



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 177**

**SENATE BILL NO. 1198**

**By Norris, Tracy, Gresham**

Substituted for: House Bill No. 308

By Hawk, Casada, Harry Brooks, Mark White, Byrd

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1, Part 6 and Section 49-6-6001, relative to school accountability.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-602, is amended by deleting subsection (a) in its entirety and substituting instead the following language:

(a)(1) The state board of education, in consultation with the commissioner of education, shall establish appropriate performance goals and measures for schools and local education agencies. The performance goals and measures shall include, at a minimum, student achievement, student growth, and other appropriate indicators of performance.

(2) Each year, the department of education shall recommend and the state board shall approve performance designations for LEAs based on the established performance goals and measures. If an LEA receives the highest performance determination in the accountability model as approved by the state board, it shall:

(A) Be identified by the department on a public list of LEAs earning the highest accountability determination; and

(B) When permissible by law, rule or regulation, be granted increased latitude in funding flexibility by the department.

(3) If an LEA receives the lowest performance determination in the accountability model as approved by the state board, the LEA shall be subject to the following:

(A) Placement on a public list of LEAs earning the lowest accountability determination; and

(B) Creation of an aggressive plan for corrective action that includes a detailed analysis of its student achievement results, and submission of such plan to the commissioner for approval.

SECTION 2. Tennessee Code Annotated, Section 49-1-602, is amended by deleting in subdivision (b)(1) the language "achievement" and substituting instead the language "performance".

SECTION 3. Tennessee Code Annotated, Section 49-1-602, is amended by deleting subdivision (b)(2) in its entirety and substituting instead the following language:

(2) Schools identified as priority schools shall include the bottom five percent (5%) of schools in performance, all public high schools failing to graduate one-third (1/3) or more of their students, and schools with chronically low-performing subgroups that have not improved after receiving additional targeted support, pursuant to applicable laws, rules, and regulations. Priority schools shall be subject to one (1) of the following interventions as determined by the commissioner:

(A) Turnaround through an LEA-led intervention or other school improvement process, subject to approval by the commissioner;

(B) School turnaround under the governance of an LEA innovation zone pursuant to subsection (c); or

(C) Placement in the achievement school district as defined in § 49-1-614; provided, however, that no school identified as a priority school shall be placed in the achievement school district if, after the school is identified as a priority school, but before the commissioner determines that the school should be assigned to the achievement school district, the school demonstrates student achievement growth at a level of "above expectations" or greater, as represented by the Tennessee Value-Added Assessment System (TVAAS) developed pursuant to this part.

SECTION 4. Tennessee Code Annotated, Section 49-1-602, is amended by adding to subsection (b) the following language as a new, appropriately designated subdivision:

( ) Upon receiving notice that a school has been identified as a priority school, the LEA or authorizing entity shall, for each school identified, develop and implement a comprehensive support and improvement plan for the school to improve student outcomes. The comprehensive support and improvement plan shall at a minimum:

(A) Be based on a school-level needs assessment;

(B) Include evidence-based interventions;

(C) Include a plan for notifying the parents of each student enrolled in the school of its priority status and a plan for stakeholder engagement;

(D) Include a review of LEA and school-level resources;

(E) Be developed by the school and LEA and approved by the commissioner; and

(F) Be monitored and evaluated annually by the department.

SECTION 5. Tennessee Code Annotated, Section 49-1-609, is amended by deleting the section in its entirety.

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

(a) A student who has not attended the same high school within an LEA for at least sixty (60) school days of the most recent school year of enrollment and who has exited high school without a regular high school diploma and without transferring to another high school that grants a regular diploma may, for the purpose of calculating graduation rate, be assigned to the high school at which the student was enrolled for the greatest proportion of school days while enrolled in grades nine (9) through twelve (12) pursuant to procedures developed by the department.

(b) Students that earn an alternate academic diploma pursuant to § 49-6-6001, shall be included in the four-year adjusted cohort graduation rate pursuant to procedures developed by the department.

SECTION 7. Tennessee Code Annotated, Section 49-1-612, is amended by deleting the section in its entirety and substituting instead the following language:

The state's alternate assessment for students with significant cognitive disabilities shall be based on alternate academic achievement standards designed to measure the knowledge and skills of students with significant cognitive disabilities and shall be aligned to Tennessee's state academic standards.

SECTION 8. Tennessee Code Annotated, Section 49-1-614, is amended by deleting subsection (c) in its entirety and substituting instead the following language:

(c)(1) The commissioner shall have the authority to assign any school or grade configuration within a school to the ASD at any time such school is designated to be in priority status pursuant to § 49-1-602; provided, however, that schools assigned to the ASD after June 1, 2017, shall be limited to priority schools.

(2) Schools placed in the ASD after June 1, 2017, shall only serve grades that the school served at the time the commissioner assigned the school to the ASD. The governing body of a charter school may apply to the LEA to expand the grades the school serves under the provisions outlined in § 49-13-106.

(3) Prior to the assignment of a school to the ASD, the commissioner shall consider geographic clusters of qualifying schools and feeder patterns with multiple eligible schools.

(4) Nothing shall prohibit the ASD from establishing an alternative school to serve students assigned to the ASD.

SECTION 9. Tennessee Code Annotated, Section 49-1-614, is amended by deleting subsection (k) in its entirety and substituting instead the following language:

(k)(1) A school that has been removed from the LEA and placed in the ASD shall remain in the ASD until the school is no longer identified as a priority school pursuant to § 49-1-602 for two (2) consecutive cycles beginning with the 2017 priority school list; provided, however, that no school shall remain in the ASD for more than a ten-year period. After the school improves student performance such that the school is no longer identified as a priority school for two (2) consecutive cycles, the commissioner, in consultation with the LEA, shall develop and approve a transition plan for the purpose of planning the school's return to the LEA. If the LEA is identified as an LEA earning the lowest accountability determination pursuant to § 49-1-602(a) and the parents of at least sixty percent (60%) of the children enrolled at the school demonstrate support for remaining in the ASD by signing a petition, then the school shall remain in the ASD and shall return to the LEA after the LEA is no longer identified as an LEA earning the lowest accountability determination.

(2) Notwithstanding subdivision (k)(1) or any other provision to the contrary, if a school enters the ASD and is operated as a charter school through authorization by the ASD pursuant to § 49-13-106, the ASD shall remain the chartering authority through the duration of the charter agreement and the school shall remain under the authority of the ASD. Upon expiration of the charter agreement, the school shall return to the LEA and the terms of the charter agreement may be renewed upon submission of a renewal application by the governing body of the charter school to the LEA under the provisions outlined in § 49-13-121.

(3) Notwithstanding subdivision (k)(1) or any other provision to the contrary, the commissioner shall have the authority to remove any school from the jurisdiction of the ASD at any time.

SECTION 10. Tennessee Code Annotated, Section 49-6-6001, is amended by adding the following language as a new, appropriately designated subsection:

The state board of education shall adopt an alternate academic diploma for students with the most significant cognitive disabilities who are assessed with the alternate assessment under § 49-1-612. The board shall ensure the diploma is aligned with the requirements for a regular high school diploma.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1198

PASSED: April 10, 2017

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 24<sup>th</sup> day of April 2017

  
BILL HASLAM, GOVERNOR