

HOUSE BILL 77

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Section 49-13-106, relative to public schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-13-106(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Conversion of eligible schools:

(A) An eligible public school in the bottom twenty percent (20%) of the state in student academic performance may convert to a public charter school pursuant to this chapter if the parents of fifty-one percent (51%) of the children enrolled at the eligible school demonstrate support by signing a petition seeking conversion or a turnaround model and the LEA agrees to the conversion. The percentage of parents signing a petition shall be calculated on the basis of one (1) vote for each child enrolled in the school. Parents whose children are enrolled at the school shall have the option to enroll their children in another public school without penalty.

(B) Parents with children enrolled in an eligible public school or eligible to attend the eligible public school may petition to convert the school into a charter school or to transform it under one of four (4) school intervention models that are provided for the lowest achieving schools under the federal incentive grant program created under §§ 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, known as the "Race to the Top" grant program. These models are the turnaround model, restart model, school closure, and transformation model.

(C) This section does not apply to an existing public elementary or secondary school that the LEA has scheduled for closure.

(D) If parents representing at least fifty-one percent (51%) of the pupils attending the school, or a combination of parents representing at least fifty-one percent (51%) of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting one of the interventions referred to in subdivision (b)(2)(B), the LEA shall implement the option requested by the parents, except as provided in subdivision (b)(2)(C). Each parent may sign the petition once for each child the parent has in an eligible school or schools.

(E) Petitioning parents shall not submit signatures for any school until they have already surpassed the fifty-one percent (51%) threshold of support. Once the LEA receives the petitions, it shall have no more than forty-five (45) calendar days to review and verify the signatures as legitimate. LEAs must initially attempt to verify all signatures by comparing the petitions to its existing files for parents, and may only contact parents about their signature in the case of a perceived discrepancy. If enough discrepancies exist to put the total support level below fifty-one percent (51%), parents shall have an additional thirty (30) calendar days to clear up such discrepancies or to add the signatures of additional supportive parents.

(F) Once the signatures have been verified, the LEA shall have no more than thirty (30) calendar days to reach a decision on the final disposition of the petition.

(G) Unless the parent petitioners explicitly request otherwise, the LEA shall plan the conversion or transformation and shall implement the plan no later than one hundred eighty (180) days after the petition is received or, if a petition is

received after March 1, no later than the first day of school of the school year beginning in the next calendar year.

(H) If the LEA approves a parent petition to convert the school into a charter school, any parents who do not want their children to attend the charter school shall have the right to enroll their children in a different publicly funded school within the jurisdiction.

(I) A public charter school established pursuant to this subdivision (b)(2) is subject to the same accountability and other standards in place for public charter schools in that jurisdiction. Any public charter school that takes over the operation of a district school under this subdivision (b)(2) shall continue to serve the entire attendance boundary of the school, subject to space considerations. Parents petitioning to establish a charter pursuant to this subdivision (b)(2) do not need signatures from any other party.

(J) The LEA must implement the specific option that parents request in their petition unless it makes a finding in writing, presented at a public meeting, stating the reason that the option is logistically impossible to implement. In such case, the LEA shall also state which of the other conversion or transformation options described in this section it will implement within the timeframe in subdivision (b)(2)(G).

(K) If a LEA determines that implementation of the specific option requested by petitioning parents is logistically impossible and instead designates a different option, the petitioning parents shall have the right to an expedited appeal to the state board of education. The LEA shall defend the option selected. The state board shall provide guidelines for the appointment of counsel to represent the petitioning parents during the appeals process.

(L) After a designated school has been reorganized, another petition for the reorganization of the designated school under this subdivision (b)(2) may not be submitted to the governing body for at least three (3) years after the school year in which the reorganization takes place.

(M) Parents and legal guardians shall be free from harassment, threats, and intimidation related to circulation or signature of a petition, or to the discouraging of signing a petition or to the revocation of signatures from the petition.

(N) An eligible public school may convert to a public charter school pursuant to this chapter if the parents of sixty percent (60%) of the children enrolled at the school or sixty percent (60%) of the teachers assigned to the school agree and demonstrate support by signing a petition seeking conversion and the LEA agrees to the conversion. The percentage of parents signing a petition shall be calculated on the basis of one (1) vote for each child enrolled in the school. Parents whose children are enrolled at the school shall have the option to enroll their children in another public school without penalty.

(O) An LEA may convert an eligible public school to a public charter school. Parents whose children are enrolled at the school shall have the option to enroll their children in another public school without penalty. An LEA's decision on whether to convert an eligible public school may be appealed to the state board of education.

(P)

(i) The conversion must occur at the beginning of an academic school year and shall be subject to compliance with this chapter; and

(ii) At the time of conversion to a charter school, any teacher or administrator in the charter school shall be allowed to transfer into vacant positions for which they are certified in other schools in the school system prior to the hiring of new personnel for those positions. Personnel who transfer into vacant positions in other schools in the school system shall suffer no impairment, interruption or diminution of the rights and privileges of a then existing teacher or administrator, and the rights and privileges shall continue without impairment, interruption or diminution with the local board of education. "Rights and privileges," as used in this subdivision (b)(2)(P)(ii), include, but are not limited to, salary, pension or retirement benefits, sick leave accumulation, tenure, seniority and contract rights with the local board of education. The director of schools shall have the option to specifically assign these teachers or administrators to those vacant positions.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.