

Amendment No. 2 to SB0600

Gresham
Signature of Sponsor

AMEND Senate Bill No. 600*

House Bill No. 651

by deleting all language after the enacting clause and substituting instead the following:

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

49-2-801. As used in this part, “parent” means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

49-2-802.

(a) Parents of students enrolled in a public school that is designated as a school in the bottom ten percent (10%) of schools in overall achievement as determined by the performance standards and other criteria set by the state board of education may petition the local board of education for the conversion of the school to a charter school under § 49-13-106(b)(2)(A)(ii) or for the restructuring of the school under a transformation model or a turnaround model.

(b) A petition for restructuring the school under a transformation model or a turnaround model shall specify which option the parents are choosing.

(c)

(1) When a parent signs the petition, the parent shall also sign a pledge pledging to participate in the education of the parent’s child by attending parent/teacher conferences and other school conferences, assisting in the education of the parent’s child to the best of the parent’s abilities, and otherwise committing to helping the parent’s child to succeed. The parent shall also pledge to support and work with the local board of education in restructuring the school

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and to support the school after restructuring by participating in the school's voluntary participation program under § 49-6-7001 or as requested by teachers, school administrators, or the school's community support council created under § 49-2-806. The parent shall also pledge that prior to signing the petition, the parent made a good faith effort to communicate the parent's concerns about the school to be restructured to the parent's student's teacher, assistant principal, principal, director of schools, or local board of education or the county government, if the LEA is a county school district, or the municipal government, if the LEA is a city school district.

(2) The required pledge shall be written on each page of the petition on which parents may place their signatures. On each page on which parents may place their signatures, the following statement shall appear in bold type at least two (2) points larger than the language of the pledge:

By signing this petition, you are agreeing to abide by the requirements of the pledge appearing on this page. You should read the pledge carefully before signing the petition.

(3) A parent signing the petition shall also provide on the petition the parent's address and telephone number so that the LEA may give notice of an alternative proposal for the restructuring of the school under § 49-2-807.

49-2-803.

(a) If the parents of students enrolled in a public school petition for a school transformation model, then, at a minimum, the local board of education shall ensure that the transformation:

(1) Develops teacher and school leader effectiveness by:

(A) Continuing to use evaluations that comply with § 49-1-302(d) and are based in significant measure on student growth to improve teachers' and school leaders' performance;

(B) Identifying and rewarding school leaders, teachers, and other staff who improve student achievement outcomes and identifying and removing those who do not;

(C) Replacing the principal who led the school prior to commencement of the transformation model;

(D) Providing relevant, ongoing, high-quality job-embedded professional development; and

(E) Implementing strategies designed to recruit, place, and retain high-quality staff;

(2) Adopts comprehensive instructional reform strategies, including:

(A) Using data to identify and implement comprehensive, research-based instructional programs that are vertically aligned from one grade to the next as well as aligned with academic standards; and

(B) Differentiating instruction to meet students' needs;

(3) Extends learning time and creates community-oriented schools by:

(A) Providing more time for students to learn core academic content by expanding the school day, the school week, or the school year, and increasing instructional time for core academic subjects during the school day;

- (B) Providing more time for teachers to collaborate;
- (C) Providing more time for enrichment activities for students; and
- (D) Providing ongoing mechanisms for family and community engagement; and

(4) Provides operating flexibility and sustained support by:

(A) Giving the school sufficient operating flexibility, including in staffing, calendars, time, and budgeting, to implement fully a comprehensive approach to substantially improve student achievement outcomes; and

(B) Ensuring the school receives ongoing, intensive technical assistance and related support from the LEA, the department, or a designated external lead partner organization, such as a school turnaround organization or an educational management organization.

(b)

(1) If the parents of students enrolled in a public school petition for a school turnaround model, then, at a minimum, the local board of education shall ensure that the turnaround results in:

(A) Replacement of the principal and at least fifty percent (50%) of the staff;

(B) The adoption of new governance of the school; and

(C) Implementation of a new or revised instructional program.

(2) Restructuring under a school turnaround model shall incorporate:

(A) Interventions that take into account the recruitment, placement, and development of staff to ensure they meet student needs;

(B) Schedules that increase time for both students and staff; and

(C) Appropriate social-emotional and community-oriented services and supports.

49-2-804.

(a) Before a petition for restructuring a school under this part is presented to the local board of education, the petition shall be signed by parents representing fifty-one percent (51%) of the students enrolled at the school. The percentage of parents signing a petition shall be calculated on the basis of one (1) vote for each student enrolled in the school. Only one (1) parent may sign the petition for each student.

(b) Once the local board receives a petition, the local board shall have sixty (60) days to review and verify the signatures of the parents.

