

SENATE BILL 2343

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 1; Title 49, Chapter 2 and Title 49,  
Chapter 6, relative to open enrollment.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-128, is amended by deleting the section and substituting instead:

(a) Before the start of a school year, an LEA shall identify each school that, based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students. In determining available space at the class level, an LEA may use the class size averages specified in § 49-1-104. An LEA shall post the number of spaces available for enrollment in each school by grade, class, and program levels on the LEA's website at least fourteen (14) days before the beginning of the open enrollment period under subsection (b).

(b) Before the start of a school year, an LEA shall conduct an open enrollment period of at least thirty (30) days during which parents or guardians of students residing within the LEA may apply for enrollment of the parents' or guardians' students in schools that the students are not zoned to attend. During the open enrollment period, parents or guardians may choose from the list of the LEA schools with available space and request transfers.

(c) At the end of the open enrollment period, an LEA shall approve an application for transfer if space is available for the student at the school requested. If the number of applications for transfer to a school exceeds the school's identified available

space at the building, grade, class, or program level, then the LEA shall conduct a lottery to select the students receiving transfers.

(d) If an LEA grants a transfer to a student, then the parent or guardian of the student is responsible for transportation to the new school. The student must maintain satisfactory attendance, behavior, and effort to remain in the new school.

(e)

(1) An LEA shall not deny a student who is zoned to attend or was enrolled in a school during the previous school year enrollment and attendance in the school.

(2) An LEA shall not admit a nonresident student seeking to transfer into the LEA from outside the LEA under §§ 49-6-3104 and 49-6-3105 before all applications for transfer under subsection (b) have been acted upon according to subsection (c).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.