

CHAPTER NO. 727

HOUSE BILL NO. 3172

By Representatives Winningham, Maddox, Towns

Substituted for: Senate Bill No. 3125

By Senator Woodson

AN ACT to amend Tennessee Code Annotated, Section 49-1-201, relative to the powers and duties of the commissioner of education.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-201, is amended by adding the following as a new, appropriately designated subsection thereto:

(__) Upon application by the LEA, the commissioner of education may waive any state board rule or regulation that inhibits or hinders the LEA's ability to implement innovative programs designed to improve student achievement. However, the commissioner may not waive regulatory or statutory requirements related to:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability; and
- (11) Open meetings.

(__) No provisions of this subsection shall be construed to impact agreements negotiated under the Educational Negotiations Act, compiled in Tennessee Code Annotated, title 49, chapter 5, part 6.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 10, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 2006


PHIL BREDESEN, GOVERNOR