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Nashville - Memphis



Legislative Report
Tennessee Principals Association
April 9, 2010

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Tennessee Principals Association (TPA)

WEEKLY LEGISLATIVE REPORT

Friday, April 9, 2010

Below is a legislative update which includes legislation of interest to public education and TPA. If no companion bill is listed, one has not been filed. 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. This update is current through April 9, 2010.

Highlights for the Week of April 12, 2010

Senate committee, House subcommittee complete business

Both the Senate Education Committee and the House Education K-12 Subcommittee closed this week after spending several hours on Wednesday completing the business before them. Below are the highlights.

Elected superintendents

By a surprising margin, the House K-12 Subcommittee approved legislation permitting the election of school superintendents – but only in those systems that had elected superintendents in 1992 (prior to the Education Improvement Act). The bill was approved by a 7 to 3 vote. The bill, HB 15, now travels to the full House Education Committee. However, the Senate companion bill, SB 13, has not been heard by the Senate Education Committee, which is now closed. Assuming the Senate Education Committee will not re-open this year, this particular bill appears dead.

Another bill – SB 908 – allowing elected superintendents failed this week in the Senate Education Committee after receiving no motion.

TCAP testing window

Legislation was approved in both the House K-12 Subcommittee and the Senate Education Committee this week addressing TCAP testing issues. In a nutshell, the bill, as amended, requires the local board of education to adopt a policy by which student scores on the TCAP tests (grades 3-8) must comprise no less than 15 percent or more than 25 percent of the student’s final grade for the spring semester in the subject areas of math, reading/language arts, science and social studies.

In addition, the bill specifies that beginning with the 2011-2012 school year, the TCAP testing window for grades three through eight will be two weeks and begin no earlier than the first Monday occurring on or after April 22 and administered only after the completion of 150 days of instruction.

As has been reported in previous updates, there has also been a push to mandate that the school year begin after Labor Day; however, the bill that specifically addressed this particular concept died in the Senate Education Committee this week when it failed to receive a motion.

It is possible that an additional amendment could be placed on the TCAP testing window legislation to address starting dates, although it appears unlikely at this point.

Vouchers

Legislation establishing a voucher program applicable to Memphis City Schools failed this week in the Senate Education Committee.

School Safety

Addressing a recent school tragedy involving an alleged mentally unstable teacher, House and Senate committees this week approved legislation prohibiting such individuals from receiving a teaching license or entering an approved teacher training program. Obviously, there must be some judicial determination or other proof of the mental condition.

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. You can also watch committee hearings and floor session live through video streaming.

Calendars of Interest

Week of April 12, 2010

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

Senate Floor -- Monday at 5:00 pm -- Senate Chamber

80th Legislative Day.

11. SB [3304](#)
Kelsey **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 Education 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". (HOUSE: HB 2947, McManus; Set for House Education Committee 04/14/2010.) **FISCAL NOTE:** Dated: February 26, 2010 Increase state expenditures - \$813,700. Increase local expenditures - not significant.
12. SB [3311](#)
Kelsey **EDUCATION: Students allowed to take textbooks home.** Requires students to be permitted to take textbooks specifically issued to the student home in order to study. (HOUSE: HB 3711, Towns; House passed 04/05/2010.) **FISCAL NOTE:** Dated: February 4, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant.
20. SB [3875](#)
Stewart E. **EDUCATION: LEA textbook requirements - broad caption.** **AMENDMENT:** Senate Education amendment 1 deletes all language after the enacting clause of the original bill. Prohibits persons who have been adjudicated as a mental defective, been judicially committed to or hospitalized in a mental institution, has had a court appoint a conservator for reasons of mental illness, developmental disability, or other mental defect, or has within seven years of the application date, been found by a court to pose a immediate substantial likelihood of serious harm because of mental illness from receiving a teaching license or entering an approved teacher training program. House Education K-12 Subcommittee amendment 1 requires that no person can teach if that person has ever been committed to a mental institution, adjudicated with mental ability issues, or has a record of mental ability issues. (HOUSE: HB 3794, Winningham; Set for House Education Committee 04/14/2010.) **FISCAL NOTE:** Dated: February 19, 2010 Increase expenditures - not significant.

