



STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH

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2015 Legislative Impact Statements

SB 0320 (Norris)/HB 0289 (McCormick)

TLS Bill Summary: *Post-mortem examinations act and medicolegal death investigators. Restructures post-mortem examinations act effective January 1, 2017. Requires counties to appoint a medicolegal death investigator, specifies the duties of the medicolegal death investigator, and prohibits counties from appointing county medical examiner after January 1, 2017. Specifies when death investigations, external examinations, and ancillary testing can be conducted, and when the forensic pathologist must complete the cause of death on the death certificate. Specifies grounds for performing autopsy and procedure for handling body and scene when there are grounds to perform an autopsy. Requires certain medical records, reports, and images be kept confidential under the federal Health Insurance Portability and Accountability Act (HIPAA). Specifies that law enforcement investigative reports are not public records. Specifies procedures for procurement of anatomical gifts by procurement organization. Makes various revisions to reflect change from county medical examiner to medicolegal death investigator. (17 pp.) Part of Administration Package.*

Additional Summary Clarification: The bill creates a definition section to the Post-Mortem Examination Act (Act) that not only clearly defines some of the key terms used in the Act, but also includes professional standards within some of the definitions.

The bill expands the duties and responsibilities of the chief medical examiner. The bill mandates the chief medical examiner shall develop and provide initial training and regular continuing forensic medical education to all county medical examiners and medicolegal death investigators. The appointment of the medicolegal death investigator for each county shall be subject to approval by the chief medical examiner. The bill eliminates the Tennessee Medical Examiner Advisory Council.

Impact of Changes in Current Law: Currently, the medical examiner system does not provide the necessary accountability or oversight for the quality of death investigations throughout Tennessee. The changes in the law contemplated by the bill will provide the chief medical examiner with the duties and authority to ensure quality death investigations throughout the state. Additionally, the bill clearly defines key terms and individuals within the medical examiner system and sets minimum professional standards. The bill eliminates the county medical examiner position and eventually replaces it with the medicolegal death investigator position.

The bill also clearly defines “forensic pathologist” and sets minimum licensure and certification or training qualifications.

TCCY POSITION: SUPPORT – Tennessee has five regional autopsy centers that perform autopsies in a manner consistent with the National Association of Medical Examiners (NAME) accreditation. The NAME “Accreditation Standards” have been prepared and revised by NAME for the purpose of improving the quality of the medicolegal investigation of death in this country. Accreditation applies to offices and systems, not individual practitioners. The standards emphasize policies and procedures, not professional work product. The standards represent minimum standards for an adequate medicolegal system, not guidelines. NAME accreditation is an endorsement by NAME that the office or system provides an adequate environment for a medical examiner in which to practice his or her profession and provides reasonable assurances that the office or system well serves its jurisdiction. It is the objective of NAME that the application of these standards will aid materially in developing and maintaining a high caliber of medicolegal investigation of death for the communities and jurisdictions in which they operate.” <https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=NAME&WebCode=Accred>.

Although these five regional autopsy centers perform autopsies in a manner consistent with NAME accreditation, Tennessee lacks consistency in the manner and quality in death investigations, in part, because we do not have a statewide medical examiner system. In general, a County Medical Examiner must have the degree of doctor of medicine (M.D.) and be duly licensed in Tennessee. Each county has a medical examiner and the medical examiner answers to the examiner’s respective county. Counties function independently resulting in chaotic practices that often do not meet minimum standards. Additionally, the regional autopsy centers are not funded by the state, so there is no accountability to the state. The current system does not provide accountability or minimum standards for the quality of death investigations throughout Tennessee.

The quality of death investigations has a direct impact on how Tennessee handles severe child abuse death cases. One of the goals of the Office of the Chief Medical Examiner is to implement a statewide medical examiner system to provide high standards and uniform practices throughout the state. The Second Look Commission 2014 report included the following recommendation: “Tennessee, through the Office of the Chief Medical Examiner, should implement a statewide medical examiner system.” TCCY supports a medical examiner system that promotes high quality death investigations through providing the chief medical examiner the duties and authority to oversee death investigations throughout Tennessee and has clearly defined minimum standards. The bill provides the structure and standards to implement best practices within Tennessee’s death investigation system.

SB 0074 (Norris)/HB 0064 (McCormick)

TLS Bill Summary: *Creation of safety-related information for Dept. of Children Services. Authorizes the department of children's services to create a system for reporting safety-related information. Establishes that the identities of individuals, participating in the reporting system, be held confidentially and not subject to discovery or entered into evidence in any civil*

proceeding. Authorizes disclosure, of participating individual's identities, only as necessary to carry out the purposes of the reporting system. Part of Administration Package.

Additional Summary Clarification: The proposed legislation authorizes DCS to create a system for reporting safety-related information. Currently there is no system for DCS staff to formally report workplace conditions and constraints that may affect the ability to provide safe and effective services. The legislation protects the identity of those who report such information. The protection of those who report safety-related information has been utilized successfully in industries such as aviation, healthcare, nuclear power, military and steel production.

Impact of Changes in Current Law: The establishment of a safety system within DCS has the potential to expand safety culture to child welfare. It has the potential to improve overall practice and safety for both workers and those served in the child welfare system. This is a reasonable strategy to identify potential risks to safety and address them in a systematic way.

TCCY POSITION: SUPPORT – TCCY supports all appropriate strategies to improve safety in the child welfare and juvenile justice systems. Identification of safety risks provides opportunities to address them in a systemic manner and improve outcomes for children and families.

SB 0399 (Hensley)/HB 0227 (Butt)

TLS Bill Summary: *Transfer of child to adult court. Requires judge to transfer child to adult court if, on or after July 1, 2015 the child is alleged to have engaged in conduct that authorizes transfer to adult court or a criminal gang offense, and the child has a previous adjudication of delinquency for conduct authorizing transfer to adult court or a criminal gang offense. Specifies that transfer to adult court is within judge's discretion if the conduct is a sexual offense, between two minors, with an age difference of two years or less.*

Additional Summary Clarification: In addition to a criminal gang offense, other offenses listed authorizing transfer to adult court include the following: first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping or an attempt to commit any such offenses. The proposed legislation does make transfer discretionary with the juvenile court judge as specified above. This legislation has provisions related to sexual offenses involving minors when there is a two year age difference. All other legislation on this issue has a four year age difference.

Impact of Changes in Current Law: With the exception for sexual offenses noted above, this legislation would implement mandatory transfer for serious offenses if a child had a previous finding of delinquency on one of the specified transfer charges, regardless of how long it has been since the previous adjudication of delinquency. Under current law, juvenile court judges can look at the totality of the circumstances and determine whether it is in the best interests of the child and the safety of the community to transfer an accused child.

TCCY POSITION: OPPOSE –Current research regarding best practices in juvenile justice

policy suggests decisions to transfer children, even those charged with serious offenses, to adult court are best made at the discretion of the juvenile court judge who has an opportunity to review all the facts in the case and the totality of the circumstances. Mandatory transfer legislation potentially provides an inappropriate incentive to law enforcement and prosecutors to “up charge” to make transfer mandatory rather than permit the juvenile court judge to make that determination on a case-by-case basis.

Legislation enacted in 2007 requires use of evidence-based services for juvenile delinquency prevention and intervention, and transfer to adult court is not an evidence-based solution. The Department of Children’s Services and community providers should be supported and encouraged as they continue to implement more evidence-based services.

Through brain imaging science, we now know the frontal lobe of the brain, the part controlling rational thought and decision making, does not fully develop until well past age 18. Children are often impulsive and act without adequately thinking through consequences. However, with maturation and appropriate intervention, judgment skills develop, but are less likely to successfully do so in the adult criminal justice system.

Tennessee managed to avoid the knee-jerk reaction of many states in the 1990s when laws were changed to automatic transfer of children to adult court or transfer solely at the discretion of the prosecutor. Among other criteria, Tennessee law requires a judicial determination that there are reasonable grounds to believe the child committed the offense and whether the child can be rehabilitated in the juvenile system. Science has made it even clearer since the 1990s that youth are best handled in the juvenile justice system.

In August 2008 the Office of Juvenile Justice and Delinquency Prevention released a “Juvenile Justice Bulletin” entitled “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?” It reports extensive research on this topic. While the report indicates the evaluations of the impact of “deterrence” are varied, the impact on recidivism is clear. Transfer is found to increase recidivism: “The practice of transferring juveniles for trial and sentencing in adult criminal court has, however, produced the unintended effect of increasing recidivism, particularly in violent offenders, and thereby of promoting life-course criminality.”

