

Amendment No. _____

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 830

House Bill No. 702*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (4) in its entirety and substituting instead:

(4) "Chartering authority" means:

(A) The local board of education or the achievement school district as defined in § 49-1-614 that approves, renews or decides not to revoke a public charter school application or agreement; or

(B) The state board of education, if the state board approves:

(i) A charter school under § 49-13-141 when an LEA is the sponsor of a charter school; or

(ii) A charter school directly under § 49-13-109.

SECTION 2. Tennessee Code Annotated, Section 49-13-105, is amended by deleting the language "LEA" wherever it appears and substituting instead the language "chartering authority".

SECTION 3. Tennessee Code Annotated, Section 49-13-106(a)(1), is amended by deleting the subdivision in its entirety and substituting instead:

(1) Public charter schools may be formed to provide quality educational options for all students residing within the jurisdiction of the chartering authority; provided; however, that a chartering authority may authorize charters to enroll students residing outside the LEA in which the public charter school is located pursuant to the LEA out-of-district enrollment policy and in compliance with §§ 49-6-3003 and 49-6-403(f).

SECTION 4. Tennessee Code Annotated, Section 49-13-110(b), is amended by deleting the punctuation "." at the end of the second sentence and substituting instead the following language:

; provided, that if the chartering authority is the state board of education, then no appeal may be made of the state board's decision to deny a petition to amend the charter.

SECTION 5. Tennessee Code Annotated, Section 49-13-111(a)(3), is amended by deleting the word "Receive" and substituting instead the language "Except as provided in § 49-13-109(d), receive".

SECTION 6. Tennessee Code Annotated, Section 49-13-112(b)(3)(C), is amended by deleting the language "LEA" wherever it appears and substituting instead the language "chartering authority".

SECTION 7. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the words "A decision by the chartering authority" and substituting instead the language "A decision by an LEA chartering authority".

SECTION 8. Tennessee Code Annotated, Section 49-13-121(b), is amended by designating the existing language as subdivision (1) and by adding the following language as new subdivision (2):

(2) If the state board of education is the chartering authority of a charter school, the school may submit its renewal application to either the LEA or the state board. If the school submits its renewal application to the state board, then the decision of the state board on the application is final and may not be appealed.

SECTION 9. Tennessee Code Annotated, Section 49-13-121(d), is amended by deleting the language "LEA" wherever it appears and substituting instead the language "chartering authority".

SECTION 10. Tennessee Code Annotated, Section 49-13-122(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c)

(1) If the chartering authority is an LEA, a decision by the LEA not to renew or revoke a charter agreement may be appealed to the state board of education within ten (10) days of the decision, except for revocations or failures to renew based on the violations specified in subdivision (a)(2). Appeals from revocations or decisions not to renew a charter agreement shall be in accordance with § 49-13-108.

(2) If the chartering authority is not an LEA, a decision by the chartering authority not to renew or to revoke a charter agreement is final and may not be appealed.

SECTION 11. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following language as a new section:

49-13-109.

(a) If an LEA is located in a county having a population of more than six hundred thousand (600,000) according to the 2010 federal census or any subsequent federal census and if there have been two (2) or more denials of charter school applications remanded to the LEA by the state board of education with instructions for approval pursuant to § 49-13-108, then a charter school sponsor may apply directly to the state board for approval, and, if approved, the state board shall serve as the chartering authority. The state board's decision to approve or deny an application under this subsection shall be final and not subject to appeal.

(b) The department of education shall assist the state board with general oversight of any charter school authorized by the state board, including assisting with monitoring compliance with § 49-13-111 and the school's adherence to the charter agreement.

(c) For accountability purposes under § 49-1-602, except for schools authorized under § 49-13-141, the performance of a charter school authorized by the state board shall not be attributable to the LEA.

(d) Funding for charter schools authorized by the state board shall be in accordance with § 49-13-112, except that the LEA in which the charter school operates shall pay to the department one hundred percent (100%) of the per student share of local funding and any federal funding in the custody of the LEA that is due to the charter school. The department shall withhold from the LEA the per student share of state funding that is due to the charter school as well as any federal funding in the custody of the department that is due to the charter school. The department shall then allocate and disburse these funds to the charter school in accordance with procedures developed by the department.

(e) The department shall determine the amount of the state BEP non-classroom component for capital outlay to be distributed to a charter school authorized by the state board according to § 49-13-112(c). The LEA shall pay to the department the required local match under the BEP for capital outlay as a non-classroom component for distribution to the charter school.

(f) A charter school authorized by the state board may contract with the LEA in which the school operates for school support services or student support services, including, but not limited to, food services and transportation.

SECTION 12. This act shall take effect July 1, 2013, the public welfare requiring

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