

TENNESSEE CODE ANNOTATED

**Title 4
State Government**

**Chapter 3
Creation, Organization and Powers of Administrative Departments and Divisions**

**Part 3
—Department of Audit**

4-3-308. Office of education accountability. —

- (a) There is hereby established within the office of the comptroller of the treasury an office of education accountability, which shall monitor the performance of school boards, directors of schools, school districts, schools, and school personnel in accordance with the performance standards set out in the Education Improvement Act or by regulations of the state board of education.
- (b) The office of education accountability shall be provided with information generated through the management information system provided for in § [49-1-209](#), information gathered for the annual report provided for in § [49-1-211](#), or any other information that it may require.
- (c) The office of education accountability shall conduct such studies, analyses, or audits as it may determine to be necessary to evaluate education performance and progress, or as may be assigned to it by the governor or general assembly.
- (d) The office of education accountability shall report its findings annually to the governor and the general assembly.

[Acts 1992, ch. 535, § 47.]

**Title 49
Education**

**Chapter 1
State Administration**

**Part 2
—Department of Education**

49-1-209. Management information system. —

The commissioner of education is authorized to prescribe a management information system through which local school systems maintain, record and report information to the department and information for internal school and system management. The system shall be established by the commissioner in accordance with the standards and policies and procedures established by the information system council.

[Acts 1992, ch. 535, § 4.]

49-1-210. Standards of fiscal accountability. —

The commissioner shall recommend standards of fiscal accountability and soundness for local school systems to the state board of education, and the state board shall promulgate rules based on these standards to be used in evaluating the fiscal

operations of local school systems.
[Acts 1992, ch. 535, § 4.]

49-1-211. Annual report by commissioner.

(a) The commissioner of education shall publish an annual report as of each November 1, which shall include, but not be limited to:

(1) The results of state-conducted compliance and performance audits of local school systems;

(2) Value-added assessment as organized by class, schools and local school systems;

(3) School performance indicators including performance on the Tennessee comprehensive assessment program (TCAP), dropout rates, numbers of waivers, local financial contribution to education, local wealth factors related to tax paying ability, attendance rates, and others as adopted by the state board of education;

(4) Incentives and sanctions applied to local school systems;

(5) Exit assessments of high school graduates, including college entrance examinations, work readiness examinations and the TCAP minimum proficiency standards;

(6) A comparison of expenditures by category and program for each school system with statewide averages;

(7) (A) Overall student dropout rates organized by schools and local school systems; and

(B) Student dropout rates also organized by schools and local school systems, but subdivided by gender and race;

(8) (A) Overall student suspension and expulsion rates organized by schools and local school systems; and

(B) Student suspension and expulsion rates also organized by schools and local school systems, but subdivided by gender and race;

(9) (A) Overall high school graduation rates organized by high schools and local school systems; and

(B) High school graduation rates also organized by high school and local school system, presented by gender and subgroup, pursuant to applicable federal law. The high school graduation information shall be placed on the annual state, system and school level report cards posted on the Internet;

(10) Alternative school performance indicators as reported to the department by LEAs pursuant to § 49-6-3405; and

(11) A survey of the LEAs to determine what extended learning programs are being used by LEAs or in communities to integrate school and nonschool learning opportunities to ensure that students receive the skills they need for success. The survey shall be disseminated to all LEAs in order that programs successful in one LEA

may be considered by other LEAs for replication. Such dissemination may be done electronically.

(b) This report shall be distributed to:

- (1)** The governor;
- (2)** The members of the general assembly;
- (3)** The members of the state board of education;
- (4)** State and local news media;
- (5)** Local directors of schools;
- (6)** Local boards of education;
- (7)** Presidents of state and local education associations;
- (8)** Presidents of state and local school board associations;
- (9)** State and local parent-teacher organizations;
- (10)** County mayors;
- (11)** Mayors;
- (12)** Local chambers of commerce;
- (13)** Members of local legislative bodies; and
- (14)** Local public libraries.

(c) Before TCAP scores are released pursuant to subdivision (a)(3), or otherwise, they shall be disaggregated.

HISTORY: Acts 1992, ch. 535, § 5; 1996, ch. 608, § 1; 1997, ch. 215, § 1; 1997, ch. 434, § 1; 1999, ch. 173, § 1; 2001, ch. 202, § 1; 2003, ch. 90, § 2; 2007, ch. 358, § 1; 2007, ch. 517, § 3; 2009, ch. 298, § 1; 2010, ch. 737, § 1.

Part 3 **—State Board of Education**

49-1-302. Powers and duties of board -- Confidentiality of records -- Standards, policies, recommendations and actions subject to appropriations -- Teacher evaluation advisory committee -- Duty-free teacher time -- Confidentiality and integrity of statewide tests -- Ungraded and unstructured classes -- Limits on local costs of special education -- Recruitment, employment and retention of African-American teachers -- Uniform clothing -- Railroad crossing safety -- Standards of care and other educational endeavors.

d) (1) There is hereby created the teacher evaluation advisory committee. The

committee shall consist of fifteen (15) members. The commissioner of education, the executive director of the state board of education and the chairpersons of the education committees of the senate and the house of representatives shall be members. One (1) member shall be a kindergarten through grade twelve (K-12) public school teacher appointed by the speaker of the house of representatives and one (1) member shall be a kindergarten through grade twelve (K-12) public school teacher appointed by the speaker of the senate. The remaining nine (9) members shall be appointed by the governor and shall consist of three (3) public school teachers, two (2) public school principals, one (1) director of a school district and three (3) members representing other stakeholders' interests; provided, that at least one (1) member of the committee shall be a parent of a currently enrolled public school student. The membership of the committee shall appropriately reflect the racial and geographic diversity of this state. The commissioner of education shall serve as the chairperson of the committee. All appointments to the teacher evaluation advisory committee shall be made within thirty (30) days of January 16, 2010. If the commissioner of education who is initially appointed to the committee as chairperson ceases to be the commissioner of education because of resignation or retirement, then such former commissioner shall remain a member of the committee until the committee ceases to exist. The total number of members of the committee shall thereby be increased to sixteen (16).

(2) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure shall provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt guidelines and criteria. The evaluations shall be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation and the attainment of tenure status.

(A) Fifty percent (50%) of the evaluation criteria developed pursuant to this subdivision (d)(2) shall be comprised of student achievement data.

(i) Thirty-five percent (35%) of the evaluation criteria shall be student achievement data based on student growth data as represented by the Tennessee Value-Added Assessment System (TVAAS), developed pursuant to part 6 of this chapter, or some other comparable measure of student growth, if no such TVAAS data is available.

(ii) Fifteen percent (15%) shall be based on other measures of student achievement selected from a list of such measures developed by the teacher evaluation advisory committee and adopted by the board. For each evaluation, the teacher or principal being evaluated shall mutually agree with the person or persons responsible for conducting the evaluation on which such measures are employed. If the teacher or principal being evaluated does not agree with the measures used, the person or persons responsible for conducting the evaluation shall choose the evaluation measures.

(iii) Notwithstanding subdivisions (d)(2)(A)(i) and (ii), if a particular teacher's or principal's student growth data, as described in subdivision (d)(2)(A)(i), reflects attainment of a specific achievement level, to be recommended by the teacher evaluation advisory committee and adopted by the board, then such student growth data may, at the choice of the individual being evaluated, comprise fifty percent (50%) of their evaluation.

