



State of Tennessee

PUBLIC CHAPTER NO. 1066

SENATE BILL NO. 2820

By Haile

Substituted for: House Bill No. 2922

By Mr. Speaker Sexton, Slater, McKenzie, Chism, Hardaway, Parkinson

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

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

SECTION 1. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as new, appropriately designated subdivisions:

() "At-risk student" means a student who, at the time of enrollment in an opportunity public charter school, is a member of a family with a household income that does not exceed four hundred percent (400%) of the federal poverty level, and meets at least one (1) of the following criteria:

(A) The student has dropped out of school without obtaining a high school diploma or a high school equivalency credential;

(B) The student has been adjudicated as a juvenile delinquent or is awaiting disposition of charges that may result in adjudication as a delinquent;

(C) The student has previously been detained or incarcerated in a juvenile detention center;

(D) The student has been retained at least twice in any of the grades kindergarten through eight (K-8), or the student is one (1) or more years behind in obtaining the credit required for promotion to the next grade level or to graduate from high school in four (4) years with the student's cohort;

(E) The student is chronically absent, as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.);

(F) The student is pregnant or a parent, as defined in § 49-1-903;

(G) The student has a documented substance abuse issue; or

(H) The student has experienced circumstances of abuse or neglect;

() "Opportunity public charter school" means a public charter school serving any of the grades six through twelve (6-12) for which at least seventy-five percent (75%) of the students enrolled in the public charter school, at the time of enrollment, are at-risk students and that provides:

(A) Instruction to students in a traditional classroom setting; or

(B) A residential program for enrolled students and provides instruction to such students in a traditional classroom setting.

SECTION 2. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (e) as subdivision (e)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), an opportunity public charter school shall not charge registration fees, enrollment fees, or tuition to the students enrolled in the public charter school.

SECTION 3. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

(3) Notwithstanding subdivision (f)(1), opportunity public charter schools may be formed to provide high-quality educational options for students residing within this state. Participation in an opportunity public charter school must be based on parental choice or the choice of the legal guardian or custodian pursuant to § 49-13-113(a).

SECTION 4. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (i) as subdivision (i)(1) and adding the following as a new subdivision:

(2) A sponsor seeking to establish an opportunity public charter school must apply to the local board of education. A sponsor applying to establish an opportunity public charter school must comply with § 49-13-107.

SECTION 5. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as a new subsection:

(k)(1)

(A) A sponsor may apply to a local board of education to establish an opportunity public charter school. The application process must be conducted in accordance with §§ 49-13-107 and 49-13-108.

(B) A public school converted to an opportunity public charter school shall not give an enrollment preference to students who reside within the former school zone of the converted public school, unless the student is an at-risk student, as defined in § 49-13-104.

(C)(i) The Tennessee investment in student achievement formula school funds generated by an at-risk student who transfers to an opportunity public charter school located in an LEA other than the LEA in which the at-risk student resides must follow the at-risk student into the LEA in which the opportunity public charter school is located, but only for the first school year in which the at-risk student is enrolled in the opportunity public charter school. The LEA in which the opportunity public charter school is located shall not charge tuition to such students.

(ii) This subdivision (k)(1)(C) does not preclude an LEA from entering into an agreement with another LEA whereby additional funds may be transferred from the sending LEA to the receiving LEA for the purpose of educating the child.

(2) An opportunity public charter school authorized to serve a student population composed of at-risk students in grades six through twelve (6-12) through a residential program may be operated as a single-sex school that only enrolls students of a respective sex, as defined in § 49-2-802.

(3)(A) Notwithstanding another law to the contrary, an opportunity public charter school that serves a student population composed of at-risk students in grades six through twelve (6-12) through a residential program must be operated on a year-round basis, which must not operate to reduce the level of state support to the public charter school. The commissioner of education shall make adjustments necessary to accommodate the opportunity public charter school's year-round operation so as not to diminish state financial support. The charter agreement must specify the date by which the school year must commence.

(B) An opportunity public charter school shall not provide a residential program for enrolled students unless fifty percent (50%) or more of the students enrolled in the opportunity public charter school are residents of the LEA in which the opportunity public charter school is located, and were residents of such LEA when the students applied to enroll in the opportunity public charter school.

(4) Notwithstanding subdivision (k)(1)(C)(i), funding for an opportunity public charter school must comply with § 49-13-112.

(5) Notwithstanding another law to the contrary, an opportunity public charter school shall not open before the 2026-2027 school year.

