

Farris Mathews Bobango PLC

Nashville - Memphis



Legislative Report
Tennessee Principals Association

Feb. 26, 2010

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Tennessee Principals Association (TPA)

WEEKLY LEGISLATIVE REPORT

Friday, February 26, 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 26, 2010.

Highlights for the Week of February 22, 2010

Education Committee addresses restraint of special education students

On Wednesday, the Senate Education Committee addressed an important safety issue related to special education students and school resource officers. Present law authorizes school resource officers, upon witnessing a qualified offense, to take a special education student into custody. However, this option is available only if the school resource officer is a deputy sheriff or police officer fully compensated by a law enforcement agency and not a school official. This has caused confusion and problems within schools where the school resource officer or officers are paid either fully or partially by the school system. SB 3583 clarifies the statute by removing the compensation source requirement and permitting all school resource officers to take special education students into custody.

The bill is set for the Senate Consent Calendar on Monday, March 1.

Budget hearings next week

The Senate Education Committee will discuss the Department of Education Budget on Wednesday, March 3. While the Governor has proposed to protect such items as Extended Contracts and Coordinated School Health, everything is on the table, especially considering some of the revenue-enhancers, such as an additional tax on cable as well as hotel/motel food and beverage purchases have not received favorable responses.

Week of March 1

Several bills of interest will be up for consideration next week. Review the calendars below for more specifics.

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 March 1, 2010

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

Monday, March 1, 2010

Joint Council on Pensions and Insurance -- Monday at 1:00 pm -- LP 29

MEMBERS: Chair Fitzhugh (D), Vice Chair McNally (R); Senators Kyle (D), Norris (R), B. Watson (R), Woodson (R); Representatives Bone (D), Dunn (R), McDaniel (R), Sargent (R), Shaw (D).

1. [HB 3486](#) **PUBLIC EMPLOYEES: Improving retirement benefits for certain public employees.**
Ferguson Increases the retirement benefits of TN retired public teachers, wildlife officers, state police officers, firefighters, police officers and general employees by specified percentages, ranging from 0.3 percent for such employee who retired prior to 7/2/87-7/1/89 up to 10 percent for such employee who retired prior to 7/2/75. Specifies that increases are in addition to any other increase, are effective 1/1/11, and would not be paid retroactively. (SENATE: SB 3396, Burchett; Referred to Senate Finance, Ways & Means.) FISCAL NOTE: Dated: February 4, 2010 Increase state expenditures - \$1,342,200/annual amortized cost. Increase federal expenditures - \$153,000/annual amortized cost. Increase local expenditures - \$588,700/annual amortized cost*.
8. [SB 2908](#) **PUBLIC EMPLOYEES: Long-term care benefits program for education employees.**
McNally Requires the state insurance committee to provide opportunity for eligible local education employees to participate in the long-term care benefits program. (HOUSE: HB 2975, Fitzhugh; Referred to House Education K-12 Subcommittee.)
9. [SB 3125](#) **PUBLIC EMPLOYEES: Group medical health insurance - LEA support staff.**
Burks Authorizes group medical health insurance for support staff employees of LEAs, beginning January 1, 2011. (HOUSE: HB 3193, Shaw; Referred to House Education K-12 Subcommittee.)
10. [SB 3403](#) **PUBLIC EMPLOYEES: Group health insurance for special education teachers.**
Herron 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. (HOUSE: HB 3530, Maddox; House Education deferred to 03/10/2010.) 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.
13. [SB 3259](#) **EDUCATION: Group insurance plans for charter school teachers.** Enables certain
Tate employees at charter schools to participate in a government group insurance plan or an LEA self-funded group insurance plan instead of having the government group insurance plan as the only option. Specifies that if a charter school chooses to participate in a LEA self-funded group insurance plan the charter school shall fully fund its employees other post employee benefits (OPEB) on a annual basis. (HOUSE: HB 3872, Jones U.; Referred to House Education K-12 Subcommittee.)

