

TENNESSEE

(Law passed in 2002; 20th strongest of the nation's 43 charter laws)



In 2014, legislation was passed creating a much-needed binding appeal to the State Board of Education for when districts like Nashville Public Schools refuse to comply with a state board ruling. Codifying the state board on appeal was a major step forward in a state that has approached charter schooling incrementally despite tremendous parent demand. Thanks in large part by its leadership and not necessarily in law, there has been significant activity by the Achievement School District (ASD) to take over failing schools and turn them over to charters. Limitations do remain on a charter's ability to contract for management/curriculum services like all other public schools in the Volunteer State enjoy.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and the Achievement School District (ASD) are authorizers. The ASD is similar to the Recovery School District (RSD), where charter applications can be submitted for schools in areas of the state with a demonstrated history of failing schools.
APPEAL	Yes. Applications denied by a local board may be appealed to the State Board of Education. The state board's decision is binding.

OPERATIONAL AUTONOMY

STATE	No. Charter schools do not receive a blanket waiver from most public school rules and regulations. Schools must apply to the state commissioner for waivers and they are considered on a case-by-case basis. Virtual schools are not allowed. Management contracts with education service providers are restricted to only nonprofit organizations. Automatic closure policies were enacted that if a charter performs poorly enough that it could be taken over by the ASD, then the school is automatically closed.
LOCAL	No. Waiver requests from local rules and regulations are considered on a case-by-case basis. Districts can reject charter applications for having a "negative fiscal impact", which has nothing to do with the merit of the application or the need for the charter school.
TEACHER FREEDOM	Yes. Teachers may form a bargaining unit, be represented by the local bargaining unit or work independently with a charter school governing body unless otherwise specified by the charter. Charter schools are required to participate in the state retirement systems.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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TENNESSEE

(Continued)



EQUITY

STUDENT FUNDING	<p>Funds pass through the district. Funding formula is now based on per-pupil revenue, not expenditures as in past years, which helps increase potential for equity. Lack of transparency in budgeting process.</p> <p>Funds pass through the district. The funding allocated to a charter school is equal to the per-pupil state and local funds received by the district and all appropriate allocations under federal law. The state department of education enacts rules and regulations to determine the allocation of state and local funds based on some minimum criteria. For charters authorized by the state, funding is the same except the LEA pays the department 100 percent of the per-pupil share of state, local and federal funding for the charter and the LEA will give the money directly to the charter. LEAs can charge charter school applicants up to \$500 per application.</p> <p>“A local board of education shall allocate to the charter school an amount equal to the per student state and local funds received by the LEA and all appropriate allocations under federal law or regulation, including, but not limited to, Title I and ESEA funds. The allocation shall be in accordance with rules and regulations promulgated by the department of education. Each LEA shall include as part of its budget submitted pursuant to § 49-2-203, the per pupil amount of local money it will pass through to charter schools during the upcoming school year...All funds received by a charter school shall be spent according to the budget submitted or as otherwise revised by the public charter school governing body, subject to the requirements of state and federal law. At the request of the charter school governing body, a local board of education may act as fiscal agent for a public charter school in accordance with the charter agreement and applicable state and federal law. [Tenn. Code Ann. § 49-13-112]</p>
FACILITIES FUNDS	<p>Capital outlay funding based on prior year average daily membership under the basic education program to be used solely for charter facilities. Some LEAs may match funding. State portion is between approximately \$215 and \$315 per student. Tenn. Code Ann. § 49-13-112 (West).</p>

[LINK TO THE TENNESSEE CHARTER SCHOOL LAW](#)