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Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

Agency/Board/Commission:	Tennessee Public Charter School Commission
Division:	N/A
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Statement of Necessity:

This rule is being promulgated as an emergency rule, based on the passage of PC275, with an effective date of July 1, 2025. As the Tennessee Public Charter School Commission prepares to receive initial replication applications pursuant to this new legislation, these emergency rules are necessary to define the process and timelines for replication applications.

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 Please make sure that ALL new rule and repealed rule numbers are listed in the chart below.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

Chapter Number	Chapter Title
1185-01-04	Approval of a Charter School Replication Application
Rule Number	Rule Title
1185-01-04-.01	Submission of an Initial Replication Application
1185-01-04-.02	Review of an Initial Replication Application
1185-01-04-.03	Submission and Review of an Amended Replication Application

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/publications/services/rulemaking-guidelines>.

Rule 1185-01-04 Approval of a Charter School Replication Application is added as a new rule and shall read:

**RULES
OF
THE TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

CHAPTER 1185-01-04**

1185-01-04-.01 Submission of an Initial Replication Application
1185-01-04-.02 Review of an Initial Replication Application
1185-01-04-.03 Submission and Review of an Amended Replication Application

1185-01-04-.01 Submission of an Initial Replication Application.

- (1) A sponsor seeking to submit an initial replication application (the “initial application”) to the Tennessee Public Charter School Commission (the “Commission”) shall submit a letter of intent in accordance with the process established by the State Board of Education.
 - (a) Each letter of intent submitted to the Commission must include a narrative explanation of how the initial application meets the definition of replication, as set forth in T.C.A. § 49-13-104.
- (2) 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 seeking to replicate a public charter school under the authorization of the Commission shall prepare and file an electronic copy of the state charter school replication application with the Commission. If the February 1 due date for replication charter applications falls on a Saturday, Sunday, or state observed holiday, the application materials are due on the next business day.
- (3) The Commission will charge an application fee of up to \$2,500 for each initial application the sponsor files.
- (4) An initial replication application shall be considered complete only if:
 - (a) The application is submitted on the State Board of Education state charter replication application form for that application cycle;
 - (b) The sponsor has completed all required sections of the replication application aligned to the category indicated by the sponsor in its letter of intent, and the application contains all required attachments and signatures;
 - (c) The application is submitted to the Commission by the deadline specified in subparagraph (2); and
 - (d) The application fee is submitted.
- (5) The Commission shall not be required to review and formally act upon an initial application if the sponsor did not submit the letter of intent by the due date required by the State Board of Education.
- (6) The Commission shall determine whether the initial application is complete within ten (10) business days of receiving the application. If the initial application is determined to be

incomplete, the Commission shall notify the sponsor within five (5) business days of the determination.

- (a) If the initial application is determined to be incomplete due to the sponsor not meeting the requirements of part (4)(a) or (4)(c) of this Rule, the application is not required to be reviewed and any required application fee shall be refunded to the sponsor by the Commission.
 - (b) If the initial application is determined to be incomplete due to the sponsor not meeting the requirements of part (4)(b) or (4)(d) of this Rule, the sponsor shall be provided the opportunity to address any deficiencies and re-submit the replication application within five (5) business days after the notification from the Commission that the initial replication application is incomplete. If the sponsor does not correct the deficiencies to meet the requirements of part (4)(b) or (4)(d) of this Rule by the deadline, the Commission is not required to review the initial replication application and any required application fee shall be refunded to the charter school sponsor by the Commission.
- (7) The Commission shall notify the local board of education within the geographic district that the sponsor proposes to locate a charter school of any initial application submitted directly to the Commission within ten (10) calendar days of receipt of an initial application that has been determined to be complete as defined in paragraphs (4) and (6) of this part.

Authority: T.C.A. §§ 49-13-105, 49-13-137.

1185-01-04-.02 Review of an Initial Replication Application.