(c)

(1) If the signatures on the petition are verified as signatures of parents representing at least fifty-one percent (51%) of the students, then the local board shall proceed to restructure the school according to the parents' choice, unless the local board finds that the parents' option for restructuring the school is not feasible. If the local board finds that the parents' option is not feasible, then it shall proceed according to § 49-2-807.

(2) If the LEA proceeds to restructure the school according to the option requested in the parents' petition, then the restructured school shall begin operation at the beginning of the school year following the receipt of the petition if the petition is filed with the local board in the months of July through December. The restructured school shall begin operation by the beginning of the second school year following the receipt of the petition if the petition is filed with the local board in the months of January through June, but the restructured school may begin operation sooner, if the local board finds an earlier start date feasible. The local board may also implement the restructuring in stages; provided, that the

restructuring is fully implemented by the required date for the restructured school to begin operation.

(3) If, after the verification process, the petition does not contain signatures of parents representing at least fifty-one percent (51%) of the students in the school, then the parents shall have thirty (30) days from the date of the determination of the insufficient number of signatures in which to submit additional signatures on the petition. If, after verification of any additional signatures, the parents' signatures on the petition do not represent fifty-one percent (51%) of students in the school, then the school shall not be restructured, and no such petition may be submitted again until the next school year.

49-2-805.

(a) The local board shall restructure the school under the model selected by the parents in the petition.

(b) The local board shall require the director of schools to dismiss the principal and hire a new principal for the school being restructured under this part. Prior to being named principal, the new principal shall have completed training acceptable to the local board in instructional leadership. The new principal shall be specifically tasked with improving the instructional program of the school.

(c) The director of schools and the person named principal of the restructured school shall confer on the retention, dismissal, or reassignment of teachers employed at the school before the restructuring and the hiring of new teachers for the restructured school.

(d) The former principal of the school and teachers not retained at the school may be transferred within the school system according to § 49-5-510.

49-2-806.

(a) If a school is restructured under this part, then the LEA shall form a community support council for the school. The council shall be composed of parents, community leaders, and teachers or staff. If the school is a high school, students shall also serve on the council.

(b) The size of the council shall be determined by the local board of education based on the student population of the LEA, the school community, and the school; provided, however, that:

(1) The number of parents shall not exceed nine (9). Parent members shall be elected by the parents of the school, with each household with students at the school receiving one (1) vote per household. Parent members shall be parents of students at the school at the time of election. Each parent member shall serve a term of two (2) years and may be reelected. As designated by the local board of education, one-half (1/2) of the initial parent members shall serve one-year terms, and the other half shall serve two-year terms, in order to stagger the terms of office;

(2) At least two (2), but not more than three (3), community leaders shall serve on the council. The principal and the director of schools shall jointly select the community leaders to serve on the council. These members, who shall not have children enrolled in the school, shall serve two-year terms and may be reappointed to additional terms. These members shall be appointed so that their terms are staggered;

(3) At least two (2), but not more than three (3), teachers and staff members shall serve on the council. The principal and the director of schools shall jointly select the teachers or staff members to serve on the council. These members, who shall be employed at the school, shall serve two-year terms and

may be reappointed to additional terms. These members shall be appointed so that their terms are staggered;

(4) Two (2) students shall serve on a high school community support council. One of the initial appointees shall be a senior and shall serve a one-year term. The other initial appointee shall be a junior and shall serve a two-year term. Thereafter, a junior shall be appointed each year to serve a two-year term. The principal and the director of schools shall jointly select the student or students to serve on the council; and

(5) If a vacancy occurs on the council, then a member shall be elected, if a parent member vacancy occurs, or appointed, if any other vacancy occurs, to fill the remainder of the term.

(c) The community support council shall be a volunteer organization, and all members of the council shall serve without compensation.

(d) The goal and task of the community support council shall be to create opportunities for the parents, students, and community to come together to strengthen and support the work of the school while improving conditions in the community. The community support council may:

(1) Provide advice and assistance to the principal and the director of schools, if requested, on the operation of the school;

(2) Solicit donations of goods, services, or money for the school;

(3) Organize parent meetings to provide information on school and community events to parents and to seek parent support as pledged prior to the restructuring of the school. If a parent/teacher organization does not exist at the school, the council may establish one;

(4) Organize events, seminars, and classes, such as job fairs, parenting classes, GED® or HiSET® classes, and financial literacy classes, to meet the needs of school parents in the community;

(5) Provide opportunities for parents to show their appreciation and support for the school's teachers and staff members;

(6) Organize group meetings for parents of students assigned to or enrolled in the same class to discuss class concerns and needs. At such meetings the parents may be privately informed of the parent's student's performance, followed by an in-depth coaching session conducted by teachers on how to interpret the student data based on overall classroom performance, school benchmarks, and state standards;

(7) Provide opportunities for parents to volunteer at the school, with and without their children, such as school cleanup days, grounds improvement, assisting in the school library, and tutoring children other than the parent's student;

(8) Involve community citizens, businesses, and community groups in the school and its programs and events, in order to find additional assistance and aid for the school and its students; and

(9) Provide other events and opportunities to aid and assist the school, its students, and their parents.

