

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.04	Leave for Teachers

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.02	Educator License Types
0520-02-03-.07	Requirements for Licenses for Postsecondary Educators
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0520-14-01-.05	Annual Authorizer Fee and Annual Reporting

AMENDMENT

Amend State Board of Education Rule 0520-01-02-.04 so that as amended it shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02 DISTRICT AND SCHOOL OPERATIONS

0520-01-02-.04 LEAVE FOR TEACHERS.

- (1) The term “teacher” shall mean any person employed by a local board of education in a position that requires a license issued by the State Department of Education. The term “teacher” shall not apply to a substitute teacher.
- (2) Sick Leave. “Sick leave” shall mean leave of absence because of illness of a teacher from natural causes or accident, quarantine, or illness or death of a member of the immediate family of a teacher, including the teacher’s wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. Upon written request of the teacher and accompanied by a statement from her physician verifying pregnancy, any teacher who goes on maternity leave shall be allowed to use all or a portion of her accumulated sick leave for maternity leave purposes during the period of her physical disability only, as determined by a physician.
- (3) Personal and Professional Leave. A teacher may take two (2) days of personal and professional leave per school year in accordance with policies of the local board of education.
- (4) Personal Injury Leave.
 - (a) When a school system determines that a teacher’s absence from assigned duties was required as a result of personal physical injuries caused by a physical assault or other violent criminal act committed against the teacher while on duty, the school system shall grant personal injury leave for those days of absence.
 - (b) Each local school system shall develop policies and procedures for determining eligibility for and implementing personal injury leave consistent with these rules. The policies and procedures may include provisions such as timely notification of the incident and injuries sustained, a requirement that medical attention be sought immediately, submission of a doctor’s statement verifying the nature, extent and duration of the disability, option by the school system of a third party opinion, and guidelines for a process to make periodic redeterminations of eligibility if the absence exceeds a given time frame.
 - (c) Nothing in Rule 0520-01-02-.04(4) shall preclude a teacher at his or her option from directing that an absence which would otherwise qualify for personal injury leave under paragraph four (4) be charged to accumulated sick leave or personal leave instead of personal injury leave.
- (5) Substitute teachers are those persons employed to replace teachers on sick, professional, or personal leave or to fill temporary vacancies (this exists until a licensed teacher is available and employed). Substitutes are employed and paid in the following manner:
 - (a) A person without a teacher’s license or permit may serve as a substitute for the length of time set out in T.C.A. § 49-3-312(a) out of a regular teacher’s approved leave.
 - (b) After the approved leave period pursuant to T.C.A. § 49-3-312(a) a person serving as the substitute must be licensed and hold the appropriate endorsement for the

assignment or must be a retired teacher and have held the appropriate endorsement.

- (c) After the regular teacher's accumulated leave is exhausted, the replacement teacher must be licensed and hold the appropriate endorsement for the assignment or be a retired teacher and have held the appropriate endorsement and must be paid based on the replacement teacher's training and experience record in accordance with the state and local salary schedules.
- (6) The total accumulated sick leave shall mean the total number of sick leave days which have been earned but not yet used. A teacher in need of sick leave shall be allowed to use unearned sick leave up to the amount of days that such teacher may accumulate during the remainder of the current school year.
- (7) Each local board of education shall participate in the state leave program. Local boards of education shall provide the required local contribution from public school funds for payment of substitute teachers. Teachers shall not pay any part of the state required local contribution.

Authority: T.C.A. §§ 49-1-302, 49-3-312, and 49-5-701, et seq.; Section 27 of Chapter 535 of the Public Acts of 1992. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 17, 1997; effective February 27, 1998. Amendment filed October 13, 2014; effective January 11, 2015. Amendments filed August 11, 2017; effective November 9, 2017.

AMENDMENT

Amend State Board of Education Rules 0520-02-03-.02, .07, .11, .12, and .13 so that as amended it shall read:

**RULES OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-03
EDUCATOR LICENSURE**

0520-02-03-.02 EDUCATOR LICENSE TYPES.

- (1) All educators in Tennessee shall hold one (1) of the following license types:
 - (a) The practitioner license is the first level license issued to applicants who meet the requirements set forth in this Rule. There are three (3) types of practitioner licenses: practitioner teacher license, practitioner occupational teacher license, and practitioner school services personnel license.
 - (b) The professional license is issued to educators who have met licensure expectations at the practitioner level and who meet the requirements for advancement set forth in this Rule. There are three (3) types of professional licenses: professional teacher license, professional occupational teacher license, and professional school services personnel license.
 - (c) The JROTC license is issued to active or retired military personnel who seek to serve as Junior Reserve Officers' Training Corps (JROTC) teachers.
 - (d) The license for postsecondary educators (PSE) is issued to applicants who have been a full-time or part-time college professor or instructor and who meet the requirements set forth in this Rule.
 - (e) The adjunct license is issued to applicants seeking to teach no more than three (3) classes in a content area of critical shortage identified by the State Board who meet the requirements set forth in this Rule.
 - (f) The Instructional Leader License-Aspiring (ILL-A) is issued to applicants who hold a bachelor's degree, are enrolled in an instructional leadership preparation program approved by the State Board of Education, and meet the requirements set forth in this Rule.
 - (g) The Instructional Leader License (ILL) is issued to applicants who hold a bachelor's degree, have completed an instructional leadership preparation program approved by the State Board of Education, and meet the requirements set forth in this Rule.
 - (h) The Instructional Leader License-Professional (ILL-P) is issued to educators currently holding the ILL who meet the requirements for advancement set forth in this Rule.
 - (i) The Limited Academic License is issued to educators who hold a valid temporary teaching permit who meet the requirements set forth in this Rule.
 - (j) The Limited Occupational Teaching License is issued to applicants who hold the relevant industry certification or relevant years of work experience, and meet the requirements set forth in this Rule.

- (2) The validity period of each license type shall be outlined in the SBE Educator Licensure Policy 5.502, however:
- (a) The validity period of the practitioner license shall be no more than four (4) years;
 - (b) The validity period of the professional license shall be no more than eleven (11) years;
 - (c) The validity period of the ILL-A shall be no more than four (4) years;
 - (d) The validity period of the ILL shall be no more than four (4) years; and
 - (e) The validity period of the ILL-P shall be no more eleven (11) years.
 - (f) The validity period of the Limited Academic License shall be no more than three (3) years.
 - (g) The validity period of the Limited Occupational Teaching License shall be no more than four (4) years.

Authority: T.C.A. §§ 49-1-302 and 49-5-108. **Administrative History:** Original rule filed July 31, 2008; effective November 28, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed August 16, 2019; effective November 14, 2019. Amendments filed March 16, 2023; effective June 14, 2023. Amendments filed March 5, 2025; effective June 3, 2025.

0520-02-03-.07 REQUIREMENTS FOR LICENSES FOR POSTSECONDARY EDUCATORS.

- (1) A practitioner license for postsecondary educators (PSE) may be issued to candidates that meet the following requirements:
- (a) Meet one (1) of the following experience requirements:
 - 1. Have been a full-time college professor or instructor for at least two (2) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by T.C.A. § 49-4-902; or
 - 2. Have been a part-time college professor or instructor, teaching at least one (1) course per semester, for at least three (3) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by T.C.A. § 49-4-902.
 - (b) Submit at least three (3) years of qualifying teaching evaluations that rate the applicant as proficient or better in the subject area in which the applicant is seeking licensure from the postsecondary institution at which the applicant taught, where evaluations are defined as an assessment of the educator's performance in the subject area, which may include a formal rating system or, if the institution does not use a rating system, may be a letter from the dean, department chair, or other direct supervisor regarding the educator's performance; and
 - (c) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

- (2) The PSE license shall only be issued for teaching assignments in grades nine through twelve (9-12).
- (3) The initial issuance of a PSE license shall bear an endorsement to teach only in the subject area in which the person taught at the eligible postsecondary institution. Additional endorsements may be issued on subsequent issuances of the PSE license in accordance with Endorsements Rule 0520-02-03-.11.
- (4) In order to advance from a PSE practitioner license to a PSE professional license, an educator shall meet the following requirements:
 - (a) Have three (3) years of qualifying experience as an educator as defined by the Department; and
 - (b) Earn thirty (30) professional development points as indicated by SBE Educator Licensure Policy 5.502.
- (5) If the requirements for advancement to the PSE professional license are not met prior to the end of the validity period of the PSE practitioner license, the PSE practitioner license may be renewed. To renew the practitioner license, an educator shall earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (6) If the requirements for renewal are not met prior to the end of the validity period, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submission of the application) prior to the end of the validity period.
- (7) In order to reactivate the PSE professional license, an educator shall submit qualifying scores on all State Board-required assessments.
- (8) In order to renew the PSE professional license, educators must earn sixty (60) qualifying professional development points.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-112. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed August 16, 2019; effective November 14, 2019. Amendments filed March 25, 2024; effective June 23, 2024.

0520-02-03-.11 ENDORSEMENTS.

- (1) All educators shall hold a full and valid Tennessee educator license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) Prospective educators seeking initial licensure shall meet requirements in at least one (1) area of endorsement.
- (3) In accordance with T.C.A § 49-5-5619, beginning August 1, 2023, educators seeking to obtain or maintain endorsements identified in the Educator Licensure Policy 5.502 as requiring passage of a foundational literacy skills assessment or completion of an approved foundational literacy skills professional development course, must submit required documentation demonstrating completion of the foundational literacy skills assessment or

foundational literacy skills professional development course as set forth below. If an educator chooses to complete the foundational literacy skills professional development course, evidence of completion of the course shall be submitted to the Department within the twelve (12) months preceding the applicable licensure transaction.

- (a) Educators seeking licensure and endorsement in an applicable area as identified in Policy 5.502 must demonstrate meeting this requirement at the time of licensure issuance, except for candidates enrolled in an educator preparation program with a job-embedded clinical practice.
 - (b) Educators who hold a license and endorsement(s) in an applicable area as identified in Policy 5.502 while enrolled in a program with a job-embedded clinical practice and all other educators seeking to renew or advance a teacher or instructional leader license with an endorsement in an applicable area as identified in Policy 5.502 must complete this requirement to renew or advance the license.
 - (c) Educators seeking to add an endorsement in an applicable area as identified in Policy 5.502 to a teaching license must demonstrate completion of this requirement prior to the endorsement being added to the license.
 - (d) Educators who hold multiple endorsements on a license, at least one (1) of which is not impacted by T.C.A. § 49-5-5619, may maintain licensure and any endorsements not identified in Policy 5.502, without demonstrating completion of this requirement; however, any applicable endorsement(s) identified in Policy 5.502 will become inactive at the time of renewal or advancement of the license unless the educator demonstrates completion of this requirement.
 - (e) Educators who only hold a license with applicable endorsement(s) as identified in Policy 5.502 and who do not complete this requirement will not be able to renew or advance the license and it will become inactive.
 - (f) Educators whose license becomes inactive as provided for in subparagraph (e) may reactivate a license and/or applicable endorsement(s) identified in Policy 5.502 held on a license by demonstrating completion of the required foundational skills literacy assessment or approved professional development course required by T.C.A. § 49-5- 5619.
 - (g) Once an educator has demonstrated completion of the requirement to pass the foundational literacy skills assessment or complete an approved foundational literacy skills professional development course as provided in subparagraphs (a) through (f), the educator will not have to re-take the course or the assessment to maintain licensure.
- (4) Educators may add additional endorsements to a license in accordance with rules and policies established by the State Board, State Board Educator Licensure Policy 5.502, and guidelines established by the Department.
 - (5) When an endorsement held by an out-of-state applicant does not match the content area or grade span of an available Tennessee endorsement, the Department shall identify the most appropriate match, if possible. In some cases, if there is not an equivalent endorsement and the grade span and/or content area do not have an appropriate match, the Department may request additional evidence to demonstrate knowledge and/or experience in the content area and/or grade span covered by the available Tennessee endorsement prior to issuing or reactivating a license in Tennessee. The same process shall also apply to an educator who is seeking to reactivate an expired license if the endorsements previously held are no longer issued.

- (6) All educators who teach a course in which a state-level end-of-course examination is required shall hold the subject-specific endorsement for the course or meet the appropriate employment standard set forth in Employment Standards Rule Chapter 0520-02-06, unless the educator is granted an Emergency Credential by the Commissioner in accordance with Endorsements Rule 0520-02-03-.11 and Permits Rule 0520-02-03-.12.
- (7) An educator may teach up to two (2) sections of one (1) course outside the educator's area of endorsement each school year, except for courses in which a state-level end-of-course examination is required, elementary physical education courses, or special education courses.
- (8) An educator who holds a full and valid and active license may teach more than one (1) course or more than two (2) sections of one (1) course outside of the educator's area of endorsement if an endorsement exemption is requested by the director of schools or director of a public charter school and approved by the Commissioner.
- (a) In reviewing an initial endorsement exemption for approval, the Commissioner shall consider:
1. The educator's previous teaching experience;
 2. The educator's postsecondary coursework and degrees held; and
 3. The content and grade span of endorsements held on the educator's current license.
- (b) Endorsement exemptions shall be valid for one (1) school year. A director of schools or director of public charter school may request renewal of an endorsement exemption for an educator who demonstrates progress toward earning the relevant endorsement. An endorsement exemption may be renewed no more than two (2) times.
- (c) Educators may teach on an approved endorsement exemption for no more than a total of three (3) school years.
- (d) An endorsement exemption shall not be issued by the Commissioner to an individual to teach a special education course in accordance with Federal laws.
- (9) Licensed educators enrolled in an additional endorsement program in special education offered by a State Board-approved educator preparation provider may add a provisional special education endorsement by:
- (a) Submitting a recommendation from the educator preparation provider verifying:
1. Enrollment in a program of study for additional endorsement in the special education endorsement area; and
 2. An assurance that the educator will be assigned a mentor who is endorsed in the special education endorsement area.
- (b) In order to transition from a provisional endorsement to a full endorsement, educators shall submit qualifying scores on all State Board-required assessments and successfully complete the program of study within three (3) years of receiving a provisional endorsement. The provisional endorsement shall be valid for three (3) years and shall not be renewed.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, 49-5-5619, 49-6-303, and 49-6-6006.
Administrative History: Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022. Amendments filed July 20, 2022; effective October 18, 2022. Amendments filed March 16, 2023; effective June 14, 2023. Amendments filed November 21, 2023; effective February 19, 2024. Amendments filed March 5, 2025; effective June 3, 2025.

