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STATE OF TENNESSEE

PUBLIC CHAPTER NO. 2

FIRST EXTRAORDINARY SESSION

SENATE BILL NO. 1

By Johnson, White, Yager, Haile, Powers, Reeves, Rose

Substituted for: House Bill No. 3

By Lamberth, Gant, White, Moody, Cepicky, Haston, Ragan, Littleton, Bricken, Helton, Williams, Rudder, Boyd, Garrett, Terry, Gillespie, Eldridge, Faison, Sherrell, Smith, Hall, Zachary, Moon, Kumar

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1, Part 2; Title 49, Chapter 1, Part 3; Title 49, Chapter 1, Part 6; Title 49, Chapter 5, Part 5 and Title 49, Chapter 6, Part 1, relative to accountability.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivisions (iv), (v), and (vi), and substituting the following:

(iv) Notwithstanding subdivisions (d)(2)(B)(ii) and (iii), if a teacher's or principal's student growth data, as described in subdivision (d)(2)(B)(ii), reflects attainment of an achievement level of "at expectations," "above expectations," or "significantly above expectations," as provided in the evaluation guidelines and rules adopted by the board pursuant to this subdivision (d)(2), then the student growth data shall comprise the full fifty percent (50%) student achievement data portion of the teacher's or principal's evaluation required under subdivision (d)(2)(B)(i), if such use results in a higher final evaluation score for the teacher or principal.

(v) Notwithstanding subdivision (d)(2)(B)(iv), if an individual teacher's student growth data, as described in subdivision (d)(2)(B)(ii), reflects attainment of an achievement level demonstrating an effectiveness level of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines and rules adopted by the board pursuant to this subdivision (d)(2), then the student growth data may, at the discretion of the LEA or public charter school, and upon request of the teacher, comprise one hundred percent (100%) of the teacher's final evaluation score. If the LEA or public charter school chooses to implement this subdivision (d)(2)(B)(v), then it must do so for all teachers with individual growth data who request its implementation.

(vi) A teacher's most recent year's student growth data, as described in subdivision (d)(2)(B)(ii), shall comprise the full thirty-five percent (35%) student growth portion of the teacher's evaluation required under subdivision (d)(2)(B)(ii), if such use results in a higher final evaluation score for the teacher.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(E), is amended by deleting "evaluation score" and substituting "final evaluation score".

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(F), is amended by deleting "evaluation score" and substituting "final evaluation score".

SECTION 4. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by deleting subdivision (G) and substituting instead the following:

(i) Notwithstanding subdivision (d)(2)(B)(ix), the state shall not require teachers in non-tested grades and subjects to be evaluated using an alternative growth model for the 2019-2020 or 2020-2021 school year.

(ii) This subdivision (d)(2)(G) does not prohibit an LEA or public charter school from evaluating teachers in non-tested grades and subjects using an alternative growth model for the 2019-2020 or 2020-2021 school year. If an LEA or public charter school chooses to evaluate its teachers in non-tested grades and subjects using an alternative growth model for the 2020-2021 school year, then the LEA or public charter school must notify the department by March 1, 2021.

(iii) If an LEA or public charter school chooses to evaluate its teachers in non-tested grades and subjects using an alternative growth model for the 2019-2020 or 2020-2021 school year, then data generated from the alternative growth model shall not comprise the student growth portion of a teacher's evaluation, as described in subdivision (d)(2)(B)(ii), unless such use results in a higher final evaluation score for the teacher.

SECTION 5. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by adding the following as a new subdivision:

(H) Notwithstanding subdivisions (d)(2)(B)(ii) and (iii), for the 2020-2021, 2021- 2022, and 2022-2023 school years, student growth evaluation composites generated by assessments administered in the 2020-2021 school year must be excluded from the student growth measure of a teacher's evaluation, as specified in subdivision (d)(2)(B)(ii), unless including the composites results in a higher final evaluation score for the teacher.

SECTION 6. Tennessee Code Annotated, Section 49-1-302(d), is amended by adding the following as a new subdivision:

(8) As used in this subsection (d), "final evaluation score" means an individual's level of overall effectiveness score.

SECTION 7. Tennessee Code Annotated, Section 49-6-105(h), is amended by deleting the language "2019-2020 school year" in subdivisions (1) and (2) and substituting instead the language "2019-2020 or 2020-2021 school year" and by deleting subdivision (3) and substituting instead the following:

(3) If an LEA or public charter school chooses to evaluate its pre-kindergarten and kindergarten teachers, for the 2019-2020 or 2020-2021 school year, using the pre-k/kindergarten growth portfolio model approved by the state board of education, or a comparable alternative measure of student growth approved by the state board of education and adopted by the LEA or public charter school, then data generated from the pre-k/kindergarten growth portfolio model, or the comparable alternative measure of student growth, shall not comprise the student growth portion of a teacher's evaluation, as described in § 49-1-302(d)(2)(B)(ii), unless such use results in a higher final evaluation score for the teacher.

