



State of Tennessee
PUBLIC CHAPTER NO. 879

SENATE BILL NO. 3345

By Ketron, Summerville, Tate, Tracy, Crowe

Substituted for: House Bill No. 3540

By Matheny, Kevin Brooks, Forgety, Powers, Ragan, Ryan Williams, Dunn, Carr, Don Miller,
Weaver, Holt

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

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

SECTION 1. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following language as a new, appropriately designated subdivision:

() "Foreign" means a country or jurisdiction outside of any state or territory of the United States;

SECTION 2. Tennessee Code Annotated, Section 49-13-107, is amended by adding the following language as new subsection (c):

(c) A charter school application and any renewal application under § 49-13-122 shall include a disclosure of all donations of private funding, if any, including, but not limited to, gifts received from foreign governments, foreign legal entities and, when reasonably known, domestic entities affiliated with either foreign governments or foreign legal entities.

SECTION 3. Tennessee Code Annotated, Section 49-13-108, is amended by adding the following language as new subsection (c):

(c)(1) A chartering authority may disapprove a charter school application, if the proposed charter school plans to staff positions for teachers, administrators, ancillary support personnel or other employees by utilizing or otherwise relying on non-immigrant foreign worker H1B or J1 visa programs in excess of three and one-half percent (3.5%) of the total number of positions at any single school location for any school year.

(2) Notwithstanding subdivision (c)(1), a chartering authority may not deny a charter school application solely because the proposed school plans to exceed the limitation in subdivision (c)(1) in employing foreign language instructors who, prior to employment, meet and, during the period for which such instructors' H1B or J1 visas have been granted, will meet all Tennessee licensure requirements. If a chartering authority disapproves a charter school application under this subsection, the sponsor may appeal the decision to disapprove the application as provided in subsection (a).

SECTION 4. Tennessee Code Annotated, Section 49-13-122(a), is amended by adding the following language as new subdivision (4):

(4) Performed any of the acts that are conditions for nonapproval of the charter school under § 49-13-108(c).

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. If a court finds a violation of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d), has occurred under the operation of this act and the court's decision has become final, the charter school that is a party to the lawsuit shall notify the Commissioner of Education of the court's ruling, who shall report the same to the Speaker of the Senate and Speaker

of the House. The commissioner shall also notify all charter schools operating in this state of the court's decision.

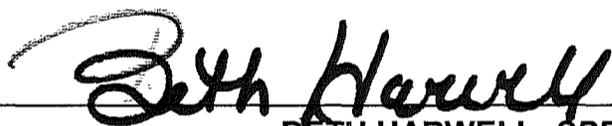
SECTION 7. This act shall take effect July 1, 2012, the public welfare requiring it.

SENATE BILL NO. 3345

PASSED: April 16, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this _____ day of _____ 2012

BILL HASLAM, GOVERNOR



RON RAMSEY
SPEAKER OF THE SENATE

Senate Chamber
State of Tennessee

OFFICE OF THE CHIEF CLERK

2nd FLOOR, STATE CAPITOL
TENNESSEE GENERAL ASSEMBLY
NASHVILLE, TENNESSEE 37243
PHONE (615) 741-2730
FAX (615) 741-7100

RUSSELL A. HUMPHREY
CHIEF CLERK



May 23, 2012

The Honorable Tre Hargett
Secretary of State
State Capitol
Nashville, TN 37243-1102

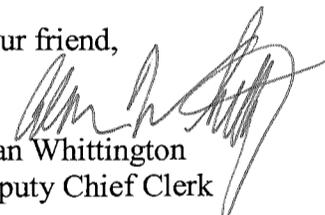
Dear Mr. Secretary of State:

The Governor received Senate Bill No. 3345 on April 19, 2012 and returned the bill May 2, 2012 without his signature.

As the Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee, Senate Bill No. 3345 becomes law without the Governor's signature.

With best wishes, I am

Your friend,


Alan Whittington
Deputy Chief Clerk