0520-02-03-.12 PERMITS.

- (1) Academic Permits.
 - (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
 - (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.
 - (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
 - (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
 - (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE).
 - (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause as to why the individual believes the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
 - (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
 - (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
 1. The individual's previous work experience;
 2. The individual's postsecondary coursework and degrees held;

3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) In addition to criteria specified in paragraph (1)(h), when determining whether to issue a temporary teaching permit to allow a person to teach a course for which an end-of-course examination is required, the Commissioner shall consider the following information:
1. The availability of other faculty or staff who are qualified to teach the course for which an end-of-course examination is required;
 2. The timing of the vacancy in relation to the LEA's or public charter school's school calendar, such as whether the vacancy occurs during the LEA's or public charter school's school calendar or in between academic years; and
 3. In cases where a vacancy for a course requiring an end-of-course examination occurs outside of the LEA's or public charter school's school calendar, the Commissioner shall also consider an LEA's or public charter school's efforts to advertise the vacancy.
- (j) An individual who is issued a temporary teaching permit to teach a course for which an end-of-course examination is required shall be assigned a mentor teacher by the director of schools or the director of the public charter school.
- (k) Individuals with a teaching permit shall not teach a special education course in accordance with Federal laws.
- (l) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (m) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this Rule for each issuance of a permit.
- (n) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (o) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.
- (2) Clinical Practice Permits.
- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a public charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
 - (b) In accordance with T.C.A. § 49-5-114, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an

individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.

- (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.
- (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board-approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rules Chapter 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled. In accordance with T.C.A. § 49-5-5604, courses required as part of the clinical practice shall be considered part of the clinical practice.
 - 1. In reviewing the clinical practice permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - (i) The individual's postsecondary coursework; and
 - (ii) The individual's progress toward obtaining a Tennessee educator license.
 - 2. In accordance with T.C.A. § 49-5-114, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, all specialty area content assessments.
 - 3. The Commissioner shall not grant an individual a clinical practice permit to teach a special education course in accordance with Federal and state law.
- (e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause as to why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10 if:
 - 1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
 - 2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited

to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and

3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of T.C.A. § 49-5-5604.
- (g) For the purposes of this Rule “clinical practice” has the same meaning as State Board Rule 0520-04-02-.02(4).
 - (h) Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
 - (i) An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.
 - (j) The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.
 - (k) If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual’s current clinical practice permit.
 - (l) If an individual has had a clinical practice permit application denied by the Commissioner pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-114, and 49-5-403. **Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021. Amendments filed March 16, 2023; effective June 14, 2023. Emergency rule filed June 28, 2023; effective through December 25, 2023. Emergency rule expired effective December 26, 2023, and the rule reverted to its previous status. Amendments filed November 21, 2023; effective February 19, 2024. Amendments filed March 5, 2025; effective June 3, 2025.

0520-02-03-.13 REQUIREMENTS FOR THE LIMITED LICENSE.

- (1) Limited Academic License
 - (a) The Department shall grant a Limited Academic License to a teacher to continue teaching the course or subject area taught pursuant to the teacher’s most recently issued permit if the applicant:
 1. Was issued a valid third temporary teaching permit pursuant to T.C.A. § 49-5-106 and State Board Permits Rule 0520-02-03-.12 in the 2021-2022 school year or thereafter;

2. Earned a level of overall effectiveness score of “above expectations” or “significantly above expectations” on the teacher’s most recent evaluation pursuant to T.C.A. § 49-1-302;
 3. Provides a recommendation from the director of schools or from the director of the public charter school, at which the teacher taught on a permit, recommending that the teacher receive a Limited Academic License with the endorsement(s) issued pursuant to the most recently issued permit; and
 4. Agrees, in writing, to begin a pathway approved by the State Board for transitioning from a Limited Academic License to a practitioner teacher license.
- (b) The Limited Academic License is valid for two (2) school years and is not renewable.
- (c) A Limited Academic License shall not be issued to an individual to teach a special education course.
- (d) Educators seeking to advance from the Limited Academic License to a practitioner teacher license shall meet the following requirements:
1. Submits a recommendation from a State Board-approved educator preparation program or a provider approved by the State Board and the Department in accordance with LEA Teacher Training Programs Rule Chapter 0520-02-07, certifying that the educator has completed coursework focused on foundational pedagogical skills and foundational literacy skills in accordance with the Tennessee Literacy Success Act. A State Board-approved educator preparation provider or a provider approved by the State Board and the Department shall not require an educator to complete more than six (6) credit hours to meet this requirement;
 2. Receives support from a highly effective clinical mentor in accordance with the requirements for clinical mentors set forth in State Board Clinical Experiences Rule 0520-02-04-.10; and
 3. Submits qualifying scores on all required content assessments as defined in the State Board Professional Assessments for Tennessee Educators Policy 5.105.
- (e) Once an educator is issued a practitioner teacher license, the educator shall meet requirements for renewal and/or advancement of the license as set forth in Rule 0520-02-03-.03 of this Chapter.
- (2) Limited Occupational Teaching License
- (a) The Department shall grant a Limited Occupational Teaching License to an applicant who meets the following requirements:
1. Receives a conditional offer of employment from the director of schools or director of the public charter school, as applicable;
 2. Has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or a minimum of three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent educational attainment; or holds an active industry license or credential, including one issued by another state, for the area of endorsement, if an industry license or credential is available;
 3. Agrees, in writing, to complete training conducted by the LEA or public charter school, during the validity period for which the initial limited occupational teaching license is issued, in the subjects of classroom management, serving students with disabilities and English learners, and the teacher code of ethics; and

4. Receives support from a highly effective clinical mentor in accordance with the requirements for clinical mentors set forth in the State Board Clinical Experiences Rule 0520-02-04-.10.
- (b) The Limited Occupational Teaching License is valid for three (3) school years.
 - (c) In order to renew the Limited Occupational Teaching License, the individual shall meet the following requirements:
 1. Completes LEA or public charter school training in the subjects of classroom management, serving students with disabilities and English learners, and the teacher code of ethics prior to the end of the validity period of the first (1st) issuance of the Limited Occupational Teaching License; and
 2. Earns a level of overall effectiveness score of “above expectations” or “significantly above expectations” on the teacher’s most recent evaluation pursuant to T.C.A. § 49-1-302 for each of the first two (2) school years immediately following the first (1st) issuance of the individual’s license.
 - (d) To advance from the Limited Occupational Teaching License to the practitioner occupational license, an educator shall receive a recommendation from a State Board-approved educator preparation program or a provider showing enrollment in, or completion of, a state-board-approved educator preparation program.
 - (e) Once an educator is issued a practitioner occupational teacher license, the educator shall meet requirements for renewal or advancement of the license as set forth in Rule 0520-02-03-.04 of this Chapter.

Authority: T.C.A. §§ 49-1-302, 49-5-106, and 49-5-108. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed March 16, 2023; effective June 14, 2023. Amendments filed March 25, 2024; effective June 23, 2024. Amendments filed March 5, 2025; effective June 3, 2025.

AMENDMENT

Amend State Board of Education Rule 0520-01-14-.05 and .07 so that as amended it shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-14 COURSE ACCESS PROGRAM

0520-01-14-.05 COURSE APPROVAL.

- (1) Host LEAs shall partner with approved Providers to offer Course Access Courses approved by the State Board for inclusion in the Course Access Catalog.
- (2) No LEA or Charter School shall be required to be a Host LEA.
- (3) Host LEAs seeking to offer a Course Access Course shall establish a local course review and approval process.
- (4) Each local course review and approval process shall ensure courses recommended to the Department for inclusion in the Course Access Catalog:
 - (a) Align to the applicable state academic standards set by the State Board;
 - (b) Meet the instructional and academic rigor of a course that is provided in a traditional classroom setting;
 - (c) Are designed and implemented consistently with guidelines and procedures established by the Department;
 - (d) Are taught by a teacher who is properly licensed and endorsed in accordance with the rules of the State Board; and
 - (e) Are offered by an approved Course Provider included in the listing of Providers in the Course Access Catalog.
- (5) Course Access Courses shall not include courses with a state-required assessment.
- (6) The length of each Course Access Course shall contribute to instructional time requirements such that each student enrolled in a Course Access Course still meets the required 6.5 hours a day of instruction.
- (7) Courses that meet all requirements under T.C.A. § 49-18-106 and the local course review and approval process may be submitted to the Department for recommendation to the State Board for its approval and inclusion in the Course Access Catalog. Host LEAs shall submit locally approved courses to the Department with an assurance that the course has been reviewed in compliance with this rule and T.C.A. § 49-18-106.
- (8) Courses approved locally shall be submitted in the school year prior to implementation by the deadline set by the Department.
- (9) The Department shall review all locally approved courses submitted in accordance with the local course review and approval process and shall submit to the State Board recommendations for approval or denial. A course shall not be included in the Course Access Catalog until approved by the State Board.
- (10) A course included in the Course Access Catalog shall be available to Eligible Students in any Home LEA.
- (11) A Home LEA shall award credit to a student upon successful completion of an approved Course Access Course.

- (12) The State Board may exclude a course from the Course Access Catalog at any time if the Course Provider is excluded from the Course Access Catalog, or if a Home LEA, the Host LEA, or the Department:
- (a) Submits evidence to the State Board that:
 - 1. The course is no longer adequately aligned with the approved state academic standards;
 - 2. The course fails to meet the minimum requirements of the State Board; or
 - 3. The course no longer complies with the course approval requirements set forth in paragraph (4)(a)–(e) above; and
 - (b) Requests, in writing, that the State Board exclude the course.
- (13) The State Board may also exclude a course from the Course Access Catalog if the course is offered by a host school that was issued a “D” or “F” letter grade by the Department on the most recent state report card issued pursuant to T.C.A. § 49-1-228.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019. Amendments filed January 6, 2023; effective April 6, 2023.

0520-01-14-.07 REPORTING REQUIREMENTS.

- (1) Approved providers shall annually report to the Department, in the manner directed by the Department, the following information:
- (a) Detailed student records of enrollment, including state course code, teacher of record, and Home LEA;
 - (b) Student performance, course completion rates, and course grading information for each subject area and grade level; and
 - (c) Additional information the Department deems necessary.
- (2) On an annual basis, a Home LEA shall review the academic performance of the students enrolled in courses offered by a Course Provider to ensure that participating students are receiving instruction and curricula that are aligned with the state standards, as determined by the State Board, and that meet the requirements for graduation.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.

AMENDMENT

Amend State Board of Education Rule 0520-14-01-.01, .03, .04, and .05, so that as amended it 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(4):
 - (a) The Tennessee State Board of Education (State Board) shall provide an application for charter school sponsors (sponsors) to use in applying to open a public charter school and shall provide scoring criteria addressing the elements of the charter school application. The State Board shall develop the application in consultation with the Tennessee Public Charter School Commission (Commission).
 - (b) Prospective sponsors who intend to submit an initial charter school application (initial application) for consideration shall submit a letter of intent to the Commission and to the appropriate authorizer at least sixty (60) calendar days prior to the February 1 initial application deadline. If the letter of intent's deadline falls on a Saturday, Sunday, or state observed holiday, the letter of intent shall be due on the next business day. The letter of intent shall be completed on the form provided by the State Board. The authorizer shall confirm receipt within five (5) business days and provide the sponsor with the current federal, state, and local per-pupil funding estimates.
 - (c) Failure to submit a letter of intent to the Commission and to the appropriate authorizer by the stated deadline shall exclude a sponsor from submitting an application for that application cycle.
 - (d) 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 sponsor shall prepare and file an electronic copy of the initial application with the authorizer. If February 1 falls on a Saturday, Sunday, or state observed holiday, the application materials shall be due on the next business day. The authorizer shall report each completed application received to the Commission no later than ten (10) calendar days from the authorizer's receipt of the application.
 - (e) Authorizers may charge an application fee of up to \$2,500 for each initial application the sponsor files and may request up to five (5) paper copies of the application. Application fees and paper copies shall be received no later than February 1 by a time set by the authorizer. Authorizers shall post to their website the application fee amount, paper copy requests, if any, and the deadline by which these must be submitted.
 - (f) An initial application shall be considered complete and therefore must be reviewed by the authorizer if the following are received by the deadlines specified in subparagraphs (1)(d) and (1)(e):
 1. The written application using the State Board's charter application form for the current application cycle;
 2. The proposed budget using the State Board's budget template for the current application cycle;
 3. Up to five (5) paper copies of the written application and budget, if requested by the authorizer; and

4. The application fee, if required by the authorizer.
- (g) The authorizer shall rule by resolution, at a regular or specially called meeting, on the approval or denial of a complete initial application no later than ninety (90) calendar days after the authorizer's receipt of the completed initial application.
 - (h) Should the authorizer fail to approve or deny a complete initial application within the ninety (90) calendar days, the initial application shall be deemed approved.
 - (i) If the initial application is denied, the grounds upon which the authorizer based the decision to deny the initial application shall be stated in writing and provided to the 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 sponsor may submit an amended charter school application (amended application).
 - (j) Within thirty (30) calendar days of the receipt of the grounds for denial, a sponsor may submit to the authorizer an amended application to correct the deficiencies identified by the authorizer.
 1. The amended application shall be submitted by the sponsor using the same application form as the initial application.
 2. The authorizer shall evaluate the amended application using the same scoring criteria as the initial application review.
 - (k) The authorizer shall approve or deny the amended application within sixty (60) calendar days of its receipt.
 - (l) Should the authorizer fail to approve or deny the amended application within sixty (60) calendar days, it shall be deemed approved.
 - (m) If the authorizer denies the amended application, it shall provide to the sponsor the grounds upon which it 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 and the sponsor's right to an appeal, if applicable.
 1. A sponsor may appeal a denial by the local board of education of an amended application to the Commission no later than ten (10) calendar days after the date of the final decision to deny.
 2. A denial of an amended application by the Commission is final and not subject to appeal.
 - (n) The authorizer shall report to the Department and Commission whether the authorizer has approved or denied the application and the reasons for denial, if applicable, no later than ten (10) calendar days after approval or denial of the initial and amended application.
 - (o) Authorizers shall review all complete applications in accordance with T.C.A. § 49-13-108 and quality charter authorizing standards approved by the State Board in Policy 6.111.
 - (p) All authorizer policies regarding the submission and review of charter school applications shall be consistent with applicable State Board policies and with state and federal law, rules, and regulations.

