



## Charter Schools in Tennessee

### Frequently Asked Questions

#### 1. What is a charter school?

Charter schools are public elementary or secondary schools that are generally freed from some of the rules, regulations, and statutes that apply to other public schools in exchange for greater accountability for producing certain results, which are set forth in each school's charter.

In Tennessee, a charter school is defined as “a public school that is established and operating under the terms of a charter agreement ... .”

#### 2. How are charter schools initiated?

In the case of a newly created school, charter schools are initiated by a “sponsor” through an application which is submitted to the local board of education.

For conversions of existing schools to charter schools, the charter school is initiated in one of the following ways:

- i. Through petition of at least sixty percent (60%) of the parents of the students enrolled at the school;
- ii. Through petition of at least sixty percent (60%) of the teachers assigned to the school;
- iii. By action of the board of education itself;
- iv. The board requests the sponsor of an application to amend its application to takeover an existing school; or
- v. A sponsor may apply to takeover an existing school.

The Department of Education may also seek charter sponsors to open or convert a school to serve students zoned to schools in the Achievement School District.

#### 3. Who may sponsor a charter school?

A sponsor may be any individual, group or other organization; however, a sponsor cannot be a for-profit entity; a private elementary or secondary school; a post-secondary institution not accredited by the Southern Association of Colleges and Schools; a religious or church school; or an entity that promotes the agenda of any religious denomination or religiously affiliated entity.

Also, an LEA may be a sponsor of a charter school. If an LEA seeks to sponsor a charter school, then the state board of education serves as the chartering authority.

#### **4. What are the application requirements for the creation of a charter school?**

Pursuant to Tennessee State Board of Education Rules & Regulations, the commissioner of education has created a charter school application for sponsors of charter schools. The narrative section of the application includes 21 items identified in state law, such as the mission and goals of the proposed charter school; proposed academic plan; plans for evaluating student achievement; operating budget; and rules and policies for governance. The application should also include the sponsor's plans for procuring facilities. However, a sponsor is not required to have secured a facility at the time of application.

The application requires additional information, and all of the requirements, forms, and instructions may be found on the Department of Education's website at <http://tn.gov/education/topic/charter-schools>.

#### **5. What is the application deadline?**

Sixty days prior to filing an application, a prospective sponsor must submit a letter of intent to the department of education and the LEA of its plan to submit an application to operate a charter school.

A sponsor must file a charter school application on or before April 1 of the year preceding the year in which the proposed school plans to begin operation.

#### **6. Who decides whether a charter school application is approved?**

The local board of education is vested with the authority to approve or deny charter school applications. However, a charter school sponsor may appeal a denial by the local board of education to the State Board of Education. If the State Board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, it may overturn the decision of the local board and direct it to approve the charter. Beginning with applications submitted in 2015 and thereafter, if the State Board overturns the decision of a local board and the school system has a school identified as a priority school on the current or preceding accountability list, then the State Board shall be the authorizer. For all other systems, the local board will remain the authorizer.

The achievement school district may authorize charter schools for students who are zoned to attend or enrolled in a school that is eligible to be placed in the Achievement School

District. Students will not be considered “zoned” for a school that is open to all students unless they are assigned to the school based on the LEA’s geographic zoning policies.

**7. What are the required deadlines relative to application decisions and appeals?**

The local board of education must approve or deny the charter school application within 90 days of receipt of the application. If the board fails to take action within this timeframe, the application will be deemed approved.

If the board of education denies the application, it must state the grounds for denial in writing and submit them to the charter school sponsor. Upon receiving the grounds for denial, the sponsor has 30 days to submit an amended application to the board. The board then has 30 days to deny or approve the amended application. If the final decision is a denial, the sponsor may appeal within 10 days to the State Board of Education.

**8. What criteria should the local board of education use in making charter school application decisions?**

While the law does not address a particular scoring system, the Department of Education has developed sample scoring criteria for local boards of education to assist them in making decisions relative to charter school applications. The sample scoring criteria may be found on the Department of Education website at [http://tn.gov/assets/entities/education/attachments/chtr\\_sch\\_scoring\\_rubric.docx](http://tn.gov/assets/entities/education/attachments/chtr_sch_scoring_rubric.docx).

**9. What procedure should the local board of education use to review charter school applications?**

While the law gives broad authority to the local board to approve or deny applications, each board should have appropriate policies and procedures in place for receiving, reviewing and ruling on applications for charter schools. This process should include a clear timeline for the application and review process and the means for reviewing and evaluating each application. The National Association of Charter School Authorizers provides extensive guidance on quality authorizing practices on their website: <http://www.qualitycharters.org/>.

Boards should appoint a review team to assist in reviewing and evaluating applications. Such teams could consist of members of the school system’s administration and/or one or more board members as well as members of the community. Such teams should consist of those employees within the district with expertise in various areas such as curriculum, federal programs, human resources, and finances. The review team should make a recommendation to the board relative to each application.

Boards should also designate an individual in the central office to serve as a contact person for all charter school questions and issues.

**10. What happens once a charter school application is approved?**

After approval of a charter school application, the authorizer and the sponsor will enter into a charter school agreement that includes all aspects of the sponsor's approved application. The charter agreement serves as the contractual arrangement between the local board and the sponsor and is binding upon the governing body of the charter school.

A charter school may enter a separate contract with the local board of education to receive services for a fee.

**11. How long is the charter agreement in effect?**

Charter agreements are in effect for 10 years.

**12. Who selects the governing body? Who may serve on the governing body of the charter school?**

The governing body of a charter school is selected by the charter school sponsor. Pursuant to Tennessee law, the charter governing body must be operated by a not-for-profit organization with exemption from federal taxation under 501(c)(3) of the Internal Revenue Code and must include at least one parent representative whose child is enrolled in the charter school.

