

Amendment No. 1 to SB0973

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 973

House Bill No. 959*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-128(f), is amended by adding the following as new subdivisions:

(3) For transparency and to assist parents in making decisions, each LEA shall adopt a policy to establish a process for nonresident students to participate in open enrollment in accordance with this section and §§ 49-6-3104 and 49-6-3105; provided, that space is available. The policy must:

(A) Adhere to federal desegregation requirements;

(B) Allow parents to declare school preferences;

(C) Provide a lottery procedure to determine student assignment and establish an appeal process for hardship cases;

(D) Identify schools that have not reached capacity, as determined by the LEA pursuant to subsection (a);

(E) Establish if the LEA will charge nonresident students a fee in accordance with § 49-6-3003; and

(F) Be published on the LEA's website.

(4) When implementing the policy required in subdivision (f)(3), an LEA is not required to:

(A) Make alterations in the structure of a requested school or to make alterations to the arrangement or function of rooms within a requested school;

(B) Establish and offer a particular program in a school if the program is not currently offered in the school; or

(C) Alter or waive established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.

(5) An LEA may deny a nonresident student enrollment in a particular program or school within the LEA, but only for one (1) or more of the following reasons:

(A) There is a lack of available space or teaching staff within a particular program or school requested;

(B) The student does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, or required levels of performance;

(C) A desegregation plan is in effect for the school district, and the denial is necessary for compliance with the desegregation plan; or

(D) The student is expelled from school pursuant to § 49-6-3401.

(6) A school receiving a request for enrollment from a nonresident student must issue a written decision accepting or denying the request within ten (10) days of receiving the request for enrollment, or within ten (10) days of the conclusion of the open enrollment application period for nonresident students, whichever is later. If a request is denied, then the written decision must cite the school's specific reason for the denial.

(7) A student who, pursuant to this subsection (f), requests to enroll in a school district in which the student does not reside and who is denied enrollment, or who does not receive a written decision accepting or denying the student's request to enroll within the time period required in subdivision (f)(6), may appeal the decision to the LEA in which enrollment was denied for the student.

SECTION 2. The state board of education may promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.