HOUSE BILL 1030
By Brooks H

SENATE BILL 874

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 49, relative to virtual schools.

WHEREAS, meeting the educational needs of children in our state's schools is of the greatest importance to the future welfare of Tennessee; and

WHEREAS, closing the achievement gap between high-performing students, including the gap between minority and non-minority students and between economically disadvantaged students and their more advantaged peers, is a significant and present challenge; and

WHEREAS, providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students in our state improve their academic achievement; and

WHEREAS, many of our school districts currently lack the capacity to provide other public school choices for students whose schools are low performing; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 16, is amended by adding the following as a new part 2:

49-16-201.

(a) This part shall be known and may be cited as "The Virtual Public Schools Act".

(b) The general assembly finds and declares that virtual schools established in this part provide Tennessee families with an alternative choice to access additional educational resources in an effort to improve academic achievement and shall be recognized as public schools and provided equal treatment and resources as any other public school in the state.

49-16-202. As used in this part, unless the context otherwise requires:

(1) “Sponsor” shall mean the LEA, charter school board, or state department having a fiduciary responsibility for the operation of the virtual school; and

(2) “Virtual school” shall mean an independent public school in which the school uses technology in order to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting.

49-16-203. Nothing in this part shall preclude the use of computer-based and Internet-based instruction for students in a virtual or remote setting.

49-16-204.

(a) A virtual school shall be evaluated annually by its sponsor based on the following criteria:

(1) The extent to which the school demonstrates increases in student achievement according to the goals of its authorizing contract and state academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.

(b)

(1) Each student enrolled in a virtual school shall have access to a sequential curriculum that meets or exceeds the state’s academic standards and that has an interactive program with significant online components.

(2) Each virtual school student shall be required to have nine hundred (900) hours of learning opportunities per academic year, unless such student has demonstrated mastery or completion of appropriate subject areas.

(3) Each virtual school student shall be assessed regularly in language arts, math, science, and social studies.

(4) For each family with a student enrolled, the virtual school shall:

(A) Provide instructional materials;

(B) Ensure access to necessary technology such as a computer and printer; and

(C) Ensure access to an Internet connection used for schoolwork.

(5) Virtual schools shall be prohibited from providing allotments to students or families to purchase instructional programs or materials. Nothing in this subsection (b) shall prohibit virtual schools from reimbursing families for costs associated with their Internet connection for use in the virtual school program.

(c) Each teacher employed at a virtual school shall be qualified to teach in this state under existing law.

(d) A virtual school shall maintain an administrative office within the state, which shall be considered its principal place of business.

(e) Any student who meets residency requirements may enroll in a virtual school.

49-16-205. Notwithstanding any other law to the contrary, virtual schools shall not be required to comply with maximum class size requirements, as set out in § 49-1-104.

SECTION 2. Tennessee Code Annotated, Section 49-13-106(c), is amended by deleting subdivision (2) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 49-16-105, is amended by deleting the section in its entirety and substituting instead the following:

Nothing in this chapter shall be construed to require local education agencies to offer or participate in a virtual education program. Participation in a virtual education program by a student shall be at the discretion of the LEA in which the student is enrolled or zoned to attend. All students enrolled in an LEA providing virtual education shall be eligible to participate in such a program, including but not limited to students who are receiving hospital or homebound instruction.

SECTION 4. Tennessee Code Annotated, Section 49-13-124, is amended by deleting subdivision (a)(1) in its entirety and substituting instead the following:

(1) Contract for services; except for the management or operation of a non-virtual charter school by a for-profit entity;

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