

Amendment No. 1 to HB1183

White
Signature of Sponsor

AMEND Senate Bill No. 503*

House Bill No. 1183

by deleting all language after the caption and substituting instead the following:

WHEREAS, publicly supported educational freedom has a long history in Tennessee, with the Hope Scholarship providing funding that follows students to the public or private institution of their choice; and

WHEREAS, parents should be free to choose the school that best fits the educational needs of their specific child; and

WHEREAS, Tennessee has worked to expand choice through the successful ESA pilot program that is now helping primarily underserved, minority students in three of the State's largest school districts with ninety-nine percent parent satisfaction with the program; and

WHEREAS, Tennessee recently invested a record \$1 billion in public education to fund students' unique needs while giving public school teachers the largest pay raise in State history; and

WHEREAS, Tennessee values freedom and autonomy for teachers, schools, and local school systems to ensure students are getting the best education; and

WHEREAS, providing the districts, schools, and teachers who know their students best the flexibility to adapt to their students' and teachers' unique needs is crucial to creating and sustaining productive learning environments; and

WHEREAS, Tennessee is committed to improving public education through investments in infrastructure and investments to support public school teachers; and

WHEREAS, the "Education Freedom Act" will empower students, parents, teachers, schools, and local school systems to ensure the educational prosperity and success of all Tennesseans; now, therefore,

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

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

49-6-3501. Short title.

This part is known and may be cited as the "Education Freedom Act."

49-6-3502. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Department" means the department of education;
- (2) "Eligible student" means a resident of this state who:
 - (A) Is a United States citizen;
 - (B) Is entitled to attend a public school; and
 - (C) Is not enrolled:
 - (i) In a home school for which a parent is required to provide annual notice to the local director of schools prior to each school year of the parent's intent to conduct a home school, as described in § 49-6-3050(b); or
 - (ii) In a church-related school, as defined in § 49-50-801, with which the student's parent is associated, registered, or is participating as a parent-teacher for purposes of § 49-6-3050(a)(2) or (a)(3);
- (3) "Parent" means a citizen of the United States who is the parent, guardian, person who has custody of an eligible student, or individual who has caregiving authority for an eligible student under § 49-6-3001;
- (4) "Private school" means a school that:

(A) Is located in this state;

(B) Is a church-related school or a private school, as those terms are defined in § 49-6-3001(c)(3)(A);

(C)

(i) Is a category I school approved by the department of education in accordance with rules promulgated by the state board of education; or

(ii) Is a category II, III, IV, or V school in accordance with rules promulgated by the state board that has continuously operated in this state for no less than the three (3) years immediately preceding the year for which the school enrolls students receiving a scholarship; and

(D) Does not enroll home school students for purposes of § 49-6-3050(a)(2) or (a)(3);

(5) "Program" means the education freedom scholarship program created by this part;

(6) "Public school" means a public charter school, a school operated by an LEA, or a school operated by this state with public funds that serves students in any of the grades kindergarten through grade twelve (K-12);

(7) "Recipient" means an eligible student who enrolls in a private school and receives a scholarship for a given school year; and

(8) "Scholarship" means an education freedom scholarship provided pursuant to this part.

49-6-3503. Creation.

(a) There is created an education freedom scholarship program to be administered by the department.

(b) Subject to appropriations and other available funds, the program must provide a scholarship to an eligible student who applies in the 2024-2025 school year or any subsequent school year, subject to the limitations of this part.

(c) It is the intent of the general assembly that the number of scholarships provided pursuant to this part will increase in subsequent years until all eligible students who apply are provided a scholarship.

49-6-3504. Scholarship amounts – allowable uses.

(a) In order to receive a scholarship under this part, an eligible student, or the eligible student's parent, must:

(1) Submit a scholarship application to the department;

(2) Ensure the provision of an education for the eligible student that satisfies the compulsory school attendance requirement provided in § 49-6-3001(c)(1) through enrollment in a private school;

(3) Not enroll the eligible student in a kindergarten through grade twelve (K-12) public school in any school year for which the eligible student receives a scholarship;

(4) Release the LEA in which the eligible student resides from all obligations to educate the eligible student in any school year for which the eligible student receives a scholarship. Although an eligible student participating in the program does not retain the right to receive special education and related services through an individualized education program, the student may be eligible under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1414) to receive equitable services through an individualized service plan; and

(5)

(A) Not be disqualified from receiving a scholarship pursuant to this subdivision (a)(5). For purposes of this subdivision (a)(5), an eligible student is disqualified from receiving a scholarship if:

(i) The eligible student is the child of a member of the general assembly at the time the eligible student, or the eligible student's parent, submits an application for a scholarship; or

(ii) The eligible student is the child of a member of the governor's cabinet at the time the eligible student, or the eligible student's parent, submits an application for a scholarship; and

(B) As used in this subdivision (a)(5):

(i) "Child" means a natural child, stepchild, adopted child, or person under the age of eighteen (18) who is subject to the custody or caregiving authority of the child's parent; and

(ii) "Governor's cabinet":

(a) Means the commissioners of the administrative departments of this state; and

(b) Includes staff directors, the secretary of state, the state treasurer, and the comptroller of the treasury, if such individuals are invited to serve as a member of the cabinet by the governor pursuant to § 4-3-122.

(b) A scholarship equals the base funding amount, as defined in § 49-3-104(2) and is solely state funded.

(c) Scholarship funds may be used, subject to department approval, for one (1) or more of the following expenses:

(1) Tuition, fees, and uniforms required by the private school in which the recipient is enrolled;

(2) Textbooks, curricula, and instructional materials required by the private school in which the recipient is enrolled;

(3) Tutoring services provided by a tutor or tutoring facility that meets the requirements established by the department;

(4) Fees for transportation to and from the private school in which the recipient is enrolled, paid to a fee-for-service transportation provider that meets the requirements established by the department;

(5) Computer hardware, technological devices, and other technology fees that meet the requirements established by the department and that are used for the recipient's educational needs;

(6) Tuition, fees, textbooks, curricula, and instructional materials for summer academic programs and specialized afterschool academic programs that meet the requirements established by the department. This subdivision (c)(6) does not include afterschool child care;

(7) Fees for early postsecondary opportunity courses or examinations, entrance examinations required for postsecondary admission, and industry credentials as approved by the department; and

(8) Educational therapy services provided by therapists that meet the requirements established by the department.

