

**RULES
OF
THE STATE BOARD OF EDUCATION**

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

0520-14-01-.04 ENROLLMENT.

- (1) Charter schools shall conduct an initial student application period of at least thirty (30) days. During this period, all eligible students may apply.
- (2) 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.
- (3) A charter school may submit a charter school application that seeks to limit enrollment to a single-sex as defined in T.C.A. § 49-2-802, as long as such enrollment proposal is in compliance with state and federal law.
- (4) A charter school that is an OPCS, as defined in T.C.A. § 49-13-104, with a residential model must ensure its facilities:
 - (a) Comply with all applicable health and safety laws, regulations, and codes of the city, county, and state;
 - (b) Meet all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office; and
 - (c) Are constructed, remodeled, renovated, expanded, or modified in accordance with any state and federal requirements applicable to the school regarding building accessibility, including, but not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
- (5) A charter school shall enroll an eligible student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building.
- (6) 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 who attended the charter school during the previous school year shall not be required to re-apply. Students enrolling in a charter school from another charter school, even if both schools share a governing body, shall be subject to the lottery preferences outlined in paragraph (10) of this Rule.
- (7) A charter school may give an enrollment preference to children of an employee of the charter school or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less, in which case such students shall also be given first enrollment preference and excluded from entering into a lottery.
- (8) If, at the end of the initial student 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.

(Rule 0520-14-01-.04, continued)

- (9) If, at the end of the initial student application period, the number of eligible students seeking to be enrolled exceeds the school's capacity or the capacity of a program, class, grade level or building, then the enrollment of eligible students shall be determined on the basis of a lottery.
- (a) Any such lottery shall be conducted within thirty (30) calendar days of the close of the initial student application period.
- (10) If an enrollment lottery is conducted, a charter school shall give enrollment preferences in the following order:
- (a) For an OPCS:
1. Students identified as at-risk, as defined in T.C.A. § 49-13-104(3); and
 2. If an OPCS has additional capacity after the number of eligible at-risk students seeking to be enrolled have been accepted, the OPCS shall give enrollment preferences in the order listed under paragraph (10)(b), as applicable.
- (b) For all other charter schools:
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, if the charter school has elected to use such an enrollment preference. A charter school may give an enrollment preference to students who are economically disadvantaged pursuant to T.C.A. § 49-13-113. A charter school may request, but shall not require, information on an initial student application to verify that a student is legally qualified as economically disadvantaged, as defined in § 49-3-104. This information shall be utilized for the purposes of an enrollment lottery and shall not exclude students from enrollment as outlined in paragraph (2) of this Rule;
 - ~~3.1. Siblings of students already enrolled in the charter school;~~
 3. Students applying to enroll in the charter school that has an authorizer-approved articulation agreement with the students' current charter school allowing students to matriculate from one school to the other;
 - ~~4. Siblings of students already enrolled in the charter school;~~
 - ~~4.5.~~ 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
 - ~~5.6.~~ 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.

(Rule 0520-14-01-.04, continued)

- (11) If enrollment within a group of preferences set out in paragraph (10) exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery.
- (12) A non-charter public school converting to a charter school under T.C.A. § 49-13-106 (conversion charter school) shall give enrollment preference to students who reside within the former school zone of the converted public school, subject to the exception at subparagraph (12)(a). Students enrolled in the existing non-charter public school to be converted shall have the option to enroll in another public school operated by the LEA without penalty. The enrollment preference for students who reside within the former school zone of the converted public school excludes those students from entering into a lottery.
 - (a) A non-charter public school converting to an OPCS shall not give an enrollment preference to students who reside within the former school zone of the converted public school unless the student is an at-risk student as defined in T.C.A. § 49-13-104(3).
- (13) 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.
- (14) 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.
- (15) Additional verification requirements for enrollment in an OPCS:
 - (a) To qualify as at-risk, a student shall only be required to meet the income requirement and one (1) at-risk eligibility criteria listed in T.C.A. § 49-13-104(3)(a)-(h).
 - (b) As part of the enrollment process, the parent or guardian of an enrolling student or an enrolling student who has reached the age of eighteen (18), must provide verification of meeting the at-risk criteria, as defined in T.C.A. § 49-13-104(3).
 - (c) Verification for at-risk criteria shall be established through the completion of the appropriate documentation as required in State Board Opportunity Public Charter School Policy 6.114.
 - (d) Whether a student qualifies as at-risk shall be determined by the OPCS only at the time of enrollment. If a student has withdrawn from the OPCS and subsequently re-enrolls, the OPCS shall verify at-risk eligibility at the time of re-enrollment.
- (16) Reporting requirements:
 - (a) A charter school shall provide to the Department certification by an independent accounting firm or by a 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.

(Rule 0520-14-01-.04, continued)

- (b) In lieu of an independent accounting firm or law firm, charter schools may request that the Department review and approve the lottery process prior to conducting the lottery.
- (c) By June 30th of each year, an OPCS shall submit to its authorizer a signed, written verification from an independent accounting firm or law firm stating whether the school met or exceeded an overall average of seventy-five percent (75%) at-risk student enrollment in the immediately preceding school year.
 - 1. The authorizer shall include the results of this annual verification in its authorizer report.
 - 2. If an OPCS fails to meet the seventy-five percent (75%) at-risk student enrollment requirement for three (3) consecutive school years, the school shall petition the authorizer to amend its charter agreement to convert to a public charter school and forgo its OPCS status, or voluntarily close.
 - (i) If an OPCS seeks to amend its charter agreement, it shall petition its authorizer by the fall amendment petition deadline immediately following the third (3rd) consecutive year in which the school failed to meet the at-risk enrollment requirement and shall follow the amendment petition process outlined in the Tennessee Public Charter School Commission's rule, including the right to an appeal.
 - (ii) If an OPCS chooses to voluntarily close, the school shall notify its authorizer of its decision by October 1 immediately following the third (3rd) consecutive year in which the school failed to meet the seventy-five (75%) enrollment requirement and the school shall close by the end of that school year.
 - 3. An OPCS shall retain documentation evidencing that at-risk students met the at-risk eligibility criteria at the time of the student's enrollment, or any re-enrollment, in the OPCS.

Authority: T.C.A. §§ 49-13-104, 49-13-113, 49-13-126. **Administrative History:** Original rule filed March 25, 2010; effective August 29, 2010. Repeal and new rule filed March 21, 2012; effective August 29, 2012. Amendments filed January 10, 2018; effective April 10, 2018. Amendments filed August 29, 2018; effective November 27, 2018. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed March 12, 2024; effective June 10, 2024.