

SENATE BILL 415

By Lowe

AN ACT to amend Tennessee Code Annotated, Title 8 and  
Title 49, relative to education.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3004, is amended by adding the following language as a new subsection:

(j) The state board of education shall promulgate rules to allow LEAs and public charter schools to meet the requirements of subdivision (a)(1) by providing a minimum number of instructional hours per school year. The rules must be promulgated according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 49-1-302, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1)

(A) The state board shall adopt rules and policies outlining the guidelines and criteria for the evaluation of all teachers and principals employed by LEAs, including a local evaluation grievance procedure.

The rules and policies outlining the guidelines and criteria for evaluations must require annual evaluations of all teachers and principals, unless the teacher or principal has achieved a final evaluation score on an annual evaluation that allows the teacher or principal to be evaluated in accordance with the evaluation schedule in subdivision (d)(16).

(B) The local evaluation grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(1).

(C)

(i) The evaluations required pursuant to this subsection (d) must be a factor in employment decisions, including, but not limited to, promotion, retention, termination, compensation, and the attainment of tenure status.

(ii) This subdivision (d)(1) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

(2) Sixty percent (60%) of the evaluation criteria must be composed of student achievement data as follows:

(A) Thirty-five percent (35%) must be student achievement data based on student growth data as represented by the Tennessee Value-Added Assessment System (TVAAS), developed pursuant to part 6 of this chapter, or some other comparable measure of student growth, if no such TVAAS data is available; and

(B) Twenty-five percent (25%) must be based on other measures of student achievement selected from a list of such measures adopted by the state board. For each evaluation, the teacher or principal being evaluated must mutually agree with the person or persons responsible for conducting the evaluation on which such measures are employed. If the teacher or principal being evaluated and the person or persons

responsible for conducting the evaluation do not agree on the measures that are to be used, then the teacher or principal must choose the evaluation measures. The evaluation measures must be verified by the department of education to ensure that the evaluations correspond with the teaching assignment of each individual teacher and the duty assignments of each individual principal. LEAs and public charter schools may allow teachers to use the results from benchmark assessments, including state-adopted benchmark assessments, or a universal screener approved by the state board as a measure of student achievement for purposes of this subdivision (d)(2)(B).

(3) Notwithstanding subdivision (d)(2), if a teacher's or principal's student growth data, as described in subdivision (d)(2)(A), reflects attainment of an achievement level of "at expectations," "above expectations," or "significantly above expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the student growth data must comprise the full sixty percent (60%) student achievement data portion of the teacher's or principal's evaluation required under subdivision (d)(2), if such use results in a higher final evaluation score for the teacher or principal.

(4) Notwithstanding this subsection (d) to the contrary, if an individual teacher's student growth data, as described in subdivision (d)(2)(A), reflects attainment of an achievement level demonstrating an effectiveness level of "above expectations" or "significantly above expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the student growth data may, at the discretion of the LEA or public charter school, and upon request of the teacher, comprise one hundred percent (100%) of the teacher's

final evaluation score. If the LEA or public charter school chooses to implement this subdivision (d)(4), then it must do so for all teachers with individual growth data who request its implementation.

(5) A teacher's most recent year's student growth data, as described in subdivision (d)(2)(A), must comprise the full thirty-five percent (35%) student growth portion of the teacher's evaluation required under subdivision (d)(2)(A), if such use results in a higher final evaluation score for the teacher.

(6) For teachers without access to individual data representative of student growth, as described in subdivision (d)(2)(A), thirty percent (30%) of the evaluation criteria must be composed of student achievement data with fifteen percent (15%) of the evaluation criteria based on student growth as specified in subdivision (d)(2)(A) and represented by TVAAS evaluation composites.

(7) The state board has the ultimate authority to determine, identify, and adopt measures of student growth that are comparable to the TVAAS.

(8)

(A) In order to provide individual growth scores to teachers in non-tested grades and subjects, LEAs must use at least one (1) appropriate alternative growth model approved by the state board.

(B) The department of education shall work to develop valid and reliable alternative student growth models for the grade levels and subjects that do not have models as of March 14, 2026.

(9) LEAs and public charter schools may authorize teachers in the non-tested grades pre-kindergarten through two (pre-K-2) to use the results of the Tennessee universal reading screener or a universal reading screener approved by the state board, as described in § 49-1-905(c), as an approved alternative

growth model for purposes of § 49-6-105(e) and subdivision (d)(8) to generate individual growth scores for teachers pursuant to the evaluation guidelines developed by the department. The department shall not base the Tennessee universal reading screener or a universal reading screener approved by the state board used to evaluate teachers pursuant to this subdivision (d)(9) on the pre-k/kindergarten portfolio growth model.

(10) Notwithstanding this subsection (d) to the contrary, if a teacher does not have access to individual growth data representative of student growth, as specified in subdivision (d)(2)(A), for the current evaluation year due to changes in academic standards or assessment design requiring standards validation or standards setting in the teacher's content or subject area, then fifteen percent (15%) of the teacher's evaluation criteria must be composed of student achievement data based on other measures of student achievement pursuant to subdivision (d)(2)(B) and eighty-five percent (85%) must be composed of scores derived from the state board-approved evaluation model for the qualitative portion of the teacher's evaluation unless using the evaluation criteria outlined in subdivision (d)(6) results in a higher final evaluation score for the teacher.

