



State of Tennessee

PUBLIC CHAPTER NO. 479

SENATE BILL NO. 788

By Lundberg, White

Substituted for: House Bill No. 1305

By White, Hardaway, Smith, Hazlewood, Todd, Grills, Reedy, Calfee, Moody, Terry, Lynn

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6, relative to open enrollment.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-128, is amended by deleting the section and substituting instead:

(a) Before the start of each school year, an LEA shall identify each school that, based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students. In determining available space at the class level, an LEA may use the class size averages specified in § 49-1-104.

(b)(1) An LEA shall post the number of spaces available for enrollment in each school by grade, class, and program levels on the LEA's website at least fourteen (14) days before the beginning of the open enrollment period under subsection (c). An LEA shall not include in the number of spaces available for enrollment under this subdivision (b)(1) the number of enrollment spaces that are reserved by the LEA pursuant to subdivision (b)(2).

(2) An LEA may reserve a reasonable number of enrollment spaces each school year from the number of spaces, if any, determined by the LEA to be available for enrollment for purposes of this section, to accommodate the potential enrollment of students who may relocate within the respective school zone, students who may have a sibling enrolled at the respective school, and students who may have a parent who teaches at the respective school.

(c) Before the start of each school year, each LEA shall conduct an open enrollment period of at least thirty (30) days during which a parent or guardian of a student residing within the LEA may apply for enrollment of the parent's or guardian's student in a school that the student is not zoned to attend. During the open enrollment period, a parent or guardian may submit an application for transfer to a school identified by the LEA as having space available to enroll and serve additional students.

(d) At the end of the open enrollment period, an LEA shall approve an application for transfer if space is available for the student at the requested school. If the number of applications for transfer to a school exceeds the number of spaces available for enrollment in the school at the building, grade, class, or program level, as identified by the LEA according to subsection (b), then the LEA shall conduct a lottery to select the students who may transfer to the school.

(e) If an LEA grants a transfer to a student, then the parent or guardian of the student is responsible for transportation to the new school. The student must maintain satisfactory attendance, behavior, and effort to remain in the new school.

(f)(1) An LEA shall not deny a student who is zoned to attend or who was enrolled in a school during the previous school year enrollment and attendance in the school.

(2)(A) An LEA shall not admit a nonresident student seeking to transfer into the LEA from outside the LEA under §§ 49-6-3104 and 49-6-3105 before all applications for transfer under subsection (c) have been acted upon according to subsection (d).


(B) Notwithstanding subdivision (f)(2)(A), an LEA may enroll a nonresident student pursuant to § 49-6-3113 before all applications for transfer under subsection (c) have been acted upon according to subsection (d).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2022-2023 school year and each school year thereafter.

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PASSED: May 3, 2021


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2021


BILL LEE, GOVERNOR