(d) A recipient's scholarship account must be closed, and all remaining scholarship funds returned to the state treasurer to be used to supplement future school years' scholarship allocations pursuant to this part, upon the earlier of:

(1) The recipient's graduation from high school or obtainment of a high school equivalency credential approved by the state board of education;

(2) The recipient's enrollment in a kindergarten through grade twelve (K-12) public school;

(3) The recipient's completion of thirteen (13) school years as a kindergarten through grade twelve (K-12) student;

(4) The recipient's voluntary withdrawal from the scholarship program; or

(5) The department disqualifying the recipient due to the recipient's noncompliance with the program requirements.

(e) Prior to scholarship funds being made available to an eligible student or an eligible student's parent, the eligible student or the eligible student's parent must provide documentation to the department evidencing the eligible student's acceptance or admission to a private school.

(f) If the private school a recipient attends for purposes of this part is a member of an association that regulates interscholastic athletics, then the recipient's eligibility to participate in interscholastic athletics at the private school must be determined in the same manner as eligibility for participation is determined for other students enrolled in other schools that are members of the association, and in accordance with the rules of the respective association, including, but not limited to, rules that limit the eligibility of students who transfer from one (1) school to another. Participation in interscholastic athletics is a privilege, and this part does not confer athletic eligibility on a recipient or guarantee a recipient a right or opportunity to participate in interscholastic athletics at a private school.

49-6-3505. Prioritization of awards.

(a) Subject to appropriation, and except as provided in subsection (c), the department shall award up to twenty thousand (20,000) scholarships each school year to eligible students. The department shall award scholarships to eligible students in the following order:

(1) An eligible student who is an "eligible student" as defined in § 49-6-2602 or § 49-10-1402;

(2) An eligible student who is a member of a household with an annual income for the previous year that does not exceed four hundred percent (400%) of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services;

(3) An eligible student who is a member of a household with an annual income for the previous year that does not exceed five hundred percent (500%) of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services; and

(4) An eligible student, regardless of whether the eligible student meets one (1) of the criteria listed in subdivisions (a)(1)-(3).

(b)

(1) The department shall establish an application deadline to ensure that scholarships are awarded to eligible students in accordance with the preferences for awarding scholarships provided in subsection (a).

(2) The department shall award scholarships to eligible students in accordance with the preferences for awarding scholarships in subsection (a) and in the order in which the department received the scholarship applications.

(3) Notwithstanding subsection (a), and subject to appropriation, for purposes of educational continuity, when determining the number of scholarships available for the 2025-2026 school year, or for a subsequent school year, eligible students who received a scholarship for the immediately preceding school year and who remain eligible for a scholarship pursuant to this part must receive a scholarship for each subsequent school year for which the eligible student is enrolled in a private school and continues to meet the requirements of this part.

(c) If the number of scholarships awarded by the department for a school year is within ten percent (10%) of the number of scholarships available for eligible students for the respective school year, then, subject to appropriation, the maximum number of scholarships that must be made available for eligible students in the succeeding school year must be increased by twenty percent (20%).

(d) The department shall not expend any funds appropriated for the purpose of awarding the number of scholarships required pursuant to this part for eligible students for any other program or purpose. Any such funds remaining unexpended at the end of a fiscal year must be carried forward by the department into subsequent fiscal years and used to award the number of scholarships required pursuant to this section. This subsection (d) does not prohibit the department from using any funds appropriated to the department for the administration or management of the program for such purposes.

49-6-3506. Annual report.

(a) The department shall report on the efficacy of the program for the respective reporting year, including, but not limited to, the number of scholarship applications received by the department; the number of scholarships awarded to recipients; the number of recipients who met one (1) or more of the criteria in § 49-6-3505(a)(1)-(4), disaggregated by each criteria category; whether recipients remained enrolled in a private school after receiving a scholarship; parental satisfaction with the program; and the academic performance indicators for recipients enrolled in a private school.

(b) The department shall contract with a third party for the third party to collect the data required in subsection (a) regarding parental satisfaction with the program and the academic performance indicators for recipients enrolled in a private school, and to report that data to the department for purposes of the report required in this section.

(c) The department shall submit the report to the education committee of the senate, the education administration committee of the house of representatives, and the education instruction committee of the house of representatives no later than September 30, 2025, for the 2024-2025 school year and by each September 30 thereafter.

49-6-3507. Limitations on participation.

Notwithstanding another law to the contrary, a scholarship must not be awarded to an eligible student for the same school year in which the student is participating in the Tennessee education savings account pilot program, established in part 26 of this

chapter, or the individualized education account program, established in chapter 10, part 14 of this title.

49-6-3508. Promulgation of rules.

The department shall promulgate rules, including emergency rules, to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

49-6-3509. Payment - state or local public benefit.

(a) A scholarship awarded under this part:

(1) Must not be paid directly to an eligible student or to an eligible student's parent; and

(2) Is a state or local public benefit for purposes of the Eligibility Verification for Entitlements Act, compiled in title 4, chapter 58.

(b) Funds received pursuant to this part do not constitute income taxable to the parent of the participating student or to the student under title 67, chapter 2.

49-6-3510. Penalty for fraud or misrepresentation.

(a) A parent who knowingly provides false information on an eligible student's application in order to obtain a scholarship commits a class A misdemeanor.

(b) A third party with which the department has contracted to administer all or parts of the program that commits an act of fraud, as defined in § 39-11-106, against the department concerning the program commits an offense. A violation of this subsection

(b) is punishable as theft pursuant to § 39-14-105.

