

SENATE BILL 1474

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 6, relative to school discipline.

WHEREAS, it is the goal of the state to ensure completion of quality pre-kindergarten through grade twelve education for all children in the state; and

WHEREAS, over-reliance on disciplinary suspensions and expulsions has been shown to reduce graduation rates and increase criminal justice involvement for impacted students; and

WHEREAS, research shows that adopting fair discipline policies that encourage disciplinary practices other than suspension and expulsion and promote a positive school climate can help keep students in school, improve academic performance, and reduce children's involvement in the criminal justice system; and

WHEREAS, research shows that when states collect and examine data on school discipline, the school climate improves, exclusionary measures such as suspensions and expulsions decrease, and student involvement in the criminal justice system may be diminished; and

WHEREAS, states have executed data collection initiatives while respecting student privacy and by leveraging existing school data collection systems to ensure an efficient data collection process; and

WHEREAS, this General Assembly wishes to support proven, effective, and fair disciplinary strategies that improve attendance and graduation rates and stop the school to prison pipeline; now, therefore,

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

SECTION 1. This act is known and may be cited as the "Keep Kids in School Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 40, is amended by adding the following as a new section:

**49-6-4010.**

By January 1, 2022, the department shall issue guidance and recommendations to school districts to foster supportive and safe school climates and promote evidence-based discipline practices to keep children in school and reduce criminal justice involvement. The guidance and recommendations must include standards for:

(1) Fostering positive school climates by:

(A) Engaging the school community, including school personnel, students, families, and community stakeholders, to identify school or LEA goals for a positive school climate, including school discipline, to complement the school's or LEA's academic goals;

(B) Prioritizing the use of evidence-based prevention strategies, such as tiered supports, to promote positive student behavior;

(C) Promoting social and emotional learning to complement academic skills and encourage positive behavior;

(D) Providing regular training and supports to all school personnel, including teachers, principals, support staff, and school resource officers, on how to engage students and support positive behavior;

(E) Collaborating with local mental health, child welfare, law enforcement, and juvenile justice agencies and other stakeholders to align resources, prevention strategies, and intervention services; and

(F) Ensuring that a school resource officer's role focuses on improving school safety and reducing inappropriate referrals to law enforcement;

(2) Providing clear, appropriate, and consistent expectations and consequences for student behavior, by:

(A) Ensuring a school discipline policy that sets high expectations for behavior and adopts an instructional approach to school discipline;

(B) Involving families, students, and school personnel in the development and implementation of discipline policies or codes of conduct, and communicating those policies regularly and clearly;

(C) Ensuring that clear, developmentally appropriate, and proportional consequences apply for misbehavior;

(D) Ensuring policies include appropriate procedures for students with disabilities and due process for all students; and

(E) Removing students from the classroom only as a last resort, ensuring that any alternative settings provide students with academic instruction and return students to their regular class as soon as possible; and

(3) Promoting equity and continuous improvement, by:

(A) Training all school staff to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, or at-risk students; and

(B) Using proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school

personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.

SECTION 3. Tennessee Code Annotated, Section 49-6-4002(a), is amended by adding the following language at the end of the subsection:

A discipline policy adopted pursuant to this subsection (a) must align with the guidance and recommendations issued by the department pursuant to § 49-6-4010.

SECTION 4. Tennessee Code Annotated, Section 49-6-4002, is amended by adding the following as new subsections:

(h) The department shall develop and make available to local boards of education and charter school governing bodies a grade-appropriate model school discipline policy that aligns with the guidance and standards issued pursuant to § 49-6-4010.

(i) The department shall provide training and professional development opportunities to assist local boards of education and charter school governing bodies with developing a discipline policy that aligns with the guidance and recommendations issued by the department pursuant to § 49-6-4010.

(j) Each local board of education and charter school governing body shall submit a discipline policy that complies with the requirements of this section to the department.

(k) The commissioner shall review each policy submitted to ensure compliance with the requirements of this section.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 6, Part 40 , is amended by adding the following as a new section:

(a) The department shall annually:

(1) Collect and examine data regarding in-school suspensions, out-of-school suspensions, expulsions, school-based arrests, other in-school

disciplinary actions, length of suspensions, suspension and expulsion rate, and percentage of students that experienced each type of discipline. The collected data must be disaggregated by school, LEA, race, ethnicity, gender, age, grade, students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch, and the reason such discipline was imposed; and

(2) Compare data and trends in state to available data from other states if feasible.

(b)

(1) The commissioner shall submit a report to the governor and to the education committees of the senate and the house of representatives by January 15, 2023, and by January 15 each year thereafter that:

(A) Includes data and analysis collected pursuant to subsection

(a);

(B) Highlights high-performing schools and LEAs, including those that have improved school climate and decreased use of exclusionary measures such as suspensions and expulsions; and

(C) Provides a description and analysis of practices that contributed to the improvements in subdivision (b)(1)(B).

(2) The report must comply with the Family Education Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), § 10-7-504, the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title, and all other relevant state and federal privacy laws.

(3) The report must be posted on the department's website.

(c)

(1) The state board of education is authorized to promulgate rules to effectuate the purposes of this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The rules must include guidance to ensure:

(A) The standardized collection and reporting of data;

(B) Compliance with all federal and state privacy laws; and

(C) The prevention of releasing personally identifiable information or identification of students receiving discipline.

SECTION 6. For the purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it.