



State of Tennessee

PUBLIC CHAPTER NO. 784

SENATE BILL NO. 1896

By Gresham

Substituted for: House Bill No. 1778

By Kane

AN ACT to amend Tennessee Code Annotated, Title 49, relative to the Course Access Program Act.

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

SECTION 1. Tennessee Code Annotated, Section 49-18-102(1), is amended by deleting the subdivision and substituting instead:

(1) "Course access catalog" means a listing of providers that have been approved by the state board of education and a listing of courses offered by approved providers, which are available to participating students;

SECTION 2. Tennessee Code Annotated, Section 49-18-102(3), is amended by deleting the subdivision and substituting instead:

(3) "Course provider" or "provider" means a nonprofit entity, LEA, charter school or charter management organization, institution of higher education, or state agency, that has been approved by the state board to offer individual courses in person or online and that has been included in the listing of providers in the course access catalog;

SECTION 3. Tennessee Code Annotated, Section 49-18-102(5), is amended by deleting the subdivision and substituting instead:

(5) "Eligible student" means any student who is enrolled in a Tennessee public school, including a charter school, in grades seven through twelve (7-12);

SECTION 4. Tennessee Code Annotated, Section 49-18-102(6), is amended by deleting the subdivision and substituting instead:

(6) "Participating student" means any eligible student enrolled in a course access program course through a host LEA;

SECTION 5. Tennessee Code Annotated, Section 49-18-102, is amended by adding the following as new, appropriately numbered subdivisions:

() "Blended learning" means the combination of virtual learning with the integration of in-person teaching practices. Blended learning occurs in a school building and can be teacher led or involve the purchase or use of a technology;

() "Charter management organization" or "CMO" means a nonprofit entity that operates multiple charter schools at least one (1) of which is in Tennessee;

() "Charter school" means a Tennessee public charter school authorized to operate under chapter 13 of this title;

() "Governing body of a home LEA" means the local board of education, if the home LEA is an LEA, or the governing body of a charter school, if the home LEA is a charter school;

() "Home LEA" means the LEA or the charter school in which the student is enrolled full-time;

() "Host LEA" means an LEA or a charter school offering course access program courses through an approved course provider to eligible students;

() "Virtual learning course" means a course in which a significant portion of instruction is delivered to students through the effective use of technology;

SECTION 6. Tennessee Code Annotated, Section 49-18-103, is amended by deleting the section and substituting instead:

(a) Beginning in the 2018-2019 school year, an eligible student may enroll in course access program courses.

(b)(1) A participating student may enroll in no more than two (2) course access program courses, unless the student's home LEA approves the student to take additional courses. A home LEA may reject a student's course enrollment request if the course enrollment for the student does not comply with the requirements of this chapter.

(2) For the first two (2) course access program courses in which a participating student enrolls, the student's home LEA shall pay the required tuition and fees to the host LEA.

(c) If the student's home LEA approves a student to take more than two (2) course access program courses then:

(1) The student shall be responsible for paying to the host LEA any required tuition and fees for all additional courses beyond the two (2) courses permitted under subsection (b); and

(2) The home LEA shall award credit to the student upon successful completion of the additional courses.

(d)(1) Home LEAs shall inform students and their parents or legal guardians of their right to appeal, in writing, to the governing body of the home LEA from any denial of course enrollment.

(2) The governing body of a home LEA shall develop a policy for hearing appeals from denials of course enrollments.

(3)(A) The Tennessee school boards association (TSBA) is encouraged to develop a model policy for adoption by local boards of education. If TSBA does not develop a model policy or the local board of education does not adopt the TSBA's model policy, then the local board of education shall submit its policy to the commissioner for approval.

(B) The governing body of a charter school that is a home LEA may adopt the TSBA model policy, if TSBA develops a model policy, or develop its own policy. If the governing body develops its own policy, it shall submit the policy to its chartering authority for approval.

(e) An eligible student may enroll in courses provided through the course access program only if the student meets all prerequisites for the course and the student is unable to enroll in a comparable course at the student's school because either a comparable course is not offered or a legitimate situation exists that prevents the student from enrolling in a comparable course. The state board may approve and adopt additional enrollment requirements.