Senate Consent Calendar 2 -- Monday at 5:00 pm -- Senate Chamber

5. SB [3583](#) **EDUCATION: Offenses by student receiving special education.** Allows, instead of requires, a School Resource Officer (SRO) to take a special education student into custody after the SRO witnesses an offense, regardless of the SRO's compensation. (HOUSE: HB 3161, Curtiss; Caption bill held on House clerk's desk.) FISCAL NOTE: Minimal.
Ketron

Senate Judiciary Committee -- Tuesday at 3:00 pm -- LP 12

The Committee will hear presentations from the following: Office of the Post-Conviction Defender and District Attorneys Conference. MEMBERS: Chair Beavers (R), Vice Chair Jackson (D), Secretary Overbey (R), Black (R), Bunch (R), Faulk (R), Kelsey (R), Kyle (D), Marrero (D).

13. SB [2988](#) **CRIMINAL LAW: Sexual offender on school grounds needs written permission.** Requires written permission from school principal or facility administrator before a sexual offender may attend a conference at the school as a parent or provide transportation to the offender's child who attends the school. (HOUSE: HB 3263, Johnson P.; Referred to House Judiciary Criminal Practice Subcommittee.) FISCAL NOTE: Dated: February 19, 2010 Increase state expenditures - \$5,700/incarceration*. Joint Oversight Committee on Corrections: This would provide the school principal or facility administrator with prior knowledge of the sex offender's presence on campus. Enactment of this bill would have some impact on officer caseload responsibilities if Board of Probation & Parole has to enforce the provisions of this bill. However it should be noted that not all sex offenders are under BOPP supervision after they complete probation, parole or on expiration of sentence.
Barnes

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

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 [3711](#) **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.
Towns
2. HB [3105](#) **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. AMENDMENT: Senate Education amendment 1 rewrites the bill and requires that multiple birth siblings cannot be separated into different classrooms solely because the children are multiple birth siblings. (SENATE: SB 2480, Gresham; Senate Education 02/25/2010 recommended with amendment.) FISCAL NOTE: Increase Local Expenditures - Not Significant.
Harwell
3. HB [3168](#) **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.
Curtiss
4. HB [3411](#) **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.
Brown

5. HB [0836](#) Moore **EDUCATION: LEAs must integrate physical activity in school day.** Changes requirement that LEAs incorporate 90 minutes of physical exercise into the school week to a requirement that the LEAs incorporate 30 minutes per day. (SENATE: SB 1774, Herron; Taken off notice in Senate Education 04/28/2009.) FISCAL NOTE: Dated: February 23, 2009 Increase Local Expenditures - Not Significant.
6. HB [2419](#) Turner M. **EDUCATION: Physical activity required for students.** Requires elementary and secondary school students to receive 60 minutes of physical activity per day and 90 minutes of physical activity instruction per week. (SENATE: SB 3063, Woodson; Referred to Senate Education.) FISCAL NOTE: Increase Local Expenditures - Not Significant.
7. 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; Referred to Senate Education.) FISCAL NOTE: Dated: February 18, 2010 Increase state expenditures - net impact - not significant. Increase state revenue - net impact - not significant.
8. HB [3406](#) Faulkner **EDUCATION: Scheduling of athletics and commencement ceremonies.** Directs TSSAA to develop a policy prohibiting athletic events from being scheduled contiguously with commencement ceremonies of any public state secondary school. (SENATE: SB 3265, Faulk; Referred to Senate Education.) FISCAL NOTE: Dated: February 3, 2010 Increase local expenditures - not significant.
9. HB [3745](#) Mumpower **EDUCATION: Extracurricular athletic activities for home schoolers.** Permits a home schooled child, who would be eligible to enroll in a public school, to participate in the extracurricular athletic activity of the public school for which the child would otherwise be zoned. (SENATE: SB 3485, Ramsey R.; Referred to Senate Education.) FISCAL NOTE: Dated: February 1, 2010 Increase state expenditures - not significant. Increase local expenditures - not significant.
10. HB [0797](#) Campfield **EDUCATION: Home school students participating in public school sports.** Authorizes an individual home education student under certain circumstances to participate in any school-authorized or education-related athletic activity occurring during or outside the regular instructional school day at the public school to which the student would be assigned to attend. (SENATE: SB 1262, Bunch; Taken off notice in Senate Education 04/14/2009.) FISCAL NOTE: Dated: March 19, 2009 Increase state expenditures - not significant. Increase local expenditures - not significant.
11. HB [2538](#) Casada **EDUCATION: School students: allows physical restraints for protection.** Allows the use of locked isolation rooms and physical restraints upon a student receiving special education to protect faculty, staff, or other pupils from harm. Prevents school resource officers from taking a special education student into custody. (SENATE: SB 2517, Johnson J.; Referred to Senate Education.) FISCAL NOTE: Dated: January 22, 2010 Minimal.
12. HB [2955](#) Coley **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. (SENATE: SB 3600, Ketron; Taken off notice in Senate Education 02/24/2010.) FISCAL NOTE: Dated: February 5, 2010 Increase local expenditures - not significant.
13. HB [2967](#) Hackworth **EDUCATION: Individualizes disciplinary plan for students.** Requires each student to receive an individualized education disciplinary and accountability program developed by a teacher of the student, a guidance counselor, and a parent or guardian of the student. (SENATE: SB 2990, Berke; Referred to Senate Education.) FISCAL NOTE: Dated: February 17, 2010 Increase local expenditures - \$42,000,000*.

