

SENATE BILL 1740

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to kindergarten through grade
three (K-3) education.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following as a new section:

(a) Beginning with the 2020-2021 school year, a student in any grade kindergarten through three (K-3) who does not show a basic understanding of the curriculum and an ability to perform the skills required in the subject of reading or the skills required to succeed in the next grade level, as demonstrated by the student's grades or standardized test results, must attend summer school if the student's teacher determines, under subdivision (c)(1), that grade retention may benefit the student.

(b) The local board of education for each LEA that serves any of the grades kindergarten through three (K-3) and the governing body of each public charter school that serves any of the grades kindergarten through three (K-3) must approve a research-based intervention program designed to help students who are recommended for summer school under this section to develop the skills necessary to succeed.

(c)

(1) A teacher in any of the grades kindergarten through three (K-3) shall, no later than thirty (30) calendar days before the end of the school year:

(A) Evaluate each of the teacher's students who does not show a basic understanding of the curriculum and an ability to perform the skills required in the subject of reading or the skills required to succeed in the

next grade level, as demonstrated by the student's grades or standardized test results, using a research-based retention scale approved by the department of education that objectively rates a student on retention factors designed to assist the teacher in determining whether grade retention may benefit the student; and

(B) Submit a completed retention-scale form for each student evaluated under subdivision (c)(1)(A) with the teacher's determination to the school principal.

(2) If a teacher determines, under subdivision (c)(1), that a student is not academically prepared to advance to the next grade level and that grade retention may benefit the student, then:

(A) The teacher shall recommend the student for summer school; and

(B) The school principal shall notify the student's parent in writing of the teacher's recommendation no later than ten (10) calendar days after the date on which the principal received the student's completed retention-scale form under subdivision (c)(1).

(3) The written notification required in subdivision (c)(2)(B) must:

(A) Explain the teacher's recommendation and include a copy of the student's retention-scale form completed under subdivision (c)(1); and

(B) Advise the parent that:

(i) The parent's student must attend summer school in order for the student to be promoted to the next grade level;

(ii) The parent may refuse to allow the parent's student to attend summer school, but that the refusal will result in the parent's student being retained in the upcoming school year; and

(iii) The parent's student will be reevaluated at the end of the summer school program and may be retained if the student's

teacher determines that the student is not academically prepared to advance to the next grade level and that grade retention may benefit the student.

(4) The parent of a student who has been recommended for summer school under this section must notify the school principal in writing of whether the parent's student will attend summer school no later than fifteen (15) calendar days before the end of the school year. If a parent fails to notify the school principal of whether the parent's student will attend summer school, then the parent's student must be retained in the upcoming school year.

(d)

(1) A teacher in any of the grades kindergarten through three (K-3) who is teaching a summer school program under this section shall, no later than fifteen (15) calendar days before the end of the summer school program:

(A) Evaluate the progress of the teacher's summer school students as described in subdivision (c)(1)(A); and

(B) Submit a completed retention-scale form for each of the teacher's summer school students with the teacher's determination to the school principal.

(2)

(A) If a teacher determines that a summer school student is not academically prepared to advance to the next grade level and that grade retention may benefit the student, then the student must be retained in the upcoming school year.

(B) The school principal shall notify the student's parent in writing of the retention decision no later than ten (10) calendar days after the

date on which the principal received the student's completed retention-scale form under subdivision (d)(1).

(3) The written notification required in subdivision (d)(2)(B) must:

(A) Explain the retention decision and include a copy of the student's retention-scale form completed under subdivision (d)(1); and

(B) Advise the parent that:

(i) The parent's student must be retained in the upcoming school year; and

(ii) The parent's student will be reevaluated during the first four (4) weeks of the upcoming school year and may be promoted to the next grade level if the student's teacher determines that the student is academically prepared to advance to the next grade level and that grade retention may no longer benefit the student.

(e)

(1) A teacher in any of the grades kindergarten through three (K-3) shall, before the end of the first four (4) weeks of the school year:

(A) Evaluate each of the teacher's students who was retained under subsection (d) after completing a summer school program as described in subdivision (c)(1)(A); and

(B) Submit a completed retention-scale form for each student evaluated under subdivision (e)(1)(A) with the teacher's determination to the school principal.

(2)

(A) If a teacher in any of the grades kindergarten through three (K-3) determines that a student evaluated under subdivision (e)(1)(A):

(i) Is not academically prepared to advance to the next grade level and may benefit from grade retention, then the student must be retained for the remainder of the school year; or

(ii) Is academically prepared to advance to the next grade level and may no longer benefit from grade retention, then the student must be immediately promoted to the next grade level.

(B) The school principal shall notify the student's parent in writing of the retention or promotion decision no later than ten (10) calendar days after the date on which the principal received the student's completed retention-scale form under subdivision (e)(1).

(3) The written notification required in subdivision (e)(2)(B) must:

(A) Explain the decision and include a copy of the student's retention-scale form completed under subdivision (e)(1);

(B) Advise the parent that:

(i) The retention decision is final; and

(ii) The parent may appeal the retention decision pursuant to the local board of education's policy.

(f)

(1) Each director of schools of an LEA that serves any of the grades kindergarten through three (K-3) and each head of a public charter school that serves any of the grades kindergarten through three (K-3) shall report to the department of education the number of students enrolled in the LEA or public charter school, disaggregated by grade, who:

(A) Were recommended for summer school under this section;

(B) Attended summer school, as required by this section;

(C) Were retained because:

(i) The student's parent refused to allow the student to attend summer school, or because the student's parent failed to notify the student's school principal of whether the student would attend summer school, as required in subdivision (c)(4);

(ii) The student was not academically prepared to advance to the next grade level after completing summer school; or

(iii) The student was not academically prepared to advance to the next grade after completing summer school and after being reevaluated under subsection (e); and

(D) Were recommended for summer school under this section and who were promoted to the next grade level because:

(i) The student was academically prepared to advance to the next grade level after completing summer school; or

(ii) The student was academically prepared to advance to the next grade level after completing summer school and after being reevaluated under subsection (e).

(2) The report required under this subsection (f) must be submitted to the department by July 1, 2021 for the 2019-2020 school year, and by each July 1 thereafter for the school year ending in the immediately preceding fiscal year.

(3) Any disclosure under this subsection (f) must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), § 10-7-504, the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title, and all other relevant state and federal privacy laws.

(g) This section does not apply to students who have an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq).

(h) For purposes of this section, "parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section.

SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter. Section 2 of this act shall take effect July 1, 2020, the public welfare requiring it.