

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 412 - HB 1035

March 1, 2023

SUMMARY OF BILL: Removes the retention requirement for students in the third grade who are determined to be not proficient in English language arts (ELA). Authorizes a student's ELA teacher or principal to retain a student in the third or fourth grade if they determine that the student is not proficient in ELA and that retention may benefit the student. Requires a student's ELA teacher or school principal to notify the student's parent or legal guardian in writing of the potential retention decision, along with alternatives to retention for the student, by March 1. Establishes criteria for which a student may not be retained. Applies to the 2023-24 school year and each school year thereafter.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The current third grade retention law takes effect at the end of the 2022-23 school year and requires a student in the third grade to not be promoted to the next grade level unless the student is determined to be proficient in ELA based on the student's achieving a performance level rating of "on track" or "mastered" on the ELA portion of the student's most recent Tennessee Comprehensive Assessment Program (TCAP) test.
- The proposed legislation removes the requirement for local education agencies (LEAs) and public charter schools to retain students in the third grade who do not meet certain testing benchmarks; all retention decisions will now be at the discretion of a student's ELA teacher or principal and will apply to students in the third and fourth grades.
- The proposed legislation further establishes that a student in the third or fourth grade is not proficient in ELA based on:
 - The student achieving a performance level rating of "approaching" or "below" on the ELA portion of the student's most recent TCAP test;
 - The student testing below proficient in ELA on one (1) or more of the state-adopted benchmark assessments administered to the student during the school year; or
 - The student not having shown a basic understanding of the ELA curriculum or an ability to perform the skills required in ELA, as demonstrated by the student's grades or standardized test results.
- The Department of Education (DOE) will be required to update retention guidance documents and communicate with districts on the changes to retention law.

- LEAs, public charter schools, State Board of Education, and DOE will be able to comply with the proposed legislation within existing resources. Any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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