

Charter School Waiver Request Process

Updated September 2016

Pursuant to Tennessee Code Annotated § 49-13-105, a sponsor of a proposed charter school may apply to either the local education agency or to the Commissioner of Education for a waiver of any state board rule or statute that **inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement.**

Waivers may not be granted by the Commissioner or charter school authorizer for requirements related to:

1. Federal and state civil rights;
2. Federal, state, and local health and safety;
3. Federal and state public records;
4. Immunizations;
5. Possession of weapons on school grounds;
6. Background checks and fingerprinting of personnel;
7. Federal and state special education services;
8. Student due process;
9. Parental rights;
10. Federal and state student assessment and accountability;
11. Open meetings;
12. At least the same equivalent time of instruction as required in regular public schools; or
13. Requirements in the charter school statute, T.C.A. 49 Chapter 13 or State Board of Education rules and regulations specific to charter schools.

To submit waiver requests to the LEA, charter school operators should contact the appropriate LEA staff to determine the process. The rules governing submitting waiver requests to the Commissioner are included below. Please review these rules before submitting requests.

Pursuant to statute and rule, waiver requests to the Commissioner are handled as follows:

1. No later than 60 days prior to the planned implementation of the waiver, charter schools must submit a request to the Director of Charter Schools, via email, fax or mail:

Marcy Tidwell
marcy.tidwell@tn.gov
Fax: 615-532-4791
Director of School Choice
710 James Robertson Pkwy, 9th Floor
Nashville TN 37243

2. The request must include the following:

- The specific state board rule or statute requested to be waived,
- The mission and goals of the charter school as contained in the application filed with the local board of education pursuant to T.C.A. § 49-13-107,
- Detailed documentation of the grounds for requesting the waiver, and
- Specific evidence showing how the state board rule or statute currently inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement.

3. Operators must also include information regarding other waiver requests filed with the LEA, and the status of those requests.

4. Following review by the Director of Charter Schools, the Commissioner will review the requests and either grant or deny the request within 10 days of receipt (unless additional information has been requested for clarification).

5. Requests for waivers to the Commissioner of Education must be reapplied for each year.