

Amendment No. 1 to HB1214

White  
Signature of Sponsor

**AMEND Senate Bill No. 1194**

**House Bill No. 1214\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by designating subdivision (A) as subdivision (A)(i) and adding the following as a new subdivision:

(ii) Home schools that teach kindergarten through grade twelve (K-12), where the parents are associated with, and where students are enrolled with, a hybrid public charter school authorized by the Tennessee public charter school commission pursuant to § 49-13-106(k) that are supervised by the hybrid public charter school's director and that administer or offer standardized achievement tests, are exempt from this section.

SECTION 2. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by designating subdivision (B) as subdivision (B)(i) and adding the following as a new subdivision:

(ii) A parent who associates with a hybrid public charter school authorized by the commission to provide home school instruction to the parent's student in grades nine through twelve (9-12) must possess at least a high school diploma or a high school equivalency credential approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (12) and substituting instead the following:

(12) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with this chapter and includes, unless the context otherwise requires, a hybrid public charter school authorized by the commission pursuant to § 49-13-106(k);

SECTION 4. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Hybrid public charter school" means a public charter school authorized by the commission pursuant to § 49-13-106(k) to provide students the opportunity to enroll in, and the students' parents the opportunity to associate with, the public charter school to provide high-quality instruction to the parents' students in a traditional classroom setting and in a home school setting;

SECTION 5. Tennessee Code Annotated, Section 49-13-105, is amended by deleting subsection (a) and substituting instead the following:

(a) There is established the Tennessee public charter school commission as an independent state entity for the purpose of serving as a public charter school authorizer and the LEA for any public charter school it authorizes. The commission has the authority to authorize public charter schools on appeal of a local board of education's decision to deny a public charter school application, and the authority to directly authorize public charter schools as provided in this chapter. A public charter school that is authorized by the commission must operate within the geographic boundaries of the LEA that denied approval of the initial public charter school application or within the geographic boundaries of the LEA in which the commission has approved the charter sponsor to locate. The commission may adopt policies and procedures for the commission and the commission's authorized public charter schools.

SECTION 6. Tennessee Code Annotated, Section 49-13-106, is amended by adding the language ", including a hybrid public charter school," after the language "A public charter school" in subsection (e), by designating subsection (e) as subdivision (e)(1), and by adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), a public charter school authorized pursuant to subsection (l) to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) shall not charge registration fees,

enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and participating in the public charter school's residential or boarding program.

SECTION 7. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

(3) Notwithstanding subdivision (f)(1):

(A) Hybrid public charter schools may be formed to provide quality educational options for students residing within this state; and

(B) Public charter schools may be formed pursuant to subsection (l) to provide residential or boarding programs for at-risk students in grades six through twelve (6-12) residing within this state.

SECTION 8. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (i) as subdivision (i)(1) and adding the following as a new subdivision:

(2)

(A) Notwithstanding subdivision (i)(1):

(i) If the sponsor seeks to establish a hybrid public charter school, then the sponsor shall apply directly to the commission; and

(ii) If the sponsor seeks to establish a public charter school pursuant to subsection (l), then the sponsor may apply to the local board of education or directly to the commission.

(B) A sponsor applying to establish a public charter school pursuant to subsection (k) or (l) must comply with § 49-13-107.

SECTION 9. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as new subsections:

(k)

(1) A sponsor may apply directly to the commission to establish a hybrid public charter school. The application process must be conducted in accordance with § 49-13-107 and with the following:

(A) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny a hybrid public charter school application no later than ninety (90) days after the commission receives the completed application;

(B) The grounds upon which the commission based a decision to deny a hybrid public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(C) The commission's decision is final and is not subject to appeal; and

(D) If the commission approves the application, then the commission is the authorizer and LEA for the hybrid public charter school.

(2)

(A) A hybrid public charter school shall provide in-person classroom instruction to enrolled students for no less than three (3), but no more than four (4), days per school week, as determined by the hybrid public charter school in consultation with the student's parent. Except as provided in subdivision (k)(2)(C), a parent of a student enrolled in a hybrid public charter school shall provide home school instruction to the parent's student for the remainder of the school week.

