

HOUSE BILL 2996

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to K-12 education.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3004, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) Beginning with the 2010-2011 school year and every year thereafter, LEAs shall commence the school year no earlier than the fourth Monday in August, unless the LEA's board of education votes by a majority of its membership to establish a year-round calendar for all or any of the schools within its jurisdiction in accordance with department of education attendance policies.

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

§ 49-6-602.

(a) The state board of education shall create rules governing mandatory summer school attendance for any child who is found to be below minimum proficiency standards as demonstrated by the child's performance on the Tennessee comprehensive assessment program (TCAP).

(b) The state board of education shall set minimum proficiency standards for the TCAP for grades three through eight (3-8) no later than one hundred and twenty (120) days after the effective date of this act.

(c) Any student deemed to be below the minimum proficiency standards shall be required to attend the summer school program offered by the LEA in which the student is enrolled, provided the LEA offers a summer remediation or enrichment program.

(d) Attendance and truancy policies as set out in § 49-6-3007 shall be enforced for any student required to attend summer school.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

§ 49-6-6004.

(a) The commissioner shall establish dates each year for the administration of the Tennessee comprehensive assessment program (TCAP) to students who have completed a summer remediation or enrichment program pursuant to § 49-6-602 with an attendance rate of ninety-six percent (96%) or higher. Such tests shall be administered only to students who completed the summer program. The testing dates shall be chosen to ensure that LEAs are able to comply with federal deadlines for reporting as required by the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Public Law 107-110.

(b) The score received by a student on the TCAP administered pursuant to subsection (a) shall be substituted for the score previously received by the student for the immediately preceding school year. Such score shall be used to recalculate the adequate yearly progress report for the student's school if permitted by the U.S. department of education.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

§ 49-1-614.

(a) The department shall issue adequate yearly progress (AYP) reports for public schools and LEAs on or before the fourth Monday in July of each year.

(b) LEAs shall issue school choice options pursuant to § 49-1-602 no later than five (5) business days after the fourth Monday in July. Parental notification letters shall meet the guidelines issued by the United States department of education.

(c) A student's parents shall have no less than ten (10) business days during which the parents may exercise the school choice options.

(d) LEAs shall provide transportation and school assignment information to students no later than the third Monday in August.

(e) A school shall not schedule an open house event less than three (3) days after students have received notice of school assignments.

(f) A high school student athlete shall not be penalized for not attending summer practices or training if the student athlete was eligible for school choice due to a school's failure to make AYP.

SECTION 5. This act shall take effect January 1, 2011, the public welfare requiring it.