
Charter School Rule 0520-14-01-.01

The Background:

Approval of a Charter School Rule 0520-14-01-.01 outlines the process for a new charter school to apply for approval from an authorizer. The rule provides that an authorizer is not required to review an application that is not complete. An application is deemed to be “complete” if:

1. The application is submitted on the Department of Education’s state charter application form for that application cycle;
2. The application contains all required information, materials, documents, attachments, and signatures; and
3. The application fee, if required, is submitted with the application.

Different information is required to be submitted for the different categories of applicants: new-start, replication, out-of-state, or schools exiting the Achievement School District (ASD). This has caused some confusion among authorizers and applicants in interpreting what application category to utilize, and thus, if the application is in fact complete when submitted to the prospective authorizer. In addition, authorizers have moved to disqualify applications based on submission guidance, such as errors with page numbers, rather than a clear threshold of completeness.

This first reading item proposes revisions to clarify that a sponsor must indicate the application category it intends to select on the Letter of Intent and that the authorizer must then notify the applicant if the incorrect application category has been selected and allow the sponsor to revise and resubmit the letter of intent with the correct category selected. The revisions also add the requirement that an authorizer determine completeness within ten (10) business days from receiving the application and notify the charter school sponsor and Department within five (5) business days of a determination that an application is incomplete. The revisions allow a charter sponsor to correct certain deficiencies that made the application incomplete and resubmit within five (5) business days.

State Board staff will conduct a rulemaking hearing between first and final reading to collect public feedback.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.