<http://www.jjustice.org/pdf/TransferReport.pdf>

The most recent study regarding effective juvenile justice programming is from the Council of State Governments (CSG) and entitled *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*. At the release of the report, the director of the CSG Justice Center said: “The extraordinary data compiled for this study demonstrates convincingly how much better youth—who prior to the reforms would have been incarcerated—fare instead under community supervision.”

The report found substantial evidence that counties could lower recidivism rates further by doing a better job applying the latest research, such as assigning youth to the right skill-building, treatment, and surveillance programs and providing appropriate levels of supervision. (<http://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>)

The 2008 KIDS COUNT Data Book introductory essay entitled “A Road Map for Juvenile Justice Reform” discusses both the adverse impact of excessive transfer on community safety, and the brain science understanding of important differences in children and adults. (http://www.kidscount.org/datacenter/db_08pdf/2008_databook.pdf.)

Effective strategies for improving juvenile justice include using evidence-based, trauma-informed interventions, more intensive work with families, more effective interventions in schools, and improved early access to mental health and substance abuse services. Incarceration is not an evidence-based intervention. DCS’s commitment to trauma-informed, therapeutic services is an important step forward. The January 2015 *TCCY Policy Brief: A Therapeutic Approach to Juvenile Justice* highlights the importance of best practice in producing positive outcomes for youth involved with juvenile courts. (<http://www.tn.gov/tccy/pb-jj-ta-0215.pdf>) Reducing recidivism and avoiding “promoting life-course criminality” are important goals for the justice system. These goals are best achieved by keeping children in juvenile court.

SB 0599 (Kelsey)/HB 0534 (Holsclaw)

TLS Bill Summary: *Clarifies the definition of "violent juvenile sexual offender." Clarifies the definition of "violent juvenile sexual offender" to apply when the offender is between the ages of 14 and 18 when the qualifying act is committed.*

Additional Summary Clarification: This bill corrects erroneous language in the statute defining violent juvenile sex offenders. In 2010 and 2011, TCCY lead opposition to Tennessee’s implementation of the Federal Law known as the Adam Walsh Child Protection and Safety Act requiring juvenile sex offenders to be placed on public sex offender registries. In 2011, the House Sponsor, staff representing the Tennessee Bureau of Investigation and TCCY reached agreed upon language in several sections of the bill. One of the issues agreed upon was that no juveniles would be required to register for acts committed prior to turning 14 years of age. Late in the evening, during the final meeting of the Senate Judiciary, with only hours remaining in the session, a new amendment was brought forward rewriting the bill, altering the language in such a way causing juveniles who committed a violent sexual offense prior to reaching 14 years of age, but adjudicated afterward to be required to register.

Impact of Changes in Current Law: Current law at TCA 40-39-202 (27) (A) provides the definition of violent juvenile sexual offender:

(27) (A) Violent juvenile sexual offender" means a person fourteen (14) years of age or more but less than eighteen (18) years of age who has been adjudicated delinquent in this state for any act that constitutes a violent juvenile sexual offense as defined in this section;

This bill would delete this language and replace it with a new definition of violent juvenile sexual offender:

(A) “Violent juvenile sexual offender” means a person who is adjudicated delinquent in this state for any act that constitutes a violent juvenile sexual offense; provided, that the person is at least fourteen (14) years of age but less than eighteen (18) years of age at the time the act is committed;

This language clearly states the act that constitutes the violent juvenile sex offense must have been committed between the ages of 14 and 18 years of age. The bill also changes TCA 40-39-202(27) (B) with language that is similar to current law, more artful perhaps, and provides more clarity, but should not be a substantive effect in law.

TCCY POSITION: SUPPORT – TCCY continues to oppose public registration of juvenile sexual offenders and believes Tennessee’s current law satisfactorily meets the conditions and requirements set out in Federal Law. Tennessee’s current law has been certified by the Department of Justice as meeting those standards and has incurred no loss of Federal Justice funding. It is unfortunate the law did not include agreed upon language defining violent juvenile sexual offender as only those committing the offense between the ages of 14 and 18 years of age. It is extremely unfortunate those who committed offenses prior to turning 14 are considered violent juvenile sexual offenders and required to register. This legislation would change current law to comply with the original agreement of sponsors and advocates. TCCY remains committed to non-public registration of juvenile sexual offenders and is very concerned about attempts to pursue public registration or expand lifetime registration to include more juveniles. The caption on this bill is narrowly written in order to prevent such mischief and TCCY shall urge sponsors to withdraw the bill if any such attempt is pursued.

SB 0866 (Kyle)/HB 0713 (Gilmore)

TLS Bill Summary: *Submitting of demographic data on stops to the TBI. Requires each state, county, and municipal law enforcement agency to collect and submit demographic data to the TBI on any person who is stopped by an officer employed by the agency. Provides that the data shall include information on the race of any person who is subject to a traffic stop, a halt at a roadblock, a search, stop and frisk, or an arrest. Requires the TBI to compile and submit a report on the data to the general assembly and the governor on January 1 annually.*

Impact of Changes in Current Law: In addition to existing reporting requirements of law enforcement agencies, this legislation requires law enforcement agencies to collect and submit demographic data to TBI on all persons stopped by an officer employed by the agency. The legislation could increase the information available to help assess the volume and type of law enforcement interaction with juveniles in Tennessee. It could also improve the availability of data to document and address disproportionate minority contact (DMC) within the juvenile justice system.

SB 1084 (Harris)/HB 1225 (Townns)

TLS Bill Summary: *Annual TBI report on crime to contain demographic data. Requires the annual TBI report on crime to include demographic data, including the percentage of suspects, victims, and convicted offenders based on race, gender, age, nationality, and any other appropriate demographic data determined by the director of TBI.*

Impact of Changes in Current Law: This legislation requires the annual TBI report on crime to include demographic data. The legislation will increase the information available to help

assess the volume and type of law enforcement interaction with juveniles in Tennessee. It would also improve the availability of data to document and address DMC within the juvenile justice system.

TCCY POSITION: SUPPORT – TCCY supports the addition of requirements to include demographic data in law enforcement reports. The reports would provide valuable demographic data, in conjunction with data from other entities represented in the juvenile justice system, for use in identifying and addressing the factors that contribute to DMC in the state. According to the 2012 DMC study conducted by TCCY, law enforcement is a primary source of referrals to juvenile court. This data would be useful in identifying the causes of DMC and developing strategies to address DMC, as required by one of the core requirements for continued eligibility for funds from the Federal Juvenile Justice and Delinquency Prevention Act. It would enhance the state’s knowledge base and opportunities to identify and implement best practices and evidence-based programs to reduce DMC.

SB 0029 (Hensley)/HB 0037 (Dunn)

TLS Bill Summary: *Prohibited restraints in special education services. Prohibits the use of prone restraint on students receiving special education. Defines prone restraint as "restraint in which a student is held face down on the floor or other surface, and physical pressure is applied to the student's body for the purpose of controlling the student's movement."*

Impact of Changes in Current Law: This legislation would prohibit the use of prone restraints for students in special education. Such restraints are potentially life-threatening.

TCCY POSITION: SUPPORT – TCCY supports prohibiting the use of prone restraint for children in special education, which would comply with disciplinary best practice. Eliminating the use of prone restraint would reduce the potential for injury to the student and reduce liability for school personnel should something go wrong.

SB 0109 (Norris)/HB 0098 (McCormick)

TLS Bill Summary: *Annual report to inform high school students about DUI fatalities. Requires commissioner of education to develop advisory guidelines directing LEAs to create an annual report to inform high school students about deaths of persons 18 years or younger caused by car accidents involving a driver 18 years or younger who was under the influence of an intoxicant or drug. Part of Administration Package.*

Impact of Changes in Current Law: Changes requirements from a monthly report to an annual report regarding DUI fatalities involving youth ages 18 or younger when the accident was caused by someone 18 years or younger who was under the influence of an intoxicant or drug.

TCCY POSITION: SUPPORT – TCCY supports making this reporting to high school students annual rather than monthly. Such reporting should be both sufficient and have more impact. Child fatalities in motor vehicle accidents is a major concern to all Tennesseans, and has been identified as an issue to address by both the Commissioner’s Injury Prevention Council and the

State Child Fatality Review Team. A clear focus on the numbers and impact of such deaths could help prevent additional deaths in the future.

