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Legislative Report
Tennessee Principals Association
Feb. 19, 2010

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Tennessee Principals Association (TPA)

WEEKLY LEGISLATIVE REPORT

Friday, February 19, 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 February 19, 2010.

Highlights for the Week of February 15, 2010

House subcommittee approves special school district legislation, additional fiscal authority for boards of education

The most notable education-related legislative news this week was the approval by the House Education K-12 Subcommittee of legislation permitting local school systems to convert to special school districts (HB 3590 by Rep. Ron Lollar (R-Bartlett)). The committee approved the legislation with a 6-4 vote.

For years, school boards and superintendents have pushed the General Assembly to approve this type of legislation, which would remove county commissions and city legislative bodies from the school budget process, giving much more fiscal autonomy to boards of education and removing common funding battles between the two elected entities.

Currently, 14 of Tennessee’s school districts maintain special school district status, which allows the school board to determine a level of funding necessary to operate the district and set a tax rate for schools upon approval of such rate by the General Assembly through a private act. In 1982, the General Assembly placed a prohibition on the creation of additional special school districts. Many people believe special school district status increases the chances for improved local education funding since residents are more likely to support a tax increase if they know all of the funds will be spent locally on education.

Interestingly, only 11 states do not grant their elected school boards with any ability to raise revenue for education and only 20 percent of the elected school boards in the country must depend entirely on other bodies to raise revenue for schools. While technically, HB 3590 does not give taxing authority to school boards, as the General Assembly actually approves the tax through the private act, it would provide much greater fiscal power to boards by removing the local funding bodies as the financial middlemen.

The bill now travels to the full House Education Committee. Without question, it has a long way to go before becoming law, but this is a substantial step. Be sure to check out the committee calendars and bills of interest below. All contact information for committee members listed below and other legislators may be found on the General Assembly website – www.capitol.tn.gov.

Calendars of Interest

Week of February 22, 2010

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

House Education K-12 Subcommittee -- Wednesday at 10:00 am -- LP 16

Item #1 is organizational, Item #2 deals with textbooks, Items #3-6 deal with studies & reports, Items #7-17 deal with policies, Items #18-24 deal with programs. MEMBERS: Chair Winningham (D), Vice Chair Lollar (R), Barker (D), Brown (D), Dunn (R), Harwell (R), Hawk (R), Hensley (R), U. Jones (D), Maddox (D), J. Turner (D), Weaver (R).

1. 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; Referred to Senate Education.) FISCAL NOTE: Dated: February 10, 2010 Decrease local expenditures - not significant.
2. HB [3711](#) Towns **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. (SENATE: SB 3311, Kelsey; Referred to Senate Education.) FISCAL NOTE: Dated: February 4, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant.
3. HB [3415](#) Brown **EDUCATION: Survey of extended learning programs.** Requires the dissemination of surveys from LEAs concerning extended learning programs to all LEAs electronically so that effective programs may be reproduced. (SENATE: SB 3320, Berke; Referred to Senate Education.) FISCAL NOTE: Dated: February 8, 2010 Increase state expenditures - not significant.
4. HB [3737](#) Coley **EDUCATION: Annual report on pre-K program to be posted on Internet.** Requires the office of early learning in the department of education to post its annual report on the voluntary pre-K program on its Web site. (SENATE: SB 2482, Gresham; Referred to Senate Education.)
5. 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. (SENATE: SB 3257, Tate; Referred to Senate Education.) FISCAL NOTE: Dated: February 3, 2010 Increase state expenditures - not significant.
6. HJR [0781](#) Hardaway **EDUCATION: Student access to optional schools in Memphis.** Directs department of education to study student access to optional schools and programs in Memphis City Schools and the possibility of implementation and expansion of such optional programs to every school within the district and to report its recommendations to the general assembly by February 1, 2011. (FISCAL NOTE: Dated: February 16, 2010 On February 1, 2010, we issued a fiscal note for this bill indicating a fiscal impact of Increase State Expenditures - Not Significant. An error was made in the bill summary stating that the study would be done with goal of possibly implementing Memphis' programs in all local education agencies. This has been corrected. This change has no impact on the original fiscal impact. (CORRECTED) Increase state expenditures - not significant.
7. HB [2937](#) Lollar **EDUCATION: State BOE annual report.** Removes the duty of the state board of education to include in its annual report to the governor its analysis of evaluations for individual teachers. (SENATE: SB 2808, Norris; Referred to Senate Education.) FISCAL NOTE: Dated: February 4, 2010 Minimal.

