

HOUSE BILL 1711

By Parkinson

AN ACT to amend Tennessee Code Annotated, 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 language "or alternative program" and "and alternative programs" wherever the language appears in the section.

SECTION 2. Tennessee Code Annotated, Section 49-6-3402, is further amended by deleting subsection (c) and substituting instead the following:

(1)

(A) Students in grades seven through twelve (7-12) who have been suspended for more than ten (10) days or expelled from the regular school program for an offense other than a zero tolerance offense must be assigned to an alternative school if there is space and staff available.

(B) In determining whether an LEA has space and staff available to assign students to an alternative school under subdivision (c)(1)(A), the LEA's director of schools shall consider:

(i) The capacity, condition, and availability of all educational facilities owned or operated by the LEA that may accommodate alternative school students;

(ii) The qualifications and availability of teachers and other employees of the LEA who may be able to provide instruction or instruction-related services to alternative school students;

(iii) The educational needs of alternative school students;

(iv) Whether existing support services, such as counseling and psychological services, available to the LEA may be expanded at no cost to accommodate alternative school students; and

(v) All applicable laws, rules, and regulations.

(C) Attendance in an alternative school is 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.

(2)

(A) A student who is assigned to an alternative school is subject to all rules pertaining to the alternative school.

(B) A violation of the rules by a student assigned to the alternative school may result in the student's removal from the alternative school for the duration of the original suspension or expulsion, but does not constitute grounds for any extension of the original suspension or expulsion.

(C) The chief administrator of the alternative school shall make the final decision on removal.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all suspensions and expulsions occurring on or after that date.