

**CHAPTER NO. 928**

**HOUSE BILL NO. 3511**

**By Representatives McMillan, Winningham, Maddox**

**Substituted for: Senate Bill No. 3395**

**By Senators Trail, Crutchfield**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1, Part 6, relative to school systems on probation.

WHEREAS, since the passage of the Education Improvement Act of 1992, federal accountability requirements have become increasingly stringent regarding state and local education agency performance goals; and

WHEREAS, student assessments developed by the Department of Education must be consistent and in compliance with current federal regulations; and

WHEREAS, the Department of education is striving to align state accountability standards with those mandated through federal statute; and

WHEREAS, this legislation is proposed to achieve a more unitary system of accountability, performance standards, and assessments; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 49-1-601(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The state board of education, in consultation with the commissioner, shall establish appropriate performance goals and measures.

SECTION 2. Tennessee Code Annotated, Section 49-1-601(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b)

(1) All public schools and local education agencies shall make adequate yearly progress (AYP) in achieving proficiency for all student subgroups in core academic subjects, as determined by the state board of education.

(2) All public schools and local education agencies shall have academic growth for each measurable academic subject within each grade greater than or equal to standards for expected academic growth set by the commissioner with the approval of the state board. Growth shall be determined through the value added assessment provided for in §§ 49-1-603 - 49-1-608.

SECTION 3. Tennessee Code Annotated, Section 49-1-601(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c) If schools or local education agencies do not have academic growth equal to or greater than the standards for expected academic growth based upon the Tennessee comprehensive assessment program (TCAP) tests (or tests which measure academic performance which are deemed appropriate), each school and local education agency is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course, necessary to maintain compliance with this part, will be established after two (2) years of consecutive testing with tests adopted for each grade and subject, as provided in §§ 49-1-603 - 49-1-608. Schools or local education agencies which do not achieve the required rate of progress may be placed on probation pursuant to § 49-1-602.

SECTION 4. Tennessee Code Annotated, Section 49-1-601(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) All schools within all local education agencies are expected to maintain appropriate levels of school attendance and graduation rates. The 1991-1992 school year is the base year for measuring levels of attendance rates. The 2002-03 school year is the base year for measuring levels of graduation rates. Schools which do not maintain appropriate levels, as set by the state board on the recommendation of the commissioner, may be placed on probation pursuant to § 49-1-602.

SECTION 5. Tennessee Code Annotated, Section 49-1-601(e), is amended by deleting the word "dropout" and by substituting instead the word "graduation".

SECTION 6. Tennessee Code Annotated, Section 49-1-602(d), is amended by deleting the words "for adequate yearly progress" and by substituting instead the words "specified in subsections 49-1-601(b), 49-1-601(c) and 49-1-601(d)".

SECTION 7. Tennessee Code Annotated, Section 49-1-602(f), is amended by deleting the words "for adequate yearly progress" and by substituting instead the words "specified in subsections 49-1-601(b), 49-1-601(c) and 49-1-601(d)".

SECTION 8. Tennessee Code Annotated, section 49-1-610, is amended by deleting the section in its entirety and by substituting instead the following language:

All tests used in accordance with the provisions of this part shall be equivalent tests. Each year, at least seventy percent (70%) of items on each test must be fresh, nonredundant items that did not appear on that test in the previous four (4) years in grades three (3) through (8) and the previous three (3) years in subject-specific high school tests. The commissioner shall ensure that assessments used to measure academic progress required by this chapter meet acceptable standards of reliability and appropriately measure students at all levels of achievement.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 20, 2004

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 7<sup>th</sup> day of June 2004

  
PHIL BREDEESEN, GOVERNOR