(B) Other mandatory criteria for the evaluations shall include, but not necessarily be limited to, the following:

- (i) Review of prior evaluations;
 - (ii) Personal conferences to include discussion of strengths, weaknesses and remediation;
 - (iii) Relative to teachers only, classroom or position observation followed by written assessment; and
 - (iv) Relative to principals only, additional criteria pursuant to § 49-2-303(a)(1).
- (3) The policies adopted pursuant to subdivision (d)(2) shall be effective no later than July 1, 2011, in order to be implemented prior to the 2011-2012 academic year. Prior to the implementation of these policies, the existing guidelines and criteria for the evaluation of certificated persons employed by LEAs shall continue to be utilized.
- (4) The evaluation procedure created by this subsection (d) shall not apply to teachers who are employed under contracts of duration of one hundred twenty (120) days per school year or less or who are not employed full-time.
- (5) The committee shall be subject to the governmental entity review law, compiled in title 4, chapter 29, and shall terminate on July 1, 2011.
- (6) If an LEA determines that it is necessary to assign an individual to teach in an area for which the individual is not endorsed, any evaluation conducted for the course outside the area of endorsement shall relate only to the improvement of teaching skills and strategies and not a determination of competency. The board shall include as a part of its evaluation guidelines a specific reference to this use of its evaluation procedures.

HISTORY: Acts 1925, ch. 115, § 5; 1939, ch. 11, § 34; Shan. Supp., § 1487a25; Code 1932, § 2316; Acts 1933, ch. 142, § 1; 1935, ch. 186, § 1; 1947, ch. 96, § 1; 1947, ch. 113, §§ 1, 2; mod. C. Supp. 1950, §§ 255.56, 2316 (Williams, §§ 371.1, 2316); impl. am. Acts 1951, ch. 119, § 1 (Williams, § 2316a); Acts 1951, ch. 180, § 1; modified; impl. am. Acts 1953, ch. 85, § 1; impl. am. Acts 1955, ch. 17, § 1; Acts 1957, ch. 160, § 1; impl. am. Acts 1959, ch. 9, §§ 3, 14; impl. am. Acts 1961, ch. 97, § 3; impl. am. Acts 1965, ch. 30, § 1; Acts 1965, ch. 44, § 1; 1967, ch. 294, § 1; 1972, ch. 575, § 1; 1972, ch. 838, § 9; 1973, ch. 80, § 1; 1973, ch. 145, § 1; 1974, ch. 654, § 9; 1975, ch. 66, § 1; 1978, ch. 932, § 4; T.C.A. (orig. ed.), §§ 4-310, 49-107; Acts 1983, ch. 181, § 12; T.C.A. (orig. ed.), §§ 49-108, 49-112, 49-114; Acts 1984 (1st Ex. Sess.), ch. 6, § 4; 1984 (1st Ex. Sess.), ch. 7, §§ 79, 93; 1985, ch. 464, § 1; 1985, ch. 465, § 1; 1987, ch. 287, § 2; 1987, ch. 308, § 10; 1988, ch. 893, § 3; 1988, ch. 1006, § 1; 1990, ch. 948, §§ 1, 2; 1990, ch. 1074, § 1; 1992, ch. 535, §§ 2, 42, 57, 59, 60, 82; 1993, ch. 177, § 1; 1994, ch. 805, §§ 1, 2; 1996, ch. 935, § 1; 1996, ch. 987, § 1; 1998, ch. 993, § 1; 2000, ch. 698, § 1; 2000, ch. 981, § 39; 2001, ch. 227, § 1; 2002, ch. 766, § 1; 2004, ch. 670, §§ 3, 4; 2004, ch. 679, § 1; 2007, ch. 367, § 1; 2007, ch. 376, § 5; 2008, ch. 628, § 1; 2010 (1st Ex. Sess.), ch. 2, § 10; 2010, ch. 911, § 1; 2010, ch. 925, § 2; 2011, ch. 212, § 1; 2011, ch. 297, § 1; 2011, ch. 304, § 3; 2011, ch. 410, § 4(b).

Part 6

—Performance Goals and Assessment

49-1-601. Performance goals at the local level. —

- (a) The state board of education, in consultation with the commissioner, shall

- establish appropriate performance goals and measures.
- (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.
 - (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](#). Schools or school districts that do not achieve the required rate of progress should be known and referred to as “high priority schools or school districts.”
 - (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 2002-2003 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](#).
 - (e)** There is a rebuttable presumption that if a school or school district has not achieved the goals pursuant to subsection (c) or maintained attendance and graduation rates pursuant to subsection (d), it is out of compliance with the requirements of §§ [49-1-209](#), [49-1-210](#) and this part and subject to probation as provided for in § [49-1-602](#).

[Acts 1992, ch. 535, § 4; 2004, ch. 832, § 1; 2004, ch. 928, §§ 1-5.]

49-1-602. Placement in improvement status for schools and LEAs. —

- (a)** By September 1 of each year, the commissioner of education shall recommend for approval to the state board a listing of all schools and LEAs to be placed in improvement status for failure to make adequate progress in meeting the rules, regulations and performance standards of the state board. If an LEA is deemed by the commissioner as not carrying out its responsibilities to a school or schools in improvement status for technical or other assistance that may ensure that a school meet or exceed the performance standards, or the standards set forth in § [49-1-210](#), the LEA may be included in the recommendation to the state board to be placed in improvement status. Schools and LEAs in improvement status shall abide by guidelines established by the commissioner for the purpose of improving student performance.
- (b)** Such status shall not impair the credits earned by students in that LEA or school.
- (c)** During the first year a school is placed in improvement status (School Improvement 1), the commissioner of education shall:

- (1)** Publicly identify all schools that are placed in improvement status; and
 - (2)** Study all schools placed in improvement status.
- (d)** If a school does not meet the performance standards of the state board by the end of the first year of improvement status, the school may be placed in the second year of improvement status (School Improvement 2). During the second year of improvement status:
- (1)** The commissioner of education shall have the authority to:
 - (A)** Approve the allocation of state discretionary grants to the school; and/or
 - (B)** Provide technical assistance to the school through an outside expert; and
 - (2)** The director of each LEA serving schools in the second year of improvement status shall have responsibility for the following actions:
 - (A)** Prompt notification of parents of students of such identification; and
 - (B)** Revision of school improvement plans.
- (e)** If a school does not meet the performance standards of the state board by the end of the second year of improvement status, the school may be placed in the third year of improvement status (Corrective Action). During the third year of improvement status:
- (1)** The commissioner of education shall:
 - (A)** Have the authority to approve the LEA's allocation of financial resources to a school in corrective action;
 - (B)** Have the authority to appoint a local community review committee to approve and monitor the school improvement plan; and
 - (C)** Implement at least one (1) or more of the following corrective actions:
 - (i)** Replace or reassign staff;
 - (ii)** Mandate a new, research-based curriculum;
 - (iii)** Significantly decrease management authority at the school;
 - (iv)** Appoint instructional consultants; and
 - (v)** Reorganize the internal management structure; and
 - (2)** The director of each LEA serving schools in the third year of improvement status shall have responsibility for the following actions:
 - (A)** Prompt notification to parents of students of such identification;
 - (B)** Implementation of performance contracts for the principal;
 - (C)** Provision for remediation services for students;
 - (D)** Notification to parents of students belonging to the student subgroup or subgroups not meeting the standards for adequate yearly progress of their option to transfer their children to another public school within the system; and

(E) Revision of school improvement plans to incorporate study findings.