49-2-807.

(a) If a local board of education determines that the LEA cannot feasibly implement the option requested in the parents' petition for restructuring the school, the local board of education shall propose an alternative option under § 49-2-802.

(b) After the local board chooses its alternative option under subsection (a), it shall, no later than thirty (30) days after the signatures on the petition are verified under § 49-2-804, either:

(1) Propose its alternative option to the parents: or

(2) Appeal to the state board of education for a determination as to whether the option requested in the parents' petition is feasible.

(c)

(1) A local board of education that proposes its alternative option to the parents under subdivision (b)(1) shall implement its alternative option, if the local board obtains signatures of parents representing fifty-one percent (51%) of the students in the school agreeing to the local board's alternative option.

(2) If the local board of education does not obtain signatures of parents representing fifty-one percent (51%) of the students in the school agreeing to the local board's alternative option, then the local board shall:

(A) Restructure the school according to the option requested in the parents' petition; or

(B) Appeal to the state board of education for a determination as to whether the option requested in the parents' petition is feasible.

(d)

(1) If the local board appeals to the state board under subdivision (b)(2) or subdivision (c)(2)(B), the local board shall bear the burden of proof to demonstrate that it cannot feasibly implement the option requested in the parents' petition. The local board shall file with the state board an explanation of the alternative option that it has chosen.

(2) At the next meeting of the state board after the appeal is filed, the state board shall determine, after soliciting input from the LEA and the parents,

whether the option requested in the parents' petition is feasible. If the state board finds the option requested in the parents' petition is feasible, then the state board shall deny the local board's appeal and order the local board to restructure the school according to the option requested in the parents' petition. If the state board finds that the option requested in the parents' petition is not feasible, then the state board shall grant the local board's appeal and the local board shall implement the option that it chose under subsection (a).

(e) The state board of education is authorized to promulgate rules to govern the conduct of local board appeals under this section. The rules shall be promulgated in accordance with the Uniform Procedures Act, compiled in title 4, chapter 5.

49-2-808. After five (5) schools have been restructured under this part, the office of research and education accountability (OREA) in the office of the comptroller of the treasury shall study the effects of community support councils on the success of the restructuring. The OREA shall report its findings and conclusions to the education committees of the house of representatives and the senate within two (2) years of the fifth restructuring of a school under this part becoming operational.

49-2-809. Nothing in this part shall be construed as affecting the commissioner's authority to choose for a priority school one (1) of the interventions listed in § 49-1-602(b)(2), including placement in the achievement school district under § 49-1-614, or the achievement school district's ability to operate within the authority granted in § 49-1-614.

SECTION 2. Tennessee Code Annotated, Section 49-13-106(b)(2)(A), is amended by deleting the subdivision in its entirety and substituting instead:

(A)

(i) A school may convert to a public charter school pursuant to this chapter if sixty percent (60%) of the teachers assigned to a school agree and

demonstrate support by signing a petition seeking conversion and the LEA agrees to the conversion;

(ii)

(a) A school may convert to a public charter school pursuant to this chapter if parents representing fifty-one percent (51%) of the children enrolled at a school agree and demonstrate support by signing a petition to convert the school. The percentage of parents signing a petition shall be calculated on the basis of one (1) vote for each child enrolled in the school. The procedure by which parents of children shall petition for conversion of their children's school to a charter school shall comply with §§ 49-2-802(c) and 49-2-804. As required in § 49-2-802(c), when the parents sign the petition, they shall also pledge to support the conversion of the school to a public charter school, assist in their children's education to the best of their abilities, and commit to help their children's school succeed. In addition to the petition, the parents shall identify the sponsor of the proposed charter school. If the signatures on the petition and the pledges are verified to be at least fifty-one percent (51%) of the parents of children enrolled in the school, then the sponsor of the proposed charter school shall submit a charter school application under § 49-13-106(b)(3); except that, if the LEA denies the sponsor's application, the charter school sponsor may appeal the denial under § 49-13-108;

(b) If a school is converted to a public charter school under this subdivision (b)(2)(A)(ii), parents whose children are enrolled at the school shall have the option to enroll their child in another public school without penalty;

(c) If a school is converted to a public charter school under this subdivision (b)(2)(A)(ii), then the public charter school shall not be required to form a community support council under § 49-2-806;

(d) Except as otherwise provided in this subdivision (b)(2)(A)(ii), public charter schools formed by conversion of a school pursuant to a petition of parents of children enrolled in the school shall be governed by this chapter;

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it.