

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-01
CHARTER SCHOOLS**

0520-14-01-.01 APPROVAL OF A CHARTER SCHOOL.

- (1) Charter School Application Requirements Applicable to All Authorizers as Defined by T.C.A. § 49-13-104(3).
 - (a) 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.
 - (b) 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 (Department) and to the appropriate authorizer 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, and the sponsor shall indicate on the letter of intent the application category selected by the sponsor. The authorizer shall determine whether the sponsor has selected the correct application category within ten (10) business days of receiving the letter of intent and notify the sponsor within five (5) business days of a determination that the incorrect application category has been selected. The sponsor must correct and resubmit the letter of intent within five (5) business days of receipt of a notice from the authorizer that the wrong application category was selected.
 - (c) The Department shall aid a sponsor who has been notified that the incorrect application category has been selected to ensure the letter of intent is completed correctly, including ensuring the correct application category is selected.
 - (d) Failure to submit a letter of intent to both the Department and to the appropriate authorizer shall exclude a charter school sponsor from submitting an application for that application cycle.
 - (e) On or before 11:59 p.m. Central Time on February 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 an electronic copy of the state charter school application with the authorizer and the Department. If the February 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.
 - (f) Authorizers may charge an application fee of up to \$2,500 for each application the charter school sponsor files.
 - (g) An application shall be considered complete if:
 1. The application is submitted on the Department's state charter application form for that application cycle;

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2. The sponsor has completed all required sections of the application aligned to the category indicated by the sponsor in its letter of intent, the application contains all required attachments and signatures,
 3. the application is submitted to the authorizer by the deadline specified in paragraph (e); and
 4. The application fee, if required, is submitted with the application.
- (h) Authorizers shall not be required to review and formally act upon an application if:
1. The charter school sponsor did not submit the letter of intent by the required due date;
 2. The charter application is not complete as defined in paragraph (g); or
 3. The application and applicable fee is not submitted to the authorizer by the required deadline.
- (i) The authorizer must determine whether an application is complete within ten (10) business days of receiving the application, and must notify the sponsor within five (5) business days of the determination if the application is determined to be incomplete.
1. If the charter application is determined to be incomplete due to the sponsor not meeting the requirements of subparagraph (g)(1) or (g)(3) of this rule, the application is not required to be reviewed and any required application fee shall be refunded to the charter school sponsor by the authorizer.
 2. If the charter application is determined to be incomplete due to the sponsor not meeting the requirements of subparagraphs (g)(2) or (g)(4) of this rule, the sponsor shall be provided the opportunity to address any deficiencies and re-submit the application within five (5) business days after the notification from the authorizer that the application is incomplete.
- (j) Authorizers shall review all complete and timely applications in accordance with T.C.A. § 49-13-108 and quality charter authorizing standards approved by the State Board.
- (k) No later than ten (10) calendar days after approval or denial of a charter application or amended charter application, the authorizer shall report to the Department whether the authorizer has approved or denied the application. The authorizer shall simultaneously provide the Department with a copy of the authorizer's resolution setting forth the authorizer's decision and the reasons for the authorizer's decision at the time of the authorizer's report.
- (2) Charter School Application Requirements Only Applicable to Local Boards of Education.
- (a) In addition to the state charter school application, each local board of education may ask charter school sponsors to address additional priorities. Charter school sponsors may choose not to address any of those priorities. Local boards of education may not deny or refuse to review an application for failing to address additional priorities. Local boards of

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education shall submit to the Department by November 1 of each year all local application requirements.

- (b) All local policies regarding the submission of charter school applications shall be consistent with state law, policies, rules, and regulations.
- (c) The local board of education shall rule by resolution, at a regular or specially called meeting, on the approval or denial of a complete and timely charter application no later than ninety (90) calendar days after the local board of education's receipt of the completed application.
- (d) 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.
- (e) 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 and provided to the charter school sponsor within ten (10) calendar days of the date of the decision to deny, specifying objective reasons for the denial and the deadline by which the charter school sponsor must submit an amended application.
- (f) If a charter school application is denied, the charter school sponsor shall have thirty (30) calendar days from receipt of the grounds for denial to submit an amended application to correct the deficiencies. The local board of education shall have sixty (60) calendar days from receipt of the amended application to either deny or approve the amended application. 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. If the local board of education denies the amended application, it shall provide to the charter school sponsor the grounds upon which the local board of education based the decision to deny in writing within five (5) calendar days of the date of the decision to deny, specifying objective reasons for the denial.
- (g) 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, no later than ten (10) calendar days after the date of the final decision to deny, to the Tennessee Public Charter School Commission.

Authority: T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, and 49-13-126. **Administrative History:** Original rules filed March 31, 2003; effective July 29, 2003. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021.