
Charter Schools - Approval of a Charter School Rule 0520-14-01-.01

The Background:

Approval of a Charter School Rule 0520-14-01-.01 outlines the process for a new charter school to apply for approval from an authorizer. The rule provides that an authorizer is not required to review an application that is not complete. An application is deemed to be “complete” if:

1. The application is submitted on the Department of Education’s state charter application form for that application cycle;
2. The application contains all required information, materials, documents, attachments, and signatures; and
3. The application fee, if required, is submitted with the application.

Different information is required to be submitted for the different categories of applicants: new-start, replication, out-of-state, or schools exiting the Achievement School District (ASD). This has caused some confusion among authorizers and applicants in interpreting what application category to utilize, and thus, if the application is in fact complete when submitted to the prospective authorizer. In addition, authorizers have moved to disqualify applications based on submission guidance, such as errors with page numbers, rather than a clear threshold of completeness.

This item proposes revisions to clarify that a sponsor must indicate the application category it intends to select on the Letter of Intent. If the incorrect application category has been selected, the authorizer must notify the applicant and allow the sponsor to revise and resubmit the letter of intent with the correct category selected. The revisions also add the requirement that an authorizer determine completeness within ten (10) calendar days from receiving the application and notify the charter school sponsor and Department within ten (5) business days of a determination that an application is incomplete. The revisions allow a charter sponsor to correct certain deficiencies that made the application incomplete and resubmit within five (5) business days.

A rulemaking hearing was held on July 6, 2022. No public comments were submitted regarding this rule.

Between first and final reading, changes were made to clarify that an authorizer is not required to review a charter sponsor’s application if the sponsor does not correct the deficiencies that deemed their application incomplete. Additionally, minor clerical changes were made.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

The Recommendation:

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.