

**RULES OF THE STATE BOARD OF EDUCATION
CHAPTER 0520-14-03
ACHIEVEMENT SCHOOL DISTRICT**

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0520-14-03-.01 AUTHORIZATION OF CHARTER SCHOOLS.

- (1) Charter schools may be authorized by the Achievement School District (ASD) to operate any school placed in the ASD in accordance with T.C.A. § 49-13-106.
- (2) The ASD authorization application for charter schools shall be approved by the Department of Education and shall at a minimum include the requirements identified in T.C.A. § 49-13-107.
- (3) The decision to grant or deny a charter application submitted by a sponsor shall be made within ninety (90) days of receipt of the completed application.
- (4) Decisions of the superintendent to grant or deny ASD charter applications are final and not subject to appeal.

Authority: T.C.A. §§ 49-13-112, 49-13-126. **Administrative History:** Original rule filed March 28, 2012; effective August 29, 2012.

0520-14-03-.02 WAIVERS.

- (1) Pursuant to T.C.A. § 49-1-614 the Achievement School District (ASD) or any entity the ASD contracts with to operate or manage schools that have been placed in the ASD may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school to increase student achievement.
- (2) Charter schools authorized by the ASD shall follow the waiver procedures outlined in State Board Rule 0520-14-02.
- (3) The commissioner shall not waive rules related to the following:
 - (a) Federal and state civil rights;
 - (b) Federal, state, and local health and safety;
 - (c) Federal and state public records;
 - (d) Immunizations;
 - (e) Possession of weapons on school grounds;
 - (f) Background checks and fingerprinting of personnel;

(Rule 0520-14-03-.02, continued)

- (g) Federal and state special education services;
 - (h) Student due process;
 - (i) Parental rights;
 - (j) Federal and state student assessment and accountability;
 - (k) Open meetings;
 - (l) At least the same equivalent time of instruction as required in regular public schools; and
 - (m) State board rules and regulations specific to the operation of the ASD.
- (4) All waiver requests shall be submitted in writing to the commissioner by the ASD on behalf of the school.
 - (5) All waiver requests shall include a listing of the specific state board rule(s) requested to be waived.
 - (6) All waiver requests shall include detailed documentation of the grounds for requesting the waiver and specific evidence showing how the state board rule inhibits or hinders the school's ability to increase student achievement.
 - (7) The commissioner shall notify the ASD if the waiver request is approved or denied within thirty (30) days of receiving a request.
 - (8) All waivers approved by the commissioner shall be effective for one (1) academic year. A new request must be filled each year in order to renew the waiver.

Authority: T.C.A. §§ 49-1-614, 49-13-105.