

**Department of State  
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence  
Number: 08-18-22  
Rule ID(s): 9744  
File Date: 8/19/2022  
Effective Date: 11/17/2022

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205). Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	N/A
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 5 <sup>th</sup> Floor
<b>Zip:</b>	37243
<b>Phone:</b>	615 253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

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

## **AMENDMENT**

**AMEND** the rules of the State Board of Education Chapter 0520-14-01 Charter Schools by amending rule 0520-14-01-.01 Approval of a Charter School, so that, as amended, the rules shall read:

### **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 shall 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;
    2. The sponsor has completed all required sections of the application aligned to the category indicated by the sponsor in its letter of intent and 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 by the authorizer, 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, if required, are not submitted to the authorizer by the required deadline.
- (i) The authorizer shall determine whether an application is complete within ten (10) business days of receiving the application, and shall 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 subparagraphs (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. If the sponsor does not correct the deficiencies to meet the requirements of subparagraphs (g)(2) or (g)(4) of this Rule by the deadline, the authorizer is not required to review the application and any required application fee shall be refunded to the charter school sponsor by the authorizer.
- (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 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 shall 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 shall 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.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nick Darnell	x				
Jordan Mollenhour	x				
Bob Eby	x				
Ryan Holt	x				
Warren Wells	x				
Lillian Hartgrove	x				
Nate Morrow	x				
Darrell Cobbins	x				
Larry Jensen				x	
Victoria Harpool, designee for Dr. Emily House, Executive Director, Tennessee Higher Education Commission <b>Non-Voting Ex-Officio</b>					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 07/22/2022 and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/12/2022

Rulemaking Hearing(s) Conducted on: (add more dates). 07/06/2022

Date: 07/27/22

Signature: Angie C. Sanders

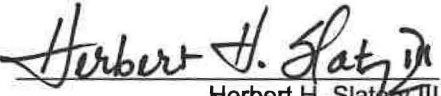
Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-14-01-.01


All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
Herbert H. Slatery III  
Attorney General and Reporter  
8/4/2022  
Date

**Department of State Use Only**

Filed with the Department of State on: 8/19/2022

Effective on: 11/17/2022

  
Tre Hargett  
Secretary of State

RECEIVED

AUG 19 2022

Secretary of State  
Division of Publications

### **Public Hearing Comments**

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-14-01-.01 on July 6, 2022, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted regarding this rule.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small business.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

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, and defines the requirements for an application to be considered complete.

The charter school application developed by the Department of Education requires different information to be submitted depending on the type of charter school applicant: new-start, replication, out-of-state, or schools exiting the Achievement School District (ASD). Revisions to this rule clarify that a charter school applicant must indicate the application category it intends to select when it submits the Letter of Intent to the prospective authorizer. If the incorrect application category has been selected, the authorizer must notify the applicant and allow the applicant to revise and resubmit the letter of intent with the correct category selected.

The revisions also add a requirement that an authorizer must determine if a charter school application is complete within ten (10) calendar days from receiving the application. Revisions state the authorizer must allow a charter applicant to correct certain deficiencies that made the application incomplete and resubmit within five (5) business days of receipt of notice that the application is not complete.

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

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 49-13-126 authorizes the State Board of Education to promulgate rules for the administration of Title 49, Chapter 13 regarding charter schools.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Department of Education and State Board of Education are directly affected by this rule and both urge adoption. Local Education Agencies and charter schools are also directly affected by this rule. The State Board was not contacted by Local Education Agencies or charter schools urging adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

N/A

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders (State Board of Education)  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Jack Powers (Department of Education)  
[Jack.Powers@tn.gov](mailto:Jack.Powers@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders (State Board of Education)  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Jack Powers (Department of Education)  
[Jack.Powers@tn.gov](mailto:Jack.Powers@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders  
State Board of Education  
500 James Robertson Parkway, 5<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 253-5707  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James  
State Board of Education  
500 James Robertson Parkway, 5<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 532-3528  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Jack Powers  
Department of Education  
710 James Robertson Parkway, 12<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 961-8832  
[Jack.Powers@tn.gov](mailto:Jack.Powers@tn.gov)

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A