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. Amendments filed August 19, 2022; effective November 17, 2022. Amendments filed March 12, 2024; effective June 10, 2024.

0520-14-01-.03 ALLOCATION OF STATE AND LOCAL FUNDS.

- (1) Public charter school funding shall be governed by the following:
 - (a) For the purpose of implementing this Rule in calculating, allocating, and disbursing public charter school funding pursuant to T.C.A. § 49-13-112(a):
 1. The Department shall be responsible for calculating required funding and reporting the calculations to both authorizers and public charter schools.
 2. The local board of education shall be responsible for allocating the required funding to public charter schools in the local budget. Each authorizer shall include, as part of its budget submitted pursuant to T.C.A. § 49-2-203, the per student amount of local funds it will pass through to public charter schools during the upcoming school year, including all calculations listed in this Rule. The local board of education shall provide all calculations to its authorized charter schools upon request. Allocations to the public charter schools during the budgeted school year shall be based on that figure until such time as updated interim and final allocations are run pursuant to subparagraph (1)(e) below. The authorizer shall distribute local funding in no fewer than nine (9) equal installments to public charter schools in the same manner as state funds are distributed.
 3. The local education agency's (LEA) fiscal agent shall be responsible for the disbursement of required funding to public charter schools.
 4. The LEA shall be responsible for the timely and accurate submission of data and other reporting requirements to the Department.
 5. The public charter school shall be responsible for the timely and accurate submission of data and other reporting requirements to the authorizer.
 6. The authorizer and public charter school shall be responsible for collaborating to resolve any data or reporting discrepancies prior to Department reporting deadlines.
 - (b) Allocations are based on one hundred percent (100%) of state and local funds received by the LEA, including current funds allocated for capital outlay purposes and funds generated under the fast-growth stipends detailed in T.C.A. § 49-3-107, excluding the proceeds of debt obligations and associated debt services.
 - (c) A local board of education shall allocate to each public charter school an amount equal to the state and local funds as calculated in subparagraphs (1)(d) and (1)(e) below for each student member enrolled in a public charter school and all appropriate allocations under federal laws or regulations, including, but not limited to, IDEA and ESEA funds.
 1. Pursuant to T.C.A. § 49-13-112(a), federal funds received by the LEA must be disbursed to public charter schools authorized by the LEA by either joint agreement on shared services by individual public charter schools or sub-grants to public charter schools for the charter's equitable share of the federal grant based on eligible students. The allocation must be made in accordance with the policies and procedures developed by the Department.
 - (d) Initial Allocations.
 1. The initial allocation shall be set forth in the local board of education's budget submitted to the Department pursuant to T.C.A. § 49-3-316 for the upcoming school year and represent the state and local funds to be allocated to each public charter school based on prior year ADM and student counts (as required by the Tennessee Investment in Student Achievement Act or TISA) before such time as

current year data and revenues are available. The Department shall pull this information from state approved LEA budgets as entered into the state's system of record and include these funds in initial funding estimates shared with authorizing LEAs and public charter schools. If the LEA does not have a fully approved budget in the state's system of record, the Department will use the LEA's budgeted prior year additional local revenues or the district's prior year expenditure report, whichever is more recent, to inform the initial allocations until an LEA budget is fully approved.

2. Pursuant to T.C.A. § 49-13-112(a)(1)(A), the initial allocation from the local board of education to a public charter school shall be based on the total of the state and local student-generated funds for member students in a public charter school during the prior school year for the base funding amount, weighted allocation, and direct funding allocations in accordance with TISA, and any rules promulgated by the Department pursuant to the TISA, including Chapter 0520-12-05.
 3. Pursuant to T.C.A. § 49-13-112(a)(1)(B), if the local funds received by the LEA are greater than the local contribution required by TISA as set forth in T.C.A. § 49-3-109, the local board of education shall also allocate the average per pupil local funds received by the LEA in the budgeted school year, in accordance with T.C.A. § 49-3-316, above those required by the TISA for each member student in the public charter school in the prior year. The initial average per pupil local funding amount shall be determined by dividing the budgeted additional local funds by the LEA's prior year ADM (inclusive of all member students of public charter schools geographically located within the LEA). The Department shall pull this information from state approved LEA budgets as entered into the state's system of record and include these funds in initial funding estimates shared with authorizing LEAs and public charter schools. If the LEA does not have a fully approved budget in the state's system of record, the Department will use the LEA's budgeted prior year additional local revenues or the district's prior year expenditure report, whichever is more recent, to inform the initial allocations until an LEA budget is fully approved.
 4. Pursuant to T.C.A. § 49-3-105(d)(1)(B), the state share of TISA funding generated by public charter school students shall be allocated to the LEA in which the public charter school is geographically located, but shall be disbursed directly to the public charter school by the Department. If the public charter school is authorized by the Commission or by the Achievement School District, the funds shall be disbursed by the Department directly to the authorizer.
 - (i) A public charter school's total of TISA generated funds shall be divided between state and local funding responsibilities based on the state and local share percentages of the LEA in which the public charter school is geographically located. The state share for base and weighted funding is determined separately using the LEA's applicable percentages, which are then applied to the public charter school's calculated base and weighted amounts. The state fully funds direct allocations. As with LEA allocations, funding for postsecondary assessment is withheld at the state level. The local share of base and weighted funding is the responsibility of the LEA in which the public charter school is geographically located and will be disbursed by the LEA to the public charter schools.
 - (ii) All federal, state, and local funds generated by or received by an LEA shall be properly accounted for in the LEA's official financial records. Payment of funds to a public charter school by the state on behalf of an LEA shall be recorded in the LEA's financial records in the appropriate revenue and expenditure categories.
- (e) Interim Funding Adjustments and Final Allocations.
1. After the initial allocation is made as set forth in subparagraph (1)(d), an authorizer

shall adjust payments to its public charter schools on an interim basis during the school year, at a minimum, in October, December, February, April, and June, with final allocations occurring with the completion of the authorizer's final expenditure reports as submitted and approved by the Department. Pursuant to T.C.A. § 49-13-112(a)(1) and § 49-13-112(a)(3), these adjustments shall update allocations to reflect current year data, including changes in revenue, student enrollment, or student services.

2. To calculate interim and final allocations, the Department shall calculate current year ADM on the timeline in part (1)(e)1. above for all LEAs with public charter schools geographically located within the LEA's boundaries. The Department shall publish or otherwise make available to each authorizer and each public charter school the outputs and, if requested, the underlying data from each instance in which the Department runs the ADM calculations for purposes of calculating initial, interim, and final allocations. Authorizers may opt to run the adjustments more frequently in alignment with respective charter agreements.
3. Interim and final allocations to each public charter school shall include:
 - (i) Pursuant to T.C.A. § 49-13-112(a)(1)(A), the interim and final allocations from the local board of education to a public charter school shall be based on the total of the state and local student-generated funds for member students in a public charter school during the prior school year for the base funding amount, weighted allocation, and direct funding allocations in accordance with the TISA, and any rules promulgated by the Department pursuant to the TISA, including Chapter 0520-12-05.
 - (ii) Pursuant to T.C.A. § 49-13-112(a)(1)(B), if the local funds received by the LEA are greater than the local contribution required by TISA as set forth in T.C.A. § 49-3-109, the local board of education shall also allocate the average per pupil local funds received by the LEA in the budgeted school year above those required by the TISA for each member student in the public charter school in the prior year. The interim and final average per pupil local funding amount shall be determined by dividing the additional local funds by the LEA's current year ADM (inclusive of all member students of public charter schools geographically located within the LEA). The final average per pupil local funding amount is to be determined using the LEA's final expenditure report as submitted to and approved by the Department.
 - (iii) Pursuant to T.C.A. § 49-13-112(a)(1)(C) and § 49-13-112(a)(3), a local board of education shall allocate to the public charter school an amount equal to the per student state and local funds received by the LEA for member students in the public charter school in the current school year beyond the prior year's membership. For each required interim and final allocation adjustment, the Department shall calculate the ADMs for each public charter school and the difference from the prior year ADM as used in the base funding calculation in the TISA formula. For any difference in overall ADM counts, the local board of education shall adjust the public charter school's allocation and disbursement by an amount equal to multiplying the average per student state and local funds received by the LEA in the current year by the difference in ADM for each public charter school, which may result in an increase or decrease to the overall allocation and disbursement. The final average per pupil state and local funds shall be determined using the LEA's final expenditure report as submitted to and approved by the Department. In calculating the average per student state and local funds, the total funding will exclude grants awarded on behalf of specific schools and the charter direct funding component of the TISA.

- (iv) In determining final amounts to be paid pursuant to subparts (1)(e)3.(ii) and (1)(e)3.(iii) above, the Department shall report to each authorizer and public charter school the results of LEAs state-approved final expenditure reports within five (5) business days of state approval. LEAs and each public charter school shall process final payments within thirty (30) calendar days of the Department's report on final amounts.

(f) Special Considerations.

1. **New and Expanding Public Charter Schools:** Notwithstanding part (1)(d)2., for the purpose of initial allocations, new public charter schools or public charter schools adding a new grade(s) shall be funded based on the anticipated enrollment in the charter agreement unless the authorizer and public charter school mutually agree on a projection of enrollment not to exceed any enrollment maximums or caps set forth in the charter agreement. The initial funding allocation for the new grade(s) shall be based on a per-student average of all state and local funds received by the LEA and disbursed to the public charter school by the LEA. Allocations shall be subsequently adjusted in accordance with subparagraph (1)(e).
2. **Public Charter School Direct Funding:** In accordance with T.C.A. § 49-3-105, the charter school direct funding amount each year is subject to an annual appropriation by the Tennessee General Assembly and is calculated by dividing the amount of the appropriation by the statewide public charter school ADM of the prior year. This direct funding amount shall be fully state funded and not require additional local contribution funds. The public charter school direct funding amount is calculated the same as all other direct funding components of TISA as set forth in T.C.A. § 49-3-105.
3. **Fast-Growth Stipends:** Subject to annual appropriations by the Tennessee General Assembly and in accordance with T.C.A § 49-3-107, if an LEA receives a fast-growth stipend or infrastructure stipend, then the LEA shall disburse to charter schools geographically located within that LEA a proportional share of funds received. The proportional share shall be equal to the percentage calculated by dividing a public charter school's TISA funding for base funding, weighted allocations, and direct allocations by the TISA funding for these same components of the LEA as a whole.
4. **Educator Salary Increases:** Pursuant to T.C.A. § 49-3-105(e), if the Tennessee General Assembly restricts an amount of an annual increase to the TISA base funding amount for the purpose of providing salary increases to existing educators, then the Department shall determine the proportional share of funds received by each public charter school driven by the restricted funds and report that amount to each authorizer and to each public charter school. Public charter schools shall use these funds to provide salary increases to existing educators pursuant to T.C.A. § 49-3-105(e).
5. **Cost Differential Factor Grants:** Subject to annual appropriations by the Tennessee General Assembly and in accordance with T.C.A. § 49-3-108(d), if an LEA receives a Cost Differential Factor (CDF) grant, then the LEA shall disburse to public charter schools geographically located within that LEA a proportional share of the CDF grant. The proportional share shall be equal to the percentage calculated by dividing a public charter school's TISA funding for base funding, weighted allocations, and direct allocations by the TISA funding for these same components of the LEA as a whole.
6. **Outcomes Funding:** If a public charter school generates outcome bonus funding as a result of students enrolled in the public charter school in the prior year, then the public charter school shall receive the earned amount of outcome bonus funds from the authorizer when such funds are awarded by the Department. The Department shall report the amount of outcome bonus funds due to each public

charter school to the authorizer and to each public charter school.

- (g) Achievement School District (ASD) and Commission: Pursuant to T.C.A. § 49-1-614 and T.C.A. § 49-13-112, the ASD and Commission shall receive funding in alignment with this rule for each public charter school within their respective LEAs from the LEAs in which each public charter school is geographically located.
- (h) Opportunity Public Charter Schools (OPCS): Pursuant to T.C.A. § 49-13-106(k)(1)(C), TISA state and local funds generated by an at-risk student who transfers to an OPCS located in an LEA other than the LEA in which the at-risk student resides shall follow the at-risk student to the LEA in which the OPCS is located, but only for the first school year in which the at-risk student is enrolled in an OPCS located in an LEA other than the LEA in which the at-risk student resides. For purposes of this Chapter, “at-risk student” is defined by T.C.A. § 49-13-104(3). The LEA in which the OPCS is located shall not charge tuition to such students.
- (i) Allocations to a public charter school shall not be reduced by the authorizer except for the annual authorizer fee. If the charter agreement includes a provision whereby the authorizer will provide for employee benefits or retirement, then the authorizer may withhold funds to cover the costs of those services. Any services the public charter school chooses to purchase from the authorizer may also exist in a separate services contract between the public charter school and the authorizer. However, approval of a separate services contract shall not be a condition of approval of the charter agreement. If a services contract is executed with the authorizer, then the authorizer may withhold funds to cover the costs of those services.
- (j) Pursuant to T.C.A. § 49-13-124, the authorizer may endorse the submission of the qualified zone academy bond application to the local taxing authority. The authorizer may endorse such a bond application submitted by the public charter school governing body, or the authorizer may include the public charter school’s project as part of the authorizer’s bond application.
- (k) If public charter schools provide school nutrition programs, they may provide their own programs in compliance with United States Department of Agriculture regulations and State law or they may contract with the authorizer for the provision of school nutrition programs.

Authority: T.C.A. §§ 49-1-302, 49-2-203, 49-6-2101, et seq., 49-13-112, 49-13-114, 49-13-124, and 49-13-126, 49-3-101 et seq., 49-3-316, and Public Chapter 456 of 2025. **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 September 22, 2017; effective December 21, 2017. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed March 8, 2023; effective June 6, 2023. Amendments filed March 12, 2024; effective June 10, 2024.

0520-14-01-.04 ENROLLMENT.

