

SENATE BILL 1419

By Roberts

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

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3102(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) The board of education of an LEA, with respect to the schools under its jurisdiction, is authorized and required to provide for the enrollment in a public school of students who are residents of this state; provided, that this subdivision (a)(1) does not require a student to enroll in an LEA within which the student does not reside.

SECTION 2. Tennessee Code Annotated, Section 49-6-3102, is amended by deleting subsection (b) and substituting instead the following:

(b) Except as otherwise provided in this part, part 32 of this chapter, and in the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.), a student's parent or legal guardian may appeal a board of education's enrollment or assignment decision for the student to the commissioner of education. The state board of education shall promulgate rules to establish the appeal process. The rules must be promulgated according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-6-3102, is amended by deleting subsection (d).

SECTION 4. Tennessee Code Annotated, Section 49-6-3103, is amended by deleting the language:

In determining the particular public school to which pupils shall be assigned, the board of education may consider and base its decision on any one (1) or more of the following factors:

and substituting instead the following:

In determining the public school to which students must be assigned, a board of education shall not consider or base its decision on any of the following factors:

SECTION 5. Tennessee Code Annotated, Section 49-6-3103, is amended by deleting subdivision (19) and substituting instead the following:

(19) The residential address, race, ethnicity, language proficiency, sex, morals, conduct, health, or personal standards of the student.

SECTION 6. Tennessee Code Annotated, Section 49-6-3103, is amended by deleting subdivisions (20)-(22).

SECTION 7. Tennessee Code Annotated, Section 49-6-3103, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) In determining the public school to which students must be assigned, a board of education shall consider and base its decision on the following factors:

(1) The choice and interests of the student; and

(2) The request or consent of the student's parent or legal guardian.

SECTION 8. Tennessee Code Annotated, Section 49-6-3109, is amended by deleting subsection (a) and substituting instead the following:

(a) A student who is a resident of this state shall not be refused admission into or be excluded from any public school in this state on account of race, creed, color, sex, national origin, or residential address.

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.