SB 0182 (Hensley)/HB 0174 (Butt)

TLS Bill Summary: *Director of schools - authorization to expel for criminal complaint.*
Authorizes the director of schools to expel or remand a student to an alternative school upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against the student. Requires the director of schools to expel a student upon the conviction of a felony or an admission of guilt to that felony delinquency against the student, if the director determines the student's continued presence would have a substantial detrimental effect on the school. Establishes the notice, hearing, and appeal requirements for students expelled or remanded to an alternative school. Specifies that this act does not require an LEA to enroll a student who is expelled or remanded in an LEA in this state or another.

Additional Summary Clarification: This legislation would authorize or require expulsion for the following violent felonies as defined by TCA 40-35-321(e):

- (A) First or second degree murder;
- (B) Aggravated kidnapping or especially aggravated kidnapping;
- (C) Aggravated assault;
- (D) Aggravated child abuse;
- (E) Robbery, aggravated robbery or especially aggravated robbery;
- (F) Aggravated burglary or especially aggravated burglary;
- (G) Carjacking;
- (H) Sexual battery, sexual battery by an authority figure or aggravated sexual battery;
- (I) Statutory rape by an authority figure or aggravated statutory rape;
- (J) Rape, aggravated rape, rape of a child or aggravated rape of a child;
- (K) Aggravated arson;
- (L) Attempt, under § 39-12-101, to commit any of the offenses enumerated above;
- (M) Solicitation, under § 39-12-102, to commit any of the offenses enumerated above;
- (N) Conspiracy, under § 39-12-103, to commit any of the offenses enumerated above;
- (O) Criminal responsibility, under § 39-11-402(2), for any of the offenses enumerated above;
- (P) Facilitating the commission, under § 39-11-403, of any of the offenses enumerated above;
- (Q) Being an accessory after the fact, under § 39-11-411, to any of the offenses enumerated above;
- (R) Aggravated vehicular homicide;
- (S) Criminally negligent homicide;
- (T) Reckless homicide;
- (U) Vehicular homicide; or
- (V) Voluntary manslaughter.

Impact of Changes in Current Law: The discretionary and mandatory expulsion or remanding of a student to an alternative school created by the proposed bill will likely increase the number of expulsions and students remanded to alternative schools. The students impacted by this

legislation will have their education interrupted, possibly without any need to do so. The legislation does not explicitly indicate who has responsibility for reporting the issuance of a criminal complaint against a student.

TCCY POSITION: OPPOSE –The proposed legislation creates another feeding mechanism into the school-to-prison pipeline. “Innocent until Proven Guilty” is a cornerstone of our criminal justice system and part of the bedrock of criminal procedure. The proposed bill violates the principle of “Innocent until Proven Guilty” by basing an expulsion on the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against the student. These students may be found completely innocent or they may be adjudicated for a less serious offense. Charging is typically for the most serious offense remotely possible in a given case. Students expelled under this law will have their education interrupted, increasing the likelihood they will drop out of school and seriously interfering with their opportunities to succeed in school and in life. The legislation would require expulsion if the student were adjudicated guilty of one of these offenses.

The Justice Center of the Council of State Governments has issued a report entitled *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*.

[file:///C:/Users/AF01007/Downloads/The_School_Discipline_Consensus_Report%20\(1\).pdf](file:///C:/Users/AF01007/Downloads/The_School_Discipline_Consensus_Report%20(1).pdf)

It reports research and data on school discipline practices are clear: millions of students are being removed from their classrooms each year, mostly in middle and high schools, and overwhelmingly for minor misconduct. When suspended, these students are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system. A disproportionately large percentage of disciplined students are youth of color, students with disabilities, and youth who identify as lesbian, gay, bisexual, or transgender (LGBT). This legislation would exacerbate challenges for youth who are caught in the school-to-prison pipeline.

The report stresses the importance of maintaining children in their classrooms and schools and providing targeted behavioral interventions and community resources. It adds when students are removed from the classroom, they should continue to receive quality instruction.

The legislation provides the director of schools must determine the student's continued presence would have a substantial detrimental effect on the school for the student to be expelled. The subjective standard of “substantial detrimental effect” is too vague to be applied consistently throughout the state. The subjective standard also can be easily misused or abused.

Current state law requires notification to schools when a student has been adjudicated for the most serious offenses and includes a provision for the principal or designee to convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for community safety. Current research and best practice recommendations call for utilizing a trauma-informed, therapeutic approach in response to juvenile delinquency. This legislation is inconsistent with research that demonstrates the most effective and cost effective responses to juvenile delinquency are to maintain the child in the home, school and community

and wrap services around him/her to ensure school and community safety and provide opportunities for the child to turn his/her life around and become a productive citizen.

SB 0292 (Gresham)/HB 0569 (Deberry)

TLS Bill Summary: **Authorizes teachers to remove disruptive students from class.** *Requires each local board of education to adopt a policy for a teacher to remove disruptive students from the classroom. Provides that the policy shall: 1) require a teacher to file a brief report with the principal detailing the disruptive behavior; 2) be kept in a student discipline file; 3) require the teacher to be notified of the actions taken to address the behavior of the removed student; and 4) prohibit a principal from returning a student on the day of removal without the teacher's consent. Establishes that the principal may not return a student to the classroom from which the student was removed following three documented removals without the teacher's consent; provides that such a student may be admitted without the teacher's consent only if the director of schools reviews the record and determines the return to be appropriate.*

Impact of Changes in Current Law: This legislation creates another mechanism to remove students from classrooms for disruptive behavior. Once a student is removed by a teacher under the proposed statutory scheme, principals are prohibited from returning a student to the student's classroom the same day unless the teacher consents. Moreover, if a student has been removed from a classroom three times, the principal is prohibited from returning the student to the student's class without the teacher's consent. If the teacher does not consent, the matter will be reviewed by the director of schools to determine the appropriate action. The teacher's report does not become part of the student's permanent record unless the behavior accelerates to the level of zero tolerance or is substantial enough for the student to be suspended or expelled from school. There is a provision that the policy must comply with state and federal law regarding placement. This means for special education students, there must be special provisions when the behavior is a manifestation of the student's disability.

TCCY POSITION: OPPOSE – TCCY's vision is, "All children in Tennessee are safe, healthy, educated, nurtured and supported, and engaged in activities that provide them opportunities to achieve their fullest potential." Italics added. This bill unnecessarily creates another barrier for Tennessee's children to receive an adequate education in certain situations. TCA 49-6-4002 already mandates governing bodies of each LEA in Tennessee to formulate a code of acceptable behavior and discipline. TCA 49-6-4003 specifies the codes of acceptable behavior and discipline shall contain the type of behavior expected from each student. The current law is adequate.

Without providing the necessary services, simply removing a child from a class places the child at risk of falling behind in school and potentially just moves the behavior to another location without addressing the child's underlying issues. Students classified as "disruptive" often have unmet or undiagnosed mental and behavioral health needs.

The Justice Center of the Council of State Governments has issued a report entitled *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and*

Out of the Juvenile Justice System.

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Research and data on school discipline practices are clear: millions of students are being removed from their classrooms each year, mostly in middle and high schools, and overwhelmingly for minor misconduct. When suspended, these students are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system. A disproportionately large percentage of disciplined students are youth of color, students with disabilities, and youth who identify as lesbian, gay, bisexual, or transgender (LGBT).

The report stresses the importance of maintaining children in their classrooms and schools and providing targeted behavioral interventions and community resources. It adds when students are removed from the classroom, they should continue to receive quality instruction.

SB 0398 (Hensley)/HB 0266 (Butt)

TLS Bill Summary: *Automatic suspension for student committing felony. Provides that students adjudicated delinquent for conduct or an act that would constitute a felony if committed by an adult are to be automatically suspended from school. Specifies procedure and requirements for readmission to school. Provides that student not meeting criteria for readmission to school is expelled from school for one year.*

Additional Summary Clarification: The suspended student may request a hearing by the board of education or a disciplinary hearing authority appointed by the board to determine whether he/she will be readmitted to the school. The suspended student can be readmitted only if the principal of the school of suspension and the director of schools agree within thirty (30) days from the date of the suspension that readmission would not threaten the safety of other students and faculty, would not adversely affect the learning environment of other students, and would be in the best interests of the suspended student.

Impact of Changes in Current Law: This bill implicitly requires someone or some entity to notify a student's school if the student is adjudicated delinquent for an offense that would constitute a felony if committed by an adult. The bill explicitly requires the automatic suspension of students for conduct that constitutes a felony while current law makes suspension discretionary.