SECTION 2. Tennessee Code Annotated, Section 49-3-105, is amended by deleting the language "five percent (5%)" in subdivision (b)(4) and substituting instead "six percent (6%)"; by deleting the language "pursuant to this subsection (c)" in subsection (c) and substituting instead "pursuant to this subdivision (c)(1)"; by deleting the language "subdivision (c)(3)" in subsection (d) and substituting instead "subdivision (c)(1)(C)"; and by designating the existing language of subsection (c) as subdivision (c)(1) and adding the following as a new subdivision (c)(2):

(2) A student generates a direct allocation for the LEA in which the student is a member in the amount of seventy-five dollars (\$75) for maintenance and infrastructure.

SECTION 3. Tennessee Code Annotated, Section 49-3-105(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) The weighted allocation for a student who resides in a small district is eight percent (8%); and

(B) The weighted allocation for a student who resides in an LEA with a membership of between one thousand and one (1,001) and one thousand seven hundred (1,700) students, both inclusive, is two percent (2%);

SECTION 4. Tennessee Code Annotated, Section 8-27-303(a)(1), is amended by designating subdivision (A) as subdivision (i) and adding the following as a new subdivision:

(ii) It is the intent of the general assembly that appropriations made in the general appropriations act to the department of education for purposes of subdivision (a)(1)(A)(i) be an amount sufficient for the department to pay, on behalf of each eligible instructional employee of a local education agency, and the employee's dependents, sixty percent (60%) of the total cost of the person's participation in the basic health plan.

SECTION 5. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting the section and substituting instead the following:

(a) This state shall not require students in any of the grades:

(1) Kindergarten through two (K-2) to be administered a statewide standardized assessment, including, but not limited to, a Tennessee comprehensive assessment program (TCAP) test or a successor test; or

(2) Three through twelve (3-12) to be administered a statewide standardized assessment, including, but not limited to, a TCAP test or a successor test, except for the following:

(A) A statewide standardized assessment in:

(i) English language arts and mathematics must be administered to students in each of the grades three through eight (3-8); and

(ii) Mathematics must be administered to students in grade nine (9);

(B) A statewide standardized assessment in science must be administered to students:

(i) Once in grades three through five (3-5);

(ii) Once in grades six through nine (6-9); and

(iii) Once in grades ten through twelve (10-12);

(C) A statewide standardized assessment in social studies must be administered to students once in grades six through eight (6-8);

(D) The assessment described in § 49-6-6001(b)(1) must be administered to students in grades ten (10) and eleven (11); and

(E) A statewide standardized assessment required in the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.) must be administered in accordance with the act.

(b)

(1) An end-of-course assessment in mathematics must be administered to students in grade nine (9) to comply with subdivision (a)(2)(A)(ii).

(2) If the assessment approved by the commissioner for purposes of § 49-6-6001(b)(1) contains a science portion, then the assessment administered to students in grades ten (10) and eleven (11) pursuant to subdivision (a)(2)(D) satisfies the requirement in subdivision (a)(2)(B)(iii).

(c) The commissioner of education shall establish a schedule for the administration of TCAP tests and comply with § 49-1-226. The commissioner may

adjust the schedule for reasons, including, but not limited to, natural disaster, prolonged inclement weather, or serious outbreaks of contagious illness.

SECTION 6. Tennessee Code Annotated, Section 49-6-6001, is amended by deleting subsection (a) and substituting instead the following:

(a) To receive a full diploma upon graduation from high school, a student must meet requirements as set forth by the state board of education; provided, that the board shall not require students to be administered an assessment other than the statewide standardized assessments required in § 49-6-6002 as a requirement for graduation.

SECTION 7. Tennessee Code Annotated, Section 49-1-211, is amended by deleting the language "the Tennessee comprehensive assessment program (TCAP)" in subdivision (a)(3) and substituting instead the language "the statewide standardized assessments required in § 49-6-6002", and by deleting the language "TCAP scores" in subsection (b) and substituting instead the language "Statewide standardized assessment scores".

SECTION 8. Tennessee Code Annotated, Section 49-6-6011, is amended by deleting subsection (a) and substituting instead the following:

(a) Notwithstanding another other law to the contrary, the department of education and the state board of education shall not mandate any statewide standardized assessments for any grades or subjects beyond those assessments required in § 49-6-6002. The department shall ensure that all data associated with the statewide standardized assessments required in § 49-6-6002 is accurate and timely.

SECTION 9. Tennessee Code Annotated, Section 49-1-228, is amended by deleting the language "the Tennessee comprehensive assessment program (TCAP) tests or end-of-course exams" in subdivision (a)(1) and substituting instead the language "the statewide standardized assessments required in § 49-6-6002".

SECTION 10. Tennessee Code Annotated, Section 49-1-617, is amended by deleting the section and substituting instead the following:

(a) Each local board of education shall develop a policy by which student scores on the statewide standardized assessments administered to students in grades three through eight (3-8) pursuant to § 49-6-6002 must comprise a percentage of a student's final grade for the spring semester in the subject areas of mathematics, English language arts, science, and social studies, as applicable.

(b) Each local board of education shall determine the percentage, within a range of zero percent (0%) to twenty-five percent (25%) for grades three through five (3-5), and within a range of ten percent (10%) to twenty-five percent (25%) for grades six through eight (6-8), that scores from the statewide standardized assessments administered to students in grades three through eight (3-8) count on a student's final grade.

(c) Notwithstanding subsection (a), if an LEA does not receive its students' scores on the statewide standardized assessments administered to students pursuant to § 49-6-6002, including all statewide standardized assessment scores for students in grades nine through twelve (9-12), at least five (5) instructional days before the end of the course, then the LEA may choose not to include its students' statewide standardized assessment scores, including all statewide standardized assessment scores for students in grades nine through twelve (9-12), in the students' final grades in the subject areas of mathematics, English language arts, science, and social studies.

SECTION 11. Tennessee Code Annotated, Section 49-6-1012(c)(1), is amended by deleting the language "Tennessee comprehensive assessment program (TCAP) assessment" and substituting instead the language "statewide standardized assessment".

