

HOUSE BILL 2943

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to promotion of students.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new, appropriately designated section:

(a)

(1) Beginning with the 2012-2013 school year and every school year thereafter, any student who scores below proficient on the Tennessee Comprehensive Assessment Program (TCAP) grades three through eight (3-8) achievement tests in the subject area of mathematics or reading/language arts shall not be promoted to the next grade level unless the student meets one (1) of the requirements of subsection (b).

(2) Beginning with the 2012-2013 school year and every school year thereafter, any student whose score does not demonstrate competency as determined by the state board of education on an end-of-course examination given in high school shall not pass the course for which the exam was given unless the student meets one (1) of the requirements of subsection (b).

(b)

(1) The student may attend a summer school course in the subject area in which the student has scored below proficient or failed to demonstrate competency. At the conclusion of the summer school course, the student shall be required to retake the TCAP achievement test or end-of-course examination in that subject area. If the student's TCAP score indicates the student is

proficient in that subject area, the student shall be promoted to the next grade level. If the student's end-of-course examination score demonstrates competency as determined by the state board of education the student shall receive credit for the course; or

(2) The student may receive individual instruction from a tutor during the summer in the subject area in which the student has scored below proficient or failed to demonstrate competency. At the conclusion of the tutoring, the student shall be required to retake the TCAP achievement test or end-of-course examination in that subject area. If the student's scores indicate the student is proficient in that subject area, the student shall be promoted to the next grade level. If the student's end-of-course examination score demonstrates competency as determined by the state board of education the student shall receive credit for the course.

(c)

(1) A student's parent or legal guardian may decide, after consultation with the student's teachers and principal, that the student shall remain in the grade for which the student did not receive a proficient score on a TCAP achievement test. Upon such decision, the student shall not be required to attend summer school or receive tutoring as required by subsection (b). A student's parent or legal guardian may decide that the student remain in the current grade no more than once during the student's enrollment in grades three through eight (3-8).

(2) A student's parent or legal guardian may decide, after consultation with the student's teachers and principal, that the student shall retake the course for which the student did not demonstrate competency on an end-of-course examination. Upon such decision, the student shall not be required to attend summer school or receive tutoring as required by subsection (b). A student's

parent or legal guardian may decide that the student retake a course no more than once during the student's enrollment in high school.

(d)

(1) The parent or legal guardian of a student who attends summer school pursuant to this section shall be required to pay the cost of the summer school course. The cost shall be determined on a sliding scale based on the parent or legal guardian's ability to pay.

(2) The parent or legal guardian of a student who receives individual tutoring pursuant to this section shall be required to pay the cost of the tutoring.

(e) The state board of education is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect July 1, 2012 and shall apply to testing performed on or after such date, the public welfare requiring it.