- (1) Charter schools shall conduct an initial student application period of at least thirty (30) calendar days during which all students may apply.
- (2) A charter school shall not exclude students from enrollment based on race, color, ethnicity, national origin, religion, income level, disability, English language proficiency, 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 if the enrollment proposal complies 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 shall 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 an application by the charter school's deadline unless the number of applications exceeds the capacity of a program, class, grade level, or building.
- (6) 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, the enrollment of eligible students may proceed on a first come, first served basis.
- (7) 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, eligible students shall be enrolled using a lottery.
- (a) Any such lottery shall be conducted within thirty (30) calendar days of the close of the initial student application period.
 - (b) 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.
 - (c) 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 (8) of this Rule.
 - (d) 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.
 - (e) In accordance with Chapter 275 of the Public Acts of 2025, a charter school sponsored by a public institution of higher education may give an enrollment preference to children of the public institution of higher education's employees or members of the institution's governing body, not to exceed twenty-five percent (25%) of the charter school's total enrollment.
- (8) 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 (8)(b), as applicable.
 - (b) For all other charter schools:
 1. Students enrolled in a pre-K program operated by the charter school;
 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;

3. Students applying to enroll in the charter school that has an authorizer-approved articulation agreement with the students' current charter school, which allows students to matriculate from one school to the other;
 4. Siblings of students already enrolled in the charter school;
 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. If the public charter school is authorized in a county LEA, this preference includes students who reside in the county and who were enrolled in the previous school year in another LEA located in the same county; and
 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.
- (9) If enrollment within a group of preferences set out in paragraph (8) exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery.
- (10) 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 conversion charter school, subject to the exception at subparagraph (10)(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 in which the charter school is located without penalty. The enrollment preference for students who reside within the former school zone of the conversion 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 conversion public school unless the student is an at-risk student as defined in T.C.A. § 49-13-104(3).
- (11) 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, 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.
- (12) 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.
- (13) 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 criterion 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) shall 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.
- (14) 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.
 - (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 Commission's rules, 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.

0520-14-01-.05 ANNUAL AUTHORIZER FEE AND ANNUAL REPORTING.

- (1) Requirements applicable to local boards of education (district or district authorizers) that serve as an authorizer of a charter school(s):
 - (a) Pursuant to T.C.A. § 49-13-128, district authorizers shall receive an annual authorizer fee that is a percentage of the charter school's per student state and local funding as allocated

under T.C.A. § 49-13-112. The annual authorizer fee shall be the lesser of three percent (3%) of the annual per-student state and local allocations or \$35,000 per school.

- (b) District authorizers shall use the annual authorizer fee exclusively for fulfilling the following authorizing obligations:
1. Charter school application approval process, including:
 - (i) Implementation of State Board approved quality authorizing standards; and
 - (ii) Stipends or travel for external reviewers.
 2. Interim review process required by T.C.A. § 49-13-121(k), including review of the progress of the school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the approved charter agreement.
 3. Charter school renewal process required by T.C.A. § 49-13-121, including:
 - (i) Review of the renewal application;
 - (ii) Stipends or travel for external reviewers; and
 - (iii) Development of the renewal evaluation required to be submitted to each charter school.
 4. Monitoring and oversight activities, including:
 - (i) Development of a performance framework;
 - (ii) Annual monitoring visits;
 - (iii) Data meetings;
 - (iv) Any software or data management tools required by the district authorizer exclusively for charter schools;
 - (v) Monitoring of all legal requirements; and
 - (vi) School closure responsibilities outlined in T.C.A. § 49-13-130.
 5. Personnel costs for district staff supporting charter schools, including:
 - (i) Salaries and benefits for full-time or part-time personnel with exclusive charter school responsibilities;
 - (ii) Salaries for district personnel who spend a portion of their time on direct charter school responsibilities. Any funds spent on salaries must be pro-rated to reflect the amount of time spent only on charter support work. Salaries for district personnel may only be paid for with authorizer fee funds if the activities and duties of the district personnel are beyond the scope and capacity of the LEA charter school office or personnel;
 - (iii) External consultants or other consultancy or legal fees to support district charter authorizing obligations; and
 - (iv) Reasonable costs associated with recruiting or hiring charter support or authorizing staff.
 6. Operational expenses for district staff supporting charter schools.

7. Annual reporting, including:
 - (i) Review of annual charter school performance reports required under T.C.A § 49-13-120;
 - (ii) Reporting of vacant and underutilized properties owned or operated by the LEA pursuant to T.C.A § 49-13-136 and paragraph (1)(c) of this Rule;
 - (iii) Creation of the authorizer fee report required by T.C.A § 49-13-128(f); and
 - (iv) Reporting of student directory information required by T.C.A § 49-13-132.
8. Ongoing charter school support services, including:
 - (i) Interventions or authorizer-led supports;
 - (ii) Maintenance of facilities or other capital outlay obligations that are not otherwise outlined in a lease agreement between the authorizer and charter school;
 - (iii) Professional development, orientation, or onboarding of charter school employees or district staff supporting charter schools; and
 - (iv) Contract services for specialized or targeted charter school supports.

(c) Annually by May 1, a district in which one (1) or more public charter schools operate shall publish on the district's website the information required in T.C.A. § 49-13-136(c)(1) and submit a comprehensive listing of all vacant or underutilized property to the Department and the Comptroller of the Treasury.

1. Vacant property, as defined in T.C.A. § 49-13-104, means a building, with or without improvements, which is closed or no longer used for direct academic instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, including, but not limited to, spaces suitable for classroom use that are currently being used for storage of any kind and does not include real property on which a building or permanent structure has not been erected.
2. Underutilized property, as defined in T.C.A. § 49-13-104, means a building or portion thereof, with or without improvements, which is not used or is used irregularly or intermittently for K-12 instructional or program purposes, including, but not limited to, spaces suitable for classroom use that are currently being used for storage of any kind. K-12 instructional purposes include spaces used for providing direct instruction to students. K-12 program purposes include spaces used in support of K-12 instructional programming, such as faculty professional development, employee offices, and other similar uses but do not include spaces suitable for classroom use that are currently being used for storage of any kind. For public school facilities that, by their nature, are characterized by irregular or intermittent use, such as auditoriums, gymnasiums, cafeterias, and athletic facilities, irregular or intermittent use means the facility is used for K-12 instructional or programming purposes less than ten (10) times per school year. For all other public school facilities, irregular or intermittent use means the facility is used for K-12 instructional or programming purposes fewer than ninety (90) days per school year or the facility is used at less than 55% capacity, to be calculated in accordance with the Department's guidance and reporting template.

(2) Requirements applicable only to state-level authorizers:

- (a) In accordance with T.C.A. § 49-13-128:

1. If the achievement school district (ASD) authorizes a public charter school, then the ASD shall receive an annual authorizer fee of up to three percent (3%) of the public charter school's per pupil state and local funding as allocated under § 49-13-112(a). By May 1 of each year, the Commissioner shall set the percentage of a public charter school's per pupil state and local funding that the ASD shall receive as the annual authorizer fee for the next school year.
 - (i) The ASD shall use the annual authorizer fee exclusively for fulfilling authorizing obligations set forth in subparagraph (1)(b) of this Rule.
 2. If the Tennessee public charter school commission (Commission) authorizes a public charter school, then the Commission shall receive an annual authorizer fee of up to three percent (3%) of the public charter school's per pupil state and local funding as allocated under § 49-13-112(a). By May 1 of each year, the Commission or the Commission's designee shall set the percentage of a public charter school's per student state and local funding that the Commission shall receive as the annual authorizer fee for the next school year.
 - (i) The Commission shall use the annual authorizer fee for fulfilling authorizing obligations set forth in subparagraph (1)(b) of this Rule. Additionally, the Commission may use the annual authorizer fee to fulfill obligations consistent with the authority of the Commission as set forth in Tennessee Code Annotated Title 49, Chapter 13.
- (3) Requirements applicable to all authorizers:
- (a) The authorizer fee shall be paid by a charter school to its authorizer in accordance with the payment process issued by the Department of Education.
 - (b) The annual authorizer fee collected by an authorizer shall be recorded in the general ledger using the appropriate revenue code as determined by the Tennessee Comptroller and shall be subject to all audit and reporting requirements.
 - (c) By December 1 of each year, each authorizer that collects an annual authorizer fee shall report to the State Board the total amount of authorizer fees collected in the previous school year and the authorizing obligations fulfilled using the fee. Reports shall be submitted on a reporting form developed by the State Board.
 - (d) Each authorizer fee report shall be posted on the authorizer's website and the State Board's website.
 - (e) If, for any school year, the total amount of authorizer fees collected by the authorizer exceeds the amount used by the authorizer to perform its authorizing obligations and responsibilities, the authorizer shall distribute the amount remaining to its authorized public charter schools.
 - (f) Any excess funds collected by an authorizer shall be distributed to its authorized charter schools in the school year immediately following the school year in which the excess fees were collected by the authorizer and in accordance with the process established by the Department of Education.
 - (g) If the State Board determines funds were used by the authorizer for activities other than the authorizing obligations outlined in this Rule, the State Board shall direct the Department of Education to withhold an amount equal to the misallocated funds in the following school year from the authorizer and shall distribute the misallocated funds directly to the authorizer's charter schools.
 - (h) If an authorizer does not receive timely payment from an authorized charter school in accordance with this Rule, the authorizer shall be entitled to any past due amount from the

authorized charter school in accordance with the payment process issued by the Department of Education.

- (i) Each charter school shall receive a proportionate share of any excess or misallocated funds collected by the authorizer based on the actual amount of authorizer fee funds paid to the authorizer by each charter school.
- (j) Authorizers shall annually provide a projected charter school office budget for the upcoming school year to the State Board by August 1. The State Board shall annually post each projected budget to its website by August 15.

Authority: T.C.A. §§ 49-1-302, 49-13-112, 49-13-126, and 49-13-128. **Administrative History:** Original rule filed January 11, 2019; effective April 11, 2019. Amendments filed May 27, 2021; effective August 25, 2021. Amendments filed January 31, 2025; effective May 1, 2025.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 8/15/25

Signature: *Rachel Suppé*

Name of Officer: Rachel Suppé

Title of Officer: General Counsel

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Tre Hargett

Tre Hargett
Secretary of State

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.04	Leave for Teachers

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.02	Educator License Types
0520-02-03-.07	Requirements for Licenses for Postsecondary Educators
0520-02-03-.11	Endorsements
0520-02-03-.12	Permits
0520-02-03-.13	Requirements for the Limited License

Chapter Number	Chapter Title
0520-01-14	Course Access Program
Rule Number	Rule Title
0520-01-14-.05	Course Approval
0520-01-14-.07	Reporting Requirements

Chapter Number	Chapter Title
0520-14-01	Charter Schools
Rule Number	Rule Title
0520-14-01-.01	Approval of a Charter School
0520-14-01-.03	Allocation of State and Local Fund
0520-14-01-.04	Enrollment
0520-14-01-.05	Annual Authorizer Fee and Annual Reporting

AMENDMENT

Amend State Board of Education Rule 0520-01-02-.04 so that as amended it shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02 DISTRICT AND SCHOOL OPERATIONS

0520-01-02-.04 LEAVE FOR TEACHERS.

- (1) The term “teacher” shall mean any person employed by a local board of education in a position ~~which~~ that requires a license issued by the State Department of Education. The term “teacher” shall not apply to a substitute teacher.
- (2) Sick Leave. “Sick leave” shall mean leave of absence because of illness of a teacher from natural causes or accident, quarantine, or illness or death of a member of the immediate family of a teacher, including the teacher’s wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. Upon written request of the teacher and accompanied by a statement from her physician verifying pregnancy, any teacher who goes on maternity leave shall be allowed to use all or a portion of her accumulated sick leave for maternity leave purposes during the period of her physical disability only, as determined by a physician.
- (3) Personal and Professional Leave. A teacher may take two (2) days of personal and professional leave per school year in accordance with policies of the local board of education.
- (4) Personal Injury Leave.
 - a. When a school system determines that a teacher’s absence from assigned duties was required as a result of personal physical injuries caused by a physical assault or other violent criminal act committed against the teacher while on duty, the school system shall grant personal injury leave for those days of absence.
 - b. Each local school system shall develop policies and procedures for determining eligibility for and implementing personal injury leave consistent with these rules. The policies and procedures may include provisions such as timely notification of the incident and injuries sustained, a requirement that medical attention be sought immediately, submission of a doctor’s statement verifying the nature, extent and duration of the disability, option by the school system of a third party opinion, and guidelines for a process to make periodic redeterminations of eligibility if the absence exceeds a given time frame.
 - c. Nothing in Rule 0520-01-02-.04(4) shall preclude a teacher at his or her option from directing that an absence which would otherwise qualify for personal injury leave under paragraph four (4) be charged to accumulated sick leave or personal leave instead of personal injury leave.
- (5) Substitute teachers are those persons employed to replace teachers on sick, professional, or personal leave or to fill temporary vacancies (this exists until a licensed teacher is available and employed). Substitutes are employed and paid in the following manner:
 - a. A person without a teacher’s license or permit may serve as a substitute ~~perst 20 consecutive days of absence for the length of time set out in T.C.A. § 49-3-312(a);~~ out of a regular teacher’s ~~on~~ approved leave.
 - b. After ~~20 consecutive days of the~~ approved leave period pursuant to T.C.A. § 49-3-312(a); a person serving as the substitute must be licensed and hold the appropriate endorsement for the assignment or must be a retired teacher and have held the appropriate endorsement.
 - c. After the regular teacher’s accumulated leave is exhausted, the replacement teacher must

be licensed and hold the appropriate endorsement for the assignment or be a retired teacher and have held the appropriate endorsement and must be paid based on the replacement teacher's training and experience record in accordance with the state and local salary schedules.

- (6) The total accumulated sick leave shall mean the total number of sick leave days which have been earned but not yet used. A teacher in need of sick leave shall be allowed to use unearned sick leave up to the amount of days ~~that which~~ such teacher may accumulate during the remainder of the current school year.
- (7) Each local board of education shall participate in the state leave program. Local boards of education shall provide the required local contribution from public school funds for payment of substitute teachers. Teachers shall not pay any part of the state required local contribution.

Authority: T.C.A. §§ 49-1-302, 49-3-312, and 49-5-701, et seq.; Section 27 of Chapter 535 of the Public Acts of 1992. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 17, 1997; effective February 27, 1998. Amendment filed October 13, 2014; effective January 11, 2015. Amendments filed August 11, 2017; effective November 9, 2017.