(B) A parent who associates with a hybrid public charter school authorized by the commission pursuant to this subsection (k) to provide home school instruction to the parent's student:

(i) Must possess at least a high school diploma or a high school equivalency credential approved by the state board of education if the parent is providing instruction to the parent's student in grades nine through twelve (9-12);

(ii) Is not required to hold a valid educator license; and

(iii) Is exempt from any background check requirements.

(C) Notwithstanding another law to the contrary, a parent of a student enrolled in a hybrid public charter school may elect for the hybrid public charter school to provide remote instruction to the parent's student each day of the week for which the parent's student is not receiving in-person classroom instruction. A hybrid public charter school that provides remote instruction to students pursuant to this subdivision (k)(2)(C) must track student attendance each day remote instruction is provided, and shall implement policies and procedures for the hybrid public charter school to request and receive daily visual, verbal, or written confirmation of student participation in such instruction.

(D) Notwithstanding another law to the contrary, a hybrid public charter school authorized by the commission pursuant to this subsection (k) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law; provided, that the public charter home school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(E) Funding for a hybrid public charter school authorized pursuant to this subsection (k) must comply with § 49-13-112.

(3)

(A) A hybrid public charter school authorized by the commission may enroll students residing in this state, regardless of whether the LEA

in which the hybrid public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) State school funds must follow a student into the LEA in which the hybrid public charter school is located and to which the student transfers pursuant to §§ 49-6-3003 and 49-6-3104.

(C) Tuition may be charged by the LEA in which the hybrid public charter school is located and to which a student transfers, as provided in § 49-6-3003.

(D) If the number of enrollment applications exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

(4) Home school instruction provided by the parent of a student enrolled in a hybrid public charter school authorized by the commission pursuant to this subsection (k) must align with the academic standards adopted by the state board of education for the student's grade level and for the respective subject.

(5) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (k). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(l)

(1)

(A) A sponsor may apply to a local board of education or directly to the commission to establish a public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12). If the sponsor applies to a local board of education, then the application process must be conducted in accordance with §§ 49-13-

107 and 49-13-108. If the sponsor applies directly to the commission, then the application process must be conducted in accordance with § 49-13-107 and with the following:

(i) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny the public charter school application no later than ninety (90) days after the commission receives the completed application;

(ii) The grounds upon which the commission based a decision to deny the public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(iii) The commission's decision is final and is not subject to appeal; and

(iv) If the commission approves the application, then the commission is the authorizer and LEA for the public charter school.

(B) The governing body of a public charter school in operation on July 1, 2023, may petition the authorizer to amend the original charter agreement to allow the public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) in accordance with the timelines for approval and the appeal process determined by the commission pursuant to § 49-13-110(d) and its rules.

(2) A public charter school authorized pursuant to this subsection (l) to provide a residential or boarding program may be a separate-sex school that only enrolls students of a respective sex, as defined in § 49-2-802.

(3)

(A) A public charter school authorized pursuant to this subsection (l) may enroll students residing in this state, regardless of whether the LEA in which the public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) If the number of applications to participate in the public charter school's residential or boarding program exceeds the public charter school's residential or boarding capacity, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

(C) The state and local funds generated and required through the TISA, as defined in § 49-3-104, for an at-risk student must follow the student into the LEA in which a public charter school authorized pursuant to this subsection (l) is located, and to which the student transfers, if the at-risk student resides outside the geographic boundaries of the LEA in which the public charter school is located, enrolls in the public charter school, and participates in the residential or boarding program.

(4) Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (l) must be operated on a year-round basis, which shall not operate to reduce the level of state support to the public charter school. The commissioner of education shall make adjustments necessary to accommodate the public charter school's year-round operation so as not to diminish state financial support. The charter agreement for a public charter school authorized pursuant to this subsection (l) shall specify the date by

which the school year must commence. Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (l) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law; provided, that the public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(5) Funding for a public charter school authorized pursuant to this subsection (l) must comply with § 49-13-112.