(f) If a school does not meet the performance standards of the state board by the end of the third year in improvement status, the school may be placed in the fourth year of improvement status (Restructuring 1). During the fourth year of improvement status:

(1) The commissioner of education shall have the authority to:

(A) Approve an LEA's allocation of financial resources to the school;

(B) Approve an LEA's allocation of personnel resources to the school; and

(C) Present options for the school to plan for alternative governance, which may include:

(i) Contracting with an institution of higher education for operation of the school;

(ii) Removing the school from the jurisdiction of the LEA and placing the school under the jurisdiction of the achievement school district established by the commissioner of education pursuant to § [49-1-614](#);

(iii) Restructuring the school as a public charter school should the general assembly enact separate legislation outside the parameters of this section that authorizes the establishment of public charter schools;

(iv) Replacing all or most of the school's staff, including the principal, who are relevant to the school's failure to meet adequate yearly progress; or

(v) Notwithstanding any provision of the law to the contrary, the commissioner shall have the authority to choose for the school the plan of alternative governance to be developed and implemented; and

(2) The director of each LEA serving schools in the fourth year of improvement status shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Implementation of performance contracts for the principal;

(C) Provision for remediation services for students;

(D) Notification to parents of students belonging to the student subgroup or subgroups not meeting the standards for adequate yearly progress of their option to transfer their children to another public school within the system; and

(E) Preparation of a plan for alternative governance from the options provided by the commissioner of education.

(g) If the school does not meet the performance standards of the state board by the end of the fourth year of improvement status, the school may be placed in the fifth year of improvement status (Restructuring 2 — Alternative Governance). During the fifth year of improvement status or at any time a Title I school meets the United States department of education's definition of "persistently lowest achieving schools":

(1) The commissioner of education shall have the authority to:

(A) Approve an LEA's allocation of financial resources to schools; and

(B) Approve an LEA's allocation of personnel resources to the schools; and

(2) The director of each LEA serving schools in the fifth year of improvement status shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Implementation of performance contracts for the principal;

(C) Provision for remediation services for students;

(D) Notification to parents of students belonging to the student subgroup or subgroups not meeting the standards for adequate yearly progress of their option to transfer their children to another public school within the system; and

(E) Implementation of the plan for governance, selected from options provided by the commissioner or the specific plan chosen by the commissioner; provided, however, that in the case where the plan for alternative governance is implemented, the LEA shall continue to be accountable for the match required by the funding formula for students served. In addition, the LEA shall continue to provide such support services as identified by the commissioner or designee.

(h) During the first year an LEA is placed in improvement status (LEA Improvement 1), the commissioner of education shall:

(1) Publicly identify all LEAs placed in improvement status; and

(2) Study all LEAs placed in improvement status.

(i) If the LEA does not meet the performance standards of the state board by the end of the first year in improvement status, the LEA may be placed in the second year of improvement status (LEA Improvement 2). During the second year of improvement status:

(1) The commissioner of education shall have the authority to:

(A) Approve the allocation of state discretionary grants to schools within the LEA; and

(B) Provide technical assistance to the LEA through an outside expert; and

(2) The director of each LEA in the second year of improvement status shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification; and

(B) Revision of the LEA improvement plan.

(j) If the LEA does not meet the performance standards of the state board by the end of the second year in improvement status, it may be placed in the third year of improvement status (LEA Corrective Action). During the third year of improvement status:

(1) The commissioner of education shall have the authority to take the following actions:

(A) Approve an LEA's allocation of financial resources to schools within the LEA;
and

(B) Appoint a local community review committee to approve and monitor the LEA improvement plan;

(2) The commissioner of education shall implement one (1) or more of the following corrective actions:

(A) Replace the LEA personnel who are relevant to the failure to make adequate yearly progress;

(B) Mandate a new, research-based curriculum;

(C) Appoint outside management or instructional consultants; or

(D) Reorganize the internal management structure; and

(3) The director of the LEA in the third year of improvement status shall have the responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Provision for remediation services for students; and

(C) Revision of the LEA improvement plan to incorporate study findings.

(k) If the LEA does not meet the performance standards of the state board by the end of the third year of improvement status, it may be placed in the fourth year of improvement status (LEA Restructuring 1). During the fourth year of improvement status:

(1) The commissioner of education shall have the authority to take the following actions:

(A) Approve an LEA's allocation of financial resources to schools within the LEA;
and

(B) Approve an LEA's allocation of personnel resources to schools within the LEA;

(2) The commissioner of education shall continue to implement one (1) or more of the following corrective actions:

(A) Replace the LEA personnel who are relevant to the failure to make adequate yearly progress;

(B) Mandate a new, research-based curriculum;

(C) Appoint outside management or instructional consultants; or

(D) Reorganize the internal management structure; and

(3) The director of each LEA serving schools in the fourth year of improvement status shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Provision for remediation services for students; and

(C) Revision of the LEA improvement plan.

(l) If the LEA does not meet the performance standards of the state board by the end of the fourth year in improvement status, it may be placed in the fifth year of improvement status (LEA Restructuring 2 — Alternative Governance). During the fifth year of improvement status:

(1) The commissioner of education shall have the authority to:

(A) Assume any or all powers of governance for the LEA, including, but not limited to, assigning the LEA, or individual schools within the LEA, to the achievement school district. However, in the case of the commissioner assuming governance, the LEA shall continue to be accountable for the match required by the BEP funding formula for students served;

(B) Recommend to the state board that the director of the LEA be replaced; and

(C) Recommend to the state board that some or all of the local board of education members be replaced;

(2) If the commissioner decides not to take any of the three (3) actions in subdivision (l)(1), then the commissioner shall report to the state board of education and the education committees of the senate and the house of representatives the reasons that the actions were not taken; and

(3) If the state board concurs with the recommendation, the commissioner shall order the removal of some or all of the board members or director of schools, or both, and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term. If the entire board of a special school district is removed, the commissioner shall appoint three (3) responsible citizens of the district to serve on the board, and they shall be authorized to appoint persons to fill the remaining vacancies. Any person selected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of director of schools are filled in accordance with the provisions of law. Any director of schools or board member removed under this section is ineligible for appointment or election to the office for the remainder of the person's term and for one (1) full term thereafter.

(m) (1) An appeal of the decision to remove a director or board member shall be to chancery court of Davidson County.

(2) The chancellor's review shall be confined to whether or not the decision was made in accordance with the procedures authorized by this section.

(n) (1) Notwithstanding any law to the contrary, the two (2) school systems having the greatest number of schools placed on notice or probation status pursuant to this section may establish an inner city educational enhancement pilot project in accordance with the requirements of this subsection (n); provided, however, that no such pilot project shall be established by the LEA without advance approval by the appropriate local legislative body.

(2) The inner city educational enhancement pilot project shall consist of after-school programs at all or a significant portion of the LEA's schools placed on notice or

probation status. The pilot project may also include before-school, Saturday or summer programs at such schools. Pilot project programs and services shall include, but need not be limited to, the following:

- (A) Reading skills development and enhancement;
- (B) Math and science skills development and enhancement;
- (C) Computer literacy and skills development;
- (D) Tutoring and homework supervision and assistance;
- (E) Individualized assessment and remedial instruction;
- (F) Academic mentoring; and
- (G) Life experiences enrichment opportunities.

(3) Programs and services shall be principally provided by qualified volunteers who are retired teachers, university professors, law enforcement officers, armed forces veterans, members of the Urban League or public employees. At the discretion of the appropriate local legislative body, incentive grants may be offered to the volunteers. The amount of the incentive grants shall vary according to the number of hours actually donated; provided, however, that in any given year, no volunteer shall receive incentive grants totaling more than an amount that equals one half ($\frac{1}{2}$) of the local real property tax previously paid by the volunteer on the person's principal place of residence for the most recently concluded tax year. Notwithstanding any law to the contrary, receipt of an incentive grant shall not affect, reduce, suspend or in any other way impair the volunteer's status or benefits level within any retirement program operated by or on behalf of the state or any unit of local government within the state.

(o) The office of education accountability established in § [4-3-308](#) shall periodically study the overall school accountability system and report to the general assembly as to its operations and effectiveness, including any suggestions for improvement. The report may include a review of applicable standards, technical assistance, actions taken by LEAs and relevant outcomes.

