



SENATE BILL 2403

By White

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, relative to education.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Local assessment" means a standardized test or assessment selected by an LEA or public school that is administered to students at the sole direction of the LEA or public school. "Local assessment" does not include:

(A) A Tennessee comprehensive assessment program (TCAP) test or any other standardized assessment or screener administered to students by an LEA or public school pursuant to state law or any rule of the state board of education or the department of education; or

(B) An assessment, test, assignment, project, or quiz that is administered only to students in certain classrooms at the direction of the classroom teacher for purposes of assessing student proficiency in a subject, branch of a subject, or in the curricula or instructional materials assigned to students in the classroom; and

(2) "Public school" means:

(A) A public school that is managed and controlled by the local board of education for an LEA; and

(B) A public charter school, as defined in § 49-13-104.

(b) Each public school shall annually submit to the department of education a list of all local assessments administered to the students enrolled in the public school each school year, and the schedule for when each such local assessment is administered.

(c) The list submitted to the department must include the:

(1) Name of the local assessment, if applicable, or a description of the purpose of the local assessment;

(2) Subject area and grade level of the local assessment; and

(3) Administration schedule for the local assessment.

(d) The department shall develop a standardized form that all public schools must use to provide the information required pursuant to this section.

(e)

(1) The department shall compile the local assessment information reported pursuant to this section and make the information available to the public through an online database accessible through the department's website.

(2) The online database must:

(A) Clearly identify each local assessment administered by each public school, disaggregated by grade level and subject, as applicable;

(B) Present the information in a clear and consistent manner that allows students and parents to compare local assessment information across multiple schools and school districts; and

(C) Include the local assessment calendar for each public school, identifying on the calendar when each local assessment reported to the department pursuant to this section is administered.

(f) The department shall determine the deadline for public schools to report the information required in this section; provided, that it is the intent of the general assembly

that the information be reported and made publicly available before the start of each school year to allow students and parents to make informed educational decisions. Notwithstanding this subsection (f) to the contrary, the department shall make the information reported to the department pursuant to this section available to the public through the online database described in subsection (e) no later than July 1, 2027.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(iii), is amended by deleting the last sentence of the subdivision and substituting instead the following:

LEAs and public charter schools may also allow teachers to use the results from state-adopted benchmark assessments as a measure of student achievement.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (xi) and substituting instead the following:

(xi)

(a) LEAs and public charter schools may allow teachers in the non-tested grades kindergarten through two (K-2) to use the results of the Tennessee universal reading screener described in § 49-1-905(c), as an approved alternative growth model to generate individual growth scores for teachers pursuant to the evaluation guidelines developed by the department.

(b) If a state-provided universal reading screener is administered to pre-kindergarten students at an LEA or public charter school, then the LEA or public charter school shall allow the pre-kindergarten teacher whose students were administered the screener to use the results of the screener as an approved alternative growth model for purposes of § 49-6-105(e) or the pre-k/kindergarten portfolio growth model to generate individual growth scores for teachers pursuant to the evaluation guidelines developed by the department.

SECTION 4. Tennessee Code Annotated, Section 49-1-903(8)(A), is amended by deleting "a universal reading screener" and substituting "the Tennessee universal reading screener".

SECTION 5. Tennessee Code Annotated, Section 49-1-905, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) Each LEA and public charter school shall annually administer the Tennessee universal reading screener to each student in kindergarten through grade three (K-3) during each of the three (3) administration windows established by the department.

(2) The department shall provide the Tennessee universal reading screener at no cost to LEAs or public charter schools. The Tennessee universal reading screener:

(A) Must be appropriate for students in pre-kindergarten through grade three (pre-K-3);

(B) May be administered to pre-kindergarten students; and

(C) May be used by LEAs and public charter schools to comply with the dyslexia screening requirements established in § 49-1-229 and with the universal screening requirements established in Tennessee's RTI² framework manual.

(3) The department shall determine the reading proficiency level scores required for the Tennessee universal reading screener.

(4) The results of the Tennessee universal reading screeners administered to students must not be used to assign accountability determinations for an LEA or school.

(5) Each LEA and public charter school shall submit the results of each Tennessee universal reading screener administered to students to the department. All student information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other applicable state and federal privacy laws.