8. HB [3105](#) Harwell **EDUCATION: Classroom assignment of multiple birth siblings.** Requires the local boards of education to give preference to parent's request for classroom placement in regard to multiple birth siblings. (SENATE: SB 2480, Gresham; Set for Senate Education Committee 02/24/2010.)
9. HB [3118](#) Dunn **EDUCATION: Schools placed in achievement school district.** Allows the commissioner to contract any individual or entity, in lieu of any governmental or nonprofit entity, to manage the day to day operations of schools in the achievement school district. (SENATE: SB 3029, Faulk; Referred to Senate Education.) FISCAL NOTE: Dated: February 4, 2010 Minimal.
10. 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. (SENATE: SB 3053, Woodson; Referred to Senate Education.) FISCAL NOTE: Dated: February 15, 2010 Decrease local expenditures - not significant.
11. HB [3148](#) Winningham **EDUCATION: Collection of student drop out and graduation information.** Allows LEAs to use reasonably obtainable information in determining whether a student who dropped out of school enrolled elsewhere. Allows LEAs to include GEDs in calculating graduation rates for all purposes other than those in which such inclusion is prohibited by federal law. (SENATE: SB 3124, Burks; Referred to Senate Education.) FISCAL NOTE: Dated: February 15, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant.
12. HB [3168](#) Curtiss **VETERANS & MILITARY AFFAIRS: Diploma for Vietnam War veterans.** Authorizes LEAs to issue high school diplomas to veterans whose education was interrupted by service in the Vietnam War. (SENATE: SB 3022, Burks; Referred to Senate Education.) FISCAL NOTE: Dated: February 10, 2010 Increase local expenditures - not significant.
13. HB [3411](#) Brown **EDUCATION: Scheduling of parent-teacher meetings.** Urges LEAs to consider the work schedules and needs of working parents when scheduling parent-teacher meetings. (SENATE: SB 3276, Burks; Referred to Senate Education.) FISCAL NOTE: Dated: February 8, 2010 Increase local expenditures - not significant/permissive.
14. HB [3484](#) Ferguson **EDUCATION: Lunch period for students and teachers.** Requires LEAs to provide 30 minute lunch period for elementary and secondary students. Requires the duty-free lunch period for all teachers to be at least the length of the student's lunch period. (SENATE: SB 3453, Yager; Referred to Senate Education.)
15. HB [3794](#) Turner M. **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. (SENATE: SB 3875, Kyle; Referred to Senate Education.)
16. HB [3820](#) Turner M. **EDUCATION: LEA must provide report card copy to parent or guardian.** Clarifies that a copy of the student's report card must be provided by LEA to the student's parent or legal guardian. (SENATE: SB 3830, Kyle; Referred to Senate Education.) FISCAL NOTE: Dated: February 5, 2010 Minimal.
17. HR [0059](#) Lollar **EDUCATION: Student applications to postsecondary institutions.** Expresses support for state board of education efforts to encourage every secondary school student to complete at least one application to a postsecondary institution. FISCAL NOTE: Dated: April 14, 2009 Increase state expenditures - not significant.