**13. May the local board of education serve as the governing body of a charter school?**

No. Allowing the local board to serve as the governing body of a charter school would be inconsistent with state and federal law (Tennessee Attorney General Opinion 09-159).

Conceivably, individual board members could form a separate 501(c)(3) organization, include a parent representative and serve as the governing body if appointed by the sponsor. However, this entity would be a separate legal entity from the local board of education.

**14. What is the role of the governing body of the charter school?**

The governing body of the charter school serves much the same role as the local board of education serves in the public school system. The governing body decides matters regarding budgeting, curriculum and other operating procedures for the charter school. The governing body also oversees the management and administration of the school.

**15. Do charter schools have to meet the same student performance standards as traditional public schools?**

Yes. Charter schools are held to the same student achievement accountability standards as traditional public schools.

**16. What authority does the local board of education have over the charter school?**

The local board of education does not play a role in the governance of the school – that responsibility is vested in the charter school’s governing body. However, the local board, if the chartering authority, has the ability to revoke or deny renewal of the charter agreement and thus shut down the charter school if it determines the charter school did any of the following:

- i. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter;
- ii. Received identification as a priority school, as defined by the state's accountability system;
- iii. Failed to meet generally accepted standards of fiscal management; or
- iv. Performed any of the acts that are conditions for nonapproval of the charter school under § 49-13-108(c).
- v.

However, decisions to revoke or non-renew based on items (i), (iii), and (iv) may be appealed to the state board of education.

**17. Are charter schools required to follow the same laws, rules and regulations as traditional public schools?**

No. Although there are certain regulations and laws that charter schools must follow, such as licensing of teachers; open meetings; public records; civil rights; health and safety standards; public records; and immunizations, the sponsor of a proposed charter school may apply either to the local board of education or 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 - Tenn. Code Ann. § 49-13-105(b). Traditional public schools have a great deal of this flexibility under the law also.

**18. What students are eligible to attend a charter school?**

For those charters authorized by local boards, all students residing within the jurisdiction of the LEA may attend a public charter school. An LEA may authorize charters to enroll students residing outside the LEA in which the public charter school is located pursuant to the LEA’s out-of-district enrollment policy.

For those charters authorized by the Department of Education, all students within the LEA who are zoned to attend or enrolled in a school that is eligible to be placed in the achievement school district. If a school authorized by the Department has a focus of serving

failing students, students attending failing schools, or students who receive free or reduced priced lunch, then the school must give preference to these students.

**19. Are charter schools permitted to pick and choose the students they enroll as long as they fall into one of the categories of eligible students?**

No. Charter schools must enroll all students if they submit a timely application and if space permits. Subject to T.C.A. § 49-13-113, if the number of applicants exceeds the capacity of the school, then preference must be given to students in the following order:

- (i) Pupils in attendance in the previous school year at any public school that converts to become a public charter school;
- (ii) Pupils attending during the previous school year:
  - (a) Another charter school that has an articulation agreement with the enrolling public charter school; provided, that the articulation agreement has been approved by the chartering authority; or
  - (b) A pre-K program operated by the charter school sponsor;
- (iii) Children residing within the LEA service area in which the public charter school is located, but who are not enrolled in public schools, if those children would otherwise be included in the area in which the public charter school will focus; and
- (iv) Children residing outside the LEA in which the public charter school is located and whose needs would be included in the area in which the public charter school will focus.

If applications from students within a preference category exceed the capacity of the school, enrollment within that group must be determined on the basis of a lottery.

**20. Are charter schools required to serve special education students?**

Yes. Charter schools may not refuse to enroll students because of their eligibility for special education services. Charter schools may not have the available infrastructure or personnel to meet the needs of special education students identified in the students' individualized education plans (IEPs), in which case, charter schools are responsible for ensuring their students receive those services.

Because charter schools are considered part of the LEA (except those authorized by the ASD), the LEA must monitor the special education services of charter schools.

In some cases, the charter school may contract with the LEA to provide the services through a separate fee services contract to ensure funding is directed to the entity providing the services.

**21. Are charter school teachers and personnel employees of the local board of education?**

No. Charter school personnel are employees of the charter school and thus hired by the charter school pursuant to the policies and procedures of the charter school, as well as any related provisions in the charter agreement.

**22. Are charter school teachers required to be licensed?**

Yes. Charter school teachers must meet the same licensing requirements as teachers in traditional public schools.

**23. How are charter schools funded?**

Charter schools are funded primarily by state and local funds, which are allocated to the charter school by the local board of education in an amount equal to the per student state and local funding received by the school district. Federal funds are also allocated to the charter school based on all appropriate federal laws and regulations, including Title I and the Individuals with Disabilities Act (IDEA).

Charter schools may also receive funds through federal grants, donations from private sources, and any state funds appropriated for the support of charter schools.

**24. Is there a cap on the number of charter schools in a school system or the state?**

No.

**25. How are charter schools different from traditional public schools?**

Differences and similarities vary based on the individual charter school and the public schools located within the same community. As authorizers of public charter schools, LEAs may determine what kinds of charter schools are authorized.

Charter schools should serve as centers of reform and innovation from which educators, parents and community members can learn new, successful dynamics and methods that could ultimately be replicated by all of the public schools within the district. In this way, charter schools can benefit not only the students they serve but also the overwhelming majority of students who remain in the traditional public school system.

**DISCLAIMER:** *TSBA provides legal information as a general service to TSBA members. TSBA provides this document for informational purposes only. TSBA makes no representation that this listing contains every*

*charter school statute, rule or regulation in which a school system must comply. This listing should not be used as a substitute for legal advice. School systems are encouraged to seek legal advice from a school attorney in order to determine all required policies by federal and state laws or regulations.*