House Education Committee -- Wednesday at 11:00 am -- LP 16

Last Calendar. Per announcement on the House floor 4/8/2010, the Committee will have additional time to meet. MEMBERS: Chair H. Brooks (R), Vice Chair Winningham (D), Secretary Coley (R), Barker (D), K. Brooks (R), Brown (D), Cooper (D), J. DeBerry (D), Dunn (R), Harwell (R), Hawk (R), Haynes (R), Hensley (R), Hill (R), U. Jones (D), Lollar (R), Maddox (D), Pitts (D), Towns (D), J. Turner (D), Weaver (R), Windle (D).

1. HJR [1005](#)
Kernell
EDUCATION: International education at higher education institutions. States the general assembly's position that they recognize the economic, cultural, and social importance of promoting international education at Tennessee's public institutions of higher education and urges both the Tennessee Board of Regents and the University of Tennessee system to review and adjust current graduation requirements to emphasize international education.
2. HB [1371](#)
Kernell
EDUCATION: Guidelines for inclusion of foreign language in K-6. Requires the state board of education to develop guidelines and criteria for the inclusion of foreign language instruction in grades kindergarten through six. AMENDMENT: Senate amendment 1 changes the effective date to July 1, 2010. (SENATE: SB 1075, Jackson; Senate 04/05/2010 passed with amendment 1.) FISCAL NOTE: Dated: March 6, 2009 Increase state expenditures - not significant.
3. HR [0302](#)
Kernell
EDUCATION: Promoting international education in TN higher education. Urges TBR and the UT systems to review and adjust current graduation requirements to emphasize international education.
4. HB [3474](#)
Kernell
EDUCATION: Funding of special school districts. Requires special school districts with contiguous boundaries with the city limits to specify by contract that city funding must be split equally between school district operations and maintenance/construction. AMENDMENT: House Education K-12 Subcommittee amendment 1 makes the legislation permissive if Memphis City Schools and Memphis City Government are in agreement. (SENATE: SB 3365, Marrero; Referred to Senate Education.) FISCAL NOTE: Dated: February 12, 2010 Other Fiscal Impact - LEAs may use up to one-half of their annual BEP local match for one-time bond issuance and recurring debt service and one-half of their annual BEP local match for instructional purposes. Money shifted from instructional purposes will be made up by a corresponding shift in funding to instructional purposes from other funding sources. The exact amount of one-half of the annual BEP local match and corresponding shift in other funding for instructional purposes for affected special and city schools is unknown but is expected to exceed an average of \$1,385,400 for special school districts annually.
5. HB [3499](#)
Hensley
EDUCATION: Staff at certain schools to be certified in CPR. Requires all staff members at the TN school for the blind, the TN school for the deaf, and the West TN school for the deaf to obtain and maintain certification in CPR. AMENDMENT: Senate Education amendment 1 requires that at least one person from each specified school get trained as a CPR trainer, and that trainer must train the rest of each school's faculty. (SENATE: SB 2789, Black; Senate Education 02/10/2010 recommended with amendment. Sent to Senate Finance.) FISCAL NOTE: Dated: February 8, 2010 Increase state expenditures - \$35,000

