State of Tennessee

PUBLIC CHAPTER NO. 465

HOUSE BILL NO. 664

By Representatives Parkinson, Camper, Freeman, Lamar, Dixie, Hardaway, Staples, Helton

Substituted for: Senate Bill No. 604

By Senators Robinson, Gilmore, Akbari

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 13 and Title 49, Chapter 6, 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 the section and substituting instead the following:

(a) Local boards of education may establish alternative schools for students in grades one through six (1-6) who have been suspended or expelled from the regular school program. At least one (1) alternative school or alternative program shall be established and available for students in grades seven through twelve (7-12) who have been suspended or expelled as provided in this part. In providing alternative schools, any two (2) or more boards may join together and establish a school attended by students of any such school system; furthermore, any board may, by mutually acceptable agreement with another board, send its suspended or expelled students to any alternative school already in operation.

(b) Alternative schools and alternative programs shall be operated pursuant to rules of the state board of education pertaining to them, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work completed and credits earned in alternative schools or alternative programs shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c) Students in grades seven through twelve (7-12) who have been suspended or expelled from the regular school program must be assigned to an alternative school or alternative program if there is space and staff available. Attendance in an alternative school or alternative program shall be 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. The student shall be subject to all rules pertaining thereto. A violation of the rules by a student may result in the student's removal from this school for the duration of the original suspension or expulsion, but shall not constitute grounds for any extension of the original suspension or expulsion. The final decision on removal shall be made by the chief administrator of the alternative school.

(d) Any student attending an alternative school shall continue to earn state education funds in the student's home school system and shall be counted for all school purposes by that system as if still in attendance there.

(e) A pupil who has been properly found to be eligible for special education and related services shall be placed and served in accordance with the laws and rules relating to special education.

(f) (1) The state board of education, in its rules and regulations for the operation of alternative schools, shall require documentation of the reasons for a student attending an alternative school and provide safeguards to assure that no
child with disabilities or other special student is arbitrarily placed in an alternative school. The state board of education, in its rules and regulations, shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

(2) The state board of education shall provide a curriculum for alternative schools to ensure students receive specialized attention needed to maximize student success. Alternative schools shall offer alternative learning environments in which students are offered a variety of educational opportunities, such as learning at different rates of time or utilizing different, but successful, learning strategies, techniques and tools.

(g) Notwithstanding this section or other law to the contrary, local boards of education may establish evening alternative schools for students in grades six through twelve (6-12).

(h)

(1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
HOUSE BILL NO. 664

PASSED: May 1, 2019

GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY MCNALLY
 SPEAKER OF THE SENATE

APPROVED this 24th day of May 2019

BILL LEE, GOVERNOR
FISCAL MEMORANDUM

HB 664 - SB 604

April 24, 2019

SUMMARY OF ORIGINAL BILL: Requires mandatory attendance in an alternative school for students in grades seven through twelve who have been expelled. Specifies that attendance in an alternative school is voluntary for students in grades one through six who have been suspended or expelled and for students in grades seven through twelve who have been suspended. Specifies that students attending an alternative school are subject to all the rules of the local board of education. Requires the governing body of a public charter school establish an alternative educational setting for students who have been suspended from the regular school program. Prohibits a charter school from expelling a student until the student has been placed in an alternative educational setting and requires the governing body of a local charter school to adopt policies consistent with the proposed legislation.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds $3,000,000

Increase Local Expenditures – Exceeds $1,000,000*

SUMMARY OF AMENDMENT (008831): Deletes all language after the enacting clause and rewrites the bill to: (1) add “alternative program” as an option for a student to participate in who has been suspended or expelled; and (2) require students in grades seven through twelve who have been suspended or expelled to be assigned to attend an alternative school or alternative program if there is space and staff available.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Tennessee Code Annotated § 49-6-3402 stipulates that student attendance in an alternative school is voluntary unless a local board adopts a policy making it mandatory.
In addition, local boards of education may enter into agreements to send students from any school system to any alternative school already in operation.

- The proposed legislation will require mandatory attendance in an alternative school, or alternative program if there is space available, for all students in grades seven through twelve who are expelled.
- Local boards of education will be able to comply with the proposed legislation within existing resources without a significant increase in expenditures.
- No significant impact to state or local operations.
- No change to the Basic Education Program.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner, Executive Director

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