

Application for Public Charter School Charter
as Authorized by the
Tennessee Public Charter Schools Act of 2002



State of Tennessee
Department of Education

Phil Bredesen, Governor

Timothy K. Webb, Commissioner

2009

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Overview of the *Tennessee Public Charter Schools Act of 2002*

On July 4, 2002, the *Tennessee Public Charter Schools Act of 2002*, was signed into law making it possible for the state to open its first charter schools in the 2003-04 school year. This law is available online at: <http://www.tennesseeanytime.org/laws/laws.html>. Once at this site, click on the link for Tennessee Code and Constitution. The Charter School law is found in Title 49, Chapter 13.

The purpose of the law is to:

1. Improve learning for all students and close the achievement gap between high and low students;
2. Provide options for parents to meet educational needs of students in high priority schools;
3. Encourage the use of different and innovative teaching methods, and provide greater decision making authority to schools and teachers in exchange for greater responsibility and student performance;
4. Measure performance of pupils and faculty, and ensure that children have the opportunity to reach proficiency on state academic assessments;
5. Create new professional opportunities for teachers; and
6. Afford parents substantial meaningful opportunities to participate in the education of their children.

Prospective Student Population for Charter Schools

In 2009, the Tennessee General Assembly amended the charter school law stating:

Public charter schools may be formed to provide quality educational options for students. The prospective student population will be:

1. Students who were previously enrolled in a charter school; or
2. Students who are assigned to, or were previously enrolled in a school failing to make adequate yearly progress, as defined by the state's accountability system, giving priority to at-risk students; or
3. Students who, in the previous school year, failed to test proficient in the subjects of language arts/reading or mathematics in grades three (3) through eight(8) on the Tennessee Comprehensive Assessment Program examinations; or
4. Students who, in the previous school year, failed to test proficient on the Gateway examinations in language arts/reading or mathematics; or

5. Students who are eligible for free or reduced-price lunch and who are enrolled in LEAs that have an average daily membership (ADM) of fourteen thousand (14,000) students or more and three (3) or more schools that are on the High Priority list; or
6. Students who are under the jurisdiction of a juvenile court and who in the court's judgment would benefit from a work experience and career exploration program. The proposed public charter schools shall, in addition to complying with the application requirements T.C.A. 49-13-107, apply to the Commissioner of Education for approval of its proposed work experience and career exploration program.

Methods of Forming Public Charter Schools

A public charter school may be formed by creating a new school or converting an eligible public school to charter status.

Newly Created Public Charter Schools

The sponsor of a public charter school must file a public charter school application with the local board of education on or before October 1 of the year preceding the year in which the proposed public charter school plans to begin operation. A sponsor is defined as any individual, group, or other organization filing an application in support of the establishment of a public charter school, provided, however, that a sponsor cannot be a for-profit entity, a private school, a religious or church school, or promote the agenda of any religious denomination or religiously affiliated entity. Upon approval of a charter application, the sponsor shall authorize a governing body to operate the public charter school. A public charter school shall be operated by a not-for-profit organization with exemption from federal taxation under 501(c)(3) of the Internal Revenue Code. No charter shall be granted to a for-profit corporation, and no cyber-based public charter school may be authorized.

Conversion of Eligible Schools to Charter Status

An eligible public school may convert to a public charter school pursuant to the provisions of the charter school law if the parents of sixty percent (60%) of the children enrolled at the school or sixty percent (60%) of the teachers assigned to the school agree and demonstrated support by signing a petition seeking conversion and the local education agency (LEA) agrees to the conversion. An LEA may also convert an eligible public school to a public charter school. The conversion of a traditional public school to a public charter school must occur at the beginning of an academic year. No charter agreement shall be granted that authorizes the conversion of any private, parochial, cyber-based, or home-based school to charter status.

Appeals of Denied Applications

A denial of a charter school application by the local education agency (LEA) may be appealed to the Tennessee State Board of Education. A separate entity from the Tennessee Department of Education, the State Board of Education is the governing and policy making body for the Tennessee system of public elementary and secondary education. The only exception to the

opportunity to appeal is in the case where an LEA's decision whether to convert an eligible public school to a charter school may not be appealed to the State Board of Education.

