

HOUSE BILL 1034

By Shaw

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 51 and Title 49, relative to pre-
kindergarten education.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-103, is amended by deleting the language "on a voluntary basis" in subsection (a); by deleting the language ", nor shall anything in this section and §§ 49-6-104 – 49-6-110 be construed to be an entitlement to any service or program authorized by §§ 49-6-104 – 49-6-110" in subsection (b); and by deleting subsection (c) and substituting instead the following:

(c) Each LEA shall provide a pre-kindergarten program that provides the number of classrooms necessary to serve all eligible children, as defined in § 49-6-104.

SECTION 2. Tennessee Code Annotated, Section 49-6-104, is amended by deleting the section and substituting instead the following:

(a) As used in this section, "eligible child" means a child who is four (4) years of age on or before August 15 and who resides in the geographic area served by the LEA.

(b) Each LEA shall establish a pre-kindergarten program that enrolls eligible children. Each pre-kindergarten program must be designed to comprehensively address the educational needs of the children enrolled in the program including, but not limited to, the child's cognitive, physical, social, and emotional needs.

(c) Each LEA shall establish an initial enrollment deadline for children to enroll in the pre-kindergarten program. If, in the application period for a school year, the number of program applications received by the LEA exceeds the number of students the LEA is

able to serve, then the LEA shall select students for participation in the pre-kindergarten program through an enrollment lottery process.

(d) A pre-kindergarten program established pursuant to this section must:

(1) Consist of a maximum class size of twenty (20);

(2) Have at least one (1) licensed teacher per classroom who is certified in early childhood education;

(3) Have at least one (1) educational assistant per classroom who holds a child development associate credential or associate degree in early childhood education, or who is actively working toward acquiring such credentials; provided, however, that if a person with such credentials is unavailable, then educational assistants who hold a high school diploma and who have relevant experience working with children in pre-kindergarten or other early childhood programs may be employed to satisfy this requirement;

(4) Provide a minimum of five and one-half (5.5) hours of quality instructional time per day;

(5) Use an educational, age-appropriate curriculum that is aligned with the early learning standards approved by the department of education and that includes, at a minimum, literacy, writing, math, and science skills;

(6) Have a developmental learning program that addresses the cognitive, physical, emotional, social, and communication areas of child development;

(7) Meet the criteria for a "high-quality pre-kindergarten program," as identified by the department of education; and

(8) Comply with the state board of education's rules and policies related to early childhood education and pre-kindergarten programs.

(e) Enrollment in a pre-kindergarten program is voluntary.

SECTION 3. Tennessee Code Annotated, Section 49-6-105, is amended by deleting the section and substituting instead the following:

(a) An LEA may contract and enter into collaborative agreements for the operation of a pre-kindergarten program with non-school system entities in the geographical area served by the LEA, including, but not limited to, nonprofit and for-profit child care providers and Head Start programs. An LEA shall not contract or collaborate with a child care provider licensed by the department of human services, unless the provider has attained the highest designation under the rated licensing system administered by the department, pursuant to title 71, chapter 3, part 5.

(b) LEAs shall use the pre-k/kindergarten growth portfolio model approved by the state board of education, or a comparable alternative measure of student growth approved by the state board of education and adopted by the LEA, in the evaluation of pre-kindergarten and kindergarten teachers pursuant to § 49-1-302.

(c) LEAs shall notify teachers evaluated using a growth portfolio model of any training or professional development opportunities available on growth portfolio models.

SECTION 4. Tennessee Code Annotated, Section 49-6-106, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 49-6-107, is amended by deleting the section and substituting instead the following:

(a) Subject to appropriations, this state shall fund one hundred percent (100%) of the costs required for an LEA to provide the number of classrooms, and to employ the number of licensed teachers and educational assistants, required for the LEA to comply with the requirements of § 49-6-104(d). Subject to appropriations, the commissioner of education shall allocate to each LEA an amount sufficient for the LEA to serve all eligible children, as defined in § 49-6-104, in the LEA's pre-kindergarten program.

(b) An eligible child, as defined in § 49-6-104, shall not be required to pay tuition or fees to enroll in, or attend, a pre-kindergarten program established by an LEA. This section does not prohibit an LEA from charging fees for child care provided outside the instructional day of the LEA's pre-kindergarten program.

SECTION 6. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (1) and by deleting subdivisions (5) and (6) and substituting instead the following:

(5) Review existing regulations and standards, and recommend needed changes, to promote a consistent assessment and monitoring process for providers of pre-kindergarten programs established under §§ 49-6-103 — 49-6-110; and

(6) Provide an annual report to the governor and the general assembly on the status of pre-kindergarten programs, which must include, at a minimum, the number, location, and types of providers of pre-kindergarten classrooms and the number of children served. The annual report must be posted on the department of education, office of early learning's website to provide public access to the report.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.