SECTION 6. Tennessee Code Annotated, Section 49-1-905, is amended by deleting "universal reading screener" in subsection (d) and substituting "Tennessee universal reading screener"; by deleting "a universal reading screener" in subdivision (e)(1) and substituting "the Tennessee universal reading screener"; and by deleting subdivision (f)(3).

SECTION 7. Tennessee Code Annotated, Section 49-5-5619(a)(3)(F), is amended by deleting "universal reading screeners" and substituting "the Tennessee universal reading screener, as defined in § 49-1-903,".

SECTION 8. Tennessee Code Annotated, Section 49-6-903(a), is amended by deleting "the universal reading screener" and substituting "the Tennessee universal reading screener" and by deleting "a universal reading screener" and substituting "the screener".

SECTION 9. Tennessee Code Annotated, Section 49-6-1502, is amended by deleting "universal reading screener, or," in subdivisions (6)(A)(iv) and (6)(C)(iv) and substituting "or,".

SECTION 10. Tennessee Code Annotated, Section 49-6-1508, is amended by deleting "the Tennessee universal reading screener, or a universal reading screener approved by the state board of education" in subsection (b) and substituting "or the Tennessee universal reading screener" and by deleting subsection (d) and substituting instead the following:

(d)

(1) LEAs and public charter schools may allow teachers in the non-tested grades kindergarten through two (K-2) to use the results of the Tennessee universal reading screener as described in § 49-1-905(c), as an approved

alternative growth model to generate individual growth scores for teachers pursuant to the evaluation guidelines developed by the department.

(2) If a state-provided universal reading screener is administered to pre-kindergarten students at an LEA or public charter school, then the LEA or public charter school shall allow the pre-kindergarten teacher whose students were administered the screener to use the results of the screener as an approved alternative growth model for purposes of § 49-6-105(e) or the pre-k/kindergarten portfolio growth model to generate individual growth scores for teachers pursuant to the evaluation guidelines developed by the department.

SECTION 11. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

49-6-6018. Assessment review board.

(a) There is established an assessment review board to annually review, under the direction of the department of education, the Tennessee comprehensive assessment program (TCAP) tests administered to students in the most recent school year. The review board must have full and complete access to the performance, results, and scores of students on the assessments under its review, as well as full and complete access to any assessment item for which sixty-five percent (65%) or more of the students who were administered the assessment scored incorrectly to identify any general themes, patterns, or areas of concern that may require teachers and schools to revise or expand instructional practices to achieve student success.

(b) The assessment review board consists of nine (9) public school teachers selected and appointed as follows:

(1) The governor shall appoint three (3) public school teachers, one (1) appointed from each grand division of this state who serves as a classroom teacher for students in one (1) of each of the following grade bands:

- (A) Grades three through five (3-5);
- (B) Grades six through eight (6-8); and
- (C) Grades nine through twelve (9-12);

(2) The speaker of the senate shall appoint three (3) public school teachers, one (1) appointed from each grand division of this state who serves as a classroom teacher for students in one (1) of each of the following grade bands:

- (A) Grades three through five (3-5);
- (B) Grades six through eight (6-8); and
- (C) Grades nine through twelve (9-12); and

(3) The speaker of the house of representatives shall appoint three (3) public school teachers, one (1) appointed from each grand division of this state who serves as a classroom teacher for students in one (1) of each of the following grade bands:

- (A) Grades three through five (3-5);
- (B) Grades six through eight (6-8); and
- (C) Grades nine through twelve (9-12).

(c) The commissioner of education shall convene the first meeting of the assessment review board, and shall convene no less than three (3) meetings of the assessment review board each year. Representatives from the department of education and the state board of education with knowledge of, and experience in, the development and administration of the TCAP tests annually administered to students in all grades and

subjects, and with knowledge of how student proficiency in the state academic standards tested on each annual TCAP test is determined, shall attend each meeting.

(d) Members of the assessment review board serve on the board until the member vacates the member's position on the board or until the member is notified, in writing, by the respective appointing authority that another public school teacher is being appointed to serve on the assessment review board in the member's stead.

(e) The assessment review board is administratively attached to the department.

