



**State of Tennessee**  
**PUBLIC CHAPTER NO. 404**

**SENATE BILL NO. 157**

**By Norris**

Substituted for: House Bill No. 151

By McCormick, Harry Brooks

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 16, Part 2, relative to virtual public schools.

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

SECTION 1. Tennessee Code Annotated, Section 49-16-211, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) Initial enrollment in a public virtual school shall be limited to one thousand five hundred (1,500) students; however, any public virtual school in operation as of January 1, 2013, may continue to serve the number of students enrolled in the school as of the effective date of this act. If a public virtual school demonstrates student achievement growth at a minimum level of "at expectations" as represented by the Tennessee Value-Added Assessment System (TVAAS) developed pursuant to title 49, chapter 1, part 6 and guidelines adopted by the state board of education pursuant to title 49, chapter 1, part 3, the school may exceed the enrollment cap.

SECTION 2. Tennessee Code Annotated, Section 49-16-213, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) In addition to the intervention options available under § 49-1-602, if a public virtual school is identified as a priority school pursuant to § 49-1-602 or demonstrates student achievement growth at a level of "significantly below expectations" for any three consecutive years of the school's operation, as represented by the Tennessee Value-Added Assessment System (TVAAS) developed pursuant to title 49, chapter 1, part 6 and guidelines adopted by the state board of education pursuant to title 49, chapter 1, part 3, the commissioner shall have the authority to reinstitute the enrollment cap specified in § 49-16-211(b) or direct the LEA to close the school. If the commissioner reinstitutes the enrollment cap pursuant to this subsection, such cap shall not affect students enrolled in the virtual school at the time of the department's action. Notwithstanding § 49-3-351(d), if a public virtual school is closed upon direction of the commissioner or the LEA, the Basic Education Program (BEP) payments for the LEA that established the school shall be exclusive of any student who was enrolled in the school the prior year and did not remain enrolled in the LEA.

SECTION 3. The state board of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, title 4, chapter 5.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

SENATE BILL NO. 157

PASSED: April 16, 2013

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 14<sup>th</sup> day of May 2013

  
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BILL HASLAM, GOVERNOR