

HOUSE BILL 107

By Travis

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 1 and Title 49, Chapter 6, relative to
student retention.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a), is amended by deleting subdivisions (1)-(3) and substituting instead the following:

(1) Each local board of education and public charter school governing body shall adopt and implement a retention policy for third grade students who are not proficient in English language arts (ELA). All retention decisions must be made by the student's LEA or public charter school according to its adopted retention policy.

(2) An LEA or public charter school may recommend a third-grade student for retention if the student achieved a performance level rating of "approaching" or "below" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test. This subdivision (a)(2) does not prohibit an LEA or public charter school from recommending a third-grade student for retention based on the student's grades, other standardized test results, or other indicators of academic performance.

(3)

(A) If a student is recommended for retention, then the student's school principal shall notify the student's parent or legal guardian in writing of:

- (i) The recommendation for retention;
- (ii) The reason retention is recommended for the student; and
- (iii) Any alternatives to retention that are available to the student.

(B) Written notice under subdivision (a)(3)(A) must be submitted to a student's parent or legal guardian no later than fifteen (15) days after the LEA or public charter school, as applicable, receives the results of the TCAP tests most recently administered to the LEA's or public charter school's third grade students.

(4)

(A) Alternatives to retention include, but are not limited to, the student:

(i) Attending one (1) or more of the camps offered by the LEA or public charter school as part of the learning loss remediation and student acceleration program created in part 15 of this chapter, or participating in another remedial or intervention program approved by the LEA or public charter school, before the beginning of the upcoming school year; and

(ii) Being assigned a tutor through the Tennessee accelerating literacy and learning corps (TALLC) to provide the student with tutoring services for the entirety of the upcoming school year.

(B) A student's participation in an alternative to retention is voluntary.

(C) An LEA or a public charter school may consider a parent's or legal guardian's failure or refusal to enroll or otherwise allow their child to participate in an alternative to retention when making the final retention decision for the student; provided, that a parent's or legal guardian's failure or refusal to enroll or otherwise allow their child to participate in an alternative to retention shall not be the sole factor considered by the LEA or public charter school when making the final retention decision for the student.

(5)

(A) An LEA or public charter school may consider the following factors when making a final retention decision:

(i) Whether the student is an English language learner and has received less than two (2) years of ELA instruction;

(ii) Whether the student was previously retained in any of the grades kindergarten through three (K-3); and

(iii) Whether the student was retested before the beginning of the upcoming school year and scored proficient in ELA.

(B) The factors identified in subdivision (a)(4)(C) and this subdivision (a)(5) are not the sole factors an LEA or public charter school may consider when making a final retention decision.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(b), is amended by deleting the language "pursuant to subdivision (a)(2)(B)(iv)" and substituting instead the language "pursuant to subdivision (a)(4)(A)(ii)".

SECTION 3. Tennessee Code Annotated, Section 49-6-3115(c)(1), is amended by deleting the language "Subsection (a) does not supersede" and substituting instead the language "This section does not supersede".

SECTION 4. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting subsection (d).

SECTION 5. Tennessee Code Annotated, Section 49-1-905(d), is amended by deleting subdivision (4) and substituting instead the following:

(4) Information about retention under § 49-6-3115(a) for students in grade three (3) who are not proficient in English language arts.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.