6. [HB 3503](#)
Fitzhugh **EDUCATION: Board of Regents: meeting requirements.** Requires the Board of Regents to meet at least annually, instead of the previous four times a year. Allows the board to call additional necessary meetings with five days notice to its board members. Allows the board to adjourn meetings to any date. AMENDMENT: Senate Education amendment 1 rewrites the bill. Eliminates the requirement that the TBR establish a policy requiring system and individual institution presidents and chancellors make quarterly reports of expenditures made by, at the direction of, or for the benefit of the president or chancellor. These reports will now be made annually. Requires UT and TBR perform risk-based internal financial audits of at least 30 percent of the offices of the respective system chancellors and offices of the institutional presidents of the individual campuses of the respective systems. These audits shall be reviewed by the Board of Trustees and the Comptroller of the Treasury. Audits shall be performed annually and furnished to the system governing body and the Comptroller of the Treasury by December 1 following the close of each fiscal year. Acknowledges MTAS, the Law Enforcement Innovation Center, and the Naifeh Center for Effective Leadership as part of the University of Tennessee's Institute for Public Service and defines how each entity should operate. Requires that any proceeds from the sale or liquidation of gifts, properties, holdings, mineral rights, or other assets of value from the University of Tennessee's Institute of Agriculture shall remain within the Institute's budget to be at the discretion of the Institute's chief officer. Prohibits proceeds from the sale of such properties used for research, demonstration or youth programs be used to fund the general operations of the university. (SENATE: SB 3680, McNally; Senate Education 04/07/2010 recommended with amendment 1.) FISCAL NOTE: Dated: February 1, 2010 Decrease state expenditures - not significant.
7. [HB 1870](#)
Brown **EDUCATION: Annual report on lottery for after school programs.** Adds chairs of the house and senate education committees as recipients of the annual report the commissioner of education is required to file on the lottery for education after school program's system of competitive grants and technical assistance. Broadly captioned. (SENATE: SB 0980, Berke; Senate passed 04/05/2010.) FISCAL NOTE: Dated: February 16, 2009 Increase State Expenditures - Not Significant.
8. [HB 2072](#)
DeBerry J. **EDUCATION: Occupational diploma for students with disabilities.** Requires the state board of education to create an occupational diploma for students with disabilities. (SENATE: SB 2126, Tate; Taken off notice in Senate Education 04/28/2009.) FISCAL NOTE: Dated: March 4, 2009 Increase state expenditures - \$6,000/one-time.
9. [HB 0377](#)
Coley **EDUCATION: Assessment of children's differing abilities.** Urges the state board of education to broaden its understanding of children's differing abilities, including areas other than logical mathematical and linguistic intelligence. (SENATE: SB 1746, Marrero; Referred to Senate Education.) FISCAL NOTE: Dated: March 16, 2009 Increase state expenditures - \$40,737,000/recurring \$391,000/One-time fy09-10 Increase local expenditures - exceeds \$500,000.

10. 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. (SENATE: SB 1472, Henry; Senate Education 04/07/2010 recommended with amendment 1.) 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.
11. HB [3875](#)
Jones U. **EDUCATION: Charter school task force findings report deadline.** Defers the date by which the comptroller shall report the charter school task force's findings and recommendations to the general assembly to February 2, 2011 from the original date of February 2, 2010. AMENDMENT: Senate Education Committee amendment 1 rewrites the bill. Alters the task force that studies the code chapter concerning education. Includes task force member makeup alterations and new duties for the comptroller. (SENATE: SB 3257, Tate; Set for Senate Floor 04/12/2010.) FISCAL NOTE: Dated: February 3, 2010 Increase state expenditures - not significant.
12. HB [3868](#)
Jones U. **EDUCATION: Charter school governing board members training sessions.** Requires all charter school governing board members to attend an annual training session or face potential removal from such board. AMENDMENT: House Education K-12 Subcommittee requires a report on training the charter school board members receive. (SENATE: SB 3254, Tate; Taken off notice in Senate Education 04/07/2010.) FISCAL NOTE: Dated: February 10, 2010 Increase state expenditures - not significant.
13. HB [3867](#)
Jones U. **EDUCATION: LEA policy pamphlets updates.** Requires that LEAs shall update their policy pamphlets every two years, rather than annually. (SENATE: SB 3255, Tate; Set for Senate Consent 2 04/12/2010.) FISCAL NOTE: Dated: February 10, 2010 Decrease local expenditures - not significant.
14. HB [3149](#)
Winningham **EDUCATION: Notification regarding consolidation of school systems.** Requires the department of education to notify the general assembly within 60 days of the consolidation of school systems. Permits notification to be made electronically. (SENATE: SB 3449, Yager; Senate Education 04/07/2010 recommended with amendment 1.) FISCAL NOTE: Dated: February 9, 2010 Minimal.
15. HB [3544](#)
Maddox **EDUCATION: Donation of school computers to low-income families.** Permits LEAs to donate computers removed from school inventories to low-income families in the school district. Requires memory on hard drives of such computers to be sanitized. (SENATE: SB 3425, Finney L.; Senate passed 04/05/2010.) FISCAL NOTE: Dated: February 9, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant/permissive.