- (1) The Commission shall review all complete and timely initial applications in accordance with T.C.A. § 49-13-137(b) and quality charter authorizing standards approved by the State Board of Education.
- (2) In addition to the initial application, the Commission shall consider the academic, operational, and financial performance of all charter schools operated by the sponsor.
- (3) The Commission staff shall assemble an initial application review committee comprised of teams of internal and external evaluators with relevant and diverse educational, organizational, financial, and legal expertise, as well as an understanding of the essential principles of public charter school autonomy and accountability.
 - (a) The initial replication application review committee shall:
 - 1. Use the sample scoring criteria provided by the State Board of Education and available on the State Board of Education's website to evaluate the initial application and;
 - 2. Review initial applications in accordance with the State Board of Education's quality public charter school authorizing standards.
- (4) The Commission staff shall interview each sponsor that has filed an initial replication application. The focus of the interview will be assessing the governing board and school leadership's capacity to operate a high-quality charter school that is consistent with the initial replication application and in a fiscally responsible manner that advances the mission of the charter school. The Commission staff shall assemble an interview panel that may include Commission staff, a Commission member, review committee members, and any other internal or external individuals whose knowledge and expertise would assist the Commission in its decision.

- (a) The sponsor and/or officers of the governing board and the school leader shall attend the interview, and the total participants shall be limited to eight (8). The interviews will not be open to the public.
 - (b) All interview attendees (both on behalf of the charter school and Commission) shall participate virtually via the platform named by the Commission.
- (5) Within ninety (90) calendar days after the Commission's receipt of the completed initial application, the Executive Director of the Commission or the Commission's designee shall preside over a public hearing that shall include an opportunity for members of the public to comment on the initial application(s) being considered. Notice shall be posted on the Commission's website at least one (1) week before the public hearing.
- (a) The Commission shall provide notice to the local board of education in the geographic LEA where the sponsor proposes to locate at least one (1) week before the public hearing.
- (6) Following the public meeting, the interview, and the review of the initial application, the Executive Director of the Commission shall provide written findings and recommendations to the Commission. The Commission shall consider the findings and recommendations of the Executive Director when rendering a decision on the initial application, but the Commission is not bound by the recommendation.
- (7) The Commission shall rule by resolution, at a regular or specially called meeting, on the approval or denial of a complete and timely initial application, no later than ninety (90) calendar days after the Commission's receipt of the completed initial application.
- (8) Should the Commission fail to either approve or deny a complete and timely initial application within the ninety (90) calendar day time limit, the application shall be deemed approved.
- (9) If the initial application is denied, the grounds upon which the Commission 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 replication application.
- (10) If the initial replication application is denied, the charter school sponsor shall have thirty (30) calendar days from the date of the letter stating the grounds for denial to submit an amended replication application to correct the deficiencies identified by the Commission.

Authority: T.C.A. §§ 49-13-105, 49-13-137.

1185-01-04-.03 Submission and Review of Amended Replication Application

- (1) The amended replication application (the "amended application") shall be submitted by the sponsor using the same application form as the initial application. The Commission shall evaluate the amended application using the same scoring criteria as the initial application review.
- (2) The Commission shall have sixty (60) calendar days from receipt of the amended application to either deny or approve the amended application.

- (3) Should the Commission fail to either approve or deny the amended application within sixty (60) calendar days, the amended application shall be deemed approved.
- (4) If the Commission denies the amended application, it shall provide to the charter school sponsor the grounds upon which the Commission 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.
- (5) The Commission's decision is final and not subject to appeal.

Authority: T.C.A. §§ 49-13-105, 49-13-137.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Michael Carter					
Thomas Griscom					
Alan Levine					
Thomas Lehrman					
Terence Patterson					
Eddie Smith					
Lauren Smith					
Christine Richards					
[vacant]					

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

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

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective for: _____ **days*

Effective through: _____

** Emergency rule(s) may be effective for up to 180 days from the date of filing.*

Tre Hargett
Secretary of State

Impact on Local Governments

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

This rule does not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

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

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

This rule details the process and timelines for charter school sponsors seeking to apply directly to the Tennessee Public Charter School Commission for replication of its public charter school. This rule includes application fee, notice requirements, timelines for consideration of applications, and deadlines for decisions.

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

T.C.A. § 49-13-137 (PC 275), effective July 1, 2025.

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

This rule affects public charter school governing bodies with public charter schools currently in operation for at least one (1) full school year, seeking to replicate in the LEA in which the governing body is currently operating, and applying directly to the Tennessee Public Charter School Commission.

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

None.

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

None.

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

Hayden Pendergrass
Director of External Affairs
Tennessee Public Charter School Commission

Ashley N. Thomas, esq.
General Counsel
Tennessee Public Charter School Commission

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

Hayden Pendergrass
Director of External Affairs
Tennessee Public Charter School Commission

Ashley N. Thomas, esq.
General Counsel
Tennessee Public Charter School Commission

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

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(901) 494-3341

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

None.