

SENATE BILL 2035

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to special education.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-104, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) The state board of education, in consultation with the department of education, shall establish the maximum class size and caseload standards for instructional personnel and teachers having the primary responsibility for the development, implementation, and updating of a student's individualized education program (IEP). In addition to caseload requirements, the standards must address class sizes in all classrooms that include students with disabilities and students eligible for special education services.

(2) In establishing the maximum class size and caseload standards under this subsection (b), the state board of education and the department of education shall consider the workload associated with:

(A) Providing specially designed instruction, including:

(i) Direct instruction to meet IEP goals or objectives; and

(ii) Indirect services, including:

(a) Consultation with general education teachers;

(b) Adaptation of curricular materials;

(c) Coordination with other service providers;

(d) Collaboration among special education service providers to discuss student progress and to determine the necessary next steps for individual students; and

(e) Dedicated planning time for co-teaching;

(B) Implementing inclusionary practices, including:

(i) Co-teaching;

(ii) Supported instruction; and

(iii) Push-in services; and

(C) IEP management, including:

(i) Coordination of paperwork regarding IEP meetings;

(ii) Development of the IEP;

(iii) Progress monitoring and reporting on IEP goals;

(iv) Annual review and triennial review;

(v) Initial evaluation and reevaluation;

(vi) Functional behavior assessments;

(vii) Behavioral intervention plans; and

(viii) Agency service coordination and documentation.

(3)

(A) Notwithstanding subsection (a), the department of education may grant a waiver from the maximum class sizes, average class sizes, or caseload standards established under this section for instructional personnel and teachers having the primary responsibility for the development, implementation, and updating of a student's individualized education program (IEP), and in all classrooms that include students with disabilities and students eligible for special education services.

(B) An LEA's request for a waiver from the maximum class sizes, average class sizes, or caseload standards established under this section must include workload calculations demonstrating the need for a waiver.

(C) In calculating workloads for purposes of a waiver, an LEA must:

(i) Combine the minutes per week required for the LEA's instructional personnel or teachers to:

(a) Provide students with the services mandated in the student's IEP;

(b) Perform assigned inclusionary practices; and

(c) Complete IEP management;

(ii) Determine the minutes per week of available instructional time by subtracting the minutes per week dedicated to duty-free lunch, contractual preparation time, travel to and from service delivery sites, and other required duties or obligations that impair the LEA's instructional personnel or teachers from providing instruction to students, from the minutes of instructional time in a school week; and

(iii) Subtract the minutes per week calculated in subdivision (b)(3)(C)(i) from the minutes per week calculated in subdivision (b)(3)(C)(ii) to determine whether there are enough available minutes in a school week for the LEA's instructional personnel or teachers to perform the duties outlined in subdivision (b)(3)(C)(i)(a)-(c).

(D) If, pursuant to the workload calculations in subdivision (b)(3)(C), an LEA's instructional personnel or teachers do not have enough available minutes in a school week to serve the maximum class size, average class size, or staffing standards established under this section, then the department of education shall grant the LEA a waiver from the maximum class size, average class size, or caseload standard.

SECTION 2. The state board of education shall revise or amend its special education caseload and class size policies, rules, and standards to align with the requirements of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.