16. HB [3546](#)
Maddox **EDUCATION: Submission of salary ratings.** Requires the director of schools to submit salary ratings to the commissioner of education by November 1 rather than December 1 of the school year for which the personnel are elected. (SENATE: SB 2819, Finney L.; Taken off notice in Senate Education 03/31/2010.) FISCAL NOTE: Dated: February 9, 2010 Increase local expenditures - not significant.
17. HB [0564](#)
Brooks, Harry **EDUCATION: Report on plan to reduce asthma in students.** Clarifies that the department of health is to report on the design of a comprehensive plan to reduce the burden of asthma on students. Requires the report to be made to the education committees of the house and senate in addition to the senate general welfare, health and human resources committee and the house health and human resources committee. AMENDMENT: Senate amendment 1, House Education K-12 amendment 1 rewrites the bill to require the POST commission, in consultation with the law enforcement training academy, to report to the select committee on education oversight on current law enforcement training and procedures for responding to violent school incidents in elementary and secondary schools and in postsecondary institutions. Requires report to be submitted by February 1, 2010. (SENATE: SB 0769, Burchett; Senate 05/04/2009 passed with amendment 1.) FISCAL NOTE: Dated: March 31, 2009 Increase state expenditures - not significant.
18. HB [3028](#)
Brooks, Harry **EDUCATION: Background checks required for coaching positions.** Requires all member schools in the TN School Athletic Association to perform a background check on any person applying for a position as an athletic coach or coaching assistant. Requires the applicant to such position to pay for the costs incurred by TBI in conducting the investigation. (SENATE: SB 2783, Burchett; Senate Education deferred to 03/24/2010.) FISCAL NOTE: Dated: February 18, 2010 Increase state expenditures - net impact - not significant. Increase state revenue - net impact - not significant.

19. [HB 3693](#)
Brooks, Harry **EDUCATION: Report on system of competitive grants.** Includes the chairs of the education and finance, ways and means committees of both the house and senate as recipients of the annual report of competitive grants and technical assistance. Broadly captioned. AMENDMENT: Senate Education amendment 1 rewrites the bill. Requires the TN Department of Education to establish, administer, and monitor a three-year pilot project of competitive grants for middle school after school and summer educational programs. Requires the department of education 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. 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. Grantees shall 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. DOE shall 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. The total of the five grants shall not exceed \$15,000,000 over the three year period and shall not exceed \$5,000,000 each year. Specifies that grants shall be awarded for the 2010-11 school year. Authorizes state board of education 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.
20. [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: SB 3234, Gresham; Set for Senate Finance, Ways & Means Committee 04/13/2010.) FISCAL NOTE: Dated: March 4, 2010 Increase state revenue - not significant. Increase state expenditures - not significant.

21. [HB 2759](#)
Brooks, Harry **EDUCATION: Board member vacancies: replacements by boards of education.** Requires local board of education members' vacancies to be replaced by the local board of education, instead of the local legislative body. Requires vacancies to be replaced within 30 days. (SENATE: SB 3066, Woodson; Taken off notice in Senate Education 04/07/2010.) FISCAL NOTE: Dated: January 28, 2010 Increase local expenditures - not significant.
22. [HB 3133](#)
Brooks, Harry **EDUCATION: Copies of report cards for parents.** Prohibits a parent whose parental rights have been terminated from being eligible to receive child's report card, notice of school attendance and other information from school concerning child. Broadly captioned. AMENDMENT: Senate amendment 1 deletes all language after the enacting clause of the original bill. Changes the number of days that parties may appeal to the county chancery court in a teacher dismissal or suspension case from 20 to 30 days. (SENATE: SB 3053, Woodson; Senate 04/05/2010 passed with amendment 1.) FISCAL NOTE: Dated: February 15, 2010 Decrease local expenditures - not significant.
23. [HB 0153](#)
Casada **EDUCATION: THEC's annual report on scholarship and grant programs data.** Adds the University of Tennessee System and the Tennessee Board of Regents to list of recipients of THEC's annual report on scholarship and grant programs data. (SENATE: SB 0271, Gresham; Referred to Senate Education.) FISCAL NOTE: Dated: February 16, 2009 Increase State Expenditures - Not Significant.
24. [HB 0015](#)
Ferguson **EDUCATION: Election of director of schools.** Permits the popular election of director of schools and outlines qualifications. AMENDMENT: House Education K-12 Subcommittee amendment 2 changes the effective date to July 1, 2010. (SENATE: SB 0013, Yager; Taken off notice in Senate Education 02/12/2009.) FISCAL NOTE: Dated: January 8, 2009 Increase local expenditures - exceeds \$100,000/permissive.
25. [HJR 0959](#)
Armstrong **EDUCATION: Accommodating non-traditional students.** Requires TBR and UT institutions to accommodate non-traditional students seeking to complete degrees by accepting completed coursework and credits to the extent consistent with the school's academic standards.