TCCY POSITION: OPPOSE – Current state law requires notification to schools when a student has been adjudicated for the most serious offenses. Additionally, courts have the discretion to make a finding that the child's school shall be notified based on the circumstances surrounding the offense if the adjudication of delinquency is for an offense not listed in the statute. Accordingly, the court has the discretion to make a finding that a child's school be notified upon the adjudication of any offense. Current state law includes a provision for the principal or designee to convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for community safety. Current research and best practice recommendations call for utilizing a trauma-informed,

therapeutic approach in response to juvenile delinquency. This legislation is inconsistent with research that demonstrates the most effective and cost effective responses to juvenile delinquency are to maintain the child in the home, school and community and wrap services around him/her to ensure school and community safety and provide opportunities for the child to turn his/her life around and become a productive citizen. Automatic suspension for any delinquent offense that would constitute a felony if committed by an adult is arbitrary and does not consider the actual threat the student may pose.

The proposed legislation creates another feeding mechanism into the school-to-prison pipeline. —The ‘school-to-prison pipeline’ refers to the policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems. This pipeline reflects the prioritization of incarceration over education.” <https://www.aclu.org/racial-justice/what-school-prison-pipeline>. It is counter-productive for individual students and counter-productive for long-term school and community safety. Students who are excluded from school will find it virtually impossible to obtain an education and to become productive adults. The vast majority of students who are adjudicated in juvenile court, even for felonies, go on to become productive citizens when they are provided appropriate services and not unduly stigmatized. If these youth are excluded from school, juvenile courts are more likely to place them in state custody so they may have an opportunity to receive an education.

SB 0448 (Overbey)/HB0 1349 (Weaver)

TLS Bill Summary: *Establishes a progressive truancy intervention program in K–12.*

State Summary - As introduced, establishes a progressive truancy intervention program in K–12 schools that involves tiers of prejuvenile court programs designed to keep a truant child out of the juvenile court system.

Impact of Changes in Current Law: This legislation would reduce involvement of youth with juvenile court for truancy. It would require schools to clearly communicate attendance expectations at the start of the school year. If a student is truant, the school would begin progressive truancy intervention with a conference involving the school officials and the parent. Progressive truancy interventions would be designed to address student conduct related to truancy in the school setting and minimize the need for referral to juvenile court. Progressive truancy intervention would involve an assessment to identify challenges related to truancy and provide counseling, referral to community-based services, school-based community services, school-based teen court or other alternatives to address the truancy. The legislation requires the use of progressive-truancy intervention prior to involvement with juvenile court.

TCCY POSITION: SUPPORT – TCCY supports progressive truancy interventions that keep children in school and avoid juvenile court involvement. Attendance at school is critically important for success in school, but efforts to ensure attendance should focus on identification of underlying issues contributing to absences and addressing them. Research indicates it is preferable to keep children out of the juvenile court system whenever possible. Strategies to reduce the school-to-prison pipeline improve outcomes for youth and avoid the potentially life-long stigma of justice system involvement. They contribute to long-term community safety by

improving the possibilities for success in school and reducing involvement with the justice system.

SB 0455 (Bell)/HB 0035 (Dunn)

TLS Bill Summary: Offering pre-k program for at risk children. *Allows an LEA that offers a prekindergarten program for at risk children to offer the program either during the school year or in the summer. Requires LEA's conducting the summer prekindergarten program to provide at least six weeks, but no more than eight weeks, of instructions.*

Additional Summary Clarification: Deletes the following section in current law at TCA 49-6-103(a): It is the legislative intent that, based on the success of Tennessee's existing pilot pre-kindergarten programs, these programs be expanded on a voluntary basis by LEAs and the communities they serve to provide more opportunities for quality early childhood education and pre-kindergarten experiences.

Impact of Changes in Current Law: This legislation would eliminate legislative intent to expand pre-kindergarten programs and authorize provision of summer-only programs instead of full-year pre-k classes. These changes would erode the commitment to and could result in the loss of full-year pre-k classes with summer programs of six to eight weeks instead.

TCCY POSITION: OPPOSE— TCCY has been a consistent advocate for expanding the availability of voluntary pre-k classes, especially for at risk children. Every single study that has examined the long-term effects of pre-k has reached the same conclusion: children who attend pre-k enjoy benefits from the program for the rest of their lives. Those benefits contribute to savings for taxpayers that—according to every single study on the subject—far outweigh the costs. Pre-k is one of the best investments the public can make in terms of returns to taxpayers.

Studies show that, in addition to short-term academic advances compared to children who did not attend pre-k, children who did attend enjoyed multiple life-long positive effects. In several studies at the state and national level, children who attended pre-k were

- Less likely to require special education;
- More likely to graduate from high school;
- More likely to have jobs;
- Earning higher salaries;
- More likely to own a home;
- More likely to have a savings account;
- Less likely to have ever depended on welfare programs;
- Less likely to have been arrested; and
- Less likely to become parents as teenagers.

These benefits translate into taxpayer savings, making pre-k one of the best investments taxpayers can make, with studies showing returns of between \$4 and \$16 for every \$1 spent on pre-k education. These returns were larger for children who entered pre-k with more disadvantages, as their likelihood of negative outcomes without pre-k was stronger, but it is repeatedly shown to be a solid investment for all children.

SB 0537 (Gresham)/HB 0567 (DeBerry)

TLS Bill Summary: *Minimum requirements for graduation - children in custody of DCS. Prohibits an LEA from requiring more than the minimum graduation requirements for students enrolling or transferring in the tenth grade or later who are in the custody of the department of children's services to receive a full diploma.*

Impact of Changes in Current Law: Some school systems in Tennessee require more than the minimum number of credits required by the state for graduation (24 versus 22). This legislation would require all school systems to permit children who enroll or transfer into the local system in grade ten or higher and are in state custody to graduate with 22 credits as required by the State Board of Education for high school graduation in Tennessee. The bill is drafted so it would make it almost impossible for students to “game” the system to make it easier for them to graduate.

TCCY POSITION: SUPPORT– Children who are in state custody are typically removed from their family home and often experience more than one placement and more than one school system. Though DCS has made strides in reducing multiple placements, the experience of multiple school systems continues and makes it challenging for students to acquire more credits for graduation than are required by the State Board of Education, especially when they are moved from a system that does not require more to a system that does. The Youth Transitions Advisory Council has repeatedly encouraged legislation such as this to permit children who meet the state requirements to receive a high school diploma in the district where they complete high school. If children have completed the state requirements for a high school diploma, they should not be penalized by the local school system. While education and schools should be considerations in placements, higher graduation requirements by local school systems should not infringe on placement options for children in state custody.

SB 0592 (Tate)/HB 0498 (Camper)

TLS Bill Summary: *Students must complete 75 hours of service learning to graduate. Requires students to complete 75 hours of service learning to graduate from high school. Requires the state board of education to adopt service-learning standards and guidelines for certain service learning program.*

Impact of Changes in Current Law: While a number of Tennessee high schools currently require service learning for graduation, there is no state requirement. As defined by Volunteer Tennessee in the State Department of Finance and Administration: —Service-Learning is a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.”

TCCY POSITION: SUPPORT WITH AMENDMENT – TCCY supports mandatory service learning because of the positive impact it has in helping youth develop good citizenship, learn new skills, explore activities and learn to solve real-life problems. In certain service learning activities, they can learn practical applications of their studies and become actively contributing

citizens and community members through the service they perform. Service-learning is also recognized by the National Dropout Prevention Center as a basic core strategy for dropout prevention and is widely recognized to provide 21st century workplace skills and college readiness skills. However, there is concern 75 hours would be challenging for some students, especially those who are disadvantaged. An amendment to reduce the number of hours to 40 over the four years is recommended.