SECTION 8. Tennessee Code Annotated, Section 49-6-105(h)(2), is amended by deleting the language "LEA" and substituting instead the language "LEA or public charter school" and by adding the following language at the end of the subdivision (2):

If an LEA or public charter school chooses to evaluate its pre-kindergarten and kindergarten teachers, for the 2020-2021 school year, using the pre-k/kindergarten growth portfolio model approved by the state board of education, or a comparable alternative measure of student growth approved by the state board of education and adopted by the LEA or public charter school, then the LEA or public charter school must notify the department by March 1, 2021.

SECTION 9. Tennessee Code Annotated, Section 49-6-105(h), is amended by adding the following as a new subdivision:

(4) As used in this subsection (h), "final evaluation score" has the same meaning as defined in § 49-1-302(d)(8).

SECTION 10. Tennessee Code Annotated, Section 49-1-617, is amended by adding the following as a new subsection:

(e) Notwithstanding subsection (a), each local board of education may choose the percentage, within the range of zero percent (0%) to twenty-five percent (25%), that scores from the Tennessee comprehensive assessment program (TCAP) tests administered to students in grades three through twelve (3-12) in the 2020-2021 school year count on a student's final grade.

SECTION 11. Tennessee Code Annotated, Section 49-1-228, is amended by adding the following new subsections:

(g)(1) If eighty percent (80%) or more of an LEA's or public charter school's students enrolled in grades three through twelve (3-12) participate in the Tennessee comprehensive assessment program (TCAP) tests administered in the 2020-2021 school year, then, notwithstanding subsections (a)-(c), student performance and student growth data generated from the TCAP tests administered in the 2020-2021 school year shall not be used to assign a letter grade to a school.

(2) The commissioner of education may, at the commissioner's discretion, grant an LEA or public charter school a waiver from the eighty-percent- participation requirement in subdivision (g)(1).

(h) The department shall not issue letter grades or any other summative ratings for schools eligible for the accountability protections in subdivision (g)(1) or schools that receive a waiver from the commissioner pursuant to subdivision (g)(2) in the state report card for the 2020-2021 school year; provided, that the department shall provide student performance and student growth data to LEAs, and as required by federal law.

SECTION 12. Tennessee Code Annotated, Section 49-1-602(a), is amended by adding the following as a new subdivision:

(6)(A) If eighty percent (80%) or more of an LEA's or public charter school's students enrolled in grades three through twelve (3-12) participate in the Tennessee comprehensive assessment program (TCAP) tests administered in the 2020-2021 school year, then, notwithstanding any provision of this part to the contrary, student performance and student growth data from TCAP tests administered in the 2020-2021 school year shall not be used to identify a school as a priority school or to assign a school to the achievement school district.

(B) The commissioner of education may, at the commissioner's discretion, grant an LEA or public charter school a waiver from the eighty-percent-participation requirement in subdivision (a)(6)(A).

(C) This subdivision (a)(6) does not prohibit the use of student performance and student growth data from TCAP tests administered in the 2020- 2021 school year from being used to determine priority exit status for schools identified as priority schools pursuant to subsection (b).

SECTION 13. Tennessee Code Annotated, Sections 49-5-503(4), is amended by deleting the subdivision and substituting instead the following:

(4) Has received evaluations demonstrating a level of overall effectiveness of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines and rules adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of the probationary period; provided, however, that a teacher who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to an approved extended leave; transfer to another school or position within the school district; unavailable data due to the cancellation of Tennessee comprehensive assessment program (TCAP) tests as a result of the COVID-19 pandemic; or invalidated data due to a successful local level evaluation grievance pursuant to § 49-1-302(d)(2)(A) may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to meet the provisions of this subdivision (4); and

SECTION 14. Tennessee Code Annotated, Section 49-1-302(d)(2)(C)(iv), is amended by adding the following language at the end of the subdivision:

Notwithstanding § 49-2-303(a)(1), student performance on assessments administered in the 2020-2021 school year to assess student readiness for postsecondary education, including, but not limited to, the ACT, must be excluded from the evaluation criteria required for school principals pursuant to this subdivision (d)(2)(C)(iv). This subdivision (d)(2)(C)(iv) does not prohibit a school principal from mutually agreeing with the person or persons responsible for conducting the school principal's evaluation to include student performance on postsecondary readiness assessments administered in the 2020-2021 school year in the school principal's evaluation criteria, if including student performance on the postsecondary readiness assessments results in a higher final evaluation score for the school principal.

SECTION 15. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

To the extent authorized by federal law, student performance on assessments administered in the 2020-2021 school year to assess student readiness for postsecondary education must be excluded from the performance goals and measures required for schools and LEAs pursuant to this part, unless including student performance on postsecondary readiness assessments administered in the 2020-2021 school year results in a higher performance designation for the school or LEA.

SECTION 16. The state board of education may promulgate rules, including emergency rules, as necessary to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 17. This act takes effect upon becoming a law, the public welfare requiring it.

PASSED: January 21, 2021

APPROVED this 3rd day of February 2021

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