26. [HB 3014](#)
Sargent **PROFESSIONS & LICENSURE: No licensure renewal due to nonpayment of student loans.** Requires that any debtor found to be delinquent or in default on student loan payments will have their license suspended, denied or revoked. Requires TSAC or the guarantee agency to terminate the order to suspend, deny or revoke on the license once the debt is paid in full or the debtor has entered into a payment plan. Requires the TN Ethics Commission to accept any determination of default from TSAC or a guarantee agency after TSAC or such agency has afforded a debtor an opportunity to be heard. Requires a hearing request made by the debtor to be in writing and must be received by TSAC or the guarantee agency within 20 days of the notice being served. Broadly Captioned. (14 pp.) AMENDMENT: Senate Commerce amendment 1 rewrites the bill. Allows student loan debtors to enter into an agreement with TSAC to complete a service obligation, in addition to the option of a payment plan. Allows TSAC or the guarantee agency to consider whether the debtor is eligible for deferment, forbearance, or other options during the debtor-requested hearing. Adds a good cause component concerning whether the debtor fails to respond to TSAC and as part of the debtor's defense. Allows TSAC to consider other appropriate disciplinary actions. Adds other requirements to the notice of intent to file an order to affect the debtor's license. Authorizes TSAC to create regulations to determine whether licenses of specifically attorneys and all other licensed professions are in default. Senate Commerce amendment 2 exempts insurance producers who have not completed continuing education requirements within any period the license was surrendered to serve as the commissioner of commerce and insurance. (SENATE: SB 2650, McNally; Senate Commerce, Labor & Agriculture 03/30/2010 recommended with amendments 1 & 2. Sent to Senate Finance, Ways & Means.) FISCAL NOTE: Dated: February 2, 2010 Increase state expenditures - \$66,000.
27. [HB 2957](#)
Maggart **EDUCATION: Student's grade affected by TCAP score.** Requires a student's score on the TCAP test to be used as a percentage of the student's final grade in the subject tested. Requires such percentage to be determined by the department of education, but to be at least 15 percent. (SENATE: SB 2791, Black; Senate Education deferred to last calendar.) FISCAL NOTE: Dated: February 23, 2010 Increase state expenditures - \$50,000/one-time. \$450,000/Recurring. Increase local expenditures - \$39,510,000/one-time. \$6,585,000/Recurring*.
28. [HB 0777](#)
Turner M. **EDUCATION: Annual eye exams required for students.** Requires all children attending public K-12 schools to have an annual eye examination performed by a licensed ophthalmologist or optometrist. (SENATE: SB 0643, Marrero; Referred to Senate Education.) FISCAL NOTE: Dated: May 4, 2009 On March 20, 2009, we issued a fiscal note for this bill indicating an increase in local expenditures - Not Significant/Permissive. On May 4, 2009, we received additional information regarding the bill. The fiscal impact was in error and has been corrected. (CORRECTED) Increase state expenditures - \$4,561,800. Increase federal expenditures - \$8,564,900.