(6) As used in this subsection (l), "at-risk" means students who are:

(A) "Economically disadvantaged," as defined in § 49-3-104;

(B) Members of a family with a household income that meets the eligibility requirements for free or reduced-price lunch, as determined pursuant to 42 U.S.C. § 1771;

(C) At risk of educational disadvantage due to circumstances of abuse, neglect, or disability;

(D) At risk of state custody due to family dysfunction;

(E) Chronically absent, as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.);

(F) Truant after having accumulated five (5) or more unexcused absences, or who have previously dropped out of school; or

(G) Expelled or who have been placed on probation or parole.

(7) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (l). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 10. Tennessee Code Annotated, Section 49-13-107(b), is amended by adding the following as a new subdivision:

(23) A plan for the construction, development, or purchase of residential or boarding facilities, if the proposed public charter school intends to provide a residential or boarding program for students pursuant to § 49-13-106(l), including a copy of all required permits, certificates, or other documentation evidencing the sponsor's ability to secure, provide, and safely operate the proposed residential or boarding program.

SECTION 11. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (b) as subdivision (b)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (b)(1):

(A) A hybrid public charter school is open to all students residing within this state and may enroll students residing outside the geographic boundaries of the LEA in which the hybrid public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment; and

(B) A public charter school authorized by the commission to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l):

(i) Is open to all at-risk students in grades six through twelve (6-12) residing within this state; and

(ii) May enroll at-risk students in grades six through twelve (6-12) residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

SECTION 12. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (c) as subdivision (c)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (c)(1), a public charter school authorized by a local board of education to provide a residential or boarding program for at-risk students in grade six through twelve (6-12) pursuant to § 49-13-106(l):

(A) May enroll at-risk students in grades six through twelve (6-12) residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment; and

(B) Shall not charge registration fees, enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and who are participating in the public charter school's residential or boarding program.

SECTION 13. Tennessee Code Annotated, Section 49-13-113(d), is amended by deleting subdivision (3) as subdivision (3)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(3)(A):

(i) If the number of applications for a hybrid public charter school exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available; and

(ii) If the number of applications to participate in a residential or boarding program provided by a public charter school pursuant to § 49-13-106(l) exceeds the public charter school's residential or boarding capacity, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

SECTION 14. Tennessee Code Annotated, Section 49-13-113(d), is amended by designating subdivision (5) as subdivision (5)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(5)(A):

(i) A hybrid public charter school shall not give an enrollment preference to children of a teacher employed by the hybrid public charter school or to the children of a member of the hybrid public charter school's governing body; and

(ii) A public charter school that provides a residential or boarding program pursuant to § 49-13-106(l) shall not give an enrollment or participation

preference for the public charter school's residential or boarding program to children of a teacher employed by the public charter school or to the children of a member of the public charter school's governing body.

SECTION 15. Tennessee Code Annotated, Section 49-13-121, is amended by deleting subsection (a) and substituting instead the following:

(a) The governing body of a public charter school seeking renewal shall, no later than April 1 of the year prior to the year in which the charter expires, submit a renewal application on the application form developed by the department of education to:

(1) The local board of education, if the local board of is the authorizer;

(2) The commission, if the public charter school is a hybrid public charter school or if the commission is the authorizer for a public charter school providing a residential or boarding program pursuant to § 49-13-106(l); or

(3) The commission or the local board of education, if the commission is the authorizer and the public charter school is not a hybrid public charter school or a public charter school authorized by the commission to provide a residential or boarding program pursuant to § 49-13-106(l).

SECTION 16. Tennessee Code Annotated, Section 49-13-108(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing and must specify objective reasons for the denial.

(B) Upon the sponsor's receipt of the grounds for denial, the sponsor may submit an amended application to the local board of education to correct any deficiencies. An amended application to correct deficiencies must be submitted to the local board of education no later than thirty (30) days from the date on which the sponsor received the grounds for denial. The local board of

education has sixty (60) days from its receipt of an amended application to approve or deny the amended application. If the local board of education fails to approve or deny the amended application within sixty (60) days, then the amended application shall be deemed approved.

(C) A sponsor is not required to submit an amended application to the local board of education before appealing the local board's decision to deny the sponsor's charter application to the commission. The sponsor may immediately appeal the local board of education's initial decision to deny the sponsor's charter application to the commission in accordance with subdivision (b)(5).

SECTION 17. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 16 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, all other sections of this act take effect January 1, 2024, the public welfare requiring it.