SECTION 7. Tennessee Code Annotated, Section 49-18-104, is amended by deleting the section in its entirety and substituting instead:

(a) The department shall establish guidelines and procedures for course providers to seek approval from the state board. All approved providers shall be included in the listing of providers in the course access catalog.

(b) The department shall post all approval guidelines and procedures and all approved providers on its website.

(c) Upon approval and inclusion in the listing of providers in the course access catalog, course providers may offer course access program courses for review and selection by a host LEA under the host LEA's local course review and approval process developed according to § 49-18-106. Courses that meet all requirements under § 49-18-106, as determined by the host LEA, may be submitted to the department for recommendation to the state board for its approval and inclusion in the course access course catalog.

(d) Host LEAs may partner with approved course providers to offer course access program courses included in the course access catalog pursuant to § 49-18-106.

SECTION 8. Tennessee Code Annotated, Section 49-18-105, is amended by deleting the section in its entirety and substituting instead:

(a) To be approved as a course provider pursuant to this chapter, a provider shall:

(1) Follow the approval process of the department as established under § 49-18-104(a). No provider applicant shall act as a course provider until approved by the state board. All decisions of the state board concerning approval of provider applicants shall be final and not subject to appeal; however, a provider applicant that has been denied approval may submit a new application according to the department's approval process for the school year following the school year for which the application was denied;

(2) Be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, sex, creed, color, national origin, religion, ancestry, or need for special education services;

(3) Comply with all applicable state and federal student data privacy provisions, including, but not limited to, the Data Accessibility Transparency and Accountability Act, compiled in chapter 1, part 7 of this title; § 10-7-504; and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g);

(4) Provide an assurance that all online information and resources for online or blended learning courses are fully accessible for students of all abilities, including that:

(A) All courses submitted for approval are reviewed to ensure the courses meet legal accessibility standards;

(B) The provider has created and promulgated an accessibility online learning policy;

(C) The provider has an Americans with Disabilities Act (ADA) Section 504 coordinator, a grievance policy, and annual notifications;

(D) The provider has policies and activities to ensure its organizational and course websites meet accessibility requirements; and

(E) The provider has no examination or test where a specific score is required to participate in course access program courses beyond completion of prerequisite coursework or demonstrated mastery of prerequisite material;

(5) Demonstrate financial viability;

(6) Provide an assurance that the provider will electronically provide, in compliance with guidelines set by the department, a detailed student record of enrollment, performance, course completion, and course grading information to the participating student's home LEA;

(7) Comply with applicable virtual learning requirements established in chapter 16 of this title, if offering virtual learning courses;

(8) Comply with class size requirements established in § 49-1-104 and instructional and planning time requirements established by the state board; and

(9) Ensure each teacher of a course access program course is licensed to teach in this state and meets the qualifications to teach in compliance with the rules of the state board.

(b) The state board or department may exclude a course provider at any time if the state board or department finds that a provider has failed to comply with this chapter, the rules of the state board, or the procedures of the department.

SECTION 9. Tennessee Code Annotated, Section 49-18-106, is amended by deleting the section in its entirety and substituting instead:

(a) The department shall establish guidelines for the design and implementation of course access program courses.

(b) Host LEAs seeking to offer a course access program course shall establish a local course review and approval process.

(c) Host LEAs shall ensure each course approved:

(1) Is offered by an approved course provider included in the listing of providers in the course access catalog;

(2) Meets the instructional and academic rigor of a course that is provided in a traditional classroom setting;

(3) Is aligned to the applicable state academic standards of the state board;

(4) Is designed and implemented consistently with guidelines established by the department; and

(5) Is taught by a teacher who is properly licensed and endorsed in accordance with the rules of the state board.

(d) Host LEAs shall submit locally approved courses to the department with an assurance that the course has been reviewed in compliance with this section and with guidelines established by the department. The department shall submit locally approved courses to the state board for approval and inclusion in the course access catalog.