18. HB [2645](#) **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. (SENATE: SB 3354, Kyle; Referred to Senate Commerce, Labor & Agriculture.) FISCAL NOTE: Dated: February 17, 2010 Increase state expenditures - \$176,400.
Cooper B.
19. HB [2954](#) **EDUCATION: Short school day program.** Allows the local board of education to develop a short school day program for high school seniors that only need three or fewer classes to fulfill the graduation requirements to attend only the classes that are needed without being required to remain on campus for the full day. (SENATE: SB 3595, Ketron; Set for Senate Education Committee 02/24/2010.) FISCAL NOTE: Dated: February 5, 2010 Decrease state expenditures - \$3,800,000. Decrease local revenue - \$3,800,000. Increase local expenditures - \$3,800,000*.
Coley
20. HB [3332](#) **EDUCATION: LEA to operate innovative educational programs.** Directs all LEAs to operate innovative educational programs instead of only 24 school systems. Further allows principals implementing a plan for such programs to do so without consulting with faculty beforehand. (SENATE: SB 3230, Haynes J.; Referred to Senate Education.)
Brooks,
Harry
21. HB [3416](#) **EDUCATION: Commissioner to encourage LEAP programs.** Requires the commissioner of education to encourage lottery-funded after-school programs to provide extended learning to reflect the school curriculum. (SENATE: SB 3321, Berke; Referred to Senate Education.) FISCAL NOTE: Dated: February 4, 2010 Increase state expenditures - not significant.
Brown
22. HB [3517](#) **EDUCATION: LEAs encouraged to study STEP program.** Encourages all LEAs to study the STEP program instituted in Memphis and Shelby County in order to consider replication. (SENATE: SB 3441, Tate; Referred to Senate Education.) FISCAL NOTE: Dated: February 9, 2010 Increase local expenditures - not significant/permisive.
DeBerry J.
23. HB [3733](#) **EDUCATION: Pilot program for class size limits.** Extends for one year, to January 1, 2011, the pilot program for career and technical education class sizes. AMENDMENT: Senate amendment 1 rewrites the bill and replaces "January 1, 2010" with "January 1, 2012." (SENATE: SB 3713, Haynes J.; Senate 02/17/2010 passed with amendment 1.) FISCAL NOTE: Dated: February 4, 2010 Increase state expenditures - not significant.
Gilmore
24. HB [3870](#) **EDUCATION: Pilot project to mandate attendance for expelled students.** Authorizes LEA in Memphis to establish a pilot project of mandated attendance in an alternative school for students who have been expelled. Clarifies that the pilot project will be subject to alternative school staffing and space availability. (SENATE: SB 3252, Tate; Referred to Senate Education.)
Jones U.

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

Report from Director Ruth Woodall, TN Scholars. Presentation from Comptroller's Office - Community College Systems. 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. HB [0549](#)
Hardaway **EDUCATION: Funding for special school district.** Prohibits a city in which there is located a special school district with ADM of 10,000 or more students and 75 percent of the students are eligible for free and reduced price lunch from reducing funding, excluding capital outlay and debt service, below the amount of funding provided by the governing body in the previous fiscal year as adjusted for inflation based on the local government price deflator used to adjust the BEP. (SENATE: SB 1355, Tate; Referred to Senate Education.) FISCAL NOTE: Dated: February 27, 2009 Increase Local Expenditures - \$9,458,700.
2. 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; Referred to Senate Education.) 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.
3. HB [0379](#)
Sargent **EDUCATION: Boarding school students eligible to use lottery proceeds.** Extends eligibility of high school students utilizing state lottery proceeds to include any bona fide Tennessee residents attending out-of-state boarding schools rather than just those that are regionally accredited. AMENDMENT: House Higher Education Subcommittee amendment 1 rewrites the bill, requires TSAC to develop scholarship and grant application forms, and exempts students not applying for ASPIRE awards or HOPE access grants from having to file FAFSA or provide financial information to TSAC. (SENATE: SB 0319, Johnson J.; Referred to Senate Education.) FISCAL NOTE: Dated: February 19, 2009 Other Fiscal Impact - Increases the expenditure of lottery proceeds earmarked for scholarships and grants by \$22,000 in FY09-10 and by \$24,000 in FY10-11.
4. HB [2754](#)
Hackworth **EDUCATION: Construction management services - school buildings.** Specifies which duties can be performed by licensed general contractors, architects, and engineers when performing construction management agent or advisor services for the construction of school buildings or additions to existing buildings. Current law states only that such contract manager be licensed in this state as a contractor. (SENATE: SB 3070, Woodson; Referred to Senate Commerce, Labor & Agriculture.)