Waivers

The charter school law specifies that public charter schools shall be part of the state program of public education, and clarifies that except where prohibited, the sponsor of a proposed public charter school may apply either to the local education agency 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. Neither the LEA nor the commissioner may waive regulatory or statutory 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, and (12) at least the same equivalent time of instruction as required in regular public schools. Rules of procedure for the commissioner's review of charter school waiver requests are outlined in Chapter 0520-14-2 of *Rules of the State Board of Education Charter Schools*.

Number of Public Charter Schools

According to Public Chapter No. 555, of Public Acts 2009, Section 18:

(C)(i) Prior to July 1, 2015, charter schools created for the purpose stated in subsection (a) shall not exceed, statewide, ninety (90) in number, thirty-five (35) of which shall be located within a home rule municipality of a county with a population in excess of eight hundred ninety-seven thousand four hundred (897,400) according to the 2000 federal census or any subsequent federal census, four (4) of which shall be located within a county with a population in excess of eight hundred ninety-seven thousand four hundred (897,400) according to the 2000 federal census or any subsequent federal census, and twenty (20) of which shall be located in a county having a metropolitan form of government and a population in excess of five hundred thousand (500,000).

Authorizers

Local education agencies are designated as the chartering authority for public charter schools. Chartering authority means the local board of education which approves, renews, or decides not to revoke a public charter school application or agreement.

Additional Information

- A public charter school shall operate as a public, nonsectarian, non-religious public school, with control of instruction vested in the governing body of the school under the general supervision of the chartering authority and in compliance with the charter agreement and the charter school law.
- Public charter schools must administer state assessments and meet the same performance standards and requirements adopted by the state board of education for traditional public schools.

- The meetings of the governing body of a public charter school shall be deemed public business and must be held in compliance with Tenn. Code Ann. §8-44-102
- All teachers in a public charter school must have a current valid Tennessee teaching license, or meet the minimum requirements for licensure as defined by the state board of education.
- Public charter schools are subject to state audit procedures and audit requirements.
- Local boards of education must allocate 100 percent of state and local education funds to the charter school based on the per pupil expenditure of the LEA.
- The governing body of the public charter school shall make at least an annual progress report to the sponsor of the school, the chartering authority, and the commissioner of education.
- New public charter schools, conversion schools and all renewals of charter agreements shall be for five-year periods. Public charter school agreements may be revoked or denied renewal by the final chartering authority as outlined in Tenn. Code Ann. §49-13-122.

Tennessee Department of Education Public Charter Schools Contacts:

Dr. Eric Hilgendorf, Director of Charter Schools & Choice

Phone: 615-741-8486

E-mail: Eric.Hilgendorf@state.tn.us

Rita Fentress, Consultant, Charter Schools & Choice

Phone: 615-253-5206

E-mail: Rita.Fentress@state.tn.us

Mailing Address:

Tennessee Department of Education

5th Floor – Andrew Johnson Tower

710 James Robertson Parkway

Nashville, Tennessee 37243-0379

Fax #: 615-253-5706

Instructions for Public Charter School Application Completion and Submission

On or before October 1 of the year prior to the year in which the proposed public charter school plans to begin operation, the sponsor seeking to establish a public charter school shall prepare and file an application with the appropriate local board of education and the Tennessee Department of Education. Any charter application approved by a local board of education shall immediately be submitted to the State Department of Education to determine if the charter is permitted under the applicable caps contained in the law.

Public charter schools may be formed to provide quality educational options for students. The prospective student population will be:

1. Students who were previously enrolled in a charter school; or
2. Students who are assigned to, or were previously enrolled in a school failing to make adequate yearly progress, as defined by the state's accountability system, giving priority to at-risk students; or
3. Students who, in the previous school year, failed to test proficient in the subjects of language arts/reading or mathematics in grades three (3) through eight(8) on the Tennessee Comprehensive Assessment Program examinations; or
4. Students who, in the previous school year, failed to test proficient on the Gateway examinations in language arts/reading or mathematics; or
5. Students who are eligible for free or reduced-price lunch and who are enrolled in LEAs that have an average daily membership (ADM) of fourteen thousand (14,000) students or more and three (3) or more schools that are on the High Priority list; or
6. Students who are under the jurisdiction of a juvenile court and who in the court's judgment would benefit from a work experience and career exploration program. The proposed public charter schools shall, in addition to complying with the application requirements T.C.A. 49-13-107, apply to the Commissioner of Education for approval of its proposed work experience and career exploration program.

