

## CHAPTER NO. 414

## SENATE BILL NO. 2167

**By Hagood, Black, Bryson, Ketron, Tracy, Norris, Curtis S. Person, Jr., Miller, Finney, Southerland, Beavers, Williams, Ramsey, Fowler**

**Substituted for: House Bill No. 2137**

**By Ulysses Jones, Montgomery, Swafford, Lois DeBerry, Godsey, Sargent, Harwell**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 13, relative to the Tennessee Public Charter Schools Act of 2002.

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 punctuation “.” and by adding the following language at the end of the subdivision:

The membership of a charter school’s governing body shall include at least one (1) parent representative whose child is currently enrolled in the charter school. Such parent representative shall be appointed by the governing body within six (6) months of the school’s opening date;

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

(a) Public charter schools may be formed to provide quality educational options for students. The prospective student population will be:

(1) Students who were previously enrolled in a charter school; or

(2) Students who are assigned to, or were previously enrolled in a school failing to make adequate yearly progress, as defined by the state’s accountability system, giving priority to at-risk students; or

(3) Students who, in the previous school year, failed to test proficient in the subjects of language arts/reading or mathematics in grades three (3) through eight (8) on the Tennessee comprehensive assessment program examinations; or

(4) Students who, in the previous school year, failed to test proficient on the gateway examinations in language arts/reading or mathematics.

SECTION 3. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(C) Prior to 2008, at which time the general assembly is scheduled to evaluate the effectiveness of charter schools for the purpose of re-enactment or extension of the charter school statute, charter schools created for the purpose stated in subdivision (a)

shall not exceed, statewide, fifty (50) in number, twenty (20) of which shall be located within a home rule municipality of a county with a population greater than eight hundred ninety seven thousand and four hundred (897,400), and four (4) of which shall be located within a county with a population greater than eight hundred ninety seven thousand and four hundred (897,400).

SECTION 4. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is amended by deleting the language "November 15" and by substituting instead the language "October 1".

SECTION 5. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by adding the following sentence to the end of the subdivision:

"An LEA's decision whether to convert an eligible public school may not be appealed to the state board of education".

SECTION 6. Tennessee Code Annotated, Section 49-13-107, is amended by deleting the language "November 15" and by substituting instead the language "October 1".

SECTION 7. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the language "November 15" and by substituting instead the language "October 1".

SECTION 8. Tennessee Code Annotated, Section 49-13-124, is amended by designating the current language as subsection (a) and by adding the following as a new subsection (b):

(b) The chartering authority may endorse the submission of the qualified zone academy bond application to the local taxing authority if the project is a qualified project under §1397 (e) of the Internal Revenue Code of 1986 or any subsequent corresponding Internal Revenue Code of the United States, as from time to time may be amended, and the Tennessee State School Bond Authority Act, and the applicant can demonstrate that it meets the ten percent (10%) matching funds requirement as prescribed by the Internal Revenue Code and has provided sufficient security for the bonds.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following as a new appropriately designated section:

49-13-1\_\_\_. (a) The office of education accountability in the office of the comptroller, created by Tennessee Code Annotated, 4-3-308, shall review relevant state and national charter school research related to school and student achievement, with particular emphasis on curriculum design and teaching methods. The office shall report its findings to the Senate and House Education Committees by February 1, 2006.

(b) The office of education accountability in the office of the comptroller shall conduct a comprehensive study of the charter schools across Tennessee to:

(1) evaluate each charter school's status in achieving the purposes established in § 49-13-102; and

(2) recommend measures for improvement.

(c) The report shall include a comparison of any relevant test data from Tennessee's public traditional and charter schools and shall include an evaluation of effective teaching methods and governance structures intended to promote learning for all students in Tennessee's public charter schools. The report shall also include information on other states' charter school legislation and corresponding results.

(d) The office of education accountability shall report its findings and recommendations to the general assembly no later than February 1, 2008.

SECTION 10. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: May 28, 2005**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 17<sup>th</sup> day of June 2005**

  
PHIL BREDESEN, GOVERNOR