SECTION 12. Tennessee Code Annotated, Section 49-6-2606(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) As a condition of participating in the program, participating students in grades three through eleven (3-11) must be administered the statewide standardized assessments required in § 49-6-6002 in math and English language arts, or successor tests authorized by the state board of education for math and English language arts.

SECTION 13. Tennessee Code Annotated, Section 49-6-2606(e), is amended by deleting subdivision (1) and substituting instead the following:

(1) Data from the statewide standardized assessments required in § 49-6-6002 in math and English language arts, or successor tests authorized by the state board of education, administered to participating students in grades three through eleven (3-11) pursuant to subsection (a) must be used to determine student achievement growth, as represented by the Tennessee Value-Added Assessment System (TVAAS), developed pursuant to chapter 1, part 6 of this title, for participating schools.

SECTION 14. Tennessee Code Annotated, Section 49-6-3026(d)(1), is amended by deleting the language "administration of the Tennessee comprehensive assessment program (TCAP) tests" and substituting instead the language "administration of the statewide standardized assessments required in § 49-6-6002".

SECTION 15. Tennessee Code Annotated, Section 49-6-3405(a)(2), is amended by deleting the language "performance on the Tennessee comprehensive assessment program (TCAP), performance on the end-of-course assessments" and substituting instead the language "performance on the statewide standardized assessments required in § 49-6-6002".

SECTION 16. Tennessee Code Annotated, Section 49-6-6001, is amended by deleting subsection (j) and substituting instead the following:

(j) A student whose individualized education program (IEP) or section 504 plan under the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) allows for testing accommodations must be allowed to use the same testing accommodations while taking a statewide standardized assessment required in § 49-6-6002; provided, that the accommodation does not invalidate the assessment.

SECTION 17. Tennessee Code Annotated, Section 49-6-6008, is amended by deleting the language "and end-of-course" wherever it appears in subsections (a) and (b).

SECTION 18. Tennessee Code Annotated, Section 49-6-6009(a), is amended by deleting the language "and end-of-course".

SECTION 19. Tennessee Code Annotated, Section 49-5-106, is amended by deleting the language "an end-of-course examination is required" wherever it appears in subdivisions (b)(3) and (h)(3)(B) and substituting instead the language "a statewide standardized assessment is required for students in grades nine through twelve (9-12)".

SECTION 20. Tennessee Code Annotated, Section 49-5-114(c), is amended by deleting the language "requiring an end-of-course examination to satisfy the graduation requirements established by the state board" and substituting instead the language "for which a statewide standardized assessment is required for students in grades nine through twelve (9-12) pursuant to § 49-6-6002".

SECTION 21. Tennessee Code Annotated, Section 49-6-3004(i), is amended by deleting subdivision (3) and substituting instead the following:

(3) An LEA may require a class, school, or all schools of the LEA to utilize remote instruction on days that the school administers a statewide standardized assessment to students in grades nine through twelve (9-12), as required in § 49-6-6002; provided, that the high school students being administered the statewide standardized assessment are administered the assessment in person.

SECTION 22. Tennessee Code Annotated, Section 49-6-6006, is amended by deleting the language "in which an end of course examination is required for students to satisfy graduation requirements established by the state board of education pursuant to § 49-6-6001(a)" and substituting instead the language "in which a statewide standardized assessment is required for students in grades nine through twelve (9-12) pursuant to § 49-6-6002".

SECTION 23. Tennessee Code Annotated, Section 49-6-6017(a)(2), is amended by deleting the language "there is no end-of-course assessment" and substituting instead the following "a statewide standardized assessment is not required for students in grades nine through twelve (9-12) pursuant to § 49-6-6002".

SECTION 24. Tennessee Code Annotated, Section 49-6-8103(c)(1), is amended by deleting the language "in which end-of-course examinations are administered" and substituting

instead the language "in which a statewide standardized assessment is required for students in grades nine through twelve (9-12) in § 49-6-6002".

SECTION 25. Tennessee Code Annotated, Section 49-1-302, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1)

(A) The state board shall adopt rules and policies outlining the guidelines and criteria for the evaluation of all teachers and principals employed by LEAs, including a local evaluation grievance procedure.

The rules and policies outlining the guidelines and criteria for evaluations must require annual evaluations of all teachers and principals, unless the teacher or principal has achieved a final evaluation score on an annual evaluation that allows the teacher or principal to be evaluated in accordance with the evaluation schedule in subdivision (d)(16).

(B) The local evaluation grievance procedure must 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)(1).

(C)

(i) The evaluations required pursuant to this subsection (d) must be a factor in employment decisions, including, but not limited to, promotion, retention, termination, compensation, and the attainment of tenure status.

(ii) This subdivision (d)(1) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

(2) Sixty percent (60%) of the evaluation criteria must be composed of student achievement data as follows:

(A) Thirty-five percent (35%) must 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; and

(B) Twenty-five percent (25%) must be based on other measures of student achievement selected from a list of such measures adopted by the state board. For each evaluation, the teacher or principal being evaluated must 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 and the person or persons responsible for conducting the evaluation do not agree on the measures that are to be used, then the teacher or principal must choose the evaluation measures. The evaluation measures must be verified by the department of education to ensure that the evaluations correspond with the teaching assignment of each individual teacher and the duty assignments of each individual principal. LEAs and public charter schools may allow teachers to use the results from benchmark assessments, including state-adopted benchmark assessments, or a universal screener approved by the state board as a measure of student achievement for purposes of this subdivision (d)(2)(B).

(3) Notwithstanding subdivision (d)(2), if a teacher's or principal's student growth data, as described in subdivision (d)(2)(A), reflects attainment of an achievement level of "at expectations," "above expectations," or "significantly above expectations," as provided in the evaluation guidelines and criteria

adopted by the state board, then the student growth data must comprise the full sixty percent (60%) student achievement data portion of the teacher's or principal's evaluation required under subdivision (d)(2), if such use results in a higher final evaluation score for the teacher or principal.

