

SENATE BILL 1797

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 49, relative to K-12 public schools.

WHEREAS, in 2010, the General Assembly created the achievement school district (ASD) after receiving funding from Race to the Top to increase innovation and reforms in K-12 education; and

WHEREAS, the achievement school district is tasked with intervening in local districts to turn around low-performing schools that are on the state's priority list; and

WHEREAS, schools, parents, and communities doubt that the achievement school district will meet its goal to move the bottom five percent (5%) of schools in Tennessee to the top twenty-five percent (25%) of schools in the state; and

WHEREAS, schools currently operated by the achievement school district have a current Tennessee Value-Added Assessment System (TVAAS) overall composite score of a level one (1); and

WHEREAS, the total budget for the ASD for the 2015-2016 school year was approximately \$93 million; and

WHEREAS, another option for low-performing schools that fall in the bottom five percent (5%) of schools is the creation of an LEA innovation zone; and

WHEREAS, an LEA innovation zone is made up of low-performing schools that receive additional funding and autonomy to implement new operational and academic changes in order to improve student achievement; and

WHEREAS, the Shelby County Schools' Innovation Zone, which is made up of fourteen (14) schools, continues to see increases in students' math, science, and reading scores; and

WHEREAS, schools in the Shelby County Schools' Innovation Zone were placed on the list of 2015 reward schools, which are the top five percent (5%) of schools for academic growth; and

WHEREAS, on December 8, 2015, Vanderbilt University's Peabody College released the results from a study which compared student achievement over the first three (3) years of the state-run achievement school district and the Shelby County Schools' Innovation Zone Schools; and

WHEREAS, the Vanderbilt study suggests that the low-performing schools in Shelby County would be better off in Shelby County Schools' Innovation Zone; and

WHEREAS, the Vanderbilt study concluded that the students at ASD schools are performing mostly at the same low levels they likely would have if their school not been taken over by the state-run school turnaround district; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 49-1-614, is amended by deleting the section in its entirety and substituting instead:

(a) Effective July 1, 2017, the achievement school district (ASD) shall be abolished as an organizational unit of the department of education.

(b) An LEA in which a school is operated by the ASD shall assume responsibility for the school and its students.

(c)

(1) Any teacher employed by the ASD who was formerly employed by the LEA may, at the discretion of the LEA, return as an employee of the LEA.

(2) The LEA, if it so chooses, may hire any licensed teacher employed by the ASD who was not formerly employed by the LEA.

(3) With the exception of the provisions protecting teachers' rights to accumulated sick leave, retirement benefits, pension, and tenure status within an

LEA, § 49-5-203 shall not apply to teachers who return to the LEA as an employee of the LEA after the closure of the ASD.

(d)

(1) The LEA in which a charter school is located shall become the chartering authority for a charter school authorized by the ASD; provided, that, the LEA shall revoke or deny renewal of the charter agreement if the school is identified as a priority school for four (4) consecutive school years.

(2) Upon the expiration of the charter agreement for a charter school authorized pursuant to subdivision (d)(1), the charter school shall submit its renewal application under § 49-13-121 to the LEA. The LEA shall be the chartering authority, if the LEA approves the renewal application.

(e) School buildings, facilities, property, and assets provided by the LEA for schools operated by the ASD shall be returned to the LEA.

SECTION 2. Tennessee Code Annotated, Section 49-6-7006, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) The office of research and education accountability (OREA) in the office of the comptroller of the treasury, with the assistance of the department of education, shall study the pilot program and conclude whether the ASD increased parental involvement in schools operated by the ASD. OREA shall submit a written report to the education committees of the senate and the house of representatives by November 1, 2016, at which time the pilot program shall cease to exist.

SECTION 3. Tennessee Code Annotated, Section 49-6-7007, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 49-6-7008, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-6-7009, is amended by deleting the section in its entirety.

SECTION 6. Tennessee Code Annotated, Section 49-1-602(b)(2)(C), is amended by deleting the subdivision in its entirety.

SECTION 7. Tennessee Code Annotated, Section 49-13-106, is amended by deleting subdivisions (a)(2) and (a)(3) in their entirety.

SECTION 8. Tennessee Code Annotated, Section 49-13-104(5)(A), is amended by deleting the language "or the achievement school district as defined in § 49-1-614".

SECTION 9. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the language ", and, if the achievement school district, shall exclusively accept,".

SECTION 10. Tennessee Code Annotated, Section 49-13-122(a)(4), is amended by deleting the language "schools authorized by the achievement school district pursuant to § 49-1-614 or to".

SECTION 11. Tennessee Code Annotated, Section 49-13-126(b), is amended by deleting the subsection in its entirety.

SECTION 12. Tennessee Code Annotated, Section 49-1-616, is amended by deleting the section in its entirety.

SECTION 13. Tennessee Code Annotated, Section 49-13-117(d), is amended by deleting the language ", the achievement school district,".

SECTION 14. Tennessee Code Annotated, Section 49-1-602, is amended by adding the following language as a new subsection (d):

(d)

(1) Beginning with the 2017-2018 school year, all schools that are identified as being in the bottom two and one-half percent (2.5%) of schools in overall achievement as determined by the performance standards and other

criteria set by the state board may be placed under the governance of an LEA innovation zone.

(2) Only LEAs with schools that meet the requirements of subdivision (d)(1) and receive funding pursuant to subdivision (d)(3) shall develop a plan for the creation of an LEA innovation zone and establish the administrative office pursuant to subsection (c).

(3) In addition to the BEP funding, the innovation zone may receive funding through donations or grants from the state or federal department of education or agency, from individuals or from private corporations, associations, or other artificial entities, both nonprofit and for profit, who desire to improve low-performing schools.

(4) If a school meets the requirements of subdivision (d)(1), but is operated by a charter school, the LEA may allow the charter school to continue to operate at the school.

(5) This subsection (d) shall not apply to any school placed under the governance of an LEA innovation zone pursuant to subsection (c) on or before June 30, 2015.

SECTION 15. This act shall take effect July 1, 2016, the public welfare requiring it.