



# State of Tennessee

## PUBLIC CHAPTER NO. 507

HOUSE BILL NO. 1956

By Representatives Montgomery, Moore, Armstrong, Tindell, John DeBerry, Curtiss, Hardaway

Substituted for: Senate Bill No. 1426

By Senator Woodson

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

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

SECTION 1. Tennessee Code Annotated, Section 49-13-104(3), is amended by deleting the punctuation ";" at the end of the subdivision and by substituting instead the following:

. A local board of education shall not serve as the governing body of a public charter school;

SECTION 2. Tennessee Code Annotated, Section 49-13-107, is amended by adding the following as a new subdivision (18) and by renumbering the remaining subdivisions accordingly:

(18) A statement of assurance to comply with this chapter and all other applicable laws;

SECTION 3. Tennessee Code Annotated, Section 49-13-106(d), is amended by deleting the language "\$ 49-13-107(20)" and by substituting instead the language "\$ 49-13-107".

SECTION 4. Tennessee Code Annotated, Section 49-13-111, is amended by adding the following as a new, appropriately designated subsection:

( ) The governing body shall conduct at least one (1) annual board training course and shall provide documentation of such training to the chartering authority. The training course shall be certified by the Tennessee Charter Schools Association.

SECTION 5. Tennessee Code Annotated, Section 49-13-111(m), is amended by deleting the last sentence of the subsection and by substituting instead the following:

The annual financial report shall include the audited financial statements of the charter school; however, the chartering authority shall not require additional financial reports more frequently than required by this subsection unless the chartering authority has reason or reasons to believe a public charter school is not in compliance with the provisions of this chapter and states the reason or reasons in writing to the public charter school sponsor.

SECTION 6. Tennessee Code Annotated, Section 49-13-107, is further amended by designating the existing language as subsection (b) and by adding the following language as new subsection (a):

(a) Sixty (60) days before the application process begins pursuant to subsection (b), a prospective charter school sponsor shall submit a letter of intent to the department of education of its plan to submit an application to operate a charter school.

SECTION 7. Tennessee Code Annotated, Section 49-13-112(a), is amended by adding the following language after the second sentence of the subsection:

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Each local education agency (LEA) shall include as part of its budget submitted pursuant to § 49-2-203, the per pupil amount of local money it will pass through to charter schools during the upcoming school year. Allocations to the charter schools during that year shall be based on that figure. The LEA shall distribute the portion of local funds it expects to receive in no fewer than nine (9) equal installments to the charter schools in the same manner as state funds are distributed pursuant to chapter 3 of this title. If the amount of local funds received increases or decreases from the budgeted figure, the LEA may adjust payments to the charter schools in February or June. Before adjusting payments to the charter schools, the LEA shall receive approval from the commissioner.

SECTION 8. Tennessee Code Annotated, Section 49-13-112(c)(2), is amended by deleting the subdivision in its entirety.

SECTION 9. Tennessee Code Annotated, Section 49-13-114(a), is amended by deleting the language "in the same manner it would be provided if the students were enrolled in any other school within the LEA." and by substituting instead the following:

in accordance with the provisions of chapter 6, part 21 of this title. If a public charter school elects to provide transportation other than through an agreement with the LEA, the school shall receive all funds that would have been spent by the LEA to provide such transportation.

SECTION 10. Tennessee Code Annotated, Section 49-13-119, is amended by deleting the section in its entirety and by substituting instead the following:

49-13-119. Teachers, as defined in § 8-34-101, and other full-time permanent employees of a public charter school shall participate in the group insurance plans authorized in title 8, chapter 27, part 3 in the same manner as teachers and other full-time permanent employees of the LEA.

SECTION 11. Tennessee Code Annotated, Section 49-13-120(a), is amended by deleting the language "at least" wherever such language appears in the subsection.

SECTION 12. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) No later than October 1 of the year prior to the year in which the charter expires, the governing body of a public charter school shall submit a renewal application to the chartering authority. On or before the following February 1, the chartering authority shall rule by resolution, on whether to approve or deny the renewal application. The decision of the chartering authority shall be based on the report and evaluation provided for in § 49-13-120. A decision by the chartering authority to deny renewal may be appealed by the governing body, within ten (10) days of the decision to deny, to the state board of education. If the state board of education directs the chartering authority to approve the renewal of the charter agreement, the public charter school shall continue to operate for the prescribed period of ten (10) academic years. A decision by the state board of education to deny the renewal of a charter agreement shall be final. No appeal may be taken.

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following as a new, appropriately designated section:

49-13-\_\_\_\_. The sponsor of an approved charter application may delay, for a period not to exceed one (1) academic year, the initial opening of the public charter school. No later than ninety (90) days prior to the day the charter school plans to begin operation, the commissioner of education shall verify that no material changes have been made to the information and documents filed by the sponsor in accordance with the requirements prescribed in § 49-13-107.

SECTION 14. This act shall take effect July 1, 2011, the general welfare requiring it.

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PASSED: May 20, 2011

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 16<sup>th</sup> day of June 2011

  
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BILL HASLAM, GOVERNOR