(4) Notwithstanding this subsection (d) to the contrary, if an individual teacher's student growth data, as described in subdivision (d)(2)(A), reflects attainment of an achievement level demonstrating an effectiveness level of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines and criteria adopted by the state board, then the student growth data may, at the discretion of the LEA or public charter school, and upon request of the teacher, comprise one hundred percent (100%) of the teacher's final evaluation score. If the LEA or public charter school chooses to implement this subdivision (d)(4), then it must do so for all teachers with individual growth data who request its implementation.

(5) A teacher's most recent year's student growth data, as described in subdivision (d)(2)(A), must comprise the full thirty-five percent (35%) student growth portion of the teacher's evaluation required under subdivision (d)(2)(A), if such use results in a higher final evaluation score for the teacher.

(6) For teachers without access to individual data representative of student growth, as described in subdivision (d)(2)(A), thirty percent (30%) of the evaluation criteria must be composed of student achievement data with fifteen percent (15%) of the evaluation criteria based on student growth as specified in subdivision (d)(2)(A) and represented by TVAAS evaluation composites.

(7) The state board has the ultimate authority to determine, identify, and adopt measures of student growth that are comparable to the TVAAS.

(8)

(A) In order to provide individual growth scores to teachers in non-tested grades and subjects, LEAs must use at least one (1) appropriate alternative growth model approved by the state board.

(B) The department of education shall work to develop valid and reliable alternative student growth models for the grade levels and subjects that do not have models as of March 14, 2025.

(9) LEAs and public charter schools may authorize teachers in the non-tested grades pre-kindergarten through two (pre-K-2) to use the results of the Tennessee universal reading screener or a universal reading screener approved by the state board, as described in § 49-1-905(c), as an approved alternative growth model for purposes of § 49-6-105(e) and subdivision (d)(8) to generate individual growth scores for teachers pursuant to the evaluation guidelines developed by the department. The department shall not base the Tennessee universal reading screener or a universal reading screener approved by the state board used to evaluate teachers pursuant to this subdivision (d)(9) on the pre-k/kindergarten portfolio growth model.

(10) Notwithstanding this subsection (d) to the contrary, if a teacher does not have access to individual growth data representative of student growth, as specified in subdivision (d)(2)(A), for the current evaluation year due to changes in academic standards or assessment design requiring standards validation or standards setting in the teacher's content or subject area, then fifteen percent (15%) of the teacher's evaluation criteria must be composed of student achievement data based on other measures of student achievement pursuant to subdivision (d)(2)(B) and eighty-five percent (85%) must be composed of scores derived from the state board approved evaluation model for the qualitative portion of the teacher's evaluation unless using the evaluation criteria outlined in subdivision (d)(6) results in a higher final evaluation score for the teacher.

(11) Other mandatory criteria for the evaluations must include, but are not limited to, the following:

(A) Review of prior evaluations;

(B) Personal conferences to include discussion of strengths, weaknesses, and remediation;

(C) Relative to teachers only, classroom or position observation followed by written assessment; and

(D) Relative to principals only, additional criteria pursuant to § 49-2-303(a)(1).

(12) The state board shall not promulgate rules or adopt policies or guidelines that require the classroom or position observation results pursuant to subdivision (d)(11) to be aligned with TVAAS data.

(13) The evaluation procedure established pursuant to this subsection (d) does not apply to teachers who are employed under contracts for one hundred twenty (120) days per school year or less, or who are not employed full time.

(14) 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 individual's area of endorsement must relate only to the improvement of teaching skills and strategies and not a determination of competency. The state board shall include as a part of its evaluation guidelines a specific reference to this use of its evaluation procedures.

(15) Pursuant to state board rules and policies, an LEA may utilize either the state board adopted model plan for the qualitative portion of teacher evaluation or an evaluation model that has been proposed by the LEA and approved by the state board. Evaluation models approved by the state board may, with local board approval, be utilized in any LEA.

(16) If a teacher or principal receives a final evaluation score on an annual evaluation conducted pursuant to this subsection (d) that reflects the teacher's or principal's attainment of an achievement level of:

(A) "Significantly above expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must not be evaluated pursuant to this subsection (d) for the three (3) school years immediately succeeding the year for which the teacher or principal received the qualifying final evaluation score;

(B) "Above expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must not be evaluated pursuant to this subsection (d) for the two (2) school years immediately succeeding the year for which the teacher or principal received the qualifying final evaluation score;

(C) "At expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must not be evaluated pursuant to this subsection (d) for the one (1) school year immediately succeeding the year for which the teacher or principal received the qualifying final evaluation score; or

(D) "Below expectations" or "significantly below expectations," as provided in the evaluation guidelines and criteria adopted by the state board, then the teacher or principal must continue to be evaluated annually pursuant to this subsection (d).

(17) As used in this subsection (d), "final evaluation score" means an individual's level of overall effectiveness score.

SECTION 26. Tennessee Code Annotated, Section 49-5-503, is amended by deleting subdivision (4) and substituting instead the following:

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

(A) A teacher who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to an approved extended leave; transfer to another school or position within the school district; unavailable data due to the cancellation of Tennessee comprehensive assessment program (TCAP) tests as a result of the COVID-19 pandemic; or invalidated data due to a successful local level evaluation grievance pursuant to § 49-1-302(d)(2)(A) may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to meet this subdivision (4); and

(B) A teacher who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period because the teacher received an evaluation before or during the probationary period demonstrating a level of overall effectiveness score of "at expectations," "above expectations," or "significantly above expectations," and therefore, pursuant to § 49-1-302(d)(16), did not receive an evaluation for one (1) or more of the two (2) years of the probationary period may utilize the most recent evaluation score achieved during the probationary period to meet this subdivision (4); and

SECTION 27. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) The department shall revise Tennessee's response to instruction and intervention (RTI²) framework manual to only require LEAs and public charter schools to:

(1) Screen a student three (3) times per school year if the student is enrolled in any of the grades kindergarten through three (K-3); and

(2) Screen a student in grades four through eight (4-8) if the student is "at risk," as defined in Tennessee's RTI² framework manual.

(b) The department shall allow LEAs and public charter schools to meet the intervention requirements in Tennessee's RTI² framework manual by providing high-dosage, low-ratio tutoring services to students identified for intervention. The tutoring services provided must meet the tutoring requirements established by the department.

