SENATE BILL 2936

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 49, relative to a public electronic high school and to enact the Tennessee Electronic High School Act.

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

SECTION 1. This act shall be known and may be cited as the “Tennessee Electronic High School Act”.

SECTION 2. Tennessee Code Annotated, Title 49, is amended by adding Sections 3 through 13 as a new, appropriately designated chapter.

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

(1) "Board" or "state board" means the state board of education;

(2) "Electronic high school" means a rigorous program offering courses in grades nine through twelve (9-12) that are delivered over the Internet and coordinated by the board;

(3) "Department" means the department of education; and

(4) "Open-entry, open-exit" means a method of instructional delivery that allows:

(A) Flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered; and

(B) Flexibility for students to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered.

SECTION 4. The board shall have under its control a special school to be known as the "Tennessee electronic high school". The department shall assist the board in the operation of the electronic high school.

SECTION 5.

(a) The electronic high school shall offer:

(1) Courses in an open-entry, open-exit format; and

(2) All courses required for high school graduation. The curriculum in each course shall conform to the curriculum framework established by the board for such course.

(b) Public schools shall:

(1) Accept all credits awarded to students by the electronic high school; and

(2) Apply credits awarded in courses required for high school graduation toward the fulfillment of graduation requirements.

SECTION 6.

(a) Initially, the electronic high school shall have an enrollment capacity of no more than four hundred fifty (450) students. The board shall allocate spaces in the electronic high school so that every public high school student has an equal opportunity to attend the electronic high school; except that each LEA which operates a high school shall be allocated at least one (1) space in the electronic high school. If no student from an LEA applies for enrollment in the electronic high school, then such space may be awarded to a student in another LEA.

(b) To enroll in the electronic high school, a student shall be a Tennessee resident who was enrolled in a Tennessee public school in the previous year or who

attended an out-of-state public high school located in a county bordering this state that Tennessee residents are authorized to attend under § 49-6-3108.

(c) The electronic high school shall accept students applying from the same LEA for entrance into the high school on a first-come first-served basis.

(d) Any student admitted to the electronic high school shall attend the high school full-time.

(e) Students who finish in good standing the coursework required for graduation while enrolled in the electronic high school shall be awarded a diploma by the electronic high school.

(f) A student attending the electronic high school shall be permitted to participate in athletics, extracurricular activities, field trips and other enrichment activities offered to students in the local LEA's high school that the student would have attended. Such participation shall be limited to those activities offered to students in the same grade or class in which the student in the electronic high school is enrolled. Any electronic high school student participating in an activity offered by the local high school shall meet all requirements and qualifications for participation as students enrolled in the local high school.

(g) Students with disabilities who may need additional services or resources and who seek to enroll in the electronic high school may request appropriate accommodations through the students' LEAs.

SECTION 7. The parent or guardian of a minor student enrolling in the electronic high school shall agree in writing prior to the enrollment of such student. The parent shall also agree to participate in the education of the student in such manner as the board deems appropriate and requires.

SECTION 8.

(a) Any teacher teaching in the electronic high school shall be certified to teach in Tennessee in all subjects that the teacher is teaching.

(b) Teachers teaching in the electronic high school shall be available, as appropriate, for field trips, extracurricular activities and other meetings of groups of students attending the electronic high schools.

SECTION 9. The curriculum for each course offered by the electronic high school shall be developed by teachers certified to teach in Tennessee in the subject for which the course is being developed. Such teachers shall be familiar with the curriculum framework and requirements of the board concerning the curriculum for the course.

SECTION 10. The electronic high school shall be accountable for the performance of its students according to the same standards and requirements as other public schools.

SECTION 11. The board shall collaborate with the department, the Tennessee higher education commission, the University of Tennessee, and the board of regents in developing courses for the electronic high school that will meet requirements for advanced placement, International Baccalaureate and other honors courses and for dual credit and dual enrollment courses.

SECTION 12. The electronic high school shall provide all students enrolled in the school with computers and shall pay for Internet fees and other fees required for enrollment in the electronic high school.