Application Completion Guidelines

The following items must be included in the public charter school application in the order listed below and submitted to the local board of education administrative office and the State Department of Education:

1. Completed *Charter Applicant Information Sheet*.
2. Assurances form signed by the authorized agent of the public charter school sponsor.
3. Narrative addressing the components required in Tenn. Code Ann. §49-13-107 of the *Tennessee Public Charter Schools Act of 2002*.
4. Completed *Public Charter School Five Year Planning Budget Document* with Cover Sheet.
5. Any supporting documents such as resumes, curriculum, letters of support, etc. These documents should be appropriately labeled as attachments to the application.

Application Format

1. The application should be placed in a three ring binder rather a spiral bound. The front cover and the spine of the binder should be labeled with, at minimum, the name of the proposed charter school.
2. All pages in the application should be sequentially numbered (e.g. 1 of 178).
3. Divider tabs and a Table of Contents should be utilized.
4. All items placed in the Appendix should be clearly labeled and referenced in the narrative of the application.

Application Submission Guidelines

No later than October 1 of the year preceding the year in which the proposed public charter school plans to begin operation, the sponsor shall file applications as follows by the close of the business day:

1. Twenty (20) identical hard copies and one electronic copy of the complete application to the director of schools for the local board of education considering the charter school application
- AND**
2. Two (2) identical hard copies and one electronic copy of the complete application to the Tennessee Commissioner of Education, 6th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN 37243-0375.

The same number of copies of any updates or revisions submitted during the review process should also be submitted to the above entities.

Applicants are urged to contact the local education agency to which they are submitting their application to receive any additional local submission requirements.

Please note the following information as you prepare your application and budget.

Federal Charter School Program Grants under Title VB of the *No Child Left Behind Act*

The Federal Public Charter Schools Program (CSP) supports the planning, development, and initial implementation of charter schools. Grants awarded under this program are discretionary competitive grants. Grantees receive up to three years of assistance, of which the charter school may use not more than 18 months for planning and program design and not more than 2 years for the initial implementation of the charter school. State education agencies (SEAs) may compete for these grants if there is a charter school law in place in their state. SEAs that receive this grant in turn award subgrants to successful eligible applicants with in their state. In addition, non-SEA eligible applicants may apply for funding directly from the U.S. Department of Education if the SEA in the state elects not to participate in the CSP or does not have an application approved under the program.

The Tennessee Department of Education recently received a grant that will allow fund disbursement to subgrantees under the CSP grant program. Grant applications for these funds will be forwarded to all charter school applications that are submitted to their LEA. A CSP workshop will also be arranged in October to provide technical assistance in completing these applications.

Charter Applicant Information Sheet

Please type on this form or use a computer to generate the required information.

Name of Proposed Public Charter School

Proposed School Address (if known)

City, County, and School System in which Proposed School is Located

Legal Name of Group (Sponsor) Applying for Charter

Primary Contact Person _____

Address _____

City _____ **State** _____ **Zip** _____

Daytime Telephone() _____ **Fax**() _____

Email Address _____

Proposed Grade Levels & Total Student Enrollment

	Grade Levels	Total Student Enrollment
Year One		
Year Two		
Year Three		
Year Four		
Year Five		

Ultimately, once all grade spans have been added, what is the proposed grade configuration of the school? _____

Brief description of the proposed school's focus and mission (2-3 sentences):

Signature of Primary Contact Person_____ Date_____

Assurances Form

This form must be signed by a duly authorized representative of the sponsor and submitted with the application. An application will be considered incomplete if it is not accompanied by the Assurances Form signed by an authorized individual.

