



State of Tennessee

PUBLIC CHAPTER NO. 829

SENATE BILL NO. 1688

By Lowe

Substituted for: House Bill No. 1831

By Raper, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 49, relative to student retention.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) A parent or guardian of a student enrolled in any of the grades kindergarten through two (K-2) may elect to retain the parent's or guardian's student in the student's current grade level if the student has a documented academic or behavioral delay and the parent or guardian believes that retention may benefit the student. If a parent or guardian elects to retain the parent's or guardian's student in the student's current grade level pursuant to this subsection (a), then, subject to subsection (b) and subsection (c), the LEA or public charter school in which the student is enrolled shall retain the student in the student's current grade level at the parent's or guardian's request.

(b) A student cannot be retained in any grade level more than once.

(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.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Equal Educational Opportunities Act of 1974 (20 U.S.C. § 1701 et seq.), or any other federal or state law related to students with disabilities and English language learners.

(d) The state board of education shall promulgate rules, including emergency rules if necessary, to establish the requirements for the documentation required to establish an academic or behavioral delay for purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, including emergency rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it, and applies to the 2024-2025 school year and each school year thereafter.

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PASSED: April 16, 2024



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2024



BILL LEE, GOVERNOR