

Amendment No. \_\_\_\_\_

*Mohamud*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 714**

**House Bill No. 662\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

**49-1-616.**

(a) This section is known and may be cited as the "Tennessee Public School Accountability Act."

(b) The commissioner of education may take one (1) or more of the accountability measures in subsection (c) if the commissioner determines it necessary and if:

(1) Thirty percent (30%) or more of the schools managed and controlled by the LEA's local board of education were assigned a "D" or "F" letter grade in any one (1) school year for which letter grades were assigned pursuant to § 49-1-228;

(2) The LEA is in the bottom five percent (5%) of school district performance statewide;

(3) Twenty-five percent (25%) or more of the students enrolled in the LEA are chronically absent; or

(4) The local legislative body for the county in which the LEA is located approves, by a majority vote, a resolution expressing that the local legislative body has no confidence in the local board of education for the LEA.



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(c) The commissioner may take one (1) or more of the following accountability measures if the commissioner finds it necessary for an LEA described in subsection (b):

(1) The commissioner may recommend that the governor, speaker of the senate, and speaker of the house of representatives jointly agree to appoint a board of managers in accordance with subsection (d); and

(2) Recommend to the Tennessee public charter school commission that one (1) or more of the existing public schools in the LEA be converted to a public charter school pursuant to the process established in § 49-13-137.

(d)

(1) If the governor, speaker of the senate, and speaker of the house of representatives jointly agree to appoint a board of managers pursuant to the commissioner's recommendation pursuant to subdivision (c)(1), then a board of managers is created consisting of nine (9) members, each of whom must reside in the county in which the LEA is located and have experience in education, finance, facilities, health, management, data, or evaluations. The board of managers is appointed as follows:

(A) Five (5) members are appointed by the governor;

(B) Two (2) members are appointed by the speaker of the senate;

and

(C) Two (2) members are appointed by the speaker of the house of representatives.

(2) Members appointed to the board serve until the board ceases to exist pursuant to subdivision (d)(4).

(3) In making the appointments pursuant to subdivision (d)(2), the governor, speaker of the senate, and speaker of the house of representatives shall consider appointing members to the board of managers who:

(A) Are employed at an institution of higher education in the county in which the LEA is located, if any;

(B) Have experience in local philanthropies;

(C) Are community leaders;

(D) Are business representatives with expertise in leadership;

(E) Are building and facility experts;

(F) Have experience in budgeting and finance;

(G) Have experience in data collection and evaluation; and

(H) Have experience in the field of education.

(4) The board of managers must remain in place for at least four (4) years. If the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the areas of insufficient performance for which the board of managers was appointed pursuant to this section, then the commissioner may allow the board of managers to remain in place for up to two (2) additional years.

(5) The appointing authority may remove a member of the board of managers at the appointing authority's sole discretion.

(6) The board of managers is terminated and ceases to exist upon the commissioner's determination that the LEA has made sufficient progress toward improving the performance of the LEA, but not before the board of managers has been in place for four (4) years pursuant to subdivision (d)(4).

(e)

(1) The board of managers shall conduct a comprehensive needs assessment of the LEA that includes factors causing or contributing to the LEA's insufficient performance and lack of progress. In conducting the comprehensive needs assessment, the board of managers shall determine:

- (A) The number of teachers who are teaching in a course or grade for which the teacher holds a valid license;
- (B) The number of teachers who hold an emergency teaching credential pursuant to § 49-5-106;
- (C) The number of teachers with more than three (3) years of experience;
- (D) The overall achievement levels of teachers and principals based on evaluations conducted pursuant to § 49-1-302, disaggregated by the number of teachers and principals who earned a level of overall effectiveness score of "significantly below expectations," "below expectations," "at expectations," "above expectations," or "significantly above expectations";
- (E) The teacher retention rate;
- (F) Compliance with the maximum class-size requirements in § 49-1-104 and the number of any class-size waivers received;
- (G) The quality, quantity, and appropriateness of selected textbooks, instructional materials, and curriculum;
- (H) The parental involvement strategies, if any, utilized by the LEA and the effectiveness of any such strategies;
- (I) The extent and quality of the mentoring program provided for:
  - (i) Newly licensed teachers; and
  - (ii) Experienced teachers who have less than two (2) years of teaching experience in the subject area or grade level to which the teacher is assigned;
- (J) The type and quality of the professional development opportunities provided to the teachers;

(K) A demographic analysis of the student population, including student demographics, at-risk populations, and special education percentages;

(L) A report of disciplinary incidents and school-safety-related information;

(M) Financial and accounting practices;

(N) The needs and usage of facilities and maintenance; and

(O) Any grant opportunities available to the LEA that may improve the performance of the LEA.

(2) The comprehensive needs assessment must be completed within the first ninety (90) days of the board of managers' appointment.

(3) Based on the comprehensive needs assessment, the board shall develop and implement a transformation plan for the LEA that:

(A) Optimizes funding for the LEA, which includes TISA allocations, federal and state grant funding, and local funding;

(B) Provides opportunities for students to complete workforce credentials and career and technical education training;

(C) Lowers the chronic absenteeism rate for the LEA;

(D) Includes early childhood literacy opportunities; and

(E) Includes student supports.

