

HOUSE BILL 2228

By Love

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to K-12 education.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-2603(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) Ensure the provision of an education for the participating student that satisfies the compulsory school attendance requirement provided in § 49-6-3001(c)(1) through enrollment in a participating school;

SECTION 2. Tennessee Code Annotated, Section 49-6-2606(a), is amended by adding the following as a new subdivision:

(4)

(A) As a condition of participating in the program, a participating school must retain a participating student in the third grade unless the student is determined to be proficient in English language arts (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 TCAP test.

(B) Notwithstanding subdivision (a)(4)(A), a participating school may promote a participating student who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test may be promoted if:

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

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

(iii) The student is retested before the beginning of the next school year and scores proficient in ELA;

(iv) The student attends a summer learning camp provided by the student's participating school pursuant to § 49-6-2613 before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the summer learning camp, as required under § 49-6-2613(a), demonstrates adequate growth, as determined by the department; provided, that the determination of adequate growth mirrors the determination of adequate growth used by the department for purposes of § 49-6-3115(a)(2)(A)(iv);

(v) The student is assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department; provided, that the tutoring requirements established by the department for purposes of this subdivision (a)(4)(B)(v) mirror the tutoring requirements established by the department for purposes of § 49-6-3115(a)(2)(A)(v); or

(vi) The student demonstrates proficiency in ELA standards based on the student's scoring within the fiftieth percentile on a state-adopted benchmark assessment, as defined in § 49-6-1502, if the benchmark assessment is administered to the student in a test environment, as determined by the department for purposes of § 49-6-3115(a)(2)(A)(vi), and the student's participating school agrees to provide

tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department for purposes of § 49-6-3115(a)(2)(A)(vi). If a student is promoted to the fourth grade pursuant to this subdivision (a)(4)(B)(vi), then the student's participating school shall notify the student's parent or guardian, in writing, of the benefits of enrolling their student in the summer learning camp provided by the participating school and encouraging the parent or guardian to do so.

(C) Notwithstanding subdivision (a)(4)(A), a participating school may promote a participating student who is not proficient in ELA, as determined by the student's achieving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test if the student satisfies or meets one (1) or more of the conditions outlined in subdivision (a)(4)(B)(i)-(iv).

(D)

(i) A participating student who is promoted to the fourth grade pursuant to subdivision (a)(4)(B)(v) or (a)(4)(C) due to the student satisfying the conditions outlined in subdivision (a)(4)(B)(iv) must show adequate growth on the fourth grade ELA portion of the TCAP test before the student may be promoted to the fifth grade. The department shall determine adequate growth for purposes of this subdivision (a)(4)(D)(i). The department's determination of adequate growth for purposes of this subdivision (a)(4)(D)(i) must mirror the determination of adequate growth used by the department for purposes of § 49-6-3115(a)(3).

(ii) Notwithstanding subdivision (a)(4)(D)(i), a participating student must not be retained in the fourth grade more than once.

(E) The department shall administer the same appeals process for a participating student who is identified for retention in third grade pursuant to subdivision (a)(4)(A) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test as it administers for a student enrolled in a public school pursuant to § 49-6-3115(d).

(F) A participating student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department for purposes of § 49-6-3115(f). A participating school may use one (1) or more of the online tutoring providers procured by the department to provide tutoring services to students.

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

(e)

(1) Beginning with the 2024-2025 school year, the department shall report for each LEA and each participating school, as defined in § 49-6-2602:

(A) The number of students identified for mandatory retention pursuant to subdivision (a)(1) and § 49-6-2606(a)(4)(A) who were promoted to the fourth grade pursuant to subdivision (a)(2)(A)(vi) or § 49-6-2606(a)(4)(B)(vi);

(B) The provider, format, and frequency of tutoring services provided to students in the fourth grade who were promoted pursuant to subdivision (a)(2)(A)(vi) or § 49-6-2606(a)(4)(B)(vi);

(C) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi) or § 49-6-2606(a)(4)(B)(vi) that demonstrated growth or proficiency in ELA after receiving tutoring services in the fourth grade;

(D) The number of students promoted pursuant to subdivision (a)(2)(A)(vi) or § 49-6-2606(a)(4)(B)(vi) that enrolled in a learning loss bridge camp or a summer learning camp provided by the student's participating school pursuant to § 49-6-2613; and

(E) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi) or § 49-6-2606(a)(4)(B)(vi), and who enrolled in a learning loss bridge camp or a summer learning camp provided by the student's participating school pursuant to § 49-6-2613, that demonstrated growth or proficiency in ELA at the conclusion of the camp.