(6) The state board of education, in consultation with the commission, may promulgate rules to effectuate this subsection (k). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. Tennessee Code Annotated, Section 49-13-107(b)(9), is amended by adding the following to the end of the subdivision:

provided, that any charter school may be operated as a single-sex school that only enrolls students of a respective sex, as defined in § 49-2-802;

SECTION 7. Tennessee Code Annotated, Section 49-13-107(b), is amended by adding the following as a new subdivision:

(22) A plan for the construction, development, or purchase of residential facilities for a proposed opportunity public charter school, if the proposed opportunity public charter school intends to provide a residential program, including a copy of all required permits, certificates, or other documentation evidencing the sponsor's ability to secure, provide, and safely operate the residential program.

SECTION 8. Tennessee Code Annotated, Section 49-13-109, is amended by designating subsection (a) as subdivision (a)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (a)(1):

(A) The membership of a governing body for an opportunity public charter school may, but is not required to, include a parent representative; and

(B) An advisory school council established by a charter management organization for an opportunity public charter school may, but is not required to, include a parent member.

SECTION 9. Tennessee Code Annotated, Section 49-13-113, is amended by adding the following as a new subsection:

(f)(1)

(A) An opportunity public charter school must enroll an at-risk student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.

(B) Notwithstanding § 49-13-106(f)(3), § 49-13-106(k), subdivision (f)(1)(A), or another law to the contrary, an opportunity public charter school that provides a residential program shall not enroll a student who is in the custody of the department of children's services in the opportunity public charter school's residential program. This subdivision (f)(1)(B) does not prohibit:

(i) An opportunity public charter school that does not provide a residential program from enrolling a student who is in the custody of the department of children's services; or

(ii) An opportunity public charter school that provides a residential program from enrolling or re-enrolling a student who is in the custody of the department of children's services in the opportunity public charter school's residential program if the student was enrolled in the opportunity public charter school's residential program at the time the student was placed in the custody of the department of children's services.

(2) Students who attended the opportunity public charter school during the previous year may re-enroll in the opportunity public charter school for the upcoming year and are not subject to an enrollment lottery.

(3) If the number of applications exceeds the capacity of a program, class, grade level, or building, then the opportunity public charter school must select students through an enrollment lottery. Returning students who re-enroll in the opportunity public charter school pursuant to subdivision (f)(2) are excluded from entering into an enrollment lottery. Students who are at-risk students, as defined in § 49-13-104, must be given an enrollment preference.

SECTION 10. Tennessee Code Annotated, Section 49-13-122(a)(1), is amended by adding the language "and the authorizer of an opportunity public charter school" immediately preceding the language ", may revoke".

SECTION 11. Tennessee Code Annotated, Section 49-13-122(a)(3), is amended by adding the language "and the authorizer of an opportunity public charter school" immediately preceding the language ", shall revoke".

SECTION 12. Tennessee Code Annotated, Section 49-13-143, is amended by adding the following language to the end of subsection (a):

The department of education shall also adopt an opportunity public charter school performance framework in alignment with the state board of education's quality authorizing standards.

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following as a new section:

(a) A sponsor may apply to open an opportunity public charter school pursuant to the application process outlined in § 49-13-107.

(b) The department, in consultation with the commission, may develop a specific opportunity public charter school application.

(c) The state board of education shall promulgate rules to establish an annual evaluation of the at-risk student enrollment at opportunity public charter schools. If an opportunity public charter school fails to meet the seventy-five percent (75%) at-risk student enrollment requirement described in Section 1 for three (3) consecutive years, then the opportunity public charter school shall:

(1) Petition the authorizer to amend its charter agreement; or

(2) Voluntarily close.

(d) Opportunity public charter schools may establish alternative education programs in compliance with § 49-6-3402.

(e)(1) The department of education shall recommend, and the state board of education shall adopt, an opportunity public charter school accountability framework in compliance with all federal requirements under the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.).

(2) The opportunity public charter school accountability framework must include multiple measures and include performance metrics and targets that ensure students are prepared for post high school success.

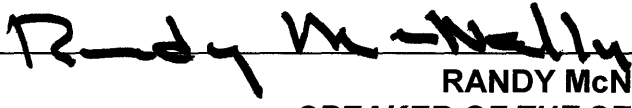
(3) The department shall convene an opportunity public charter school accountability working group to provide input and feedback prior to the recommendation of an accountability framework to the state board of education.

SECTION 14. The state board of education is authorized to promulgate rules to determine whether a student is an "at-risk student" for purposes of Section 1. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 15. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it, and applies to opportunity public charter schools applying to open in the 2026-2027 school year or in a subsequent school year.

SENATE BILL NO. 2820

PASSED: April 23, 2024


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2024


BILL LEE, GOVERNOR