AMENDMENT

Amend State Board of Education Rules 0520-02-03-.02, .07, .11, .12, and .13 so that as amended it shall read:

**RULES OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-03
EDUCATOR LICENSURE**

0520-02-03-.02 EDUCATOR LICENSE TYPES.

- (1) All educators in Tennessee shall hold one (1) of the following license types:
- (a) The practitioner license is the first level license issued to applicants who meet the requirements set forth in this Rule. There are three (3) types of practitioner licenses: practitioner teacher license, practitioner occupational teacher license, and practitioner school services personnel license.
 - (b) The professional license is issued to educators who have met licensure expectations at the practitioner level and who meet the requirements for advancement set forth in this Rule. There are three (3) types of professional licenses: professional teacher license, professional occupational teacher license, and professional school services personnel license.
 - (c) The JROTC license is issued to active or retired military personnel who seek to serve as Junior Reserve Officers' Training Corps (JROTC) teachers.
 - (d) The license for postsecondary educators (PSE) is issued to applicants who have been a full-time or part-time college professor or instructor and who meet the requirements set forth in this Rule.
 - (e) The adjunct license is issued to applicants seeking to teach no more than three (3) classes in a content area of critical shortage identified by the State Board who meet the requirements set forth in this Rule.
 - (f) The Instructional Leader License-Aspiring (ILL-A) is issued to applicants who hold a bachelor's degree, are enrolled in an instructional leadership preparation program approved by the State Board of Education, and meet the requirements set forth in this Rule.
 - (g) The Instructional Leader License (ILL) is issued to applicants who hold a bachelor's degree, have completed an instructional leadership preparation program approved by the State Board of Education, and meet the requirements set forth in this Rule.
 - (h) The Instructional Leader License-Professional (ILL-P) is issued to educators currently holding the ILL who meet the requirements for advancement set forth in this Rule.

~~(1) (i)~~—The Limited Academic License is issued to educators who hold a valid temporary teaching permit who meet the requirements set forth in this Rule.

(k) The Limited Occupational Teaching License is issued to applicants who hold the relevant industry certification or relevant years of work experience, and meet the requirements set forth in this Rule.

- (2) The validity period of each license type shall be outlined in the SBE Educator Licensure Policy 5.502, however:

- (a) The validity period of the practitioner license shall be no more than four (4) years;
- (b) The validity period of the professional license shall be no more than eleven (11) years;
- (c) The validity period of the ILL-A shall be no more than four (4) years;
- (d) The validity period of the ILL shall be no more than four (4) years; and
- (e) The validity period of the ILL-P shall be no more eleven (11) years.

(f) The validity period of the Limited Academic License shall be no more than three (3) years.

(g) The validity period of the Limited Occupational Teaching License shall be no more than four (4) years.

Authority: T.C.A. §§ 49-1-302 and 49-5-108. **Administrative History:** Original rule filed July 31, 2008; effective November 28, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed August 16, 2019; effective November 14, 2019. Amendments filed March 16, 2023; effective June 14, 2023. Amendments filed March 5, 2025; effective June 3, 2025.

0520-02-03-.07 REQUIREMENTS FOR LICENSES FOR POSTSECONDARY EDUCATORS.

- (1) A practitioner license for postsecondary educators (PSE) may be issued to candidates that meet the following requirements:
 - (a) Meet one (1) of the following experience requirements:
 - 1. Have been a full-time college professor or instructor for at least two (2) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by T.C.A. § 49-4-902; or
 - 2. Have been a part-time college professor or instructor, teaching at least one (1) course per semester, for at least three (3) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by T.C.A. § 49-4-902.
 - (b) Submit at least three (3) years of qualifying teaching evaluations that rate the applicant as proficient or better in the subject area in which the applicant is seeking licensure from the postsecondary institution at which the applicant taught, where evaluations are defined as an assessment of the educator's performance in the subject area, which may include a formal rating system or, if the institution does not use a rating system, may be a letter from the dean, department chair, or other direct supervisor regarding the educator's performance; and
 - (c) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (2) The PSE license shall only be issued for teaching assignments in grades nine through twelve (9-12).
- (3) The initial issuance of a PSE license shall bear an endorsement to teach only in the subject area in which the person taught at the eligible postsecondary institution. Additional

endorsements may be issued on subsequent issuances of the PSE license in accordance with Endorsements Rule 0520-02-03-.11.

- (4) In order to advance from a PSE practitioner license to a PSE professional license, an educator shall meet the following requirements:
 - (a) Have three (3) years of qualifying experience as an educator as defined by the Department; and
 - (b) Earn thirty (30) professional development points as indicated by SBE Educator Licensure Policy 5.502.
- (5) If the requirements for advancement to the PSE professional license are not met prior to the end of the validity period of the PSE practitioner license, the PSE practitioner license may be renewed. To renew the practitioner license, an educator shall earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (6) If the requirements for renewal are not met prior to the end of the validity period, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submission of the application) prior to the end of the validity period.
- (7) In order to reactivate the PSE professional license, an educator shall submit qualifying scores on all State Board-required assessments.
- (8) In order to renew the PSE professional license, educators must earn sixty (60) qualifying professional development points.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-112. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed August 16, 2019; effective November 14, 2019. Amendments filed March 25, 2024; effective June 23, 2024.

0520-02-03-.11 ENDORSEMENTS.

- (1) All educators shall hold a full and valid Tennessee educator license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) Prospective educators seeking initial licensure shall meet requirements in at least one (1) area of endorsement.
- (3) In accordance with T.C.A § 49-5-5619, beginning August 1, 2023, educators seeking to obtain or maintain endorsements identified in the Educator Licensure Policy 5.502 as requiring passage of a foundational literacy skills assessment or completion of an approved foundational literacy skills professional development course, must submit required documentation demonstrating completion of the foundational literacy skills assessment or foundational literacy skills professional development course as set forth below. If an educator chooses to complete the foundational literacy skills professional development course, evidence of completion of the course shall be submitted to the Department within the twelve (12) months preceding the applicable licensure transaction.
 - (a) Educators seeking licensure and endorsement in an applicable area as identified in Policy 5.502 must demonstrate meeting this requirement at the time of licensure issuance, except

for candidates enrolled in an educator preparation program with a job- embedded clinical practice.

- (b) Educators who hold a license and endorsement(s) in an applicable area as identified in Policy 5.502 while enrolled in a program with a job-embedded clinical practice and all other educators seeking to renew or advance a teacher or instructional leader license with an endorsement in an applicable area as identified in Policy 5.502 must complete this requirement to renew or advance the license.
 - (c) Educators seeking to add an endorsement in an applicable area as identified in Policy 5.502 to a teaching license must demonstrate completion of this requirement prior to the endorsement being added to the license.
 - (d) Educators who hold multiple endorsements on a license, at least one (1) of which is not impacted by T.C.A. § 49-5-5619, may maintain licensure and any endorsements not identified in Policy 5.502, without demonstrating completion of this requirement; however, any applicable endorsement(s) identified in Policy 5.502 will become inactive at the time of renewal or advancement of the license unless the educator demonstrates completion of this requirement.
 - (e) Educators who only hold a license with applicable endorsement(s) as identified in Policy 5.502 and who do not complete this requirement will not be able to renew or advance the license and it will become inactive.
 - (f) Educators whose license becomes inactive as provided for in subparagraph (e) may reactivate a license and/or applicable endorsement(s) identified in Policy 5.502 held on a license by demonstrating completion of the required foundational skills literacy assessment or approved professional development course required by T.C.A. § 49-5- 5619.
 - (g) Once an educator has demonstrated completion of the requirement to pass the foundational literacy skills assessment or complete an approved foundational literacy skills professional development course as provided in subparagraphs (a) through (f), the educator will not have to re-take the course or the assessment to maintain licensure.
- (4) Educators may add additional endorsements to a license in accordance with rules and policies established by the State Board, State Board Educator Licensure Policy 5.502, and guidelines established by the Department.
 - (5) When an endorsement held by an out-of-state applicant does not match the content area or grade span of an available Tennessee endorsement, the Department shall identify the most appropriate match, if possible. In some cases, if there is not an equivalent endorsement and the grade span and/or content area do not have an appropriate match, the Department may request additional evidence to demonstrate knowledge and/or experience in the content area and/or grade span covered by the available Tennessee endorsement prior to issuing or reactivating a license in Tennessee. The same process shall also apply to an educator who is seeking to reactivate an expired license if the endorsements previously held are no longer issued.
 - (6) All educators who teach a course in which a state-level end-of-course examination is required shall hold the subject-specific endorsement for the course or meet the appropriate employment standard set forth in Employment Standards Rule Chapter 0520-02-06, unless the educator is granted an ~~Academic Permit or Clinical Practice Permit~~ Emergency Credential by the Commissioner in accordance with Endorsements Rule 0520-02-03-.11 and Permits Rule 0520-02-03-.12.

- (7) An educator may teach up to two (2) sections of one (1) course outside the educator's area of endorsement each school year, except for courses in which a state-level end-of-course examination is required, elementary physical education courses, or special education courses.
- (8) An educator who holds a full and valid and active license may teach more than one (1) course or more than two (2) sections of one (1) course outside of the educator's area of endorsement if an endorsement exemption is requested by the director of schools or director of a public charter school and approved by the Commissioner.
- (a) In reviewing an initial endorsement exemption for approval, the Commissioner shall consider:
1. The educator's previous teaching experience;
 2. The educator's postsecondary coursework and degrees held; and
 3. The content and grade span of endorsements held on the educator's current license.
- (b) Endorsement exemptions shall be valid for one (1) school year. A director of schools or director of public charter school may request renewal of an endorsement exemption for an educator who demonstrates progress toward earning the relevant endorsement. An endorsement exemption may be renewed no more than two (2) times.
- (c) Educators may teach on an approved endorsement exemption for no more than a total of three (3) school years.
- (d) An endorsement exemption shall not be issued by the Commissioner to an individual to teach a ~~course in which an end-of-course examination is required, in accordance with T.C.A. § 49-6-6006~~ or a special education course in accordance with Federal laws.
- (9) Licensed educators enrolled in an additional endorsement program in special education offered by a State Board-approved educator preparation provider may add a provisional special education endorsement by:
- (a) Submitting a recommendation from the educator preparation provider verifying:
1. Enrollment in a program of study for additional endorsement in the special education endorsement area; and
 2. An assurance that the educator will be assigned a mentor who is endorsed in the special education endorsement area.
- (b) In order to transition from a provisional endorsement to a full endorsement, educators shall submit qualifying scores on all State Board-required assessments and successfully complete the program of study within three (3) years of receiving a provisional endorsement. The provisional endorsement shall be valid for three (3) years and shall not be renewed.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, 49-5-5619, 49-6-303, and 49-6-6006.
Administrative History: Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022. Amendments filed July 20, 2022; effective October 18, 2022. Amendments filed March 16, 2023; effective June 14, 2023. Amendments filed November 21, 2023; effective February 19, 2024. Amendments filed March 5, 2025; effective June 3, 2025.

0520-02-03-.12 PERMITS.

(1) Academic Permits.

- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
- (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE).
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause as to why the individual believes the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
- (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - 1. The individual's previous work experience;
 - 2. The individual's postsecondary coursework and degrees held;
 - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and

4. The individual's progress toward obtaining a Tennessee educator license.
- (i) In addition to criteria specified in paragraph (1)(h), when determining whether to issue a temporary teaching permit to allow a person to teach a course for which an end-of-course examination is required, the Commissioner shall consider the following information:
 1. The availability of other faculty or staff who are qualified to teach the course for which an end-of-course examination is required;
 2. The timing of the vacancy in relation to the LEA's or public charter school's school calendar, such as whether the vacancy occurs during the LEA's or public charter school's school calendar or in between academic years; and
 3. In cases where a vacancy for a course requiring an end-of-course examination occurs outside of the LEA's or public charter school's school calendar, the Commissioner shall also consider an LEA's or public charter school's efforts to advertise the vacancy.
 - (j) An individual who is issued a temporary teaching permit to teach a course for which an end-of-course examination is required shall be assigned a mentor teacher by the director of schools or the director of the public charter school.
 - (k) Individuals with a teaching permit shall not teach a special education course in accordance with Federal laws.
 - (l) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
 - (m) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this Rule for each issuance of a permit.
 - (n) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
 - (o) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.
- (2) Clinical Practice Permits.
 - (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a public charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
 - (b) In accordance with T.C.A. § 49-5-114, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.
 - (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director

of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.

- (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board-approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rules Chapter 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled. In accordance with T.C.A. § 49-5-5604, courses required as part of the clinical practice shall be considered part of the clinical practice.
1. In reviewing the clinical practice permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - (i) The individual's postsecondary coursework; and
 - (ii) The individual's progress toward obtaining a Tennessee educator license.
 2. In accordance with T.C.A. § 49-5-114, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, all specialty area content assessments.
 3. The Commissioner shall not grant an individual a clinical practice permit to teach ~~a physical education class required under T.C.A. § 49-6-1021(e)~~ or a special education course in accordance with Federal and state law.
- (e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause **as to** why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10 if:
1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
 2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and
 3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of T.C.A. § 49-5-5604.
- (g) For the purposes of this Rule "clinical practice" has the same meaning as State Board Rule 0520-04-02-.02(4).
- (h) Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.

- (i) An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.
- (j) The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.
- (k) If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current clinical practice permit.
- (l) If an individual has had a clinical practice permit application denied by the Commissioner pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

~~3) Occupational Permits.~~

- ~~(a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the course of study in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the position in which a vacancy exists.~~
- ~~(b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary occupational permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.~~
- ~~(c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.~~
- ~~(d) The director of schools or charter school leader shall recommend the individual for an occupational teaching permit.~~
- ~~(e) The recommended individual shall hold a minimum of a high school diploma; and either:~~
 - ~~1. An active industry certification for the area of endorsement, as defined by the Department; or~~
 - ~~2. A minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the endorsement area or equivalent educational attainment, as defined by the Department.~~
- ~~(f) If an individual indicates an affirmative answer on the personal affirmation section of the application for an occupational permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.~~
- ~~(g) If an individual teaching on an occupational permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current occupational permit.~~

~~(h) In reviewing an occupational permit application for approval, the Commissioner may consider, but is not limited to, the following:~~

- ~~1. The individual's previous work experience;~~
- ~~2. The individual's postsecondary coursework and degrees held;~~
- ~~3. The individual's relevant experience in the subject area where the individual is seeking to teach; and~~
- ~~4. The individual's progress toward obtaining a Tennessee educator license.~~

~~(i) An occupational permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.~~

~~(j) An individual may only be issued one (1) occupational permit. An occupational permit shall not be re-issued by the Commissioner.~~

~~(k) A local board of education or governing body of a charter school may employ an individual holding an occupational permit, but not holding a valid license, only for such period of time for which the local board of education or the governing body of the charter school is unable to secure a qualified occupational teacher with a valid license for the type and kind of school. The occupational permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.~~

~~(l) If an individual has had an occupational permit application denied by the Commissioner pursuant to paragraph (3)(f) or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (3)(g) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.~~

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-114, and 49-5-403. **Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021. Amendments filed March 16, 2023; effective June 14, 2023. Emergency rule filed June 28, 2023; effective through December 25, 2023. Emergency rule expired effective December 26, 2023, and the rule reverted to its previous status. Amendments filed November 21, 2023; effective February 19, 2024. Amendments filed March 5, 2025; effective June 3, 2025.