(f) A board of managers:

(1) May require the local board of education or an administrator employed by the LEA to take certain actions prescribed by the board of managers or prohibit the local board of education, director of schools, or an administrator employed by the LEA from taking certain actions. Notwithstanding another law to the contrary, the local board of education, director of schools, or an administrator employed by the LEA shall not take an action prohibited by the

board of managers and shall take all actions required by the board of managers pursuant to this section;

(2) Shall approve or disapprove an action taken by the local board of education regarding the employment of a director of schools;

(3) Shall not take any action affecting the election of members to the LEA's local board of education, including, but not limited to, ordering or canceling an election or altering the date of, or the polling places for, an election;

(4) Shall not change the number of members on the LEA's local board of education or the method of selecting members for the local board of education;

(5) Shall comply with the open meetings law, compiled in title 8, chapter 44;

(6) May hold meetings in facilities operated by the LEA;

(7) Is compensated in the same manner as the local board of education;

(8) May enter into contracts to carry out its duties; and

(9) Shall submit a quarterly progress report to the commissioner, the local legislative body for the county or municipality in which the LEA is located, the senate education committee, and the committee of the house of representatives having jurisdiction over kindergarten through grade twelve (K-12) education.

(f) Notwithstanding another law to the contrary, during the period within which a board of managers is appointed, the local board of education:

(1) Serves in an advisory capacity to the board of managers;

(2) May convene only as authorized by the board of managers; and

(3) May make employment decisions for a director of schools if the decision is approved by the board of managers.

(g) A decision made by the commissioner or board of managers pursuant to this section is final and is not subject to appeal.

SECTION 2. Tennessee Code Annotated, Section 49-13-105(a), is amended by deleting the first two sentences of the subsection and substituting:

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 to directly authorize public charter schools as provided in this chapter.

SECTION 3. Tennessee Code Annotated, Section 49-13-106(i), is amended by adding the following as a new subdivision:

(3) If a sponsor seeks to establish a new public charter school in an LEA described in § 49-1-616(b), then the sponsor may apply to the local board of education or directly to the commission for authorization pursuant to § 49-13-137, if applicable.

SECTION 4. Tennessee Code Annotated, Section 49-13-106(j), is amended by deleting subdivision (1) and substituting instead the following:

(1) If a sponsor seeks to convert an existing public school to a public charter school, then the sponsor must apply to the local board of education. This subdivision (j)(1) does not apply if the existing public school has entered the achievement school district pursuant to § 49-1-614, or if the commissioner of education has recommended that one (1) or more of the public schools managed and controlled by the local board of education for an LEA described in § 49-1-616(b) be converted to a public charter school pursuant to the process established in § 49-13-137.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

**49-13-137.**

(a) If a sponsor seeks to establish a new public charter school in an LEA described in § 49-1-616(b), then the sponsor may apply directly to the commission for

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

(1) The commission shall rule by resolution, at a regularly or specially called meeting, to approve or deny the public charter school application no later than ninety (90) days after the date on which the commission received the completed application. If the commission fails to approve or deny a public charter school application within ninety (90) days, then the public charter school application is deemed approved;

(2) If the commission denies the application, then the grounds for denial must be stated in writing and must specify objective reasons for the denial. Upon receipt of the grounds for denial, the sponsor has thirty (30) days to submit an amended application to correct any deficiencies. Upon receipt of the amended application, the commission has sixty (60) days to deny or approve the amended application. If the commission fails to approve or deny the amended application within sixty (60) days, then the amended application is deemed approved;

(3) If the commission approves the application, then the commission is the authorizer and LEA for that public charter school; and

(4) The commission's decision is final and not subject to appeal.

(b) If the commissioner of education recommends that one (1) or more of the public schools in an LEA described in § 49-1-616(b) be converted to a public charter school pursuant to § 49-1-616(c)(2), then a sponsor who seeks to convert an existing public charter school for which the commissioner recommends conversion may apply directly to the commission. If a sponsor applies directly to the commission for conversion, then the application process must be conducted in accordance with § 49-13-107 and with the process and timelines established in subdivisions (a)(1)-(4).

(c) If the commission approves a sponsor's application for conversion, then:



(1) The conversion must occur at the beginning of a school year and the conversion public charter school must comply with this chapter;

(2) An enrollment preference must be given to students who reside in the former school zone of the converted public school. The enrollment preference for students who reside in the former attendance area excludes the students from entering into an enrollment lottery conducted pursuant to subdivision (c)(3);

(3) The conversion public charter school may enroll students who reside in other school zones after students residing within the school zone of the converted public school have had the opportunity to enroll, but only if there is program, class, grade level, and building capacity to serve the out-of-zone students. If applications by out-of-zone students exceed the conversion public charter school's capacity, then enrollment of out-of-zone students must be determined based on the results of an enrollment lottery. Out-of-zone students who attended the school during the previous school year and the siblings of students who attended the school may be given preference in enrollment; and

(4) The conversion public charter school shall occupy the converted public school's existing facility.

(d) This section does not require the commission to approve an application to establish a new public charter school in an LEA described in § 49-1-616(b) or to approve an application for conversion of one (1) or more existing public schools in an LEA described in § 49-1-616(b) for which the commissioner recommends conversion.

SECTION 6. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.