

HOUSE BILL 837

By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 49, to enact the "Move on When Ready Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding Sections 2 through 4 as a new, appropriately designated part:

SECTION 2. This act shall be known and may be cited as the "Move on When Ready Act."

SECTION 3. As used in this part, unless the context otherwise requires:

- (1) "Board" means state board of education;
- (2) "Department" means the department of education;
- (3) "Eligible institution" or "institution" means an eligible postsecondary institution as defined in § 49-4-902;
- (4) "Eligible student" means a student entering the eleventh or twelfth grade who spent the prior school year in attendance at a public high school in this state;
- (5) "Prior school year in attendance" means that the student was counted as enrolled in a public high school for funding purposes in the average daily membership reports submitted to the department from October through June for the preceding school year in accordance with § 49-3-351;
- (6) "Program" means the arrangement authorized by this part whereby an eligible student takes all of the eligible student's courses at or through an eligible institution or a virtual course approved by the state board of education and receives secondary credit from the student's public high school with the goal of completing graduation and high school diploma requirements; and

(7) "Secondary credit" means high school credit for courses taken at an eligible institution under the program.

#### SECTION 4.

(a) Any eligible student may apply to an eligible institution to take courses at or through the institution that are approved for secondary credit pursuant to subsection (c). If accepted at an eligible institution, such eligible student may take any approved course at that institution, whether or not the course is taught during the regular public school day, and receive secondary credit for the course under the conditions of this section. An eligible institution that accepts an eligible student authorized to apply for enrollment under the program shall not receive any state funds for that student unless such institution complies with the requirements of this section regarding eligible institutions.

(b) The department shall develop appropriate forms and counseling guidelines for the program and shall make the forms and guidelines available to LEAs and eligible institutions. Each year no later than April 1, each LEA shall provide general information about the program, including the forms, to all tenth and eleventh grade students. An LEA shall also provide counseling services in accordance with the counseling guidelines established by the department to students and their parents or guardians before the students enroll in the program. Prior to participating in the program, a student and the student's parent or guardian shall sign the form provided by the LEA or by an eligible institution stating that they have received counseling in accordance with the counseling guidelines and that they understand the responsibilities which shall be assumed in participating in the program.

(c)

(1) An LEA shall grant academic credit to an eligible student enrolled in a course in an eligible institution if the course has been approved by the state board of education and if such student successfully completes the course. The board shall approve any such course if the curriculum for the course is substantially comparable to a secondary course using a curriculum approved by the board. The secondary credit granted shall be for the comparable course and its associated units of credit. Upon completion of an eligible institution's approved course, the eligible student shall be responsible for requesting that the institution notify the student's LEA regarding the student's grade in the course.

(2) Secondary school credits granted for eligible institution courses under subdivision (c)(1) shall be counted toward the units of credit and courses needed for graduation from high school pursuant to the board's graduation requirements. Evidence of successful completion of each course and secondary credits granted shall be included in the eligible student's high school records.

(3) The state board of education shall establish rules that require LEAs to award a high school diploma to any eligible student who is enrolled at an eligible institution under the program if the credit earned at the eligible institution satisfies course requirements needed for the eligible student to graduate from high school. The department shall consult the board of regents and the University of Tennessee in developing rules and regulations to be recommended to the boards for use in establishing the eligibility criteria for program participation.

(d)

(1) State funds appropriated through the BEP shall be allocated by the department for payment to eligible institutions participating in the program. An eligible institution shall receive the lesser of the following amounts for each

participating eligible student enrolled in the institution, less a records fee of two hundred dollars (\$200) for administration costs of the LEA:

(A) The actual cost of tuition, materials, and fees directly related to the courses taken by the eligible student at the institution; or

(B) The state per pupil expenditure that would have been generated under the BEP for the participating eligible student calculated as if the student had been enrolled in equivalent instructional programs in the LEA.

(2) State funding under the BEP for an LEA in which a student who is a participating student at an eligible institution would have been enrolled shall be calculated as otherwise provided in title 49, chapter 3, part 3, with an ensuing reduction equivalent to the amount of BEP funding paid to the eligible institution pursuant to this subsection.

(3) The records fee under subdivision (d)(1) may be increased by the board, in the board's sole discretion, by up to four percent (4%) annually.

(4) An eligible institution shall not charge an eligible student for coursework taken under this program and shall accept the payment made pursuant to subdivision (d)(1) as full payment for such eligible student.

(e) The board shall establish rules and regulations relating to applicable state and federal testing requirements for eligible students participating in the program.

(f) An eligible student enrolled in an eligible institution for secondary credit shall not be eligible for any other state postsecondary financial aid for courses taken under the program.

(g) Enrollment as an eligible student at an eligible institution before graduation from high school shall not count toward any limitation under § 49-4-913 on the receipt of a Tennessee HOPE scholarship.

(h) Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such statement or misrepresentation knowing it to be false, for the purpose of enabling an eligible institution to obtain wrongfully any payment under this part commits a Class C misdemeanor.

SECTION 5. The state board of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

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

SECTION 7. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it.