

Amendment No. 1 to SB0604

Gresham
Signature of Sponsor

AMEND Senate Bill No. 604

House Bill No. 664*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3402, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) Attendance in an alternative school or alternative program in a school setting:

(A) Is mandatory for students in grades seven through twelve (7-12) who have been expelled; and

(B) Is voluntary, unless the local board of education adopts a policy mandating attendance, for students:

(i) In grades one through six (1-6) who have been suspended or expelled from the regular school program; and

(ii) In grades seven through twelve (7-12) who have been suspended as provided in this part.

(2) A student attending an alternative school or placed in an alternative program in a school setting is subject to all rules of the local board of education pertaining to the student's attendance in the alternative school or alternative program in a school setting. A violation of the rules by a student may result in the student's removal from the alternative school or alternative program in a school setting for the duration of the student's original suspension or expulsion, but does not constitute grounds for any extension of the student's original suspension or expulsion. The chief administrator of the alternative school or

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alternative program in a school setting shall make the final decision on a student's removal pursuant to this subdivision (c)(2).

(3) Notwithstanding subdivision (c)(1)(A), a director of schools may use discretion on a case-by-case basis to determine if attendance in an alternative school or alternative program in a school setting is mandatory for a student who is expelled for a violation of a zero tolerance policy in accordance with § 49-6-3401(g).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

(a)

(1) The governing body of a public charter school shall:

(A) Establish an alternative program in a school setting for students who have been suspended or expelled from the regular school program; and

(B) If the public charter school is authorized by a local board of education that operates an alternative school, or is contracting for the operation of an alternative school, enter into a mutually acceptable agreement with the local board of education to accept students who have been suspended or expelled from the public charter school into the local board of education's alternative school.

(2) A charter school shall not expel a student from school attendance until after the student has been placed in an alternative program in a school setting.

(3) Notwithstanding subdivision (a)(2), the governing body of a public charter school may use discretion on a case-by-case basis to determine if attendance in an alternative program in a school setting is mandatory for a student who is expelled for a violation of a zero tolerance policy in accordance with § 49-6-3401(g).

(4) The governing body of a public charter school shall adopt policies to effectuate the purposes of this subsection (a).

(b)

(1) A local board of education that authorizes a public charter school and operates an alternative school, or is contracting for the operation of an alternative school, shall enter into a mutually acceptable agreement with the authorized public charter school to accept students who have been suspended or expelled from the public charter school into the local board of education's alternative school.

(2) It is the intent of the general assembly to encourage local boards of education that do not authorize a public charter school to enter into mutually acceptable agreements with public charter schools within the geographic boundaries of the LEA to accept into the local board of education's alternative school students who have been suspended or expelled from public charter schools, if the local board of education operates an alternative school or contracts for the operation of an alternative school.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

Beginning with the 2020-2021 school year, the governing body of a public charter school may require a student who has been suspended or expelled from the regular school program to attend an alternative public charter school created pursuant to

Section 4 of this act if there is an alternative public charter school located within the geographic boundaries of the LEA in which the public charter school is located.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

(a) As used in this section, "alternative public charter school" means a public charter school that is authorized by the commission solely for the purpose of educating students who have been suspended or expelled from the regular school program at a public charter school.

(b) Notwithstanding §§ 49-13-105 and 49-13-106, beginning in the 2021-2022 school year, a sponsor may apply to the commission to establish an alternative public charter school. Any governing body of a public charter school may, by mutually acceptable agreement with a governing body of an alternative public charter school and the commission, send its suspended or expelled students to the alternative public charter school if the alternative public charter school is in operation and is located within the geographic boundaries of the LEA in which the public charter school is located. An alternative public charter school shall only enroll students who are suspended or expelled from a public charter school in this state if the alternative public charter school has a mutually acceptable agreement pursuant to this subsection (b).

(c) A sponsor seeking to establish an alternative public charter school shall prepare and file with the commission an application providing the information and documents required by § 49-13-107(b). Notwithstanding § 49-13-105, the commission shall have the authority to approve or deny the alternative public charter school application. The commission shall approve or deny the alternative public charter school application no later than seventy-five (75) days after the commission's receipt of the application. The initial term of an alternative public charter school agreement shall be ten (10) years.

(d) If the commission approves an application submitted in accordance with this section, then the commission is the authorizer for the alternative public charter school.

(e) The commission has the authority to make decisions regarding the renewal or revocation of an alternative public charter school agreement. The commission shall determine requirements and terms for renewal and revocation of an alternative public charter school agreement.

SECTION 5. Section 1 and Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2019-2020 school year and each school year thereafter. Section 3 and Section 4 of this act shall take effect upon becoming a law, the public welfare requiring it.