According to the Center for Teaching website at Vanderbilt University, the following are benefits from service learning: (<http://cft.vanderbilt.edu/guides-sub-pages/teaching-through-community-engagement/>)

Learning Outcomes

- Positive impact on students' academic learning
- Improves students' ability to apply what they have learned in —the real world”
- Positive impact on academic outcomes such as demonstrated complexity of understanding, problem analysis, problem-solving, critical thinking, and cognitive development
- Improved ability to understand complexity and ambiguity

Personal Outcomes

- Greater sense of personal efficacy, personal identity, spiritual growth, and moral development
- Greater interpersonal development, particularly the ability to work well with others, and build leadership and communication skills

Social Outcomes

- Reduced stereotypes and greater inter-cultural understanding
- Improved social responsibility and citizenship skills
- Greater involvement in community service after graduation

Career Development

- Connections with professionals and community members for learning and career opportunities
- Greater academic learning, leadership skills, and personal efficacy can lead to greater opportunity

SB 0664 (Kyle)/HB 0689 (Powell)

TLS Bill Summary: *Prohibits corporal punishment in public schools. Prohibits corporal punishment in public schools.*

Impact of Changes in Current Law: This legislation prohibits the use of corporal punishment in public schools in Tennessee, including those operated by the Department of Children's Services at the Youth Development Centers (YDCs). By policy, corporal punishment was already prohibited at the YDCs. Many Tennessee school systems already prohibit corporal punishment, which is prohibited by law in 31 states, with most continuing corporal punishment in the south, and in over 100 countries according to the Center for Effective Discipline. (<http://www.businessinsider.com/19-states-still-allow-corporal-punishment-2014-3>). According to a report from Human Rights Watch/American Civil Liberties Union in 2006, Tennessee had the sixth highest rate of use of corporal punishment nationally, and the fourth highest rate for

students with disabilities. According to Federal Office of Civil Rights data for 2009, (http://ocrdata.ed.gov/StateNationalEstimations/Projections_2009_10), approximately 16,600 Tennessee students received corporal punishment, 14,309 who did not have disabilities, and 2,294 who have disabilities.

TCCY POSITION: SUPPORT – TCCY supports legislation to prohibit corporal punishment in all Tennessee schools. Corporal punishment is administered inconsistently across and even within school systems. Imposition of corporal punishment subjects educators to the possibility of liability following litigation for injuries to a child, and to the possibility of being investigated for and charged with child abuse and neglect. There is a substantial body of evidence that corporal punishment has unintended negative consequences: children become more aggressive, perform worse in school, are more likely to become depressed or abuse drugs, and longer term adverse impacts related to addiction and spousal abuse. Other disciplinary measures are more effective and do not have the long term adverse impacts of corporal punishment. For additional information related to the negative impact of corporal punishment, see the following:

- <http://www.economist.com/news/united-states/21632521-spanking-makes-your-children-stupid-spare-rod>
- <http://www.forbes.com/sites/jamesmarshallcrotty/2014/09/21/should-corporal-punishment-be-allowed-in-schools/>
- <http://www.brookings.edu/blogs/social-mobility-memos/posts/2014/11/06-parenting-hitting-mobility-reeves>

SB 0954 (Harris)/HB 0770 (Armstrong)

TLS Bill Summary: *Requiring restraint systems on school buses.* Requires any bus ordered or purchased on or after July 1, 2016, to be equipped with a restraint system that is approved by the national transportation and safety board for the driver and all passengers. Requires any bus that is currently used to transport students be equipped with a restraint system by July 1, 2023.

Impact of Changes in Current Law: The recent deaths of two students in Knox County in a school bus accident led to calls for requiring lap and shoulder restraints in school buses.

TCCY POSITION STATEMENT – TCCY understands the natural reaction of parents who have lost children in school bus accidents to call for a response. However, the National Highway Transportation Safety Administration (NHTSA) has not mandated lap and shoulder restraints in school buses because there is insufficient evidence to justify such a large infrastructure expense. The NHTSA estimates that lap and shoulder restraints might prevent the loss of one life per year, if used correctly by 100 percent of passengers and if 100 percent are adequately maintained. School buses are different by design and use a different kind of safety restraint system known as compartmentalization. Compartmentalization uses strong, closely spaced, energy absorbing seats, among other measures, to provide a protective envelope for the occupant.

Large school buses are heavier and distribute crash forces differently than do passenger cars and light trucks. Because of these differences, the crash forces experienced by occupants of buses are much less than that experienced by occupants of passenger cars, light trucks or vans. The reason seat belts were found not to provide much additional benefit is because most fatalities and

injuries occurred because the occupant seating positions were in direct line with the crash forces during impact.

The people most likely to be killed or injured in a school bus accident are not on the school bus, they are either a pedestrian or a passenger in another vehicle. While there are on average 815 deaths in school transportation related accidents per year, only 2 percent of victims in a school transportation accident are passengers on the bus. Twenty two percent are pedestrians and 75 percent are passengers in another vehicle. The person on the school bus most likely to be injured or killed in an accident is the bus driver. Bus drivers are always required to wear a seat belt.

The big yellow American school bus is the safest form of transportation in the United States. The occupant fatality rate of a large school bus is 0.2 per 100 million vehicle miles traveled. That's a busload of students traveling from Mountain City to Memphis over 15,000 times. It is approximately seven times safer than a passenger car with an average fatality rate of 1.44 per 100 million vehicle miles traveled. Many more children are killed or injured in accidents on their way to school in the family car than in public school transportation. Seat belts have been required in passenger cars since 1968.

The National Highway Transportation Safety Board recommends that any efforts to improve school bus safety be focused on passenger loading and unloading. The Board, strongly recommends that nothing be done that limits available school bus seating or to discourage in any way student use of the school bus as their primary conveyance to school.

SB 0977 (Norris)/HB 0571 (Deberry)

TLS Bill Summary: *Legal representation for children in truancy proceedings. Entitles children to legal representation in proceedings alleging truancy.*

Impact of Changes in Current Law: The bill would entitle children who appear before the court on a truancy matter to legal representation regardless of whether the court believes such proceeding will place the child in jeopardy of being removed from the child's home.

TCCY POSITION: SUPPORT – TCCY supports providing due process for all children who appear before courts. Currently, TCA 37-1-132(b) provides if a child is found to be an unruly child, which encompasses truancy, the court has the discretion to remove the child from —the home of the parent, guardian or other legal custodian” during a disposition hearing. When the adjudicatory and dispositional phases of an unruly proceeding are held days apart, the court has time to assess whether a child is in danger of being removed from the child's home and provide the child an attorney when it is appropriate. However, due to heavy case loads and many other factors, the disposition hearings are often heard directly after the conclusion of the adjudication. In some instances, the disposition hearings and adjudications are held concurrently. To ensure the due process rights of children are protected, children should be entitled to legal representation in all proceedings alleging truancy. The Justice Center of the Council of State Governments has issued a report entitled *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*. It recommends keeping children who are truant out of the court system. Providing legal counsel is

a critical need to ensure their rights are protected and they are diverted from the juvenile court system whenever possible.

[file:///C:/Users/AF01007/Downloads/The_School_Discipline_Consensus_Report%20\(1\).pdf](file:///C:/Users/AF01007/Downloads/The_School_Discipline_Consensus_Report%20(1).pdf)

SB 1241 (Bell)/HB 1154 (Hulsey)

TLS Bill Summary: Delinquent Acts of Student. *Expands the delinquent acts committed by a juvenile that require notification to the LEA where the juvenile resides or last attended school. Requires LEA to be notified any time a juvenile is adjudicated delinquent for specified delinquent acts, instead of only when being initially enrolled in the school, returning to school from suspension or expulsion, or transferring to another school. Shifts responsibility of informing school about delinquency adjudication from the parents, to the juvenile court clerk or general sessions clerk.*

Impact of Changes in Current Law: This bill expands the list of delinquent acts committed by a juvenile that requires notification to the LEA to include all offenses against a person as defined in title 39, chapter 13 of the Tennessee Code Annotated (TCA); all offenses against property as defined in title 39, chapter 14 of the TCA; all offenses against the administration of government as defined in title 39, chapter 16, part 6 of the TCA; all offenses public health, safety, and welfare as defined in title 39, chapter 17 of the TCA; or any offense involving motor and other vehicles as defined in title 55, chapter 10, part 4 of the TCA; or any other offense the court determines appropriate.

The bill also shifts the responsibility of notification from the parent, guardian, or legal custodian of the child, including the Department of Children’s Service when appropriate, to the juvenile or general sessions court clerk. This legislation also changes current law that requires a meeting to identify strategies to help the child understand the seriousness of his/her situation help the child succeed in school and provide for school safety. This legislation makes such meeting optional with the principal/principal’s designee.

TCCY POSITION: OPPOSE – Current state law supports school safety because it requires notification to schools when a student has been adjudicated for serious offenses. It additionally authorizes notification when the court believes the circumstances surrounding an offense warrant notification even if it is not required. This legislation would substantially expand the offenses for which notification is required to even the most minor offenses. This has the potential to significantly stigmatize youth. The great majority of children who come to the attention of the juvenile court will not become repeat offenders. Broadly sharing juvenile court involvement information with school personnel is likely to have unintended negative consequences for youth who have committed minor offenses. The Tennessee juvenile code includes among its purposes to remove the taint of criminality and consequences of criminal behavior. This legislation is more like painting a scarlet letter on children who are involved with juvenile delinquency.

This legislation will also place a substantial burden on the court clerks as it will require them to prepare an abstract for virtually all delinquent cases involving a delinquent adjudication.