(c) This section does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

SECTION 28. Tennessee Code Annotated, Section 49-6-3115(a), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) A student in the fourth grade who achieves a performance level rating of "below" or "approaching" on the ELA portion of the student's most recent TCAP test must be allowed to retake the ELA portion of the TCAP test. If the student achieves a performance level rating of "below" or "approaching" on the retake, then in order to be promoted to the next grade level, the student must:

(i) Attend a learning loss bridge camp before the beginning of the upcoming school year and maintain a ninety percent (90%) attendance rate at the camp; and

(ii) Be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(B) A student must not be retained in the fourth grade more than once.

SECTION 29. Tennessee Code Annotated, Section 49-5-108(a), is amended by adding the following as a new subdivision:

(3) Notwithstanding this section to the contrary, practitioner and professional licenses issued by the state board of education must be valid for a period of no less than eight (8) years. This subdivision (a)(3) does not prohibit the state board from establishing professional development requirements that must be met by an educator who holds a practitioner or professional license during the licensure period as a condition of the educator retaining the educator's license for the licensure period.

SECTION 30. Tennessee Code Annotated, Section 49-6-3004, is amended by adding the following language as a new subsection:

(j) The state board of education shall promulgate rules to allow LEAs and public charter schools to meet the requirements of subdivision (a)(1) by providing a minimum number of instructional hours per school year. The rules must be promulgated according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 31. Tennessee Code Annotated, Section 49-1-614, is amended by deleting the section and substituting instead the following:

(a) The "achievement school district" or "ASD" is an organizational unit of the department of education, established and administered by the commissioner for the purpose of providing oversight for the operation of schools assigned to or authorized by the ASD before July 1, 2024. The ASD ceases to exist on July 1, 2026.

(b)

(1) The commissioner may directly operate or contract with one (1) or more individuals, governmental entities, or nonprofit entities to manage the day-to-day operations of any or all schools placed in the ASD before July 1, 2024, including, but not limited to, providing direct services to students.

(2) Notwithstanding subdivision (b)(1), the commissioner shall not contract with an individual, governmental entity, or nonprofit entity to manage the

day-to-day operations of any or all schools placed in the ASD before July 1, 2024, if the term of the contract extends beyond July 1, 2026.

(c)

(1) The commissioner shall not assign a school or grade configuration within a school to the ASD on or after July 1, 2024. Schools assigned to the ASD after June 1, 2017, but before July 1, 2024, are limited to priority schools.

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

(3) The ASD may establish an alternative school to serve students assigned to the ASD until July 1, 2026, on which date the ASD ceases to exist.

(d) Until July 1, 2026:

(1) The ASD may receive, control, and expend local and state funding for schools placed under its jurisdiction, and may seek, receive, expend, manage, and retain federal funding and grant funding and may otherwise seek, obtain, expend, manage, and retain funding with the same authority as an LEA. The ASD must receive from the department or an LEA, as appropriate, an amount of state and local funds in the manner prescribed in § 49-13-112 for all schools in the ASD, including those schools operated through charter agreements, contracts, and direct-run models. ASD schools must receive all appropriate allocations of federal funds as other LEAs under federal law or regulation, including, but not limited to, Title I, IDEA, and other ESEA funds. All funding allocations and disbursements must be made in accordance with procedures developed by the department;

(2) The ASD may receive donations of money, property, or securities from any source for the benefit of the ASD and the schools in the ASD. Any such

funds received by the ASD must, in good faith, be disbursed in accordance with the conditions of the gifts; and

(3) To the extent that any state and local funds allocated to the ASD are not used to support a school or LEA in the ASD, such funds must be allocated to a state reserve fund to be distributed to the appropriate LEA upon approval of the commissioner and upon the removal of the school from the ASD.

(e) Until July 1, 2026, the ASD may require an LEA to provide school support or student support services for a school transferred to the ASD from the LEA's jurisdiction, including, but not limited to, student transportation, school food service, alternative schools, or student assessment for special education eligibility that are compliant with all laws and regulations governing such services. In such cases, the ASD shall reimburse the actual cost to the LEA providing such services.

(f) Until July 1, 2026, the ASD must have the right to use any school building and all facilities and property otherwise part of the school and recognized as part of the facilities or assets of the school prior to its placement in the ASD and must have access to such additional facilities as were typically available to the school, its students, faculty, and staff prior to its placement in the ASD. Such use must be unrestricted and free of charge, except that the ASD is responsible for and obligated to provide for routine maintenance and repair such that the facilities and property are maintained in as good an order as when the right of use was acquired by the ASD. The ASD is responsible for paying all utilities in use at ASD-utilized facilities. Extensive repairs to buildings or facilities considered capital expenses are the responsibility of the LEA and not the ASD. Any fixtures, improvements, or tangible assets added to a school building or facility by the ASD must remain at the school building or facility upon its return to the LEA.

(g) Until July 1, 2026:

(1) If the commissioner determines that the ASD will directly operate a school in the ASD, then the employees hired to work in schools directly operated

by the ASD may be deemed employees of the ASD and such employees are under the exclusive control of the ASD. The ASD shall develop written procedures, subject to the approval of the commissioner, for employment and management of personnel, as well as for the development of compensation and benefit plans. Staffing needs of any school in the ASD must be exclusively determined by the ASD with approval of the commissioner;

(2) The ASD, or the entity under contract to operate schools in the ASD, may determine whether any teacher who was assigned to such school prior to the school's transfer into the ASD has the option of continuing to teach at that school as an employee of either the ASD or of the operating entity. Any tenured teacher not given that option must remain an employee of the LEA, subject to § 49-5-511. The LEA may continue the employment of a nontenured teacher not given that option. Moreover, any teacher who accepts that option may, at the discretion of the LEA, return as an employee of the LEA, should the ASD or operating entity later determine not to continue to employ such teacher; and

(3) Except for provisions protecting teachers' rights to accumulated sick leave, retirement benefits, pension, and tenure status within an LEA, § 49-5-203, prior to June 1, 2011, does not apply to teachers who accept the option of continuing to teach at a school placed in the ASD.