SECTION 13. The state board is authorized to solicit bids for operation of the Tennessee electronic high school by private providers of Internet education; provided, that any request for proposal (RFP) by the state board requires the provider to comply with Section 9 of this act regarding development of courses to be offered by the electronic high school, Section 8 of this act regarding credentials of teachers teaching in the electronic high school and all other

provisions of this chapter. Any RFP for the operation of the Tennessee electronic high school shall be submitted to and approved by the comptroller of the treasury prior to issuance.

SECTION 14. Tennessee Code Annotated, Section 49-50-1001(a)(1), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) Control the Tennessee School for the Blind, the Tennessee School for the Deaf, the Alvin C. York Agricultural Institute and the Tennessee electronic high school;

SECTION 15. Tennessee Code Annotated, Section 49-50-1001(a), is amended by adding the following sentence between the first and second sentences of subdivision (3):

It is also the duty of the state board of education to administer the Tennessee electronic high school and to exercise with respect to the school all the powers conferred upon it by § 12-1-109 and the chapter of title 49 added by Sections 3 through 13 of this act.

SECTION 16. Tennessee Code Annotated, Section 49-50-1001(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Approve the budgets of the Tennessee School for the Blind, the Tennessee School for the Deaf and the Tennessee electronic high school, before they are submitted to the governor and commissioner of revenue for approval and transmission to the general assembly;

SECTION 17. Tennessee Code Annotated, Section 49-50-1001(a), is amended by deleting the punctuation ";" at the end of subdivision (5) and by substituting instead the following language:

. This subdivision shall not apply to the Tennessee electronic high school;

SECTION 18. Tennessee Code Annotated, Section 49-50-1001(a), is amended by deleting the language "; and" at the end of subdivision (6) and by substituting instead the following language:

. This subdivision shall not apply to the Tennessee electronic high school; and

SECTION 19. Tennessee Code Annotated, Section 49-50-1001(a), is amended by deleting the first sentence of subdivision (7) and by substituting instead the following sentence:

Promulgate rules providing employees of the Tennessee School for the Blind, the Tennessee School for the Deaf, the Alvin C. York Institute, the Tennessee electronic high school and any other special school hereafter established the right to appeal decisions of the commissioner relative to adverse job actions to the full board.

SECTION 20. Tennessee Code Annotated, Section 49-50-1001(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b) For the purposes of this part, the following definitions apply:

(1) "Commissioner" means the commissioner of education in any reference to the Tennessee School for the Blind, Tennessee School for the Deaf, the Alvin C. York Agricultural Institute and the Tennessee electronic high school; and

(2) "Department" means the department of education in any reference to the Tennessee School for the Blind, Tennessee School for the Deaf, the Alvin C. York Agricultural Institute and the Tennessee electronic high school.

SECTION 21. Tennessee Code Annotated, Section 49-50-1002(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The department of finance and administration shall prescribe the budgetary, accounting and financial reporting procedures for the Tennessee School for the Blind, the Tennessee School for the Deaf, the Alvin C. York Agricultural Institute and the Tennessee electronic high school.

SECTION 22. Tennessee Code Annotated, Section 49-50-1003(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The several appropriations of state funds annually made for the operation and maintenance of the Tennessee School for the Blind, the Tennessee School for the Deaf, the Alvin C. York Agricultural Institute, the Tennessee electronic high school and other special schools operated by the state board as may hereafter be created shall be administered and expended under budgets approved by the state board.

SECTION 23. Tennessee Code Annotated, Section 49-50-1003(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d)

(1) The salary schedules for teachers and other professional personnel in these schools, except the Tennessee electronic high school, shall be reasonably comparable to those currently in effect in the LEAs where the respective institution is located, but the salaries shall be paid solely out of the state appropriations made to the respective institutions.

(2) The state board of education is authorized to set the compensation for teachers and other professional personnel in the Tennessee electronic high school. If the state board contracts for operation of the high school under Section 13 of this act, then the provider operating the high school shall compensate teachers and other professional personnel according to the terms of the contract between the provider and the state board.

SECTION 24. 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 25. The Tennessee electronic high school shall first enroll students during the fall semester 2011.

SECTION 26. This act shall take effect upon becoming a law, the public welfare requiring it.