



State of Tennessee
PUBLIC CHAPTER NO. 393

SENATE BILL NO. 592

By Johnson, Gardenhire, Overbey

Substituted for: House Bill No. 210

By Sargent, Swann, Casada, Mark White

AN ACT to amend Tennessee Code Annotated, Title 49, to enact the "High Performing School Districts Flexibility Act".

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding Sections 2 through 5 as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "High Performing School Districts Flexibility Act".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Department" means the department of education; and

(2)(A) "High performing school district" means any LEA in the state that satisfies a majority of the following criteria, if applicable to that LEA, according to the state report card:

(i) Reaches a graduation rate of ninety percent (90%) or higher;

(ii) Exhibits an average student ACT score of 21 or higher;

(iii) Exhibits a TCAP three-year average composite normal curve equivalent (NCE) score of 55 or higher;

(iv) Exhibits a TVAAS three-year average composite normal curve equivalent (NCE) gain of 1.75 or higher; or

(v) Meets or exceeds achievement and gap closure annual measurable objectives and receives an "exemplary" or similar status from the department.

(B) Only those criteria in the list in subdivision (2)(A) that apply to a particular LEA and are reported on the state report card shall be considered when calculating whether an LEA is eligible to be declared a high performing school district under this part. If a criterion does not apply to a particular LEA, it shall be removed from consideration for that LEA and a majority of the remaining criteria must be met. Should any of the above criteria cease being reported on the state report card, the department shall designate a replacement measure for purposes of this part. An LEA scoring in the top fifteen percent (15%) of all LEAs in the state under the replacement measure shall meet that criterion.

SECTION 4. Any LEA meeting a majority of the applicable criteria in Section 3 may, by action of its local board of education, declare itself to be a high performing school district. Such designation shall be in effect beginning July 1 following the local board action. The designation shall last for three (3) years, at which time the LEA shall be eligible to declare itself a high performing school district under this part again if a majority of the criteria are met.

SECTION 5. (a) A high performing school district may, during any year in which the designation is in effect, without first seeking or obtaining approval from any other state or local governmental agency or unit:

(1) Appropriate additional funds as needed from the fund balance of self-sustaining or self-sufficient funds, including, but not limited to, the central cafeteria fund and the extended school program fund;

(2) Utilize a teacher evaluation system which varies from the evaluation system established by the department as though a flexibility waiver had been applied for and granted to the district. Notwithstanding the foregoing, the alternative teacher evaluation system used shall comply with all rules of the state board. The high performing school district shall submit the evaluation system it plans to use to the department; and

(3) Add educational days to that district's school calendar, so long as the minimum number of school days required by law is met.

(b) A high performing school district, during any year in which the designation is in effect, may apply to the commissioner of education for a waiver of any state board rule, regulation or statute that inhibits or hinders the district's ability to meet its goals or comply with its mission statement. At the discretion of the commissioner the waiver may be granted, but the commissioner shall not grant a waiver where waivers are otherwise prohibited in this title 49, and shall 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;

(11) Open meetings; and

(12) At least the same equivalent time of instruction as required in regular public schools.

SECTION 6. 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 7. This act shall take effect upon becoming law, the public welfare requiring it.

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PASSED: April 15, 2013



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6th day of May 2013



BILL HASLAM, GOVERNOR