(2) The department shall report to the education committees of the senate and house of representatives:

(A) The information described in subdivision (e)(1)(A):

(i) For each LEA no later than December 1, 2024, and by each December 1 thereafter; and

(ii) For each participating school no later than December 1, 2025, and by each December 1 thereafter; and

(B) The information described in subdivisions (e)(1)(B)-(E):

(i) For each LEA no later than December 1, 2025, and by each December 1 thereafter; and

(ii) For each participating school no later than December 1, 2026, and by each December 1 thereafter.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 26, is amended by adding the following as a new section:

49-6-2613.

(a) As used in this section, "summer learning camp" means a four-week educational program conducted during the summer before the beginning of each school year by a participating school that is designed to support the academic needs of participating students who have been identified for retention pursuant to § 49-6-2606(a)(4) that provides, at a minimum:

(1) Four (4) combined hours of in-person daily instruction, intervention, and supplemental supports in reading or English language arts (ELA), provided five (5) days per week. Each participating school shall determine the number of minutes of instruction, intervention, and supplemental supports required per student to adequately address the students' lack of proficiency in reading or ELA; provided, that participating students must receive at least one (1) hour of instruction in reading or ELA per day. Instruction, intervention, and supplemental supports in reading or ELA must be provided by a teacher licensed and endorsed to teach the subjects and grades served. If a teacher licensed and endorsed to teach the subjects and grades served is not available to provide the instruction, intervention, and supplemental supports, then the instruction, intervention, and supplemental supports may be provided by a candidate enrolled in an approved educator preparation program; and

(2) A state-adopted benchmark assessment, as defined in § 49-6-1502, approved by the department of education that is annually administered to students, in person, as a pre-test at the beginning of the summer learning camp and as a post-test at the end of the summer learning camp. The results of each

benchmark assessment administered to participating students by a participating school must be submitted to the department.

(b) As a condition of participating in the program, each participating school shall conduct a summer learning camp for participating students identified for retention pursuant to § 49-6-2606(a)(4), and who may, upon successful completion of the summer learning camp, be promoted to the next grade level. Participating schools must conduct summer learning camps annually beginning in the summer of 2024.

(c) Two (2) or more participating schools may jointly establish a summer learning camp that may be attended by participating students enrolled in the respective participating school for purposes of this section and § 49-6-2606(a)(4).

(d) Participating students who are identified for retention pursuant to § 49-6-2606(a)(4) are not required to participate in a summer learning camp conducted by the student's participating school unless the student's participating school requires participating students identified for retention to participate.

SECTION 5. Tennessee Code Annotated, Section 49-6-1507, is amended by adding the following as a new subsection:

(c) The department may provide tutors through the TALLC to participating schools, as defined in § 49-6-2602, for purposes of § 49-6-2606(a)(4).

SECTION 6. Tennessee Code Annotated, Section 49-6-1508, is amended by adding the following as a new subsection:

(e) The department shall provide a state-adopted benchmark assessment in English language arts for students in grades three and four to participating schools, as defined in § 49-6-2602, for purposes of § 49-6-2606(a)(4).

SECTION 7. Section 1 of this act takes effect upon becoming a law, the public welfare requiring it. Sections 3, 5, and 6 of this act take effect July 1, 2024, the public welfare requiring

it. All other sections of this act take effect upon becoming a law, the public welfare requiring it, and apply to the 2024-2025 school year and each school year thereafter.