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Nashville - Memphis



Legislative Report  
Tennessee Principals Association  
April 23, 2010

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# Tennessee Principals Association (TPA)

## WEEKLY LEGISLATIVE REPORT

*Friday, April 23, 2010*

Below is a legislative update which includes legislation of interest to public education and TPA. Hyperlinks to the full text of each bill were added for your convenience. To utilize this feature, hold down the “control” key while clicking on the link with your mouse.

### ***Highlights for the Week of April 19, 2010***

#### **Budget, budget, budget**

As mentioned last week, the General Assembly’s focus for the remainder of the legislative session will be on budgetary matters. Little took place this week in terms of actions on legislation, as the House cancelled all meetings on Wednesday to allow members to attend the funeral of noted civil rights activist, Benjamin Hooks, in Memphis.

Be sure to review the calendars below for upcoming activity pertaining to public education. All contact information for committee members and other legislators may be found on the General Assembly website – [www.capitol.tn.gov](http://www.capitol.tn.gov). You can also watch committee hearings and floor session live through video streaming.

# *Calendars of Interest*

## *Week of April 26, 2010*

*Numbers in the left column indicate placement of bill on calendar.*

### **House Floor -- Monday at 4:00 pm -- House Chamber**

THIS IS NOT THE OFFICIAL CALENDAR. The following reflects action taken in Calendar & Rules and previous House floor sessions.

19. HB [3762](#) **EDUCATION: Civic classes to be taught in high school.** Requires the course of instruction in all public schools on the high school level to contain courses and content to educate children in the United States government. AMENDMENT: Senate amendment 1 changes "requires" to "urges". (SENATE: SB 3432, Tracy; Senate 04/19/2010 passed with amendment 1.) FISCAL NOTE: Dated: February 3, 2010 Increase state expenditures - not significant.

### **House Finance, Ways & Means Committee -- Tuesday at 1:30 pm -- LP 16**

MEMBERS: Chair Fitzhugh (D), Vice Chair Sargent (R), Secretary Shaw (D), Armstrong (D), Bone (D), H. Brooks (R), K. Brooks (R), Brown (D), Casada (R), Coleman (D), L. DeBerry (D), Dunn (R), Eldridge (R), Harrison (R), C. Johnson (R), Maddox (D), Maggart (R), McDaniel (R), McManus (R), L. Miller (D), Montgomery (R), Mumpower (R), Naifeh (D), Odom (D), Roach (R), Rowland (R), Sontany (D), Tindell (D), M. Turner (D), Winningham (D).

22. HB [0059](#) **EDUCATION: Health insurance coverage for K-12 students.** Requires the department of education, in consultation with the department of health, to establish minimum guidelines for health insurance coverage required for attendance in K-12 schools. Beginning in academic year 2010-2011, requires student or student's parent or guardian to submit proof of health insurance prior to the start of classroom instruction for the academic year. Broadly captioned. AMENDMENT: Senate Commerce amendment 1 makes the bill. Authorizes the Cover Tennessee program to request and requires that the local education agencies provide student directory information in order to assist Cover TN in ascertaining health insurance coverage for students in public schools. Clarifies that any release of information to Cover TN must be made consistent with board policies governing the release of student directory information. House Education K-12 Subcommittee amendment 1 is the same as Senate Commerce amendment 1, but House's version changes the effective date to July 1, 2010. House Education amendment 1 deletes all language after the enacting clause of the original bill. Authorizes the Cover Tennessee program to request local education agency (LEA) student directory information in order for Cover Tennessee to help uninsured children obtain coverage and requires LEAs to provide this information. House Education amendment 2 changes the effective date to July 1, 2010. (SENATE: SB 0897, Burks; Re-referred to Senate Calendar Committee 05/11/2009.) FISCAL NOTE: Dated: March 18, 2009 Increase state expenditures - \$31,145,526. Increase local expenditures - \$6,895,200. Increase federal expenditures - \$91,208,170. Other Fiscal Impact - Approximately 13,746 families will be required to buy into the Cover Kids program at a total annual cost of approximately \$41,981,784.

