

State of Tennessee

PUBLIC CHAPTER NO. 338

SENATE BILL NO. 300

By Lundberg, Haile, Lowe, Reeves

Substituted for: House Bill No. 437

By White, Cepicky, Terry, Ragan, Leatherwood, Zachary, Faison, Howell, Vital, Gant, Moody, Slater, Haston, McCalmon

AN ACT to amend Tennessee Code Annotated, Title 49, relative to retention.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(2)(A), is amended by deleting "or" in subdivision (iv), by deleting "; and" in subdivision (v) and substituting "; or", and by adding the following as a new subdivision:

(vi) Beginning with the 2023-2024 school year, the student demonstrates proficiency in ELA standards based on the student's scoring within the fiftieth percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, as determined by the department, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department. If a student is promoted to the fourth grade pursuant to this subdivision (a)(2)(A)(vi), then the student's LEA or public charter school shall notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or guardian to do so; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(d), is amended by deleting the subsection and substituting instead the following:

(d)(1) The state board of education shall promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention in third grade pursuant to subdivision (a)(1) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The rules must provide, for the 2023-2024 school year and each school year thereafter:

(A) That if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to a principal, guidance counselor, teacher, or other administrator of the student's school filing the appeal, in which case the appeal may be filed by such individual; and

(B) The process by which a principal, guidance counselor, teacher, or other administrator of the student's school must obtain the written consent of a student's parent or guardian for purposes of filing an appeal on behalf of the student's parent or guardian.

(2) The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(e)(1) For the 2023-2024 school year and each school year thereafter, the department shall report for each LEA:

(A) The number of students identified for mandatory retention pursuant to subdivision (a)(1) who were promoted to the fourth grade pursuant to subdivision (a)(2)(A)(vi);

(B) The provider, format, and frequency of tutoring services provided to students in the fourth grade who were promoted pursuant to subdivision (a)(2)(A)(vi);

(C) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi) that demonstrated growth or proficiency in ELA after receiving tutoring services in the fourth grade;

(D) The number of students promoted pursuant to subdivision (a)(2)(A)(vi) that enrolled in a learning loss bridge camp; and

(E) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi), and who enrolled in a learning loss bridge camp, that demonstrated growth or proficiency in ELA at the conclusion of the camp.

(2) The department shall report to the education committees of the senate and house of representatives:

(A) The information described in subdivision (e)(1)(A) no later than December 1, 2024, and each December 1 thereafter; and

(B) The information described in subdivisions (e)(1)(B)-(E) no later than December 1, 2025, and each December 1 thereafter.

SECTION 4. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(f)(1) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(2) The department may procure up to three (3) online tutoring providers for LEAs and public charter schools to use to provide online tutoring services to students. The chief procurement officer is authorized to approve an emergency purchase of online tutoring providers pursuant to this subdivision (f)(2) using procurement methods authorized by § 12-3-505 and the rules of the department of general services' central procurement office.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.


SENATE BILL NO. 300

PASSED: April 20, 2023


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2023


BILL LEE, GOVERNOR