

SENATE BILL 1755

By Haile

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to alternative education.

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

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

(1)

(A) Attendance in an alternative school or alternative program is mandatory for students in grades seven through twelve (7-12) who have been suspended or expelled from the regular school program if:

- (i) There is space and staff available; and
- (ii) The director of schools, or the director's designee, determines

that:

(a) The student was not suspended or expelled for a zero tolerance offense, an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school;

(b) The student's attendance in an alternative school or alternative program will not disrupt the learning environment for students attending the regular school program, alternative school, or alternative program; and

(c) Attendance in an alternative school or alternative program may benefit the student.

(B) Attendance in an alternative school or alternative program is voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance.

(2)

(A) A student who is assigned to an alternative school or alternative program is subject to all rules pertaining to the alternative school or alternative program.

(B) The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:

(i) The student has violated the rules of the alternative school or alternative program; or

(ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.

(C) The director of schools, or the director's designee, may remove a student from the alternative school or alternative program under subdivision (c)(2)(B) for the duration of the student's original suspension or expulsion. The student's removal under subdivision (c)(2)(B) does not constitute grounds for any extension of the student's original suspension or expulsion.

(D) The director of schools, or the director's designee, shall make the final decision on removal.

(3) If a student is under suspension or expulsion and transfers to another LEA during the student's suspension or expulsion period, then the director of schools, or the director's designee, of the LEA to which the student transfers may review the grounds of

the student's suspension or expulsion, but is not required to enforce the suspension or expulsion. If the director of schools, or the director's designee, elects to enforce the student's suspension or expulsion, then, notwithstanding subdivision (c)(1), the LEA to which the student transferred is not required to assign the student to an alternative school or alternative program for the remainder of the suspension or expulsion period. This subdivision (c)(3) does not limit or impair an LEA's ability to deny enrollment to a student who is under suspension or expulsion in another LEA or state pursuant to § 49-6-3401(f).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to students suspended, expelled, assigned to an alternative school or alternative program, removed from an alternative school or alternative program, or transferring during the student's suspension or expulsion period on or after that date.