5. HB [3530](#) Maddox **PUBLIC EMPLOYEES: Group health insurance for special education teachers.** Permits certain special education teachers the opportunity to enroll in teachers' group health insurance during a 30-day period, beginning July 1, 2010, provided the employing LEA agrees to pay any additional costs of providing the coverage. (SENATE: SB 3403, Herron; Referred to Senate Education.) FISCAL NOTE: Dated: February 15, 2010 Other Fiscal Impact - There will be an increase in expenditures for any LEA that decides to participate in the proposed health plan coverage to pay for the additional costs. While there are several unknown factors, it is reasonably estimated that the increase in local expenditures will exceed \$100,000.
6. HB [3590](#) Lollar **EDUCATION: LEAs can convert to special school district.** Permits any local education agency to convert to a special school district. (SENATE: SB 2938, Norris; Referred to Senate Education.) 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.
7. HJR [0767](#) Ramsey B. **EDUCATION: Study of green cleaning practices in public schools.** Directs TN department of education to study "green cleaning" practices in public schools in TN. (FISCAL NOTE: Dated: February 12, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant.

Senate Education Committee -- Wednesday at 1:00 pm -- LP 12

Presentation on Supplemental Education Services in Tennessee by Russell Moore and Dr. Phil Doss.

MEMBERS: Chair Gresham (R), Vice Chair Tate (D), Secretary Berke (D), Burks (D), Crowe (R), J. Haynes (D), Ketron (R), Tracy (R), Woodson (R).

1. SB [2416](#) Gresham **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. (HOUSE: HB 3130, Harwell; Referred to House Government Operations.)
2. SB [2480](#) Gresham **EDUCATION: Classroom assignment of multiple birth siblings.** Requires the local boards of education to give preference to parent's request for classroom placement in regard to multiple birth siblings. (HOUSE: HB 3105, Harwell; Set for House Education K-12 Subcommittee 02/24/2010.)
3. SB [3583](#) Ketron **EDUCATION: Offenses by student receiving special education.** Removes the requirement that a school resource officer shall only take a special education student into custody if a law enforcement agency and not a school official pay the officer. (HOUSE: HB 3161, Curtiss; Caption bill held on House clerk's desk.)
4. SB [3600](#) Ketron **EDUCATION: Directors of schools duties: student's disciplinary records.** Requires each director of schools to send certain disciplinary and delinquency records to the transferring student's new school or school district. (HOUSE: HB 2955, Coley; House Education K-12 Subcommittee deferred to later date.) FISCAL NOTE: Dated: February 5, 2010 Increase local expenditures - not significant.

5. SB [3595](#)
Ketron
EDUCATION: Short school day program. Allows the local board of education to develop a short school day program for high school seniors that only need three or fewer classes to fulfill the graduation requirements to attend only the classes that are needed without being required to remain on campus for the full day. (HOUSE: HB 2954, Coley; Set for House Education K-12 Subcommittee 02/24/2010.) FISCAL NOTE: Dated: February 5, 2010 Decrease state expenditures - \$3,800,000. Decrease local revenue - \$3,800,000. Increase local expenditures - \$3,800,000*.
6. SB [2819](#)
Finney L.
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. (HOUSE: HB 3546, Maddox; Referred to House Education K-12 Subcommittee.) FISCAL NOTE: Dated: February 9, 2010 Increase local expenditures - not significant.
7. SB [3427](#)
Finney L.
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. (HOUSE: HB 3545, Maddox; Referred to House Education K-12 Subcommittee.)
8. SB [3425](#)
Finney L.
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. (HOUSE: HB 3544, Maddox; Referred to House Education K-12 Subcommittee.) FISCAL NOTE: Dated: February 9, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant/permissive.

Report produced by:

Stephen Smith
Farris, Mathews Bobango PLC
618 Church St, Suite 300
Nashville, TN 37219
615-726-1200
ssmith@farrismathews.com

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