This legislation is not consistent with current research and best practice in juvenile justice. Legislation enacted in 2007 requires use of evidence-based services for juvenile delinquency prevention and intervention, and notification of schools in all juvenile delinquency cases is not an evidence-based practice. The Department of Children's Services and community providers should be supported and encouraged as they continue to implement more evidence-based services.

Effective strategies for improving juvenile justice include using evidence-based, trauma-informed interventions, more intensive work with families, more effective interventions in schools, and improved early access to mental health and substance abuse services. Incarceration is not an evidence-based intervention. DCS's commitment to trauma-informed, therapeutic services is an important step forward. The January 2015 *TCCY Policy Brief: A Therapeutic Approach to Juvenile Justice* highlights the importance of best practice in producing positive outcomes for youth involved with juvenile courts. (<http://www.tn.gov/tccy/pb-jj-ta-0215.pdf>)

Current Tennessee law [TCA 37-1-101(a)] provides the purpose of the juvenile court is to:

- 1) Provide for the care, protection, and wholesome moral, mental and physical development of children coming within its provisions;
- 2) Consistent with the protection of the public interest, remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and substitute therefor a program of treatment, training and rehabilitation.

These goals are best achieved by avoiding notification of juvenile cases to the schools except in serious cases as covered by current law when there may be issues of school safety.

The Justice Center of the Council of State Governments has issued a report entitled *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*.

([file:///C:/Users/AF01007/Downloads/The_School_Discipline_Consensus_Report%20\(1\).pdf](file:///C:/Users/AF01007/Downloads/The_School_Discipline_Consensus_Report%20(1).pdf))

Research and data on school discipline practices are clear: millions of students are being removed from their classrooms each year, mostly in middle and high schools, and overwhelmingly for minor misconduct. When suspended, these students are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system. A disproportionately large percentage of disciplined students are youth of color, students with disabilities, and youth who identify as lesbian, gay, bisexual, or transgender (LGBT). This legislation would exacerbate challenges for youth who are caught in the school-to-prison pipeline.

The report stresses the importance of maintaining children in their classrooms and schools and providing targeted behavioral interventions and community resources. It adds when students are removed from the classroom, they should continue to receive quality instruction.

This legislation goes in the opposite direction from the recommendations by the Council of State Governments. The focus of this report was keeping children in school and out of the juvenile justice system. This legislation would thrust juvenile justice system involvement into the school

setting, decreasing the child's prospects for success in school and therefore in life.

SJR 0059 (Gresham)

TLS Bill Summary: *Education on the potential health impact of heavy backpacks. Recommends all school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks and take proactive measures to avoid injury.*

HJR 0016 (Deberry)

TLS Bill Summary: *Education on the potential health impact of heavy backpacks. Recommends all school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks and take proactive measures to avoid injury.*

Changes in Current Law: No change in current law as this is just a resolution.

Impact of Legislation: This resolution would encourage education about the impact of heavy backpacks on children and encourage proactive effort to reduce the weight and advocate proper use/wearing. It would encourage (but not require) Doctors of Chiropractic be permitted to conduct mandatory interval scoliosis examinations on children. It encourages schools to work with their PTA/PTO to assess the extent to which students use overweight backpacks and promote homework strategies to lessen the need to take all school materials and books back and forth each day and sets out points schools should consider in developing their backpack education talking points.

TCCY POSITION: SUPPORT – Overweight backpacks contribute to various soft tissue, ligament, skeletal and nerve problems for students, including curvature of the spine and back problems. TCCY encourages schools to work with PTA/PTO, students and parents to minimize overweight backpacks through appropriate strategies.

SB 0075 (Norris)/HB 0065 (McCormick)

TLS Bill Summary: *Regulations involving the rights of adoptive and foster families. Adds new section that requires the department to release certain information, about children adopted from the department's guardianship, to the adoptive family. Establishes regulations, involving child abuse/neglect, for the foster parent or parents. Part of Administration Package.*

Additional Summary Clarification: This legislation increases the information available to potential adoptive parents to aid them in making an informed decision regarding adoption of an individual child. The legislation also clarifies provisions for foster parent(s) support by an advocate in cases involving allegations of abuse against the foster parent(s).

Impact of Changes in Current Law: The bill allows DCS to significantly expand the amount of information disclosed to a family seeking to adopt a child in DCS guardianship, including information related to physical, mental and behavioral health, and education. This will provide a potential adoptive family with relevant biographical information about the child and non-

identifying information about the child's biological family. The purpose is to provide full disclosure to allow families to make the most informed decision possible when adopting a child. The second portion of the legislation makes revisions in the foster parent advocacy program to recognize the potential for more than one statewide foster parent organization. It provides when a foster parent(s) is an alleged perpetrator of abuse and neglect, the foster parent(s) is provided an advocate who can be present with the foster parent(s) throughout the course of the investigation, and requires the information in the process be strictly confidential. It allows DCS to partner with statewide foster parent organizations in promulgating rules to operate the advocacy program.

TCCY POSITION: SUPPORT – TCCY supports the provision of transparency in the adoption of children in DCS guardianship to ensure potential adoptive parents have a full understanding of the child's life experiences and their impact on his/her health, behavior and education. Such information strengthens the likelihood of success for the adoption and minimizes the prospects for disruption. TCCY also supports strengthening the process for advocacy for foster parent(s) accused of abuse and neglect and the inclusion of multiple statewide foster parent advocacy organizations.

SB 0076 (Norris)/HB 0066 (McCormick)

TLS Bill Summary: *Annual reports on foster children and child care agencies. Consolidates department of children's services annual reports for commitment data, foster care, and child care agencies into one report. Specifies that report shall be provided to the judiciary committee of the senate and civil justice committee of the house of representatives every year on or before January 31. Removes the requirement that the department report on the shifting responsibility for children moving from one placement to another. Part of Administration Package.*

Impact of Changes in Current Law: This legislation consolidates reporting to the General Assembly by the Department of Children's Services. It requires inclusion of county commitment data and information on child care agencies into a single annual report.

TCCY POSITION: SUPPORT– TCCY supports legislation that streamlines reporting to the General Assembly. This legislation will result in more complete information in a single report.

SB 0165 (Tate)/HB 0697 (Akbari)

TLS Bill Summary: *Increase notice from 3 to 5 days before transfer to criminal court. Requires that a child and the child's parents, guardian, or custodian receive five days' notice instead of three before a hearing to transfer the child from juvenile court to criminal court.*

Additional Summary Clarification: This is a caption bill. According to staff reports it is intended to create blended sentencing in Tennessee. As introduced, it is positive in that it increases the notice time before transfer to criminal court for trial as an adult.

Impact of Changes in Current Law: Amendatory language is unavailable at this time, so it is not possible to assess the full impact. However, there is substantial information regarding blended sentencing.

Black's Law Dictionary defines "blended sentencing" as "a sanction that combines delinquency sanctions and criminal punishment." Blended sentencing may either provide juvenile courts with tougher sentencing options (juvenile blended sentencing), or allow criminal courts to impose juvenile dispositions (criminal blended sentencing).

In 2008, the National Center for Juvenile Justice released a report entitled *Different from Adults: An Updated Analysis of Juvenile Transfer and Blended Sentencing Laws, With Recommendations for Reform*. According to the report, 26 states have either juvenile blended sentencing or criminal blended sentencing or both. With either version, blended sentencing involves transfer of youth from the juvenile to the criminal system.

Research has failed to establish the effectiveness of transfer laws in deterring crime generally, or in reducing the likelihood that transferred youth will commit further crimes. Research comparing youth who were prosecuted as adults with similar youth handled in the juvenile system leaves little doubt regarding the specific counter-deterrent effects of transfer laws—that is, their tendency to increase subsequent offending, especially violent offending, on the part of transferred youth. Reportedly, all the studies found higher overall re-offense rates for those processed in the criminal system, and substantially higher rates for violent offenders prosecuted as adults. Criminally prosecuted youth were also generally found to have reoffended sooner and more often. http://www.ncjj.org/PDF/MFC/MFC_Transfer_2008.pdf

Current Tennessee law [TCA 37-1-101(a)] provides the purpose of the juvenile court is to:

- 3) Provide for the care, protection, and wholesome moral, mental and physical development of children coming within its provisions;
- 4) Consistent with the protection of the public interest, remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and substitute therefor a program of treatment, training and rehabilitation.