[Acts 1992, ch. 535, § 4; 1997, ch. 434, § 2; 2002, ch. 860, §§ 1-7; 2003, ch. 404, § 2; 2004, ch. 680, §§ 1, 2; 2004, ch. 928, §§ 6, 7; 2007, ch. 11, §§ 1-3; 2007, ch. 376, §§ 1, 8; 2008, ch. 1006, § 1; 2010 (1st Ex. Sess.), ch. 2, §§ 2-6.]

49-1-603. Value added assessment system. —

- (a) “Value added assessment” means:
 - (1) A statistical system for educational outcome assessment that uses measures of student learning to enable the estimation of teacher, school and school district statistical distributions; and
 - (2) The statistical system will use available and appropriate data as input to account for differences in prior student attainment, such that the impact that the teacher, school and school district have on the educational progress of students may be estimated on a student attainment constant basis. The impact that a teacher, school or school district has on the progress, or lack of progress, in educational advancement or learning of a student is referred to hereafter as the “effect” of the teacher, school, or school district on the educational progress of students.
- (b) The statistical system shall have the capability of providing mixed model

methodologies that provide for best linear unbiased prediction for the teacher, school and school district effects on the educational progress of students. It must have the capability of adequately providing these estimates for the traditional classroom of one (1) teacher teaching multiple subjects to the same group of students, as well as team taught groups of students or other teaching situations, as appropriate.

- (c) The metrics chosen to measure student learning must be linear scales covering the total range of topics covered in the approved curriculum to minimize ceiling and floor effects. These metrics should have strong relationship to the core curriculum for the applicable grade level and subject.

[Acts 1992, ch. 535, §4.]

49-1-604 Mixed model methodologies. —

As used in this part, “mixed model methodologies that provide for best linear unbiased prediction,” or similar language setting forth the methodology used for evaluating measured progress of students, teachers, schools or school districts, has the meaning and shall be interpreted as set forth in the following references:

- (1) “A Unified Approach to Mixed Linear Models,” McLean, Sanders, and Stroup; The American Statistician, February 1991; Vol.45, No. 1;
- (2) “Extension of the Gauss-Markov Theorem to Include the Estimation of Random Effects,” Harville; The Annals of Statistics, 1976; Vol.4, No.2, 384-395;
- (3) “Analysis of Variance in the Mixed Model: Higher Level, Nonhomogeneous, and Random Regressions,” Henderson; Biometrics, September 1982; No. 38, 623-640;
- (4) “Maximum Likelihood Approaches to Variance Component Estimation and to Related Problems,” Harville; Journal of the American Statistical Association, July 1977; Vol. 72, No. 358;
- (5) Approximations for Standard Errors of Estimators of Fixed and Random Effects in Mixed Linear Models,” Kackar and Harville; Journal of the American Statistical Association, December 1984; Vol. 79, No. 388; and
- (6) “The Analysis of Unbalanced Linear Models with Variance Components,” Engel; Statistica Neerlandica, 1990; Vol. 44, No.4.

[Acts 1992, ch. 535, § 4.]

49-1-605. Annual estimates of school district effects on student progress in grades three through eight (3-8). —

- (a) By July 1 of each year, data from the Tennessee comprehensive assessment program (TCAP) tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school district effects on the educational progress of students for grades three through eight (3-8).
- (b) By July 1 of each year, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school effects on the educational progress of students for grades three through eight (3-8).

[Acts 1992, ch. 535, § 4.]

49-1-606. Annual estimates of teacher effects on student progress in grades three through eight (3-8). —

(a) Annually, data from the Tennessee comprehensive assessment program (TCAP) tests, or their future replacements, will be used to provide an estimate of the statistical distribution of teacher effects on the educational progress of students within school districts for grades three through eight (3-8). Teacher effect data shall not be retained for use in evaluations for more than the most recent five (5) years. A student must have been present for one hundred fifty (150) days of classroom instruction per year or seventy-five (75) days of classroom instruction per semester before that student's record is attributable to a specific teacher. Records from any student who is eligible for special education services under federal law will not be used as part of the value added assessment.

(b) The estimates of specific teacher effects on the educational progress of students will not be a public record, and will be made available only to the specific teacher, the teacher's appropriate administrators as designated by the local board of education and school board members. The state department of education shall provide raw test score data to LEAs as soon as practicable after receipt of the data, but in no case later than June 30. The estimates of specific teacher effects may also be made available to the state board approved teacher preparation programs of individual teachers. The estimates made available to the preparation programs shall not be personally identifiable with a particular teacher.

[Acts 1992, ch. 535, § 4; 1995, ch. 427, § 1; 1997, ch. 141, § 1; 2001, ch. 243, § 1; 2010 (1st Ex. Sess.), ch. 2, §§ 7, 8.]

49-1-607. Noncompliance with security guidelines for TCAP or successor test. —

Any person found to have not followed security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process shall be placed on immediate suspension, and such actions will be grounds for dismissal, including dismissal of tenured employees. Such actions shall be grounds for revocation of State license.

[Acts 1992, ch. 535, § 4.]

49-1-608. Subject matter tests for secondary schools -- Initiation of value added assessment.

The development of subject matter tests will be initiated to measure performance of high school students in subjects designated by the state board of education and reviewed by the education committee of the senate and the education committee of the house of representatives. These tests must reflect the complete range of topics covered within the list of state approved textbooks for that subject. As soon as valid tests have been developed, the testing of students will be initiated to provide for value added assessment. Value added assessment shall be conducted annually. Value added assessment may be initiated in other subjects designated by the state board of education and reviewed by the education committee of the senate and the education committee of the house of representatives at such times as valid tests can be developed that effectively measure performance in such subjects.

HISTORY: Acts 1992, ch. 535, § 4; 1997, ch. 434, § 3; 1998, ch. 833, § 1; 2011, ch. 410, § 4(e).

49-1-609. System performing above base requirements not to be penalized. —

This part shall not be applied so as to penalize any school system on the grounds that it is performing above the base requirements established by the state board of education for the approval of schools.

[Acts 1992, ch. 535, § 62.]

49-1-610. New tests to be used. —

All tests used in accordance with 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 through eight (3-8) 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.

[Acts 1992, ch. 535, § 4; T.C.A., § [49-1-608](#)(b); Acts 2004, ch. 928, § 8.]

49-1-611. Reports -- Removal or appointment of school board members.

The commissioner shall make periodic reports to the state board, the education committee of the senate and the education committee of the house of representatives on the progress of any local school system or school placed on probation. Whenever it appears to the commissioner that a local school system or school placed on probation pursuant to § 49-1-602 is not taking action necessary to resolve the deficiencies identified in any report or study of the system or school, the commissioner may with the approval of the state board order the removal of some or all of the members of the local board and the director of schools and appoint an agent to direct all operations of the system. Before the removal or appointment functions are exercised, the commissioner shall also appear before the education committee of the senate and the education committee of the house of representatives, which shall convene at the commissioner's request for that purpose and present the reasons for the proposed actions. The committee may either endorse or refuse to endorse the proposed actions. The agent shall have all authority and powers previously vested in the local board and director of schools and such other powers as may be granted by law or regulation.

HISTORY: Acts 1998, ch. 737, § 4; 2011, ch. 410, § 4(f), (g).