As the authorized representative of the sponsor, I hereby certify that the information submitted in this application for a charter for _____ (name of school) to be located at _____ is true to the best of my knowledge and belief; and further I understand that, if awarded a charter, the school:

1. will operate as a public, nonsectarian, non-religious public school, with control of instruction vested in the governing body of the school under the general supervision of the chartering authority and in compliance with the charter agreement and the charter school act;
2. will meet the same performance standards and requirements adopted by the state board of education for public schools;
3. will provide special education services for students as provided in Title 49, Chapter 10;
4. will follow all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;
5. will follow any federal and state court orders in place in the local school district;
6. will comply with federal and state applicable health and safety standards;
7. will not be a conversion of any private, parochial, cyber-based, or home-based school;
8. will not be a cyber-based school;
9. (if conversion school) will demonstrate that parents of sixty percent of the children enrolled at a public school or sixty percent of the teachers assigned to the school have consented their support to conversion (please provide petitions as attachment);
10. will open to bid all contracts for goods and services in excess of five thousand dollars (\$5,000);
11. will be subject to the provisions of Tenn. Code Ann. §12-4-101 and 12-4-102 with regard to conflicts of interest;
12. will deem meetings of the governing body as public business and be held in compliance with Tenn. Code Ann. §8-44-102;
13. will employ individuals to teach who hold a license to teach in a public school in Tennessee or meet the minimum requirements for licensure as defined by the state board of education;

14. will follow state audit procedures and audit requirements;
15. will not charge tuition, unless the governing body of the charter school approves a transfer from another district to a public charter school in its district pursuant to the provisions of Tenn. Code Ann. §49-6-3003;
16. will operate on a July 1 to June 30 fiscal year and will adopt and operate under an annual budget for such fiscal year;
17. will prepare a budget in the same format as that required by the state department of education for local education agencies;
18. will maintain its accounts and records in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts and accounting requirements prescribed by the comptroller of the treasury;
19. will prepare and publish an annual financial report that encompasses all funds and includes the audited financial statements of the charter school;
20. will require any member of the governing body, employee, officer or other authorized person who receives funds, has access to funds, or has authority to make expenditures from funds, to give a surety bond in the form prescribed by Tenn. Code Ann. §8-19-101;
21. will at all times maintain all necessary and appropriate insurance coverage;
22. will be non-religious in its programs, admissions policies, governance, employment practices and all other operations, and its curriculum will be completely secular;
23. will adhere to all provisions of federal law relating to students who are limited English proficient (LEP), including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, that are applicable to it;
24. will follow any and all federal, state, and local laws and regulations that pertain to the applicant or the operation of the charter school;

Name of Authorized Signer (Print or type)

Title of Authorized Signer

Signature

Date

Application Narrative

Application Components- The following narrative section of the application is inclusive of all charter application components as indicated in Tenn. Code Ann. §49-13-107 “Applications Process”. There is an additional section (21) that details “Facility Plans”. For each of the twenty-one (21) sections listed below, please address all the specific elements listed under the main heading. If additional information or documents are needed to address a particular section, make specific reference to them in the section, label them the appropriately numbered attachment, and append them to the application. **Restate the complete text of the question for each section prior to your response.**

Section 1 – Provide a statement defining the mission and goals of the proposed public charter school.

Explain the mission of your proposed public charter school. Provide a clear and concise statement that defines the purposes and nature of the school. Your mission statement should in one or two sentences indicate what the school intends to do, for whom, and to what degree.

Explain the need for this particular school in the community it will serve and the target student population. If your school currently exists and is applying for a conversion to charter status, explain how the school will benefit from becoming a public charter school and how the conversion will more adequately meet the needs of the students being served.

State the goals for the proposed school. Specify in clear and measurable terms what you hope to accomplish in the areas of (1) academic performance, (2) organizational performance, and (3) other school-specific goals.

Section 2 - Detail the proposed instructional goals and methods for the school, which, at a minimum, shall include teaching and classroom instruction methods that will be used to provide students with the knowledge, proficiency, and skills needed to reach the goals of the school.

