

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 03-25-12  
Rule ID(s): 5781  
File Date: 03/28/2012  
Effective Date: 08/29/2012

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	State Department of Education
<b>Division:</b>	Charter Schools
<b>Contact Person:</b>	Rich Haglund
<b>Address:</b>	710 James Robertson Pkwy, 5 <sup>th</sup> Floor
<b>Zip:</b>	37243
<b>Phone:</b>	615-741-8486
<b>Email:</b>	rich.haglund@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-14-03	Achievement School District
Rule Number	Rule Title
0520-14-03-.01	Authorization of Charter Schools

Chapter 0520-14-03  
Achievement School District  
New Rule

Title 0520-14 is amended by inserting a new chapter 0520-14-03 Achievement School District and by inserting the following as a new, appropriately numbered rule:

Rule 0520-14-03-.01 Authorization of Charter Schools

- (1) Charter schools may be authorized by the achievement school district through an application process established by the achievement school district (ASD).
  - (a) The application shall be reviewed according to procedures established by the superintendent of the ASD.
  - (b) By signing and submitting an application, the sponsor requests a waiver of all education statutes and rules of the state board or department of education, except those listed in T.C.A. § 49-13-105 or included by reference (such as statutes and rules related to licensing of charter school teachers) in Title 49, Chapter 13 (the Tennessee Public Charter Schools Act). The approval of a charter school by the superintendent shall include the approval of these waivers by the commissioner of education, and such automatic waivers shall be reflected in the contract between the charter school and the ASD.
  - (c) 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.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Commissioner of Education on 10/04/2011, and is in compliance with the provisions of T.C.A. §4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: 3/7/12

Signature: [Handwritten Signature]

Name of Officer: Kevin Huffman

Title of Officer: Commissioner of Education

Subscribed and sworn to before me on: March 7, 2012

Notary Public Signature: Allison Williams

My commission expires on: Wednesday, November 7, 2012

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]

Robert E. Cooper, Jr.  
Attorney General and Reporter

3-21-12

Date

Department of State Use Only

Filed with the Department of State on: 03/28/2012

Effective on: 08/29/2012

[Handwritten Signature]

Tre Hargett  
Secretary of State

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**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. §4-5-202(a)(3) and T.C.A. §4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

### **Impact on Local Governments**

Pursuant to T.C.A. §§4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule shall have no impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA §4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule provides for an application process for charter school sponsors applying to operate a school in the Achievement School District (ASD).

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 49-13-126, as amended by 2011 Public Chapter 466.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Achievement School District (State Dept. of Education), public charter school sponsors

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rich Haglund  
Director of Charter Schools  
State Department of Education

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rich Haglund  
Director of Charter Schools  
State Department of Education

Chris Barbic  
Superintendent, Achievement School District  
State Department of Education

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.