49-1-612. Alternative assessment for students with disabilities. —

- (a) The state department of education shall develop or revise, or both, the alternative assessment for students with disabilities, or TCAP-Alt, to consist of the following two (2) options for types of alternative assessments:
 - (1) An academic skills assessment to be administered at an appropriate level of academic abilities; or
 - (2) A portfolio-based assessment containing only curriculum frameworks required by the rules of the state board of education.
- (b) Content area requirements for the portfolio assessment shall correspond to

curriculum content areas assessed by the Tennessee comprehensive assessment program (TCAP). Content entry requirements at the elementary and middle school levels shall be limited to content areas measured by the TCAP achievement assessment. Content entry requirements at the high school level shall be limited to content areas measured by the TCAP end-of-course assessments and TCAP writing assessment. High school portfolio entry requirements shall correspond with the typical grade level in which the TCAP assessments in subsection (a) are administered. Baseline data points shall be established for the fall and winter, but shall not exceed any federally required minimum.

[Acts 2001, ch. 213, § 1; 2009, ch. 262, § 3.]

49-1-613. Annual school improvement plans.

(a) Effective with school year 2007-2008, each school and LEA shall include in their annual school improvement plans specific goals for improvement, including, but not limited to, school performance on value added assessment and other benchmarks for student proficiency, graduation rates, ACT scores where applicable and student attendance. School improvement plans shall also identify areas of strengths and weakness, as well as strategies to improve areas of weakness, how additional funds provided through the basic education program (BEP) as the result of changes made in the BEP formula for school year 2007-2008 will be used to address these areas and how the LEA will measure the improvements supported by these funds. The strategies may include, but are not limited to:

- (1) Developing school or content-based professional development;
- (2) Developing teacher induction programs;
- (3) Increasing the number of reading and math specialists;
- (4) Increasing classroom equipment and supplies;
- (5) Reducing class size;
- (6) Using targeted tutoring and remediation;
- (7) Increasing numbers of school counselors and social workers;
- (8) Providing principal professional development;
- (9) Using enhanced technology for remediation and retesting;
- (10) Employing school attendance officers;
- (11) Reorganizing the school day instructional time; and
- (12) Implementing a standards-based curriculum and associated instructional strategies.

(b) The department of education shall have the primary responsibility for collecting, evaluating, approving and monitoring system and school improvement plans. The office of education accountability shall review a sample of the plans periodically and

determine what actions were taken in response to the annual plans. The office of education accountability shall report the results of its review to the select oversight committee on education and the education committees of the house of representatives and the senate.

HISTORY: Acts 2007, ch. 376, § 2; 2011, ch. 297, § 2.

49-1-614. Achievement school districts.

(a) For the purposes of this title, the "achievement school district" is an organizational unit of the department of education, established by the commissioner for the purpose of providing oversight for the operation of the total program for individual schools or LEAs, pursuant to § 49-1-602.

(b) The commissioner shall have the authority to contract with one (1) or more individuals, governmental entities or nonprofit entities to manage the day-to-day operations of any or all schools or LEAs placed in the achievement school district, including, but not limited to, providing direct services to students.

(c) The individual, governmental entity or nonprofit entity contracted with to manage schools or LEAs that have been placed in the achievement school district may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school or LEA to achieve the required adequate yearly progress benchmarks. Notwithstanding the provisions of this subsection (c), the commissioner shall not waive rules related to the following:

- (1) Federal and state civil rights;
- (2) Federal, state and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;
- (11) Open meetings; and

(12) At least the same equivalent time of instruction as required in regular public schools.

(d) (1) The individual, governmental entity or nonprofit entity contracted with to manage schools that have been placed in the achievement school district shall have the authority to determine whether any teacher who was previously assigned to

such school shall have the option of continuing to teach at that school as an employee of the managing entity. Any teacher not given that option shall remain an employee of the LEA, subject to the provisions of § 49-5-511. Moreover, any teacher who accepts that option shall have the right to return to the employ of the LEA should the managing entity later determine not to continue to employ such teacher, subject to the provisions of § 49-5-511.

(2) With the exception of the provisions protecting teachers' rights to accumulated sick leave, retirement benefits, pension and tenure status within an LEA, the provisions of § 49-5-203, and the Education Professional Negotiations Act, compiled in chapter 5, part 6 of this title, prior to June 1, 2011, shall not apply to teachers who accept the option of continuing to teach at a school placed in the achievement school district.

(e) After a school or LEA that has been placed in the achievement school district achieves the required adequate yearly progress benchmarks for two (2) consecutive years, the commissioner shall develop a transition plan for the purpose of planning the school's or LEA's return to the jurisdiction of the local board of education. Implementation of this plan shall begin after the school or LEA achieves the required adequate yearly progress benchmarks for three (3) consecutive years. The plan must be fully implemented and the transition must be completed after a school or LEA achieves adequate yearly progress benchmarks for five (5) consecutive years.

(f) Notwithstanding the provisions of any law to the contrary, the commissioner shall have the authority to remove any school or LEA from the jurisdiction of the achievement school district at any time.

(g) (1) Absent other funding, the achievement school district shall use state and local funding identified above to operate a school placed in alternative governance and to implement new initiatives and programs as appropriate. Such state and local funding may be used to implement new initiatives and programs to the extent that any increase in recurring expenditures are funded additionally so as not to create a financial burden on the LEA when the school or LEA is removed from the achievement school district.

(2) To the extent that such state funds are not used to support a school or LEA in the achievement school district, they shall be allocated to a state reserve fund to be distributed to an LEA only upon approval of the commissioner.

(3) To the extent that such local funds are not used to support a school or LEA in the achievement school district, the LEA shall allocate such funds to a special BEP reserve account until the school or LEA is placed back under the jurisdiction of the LEA. It is the legislative intent that such funds be used only for nonrecurring purposes.

(h) Any individuals, governmental entities or nonprofit entities contracting with the commissioner to manage the operation of any school under this section shall provide timely information to the LEA and director of schools regarding its operation of such schools, including, but not limited to, matters relating to employment of personnel at the school as provided for in subsection (d). The LEA may continue to support the educational improvement of the school under the direction and guidance of the commissioner and in accordance with any contracts entered into in accordance with this section. In addition, any individuals, governmental entities or nonprofit entities contracting with the commissioner may voluntarily work with the LEA in providing to the schools professional development or technical assistance,

instructional and administrative support and facilitating any other support that may be beneficial to academic progress of the school.

(i) Any contracts to manage schools or LEAs that have been placed in the achievement school district shall require expenditure reports for funds received and expended pursuant to such contracts. Such reports shall be provided to the department of education and comptroller of the treasury for review.

(j) No state funds, other than funds held within the special reserve account pursuant to subdivision (g)(2), shall be expended on schools or LEAs placed in the achievement school district unless specifically appropriated in a general appropriations act.

HISTORY: Acts 2010 (1st Ex. Sess.), ch. 2, § 9; 2011, ch. 378, § 8.

49-1-615. Establishment of the teacher professional development fund. —

The teacher professional development fund is established, into which only federal monies shall be deposited, for the purposes of improved teaching, pedagogical skills and classroom instruction.

[Acts 2010 (1st Ex. Sess.), ch. 2, § 14.]

49-1-616. Report on Race to the Top funds. —

The department of education shall annually report to the general assembly the amount of Race to the Top funds awarded to each LEA and achievement school district.

[Acts 2010 (1st Ex. Sess.), ch. 2, § 15.]

49-1-617. Development of policy by which student scores on achievement tests comprise percentage of final grade in certain subjects in grades three through eight. —

Each local board of education shall develop a policy by which student scores on the Tennessee comprehensive assessment program's grades three through eight (3-8) achievement tests shall comprise a percentage of the student's final grade for the spring semester in the subject areas of mathematics, reading/language arts, science and social studies. The percentage shall be determined by the local board from a range of no less than fifteen percent (15%) and no more than twenty-five percent (25%). The policy shall utilize performance levels determined by the state board of education and be developed and implemented for the spring semester of 2011.