Blended sentencing of juveniles is inconsistent with the stated purpose of Tennessee's juvenile code. Current law (TCA 37-1-134) provides for the transfer of juvenile defendants who have been charged with certain acts. It establishes a system for transfer of a child from juvenile court to adult court for trial as an adult. The current law provides a thoughtful mix of protection for youth to avoid unnecessary transfer for trial as an adult and protection of the community.

It is unclear what the effect of blended sentencing would be on the transfer of juveniles. In Tennessee, transfer to adult court is a decision of the juvenile court judge made based on consideration of the individual circumstances in the case. In 2013, 172 youth in Tennessee were transferred from juvenile court to adult court. Almost half (47.7 percent) were transferred in Shelby County, and almost three in four (72 percent) were African American.

http://www.tncourts.gov/sites/default/files/docs/2013_juvenile_annual_report_revised.pdf

Blended sentencing laws are often very complex arising out of individual circumstances in the states. Theoretically, a blended sentence is a hybrid sentence that protects society while at the same time creating incentives for the youth to be rehabilitated in the juvenile system. However, studies suggest blended sentencing results in "widening the net" bringing more youth into the

criminal system than would enter it through typical transfer laws. Blended sentencing has been especially problematic when it includes property crimes where it tends to result in some youth serving longer terms under a blended sentence than they would for the same offense if convicted in criminal court. Additionally, behavioral challenges and minor delinquency have a tendency to keep youth ensnared in the criminal justice system.

The Department of Justice, Office of Juvenile Justice and Delinquency Prevention, has published a report on the rate and causes of juvenile suicide in confinement. Of all the suicides that occurred in juvenile confinement during the sample period, most victims were males, non-violent offenders, substance abusers (though none were under the influence of drugs or alcohol at the time of death), and assigned to isolation or single-occupancy living quarters. The report found “[f]ear of waiver to adult system, transfer to a more secure juvenile facility, or pending undesirable placement” as the most common factor motivating a juvenile’s suicide. (<https://www.ncjrs.gov/pdffiles1/ojjdp/214434.pdf>)

The most recent study regarding effective juvenile justice programming is from the Council of State Governments (CSG) and entitled *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*. At the release of the report, the director of the CSG Justice Center said: “The extraordinary data compiled for this study demonstrates convincingly how much better youth—who prior to the reforms would have been incarcerated—fare instead under community supervision.”

The report found substantial evidence that counties could lower recidivism rates further by doing a better job applying the latest research, such as assigning youth to the right skill-building, treatment, and surveillance programs and providing appropriate levels of supervision. (<http://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>)

States have shown remarkable reductions in secure placement of youth during a time when juvenile crime rates have decreased overall. Tennessee showed one of the top five largest declines between 1997 and 2011.

TCCY POSITION: OPPOSE BLENDED SENTENCING – TCCY supports the use of best practices in the juvenile justice system. Legislation enacted in 2007 requires use of evidence-based services for juvenile delinquency prevention and intervention, and blended sentencing is not an evidence-based solution. The Department of Children’s Services and community providers should be supported and encouraged as they continue to implement more evidence-based services.

Effective strategies for improving juvenile justice include using evidence-based, trauma-informed interventions, more intensive work with families, more effective interventions in schools, and improved early access to mental health and substance abuse services. Incarceration is not an evidence-based intervention. DCS’s commitment to trauma-informed, therapeutic services is an important step forward. The January 2015 *TCCY Policy Brief: A Therapeutic Approach to Juvenile Justice* highlights the importance of best practice in producing positive outcomes for youth involved with juvenile courts. (<http://www.tn.gov/tccy/pb-jj-ta-0215.pdf>) Reducing recidivism and avoiding “promoting life-course criminality” are important goals for the justice system. These goals are best achieved by keeping children out of adult court.

SB 0440 (Haile)/HB 0445 (Faison)

TLS Bill Summary: *Removes right of revocation of the surrender of a child for adoption. Removes person's right to revoke surrender of a child for adoption. Allows judge to revoke or invalidate surrender by court order if judge determines by clear and convincing evidence that the surrender involved duress, fraud, or intentional misrepresentation or if revocation is in child's best interests. Makes various technical revisions to reflect removal of person's right to revoke surrender. Specifies that at the time of surrender the judge must inform person that there is no right to revoke surrender. Requires surrender form provided filled out by surrendering parent to state that the surrender cannot be revoked.*

Additional Summary Clarification: Current law gives a parent 10 days to revoke a surrender of a child for adoption. This legislation would eliminate the 10 day waiting period and make a surrender final upon execution. With rare exceptions, a surrender cannot be executed until three calendar days after the child is born.

Impact of Changes in Current Law: This bill would eliminate the 10 day period within which a surrender for adoption could be revoked. Revocability time frames vary for the eight states surrounding Tennessee, ranging from not revocable in Mississippi to 20 days in Kentucky (0 MS; 3 MO unless judge approved sooner; 5 AL; 7 NC and VA; 10 AR and GA; 20 KY). A noted adoption attorney in Tennessee has reported many birth moms would prefer no revocation period because it requires them to effectively “re-decide” every day (not to revoke) until it expires. He goes on to stress the importance of everyone in the case ensuring the mom is ready to surrender. Another noted adoption attorney notes when there is little or no revocation period, surrenders are more likely to be set aside in litigation on other grounds. The revocation period in Tennessee provides stability to the adoption process reducing the success of challenges.

TCCY POSITION: SUPPORT WITH AMENDMENT – While TCCY recognizes the desire of adoptive parents to eliminate the revocation period, there is little data regarding the frequency revocation occurs during this period. There is concern that the unintended consequences of elimination of the revocation period will be more, rather than less, disruption of adoption proceedings in challenges on other grounds if there is no revocation period. Perhaps a better option would be to reduce the time for revocation from 10 days to five days.

SB 0550 (Niceley)/HB 0014 (Butt)

TLS Bill Summary: *Third party presence for a DCS child interview at school. This bill requires a third party to be present when a representative of the department interviews a child at the child's school; requires the third party to be a school resource officer, school counselor, school nurse, or other faculty member; if no faculty member is available, requires the representative of the department to make a video recording of the interview.*

Impact of Changes in Current Law: Current law does not require DCS to have a third party present when a child is interviewed at the child's school. The proposed bill requires DCS employees to have an SRO or other select school employees present if the DCS employee

interviews a child at the child's school. If a statutorily enumerated individual is not available to witness the interview, the DCS employee must video record the interview.

TCCY POSITION: OPPOSE – TCCY opposes bills that unnecessarily infringe on the privacy of child victims and potentially increase the level of trauma they experience. The proposed bill may require DCS to violate existing confidentiality statutes, TCA 37-1-409 and 37-1-612. Violation of TCA 37-1-409 is a Class B misdemeanor. Violation of TCA 37-1-612 is a Class A misdemeanor. One of the purposes of these confidentiality statutes is to protect the rights of the child and the child's parents or other persons responsible for the child's welfare. This proposed bill violates those protected rights.

Nothing in the bill states how long the interviewer is supposed to attempt to find an available person. This bill could unnecessarily delay DCS investigations. Moreover, SRO's and other school personnel could lose countless hours of work because they were forced to participate in DCS interviews and they subsequently may become witnesses in court proceedings.

The addition of another person, potentially a person in a law enforcement uniform or another stranger, to an already stressful situation may have an adverse impact on the interviewing process resulting in less rather than more disclosure of information.

SB 0623 (Sutherland)/HB 0665 (Hawk)

TLS Bill Summary: *Food stamps - eligibility prohibitions for convicted drug felons. State Summary - As introduced, rescinds Tennessee's decision to opt out of the eligibility prohibitions for convicted drug felons in the food stamp program and the families first program so that eligibility for these programs for convicted drug felons would be controlled by federal law.*

Impact of Changes in Current Law: This legislation would prohibit convicted drug felons from receiving Supplemental Nutrition Assistance Program (SNAP, formerly know as Food Stamps) or Families First/Temporary Assistance for Needy Families (TANF).

TCCY POSITION: OPPOSE – TCCY opposes legislation that restricts eligibility for these foundational public assistance programs. The Annie E. Casey Foundation KID COUNT Report entitled "Measuring Access to Success in the United States" released on February 25, 2015, emphasizes the importance of good public policies that support children and families and help lift them out of poverty. The report focuses on the Supplemental Poverty Measure that assesses the impact of governmental interventions. Without public supports, 33 percent of Tennessee children would live in poverty, but as a result of the programs, this is reduced to 17 percent. While the Earned Income Tax Credit and the Child Tax Credit are the most significant, TANF and SNAP are very important programs. (<http://www.aecf.org/resources/measuring-access-to-opportunity-in-the-united-states/>)

Many of the adults who would lose SNAP or Families First as a result of this legislation live in households that include children. In Tennessee, over half a million children, almost 40 percent of all SNAP recipients in the state (39.8%), depend on SNAP to help provide them with the nutrients needed for growing bodies and developing brains, and more than one in three (36.4%) children in the state are SNAP recipients.