23. [HB 3130](#)  
Harwell **EDUCATION: Code of ethics for public school teachers.** Requires the state board of education to establish and adopt a code of ethics for public school teachers in order to define conduct that is unbecoming to a teacher. **AMENDMENT:** Senate amendment 1, House Education Committee amendment 1 deletes all language after the enacting clause of the original bill. Places a specific code of ethics for all K-12 public education teachers into the law. Includes violation of this code of ethics under the current definition of what conduct unbecoming a member of the teaching profession may consist of. Deletes language that includes violation of the code of ethics of the Tennessee Education Association (TEA) under the current definition of what conduct unbecoming a member of the teaching profession may consist of. (SENATE: SB 2416, Gresham; Senate 03/03/2010 passed with amendment 1.) **FISCAL NOTE:** Increase State Expenditures - \$6,000/One-Time.
33. [HB 2975](#)  
Fitzhugh **PUBLIC EMPLOYEES: Long-term care benefits program for education employees.** Requires the state insurance committee to provide opportunity for eligible local education employees to participate in the long-term care benefits program. **AMENDMENT:** Council on Pensions and Insurance amendment 1 changes the effective date to July 2011 with first implementation in January 2012 and includes local subdivisions. (SENATE: SB 2908, McNally; Set for Senate Finance, Ways & Means Committee 04/27/2010.) **FISCAL NOTE:** Dated: February 25, 2010 Increase local expenditures - exceeds \$100,000/one-time/permissive. Council on Pensions and Insurance: Council on Pensions and Insurance recommended for passage with the additional remarks that this bill would require that the State Insurance Committee provide an opportunity for employees of local education agencies to enroll in the long-term care plan available to state employees. It was amended to provide that the long-term care coverage be effective January 1, 2012 and to expand the authorization to include employees of entities participating in the Local Government Plan. The fiscal impact of this bill is approximately \$50,000 in administrative costs.

## House Finance Budget Subcommittee -- Wednesday at 10:30 am -- LP 29

Please Note: HB 2781 has been added to the Subcommittee Addendum. **MEMBERS:** Chair Tindell (D), Vice Chair Sargent (R), Armstrong (D), L. DeBerry (D), Fitzhugh (D), Harrison (R), McDaniel (R), Montgomery (R), Mumpower (R), Naifeh (D), Odom (D), Roach (R), Rowland (R), Shaw (D).

2. [HB 3200](#)  
Winningham **EDUCATION: Extracurricular students: random drug testing.** Establishes that students participating in extracurricular activities may randomly be tested for illegal drugs without individualized reasonable suspicion as long as previous legal requirements are followed. Requires LEAs testing students for drugs to create policies and procedures for assisting and counseling students testing positive for illegal drug use. **AMENDMENT:** House Education amendment 1, Senate Education amendment 1 specifies that the student testing positive must receive an assessment to determine the severity of the problem, instead of merely counseling. Requires LEAs to provide notice of random testing to all parents or guardians of students involved in extracurricular activities, provide parents or guardians notice of when a student is selected, and receive a parent's or guardian's written consent to randomly test a student. (SENATE: SB 2621, Tracy; Re-referred to Senate Finance, Ways & Means from the Senate Floor 04/05/2010.) **FISCAL NOTE:** Dated: February 9, 2010 Increase local expenditures - \$355,200/permissive.

70. HB [0285](#)  
Coley

**EDUCATION: Curriculum for the instruction of the Chinese language.** Requires the commissioner of education and the state board of education to approve a curriculum for the instruction of Chinese. Encourages LEAs to offer instruction on the Chinese language. AMENDMENT: House Education Committee amendment 1 requires the commissioner of education, the Tennessee higher education commission, the University of Tennessee system, and the board of regents to work with the Confucius Institute at the University of Memphis and Middle Tennessee State University to establish Chinese classrooms in public schools and public institutions of higher education. Requires the commissioner and the executive director of the Tennessee higher education commission to report their findings and cost savings to the state before February 1, 2011. House Education K-12 amendment 1 changes "requires" to "urges." (SENATE: SB 0238, Gresham; Re-referred to Senate Calendar Committee 03/31/2010.) FISCAL NOTE: Dated: March 9, 2009 Increase state expenditures - not significant Increase local expenditures - exceeds \$388,800/permissive.

71. HB [0209](#)  
Coley

**EDUCATION: Foreign language proficiency test for high school students.** Requires graduating high school students who have completed coursework in a foreign language to take a foreign language proficiency test. Requires the state board of education to establish a test for each foreign language that is taught in Tennessee public schools. Also requires the tests to be approved by the commissioner of education and to provide educators with diagnostic information to assist in developing curriculum for the purposes of increasing foreign language proficiency and improving preparation for postsecondary achievement. AMENDMENT: Senate Education amendment 1 rewrites the bill. Requires the TN Department of Education, the University of Tennessee, and the Tennessee Board of Regents to study the Hanyu Shuiping Kaoshi proficiency tests in conjunction with the University of Memphis and Middle Tennessee State University. The study shall be performed for the purpose of establishing a pilot program modeled on the development of the HSK testing to be implemented at their respective levels of education. House Education amendment 1, as amended, rewrites the bill. Requires the TN Department of Education, the University of Tennessee, and the Tennessee Board of Regents to study the Hanyu Shuiping Kaoshi proficiency tests in conjunction with the University of Memphis and Middle Tennessee State University. The study shall be performed for the purpose of establishing a pilot program modeled on the development of the HSK testing to be implemented at their respective levels of education. (SENATE: SB 1472, Henry; Re-referred to Senate Calendar Committee 04/15/2010.) FISCAL NOTE: Dated: February 12, 2009 Increase State Expenditures - \$3,000,000/One-Time \$2,000,000/Recurring. Increase Local Expenditures - \$200,000/One-Time \$100,000/Recurring.