29. [HB 3794](#)
Winningham **EDUCATION: LEA textbook requirements - broad caption.** Changes the date by which the director of schools and the chair of the board of each LEA must certify to the commissioner that all children enrolled in that LEA have been furnished all required textbooks. Requires the "parent" instead of the "mother" of a child enrolled within a model teen learning center to participate in the center's program of child care and instruction. Broadly captioned. AMENDMENT: Senate Education amendment 1 deletes all language after the enacting clause of the original bill. Prohibits persons who have been adjudicated as a mental defective, been judicially committed to or hospitalized in a mental institution, has had a court appoint a conservator for reasons of mental illness, developmental disability, or other mental defect, or has within seven years of the application date, been found by a court to pose a immediate substantial likelihood of serious harm because of mental illness from receiving a teaching license or entering an approved teacher training program. House Education K-12 Subcommittee amendment 1 requires that no person can teach if that person has ever been committed to a mental institution, adjudicated with mental ability issues, or has a record of mental ability issues. (SENATE: SB 3875, Stewart E.; Set for Senate Floor 04/12/2010.) FISCAL NOTE: Dated: February 19, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant.
30. [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 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.
31. [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 Education 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; Set for Senate Floor 04/12/2010.) FISCAL NOTE: Dated: February 26, 2010 Increase state expenditures - \$813,700. Increase local expenditures - not significant.

32. [HB 2087](#)
Towns **TRANSPORTATION VEHICLES: Denial of license due to withdrawal from school.** Increases the period of denial of driver license due to withdrawal from secondary school from 18 to 21 years of age with certain exceptions. (SENATE: SB 3423, Ford O.; Senate Transportation deferred to 03/30/2010.) FISCAL NOTE: Dated: March 9, 2009 State Revenue - Net Impact - Not Significant Increase State Expenditures - \$10,500/One-Time Other fiscal impact - a delay in the receipt of driver's license and instructional permit fees for a period up to three years.
33. [HB 3710](#)
Towns **EDUCATION: Promotion of students.** Prohibits a student from being promoted to the next grade level unless the student has shown an understanding of the curriculum and the ability to perform the skills required for the current grade level as demonstrated by the student's grades or standardized testing scores. (SENATE: SB 3309, Kelsey; Taken off notice in Senate Education 04/05/2010.) FISCAL NOTE: Dated: March 4, 2010 Increase state expenditures - \$1,950,000/one-time. \$172,478,200/Recurring. Increase local expenditures - \$86,239,000/recurring.
34. [HB 3410](#)
Brown **EDUCATION: THEC annual report about student tuition subsidy.** Requires THEC to report the annual student tuition subsidy applicable to students at each public institution of higher education to the house and senate education and finance, ways and means committees. (SENATE: SB 3266, Harper; Senate passed 03/31/2010.) FISCAL NOTE: Dated: February 1, 2010 Increase state expenditures - not significant.
35. [HB 1869](#)
Brown **EDUCATION: Pilot after school programs funded by lottery.** Requires the commissioner to evaluate the effectiveness of the pilot after school programs in increasing ACT and SAT scores, eligibility for lottery scholarships and enrollment in postsecondary institutions as compared to such student's peers who did not participate in the pilot after school programs. Broadly captioned. AMENDMENT: House Higher Education Subcommittee amendment 1 urges, Senate Education amendment 1 rather than requires, the commissioner to evaluate the programs' effectiveness. (SENATE: SB 0981, Berke; Senate Education 04/07/2010 recommended with amendment. Sent to Senate Finance, Ways & Means.) FISCAL NOTE: Dated: March 6, 2009 Other Fiscal Impact - Increases the expenditure of unclaimed lottery prize money earmarked for after-school program grants by \$50,000 per year for three years Otherwise, additional appropriations of state funds would need to be made.
36. [HB 1862](#)
Brown **EDUCATION: Administration of scholarship and grant programs.** Requires THEC to study the General Assembly Merit Scholarship program and its success in promoting exception academic achievement in college and to include the study's results in its required annual lottery scholarship report. (SENATE: SB 1317, Berke; Senate passed 04/05/2010.) FISCAL NOTE: Dated: March 2, 2009 Increase State Expenditures - Not Significant.
37. [HJR 0974](#)
Cooper B. **EDUCATION: Instruction at Southwest TN Community College.** Expresses support of efforts to add instruction and degree offerings in the allied health field of dispensing opticianry at Southwest Tennessee Community College.
38. [HB 2645](#)
Cooper B. **EDUCATION: Payment of licensing tests for certain adult students.** Requires the department of labor and workforce development, in conjunction with the department of education, to develop and implement a program for payment of licensing test costs for adult students who received a high school diploma or GED through a career and technical education program. AMENDMENT: House Education K-12 Subcommittee amendment 1 encourages rather than requires. (SENATE: SB 3354, Kyle; Set for Senate Commerce, Labor & Agriculture Committee 04/14/2010.) FISCAL NOTE: Dated: February 17, 2010 Increase state expenditures - \$176,400.