[Acts 2010, ch. 1127, § 1.]

**Chapter 2
Local Administration**

49-2-303. School principals. —

(a) (1) Each director of schools shall employ principals for the public schools. The employment contract with each principal shall be in writing, shall not exceed the contract term of the current director of schools, and may be renewed. The contract shall specify duties other than those prescribed by statute and shall contain performance standards including the requirement that the principal's annual evaluation be based on student achievement data, with a significant portion, as defined by the guidelines and criteria adopted by the board in accordance with § [49-1-302\(d\)\(2\)](#), being student growth data as reflected in teacher effect data and Tennessee Value-Added Assessment system (TVAAS) data, as such data is developed pursuant to chapter 1, part 6 of this title. Other standards that may be considered in the evaluation shall include, but not be limited to, other benchmarks for student proficiency, graduation rates, ACT scores where applicable and student attendance. The contract shall provide for consequences when the standards are not met. The performance contract may provide for bonuses beyond base salary, if performance standards are met or exceeded. Reasons for the nonrenewal of a contract may include, but not be limited to, inadequate performance as determined by the evaluations. A principal who has tenure as a teacher shall retain all rights of such status, expressly including those specified in § [49-5-510](#).....

[Acts 1974, ch. 542, §§ 1, 2; 1983, ch. 362, § 2; T.C.A., §§ 49-253, 49-254; Acts 1989, ch. 199, § 3; 1990, ch. 948, § 4; 1992, ch. 535, §§ 17, 18; 1996, ch. 988, § 10; 2007, ch. 376, §§ 3-4; 2010 (1st Ex. Sess.), ch. 2, § 11.]

**Chapter 5
Personnel**

**Part 2
—Teachers' Rights and Duties Generally**

49-5-203. Change in school organization — Teacher's rights preserved. —

(a) The change in the governmental structure of a school system or institution through the process of annexation, unification, consolidation, abolition, reorganization or transfer of the control and operation of a school system or institution to a different type governmental structure, organization or administration shall not impair, interrupt or diminish the rights and privileges of a then existing teacher; and such rights and privileges shall continue without impairment, interruption or diminution.

(b) If the teacher becomes the employee of another school system or institution as a result of a change in the governmental structure, then the rights and privileges of the teacher shall continue without impairment, interruption or diminution as obligations of the new government, organization or administration.

(c) "Rights and privileges," as used in this section, includes, but is not limited to, salary, pension or retirement benefits, sick leave accumulation, tenure status and contract rights, whether granted by statute, private act or governmental charter.

(d) Prior to the change in any governmental structure or organization becoming effective, the commissioner of education shall determine that the rights and privileges protected by this section are not impaired, interrupted or diminished. In addition to the remedies available to a teacher aggrieved by a change in the governmental structure,

organization or administration of a school system or institution, the commissioner is authorized to withhold state funds in the enforcement of this section.
[Acts 1971, ch. 254, § 1; T.C.A., § 49-1316.]

Part 5 —Teachers' Tenure

49-5-503. Tenure.

Any teacher who meets all of the following requirements is eligible for "tenure":

(1) Has a degree from an approved four-year college or any career and technical teacher who has the equivalent amount of training established and licensed by the state board of education;

(2) Holds a valid teacher license, issued by the state board of education, based on training covering the subjects or grades taught;

(3) Has completed a probationary period of five (5) school years or not less than forty-five (45) months within the last seven-year period, the last two (2) years being employed in a regular teaching position rather than an interim teaching position;

(4) Has received evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines adopted by the state board of education pursuant to § 49-1-302, during the last two (2) years of the probationary period; and

(5) Is reemployed by the director of schools for service after the probationary period.

HISTORY: Acts 1951, ch. 76, § 3 (Williams, § 2345.3); modified; Acts 1971, ch. 22, §§ 1, 2; 1977, ch. 33, § 1; T.C.A. (orig. ed.), § 49-1402; Acts 1987, ch. 308, § 25; 2011, ch. 70, § 7.

49-5-510. Transfers within system.

The director of schools, when necessary to the efficient operation of the school system, may transfer a teacher from one location to another within the school system, or from one type of work to another for which the teacher is qualified and licensed; provided, that transfers shall be acted upon in accordance with board policy.

HISTORY: Acts 1951, ch. 76, § 10 (Williams, § 2345.10); Acts 1957, ch. 202, § 1; 1965, ch. 196, § 1; 1969, ch. 286, § 1; 1970, ch. 480, § 1; T.C.A. (orig. ed.), § 49-1411; Acts 1987, ch. 308, § 27; 1992, ch. 535, § 15; 1998, ch. 826, § 2; 2011, ch. 378, § 2.

49-5-511. Dismissal or suspension of teachers -- Causes for dismissal -- Position reduction -- Written notice -- Preferred list for employment -- Convictions -- License revocation.

(a) (1) No teacher shall be dismissed or suspended except as provided in this part.

(2) The causes for which a teacher may be dismissed are as follows: incompetence,

inefficiency, neglect of duty, unprofessional conduct and insubordination, as defined in § 49-5-501.

(3) A director of schools may suspend a teacher at any time that may seem necessary, pending investigation or final disposition of a case before the board or an appeal. If vindicated or reinstated, the teacher shall be paid the full salary for the period during which the teacher was suspended.

(4) When charges are made to the board of education against a teacher, charging the teacher with offenses that would justify dismissal of the teacher under the terms of this part, the charges shall be made in writing, specifically stating the offenses that are charged, and shall be signed by the party or parties making the charges.

(5) If, in the opinion of the board, charges are of such a nature as to warrant the dismissal of the teacher, the director of schools shall give the teacher a written notice of this decision, together with a copy of the charges and a copy of a form, which shall be provided by the commissioner of education, advising the teacher as to the teacher's legal duties, rights and recourse under the terms of this part.

(b) (1) When it becomes necessary to reduce the number of teaching positions or nonlicensed positions in the system because of a decrease in enrollment or for other good reasons, the board shall be empowered to dismiss such teachers or nonlicensed employees as may be necessary.

(2) The board shall give the teacher or nonlicensed employee written notice of dismissal explaining fully the circumstances or conditions making the dismissal necessary.

(3) A tenured teacher who has been dismissed because of abolition of a position shall be placed on a list for reemployment in the first vacancy the teacher is qualified by training and experience to fill. Nothing in this subsection (b) shall be construed to deprive the director of schools of the power to determine the filling of such vacancy on the basis of the director of school's evaluation of the teacher's competence, compatibility and suitability to properly discharge the duties required for the vacant position considered in the light of the best interest of the students in the school where the vacancy exists. The teacher's most recent evaluations may be a factor in such determination.

(4) The right to remain on the preferred list for employment shall remain in effect until:

(A) The teacher refuses a bona fide offer of reemployment for a comparable position within the LEA; or

(B) The director, after the teacher has been on the preferred list for reemployment for two (2) consecutive years, notifies the teacher in writing by April 1 of the second consecutive year that the teacher's name will be removed from the list. A written notification to the teacher's last known address shall meet the requirements of the notification. The teacher receiving the notification shall retain the right to stay on the preferred list for reemployment by notifying the director of schools in writing by April 15 of each subsequent year of the desire to stay on the preferred list for reemployment.

(c) (1) Notwithstanding subsection (a), but subject to the appeal and review provisions of §§ 49-5-512 and 49-5-513, any teacher convicted of a felony listed in § 40-35-501(i)(2) or convicted of an offense listed in § 39-17-417 shall be immediately

suspended, and dismissed subject to subdivision (c)(2).