(f) Members of the assessment review board serve without compensation, but may receive reimbursement for travel expenses in accordance with the comprehensive state travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(g) The department of education may require each member of the assessment review board to execute a nondisclosure or confidentiality agreement before the member has access to TCAP test items or any information pertaining to the performance, results, or scores of students on any of the TCAP tests that may be reviewed. If a member refuses to execute a nondisclosure or confidentiality agreement required by the department, then the member vacates the member's position on the assessment review board and the respective appointing authority shall appoint another public school teacher who meets the required criteria to serve on the assessment review board.

SECTION 12. Tennessee Code Annotated, Section 4-29-249(a), is amended by inserting the following as a new subdivision:

() Assessment review board, created by § 49-6-6018;

SECTION 13. 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 14. Sections 2-10 of this act take effect July 1, 2026, the public welfare requiring it, and apply to the 2026-2027 school year and each school year thereafter. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB2403

White
Signature of Sponsor

AMEND Senate Bill No. 2403*

House Bill No. 2277

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Local assessment" means a standardized test or assessment selected by an LEA or public school that is administered to students at the sole direction of the LEA or public school. "Local assessment" does not include:

(A) A Tennessee comprehensive assessment program (TCAP) test or any other standardized assessment or screener administered to students by an LEA or public school pursuant to state law or any rule of the state board of education or the department of education; or

(B) An assessment, test, assignment, project, or quiz that is administered only to students in certain classrooms at the direction of the classroom teacher for purposes of assessing student proficiency in a subject, branch of a subject, or in the curricula or instructional materials assigned to students in the classroom; and

(2) "Public school" means:

(A) A public school that is managed and controlled by the local board of education for an LEA; and

(B) A public charter school, as defined in § 49-13-104.

(b) Each public school shall annually submit to the department of education a list of all local assessments administered to the students enrolled in the public school each school year, and the schedule for when each such local assessment is administered.

(c) The list submitted to the department must include the:

(1) Name of the local assessment, if applicable, or a description of the purpose of the local assessment;

(2) Subject area and grade level of the local assessment; and

(3) Administration schedule for the local assessment.

(d) The department shall develop a standardized form that all public schools must use to provide the information required pursuant to this section.

(e)

(1) The department shall compile the local assessment information reported pursuant to this section and make the information available to the public through an online database accessible through the department's website.

(2) The online database must:

(A) Clearly identify each local assessment administered by each public school, disaggregated by grade level and subject, as applicable;

(B) Present the information in a clear and consistent manner that allows students and parents to compare local assessment information across multiple schools and school districts; and

(C) Include the local assessment calendar for each public school, identifying on the calendar when each local assessment reported to the department pursuant to this section is administered.

(f) The department shall determine the deadline for public schools to report the information required in this section; provided, that it is the intent of the general assembly that the information be reported and made publicly available before the start of each school year to allow students and parents to make informed educational decisions.

Notwithstanding this subsection (f) to the contrary, the department shall make the information reported to the department pursuant to this section available to the public through the online database described in subsection (e) no later than July 1, 2027.

SECTION 2. Tennessee Code Annotated, Section 49-6-1508, is amended by adding the following as a new subsection:

(e)

(1) The department shall create a framework to determine a student's projected proficiency level on the English language arts (ELA) portion of the Tennessee comprehensive assessment program (TCAP) test based on the student's performance on the Tennessee universal reading screeners administered to the student during the school year.

(2) Each vendor that provides a universal reading screener that is approved by the state board of education and that is being administered by an LEA or public charter school to comply with § 49-1-905(c), shall create a framework to determine a student's projected proficiency level on the ELA portion of the TCAP test based on the student's results on the universal reading screeners administered to the student during the school year. Each vendor shall submit the framework required in this subdivision (e)(2) to the department.

SECTION 3. Tennessee Code Annotated, Section 49-1-905(c)(6), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B) The department shall publish on the department's website the percentage of students who attained each projected proficiency level for the English language arts portion of the Tennessee comprehensive assessment program (TCAP) test based on the frameworks created pursuant to § 49-6-1508(e).

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

49-6-6018. The assessment review board for the Tennessee comprehensive assessment program.

(a) There is established the assessment review board for the Tennessee comprehensive assessment program, to annually review, under the direction of the department of education, the Tennessee comprehensive assessment program (TCAP) tests administered to students in the most recent school year. The assessment review board must have full and complete access to the performance, results, and scores of students on the assessments under its review, as well as full and complete access to any assessment item for which sixty-five percent (65%) or more of the students who were administered the assessment scored incorrectly to identify any general themes, patterns, or areas of concern that may require teachers and schools to revise or expand instructional practices to achieve student success.