14. HB [3336](#)
Carr **EDUCATION: Fines related to truancy.** Increases the fine a judge is allowed to assess against the parent or legal guardian of a child that has been adjudicated unruly for truancy from \$50 to \$100. Also increases the hours of community service that a judge may assess against such parent or legal guardian from five hours to ten hours. (SENATE: SB 3438, Tracy; Referred to Senate Judiciary.) FISCAL NOTE: Dated: February 15, 2010 Increase state expenditures - not significant. Increase state revenue - not significant. Increase local expenditures - not significant. Increase local revenue - not significant.
15. HB [3866](#)
Shaw **EDUCATION: Increases mileage allowed for operation of school buses.** Reduces the amount of time a conventional school bus may be in service after the initial 12 years to one additional year in lieu of five. Places Class D school buses on a year-to-year basis after the initial 15. Increases the maximum amount of mileage from 200,000 miles to 250,000 miles. Allows the department of safety to collect a fee for additional inspections in any year of service. (SENATE: SB 3292, Burks; Referred to Senate Education.)
16. HB [3874](#)
Jones U. **CRIMINAL LAW: Requirements for parents of truant children.** Authorizes prosecutors to allow guardians of children violating truancy laws to attend parent education training and parent-teacher conferences as an alternative to criminal prosecution. (SENATE: SB 3246, Tate; Set for Senate Judiciary Committee 03/02/2010.) FISCAL NOTE: Dated: February 22, 2010 Decrease state revenue - not significant. Decrease state expenditures - not significant. Decrease local revenue - not significant. Decrease local expenditures - not significant.
17. HB [2772](#)
Montgomery **EDUCATION: Notification regarding dismissal of a teacher.** Changes the date by which teachers must be notified in writing of their dismissal or failure of reelection for the next school year from April 15 to May 15. (SENATE: SB 3067, Woodson; Referred to Senate Education.) FISCAL NOTE: Dated: January 29, 2010 Minimal.
18. HB [2810](#)
McDonald **EDUCATION: Availability of teacher evaluations.** Requires a teacher evaluation to be available upon request to the teacher. (SENATE: SB 2729, Berke; Referred to Senate Education.) FISCAL NOTE: Dated: February 15, 2010 Increase local expenditures - not significant.
19. HB [3107](#)
McCormick **EDUCATION: Teachers' personal leave.** Requires approval of director of schools or designee or local board of education for teacher to take personal leave on any day scheduled for professional development, in-service training, or parent-teacher conferences. (SENATE: SB 2630, Gresham; Referred to Senate Education.) FISCAL NOTE: Increase Local Expenditures - Not Significant.
20. HB [3109](#)
Jones S. **EDUCATION: Pay for teachers supervising extracurricular activities.** Requires a teacher be paid for supervision of extracurricular activities at an hourly rate equivalent to the teacher's salary. (SENATE: SB 3106, Marrero; Referred to Senate Education.) FISCAL NOTE: Dated: February 9, 2010 Increase local expenditures - exceeds \$225,000*.
21. HB [3233](#)
McCord **EDUCATION: Technical correction to the TCA.** Deletes a repetitive provision of the code that is already and more appropriately addressed elsewhere. (SENATE: SB 3054, Woodson; Referred to Senate Education.) FISCAL NOTE: Dated: February 10, 2010 On February 2, 2010, we issued a fiscal note on this bill indicating a fiscal impact of Minimal. A typographical error in the law citation was made in the bill summary and has been corrected. The fiscal impact remains unchanged. (CORRECTED) Minimal.
22. HB [3450](#)
Pitts **PUBLIC EMPLOYEES: Authorized leave to visit deployed military siblings.** Authorizes leave for teachers to visit siblings deployed in military service. (SENATE: SB 3206, Finney L.; Referred to Senate Education.) FISCAL NOTE: Dated: February 15, 2010 Decrease state expenditures - not significant. Decrease local expenditures - not significant.