0520-02-03-.13 REQUIREMENTS FOR THE LIMITED LICENSE.

(1) ~~(1) Limited Academic License~~

(1) ~~An individual may apply to the Department for~~The Department shall grant a Limited Academic License to a teacher to continue teaching the course or subject area taught pursuant to the teacher's most recently issued permit ~~if the applicant, if the teacher meets the following requirements for issuance of a Limited License by the Department:~~

~~(a)~~

1. Was issued a valid ~~second or~~ third temporary teaching permit pursuant to T.C.A. § 49-5-106 and State Board Permits Rule 0520-02-03-.12 in the 2021-2022 school year or thereafter;

~~(b)~~ 2. Earned a level of overall effectiveness score of "above expectations" or "significantly above expectations" on the teacher's most recent evaluation pursuant to T.C.A. § 49-1-302;

~~(c)~~ 3. Provides a recommendation from the director of schools or from the director of the public charter school, at which the teacher taught on a permit, recommending that the teacher receive a Limited

Academic License with the endorsement(s) issued pursuant to the most recently issued permit; and

~~(d)~~4. Agrees, in writing, to begin a pathway approved by the State Board for transitioning from a Limited Academic License to a Practitioner teacher license.

~~(b)~~2) The Limited Academic License is valid for two (2) school years and is not renewable.

~~(c)~~3) A Limited Academic License shall not be issued to an individual to teach a ~~course for which an end-of-course examination is required or a~~ special education course.

~~(d)~~4) Educators seeking to advance from the Limited Academic License to ~~the a~~ practitioner teacher license shall meet the following requirements:

~~(a)~~1. Submits a recommendation from a State Board-approved educator preparation program or a provider approved by the State Board and the Department in accordance with LEA Teacher Training Programs Rule Chapter 0520-02-07, certifying that the educator has completed coursework focused on foundational pedagogical skills and foundational literacy skills in accordance with the Tennessee Literacy Success Act. A State Board-approved educator preparation provider or a provider approved by the State Board and the Department shall not require an educator to complete more than six (6) credit hours to meet this requirement;

~~(b)~~2. Receives support from a highly effective clinical mentor in accordance with the requirements for clinical mentors set forth in State Board Clinical Experiences Rule 0520-02-04-.10; and

~~(e)~~3. Submits qualifying scores on all required content assessments as defined in the State Board Professional Assessments for Tennessee Educators Policy 5.105.

~~(e)~~5) Once an educator is issued a practitioner teacher license, the educator shall meet requirements for renewal and/or advancement of the license as set forth in Rule 0520-02-03-.03 of this Chapter.

(2) Limited Occupational Teaching License

(1) The Department shall grant a Limited Occupational Teaching License to an applicant who meets the following requirements:

1. Receives a conditional offer of employment from the director of schools or director of the public charter school, as applicable;

2. Has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or a minimum of three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent educational attainment; or holds an active industry license or credential, including one issued by another state, for the area of endorsement, if an industry license or credential is available;

3. Agrees, in writing, to complete training conducted by the LEA or public charter school, during the validity period for which the initial limited occupational teaching license is issued, in the subjects of classroom management, serving students with disabilities and English learners, and the teacher code of ethics; and

4. Receives support from a highly effective clinical mentor in accordance with the requirements for clinical mentors set forth in State Board Clinical Experiences Rule 0520-02-04-.10.

(b) The Limited Occupational Teaching License is valid for three (3) school years.

(c) In order to renew the Limited Occupational Teaching License, the individual shall meet the following requirements:

- (1) Completes LEA or public charter school training in the subjects of classroom management, serving students with disabilities and English learners, and the teacher code of ethics prior to the end of the validity period of the first (1st) issuance of the Limited Occupational Teaching License; and
- (2) Earns a level of overall effectiveness score of “above expectations” or “significantly above expectations” on the teacher’s most recent evaluation pursuant to T.C.A. § 49-1-302 for each of the first two (2) school years immediately following the first (1st) issuance of the individual’s license.
 - (d) To advance from the Limited Occupational Teaching License to the practitioner occupational license, an educator shall :
 - ~~1.~~ receive a recommendation from a State Board-approved educator preparation program or a provider showing enrollment in, or completion of, a state-board-approved educator preparation program.
 - (e) Once an educator is issued a practitioner occupational teacher license, the educator shall meet requirements for renewal or advancement of the license as set forth in Rule 0520-02-03-.04 of this Chapter.

Authority: T.C.A. §§ 49-1-302, 49-5-106, and 49-5-108. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed March 16, 2023; effective June 14, 2023. Amendments filed March 25, 2024; effective June 23, 2024. Amendments filed March 5, 2025; effective June 3, 2025.

AMENDMENT

Amend State Board of Education Rule 0520-01-14-.05 and .07 so that as amended it shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-14 COURSE ACCESS PROGRAM

0520-01-14-.05 COURSE APPROVAL.

- (1) Host LEAs shall partner with approved Providers to offer Course Access Courses approved by the State Board for inclusion in the Course Access Catalog.
- (2) No LEA or Charter School shall be required to be a Host LEA.
- (3) Host LEAs seeking to offer a Course Access Course shall establish a local course review and approval process.
- (4) Each local course review and approval process shall ensure courses recommended to the Department for inclusion in the Course Access Catalog:
 - (a) Align to the applicable state academic standards set by the State Board;
 - (b) Meet the instructional and academic rigor of a course that is provided in a traditional classroom setting;
 - (c) Are designed and implemented consistently with guidelines and procedures established by the Department;
 - (d) Are taught by a teacher who is properly licensed and endorsed in accordance with the rules of the State Board; and
 - (e) Are offered by an approved Course Provider included in the listing of Providers in the Course Access Catalog.
- (5) Course Access Courses shall not include courses with a state-required assessment.
- (6) The length of each Course Access Course shall contribute to instructional time requirements such that each student enrolled in a Course Access Course still meets the required 6.5 hours a day of instruction.
- (7) Courses that meet all requirements under T.C.A. § 49-18-106 and the local course review and approval process may be submitted to the Department for recommendation to the State Board for its approval and inclusion in the Course Access Catalog. Host LEAs shall submit locally approved courses to the Department with an assurance that the course has been reviewed in compliance with this rule and T.C.A. § 49-18-106.
- (8) Courses approved locally shall be submitted in the school year prior to implementation by the deadline set by the Department.
- (9) The Department shall review all locally approved courses submitted in accordance with the local course review and approval process and shall submit to the State Board recommendations for approval or denial. A course shall not be included in the Course Access Catalog until approved by the State Board.
- (10) A course included in the Course Access Catalog shall be available to Eligible Students in any Home LEA.
- (11) A Home LEA shall award credit to a student upon successful completion of an approved Course Access Course.

~~(12) The Department shall publish a link to the Course Access Catalog in a prominent location on the Department's website. The Course Access Catalog shall include:~~

~~(a) A list of approved Course Providers;~~

~~(b) A list of courses offered by approved Providers available through the course access program;~~

~~(c) A detailed description of the courses; and~~

~~(d) All available student course completion and outcome data in a manner that protects student privacy in compliance with T.C.A. Title 49, Chapter 1, Part 7, the Data Accessibility Transparency and Accountability Act (T.C.A. § 10-7-504), and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g).~~

(132) The State Board may exclude a course from the Course Access Catalog at any time if the Course Provider is excluded from the Course Access Catalog, or if a Home LEA, the Host LEA, or the Department:

(a) Submits evidence to the State Board that:

1. The course is no longer adequately aligned with the approved state academic standards;
2. The course fails to meet the minimum requirements of the State Board; or
3. The course no longer complies with the course approval requirements set forth in paragraph (4)(a)–(e) above; and

(b) Requests, in writing, that the State Board exclude the course.

(134) The State Board may also exclude a course from the Course Access Catalog if the course is offered by a host school that was issued a “D” or “F” letter grade by the Department on the most recent state report card issued pursuant to T.C.A. § 49-1-228.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019. Amendments filed January 6, 2023; effective April 6, 2023.

0520-01-14-.07 REPORTING REQUIREMENTS.

(1) Approved providers shall annually report to the Department, in the manner directed by the Department, the following information:

(a) Detailed student records of enrollment, including state course code, teacher of record, and Home LEA;

(b) Student performance, course completion rates, and course grading information for each subject area and grade level; and

(c) Additional information the Department deems necessary.

(2) On an annual basis, a Home LEA shall review the academic performance of the students enrolled in courses offered by a Course Provider to ensure that participating students are receiving instruction and curricula that are aligned with the state standards, as determined by the State Board, and that meet the requirements for graduation.

~~(3) Subject to all state and federal student privacy laws, the Department shall make publicly available each year the following information concerning the course access program:~~

~~(a) The number of students participating in the course access program and the total number of courses in which students are enrolled;~~

- ~~(b) — The number of approved Course Providers;~~
- ~~(c) — The number of approved courses and the number of students enrolled in each course;~~
- ~~(d) — The number of courses available by subject and grade level;~~
- ~~(e) — The number of students enrolled in courses by subject and grade level; and~~
- ~~(f) — Student outcome data, including course completion rates and other approved measures.~~

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.

AMENDMENT

Amend State Board of Education Rule 0520-14-01-.01, .03, .04, and .05, so that as amended it 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(43):
- (a) The Tennessee ~~State Board~~ Commissioner of Education (State Board) shall provide an application for charter school sponsors (sponsors) to use in applying ~~to open~~ for a public charter school and shall provide scoring criteria addressing the elements of the charter school application. The State Board shall develop the application in consultation with the Tennessee Public Charter School Commission (Commission).
 - (b) ~~All prospective charter school~~ prospective charter school sponsors who intend to submit an initial charter school application (initial application) for consideration shall submit a letter of intent to ~~both~~ the Commission ~~Tennessee Department of Education (Department)~~ and to the appropriate authorizer at least sixty (60) calendar days prior to the ~~date on which the~~ February 1 ~~initial charter application deadline is due.~~ initial charter application. If the letter of intent's deadline falls on a Saturday, Sunday, or state observed holiday, the letter of intent shall be due on the next business day. The letter of intent shall be completed on the form provided by the State Board, Department, and the sponsor shall indicate on the letter of intent the application category selected by the sponsor. The authorizer shall confirm receipt within five (5) business days and provide the sponsor with check for completion and the current federal, state, and local per-pupil funding estimates. ~~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 and the Department 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 to the authorizer within five (5) business days of receipt of a notice from the authorizer that the wrong application category was selected.~~
 - ~~(c)~~ (e) ~~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)~~ (c) Failure to submit a letter of intent to ~~both~~ the Commission ~~Department~~ and to the appropriate authorizer by the stated deadline shall exclude a ~~charter school~~ sponsor from submitting an application for that application cycle.
 - ~~(e)~~ (d) 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 initial ~~state charter school~~ application with the authorizer ~~and the Department.~~ If the February 1 due date for initial charter applications falls on a Saturday, Sunday, or state observed holiday, the application materials shall be due on the next business day. The authorizer shall report each completed application received to the Commission no later than ten (10) calendar days from the authorizer's receipt of the application.
 - ~~(f)~~ (e) Authorizers may charge an application fee of up to \$2,500 for each initial application the ~~charter school~~ sponsor files and may request up to five (5) paper copies of the application. Application fees and paper copies shall be received no later than February 1 by a time set by the authorizer. Authorizers shall post to their website the application fee amount, paper copy requests, if any, and the deadline by which these must be submitted.
 - ~~(g)~~ (f) An initial application shall be considered complete and therefore must be reviewed by the

authorizer if the following are received by the deadlines specified in subparagraphs (1)(d) and (1)(e):

1. The written application using is submitted on the State BoardDepartment's state charter application form for theat current application cycle;
 2. The proposed budget using the State Board's budget template for the current application cycle; 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; The application is submitted to the authorizer by the deadline specified in subparagraph (1)(e);
 3. Up to five (5) paper copies of the written application and budget, if requested by the authorizer; 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 initial application if the charter school sponsor did not submit the letter of intent by the required due date as required by subparagraphs (1)(b) and (1)(d).~~
- ~~(i) The authorizer shall determine whether the initial application is complete within ten (10) business days of receiving the application. If the application is determined to be incomplete, the authorizer shall notify the sponsor within five (5) business days of the determination.~~
1. ~~If the initial charter application is determined to be incomplete due to the sponsor not meeting the requirements of part (1)(g)1. or (1)(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 initial charter application is determined to be incomplete due to the sponsor not meeting the requirements of part (1)(g)2. or (1)(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 part (1)(g)2. or (1)(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) The authorizer shall report to the Department whether the authorizer has approved or denied the application and the reasons for denial, if applicable, no later than ten (10) calendar days after approval or denial of the initial charter application or amended charter application.~~
- ~~(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 these priorities. Local boards of education cannot 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 priorities.~~
 - ~~(b) All local policies regarding the submission of charter school applications shall be consistent with state law, policies, rules, and regulations.~~
 - ~~(e)(g) The authorizerlocal board of education shall rule by resolution, at a regular or specially called meeting, on the approval or denial of a complete and timely initial charter application, no later than ninety (90) calendar days after the local board of education's authorizer's receipt of the completed initial application.~~

~~(d)(h)~~ Should the ~~authorizer~~local board of education fail to ~~either~~ approve or deny a complete ~~and timely~~ initial ~~charter~~ application within the ninety (90) calendar days ~~time limit~~, the initial application shall be deemed approved.