39. [HB 2996](#)
DeBerry J. **EDUCATION: Changes to school start dates.** States that LEAs are required to start the school year no earlier than the fourth Monday in August, unless the LEAs board has decided to establish a year-round calendar. Makes certain changes to administration of TCAP for non-proficient students, and the reporting of such results. (SENATE: SB 3088, Burchett; Failed, for lack of motion, in Senate Education 04/07/2010.) FISCAL NOTE: Dated: February 15, 2010 Increase state expenditures - \$8,500,000/one-time. \$37,260,000/Recurring. Increase local expenditures \$4,080,000/one-time. \$32,580,000/Recurring. Other Fiscal Impact - According to the Department of Education (DOE), federal Title I money may be jeopardized as a result of administering additional summer testing since the state will be unable to meet its reporting deadline. Such a loss is unable to be reasonably quantified; LEAs receive approximately \$250,000,000 in Title I money annually.
40. [HB 3688](#)
DeBerry J. **EDUCATION: Parental Choice Scholarship Act.** Creates the parental choice scholarship to be awarded to eligible elementary or secondary students in order to allow the students to attend a participating school. Requires that this act be implemented first as a pilot program in the school district with the greatest number of schools failing to make adequate yearly progress. Specifies that one elementary school, one middle school, and one high school shall be chosen to participate in the program with the school chosen in each of the three categories being the school in that category that failed to make adequate yearly progress for the greatest number of years. Specifies that a student is eligible if he or she is a member of a household whose total annual income is less than 2.5 times the income standard used to qualify for reduced price lunch under federal law, was eligible to attend a public school in the preceding semester or is starting school in TN for the first time, and resides in TN while receiving the scholarship. Specifies that a participating school may be either a public school in the resident school district, a public charter school, or a nonpublic school that provides education to elementary or secondary students or both and has notified the department of education of its intention to enroll parental scholarship students. Sets different scholarship amounts depending on the income of the eligible student's household. (SENATE: SB 2741, Kelsey; Failed in Senate Education 04/07/2010, after adopting amendment 1.) FISCAL NOTE: Dated: February 16, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant. Other Fiscal Impact - Federal funds will not be utilized for this program. BEP funding will shift to the public or private schools where participating students transfer. This shift in funds is estimated to be approximately \$3,928,900.
41. [HB 3074](#)
Hill **EDUCATION: THEC to review reduction in force policies.** Requires THEC to periodically review the reduction in force policies in effect in public institutions of higher learning and make recommendations to the governing boards of the University of TN, the state university and community college systems, and the house and senate education committees. (SENATE: SB 2885, Crowe; Referred to Senate Education.) FISCAL NOTE: Dated: January 28, 2010 Increase state expenditures - not significant.

