

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-02
CHARTER SCHOOL WAIVER REQUESTS**

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0520-14-02-.01 CHARTER SCHOOL WAIVERS.

- (1) Pursuant to T.C.A. § 49-13-111 a public charter school (including charter schools authorized by the Achievement School District) may apply to either the authorizer or to the Commissioner of Education for a waiver of any state board rule or statute that inhibits or hinders the charter school's ability to meets its goals or comply with its mission statement.
- (2) Waivers shall not be granted by the Commissioner or authorizer for requirements related to:
 - (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;
 - (g) Federal and state special education services;
 - (h) Student due process;
 - (i) Parental rights;
 - (j) Federal and state student assessment and accountability;
 - (k) At least the same equivalent time of instruction as required in regular public schools; or
 - (l) Teacher evaluation.
- (3) Waiver requests from the requirements in the charter school statute, T.C.A. Title 49, Chapter 13, or State Board of Education rules and regulations specific to charter schools shall not be considered.
- (4) Authorizers shall submit all locally approved waivers in accordance with procedures set by the Department of Education.
- (5) All waivers approved by the Commissioner or an authorizer shall be effective for the term of the charter agreement or for a length of time specified by the Commissioner or authorizer.

(Rule 0520-14-02-.01, continued)

Authority: T.C.A. §§ 49-1-201(c)(20)(C), 49-13-105, 49-13-107, and 49-13-111. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004. Amendments filed January 26, 2018; effective April 26, 2018. Amendments filed September 29, 2020; effective December 28, 2020.

0520-14-02-.02 REQUIREMENTS FOR REQUESTING WAIVERS FROM THE COMMISSIONER.

- (1) All waiver requests shall be submitted in writing to the Commissioner by the sponsor of the charter school.
- (2) All waiver requests shall include a listing of the specific state board rule or statute requested to be waived.
- (3) All waiver requests shall include detailed documentation of the grounds for requesting the waiver and specific evidence showing how the state board rule or statute currently inhibits or hinders the public charter school's ability to meet its goals or comply with its mission statement.
- (4) All waiver requests filed with the Commissioner of Education shall indicate if the charter school has filed the same waiver request with their local board of education and include the status of that waiver request.
- (5) Incomplete requests shall not be considered.
- (6) The Commissioner may request additional information to supplement a completed request.
- (7) The Commissioner shall notify the charter school and its authorizer if the waiver request is approved or denied within thirty (30) days of receiving a request.

Authority: T.C.A. §§ 49-1-201(c)(20)(C), 49-13-105, 49-13-107, and 49-13-111. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004. Amendments filed January 26, 2018; effective April 26, 2018. Amendments filed September 29, 2020; effective December 28, 2020.

0520-14-02-.03 REPEALED.

Authority: T.C.A. §§ 49-1-201(c)(20)(C) and 49-13-105. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004. Repeal filed January 26, 2018; effective April 26, 2018.

0520-14-02-.04 REPEALED.

Authority: T.C.A. §§ 49-1-201(c)(20)(C) and 49-13-105. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004. Repeal filed January 26, 2018; effective April 26, 2018.