72. HB [2947](#)  
McManus

**EDUCATION: Credit for International Baccalaureate Diploma Programme.**

Requires each public institution of higher education that offers freshman-level courses to adopt and implement a policy to grant at least 24 semester credit hours in appropriate subject areas to entering freshmen for successful completion of the International Baccalaureate Diploma Programme. Allows an institution to grant fewer than 24 semester credit hours if a student received a score of less than four on an examination administered as part of the diploma program. Establishes institutional policy for granting course credit. Creates within the state treasury an account to be administered by the department of education and to be known as TN International Baccalaureate Incentive account. AMENDMENT: Senate amendment 1, House Education Committee amendment 1 deletes all language after the enacting clause of the original bill. Authorizes schools to establish an International Baccalaureate (IB) or Advanced Placement (AP) fund account. Any money placed in these accounts from donations made to the school for IB or AP programs shall be used exclusively for those programs. Requires principals of schools establishing an IB or AP account to appoint a committee that will determine the best use of these funds. House Higher Education Subcommittee amendment 1 changes "shall" to "may". (SENATE: SB 3304, Kelsey; Senate 04/12/2010 passed with amendment 1.) FISCAL NOTE: Dated: February 26, 2010 Increase state expenditures - \$813,700. Increase local expenditures - not significant.

77. HB [3334](#)  
Brooks, Harry

**EDUCATION: Establishes financial literacy program.** Requires the department of the treasury to develop and administer a financial literacy program for the purpose of improving the financial literacy and education of the state's citizens. AMENDMENT: Senate State & Local Government Committee amendment 1 rewrites bill to create the Tennessee Financial Literacy Commission for the purpose of implementing financial literacy educational programs for elementary school students and their parents and the promotion of financial literacy in college savings. Specifies that the commission will be administered by a board of directors. Also specifies membership, terms and duties of board of directors. Senate Finance Committee amendment 1 adds language specifying that nothing in this part shall be construed as a waiver of the State's 11th Amendment immunity or of the State's sovereign immunity for the commission, the corporation, its directors, officers or employees. This amendment also adds sunset date of June 30, 2012. House Education Committee amendment 1 rewrites the bill. Creates the Tennessee Financial Literacy Commission (TFLC) for the purpose of raising funds, developing, managing, and implementing various programs related to financial literacy. Authorizes the TFLC to organize as a non-profit corporation. Specifies various powers, purposes and responsibilities of the TFLC. Creates an eleven-member Board of Directors for the TFLC consisting of three ex officio members and eight non-ex officio members. Requires the Board to be attached to the Department of Treasury for all administrative purposes, including fiscal and personnel operations. (SENATE: SB 3234, Gresham; Senate Finance, Ways & Means 04/13/2010 recommended with amendment.) FISCAL NOTE: Dated: March 4, 2010 Increase state revenue - not significant. Increase state expenditures - not significant.

78. HB [3693](#)  
Brooks, Harry

**EDUCATION: Report on system of competitive grants.** AMENDMENT: House Education amendment 1, Senate Education amendment 1 deletes all language after the enacting clause of the original bill. Requires the Department of Education (DOE) to establish, administer, and monitor a three-year pilot project of competitive grants for middle school after school and summer educational programs. Requires the DOE to award these grants to non-profit and public organizations that target middle school age students enrolled in public schools. Directs that grant priority be given to certain community based organizations that partner with one or more LEAs to conduct a pilot program or incorporate state-wide partnerships. Requires that grant seeking organizations operate or propose to operate a program that operates an average of 20 hours a week after school, 40 hours per week during the summer, and a minimum of 210 days per year. Sets forth requirements for eligible programs including which students to target, what skills the program should teach, and enrollment requirements and priorities. Requires grant recipients to certify to DOE, organizational matching funds at a ratio of two dollars of funding for each grant dollar received. Requires that federal funds contributed toward the program may not be used as matching funds. Sets forth facility requirements and authorizes program sites to serve students that attend more than one school. Requires each program to establish a transportation plan and for program staff to have access to training and professional development. Requires grantees to participate in tracking student progress in the program and evaluation of program success. Authorizes DOE or schools with participating students to use on-site monitoring to evaluate the program. Requires grantees to submit quarterly updates and annual progress reports to DOE. Requires DOE to make a report on the pilot program to the Education Committees of the General Assembly by December 1 each year. Requires five grants to be awarded. Requires the total of the five grants not to exceed \$15,000,000 over the three-year period and not exceed \$5,000,000 each year. Requires grants to be awarded for the 2010-11 school year. Authorizes the State Board of Education (SBOE) to make rules and regulations for this grant program. (SENATE: SB 3630, Burchett; Senate Education 04/07/2010 recommended with amendment 1. Sent to Senate Finance, Ways & Means.) FISCAL NOTE: Dated: February 4, 2010 Increase state expenditures - not significant.

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