(11) Other mandatory criteria for the evaluations must include, but are not limited to, the following:

- (A) Review of prior evaluations;
- (B) Personal conferences to include discussion of strengths, weaknesses, and remediation;
- (C) Relative to teachers only, classroom or position observation followed by written assessment; and

(D) Relative to principals only, additional criteria pursuant to § 49-2-303(a)(1).

(12) The state board shall not promulgate rules or adopt policies or guidelines that require the classroom or position observation results pursuant to subdivision (d)(11) to be aligned with TVAAS data.

(13) The evaluation procedure established pursuant to this subsection (d) does not apply to teachers who are employed under contracts for one hundred twenty (120) days per school year or less, or who are not employed full time.

(14) If an LEA determines that it is necessary to assign an individual to teach in an area for which the individual is not endorsed, any evaluation conducted for the course outside the individual's area of endorsement must relate only to the improvement of teaching skills and strategies and not a determination of competency. The state board shall include as a part of its evaluation guidelines a specific reference to this use of its evaluation procedures.

(15) Pursuant to state board rules and policies, an LEA may utilize either the state board-adopted model plan for the qualitative portion of teacher evaluation or an evaluation model that has been proposed by the LEA and approved by the state board. Evaluation models approved by the state board may, with local board approval, be utilized in any LEA.

(16) If a teacher or principal receives a final evaluation score on an annual evaluation conducted pursuant to this subsection (d) that reflects the teacher's or principal's attainment of an achievement level of:

(A) "Significantly above expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must not be evaluated pursuant to this subsection (d)

for the three (3) school years immediately succeeding the year for which the teacher or principal received the qualifying final evaluation score;

(B) "Above expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must not be evaluated pursuant to this subsection (d) for the two (2) school years immediately succeeding the year for which the teacher or principal received the qualifying final evaluation score;

(C) "At expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must not be evaluated pursuant to this subsection (d) for the one (1) school year immediately succeeding the year for which the teacher or principal received the qualifying final evaluation score; or

(D) "Below expectations" or "significantly below expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must continue to be evaluated annually pursuant to this subsection (d).

(17) As used in this subsection (d), "final evaluation score" means an individual's level of overall effectiveness score.

SECTION 3. Tennessee Code Annotated, Section 49-5-503, is amended by deleting subdivision (4) and substituting instead the following:

(4) Has received evaluations demonstrating a level of overall effectiveness of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines and rules adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of the probationary period; provided, however, that:

(A) A teacher who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to an approved extended leave, transfer to another school or position within the school district, unavailable data due to the cancellation of Tennessee comprehensive assessment program (TCAP) tests as a result of the COVID-19 pandemic, or invalidated data due to a successful local level evaluation grievance pursuant to § 49-1-302(d)(1) may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to meet this subdivision (4); and

(B) A teacher who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period because the teacher received an evaluation before or during the probationary period demonstrating a level of overall effectiveness score of "at expectations," "above expectations," or "significantly above expectations," and therefore, pursuant to § 49-1-302(d)(16), did not receive an evaluation for one (1) or more of the two (2) years of the probationary period may utilize the most recent evaluation score achieved during the probationary period to meet this subdivision (4); and

SECTION 4. Tennessee Code Annotated, Section 8-27-303(a)(1), is amended by designating subdivision (A) as subdivision (i) and adding the following as a new subdivision:

(ii) It is the intent of the general assembly that appropriations made in the general appropriations act to the department of education for purposes of subdivision (a)(1)(A)(i) be an amount sufficient for the department to pay, on behalf of each eligible instructional employee of a local education agency, and the employee's dependents, sixty percent (60%) of the total cost of the person's participation in the basic health plan.



SECTION 5. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) The department shall revise Tennessee's response to instruction and intervention (RTI<sup>2</sup>) framework manual to only require LEAs and public charter schools to:

(1) Screen a student three (3) times per school year if the student is enrolled in any of the grades kindergarten through three (K-3); and

(2) Screen a student in grades four through eight (4-8) if the student is "at risk," as defined in Tennessee's RTI<sup>2</sup> framework manual.

(b) The department shall allow LEAs and public charter schools to meet the intervention requirements in Tennessee's RTI<sup>2</sup> framework manual by providing high-dosage, low-ratio tutoring services to students identified for intervention. The tutoring services provided must meet the tutoring requirements established by the department.

