



# State of Tennessee

## PUBLIC CHAPTER NO. 957

HOUSE BILL NO. 2709

By Representative Haston

Substituted for: Senate Bill No. 2595

By Senators Hensley, Bowling

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 1, relative to pre-kindergarten.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-101, is amended by deleting subsection (f).

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

(a) As used in this part, "at-risk children" means:

(1) Children who are:

(A) Four (4) years of age on or before August 15; and

(B) Members of families with incomes that meet the eligibility requirements for free or reduced-price lunch as determined pursuant to 42 U.S.C. § 1771; or

(2) Dependent children, as defined by § 49-7-102(c), who are four (4) years of age on or before August 15, whose parent was killed; died as a direct result of injuries received or has been officially reported as being either a prisoner of war or missing in action while serving honorably as a member of the United States armed forces during a qualifying period of armed conflict as defined by § 49-7-102(c); or was formerly a prisoner of war or missing in action under such circumstances, who can present:

(A) Official certification from the United States government that the parent veteran was killed or died as a direct result of injuries received while serving honorably as a member of the United States armed forces during a qualifying period of armed conflict; or

(B) Official certification from the United States government that the parent veteran has been officially reported as being a prisoner of war or missing in action while serving honorably as a member of the United States armed forces during a qualifying period of armed conflict or was formerly a prisoner of war or missing in action under such circumstances as appropriate within one hundred eighty (180) days prior to applying for services under this section.

(b) An LEA may establish a voluntary pre-kindergarten program that serves at-risk children residing in the geographic area served by the LEA in accordance with this section. A voluntary pre-kindergarten program must be designed to comprehensively address the educational needs of children who are not otherwise eligible for similar programs or who do not have access to a pre-kindergarten program that includes, but is not limited to, the cognitive, physical, social, and emotional needs of children participating in the program.

(c)

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(1) The department shall establish an initial enrollment deadline that an LEA must use to determine if a voluntary pre-kindergarten classroom provided by the LEA has space available to enroll students in addition to at-risk children residing in the geographic area served by the LEA.

(2) If the number of at-risk children seeking to enroll in an LEA's voluntary pre-kindergarten program on the date of the initial enrollment deadline does not meet the maximum class size of the pre-kindergarten classroom provided by the LEA as part of the LEA's voluntary pre-kindergarten program, then the LEA may enroll children who are not at-risk children, but who reside within the geographic area served by the LEA and who are:

(A) Four (4) years of age, with or without a disability, on or before August 15;

(B) Three (3) years of age on or before August 15 and:

(i) Who have been in the Tennessee Early Intervention System (TEIS); or

(ii) Who are screened and identified as educationally at-risk, as determined pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.); or

(C) Three (3) years of age on or before August 15, who are members of families with incomes that meet the eligibility requirements for free or reduced-price lunch, as determined pursuant to 42 U.S.C. § 1771.

(d) A voluntary 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 voluntary pre-kindergarten program is voluntary.

SECTION 3. Tennessee Code Annotated, Section 49-6-105, is amended by adding the following as a new subsection:

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(i) Selection of voluntary pre-kindergarten program sites must take into consideration the areas of greatest need, which may be determined by, but not limited to:

(1) School service areas with high percentages of children from families with incomes that meet the eligibility requirements for free or reduced-price lunch, as determined pursuant to 42 U.S.C. § 1771; or

(2) Access to early childhood education and pre-kindergarten programs within the county.

SECTION 4. Tennessee Code Annotated, Section 49-6-108(6), is amended by deleting "at risk students" and substituting "at-risk children".

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it.

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PASSED: April 12, 2022



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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



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RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 29<sup>th</sup> day of April 2022



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BILL LEE, GOVERNOR