42. [HB 3545](#)
Maddox **EDUCATION: TCAP test score as percentage of student's final grade.** Requires that a student's TCAP test score comprise 20 percent of the student's final grade for the subject to which the test corresponds. **AMENDMENT:** House Education K-12 Subcommittee amendment 1 requires local boards of education to incorporate a percentage, varying between 15 to 25 percent, of each student's TCAP score into the student's spring semester grade for each topic. Requires the TCAP testing to be done before April 22nd of each year. (SENATE: SB 3427, Finney L.; Senate Education 04/07/2010 recommended with amendment. Sent to Senate Finance, Ways & Means.) **FISCAL NOTE:** Dated: February 22, 2010 Increase state expenditures - \$50,000/one-time. \$450,000/Recurring. Increase local expenditures - \$39,510,000/one-time. \$6,585,000/Recurring*.
43. [HB 1107](#)
Maddox **EDUCATION: Proof of immunization - higher education.** Requires public and private institutions of higher education to accept laboratory results derived from the administration of an antibody titer stating that a student is immune to measles, mumps, and rubella in lieu of proof vaccinations required by the department of health. **AMENDMENT:** Senate Education amendment 1 changes the authority to promulgate all the rules pursuant to the bill from THEC to the department of health. (SENATE: SB 1164, Finney L.; Re-referred to Senate Calendar Committee 04/13/2009.) **FISCAL NOTE:** Dated: March 2, 2009 Increase State Expenditures - Not Significant.
44. [HB 3590](#)
Lollar **EDUCATION: LEAs can convert to special school district.** Permits any local education agency to convert to a special school district. **AMENDMENT:** Senate Education amendment 1 limits bill's application to Shelby County only. Contains severability clause. House Education amendment 1 rewrites the bill. Requires counties containing two or more existing school systems and counties containing only one existing school system to have a two-thirds majority vote in the county legislative body and a majority vote public referendum to convert into a special school district. Requires the city legislative body to have a two-thirds majority vote and a majority based on the city-wide referendum before a city-operated school system can be converted into a special school district. (SENATE: SB 2938, Norris; Senate Education 04/07/2010 recommended with amendment.) **FISCAL NOTE:** Dated: February 11, 2010 Increase state expenditures - not significant. Other Fiscal Impact - State BEP money will transfer from the city or county school system to the special school district. Local government revenue and expenditures from a city or county government will shift to the special school district. This amount is unable to be quantified but is estimated to exceed \$100,000 and will be permissive.

House Finance Budget Subcommittee -- Wednesday at 11:00 am -- LP 29

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).

1. HB [3252](#)
Armstrong

VETERANS & MILITARY AFFAIRS: Awarding of state contracts to veteran owned businesses. Grants special consideration for veteran owned businesses in the awarding and procuring of state contracts, similar to the consideration given to women and minority owned businesses. AMENDMENT: Senate State & Local Government amendment 1, House State & Local Government amendment 1 rewrites the bill to grant special consideration for service-disabled veteran owned businesses, similar to consideration given to women-owned business, in the awarding and procuring of state contracts. "Service-disabled veteran owned business" means a business that is at least 51 percent controlled or owned by one or more service-disabled veterans or at least 51 percent of the stock of which is owned or controlled by one or more service-disabled veterans. (SENATE: SB 2785, Burchett; Senate State & Local Government 03/17/2010 recommended with amendment 1. Sent to Senate Finance, Ways & Means.) FISCAL NOTE: Dated: February 23, 2010 Increase state expenditures - \$1,000/one-time. \$54,900/ Recurring.

28. HB [0059](#)
Hardaway

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.

32. [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.
51. [HB 3193](#)
Shaw **PUBLIC EMPLOYEES: Group medical health insurance - LEA support staff.** Authorizes group medical health insurance for support staff employees of LEAs, beginning January 1, 2011. **AMENDMENT:** Pensions and Insurance amendment 1, as amended, establishes the amount set pursuant to the authority granted in this item shall be no greater than 10 percent for calendar year 2011, no greater than 15 percent for calendar year 2012, no greater than 20 percent for calendar year 2013 and no greater than 25 percent for 2014. The verbal amendment to amendment 1 increase each respective date by one year. (SENATE: SB 3125, Burks; Senate Education 04/07/2010 recommended with amendment. Sent to Senate Finance, Ways & Means.) **FISCAL NOTE:** Dated: March 4, 2010 Increase local expenditures - exceeds \$911,200/FY11-12 and subsequent years*. Joint Committee on Pensions and Insurance: Senate Bill 3125 / House Bill 3193 authorizes the General Assembly to establish a minimum level of contribution by Local Education Agencies for the health insurance coverage for support staff. The level would be set annually in the General Appropriation Act. This bill continues the current authorization to set a minimum contribution level for teachers. The required contribution levels for teachers and support staff may be different. This bill, as introduced, would become effective upon becoming law; funding requirement for support staff may not take effect prior to January 1, 2011. The Council adopted an amendment to the legislation which would prohibit the adoption of a minimum contribution level for support staff until January 2012 and provides for a phase in of the contribution requirement over a five year period ending in 2016. Enactment of Senate Bill 3125 / House Bill 3193 would result in no fiscal impact on the State.
60. [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.

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