(b) The assessment review board consists of nine (9) public school teachers selected and appointed as follows:

(1) The governor shall appoint three (3) public school teachers, one (1) appointed from each grand division of this state who serves as a classroom teacher for students in one (1) of each of the following grade bands:

- (A) Grades three through five (3-5);
- (B) Grades six through eight (6-8); and
- (C) Grades nine through twelve (9-12);

(2) The speaker of the senate shall appoint three (3) public school teachers, one (1) appointed from each grand division of this state who serves as a classroom teacher for students in one (1) of each of the following grade bands:

- (A) Grades three through five (3-5);
- (B) Grades six through eight (6-8); and
- (C) Grades nine through twelve (9-12); and

(3) The speaker of the house of representatives shall appoint three (3) public school teachers, one (1) appointed from each grand division of this state who serves as a classroom teacher for students in one (1) of each of the following grade bands:

- (A) Grades three through five (3-5);
- (B) Grades six through eight (6-8); and
- (C) Grades nine through twelve (9-12).

(c) The commissioner of education shall convene the first meeting of the assessment review board, and shall convene no less than three (3) meetings of the assessment review board each year. Representatives from the department of education and the state board of education with knowledge of, and experience in, the development and administration of the TCAP tests annually administered to students in all grades and subjects, and with knowledge of how student proficiency in the state academic standards tested on each annual TCAP test is determined, shall attend each meeting.

(d) Members of the assessment review board serve on the board until the member vacates the member's position on the board or until the member is notified, in writing, by the respective appointing authority that another public school teacher is being appointed to serve on the assessment review board in the member's stead.

(e) The assessment review board is administratively attached to the department.

(f) Members of the assessment review board serve without compensation, but may receive reimbursement for travel expenses in accordance with the comprehensive state travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(g) The department of education may require each member of the assessment review board to execute a nondisclosure or confidentiality agreement before the member has access to TCAP test items or any information pertaining to the performance, results, or scores of students on any of the TCAP tests that may be reviewed. If a member

refuses to execute a nondisclosure or confidentiality agreement required by the department, then the member vacates the member's position on the assessment review board, and the respective appointing authority shall appoint another public school teacher who meets the required criteria to serve on the assessment review board.

SECTION 5. Tennessee Code Annotated, Section 4-29-249(a), is amended by inserting the following as a new subdivision:

() The assessment review board for the Tennessee comprehensive assessment program, created by § 49-6-6018;

SECTION 6. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 7. Sections 2 and 3 of this act take effect July 1, 2026, the public welfare requiring it, and apply to the 2026-2027 school year and each school year thereafter. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB2277

Hicks G
Signature of Sponsor

AMEND Senate Bill No. 2403*

House Bill No. 2277

by deleting § 49-6-6018(f) in Section 4 and substituting:

(f) Members of the assessment review board serve without compensation and are not entitled to receive reimbursement for travel expenses.

Amendment No. 3 to HB2277

Bulso
Signature of Sponsor

AMEND Senate Bill No. 2403*

House Bill No. 2277

by deleting Sections 6 and 7 and substituting:

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

49-6-8201. Short title.

This part is known and may be cited as the "Protecting Religious Liberty and Expression in Public Schools Act."

49-6-8202. Findings.

The general assembly finds and determines that:

(1) Nativists were deeply prejudiced against ecclesiastical organizations and especially the Catholic Church;

(2) Nativists gave expression and force to these anti-Catholic animosities by advocating the notion of separation of church and state;

(3) The idea of separation of church and state departs from the religious liberty guaranteed by the Constitution of Tennessee and the religious liberty guaranteed by the United States Constitution by restricting not only government but also religion and by discriminating against churches and other ecclesiastical religion, in contrast to more individualistic spirituality;

(4) Nativists promoted notions of generically "American" liberties, which flattened out the difference between state and federal rights, and which laid a foundation for the supreme court's decisions incorporating the First Amendment's Establishment Clause against the states;

(5) Nativists thereby inculcated the idea that states must conform to the so-called separation of church and state;

