

**STATE OF TENNESSEE**

OFFICE OF THE  
**ATTORNEY GENERAL**  
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NASHVILLE, TENNESSEE 37202

July 24, 2003

Opinion No. 03-090

Student Eligibility for Enrollment in Type 1 Charter School

**QUESTION**

Is it permissible for students who have not been enrolled in a failing school to enroll in a new Type 1 charter school if the local education agency agrees to allow such enrollment?

**OPINION**

No. The general law, and not the local education agency, determines charter school enrollment eligibility.

**ANALYSIS**

We find nothing in the Tennessee Public Charter Schools Act, Tenn. Code Ann. §§ 49-13-101, *et seq.*, that permits a local education agency to modify the statutory criteria for Type 1 charter school enrollment.

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Requested by:

The Honorable Keith Brewer  
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