(h) Notwithstanding another law to the contrary, the ASD must, at a minimum, have the same authority and autonomy afforded to LEAs under state law regarding the procurement of property, goods, and services, including, but not limited to, personal, professional, consulting, and social services until July 1, 2026. The ASD shall develop written procedures for the procurement of all goods and services in compliance with the expenditure thresholds for competitive bidding outlined or permitted in § 49-2-203. Such procedures must be submitted to, and approved by, the commissioner.

(i) Notwithstanding title 12, chapter 7, part 1, or another law to the contrary, the ASD may, until July 1, 2026, authorize the preparation and use of publications and other media for the public education needs of the ASD.

(j) Until July 1, 2026, the ASD or an entity that contracts with the ASD to operate or manage schools placed in the ASD may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school to increase student achievement. Notwithstanding this subsection (j), the commissioner shall not waive rules related to one (1) or more of 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.

(k)

(1)

(A) A school that has been removed from an LEA and placed in the ASD must remain in the ASD until:

(i) The school is no longer identified as a priority school pursuant to § 49-1-602 for two (2) consecutive cycles beginning

with the 2017 priority school list; provided, however, that a school shall not remain in the ASD for more than a ten-year period; or

(ii) July 1, 2026, if the school does not exit the ASD pursuant to subdivision (k)(1)(A)(i) before that date.

(B) Before a school exits the ASD, the commissioner, in consultation with the LEA or the Tennessee public charter school commission, as the commissioner deems appropriate, shall develop and approve a school transition plan for determining the school's exit from the ASD in accordance with the timing of the school's exit pursuant to subdivision (k)(1)(A)(i). The transition plan must include a communication protocol for notifying the parents of students who are currently enrolled in and attending the ASD school of the student's future enrollment options.

(2) Notwithstanding subdivision (k)(1)(A) or another law to the contrary, the commissioner may determine that a school in the ASD that is being operated as a charter school through authorization by the ASD pursuant to § 49-13-106, may exit the ASD prior to the expiration of the charter school's initial charter agreement with the ASD. The commissioner's determination must be based on metrics, including, but not limited to, the ASD's school performance framework (SPF) and school accountability results that are publicly reported on the department's website each year and must specify whether:

(A) The ASD-authorized charter school must apply to the LEA for authorization under § 49-13-107 before its initial charter agreement with the ASD expires; or

(B) The ASD-authorized charter school may directly apply to the Tennessee public charter school commission for a new charter agreement with a term not to exceed the term of the initial charter agreement with the ASD. If the commission grants the ASD-authorized

charter school a new charter agreement, then the commission may agree to assume all rights and obligations assigned to the ASD pursuant to this section, including, but not limited to, the rights and obligations provided in subsection (f) relating to the use of school buildings and facilities, for the duration of the new charter agreement, and the charter school has the right to continue to use the LEA's school building for the duration of the new charter agreement. Upon the expiration of the initial charter agreement with the commission, the charter school may apply to renew the charter agreement with the commission or apply to the LEA for a new charter agreement. If renewal of the charter agreement is approved by the commission, then the LEA shall grant the charter school operator the option to enter into a lease agreement at or below fair market rental value to occupy the LEA's school building for at least three (3) years, or to purchase the building from the LEA at or below fair market value, less the value of capital repairs or improvements made to the school building by the charter school operator. After the lease period expires, if the LEA decides to sell the school building that the charter school operator is leasing, then the charter school operator must be provided the right of first refusal to purchase the school building at or below fair market value, less the value of all rental payments made to the LEA during the term of the lease. For purposes of this subsection (k), "fair market value" or "fair market rental value" is determined by the LEA and the charter school operator each procuring a separate appraisal of the property. If the LEA and the charter school operator do not mutually agree to use either of the two (2) appraisals, or an average of the two (2) appraisals, to establish fair market value or fair market rental value, then the LEA or charter school operator may request an additional appraisal conducted by a party

agreed upon by the LEA's and the charter school operator's selected appraisers to determine the fair market value or fair market rental value, as applicable. The cost of the additional appraisal must be shared by the LEA and the charter school operator.

(3) Except as otherwise provided in this subsection (k), ASD-authorized charter schools must remain under the authority of the ASD for the duration of their initial charter agreements with the ASD. Upon the expiration of a charter agreement with the ASD, the charter school must exit the ASD and the school building must be returned to the LEA. The governing body of the charter school may apply for a new charter agreement with the LEA according to § 49-13-107. The LEA must approve or deny the charter application pursuant to § 49-13-108.

(4) After a school in the ASD improves student performance such that the school is no longer identified as a priority school for two (2) consecutive cycles as referenced in subdivision (k)(1)(A)(i), the commissioner, in consultation with the respective LEA, shall implement the transition plan developed and approved by the commissioner pursuant to subdivision (k)(1)(B). If, at any time, an ASD-authorized charter school meets the priority exit criteria set forth in the state's accountability model, then the school may apply to the LEA or the commission for a new charter agreement with a term not to exceed the term of the initial charter agreement with the ASD. If the commission grants the ASD-authorized charter school a new charter agreement, then the commission may assume all rights and obligations of the ASD, including, but not limited to, the rights and obligations provided in subsection (f) relating to the use of school buildings and facilities, for the duration of the new charter agreement, and the charter school has the right to continue to use the LEA's school building for the duration of the new charter agreement. Upon expiration of the new charter agreement with the commission, the charter school may apply to the commission

to renew its charter agreement. If the charter agreement is renewed by the commission, then the LEA shall grant the charter school operator the option to enter into a lease agreement at or below fair market rental value to occupy the building for at least three (3) years, or to purchase the building at or below fair market value, less the value of capital repairs or improvements made to the school building by the charter school operator. After the lease period expires, if the LEA decides to sell the school building that the charter school operator is leasing, then the charter school operator must be provided the right of first refusal to purchase the school building at or below fair market value, less the value of all rental payments made to the LEA during the term of the lease.