Provide a general description of the teaching and classroom instruction methods that will be used by the proposed school. Explain the theory and research base supporting these approaches to educating the target population.

Describe the school’s curriculum by summarizing the levels of knowledge, proficiency, and skill expected to be achieved by students in core subject areas at each grade level. Demonstrate how the school’s curriculum meets state content standards. Explain how your school will educate children with special needs. Provide details about how limited English proficient learners, disabled students, and at-risk students will benefit from your proposed teaching and classroom instruction methods.

Section 3 - Describe the plan for evaluating student academic achievement at the proposed public charter school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below acceptable standards.

To retain its charter, a charter school is required by law to make adequate yearly progress, as measured by the state, toward achievement of the state's accountability goals. All schools must participate in the state's assessment system, the Tennessee Comprehensive Assessment Program (TCAP).

Provide a detailed framework of the school's approach to assessment, including any external and internal measures that will be used to establish and monitor student academic and non-academic progress beyond the state testing requirements. Summarize how performance data will be collected, reported, and used to improve instruction. Provide details about your plan for intervention and remediation should students fail to demonstrate adequate yearly progress.

Section 4 - Provide an operating budget based on anticipated enrollment.

Public charter schools are required to operate under an annual budget on a July 1 to June 30 fiscal year. Provide a realistic, line-item estimate of the revenues and expenditures for operating the school from approval through the fifth year of operation. You must use the *Public Charter School Five Year Planning Budget Document* form and cover sheet which is provided on the Tennessee Department of Education's Charter Schools webpage.

The Budget Cover Sheet can be found at:

<http://www.state.tn.us/education/fedprog/doc/CharterBudCvr5YrPlanBud.doc>

The Five Year Planning Budget Document can be found at:

http://www.state.tn.us/education/fedprog/doc/chrtsch_bgtform_5yrbgt.xls

Section 5 - Describe the method for conducting annual audits of the financial, administrative and program operations of the school.

Immediately after the end of the fiscal year (June 30), charter schools must furnish to the local board of education, the special joint oversight committee on education, the Commissioner of Education and the Comptroller of the Treasury an annual audit prepared by certified public accountants or by the department of audit. Describe the methods the school will use to complete this audit and to conduct reviews of the school's administrative and program operations.

Section 6 - Provide a timetable for commencing operations as a public charter school which shall provide for a minimum number of academic instruction days, which shall not be fewer than those required by statute.

Describe the school's start-up timeline, from charter approval to the first day of operation. Summarize the school's daily and annual calendar, indicating the number of academic instruction days.

Section 7 - Explain the proposed rules and policies for governance and operation of the school.

Describe the key rules and policies that will provide for the governance and operation of the school, including the composition of the governing board, the terms of its members, its officers, and its committees. Explain the decision-making processes the board will use to develop school policies. Detail how the board will exercise financial oversight of the charter school.

Section 8 - Provide the names and addresses of the members of the governing body.

Summarize each board member's relevant experience and qualifications and attach their resumes. Provide contact information, and designate board officers by position. Briefly explain how these members will help contribute to your school's mission.

Section 9 - Describe the anticipated student enrollment and the non-discriminatory admission policies.

Provide the number of students you anticipate to enroll for each of the first five years of the school's operations. Detail any planned outreach and recruitment strategies. Describe how the school will proceed if the number of applications exceeds the number of available spaces. Explain how your recruitment plan and admission policies will comply with state and federal law regarding nondiscrimination.

Section 10 - Explain the code of behavior and discipline of the proposed public charter school.

Describe the school's proposed policies regarding student behavior and discipline, including the standards of behavior and the school's approach to encouraging positive behavior. Detail how these policies will create an environment for learning.

Section 11 - Detail the plan for compliance with the applicable health and safety laws and regulations of the federal government and the laws of the state of Tennessee.

Describe how the school plans to adhere to the requirements of the health and safety laws and regulations of the federal and state governments.

Section 12 - Describe the qualifications required of employees of the proposed public charter school.

