

To: Tennessee Public Charter School Commission

From: Ashley N. Thomas, esq., General Counsel

Date: April 2026

Re: Rule 1185-01-04 Promulgation

**Rationale:**

The Commission approved and filed rules related to the receipt of direct replication application, including conducting of a rulemaking hearing. However, the previously filed rules did not receive a positive recommendation from the government operations committee. As a result, the rules will need to be promulgated again, in accordance with T.C.A. § 4-5-202.

**Timeline:**

- First reading – April 2026
- Rulemaking Hearing – June 30, 2026
- Final reading – July 2026
- July/August 2026 – rule filed
- Effective date is determined by filing
  - Subsequent to filing, there will be an appearance scheduled before the government operations committee to explain the rule and its effect

**Rule Text:**

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.