(5) Notwithstanding this subsection (k) to the contrary, the commissioner may remove a school from the jurisdiction of the ASD at any time.

(l) An individual, governmental entity, or nonprofit entity that contracts with the commissioner to operate a school in the ASD under this section shall provide timely information to the LEA's local board of education and director of schools regarding the operation of such schools, including, but not limited to, matters relating to employment of personnel at the school as provided for in this section. 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. An individual, governmental entity, or nonprofit entity that contracts with the commissioner pursuant to this section may work with the LEA in providing professional development or technical assistance, instructional and administrative support, and in facilitating any other support that may be beneficial to academic progress of the school.

(m) A contract to operate a school that has been placed in the ASD must require expenditure reports for funds received and expended pursuant to the contract. The expenditure reports required in this subsection (m) must be provided to the department of education and the comptroller of the treasury for review.

(n) The ASD shall adopt a dress code for the ASD's professional employees.

SECTION 32. Tennessee Code Annotated, Section 49-1-602(a)(3)(B), is amended by deleting the language "submission of such plan to the commissioner for approval" and substituting instead the language "submission of the plan to the commissioner for approval no more than once every three (3) years".

SECTION 33. Tennessee Code Annotated, Section 49-1-602(b)(4), is amended by deleting the language "submit a plan to the commissioner" and substituting instead the language "submit a plan to the commissioner no more than once every three (3) years".

SECTION 34. Tennessee Code Annotated, Section 49-1-602(b)(6), is amended by deleting the language "The comprehensive support and improvement plan shall at a minimum" and substituting instead the language "The comprehensive support and improvement plan must be submitted to the department for approval no more than once every three (3) years and must, at a minimum".

SECTION 35. Tennessee Code Annotated, Section 49-1-602(c), is amended by adding the following language after the first sentence of the subsection:

The department shall not require an LEA that develops a plan for the creation of an LEA innovation zone to submit the plan for approval more than once every three (3) years.

SECTION 36. Tennessee Code Annotated, Section 49-1-228, is amended by adding the following as a new subsection:

(i) Notwithstanding subsection (a), student achievement, student growth, or any other student data that serves as an indicator of performance for a student who enrolls in, or transfers to, a public school on or after December 31 must not be used to assign a letter grade to the receiving school for purposes of this section. The data described in this subsection (i) may be used to assign a letter grade to the school in which the student was enrolled prior to December 31 of the respective school year.

SECTION 37. Tennessee Code Annotated, Section 49-1-602, is amended by adding the following as new subsections:

(f) Notwithstanding another law to the contrary, the state board of education shall not include in the performance goals and measures for a public school or LEA, the student achievement, student growth, or any other student data that serves as an indicator of performance for a student who enrolls in, or transfers to, the public school or LEA on or after December 31. The data described in this subsection (f) may be included in the performance goals and measures for the public school or LEA in which the student was enrolled prior to December 31 of the respective school year, if applicable.

(g)

(1) Notwithstanding another law to the contrary, the state board shall not include in the performance goals and measures for a public school or LEA, the number of students enrolled in the public school or LEA who have been identified by the public school, LEA, or department of education as chronically absent.

(2) Subdivision (g)(1) does not prohibit the department from collecting data on students who are chronically absent from a public school or LEA in this state, or from reporting such data on the state report card or as otherwise required by the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.).

(3)

(A) Each LEA and public charter school shall develop, adopt, and implement an intervention policy for students who are chronically absent and submit the policy to the department for approval. An intervention policy adopted pursuant to this subdivision (g)(3) must describe:

(i) How chronically absent students will be identified;

(ii) What documentation the LEA or public charter school will require from parents, guardians, or students to determine whether an absence from school is excused or unexcused;

(iii) How the academic progress of chronically absent students will be monitored by the LEA or public charter school;

(iv) How the LEA or public charter school will regularly communicate with parents and guardians of chronically absent students, which must include, at a minimum, conducting meetings or conferences at established intervals with a parent or guardian of a chronically absent student and recording the attendance of each school official and parent or guardian at each meeting; and

(v) Other intervention methods, including any available community resources, identified by the LEA or public charter school to assist parents and guardians of chronically absent students in addressing the factors that may be causing or contributing to the student's absence from school.

(B) The department shall not require an LEA or public charter school to submit its intervention policy to the department more than once every three (3) years. The state board shall include in the performance goals and measures for public schools and LEAs, compliance with the intervention policy adopted by the LEA or public charter school.

(4) For purposes of this subsection (g), "chronically absent" means that a student has been absent from school for eighteen (18) or more school days of the respective school year, or the equivalent of eighteen (18) school days if the school elects to meet the requirements of § 49-6-3004(a)(1) by providing a minimum number of instructional hours per school year in accordance with rules promulgated by the state board of education.

SECTION 38. Tennessee Code Annotated, Section 49-6-6001(b)(4)(A), is amended by deleting the language "in the 2023-2024 school year" and substituting "in the 2023-2024 school year, and each subsequent school year".

SECTION 39. The department of education shall, no later than January 1, 2025, submit a request to the United States department of education to amend this state's Every Student Succeeds Act (ESSA) plan for purposes of implementing Sections 5-24 and 32-37 of this act.

SECTION 40. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 41. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 42.

(a) Section 1 of this act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2024-2025 school year and each school year thereafter.

(b) Sections 2-3, 25-27, and 29 take effect July 1, 2024, the public welfare requiring it.

(c) Sections 5-24 and 32-37 of this act take effect on the thirtieth day immediately following the date on which the United States department of education approves the amendment to this state's Every Student Succeeds Act (ESSA) plan submitted pursuant to Section 39 of this act, the public welfare requiring it. The commissioner of education shall notify the executive secretary of the Tennessee Code Commission in writing of the date on which the United States department of education approved the amendment to this state's ESSA plan. If the United States department of education does not approve the amendment to this state's ESSA plan, then Sections 5-24 and 32-37 of this act have no effect.

(d) All other sections of this act take effect upon becoming a law, the public welfare requiring it.