the amended application within sixty (60) calendar days, the amended application shall be deemed approved.
- (17) A denial by the local board of education of an amended application to establish a public charter school may be appealed by the charter school sponsor, within ten (10) calendar days of the final decision to deny, to the State Board of Education.
- (18) Within ten (10) calendar days of approval or denial of an amended charter application, the chartering authority shall report to the Department of Education whether the chartering authority has approved or denied the amended application. The chartering authority shall provide the Department of Education a copy of the chartering authority's resolution setting forth the action taken and reasons for the decision.

(Rule 0520-14-01-.01, continued)

Authority: T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, and 49-13-126. **Administrative History:** Original rule filed March 31, 2003; effective July 29, 2003.