(2) If the dismissal of the teacher is upheld in the board and court reviews provided for in §§ 49-5-512 and 49-5-513, the director shall notify in writing the commissioner of education who shall begin licensure revocation proceedings under applicable rules of the state board of education.

HISTORY: Acts 1951, ch. 76, §§ 2, 6, 7, 15 (Williams, §§ 2345.2, 2345.6, 2345.7, 2345.15); Acts 1955, ch. 343, § 2; T.C.A. (orig. ed.), §§ 49-1410, 49-1412 -- 49-1415; Acts 1989, ch. 197, § 1; 1990, ch. 948, § 23; 1999, ch. 43, § 1; 2001, ch. 197, § 1; 2002, ch. 535, § 1; 2008, ch. 612, §§ 1-3; 2011, ch. 70, § 9; 2011, ch. 378, § 3.

Chapter 6 Elementary and Secondary Education

Part 1 —Preschools

49-6-109. Study of the effectiveness of the programs. —

The office of education accountability shall coordinate a study of the effectiveness of pre-kindergarten programs authorized under §§ [49-6-103](#) — [49-6-110](#). Such study shall specifically assess the effectiveness of such pre-kindergarten programs on student achievement, both short term effects and long term effects. Effectiveness may be assessed by analyzing data, including test scores, readiness assessments, curriculum evaluations or other relevant data sources, gathered and maintained in a statistically valid manner. At a minimum student achievement shall be determined by analysis of:

- (1) Data from norm-referenced test scores from standardized tests administered in grades kindergarten through two (K-2);
 - (2) Data from criterion-referenced test scores from standardized tests administered in grades three through five (3-5); and
 - (3) Variables related to student achievement, student demographic characteristics, pre-kindergarten program characteristics and elementary school characteristics.
- The office is authorized to engage one (1) or more independent evaluators to assess the effectiveness of these programs.

[Acts 2005, ch. 312, § 1, 2007, ch. 357, § 1.]

Part 30 —Attendance

49-6-3050. Home schools.

(a) (1) A "home school" is a school conducted or directed by a parent or parents or a legal guardian or guardians for their own children. Public school facilities may be used by home school participants with the approval of the principal of the school, but this permissive authority shall not be construed to confer any right upon the participants to use public school facilities. If approved, use shall be in accordance with rules established by the local board of education.

(2) (A) Home schools that teach kindergarten through grade twelve (K-12), where the parents are associated with and where students are enrolled with a church-related school, as defined by § 49-50-801, that are supervised by the church-related school's director and that administer or offer standardized achievement tests, are exempt from this section.

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) shall possess at least a high school diploma or general education development certificate (GED).

(3) A parent-teacher may enroll the parent's home school student or students in a church-related school, as defined in § 49-50-801, and participate as a teacher in that church-related school. Such parent-teacher shall be subject to the requirements established by the church-related school for home school teachers and exempt from the rest of the provisions of this section.

(b) Except for home schools operated under subdivision (a)(2) or (a)(3), a parent-teacher conducting a home school shall comply with the following requirements:

(1) Provide annual notice to the local director of schools prior to each school year of the parent-teacher's intent to conduct a home school and, for purpose of reporting only, submission to the director of schools of the names, number, ages and grade levels of the children to be home schooled, the location of the school, the proposed curriculum to be offered, the proposed hours of instruction and the qualifications of the parent-teacher relative to subdivision (b)(4). Information contained in the reports may be used only for record keeping and other purposes for which similar information on public school students may be used in accordance with guidelines, rules and regulations of the state board of education. The director of schools or the director's designee shall ensure that attendance teachers are informed of parents' rights to conduct a home school pursuant to § 49-6-3001(c)(4), subsection (a) and § 49-50-801 upon employment of the attendance teachers and at the beginning of each school year;

(2) Maintenance of attendance records, subject to inspection by the local director of schools, and submission of these records to the director of schools at the end of each school year;

(3) Instruction for at least four (4) hours per day for the same number of instructional days as are required by state law for public schools;

(4) Possession of a high school diploma or GED by the parent-teacher;

(5) (A) Administration by the commissioner of education, or the commissioner's designee, or by a professional testing service that is approved by the LEA, to home school students of the same state board approved secure standardized tests required of public school students in grades five (5), seven (7) and nine (9); however, the test for grade nine (9) shall not be the high school proficiency test required by § 49-6-6001;

(B) (i) Tests administered by the commissioner or the commissioner's designee shall be at the same time tests are administered to public school students, and shall be administered in the public school that the home school student would otherwise be attending, or at whatever location students at such school are tested. Tests administered by the commissioner, or the commissioner's designee, shall be administered without charge. The parent-teacher may be present when the home school student is tested in grade five (5). Both parent-teacher and home school student shall

be under the supervision of the test administrator;

(ii) Tests administered by a professional testing service shall be administered within thirty (30) days of the date of the statewide test. Tests administered by a professional testing service shall be administered at the expense of the parent-teacher;

(iii) All test results from either administration by the commissioner or the commissioner's designee, or by a professional testing service, shall be provided to the parent-teacher, the director of schools and the state board of education;

(6) (A) Consultation between the director of schools and the parent-teacher if the home school student falls three (3) to six (6) months behind the home school student's appropriate grade level, based on the test required in subdivision (b)(5);

(B) If a home school student falls six (6) to nine (9) months behind the home school student's appropriate grade level in the home school student's reading, language arts, mathematics or science test scores or such of these areas, regardless of the term used on the test, as are actually tested for the student's grade level, based on the tests required in subdivision (b)(5), the parent shall consult with a teacher licensed by the state board of education and having a certificate or endorsement in the grade level or course or subject matter in which consultation is sought. The parent and teacher shall design a remedial course to help the child obtain the child's appropriate grade level. The parent shall report the remedial course for the child to the local director of schools;

(C) (i) If a home school student falls more than one (1) year behind the home school student's appropriate grade level in the home school student's comprehensive test score for two (2) consecutive tests based on the tests required in subdivision (b)(5) and if the child is not learning disabled in the opinion of a teacher licensed to teach at the child's grade level, the local director of schools may require the parents to enroll the child in a public, private or church-related school, in accordance with this part, and the parents shall have all rights provided by law to respond to this requirement;

(ii) If a test indicates that a home school student is one (1) year or more behind the home school student's appropriate grade level, the same test shall be administered to the child not more than one (1) year later, notwithstanding the required testing schedule in subdivision (b)(5)(A);

(7) [Deleted by 2011 amendment.]

(8) [Deleted by 2011 amendment.]

(9) Proof shall be submitted to the local director of schools that the home school student has been vaccinated as required by § 49-6-5001 and has received any other health services or examinations as may be required by law generally for children in this state; and

(10) Submission by the home school student entering public schools to the evaluation test provided for in § 49-50-801, if the local system requires the test, or the tests required by the state board of education for transfer students.

(11) [Deleted by 2011 amendment.]

(c) In the event of the illness of a parent-teacher, or at the discretion of the parent-teacher, a tutor, having the same qualifications that would be required of a parent-teacher teaching the grade level or course, may be employed by the parent-teacher.

(d) The department of education shall provide annually to home schools with which they have contact information about meningococcal disease and the effectiveness of vaccination against meningococcal disease at the beginning of every school year. This information shall include the causes, symptoms and the means by which meningococcal disease is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. This information may be provided electronically or on the department's web site. Nothing in this subsection (d) shall be construed to require the department of education to provide or purchase vaccine against meningococcal disease.

HISTORY: Acts 1985, ch. 398, § 3; 1987, ch. 42, §§ 2-5; 1987, ch. 308, § 33; 1994, ch. 725, §§ 1-3; 1995, ch. 534, § 1; 1997, ch. 434, §§ 4, 5; 2005, ch. 177, § 4; 2011, ch. 499, §§ 1-8.