~~(e)(i)~~ If the initial ~~charter school~~ application is denied, the grounds upon which the ~~authorizer~~local board of education based the decision to deny the initial 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 may submit an amended charter school application (amended application).

~~(f)(j)~~ Within thirty (30) calendar days of the receipt of the grounds for denial, ~~all the initial charter school application is denied, the charter school~~ sponsor may submit to the authorizer an amended application to correct the deficiencies identified by the authorizer. ~~shall have thirty (30) calendar days from receipt of the grounds for denial to submit an amended application to correct the deficiencies identified by the local board of education.~~

1. The amended application shall be submitted by the sponsor using the same application form as the initial application.

4.2. The authorizer shall evaluate the amended application using the same scoring criteria as the initial application review.

(g) The ~~local board of education~~authorizer shall approve or deny the amended application within ~~have~~ sixty (60) calendar days off from its receipt ~~of the amended application to either deny or approve the amended application.~~

(h) Should the ~~authorizer~~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.

~~(i)~~ If the ~~authorizer~~local board of education denies the amended application, it shall provide to the ~~charter school~~ sponsor the grounds upon which ~~it~~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 and the sponsor's right to an appeal, if applicable.

~~(i)~~

1. ~~A sponsor may appeal a~~ denial by the local board of education of an amended application to the Commission 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 (Commission).

2. A denial of an amended application by the Commission is final and not subject to appeal.

~~(j)~~ The authorizer shall report to the Department and Commission whether the authorizer has approved or denied the application and the reasons for denial, if applicable, no later than ten (10) calendar days after approval or denial of the initial and amended application.

~~(k)~~ Authorizers shall review all complete applications in accordance with T.C.A. § 49-13-108 and quality charter authorizing standards approved by the State Board in Policy 6.111.

~~(l)~~ All authorizer policies regarding the submission and review of charter school applications shall be consistent with applicable State Board policies and with state and federal law, rules, and regulations.

(a)

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. Amendments filed August 19, 2022; effective November 17, 2022. Amendments filed March 12, 2024; effective June 10, 2024.

0520-14-01-.03 ALLOCATION OF STATE AND LOCAL FUNDS.

- (1) Public charter school funding shall be governed by the following:
 - (a) For the purpose of implementing this Rule in calculating, allocating, and disbursing public charter school funding pursuant to T.C.A. § 49-13-112(a):
 1. The Department shall be responsible for calculating required funding and reporting the calculations to both authorizers and public charter schools.
 2. The local board of education shall be responsible for allocating the required funding to public charter schools in the local budget. Each authorizer shall include, as part of its budget submitted pursuant to T.C.A. § 49-2-203, the per student amount of local funds it will pass through to public charter schools during the upcoming school year, including all calculations listed in this Rule. The local board of education shall provide all calculations to its authorized charter schools upon request. Allocations to the public charter schools during the budgeted school year shall be based on that figure until such time as updated interim and final allocations are run pursuant to subparagraph (1)(e) below. The authorizer shall distribute local funding in no fewer than nine (9) equal installments to public charter schools in the same manner as state funds are distributed.
 3. The local education agency's (LEA)'s fiscal agent shall be responsible for the disbursement of required funding to public charter schools.
 4. The LEA shall be responsible for the timely and accurate submission of data and other reporting requirements to the Department.
 5. The public charter school shall be responsible for the timely and accurate submission of data and other reporting requirements to the authorizer.
 6. The authorizer and public charter school shall be responsible for collaborating to resolve any data or reporting discrepancies prior to Department reporting deadlines.
 - (b) Allocations are based on one hundred percent (100%) of state and local funds received by the LEA, including current funds allocated for capital outlay purposes and funds generated under the fast-growth stipends detailed in T.C.A. § 49-3-107, excluding the proceeds of debt obligations and associated debt services.
 - (c) A local board of education shall allocate to each public charter school an amount equal to the state and local funds as calculated in subparagraphs (1)(d) and (1)(e) below for each student member enrolled in a public charter school and all appropriate allocations under federal laws or regulations, including, but not limited to, IDEA and ESEA funds.
 1. Pursuant to T.C.A. § 49-13-112(a), federal funds received by the LEA must be disbursed to public charter schools authorized by the LEA by either joint agreement on shared services by individual public charter schools or sub-grants to public charter schools for the charter's equitable share of the federal grant based on eligible students. The allocation must be made in accordance with the policies and procedures developed by the Department.
 - (d) Initial Allocations.

1. The initial allocation shall be set forth in the local board of education's budget submitted to the Department pursuant to T.C.A. § 49-3-316 for the upcoming school year and represent the state and local funds to be allocated to each public charter school based on prior year ADM and student counts (as required by the Tennessee Investment in Student Achievement Act or TISA) before such time as current year data and revenues are available. The Department shall pull this information from state approved LEA budgets as entered into the state's system of record and include these funds in initial funding estimates shared with authorizing LEAs and public charter schools. If the LEA does not have a fully approved budget in the state's system of record, the Department will use the LEA's budgeted prior year additional local revenues or the district's prior year expenditure report, whichever is more recent, to inform the initial allocations until an LEA budget is fully approved.
2. Pursuant to T.C.A. § 49-13-112(a)(1)(A), the initial allocation from the local board of education to a public charter school shall be based on the total of the state and local student-generated funds for member students in a public charter school during the prior school year for the base funding amount, weighted allocation, and direct funding allocations in accordance with TISA, and any rules promulgated by the Department pursuant to the TISA, including Chapter 0520-12-05.
3. Pursuant to T.C.A. § 49-13-112(a)(1)(B), if the local funds received by the LEA are greater than the local contribution required by TISA as set forth in T.C.A. § 49-3-109, the local board of education shall also allocate the average per pupil local funds received by the LEA in the budgeted school year, in accordance with T.C.A. § 49-3-316, above those required by the TISA for each member student in the public charter school in the prior year. The initial average per pupil local funding amount shall be determined by dividing the budgeted additional local funds by the LEA's prior year ADM (inclusive of all member students of public charter schools geographically located within the LEA). The Department shall pull this information from state approved LEA budgets as entered into the state's system of record and include these funds in initial funding estimates shared with authorizing LEAs and public charter schools. If the LEA does not have a fully approved budget in the state's system of record, the Department will use the LEA's budgeted prior year additional local revenues or the district's prior year expenditure report, whichever is more recent, to inform the initial allocations until an LEA budget is fully approved.
4. Pursuant to T.C.A. § 49-3-105(d)(1)(B), the state share of TISA funding generated by public charter school students shall be allocated to the LEA in which the public charter school is geographically located, but shall be disbursed directly to the public charter school by the Department. If the public charter school is authorized by the Commission or by the Achievement School District, the funds shall be disbursed by the Department directly to the authorizer.
 - (i) A public charter school's total of TISA generated funds shall be divided between state and local funding responsibilities based on the state and local share percentages of the LEA in which the public charter school is geographically located. The state share for base and weighted funding is determined separately using the LEA's applicable percentages, which are then applied to the public charter school's calculated base and weighted amounts. The state fully funds direct allocations. As with LEA allocations, funding for postsecondary assessment is withheld at the state level. The local share of base and weighted funding is the responsibility of the LEA in which the public charter school is geographically located and will be disbursed by the LEA to the public charter schools.
 - (ii) All federal, state, and local funds generated by or received by an LEA shall be properly accounted for in the LEA's official financial records. Payment of funds to a public charter school by the state on behalf of an LEA shall

be recorded in the LEA's financial records in the appropriate revenue and expenditure categories.

(e) Interim Funding Adjustments and Final Allocations.

1. After the initial allocation is made as set forth in subparagraph (1)(d), an authorizer shall adjust payments to its public charter schools on an interim basis during the school year, at a minimum, in October, December, February, April, and June, with final allocations occurring with the completion of the authorizer's final expenditure reports as submitted and approved by the Department. Pursuant to T.C.A. § 49-13-112(a)(1) and § 49-13-112(a)(3), these adjustments shall update allocations to reflect current year data, including changes in revenue, student enrollment, or student services.
2. To calculate interim and final allocations, the Department shall calculate current year ADM on the timeline in part (1)(e)1. above for all LEAs with public charter schools geographically located within the LEA's boundaries. The Department shall publish or otherwise make available to each authorizer and each public charter school the outputs and, if requested, the underlying data from each instance in which the Department runs the ADM calculations for purposes of calculating initial, interim, and final allocations. Authorizers may opt to run the adjustments more frequently in alignment with respective charter agreements.
3. Interim and final allocations to each public charter school shall include:
 - (i) Pursuant to T.C.A. § 49-13-112(a)(1)(A), the interim and final allocations from the local board of education to a public charter school shall be based on the total of the state and local student-generated funds for member students in a public charter school during the prior school year for the base funding amount, weighted allocation, and direct funding allocations in accordance with the TISA, and any rules promulgated by the Department pursuant to the TISA, including Chapter 0520-12-05.
 - (ii) Pursuant to T.C.A. § 49-13-112(a)(1)(B), if the local funds received by the LEA are greater than the local contribution required by TISA as set forth in T.C.A. § 49-3-109, the local board of education shall also allocate the average per pupil local funds received by the LEA in the budgeted school year above those required by the TISA for each member student in the public charter school in the prior year. The interim and final average per pupil local funding amount shall be determined by dividing the additional local funds by the LEA's current year ADM (inclusive of all member students of public charter schools geographically located within the LEA). The final average per pupil local funding amount is to be determined using the LEA's final expenditure report as submitted to and approved by the Department.
 - (iii) Pursuant to T.C.A. § 49-13-112(a)(1)(C) and § 49-13-112(a)(3), a local board of education shall allocate to the public charter school an amount equal to the per student state and local funds received by the LEA for member students in the public charter school in the current school year beyond the prior year's membership. For each required interim and final allocation adjustment, the Department shall calculate the ADMs for each public charter school and the difference from the prior year ADM as used in the base funding calculation in the TISA formula. For any difference in overall ADM counts, the local board of education shall adjust the public charter school's allocation and disbursement by an amount equal to multiplying the average per student state and local funds received by the LEA in the current year by the difference in ADM for each public charter school, which may result in an increase or decrease to the overall allocation and disbursement. The final average per pupil state and local

funds shall be determined using the LEA's final expenditure report as submitted to and approved by the Department. In calculating the average per student state and local funds, the total funding will exclude grants awarded on behalf of specific schools and the charter direct funding component of the TISA.

- (iv) In determining final amounts to be paid pursuant to subparts (1)(e)3.(ii) and (1)(e)3.(iii) above, the Department shall report to each authorizer and public charter school the results of LEAs state-approved final expenditure reports within five (5) business days of state approval. LEAs and each public charter school shall process final payments within thirty (30) calendar days of the Department's report on final amounts.

(f) Special Considerations.

1. New and Expanding Public Charter Schools: Notwithstanding part (1)(d)2., for the purpose of initial allocations, new public charter schools or public charter schools adding a new grade(s) shall be funded based on the anticipated enrollment in the charter agreement unless the authorizer and public charter school mutually agree on a projection of enrollment not to exceed any enrollment maximums or caps set forth in the charter agreement. The initial funding allocation for the new grade(s) shall be based on a per-student average of all state and local funds received by the LEA and disbursed to the public charter school by the LEA. Allocations shall be subsequently adjusted in accordance with subparagraph (21)(e).
2. Public Charter School Direct Funding: In accordance with T.C.A. § 49-3-105, the charter school direct funding amount each year is subject to an annual appropriation by the Tennessee General Assembly and is calculated by dividing the amount of the appropriation by the statewide public charter school ADM of the prior year. ~~Pursuant to T.C.A. § 49-13-112(a)(1)(A), the authorizer shall distribute the charter school direct funding to each public charter school as generated by prior year ADM with their other TISA payments.~~ This direct funding amount shall be fully state funded and not require additional local contribution funds. The public charter school direct funding amount is calculated the same as all other direct funding components of TISA as set forth in T.C.A. § 49-3-105.
3. Fast-Growth Stipends: Subject to annual appropriations by the Tennessee General Assembly and in accordance with T.C.A § 49-3-107, if an LEA receives a fast-growth stipend or infrastructure stipend, then the LEA shall disburse to charter schools geographically located within that LEA a proportional share of funds received. The proportional share shall be equal to the percentage calculated by dividing a public charter school's TISA funding for base funding, weighted allocations, and direct allocations by the TISA funding for these same components of the LEA as a whole.
4. Educator Salary Increases: Pursuant to T.C.A. § 49-3-105(e), if the Tennessee General Assembly restricts an amount of an annual increase to the TISA base funding amount for the purpose of providing salary increases to existing educators, then the Department shall determine the proportional share of funds received by each public charter school driven by the restricted funds and report that amount to each authorizer and to each public charter school. Public charter schools shall use these funds to provide salary increases to existing educators pursuant to T.C.A. § 49-3-105(e).
5. Cost Differential Factor Grants: Subject to annual appropriations by the Tennessee General Assembly and in accordance with T.C.A. § 49-3-108(d), if an LEA receives a Cost Differential Factor (CDF) grant, then the LEA shall disburse to public charter schools geographically located within that LEA a proportional share of the CDF grant. The proportional share shall be equal to the percentage calculated by dividing a public charter school's TISA funding for base funding, weighted

allocations, and direct allocations by the TISA funding for these same components of the LEA as a whole.