(6) Nativists sought to place limits on the election and lobbying speech of churches;

(7) The supreme court of the United States in 1947, in an opinion written by Justice Hugo Black, a former Klansman, incorporated the First Amendment's Establishment Clause against the states and interpreted it to require separation of church and state;

(8) The Establishment Clause decisions of the supreme court of the United States have ever since been infected with discriminatory ideas of separationism;

(9) The decisions of the supreme court of the United States have ever since incorporated the Establishment Clause against the states in ways that suppress state conceptions of disestablishment that are more tolerant and respectful of religious liberty;

(10) The Blaine Amendments that appear in many state constitutions are a product of the nativist, anti-Catholic sentiments that undergirded and propagated the idea of separationism and, moreover, violate the Free Exercise Clause of the United States Constitution, as interpreted by the supreme court's recent decisions in *Espinoza v. Montana Dept. of Revenue*, 591 U.S. 464 (2020), and *Carson v. Makin*, 596 U.S. 767 (2022);

(11) The Establishment Clause of the United States Constitution restricts only laws enacted by congress, and the Fourteenth Amendment of the United States Constitution offers no support for requiring states to comply with the restrictions that the Establishment Clause imposes on congress;

(12) This legislature enjoys the power to extend protection to religious liberty and freedom of expression and to provide redress against deprivations of these liberties; and

(13) This state seeks compliance with the First Amendment and opportunities to bring questions about its meaning before the courts.

49-6-8203. Part definition.

As used in this part, "public school" means a school in this state that serves students in any of the grades kindergarten through twelve (K-12) and that is operated by an LEA, by this state with public funds, or pursuant to a charter agreement, as defined in § 49-13-104.

49-6-8204. Period of prayer.

(a) A public school shall provide its students and employees with an opportunity to participate in a designated period of prayer on each school day in accordance with this section.

(b) A public school shall adopt and implement a policy for purposes of implementing the requirement in subsection (a) that:

(1) Prohibits a student or employee of the public school from participating in the period of prayer unless the employee or the parent or guardian of the student or the student, if the student is eighteen (18) years of age or older, submits to the LEA or public charter school a signed consent form that includes:

(A) An acknowledgment that the student, parent, or employee has the choice of whether to participate in the period of prayer;

(B) A statement that the person has no objection to participating, or the parent's student participating, in or hearing the prayers; and

(C) An agreement to arbitrate any legal claim that arises out of or in any way relates to the adoption of a policy under this section, including

a claim under the Establishment Clause of the First Amendment to the United States Constitution or a related state or federal law;

(2) Prohibits the provision of a prayer over a public address system;

(3) Specifies that a period of prayer shall not be a substitute for instructional time;

(4) Ensures a prayer is not provided in the physical presence of, within the hearing of, or in any other manner that would constitute an injury in fact within the meaning of the United States Constitution or the Constitution of Tennessee to a person who has not consented pursuant to subdivision (b)(1) or who has revoked the person's consent pursuant to subsection (c) and has not submitted a new form of consent pursuant to subdivision (c)(1); and

(5) May require that the period of prayer be provided:

(A) Before regular school hours; and

(B) By any other method recommended by the attorney general and reporter or legal counsel for the district or school.

(c) An employee or parent or guardian of a student or the student, if the student is eighteen (18) years of age or older, may revoke the person's consent provided pursuant to subdivision (b)(1) by informing the appropriate school administrator, as determined by the public school, of the revocation. An employee or student for whom consent is revoked pursuant to this subsection (c):

(1) Shall not participate in the designated period of prayer required pursuant to subsection (a) unless the employee, parent or guardian of the student, or the student, if the student is eighteen (18) years of age or older, submits to the LEA or public charter school a new consent form in accordance with subdivision (b)(1); and

(2) Remains bound by the agreement to arbitrate in subdivision (b)(1)(C).

(d) This section does not prohibit a student or employee of the LEA or public charter school from participating in prayer during a period of the school day that is not designated as a period of prayer under this section.

SECTION 7. 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 8. 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 9. Sections 2, 3, and 6 of this act take effect July 1, 2026, the public welfare requiring it, and apply to the 2026-2027 school year and each school year thereafter. All other sections of this act take effect upon becoming a law, the public welfare requiring it.