(e) A course included in the course access catalog shall be available to eligible students in any home LEA. The approving host LEA is responsible for establishing a partnership with the approved provider in order to offer the course to students.

(f)(1) The state board may exclude a course from the course access catalog at any time if a home LEA, the host LEA, or the department:

(A) Submits evidence to the state board that:

(i) The course is no longer adequately aligned with the approved state academic standards;

(ii) The course fails to meet the minimum requirements of the state board; or

(iii) The course no longer complies with the requirements of subdivisions (c)(1)-(5); and

(B) Requests, in writing, that the state board exclude the course.

(2) Before excluding a course under subdivision (f)(1), the state board shall make a finding that at least one (1) of subdivisions (f)(1)(A)(i)-(iii) has been met.

(3) The state board shall exclude a course from the course access catalog at any time that the course provider is excluded from the course access catalog under § 49-18-105(b).

(4) The state board may establish additional reasons and requirements for the exclusion of courses from the course access catalog.

SECTION 10. Tennessee Code Annotated, Section 49-18-107, is amended by deleting the section and substituting instead:

(a) Approved providers shall annually report to the department, in the manner directed by the department, the following information:

- (1) Detailed student records of enrollment;
- (2) Student performance, course completion rates, and course grading information for each subject area and grade level; and
- (3) Additional information the department deems necessary.

(b) On an annual basis, a home LEA shall review the academic performance of the students enrolled in courses offered by a course provider to ensure that participating students are receiving instruction and curriculum that are aligned with the state standards, as determined by the state board, and that meet the requirements for graduation.

SECTION 11. Tennessee Code Annotated, Section 49-18-108, is amended by deleting the section in its entirety.

SECTION 12. Tennessee Code Annotated, Section 49-18-109(a)(1), is amended by deleting the subdivision and substituting instead:

- (1) A list of approved course providers;

SECTION 13. Tennessee Code Annotated, Section 49-18-109(a), is amended by inserting the following language as new subdivision (2) and renumbering the subsequent subdivisions accordingly:

- (2) A list of courses offered by approved providers available through the course access program;

SECTION 14. Tennessee Code Annotated, Section 49-18-109(a)(3), is amended by inserting between the word "student" and the word "completion" the word "course" and by inserting between the words "this title" and the words "and the Family Educational Rights and Privacy Act" the language ", § 10-7-504,".

SECTION 15. Tennessee Code Annotated, Section 49-18-109(b), is amended by deleting the subsection in its entirety and substituting instead:

(b) The department shall make publicly available each year the following information concerning the course access program:

- (1) The number of students participating in the course access program and the total number of courses in which students are enrolled;
 - (2) The number of approved course providers;
 - (3) The number of approved courses and the number of students enrolled in each course;
 - (4) The number of courses available by subject and grade level;
 - (5) The number of students enrolled in courses by subject and grade level;
- and
- (6) Student outcome data, including course completion rates and other approved measures.

SECTION 16. Tennessee Code Annotated, Section 49-18-110(a), is amended by deleting the words "An LEA shall" and substituting instead the words "Home LEAs shall".

SECTION 17. Tennessee Code Annotated, Section 49-18-110(a)(1), is amended by deleting the words "deadline or deadlines" and substituting instead the word "timeline".

SECTION 18. Tennessee Code Annotated, Section 49-18-110(a)(2), is amended by deleting the words "on the LEA's web site" and substituting instead the words "on the home LEA's website".

SECTION 19. Tennessee Code Annotated, Section 49-18-110(b), is amended by deleting the words "Each LEA" and substituting instead the words "Each home LEA"; by deleting the word "eligible"; and by deleting the words "an LEA" and substituting instead the words "a home LEA".

SECTION 20. Tennessee Code Annotated, Section 49-18-110(c), is amended by deleting the subsection in its entirety.

SECTION 21. Tennessee Code Annotated, Section 49-18-111, is amended by deleting the section in its entirety.

SECTION 22. The state board of education is authorized to promulgate rules or to adopt policies to effectuate the purpose of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 23. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1896

PASSED: April 9, 2018


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of April 2018


BILL HASLAM, GOVERNOR