6. Outcomes Funding: If a public charter school generates outcome bonus funding as a result of students enrolled in the public charter school in the prior year, then the public charter school shall receive the earned amount of outcome bonus funds from the authorizer when such funds are awarded by the Department. The Department shall report the amount of outcome bonus funds due to each public charter school to the authorizer and to each public charter school.
- (g) Achievement School District (ASD) and Commission: Pursuant to T.C.A. § 49-1-614 and T.C.A. § 49-13-112, the ASD and Commission shall receive funding in alignment with this rule for each public charter school within their respective LEAs from the LEAs in which each public charter school is geographically located.
- (h) Opportunity Public Charter Schools (OPCS): Pursuant to T.C.A. § 49-13-106(k)(1)(C), TISA state and local funds generated by an at-risk student who transfers to an OPCS located in an LEA other than the LEA in which the at-risk student resides shall follow the at-risk student to the LEA in which the OPCS is located, but only for the first school year in which the at-risk student is enrolled in an OPCS located in an LEA other than the LEA in which the at-risk student resides. For purposes of this Chapter, "at-risk student" is defined by T.C.A. § 49-13-104(3). The LEA in which the OPCS is located shall not charge tuition to such students.
- (i) Allocations to a public charter school shall not be reduced by the authorizer except for the annual authorizer fee. If the charter agreement includes a provision whereby the authorizer will provide for employee benefits or retirement, then the authorizer may withhold funds to cover the costs of those services. Any services the public charter school chooses to purchase from the authorizer may also exist in a separate services contract between the public charter school and the authorizer. However, approval of a separate services contract shall not be a condition of approval of the charter agreement. If a services contract is executed with the authorizer, then the authorizer may withhold funds to cover the costs of those services.
- (j) Pursuant to T.C.A. § 49-13-124, the authorizer may endorse the submission of the qualified zone academy bond application to the local taxing authority. The authorizer may endorse such a bond application submitted by the public charter school governing body, or the authorizer may include the public charter school's project as part of the authorizer's bond application.
- (k) If public charter schools provide school nutrition programs, they may provide their own programs in compliance with United States Department of Agriculture regulations and State law or they may contract with the authorizer for the provision of school nutrition programs.

Authority: T.C.A. §§ 49-1-302, 49-2-203, 49-6-2101, et seq., 49-13-112, 49-13-114, 49-13-124, and 49-13-126, ~~49-3-101 et seq., T.C.A. § 49-3-316, and Public Chapter 456 of 2025 966 of 2022.~~ **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 September 22, 2017; effective December 21, 2017. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed March 8, 2023; effective June 6, 2023. Amendments filed March 12, 2024; effective June 10, 2024.

0520-14-01-.04 ENROLLMENT.

- (1) Charter schools shall conduct an initial student application period of at least thirty (30) calendar days. ~~During which 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, English language 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 ~~if, as long as such the~~ enrollment proposal ~~complies 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 ~~shall~~ 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 an ~~n-timely~~ application by the charter school's deadline 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)~~
- (6) 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.
- ~~(9)(7)~~ 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 enrolled using 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.
 - ~~(b) 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.~~
 - ~~(c) 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 (8) of this Rule.~~
 - ~~(d) 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.~~

(e) In accordance with Chapter 275 of the Public Acts of 2025, a charter school sponsored by a public institution of higher education may give an enrollment preference to children of the public institution of higher education's employees or members of the institution's governing body, not to exceed twenty-five percent (25%) of the charter school's total enrollment.

~~(a)~~

~~(10)~~(8) 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 ~~(108)~~(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. Students applying to enroll in the charter school that has an authorizer-approved articulation agreement with the students' current charter school, which allows ing students to matriculate from one school to the other;
4. Siblings of students already enrolled in the charter school;
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. If the public charter school is authorized in a county LEA, this preference includes students who reside in the county and who were enrolled in the previous school year in another LEA located in the same county; and
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.

~~(11)~~(9) If enrollment within a group of preferences set out in paragraph ~~(108)~~ exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery.

~~(12)~~(10) 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 ~~charter public~~ school, subject to the exception at subparagraph ~~(102)~~(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 in which the charter school is located without penalty. The enrollment preference for students who reside within the former school zone of the converted ~~sion~~ 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 ~~sion~~ public school

unless the student is an at-risk student as defined in T.C.A. § 49-13-104(3).

~~(13)~~(11) 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)~~(12) 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)~~(13) 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~~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~~shall 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)~~(14) 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.
- (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 rules, 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.

0520-14-01-.05 ANNUAL AUTHORIZER FEE AND ANNUAL REPORTING.

~~(1) For purposes of this Rule, any authorizer as defined in T.C.A. § 49-13-104 is also referred to as the Local Education Agency (LEA) for its authorized charter schools.~~

(12) Requirements applicable to local boards of education (district or district authorizers) that serve as an authorizer of a charter school(s):

(a) Pursuant to T.C.A. § 49-13-128, ~~if a local board of education is the authorizer of a charter school, then the local board of education~~ district authorizers shall receive an annual authorizer fee that is a percentage of the charter school's per student state and local funding as allocated under T.C.A. § 49-13-112. The annual authorizer fee shall be the lesser of three percent (3%) of the annual per-student state and local allocations or \$35,000 per school.

(b) ~~The local board of education~~ District authorizers shall use the annual authorizer fee exclusively for fulfilling the following authorizing obligations:

1. Charter school application approval process, including:
 - (i) Implementation of State Board approved quality authorizing standards; and
 - (ii) Stipends or travel for external reviewers.
2. Interim review process required by T.C.A. § 49-13-121(k), including review of the progress of the school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the approved charter agreement.
3. Charter school renewal process required by T.C.A. § 49-13-121, including:
 - (i) Review of the renewal application;
 - (ii) Stipends or travel for external reviewers; and
 - (iii) Development of the renewal evaluation required to be submitted to each charter school.
4. Monitoring and oversight activities, including:
 - (i) Development of a performance framework;
 - (ii) Annual monitoring visits;
 - (iii) Data meetings;

- (iv) Any software or data management tools required by the ~~LEA-district authorizer~~ exclusively for charter schools;
 - (v) Monitoring of all legal requirements; and
 - (vi) School closure responsibilities outlined in T.C.A. § 49-13-130.
5. Personnel costs for ~~LEA-district~~ staff supporting charter schools, including:
- (i) Salaries and benefits for full-time or part-time personnel with exclusive charter school responsibilities;
 - (ii) Salaries for ~~district LEA~~ personnel who spend a portion of their time on direct charter school responsibilities. Any funds spent on salaries must be pro-rated to reflect the amount of time spent only on charter support work. Salaries for ~~district LEA~~ personnel may only be paid for with authorizer fee funds if the activities and duties of the ~~district LEA~~ personnel are beyond the scope and capacity of the LEA charter school office or personnel;
 - (iii) External consultants or other consultancy or legal fees to support ~~LEA-district~~ charter authorizing obligations; and
 - (iv) Reasonable costs associated with recruiting or hiring charter support or authorizing staff.
6. Operational expenses for ~~LEA-district~~ staff supporting charter schools.
7. Annual reporting, including:
- (i) Review of annual charter school performance reports required under T.C.A § 49-13-120;
 - (ii) Reporting of vacant and underutilized properties owned or operated by the LEA pursuant to T.C.A § 49-13-136 and paragraph (1)(c) of this Rule;
 - ~~(I) Annually by May 1, an LEA in which one (1) or more public charter schools operate shall publish on the LEA's website the information required in T.C.A. § 49-13-136(c)(1) and submit a comprehensive listing of all vacant or underutilized property to the Department and the Comptroller of the Treasury.~~
 - ~~(II) Vacant property, as defined in T.C.A. § 49-13-104, means a building, with or without improvements, which is closed or no longer used for direct academic instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, including, but not limited to, spaces suitable for classroom use that are currently being used for storage of any kind and does not include real property on which a building or permanent structure has not been erected.~~
 - ~~(III) Underutilized property, as defined in T.C.A. § 49-13-104, means a building or portion thereof, with or without improvements, which is not used or is used irregularly or intermittently by an LEA for K-12 instructional or program purposes, including, but not limited to, spaces suitable for classroom use that are currently being used for storage of any kind. K-12 instructional purposes includes spaces used for providing direct instruction to students. K-12 program purposes includes spaces used in support of K-12 instructional programming such as faculty professional development, employee offices, and other similar uses, but does not include spaces suitable for classroom use that are currently being used for storage of any kind. For public school facilities that by their nature are characterized by irregular or intermittent use, such as auditoriums, gymnasiums, cafeterias, and athletic facilities, irregular or intermittent use means the facility is used for K-12 instructional or programming purposes less~~

~~than ten (10) times per school year. For all other public school facilities, irregular or intermittent use means the facility is used for K-12 instructional or programming purposes fewer than ninety (90) days per school year or the facility is used at less than 55% capacity, to be calculated in accordance with the Department's guidance and reporting template.~~

~~4.~~

- (iii) Creation of the authorizer fee report required by T.C.A § 49-13-128(f); and
 - (iv) Reporting of student directory information required by T.C.A § 49-13-132.
8. Ongoing charter school support services, including:
- (i) Interventions or authorizer-led supports;
 - (ii) Maintenance of facilities or other capital outlay obligations that are not otherwise outlined in a lease agreement between the authorizer and charter school;
 - (iii) Professional development, orientation, or onboarding of charter school employees or LEA district staff supporting charter schools; and
 - (iv) Contract services for specialized or targeted charter school supports.
- (c) ~~The local board of education shall annually provide a projected charter school office budget for the upcoming school year to the Department of Education by August 1. The Department of Education shall annually post each projected budget to its website by August 15.~~ Annually by May 1, a district n-LEA in which one (1) or more public charter schools operate shall publish on the district's LEA's website the information required in T.C.A. § 49-13-136(c)(1) and submit a comprehensive listing of all vacant or underutilized property to the Department and the Comptroller of the Treasury.

~~1. (II)~~—Vacant property, as defined in T.C.A. § 49-13-104, means a building, with or without improvements, which is closed or no longer used for direct academic instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, including, but not limited to, spaces suitable for classroom use that are currently being used for storage of any kind and does not include real property on which a building or permanent structure has not been erected.

~~(2)2. (III)~~—Underutilized property, as defined in T.C.A. § 49-13-104, means a building or portion thereof, with or without improvements, which is not used or is used irregularly or intermittently by an LEA for K-12 instructional or program purposes, including, but not limited to, spaces suitable for classroom use that are currently being used for storage of any kind. K-12 instructional purposes includes spaces used for providing direct instruction to students. K-12 program purposes includes spaces used in support of K-12 instructional programming, such as faculty professional development, employee offices, and other similar uses, but does not include spaces suitable for classroom use that are currently being used for storage of any kind. For public school facilities that, by their nature, are characterized by irregular or intermittent use, such as auditoriums, gymnasiums, cafeterias, and athletic facilities, irregular or intermittent use means the facility is used for K-12 instructional or programming purposes less than ten (10) times per school year. For all other public school facilities, irregular or intermittent use means the facility is used for K-12 instructional or programming purposes fewer than ninety (90) days per school year or the facility is used at less than 55% capacity, to be calculated in accordance with the Department's guidance and reporting template.

(23) Requirements applicable only to state-level authorizers:

- (a) In accordance with T.C.A. § 49-13-128:

1. If the achievement school district (ASD) authorizes a public charter school, then the ASD shall receive an annual authorizer fee of up to three percent (3%) of the public charter school's per pupil state and local funding as allocated under § 49-13-112(a). By May 1 of each year, the Commissioner shall set the percentage of a public charter school's per pupil state and local funding that the ASD shall receive as the annual authorizer fee for the next school year.
 - (i) The ASD shall use the annual authorizer fee exclusively for fulfilling authorizing obligations set forth in subparagraph (12)(b) of this Rule.

2. If the Tennessee public charter school commission (Commission) authorizes a public charter school, then the Commission shall receive an annual authorizer fee of up to three percent (3%) of the public charter school's per pupil state and local funding as allocated under § 49-13-112(a). By May 1 of each year, the Commission or the Commission's designee shall set the percentage of a public charter school's per student state and local funding that the Commission shall receive as the annual authorizer fee for the next school year.
 - (i) The Commission shall use the annual authorizer fee for fulfilling authorizing obligations set forth in subparagraph (12)(b) of this Rule. Additionally, the Commission may use the annual authorizer fee to fulfill obligations consistent with the authority of the Commission as set forth in Tennessee Code Annotated Title 49, Chapter 13.

(34) Requirements applicable to all authorizers:

- (a) The authorizer fee shall be paid by a charter school to its authorizing LEA in accordance with the payment process issued by the Department of Education.
- (b) The annual authorizer fee collected by an LEA-authorizer shall be recorded in the general ledger using the appropriate revenue code as determined by the Tennessee Comptroller and shall be subject to all audit and reporting requirements.
- (c) By December 1 of each year, each LEA-authorizer that collects an annual authorizer fee shall report to the ~~Department of Education~~ State Board the total amount of authorizer fees collected in the previous school year and the authorizing obligations fulfilled using the fee. Reports shall be submitted on a reporting form developed by the ~~State Board~~ Department of Education.
- (d) Each authorizer fee report shall be posted on the ~~authorizer's website and the State Board's~~ Department of Education's website and provided to the State Board of Education.
- (e) If, for any school year, the total amount of authorizer fees collected by the LEA-authorizer exceeds the amount used by the LEA-authorizer to perform its authorizing obligations and responsibilities, the LEA-authorizer shall distribute the amount remaining to its authorized public charter schools.
- (f) Any excess funds collected by an LEA-authorizer shall be distributed to its authorized charter schools in the school year immediately following the school year in which the excess fees were collected by the LEA-authorizer and in accordance with the process established by the Department of Education.
- (g) If the ~~Department of Education~~ State Board determines funds were used by the LEA-authorizer for activities other than the authorizing obligations outlined in this Rule, the State Board shall direct the Department of Education shall to withhold an amount equal to the misallocated funds in the following school year from the LEA-authorizer and shall distribute the misallocated funds directly to the LEA's-authorizer's charter schools.
- (h) If an LEA-authorizer does not receive timely payment from an authorized charter school in accordance with this Rule, the LEA-authorizer shall be entitled to any past due amount from the

authorized charter school in accordance with the payment process issued by the Department of Education.

- (i) ~~(i)~~ Each charter school shall receive a proportionate share of any excess or misallocated funds collected by the ~~LEA authorizer~~ based on the actual amount of authorizer fee funds paid to the ~~LEA authorizer~~ by each charter school.
- (3) ~~(j)~~ ~~The local board of education~~ ~~Authorizers~~ shall annually provide a projected charter school office budget for the upcoming school year to the ~~State Board~~ ~~Department of Education~~ by August 1. The ~~Department of Education~~ ~~State Board~~ shall annually post each projected budget to its website by August 15.

Authority: T.C.A. §§ 49-1-302, 49-13-112, 49-13-126, and 49-13-128. **Administrative History:** Original rule filed January 11, 2019; effective April 11, 2019. Amendments filed May 27, 2021; effective August 25, 2021. Amendments filed January 31, 2025; effective May 1, 2025.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 8/15/25

Signature: *Rachel Suppé*

Name of Officer: Rachel Suppé

Title of Officer: General Counsel

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Secretary of State