All teachers in a school must have a current valid Tennessee teaching license, or meet the minimum requirements for licensure as defined by the State Board of Education. Indicate the number and type of teachers and other school staff to be hired. Describe the qualifications you will require of staff. Detail how these attributes will help support the school's mission and goals. Explain your plans for the professional development and evaluation of staff.

Section 13 - Identify the individuals and entities sponsoring the proposed public charter school, including their names and addresses.

Summarize each individual's and entity's relevant experience and qualifications. If you have not already done so under question 8, provide contact information and a resume or organizational description for each individual and entity. Briefly explain how these sponsors will help contribute to your school's mission.

Section 14 - Describe the procedures governing the deposit and investment of idle funds, purchasing procedures, and comprehensive travel regulations.

Detail the policies and processes regarding the deposit and investment of idle funds. Describe your school's purchasing procedures and identify who will have purchasing authority. (All contracts for goods and services in excess of five thousand dollars (\$5,000) must be bid and approved by the governing body of each public charter school). Provide regulations on travel, including policies regarding student field trips and reimbursement of travel expenses.

Section 15 - Provide a plan for the management and administration of the school.

Detail the management and administration plan for the school. Clearly describe and delineate the roles and responsibilities of the school's leader(s), the governing board, and other key personnel. If you have identified specific individuals who will play day-to-day leadership roles in the school, list them. For individuals you have not previously described under questions 8 or 13, provide information about their background and qualifications and attach their resumes.

Section 16 - Provide a copy of the proposed by-laws of the governing body of the charter school.

Section 17 - Include a statement of assurance of liability by the governing body of the charter school.

Section 18 - Detail the types and amounts of insurance coverage to be held either by the charter school or approved by the local board of education, including provisions for assuring that the insurance provider will notify the department of education within 10 days of the cancellation of any insurance it carries on the charter school. Detail the types and amounts of insurance coverage. Provide contact information of the policy providers and an assurance from the providers that they will notify the department of education appropriately of any cancellations in policies.

Section 19 - Describe the plan for transportation for the pupils attending the charter school. Charter schools are not required to provide transportation. If the proposed charter school elects to provide transportation for its pupils, provide a detailed transportation plan including the types of vehicles that will be used, who will drive them, and what students will be eligible.

Section 20 - Provide information regarding financial commitments from equity investors or debt sources for cash or similar liquid assets sufficient to demonstrate that the charter school will have liquid assets sufficiently available to operate the school on an ongoing and sound financial basis. In lieu of cash or similar liquid assets, an applicant may provide a financial bond issued by a company authorized to issue surety bonds in Tennessee.

Section 21 – Provide an accurate and representative description of the facility to house the proposed public charter school:

Describe the board's five-year plan for facilities and the progress (to date) in acquiring a high quality facility well in advance of school opening. If possible, provide local address of proposed facility for charter school. Describe the layout and footprint of the facility and how it is suited to meet the educational and practical needs of your student body. Include overall sq. footage of property and rationale for choosing this property. Include leasing and/or purchasing arrangements (terms of lease) of the proposed property as well as a detailed description of the organizational status and mission of the owner of the proposed facility property.

Public Charter Schools – Contacts and Resources

NOTE: External links to other Internet sites should not be construed as an endorsement of the views contained therein.

The Charter School Project (Colorado)

www.charterproject.org

National Association of State Directors of Special Education- Primers on Implementing Special Education in Charter Schools

http://www.uscharterschools.org/cs/spedp/print/uscs_docs/spedp/home.htm

Education Commission of the States-Charter School Page

www.ecs.org/ecsmain.asp?page=http://www.ecs.org/clearinghouse/24/11/2411.htm

Education Week-Charter School Page www.edweek.org/context/topics/issuespage.cfm?id=42

Fordham Foundation-Charter School Page

www.edexcellence.net/topics/charters.html

Northwest Regional Educational Laboratory-Charter School Page

www.nwrel.org/charter/index.html

U S Charter Schools

www.uscharterschools.org

Center for Education Reform

www.edreform.com

Charter Friends National Network

www.charterfriends.org

National Association of Charter School Authorizers

www.charterauthorizers.org

National Alliance for Public Charter Schools

<http://www.publiccharters.org>