(c) This section does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

SECTION 6. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting the section and substituting instead the following:

(a) This state shall not require students in any of the grades:

(1) Kindergarten through two (K-2) to be administered a statewide standardized assessment, including, but not limited to, a Tennessee comprehensive assessment program (TCAP) test or a successor test other than benchmark assessments and universal screeners required pursuant to § 49-1-229; chapter 1, part 9 of this title; or part 15 of this chapter; or

(2) Three through twelve (3-12) to be administered a statewide standardized assessment, including, but not limited to, a TCAP test or a successor test, except for the following:

(A) A statewide standardized assessment in:

(i) English language arts and mathematics must be administered to students in each of the grades three through eight (3-8); and

(ii) Mathematics must be administered to students in grade nine (9);

(B) A statewide standardized assessment in science must be administered to students:

(i) Once in grades three through five (3-5);

(ii) Once in grades six through nine (6-9); and

(iii) Once in grades ten through twelve (10-12);

(C) A statewide standardized assessment in social studies must be administered to students once in grades six through eight (6-8);

(D) The assessment described in § 49-6-6001(b)(1) must be administered to students in grades ten (10) and eleven (11);

(E) Benchmark assessments and universal screeners required pursuant to § 49-1-229; chapter 1, part 9 of this title; or part 15 of this chapter must be administered to students as required in § 49-1-229; chapter 1, part 9 of this title; or part 15 of this chapter, as applicable; and

(F) A statewide standardized assessment required in the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.) must be administered in accordance with the act.

(b)

(1) An end-of-course assessment in mathematics must be administered to students in grade nine (9) to comply with subdivision (a)(2)(A)(ii).

(2) If the assessment approved by the commissioner for purposes of § 49-6-6001(b)(1) contains a science portion, then the assessment administered to students in grades ten (10) and eleven (11) pursuant to subdivision (a)(2)(D) satisfies the requirement in subdivision (a)(2)(B)(iii).

(c) The commissioner of education shall establish a schedule for the administration of TCAP tests and comply with § 49-1-226. The commissioner may adjust the schedule for reasons, including, but not limited to, natural disaster, prolonged inclement weather, or serious outbreaks of contagious illness.

SECTION 7. Tennessee Code Annotated, Section 49-6-6001, is amended by deleting subsection (a) and substituting instead the following:

(a) To receive a full diploma upon graduation from high school, a student must meet the requirements set forth by the state board of education; provided, that the board shall not require students to be administered an assessment other than the statewide standardized assessments required in § 49-6-6002 as a requirement for graduation.

SECTION 8. Tennessee Code Annotated, Section 49-6-6011, is amended by deleting subsection (a) and substituting instead the following:

(a) Notwithstanding another law to the contrary, the department of education and the state board of education shall not mandate any statewide standardized assessments for any grades or subjects beyond those assessments required in § 49-6-6002. The department shall ensure that all data associated with the statewide standardized assessments required in § 49-6-6002 is accurate and timely.

SECTION 9. Tennessee Code Annotated, Section 49-1-617, is amended by deleting the section and substituting instead the following:

(a) Each local board of education shall develop a policy by which student scores on the statewide standardized assessments administered to students in grades three through eight (3-8) pursuant to § 49-6-6002 must comprise a percentage of a student's final grade for the spring semester in the subject areas of mathematics, English language arts, science, and social studies, as applicable. Each local board of education shall determine the percentage, within a range of zero percent (0%) to twenty-five percent (25%) for grades three through five (3-5), and within a range of ten percent (10%) to twenty-five percent (25%) for grades six through eight (6-8).

(b) Notwithstanding subsection (a), if an LEA does not receive its students' scores on the statewide standardized assessments administered to students pursuant to § 49-6-6002, including all statewide standardized assessment scores for students in grades nine through twelve (9-12), at least five (5) instructional days before the end of the course, then the LEA may choose not to include its students' statewide standardized assessment scores, including all statewide standardized assessment scores for students in grades nine through twelve (9-12), in the students' final grades in the subject areas of mathematics, English language arts, science, and social studies, as applicable.

SECTION 10. Tennessee Code Annotated, Section 49-6-6001, is amended by deleting subsection (j) and substituting instead the following:

(j) A student whose individualized education program (IEP) or section 504 plan under the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) allows for testing accommodations must be allowed to use the same testing accommodations while taking a statewide standardized assessment required in § 49-6-6002; provided, that the accommodation does not invalidate the assessment.

SECTION 11. Tennessee Code Annotated, Section 49-5-114(c), is amended by deleting the language "to satisfy the graduation requirements established by the state board".

SECTION 12. Tennessee Code Annotated, Section 49-6-6006, is amended by deleting the language "for students to satisfy graduation requirements established by the state board of education pursuant to § 49-6-6001(a)".

SECTION 13. The department of education shall, no later than January 1, 2026, submit a request to the United States department of education to amend this state's Every Student Succeeds Act (ESSA) plan for purposes of implementing Sections 5-12 of this act.

SECTION 14. This act is not an appropriation of funds, and funds must not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 15. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 16.

(a) Sections 2-4 take effect July 1, 2025, the public welfare requiring it.

(b) Sections 5-12 of this act take effect on the thirtieth day immediately following the date on which the United States department of education approves the amendment to this state's Every Student Succeeds Act (ESSA) plan submitted pursuant to Section 13 of this act, the public welfare requiring it. The commissioner of education shall notify the executive secretary of the Tennessee Code Commission in writing of the date on which the United States department of education approved the amendment to this state's ESSA plan. If the United States department of education does not approve the amendment to this state's ESSA plan, then Sections 5-12 of this act have no effect.

(c) All other sections of this act take effect upon becoming a law, the public welfare requiring it.