Part 34 **—Suspension of Students**

49-6-3405. Alternative school success. —

(a) Each LEA shall track the operation and performance of alternative school programs operated by the LEA or contractually operated for the LEA. LEAs shall measure and report to the department of education alternative school success through academic indicators and behavior indicators.

(1) Academic indicators shall include, but not be limited to, grade point averages or other student academic performance measures, performance on the Tennessee comprehensive assessment program (TCAP), performance on the end-of-course assessments, attendance, dropout rates and graduation rates, for students in alternative schools or who have been in alternative schools.

(2) Behavioral indicators shall include, but not be limited to, disciplinary reports and subsequent remands to alternative schools.

(3) The department of education shall provide guidance in the reporting of the required data.

(b) The state board of education shall seek to improve performance of alternative school programs by promulgating or revising rules and regulations requiring greater accountability by the department of education and LEAs for outcomes of students served by alternative schools.

[Acts 2007, ch. 517, § 2; 2009, ch. 262, § 5.]

Chapter 6 **Elementary and Secondary Education**

Part 51 **—Student Identification**

49-6-5101. Assignment of personal identification numbers. —

To facilitate the identification and tracking of students from school to school and LEA to LEA, and to facilitate and make more efficient the keeping of records, all

students shall be assigned a personal identification number upon entry into a Tennessee public school.

[Acts 1990, ch. 708, § 1; 2007, ch. 306, § 1.]

49-6-5102. Social Security number to be provided to admissions officer. — DELETED

[Acts 1990, ch. 708, § 1; 2007, ch. 306, § 2.]

49-6-5103. Class rolls. —DELETED

[Acts 1990, ch. 708, § 1; 2007, ch. 306, § 2.]

49-6-5104. Lists to be provided to department of education. —

It is the responsibility of the director of schools or chief administrative officer in every LEA to forward to the department of education a complete listing of the names and identification numbers of each student in attendance at such time and in the manner specified by the commissioner.

[Acts 1990, ch. 708, § 1.]

49-6-5105. Identification numbers — Limitations on use — Confidentiality. —

The commissioner shall use the identification numbers furnished under this part for the purpose of tracking students and for other statistical reports or surveys, but for no other purpose. Listings of student names and identification numbers shall not be public records.

[Acts 1990, ch. 708, § 1.]

49-6-5106. Use of name on birth certificate. —

A student shall be enrolled in the name that appears on the student's certificate of live birth or certificate of birth by adoption if the adoption occurs prior to the child's entrance into school. The student shall be known by that lawful name in all facets of school records, report cards, student testing and any school activities. Name changes due to marriage of a student will be entered on the student's record upon receipt of a marriage certificate. Court-ordered name changes will be entered on the student's record upon receipt of the appropriate court document.

[Acts 2000, ch. 899, § 1.]

**Part 60
—Proficiency Testing**

49-6-6001. Graduation requirements.

(a) (1) To receive a full diploma upon graduation from high school, a student must meet requirements as set forth by the state board of education.

(2) [Deleted by 2009 amendment.]

(b) As a strategy for assessing student readiness to enter and succeed in postsecondary

training, every public school student shall take a series of three (3) examinations, one (1) administered at grade eight (8), one (1) administered at grade ten (10), and one (1) at grade eleven (11). These assessments shall be approved by the commissioner of education and provide educators with diagnostic information to assist in developing interventions for the purpose of increasing high school graduation rates and improving student preparation for postsecondary achievement. Each year, the results of the examinations shall be analyzed and reported by the commissioner of education to the education committee of the senate and the education committee of the house of representatives.

(c) All tests developed or used to implement this section, all banks of questions, all field testing documents used as background for the development of the tests and all answers shall be kept confidential when and for as long as necessary to protect the integrity of the tests, and accordingly, are exempt from the requirements of § 10-7-503.

(d) The board shall require each LEA to provide remediation services to any student who fails a portion of any examination required under this section for the portion of the examination that the student failed.

(e) Each LEA shall, by September 30 of each year, submit a report to the commissioner of education that details interventions as required by subsection (d) and the Official Compilation of Rules and Regulations of the State of Tennessee rule 0520-1-3-.06, 1(d)2(ii). The report shall include the types of interventions made available, the number of students participating in the interventions, the success rate of participating students and strategies used to make parents and students aware of the interventions available.

(f) Each LEA shall include the information contained in the report from subsection (e) as part of the school improvement planning process as required by the board of education.

(g) The commissioner of education is directed to establish dates for the administration of assessments required for graduation that provide the maximum instructional days possible prior to testing while maintaining compliance with all relevant federal law.

(h) Students who, in lieu of graduating from high school, obtain a general equivalency development credential (GED) shall be counted as a high school graduate of the high school that they attended or were eligible to attend for the purpose of calculating graduation rates; provided, however, that such students shall not be counted as graduates for purposes pursuant to which such inclusion in a graduation rate calculation is prohibited by federal law.

HISTORY: Acts 1981, ch. 164, §§ 1, 2; T.C.A., § 49-117; Acts 1988, ch. 494, §§ 1, 2; 1988, ch. 893, § 2; 1992, ch. 535, § 32; 1998, ch. 833, § 2; 2002, ch. 738, § 1; 2005, ch. 446, § 1; 2007, ch. 273, § 1; 2008, ch. 931, § 1; 2009, ch. 262, §§ 1, 2; 2009, ch. 448, § 2; 2010, ch. 735, § 2; 2011, ch. 410, § 4(y).

49-6-6002. Tests not to be conducted earlier than grade three (3). — Test dates. —

(a) No state-mandated test shall be conducted earlier than grade three (3), except that when the first and second grade tests provided for in Acts 1997, ch. 434, § 7 are available, these tests shall be conducted.

(b) Beginning with the 2011-2012 school year and every year thereafter, there shall be a testing window of two (2) consecutive school weeks for the administration of the

Tennessee comprehensive assessment program's grades three through eight (3-8) achievement tests. Testing shall begin no earlier than the first Monday occurring on or after April 22; provided, however, that the Tennessee comprehensive assessment program tests shall not be administered prior to the completion of one hundred fifty (150) days of instruction. Those local education agencies with schools beginning on the second Monday in August or before shall test during the first week of the testing window. The commissioner of education shall have the authority to adjust the testing schedule for reasons including, but not limited to, natural disaster, prolonged inclement weather, or serious outbreak of contagious illness.

[Acts 1997, ch. 434, § 6; 2009, ch. 448, § 3; 2010, ch. 1127, § 2.]

49-6-6003. Comprehensive writing assessment. —

A comprehensive writing assessment shall be conducted in at least one (1) grade within each of the following grade spans: elementary, middle grades and high school, as determined by the state board of education.

[Acts 1997, ch. 434, § 6; 2002, ch. 711, § 1.]

49-6-6004. Report on failure rates. [Obsolete]

SEC. 6. TABLE OF CONTENTS OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

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SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW-

(1) IN GENERAL- Each local educational agency receiving funds under this part shall —

(A) use the State academic assessments and other indicators described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2);

(B) at the local educational agency's discretion, use any academic assessments or any other academic indicators described in the

local educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such indicators (other than as provided for in section 1111(b)(2)(I)) if the indicators reduce the number or change the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring;

(C) publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging State student academic achievement standards established under section 1111(b)(1); and

(D) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement, professional development, and other activities assisted under this part.

(2) AVAILABLE RESULTS- The State educational agency shall ensure that the results of State academic assessments administered in that school year are available to the local educational agency before the beginning of the next school year.



Department of Education; September 12, 2008; Publication Authorization No. 331797 150 copies. This public document was promulgated at a cost of \$ 0.57 per copy.