23. HB [3546](#) **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.; Senate Education deferred to 03/17/2010.) FISCAL NOTE: Dated: February 9, 2010 Increase local expenditures - not significant.

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

Presentations from TEA - Read Across America; TN Lottery; and Edward York and Todd Burnett from the York Institute. 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 [0376](#) **EDUCATION: Comparative education programs for teachers.** Urges institutions of higher education to offer programs in comparative education that study and examine teaching practices and learning outcomes in other countries. (SENATE: SB 1743, Marrero; Taken off notice in Senate Education 05/05/2009.) FISCAL NOTE: Dated: March 10, 2009 Increase state expenditures - \$230,400.
2. HB [3737](#) **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.) FISCAL NOTE: Increase State Expenditures - Not Significant.
3. 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 and House Education K-12 Subcommittee 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.
4. HB [3148](#) **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.
5. HB [3415](#) **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.
6. 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.) FISCAL NOTE: Dated: February 18, 2010 Increase local expenditures - not significant/permissive.
7. 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/permissive.

8. HJR [0781](#) **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.
9. HR [0059](#) **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.

House Judiciary Criminal Practice & Procedure Subcommittee -- Wednesday at 11:00 am -- LP 31

MEMBERS: Chair E. Watson (R), Vice Chair Sontany (D), Bass (D), Camper (D), Matheny (R), Rich (R).

18. HB [3263](#) **CRIMINAL LAW: Sexual offender on school grounds needs written permission.**
Johnson P. Requires written permission from school principal or facility administrator before a sexual offender may attend a conference at the school as a parent or provide transportation to the offender's child who attends the school. (SENATE: SB 2988, Barnes; Set for Senate Judiciary Committee 03/02/2010.) FISCAL NOTE: Dated: February 19, 2010 Increase state expenditures - \$5,700/incarceration*. Joint Oversight Committee on Corrections: This would provide the school principal or facility administrator with prior knowledge of the sex offender's presence on campus. Enactment of this bill would have some impact on officer caseload responsibilities if Board of Probation & Parole has to enforce the provisions of this bill. However it should be noted that not all sex offenders are under BOPP supervision after they complete probation, parole or on expiration of sentence.

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

No bills on notice, but the committee will hear budget presentations by the Tennessee State Board of Education and the Tennessee Department of Education. MEMBERS: Chair Gresham (R), Vice Chair Tate (D), Secretary Berke (D), Burks (D), Crowe (R), J. Haynes (D), Ketron (R), Tracy (R), Woodson (R).

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