

**PUBLIC CHAPTER NO. 1133****SENATE BILL NO. 3401****By Tate, Marrero, Ford****Substituted for: House Bill No. 4002****By Ulysses Jones, Hardaway, Kelsey, Lynn**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 13, Part 1, relative to public charter schools.

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

SECTION 1. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)(1) Public charter schools may be formed to provide quality educational options for students. The prospective student population shall be:

(A) Students who were previously enrolled in a charter school;

(B) Students who are assigned to, or were previously enrolled in, a school failing to make adequate yearly progress, as defined by the state's accountability system, giving priority to at-risk students;

(C) Students who, in the previous school year, failed to test proficient in the subjects of language arts/reading or mathematics in grades three through eight (3-8) on the Tennessee comprehensive assessment program examinations;

(D) Students who, in the previous school year, failed to test proficient on the Gateway examinations in language arts/reading or mathematics;

(E) Students in grades kindergarten through three (K-3) who are eligible for free or reduced-price lunch, who may only be enrolled no earlier than August 1; or

(F) Students who are under the jurisdiction of a juvenile court and who in the court's judgment would benefit from a work experience and career exploration program. The proposed public charter school shall, in addition to complying with the application requirements § 49-13-107, apply to the Commissioner of Education for approval of its proposed work experience and career exploration program.

(2) First priority status shall be given to eligible students who meet the requirements set out in subdivisions (a)(1)(A) through (D). Second priority status shall be given to students eligible under subdivision (a)(1)(E). The LEA shall provide notification to parents of students eligible under subdivisions (a) (1) (B), (C) and (D). Students enrolled in a charter school under (a)(1)(E) shall not exceed twenty-five percent (25%) in grades kindergarten through three (K-3). Further, in no event shall more than twenty-five percent (25%) of the total school enrollment in grades kindergarten through three (K-3) consist of students who only meet subdivision (a)(1)(E).

(3) Any charter school enrolling students pursuant to subdivision (a)(1)(E) shall enroll such students using a random selection process. The LEA shall certify each student's eligibility to attend a charter school pursuant to subdivision (a)(1)(E). For certification purposes, upon enrollment of students eligible under (a)(1)(E), the charter school shall provide the LEA with a list of all students who applied, the date of application, all students who were accepted, and the priority category of each student accepted. Such list shall be provided no later than forty-five (45) school days after the charter school's first day of the academic school year. In cases where enrollment is after forty-five (45) school days after the charter school's first day of the academic school year, a list shall be provided on a monthly basis.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following language as a new section:

§ 49-13-1\_\_\_. In accordance with Section 29 of Chapter 850 of the Public Acts of 2002, the provisions of this part related to the creation of new public charter schools are hereby re-enacted and extended until July 1, 2015, at which time such provisions shall be repealed.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 49-13-129. The comptroller of the treasury, in consultation with the Tennessee Department of Education and the State Board of Education, shall appoint a task force to study and evaluate Tennessee Code Annotated, Title 49, Chapter 13, Part 1, to address, including, but not limited to, statutory inconsistencies and technical issues, fiscal issues, administrative compliance, identification and communication of charter schools' best practices, facility needs, transportation, food services, communication between LEAs and charter schools' boards, principals and administrative staff and employee benefits, and charter school boards' accountability. The task force shall include, as a minimum, two (2) representatives from each LEA with approved and operational charter schools, two (2) charter school representatives selected by the Tennessee charter schools association, two (2) charter school parent representatives, and one (1) representative each from the State Department of Education and State Board of Education and one (1) community representative from each grand division of the state. The comptroller shall report the task force's findings and

recommendations, including recommended legislation or rules, to the general assembly by February 2, 2010.

SECTION 4. Tennessee Code Annotated, Section 49-13-106(b)(1), is amended by deleting subdivision (C) in its entirety and by substituting instead the following:

(C) Prior to the year 2011, charter schools created for the purpose stated in subsection (a) shall not exceed, statewide, fifty (50) in number, twenty (20) of which shall be located within a home rule municipality of a county with a population greater than eight hundred ninety-seven thousand four hundred (897,400), and four (4) of which shall be located within a county with a population greater than eight hundred ninety-seven thousand four hundred (897,400).

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: May 21, 2008**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 13th day of June 2008**

  
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PHIL BREDESEN, GOVERNOR