Perhaps the most compelling reason convicted drug felons should not be restricted from these essential supports is the adverse impact this would have on community safety. Denying SNAP and other public benefits to ex-offenders makes it more likely they will have to turn to their old friends for help, and thus wind up in trouble again. Providing legitimate support makes it more likely they will be able to make a fresh start and consequently reduce recidivism. SNAP benefits are 100 percent federally funded and have a positive multiplier effect in the state's economy. Recidivism has substantial costs in terms of state expenditures for correction and the adverse impact on children, families and new victims.

SB 0646 (Ketron)/HB (Butt)

TLS Bill Summary: *DHS - food stamps work requirement waiver. Prohibits the department of human services from seeking, applying for, accepting, or renewing a waiver from the work requirements of the food stamp program under federal law.*

Impact of Changes in Current Law: This legislation would prohibit the Department of Human Services from seeking a waiver for work requirements in the Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps) regardless of the unemployment rate or other adverse conditions in the state's economy.

TCCY POSITION: OPPOSE – TCCY opposes legislation that restricts the flexibility of the Department of Human Services to seek a waiver to work requirements for the SNAP program if/when such is in the state's and recipient's best interests. Many of the adults who would lose SNAP or Families First as a result of this legislation live in households that include children. In Tennessee, over half a million children, almost 40 percent of all SNAP recipients in the state (39.8%), depend on SNAP to help provide them with the nutrients needed for growing bodies and developing brains, and more than one in three (36.4%) children in the state are SNAP recipients.

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The unemployment rate in Tennessee continues to be a full percentage point higher than the national rate – 6.6 percent in Tennessee in December 2014 compared to 5.6 percent nationally for the seasonally adjusted rate, or 6.4 percent compared to 5.4 percent not seasonally adjusted. Some small rural counties still have double digit unemployment rates. While there are still substantial challenges in the job market, it is not a good time to impose work requirements. SNAP benefits are 100 percent federally funded and have a positive multiplier effect in the state's economy.

SB 0681 (Massey)/HB 0811 (Littleton)

TLS Bill Summary: *Restricts return of child to parent when removed due to drug abuse. Provides that, in a private custody case, when a child is removed from custody of parent due primarily to parent's drug abuse, the child cannot be returned to the parent until the parent has complied with certain criteria that demonstrates a commitment to responsible parenting.*

Additional Summary Clarification: The sustained commitment to responsible parenting includes not being the subject of criminal charges or a criminal investigation for at least 90 days, resolving any former and pending investigations by child protective services to the satisfaction of the court, and passing two consecutive monthly drug screens to paid for by the parent.

Impact of Changes in Current Law: This bill would reduce the discretion juvenile court and other judges have in changing custody in private circumstances, primarily cases involving family placements.

TCCY POSITION: OPPOSE UNLESS AMENDED – TCCY typically opposes legislation impinging on the discretion of judges to take a look at all the facts in the case and determine when children should be returned to their parents with a view to the best interests of the child and the safety of the community. The parameters set out by this legislation may not seem unduly burdensome, but there may be circumstances when a parent could not meet one or more of the factors and still be appropriate for return of their child(ren). There is concern regarding passing monthly drug screens because of the varying impact different drugs have on the ability of individuals to effectively parent. Current substance abuse treatment increasingly focuses on harm reduction as opposed to total abstinence. Additionally the requirement to not be the subject of criminal charges or a criminal investigation is challenging because one who is opposed to a return of a child to a parent could file charges that may not have merit and thereby thwart a return. If this legislation were amended to establish these factors as “guidelines” for the return of children in these circumstances, with the provision for all that they are subject —to the satisfaction of the court,” this would be better legislation.

SB 0684 (Green)/HB 0704 (Hulsey)

TLS Bill Summary: *Permits certain elderly people to petition a court for visitation. State Summary - As introduced, permits a biological or adoptive great-grandparent or the spouse thereof to petition a court for grandparent visitation.*

Impact of Changes in Current Law: This legislation would increase number of people who could request visitation to include biological or adoptive great-grandparents.

TCCY POSITION: SUPPORT – TCCY supports authorization for court approved visitation by great-grandparents. Positive and supportive involvement with extended family is beneficial for child development.

SB 0697 (Stevens)/HB 0308 (McDaniel)

TLS Bill Summary: *Termination of parental rights - sex trafficking conviction. Provides that parental rights may be terminated if a parent or guardian is convicted of the offense of the sex trafficking of children under federal law or under the law of another state. Specifies that the conviction must take place on or after July 15, 2015.*

Impact of Changes in Current Law: This legislation adds another ground to those for termination of parental rights when the parent or guardian is convicted of sex trafficking of their child(ren). Child sex trafficking is a substantial problem in this country. This legislation would provide a clear ground for termination in such cases.

TCCY POSITION: SUPPORT– TCCY supports language authorizing termination of parental rights for a parent or guardian who has convicted of sex trafficking children. When parents are engaged in such egregious conduct, they should lose their rights to their children.

SB 0859 (Niceley)/HB 0924 (Hardaway)

TLS Bill Summary: *Reporting findings to the department's abuse registry. Requires DCS to determine whether reported child abuse was indicated or unfounded and report its findings to the department's abuse registry within 45 days instead of 60 days. Broadly captioned.*

Impact of Changes in Current Law: While as indicated above, this appears to be a caption bill, the content in the bill changing the number of days to conclude a child sexual abuse investigation from 60 days to 45 days is problematic. In many cases, the full 60 days is needed for a thorough investigation.

TCCY POSITION: OPPOSE AS INTRODUCED – TCCY supports timely resolution of child sexual abuse and all child abuse and neglect investigations. However, as has been frequently referenced in Second Look Commission reports, there is a need for investigations to be issue-driven on the totality of the circumstances as opposed to incident-driven with a focus only on the reason for referral. Shortening the time frame can result in more hurried, incident-driven instead of thorough, issue-driven investigations.

SB 1089 (Harris)/HB 0218 (Jones)

TLS Bill Summary: *Custody of child when parent charged with aggravated child abuse. This bill prohibits the court from awarding any form of custody to a parent who is charged with or indicted for aggravated child abuse, sexual abuse of a child, or severe child sexual abuse while the charge or indictment is still pending.*

Impact of Changes in Current Law: Under current law, when the court is making a visitation or custody determination, the court shall consider the good faith allegation of child abuse when it is supported by a preponderance of the evidence. The court maintains discretion to fashion visitation or custody the court believes to be in the best interest of the child as long as the court determines the accused parent does not present a substantial risk of harm to the child.

The proposed bill creates a conclusive presumption a parent presents a substantial risk of harm to a child if the parent is under indictment or charged with aggravated child abuse, child sexual abuse or severe child sexual abuse. The creation of such a presumption will preclude a judge from awarding any type of custody to the accused parent during the pendency of the charges. The judge has no discretion.

TCCY POSITION: OPPOSE – “Innocent until Proven Guilty” is a cornerstone of our criminal justice system and part of the bedrock of criminal procedure. The proposed bill violates the principle of “Innocent until Proven Guilty” by creating a conclusive presumption of guilt before a matter goes to trial and until the matter is concluded.

Judges are capable of fashioning visitation/custody during the pendency of the matters referenced in this bill without endangering the welfare of the alleged perpetrator’s child. Current law already allows the court to deny custody and visitation under the circumstances contemplated by this bill. The proposed changes are not needed to enable a judge to protect children.

Divorces and custody battles are often full of emotion and zealously contested. Litigants in these matters sometimes fabricate allegations of abuse to bolster their position in these matters. The proposed bill gives the malicious litigant another tool. Criminal matters often take years to resolve. A parent could lose years of interaction with his/her child only to be found not guilty.

HJR 0051 (Williams)

TLS Bill Summary: *Child Abuse Prevention Month. Designates April 2015 as "Child Abuse Prevention Month*

Impact of Changes in Current Law: April is traditionally designated “Child Abuse Prevention Month.” This provides a time to focus on effective strategies to reduce child abuse and the negative impacts that result from this adverse childhood experience.

TCCY POSITION: SUPPORT – TCCY supports a focus on child abuse prevention both in April and throughout the year. Child abuse is an adverse childhood experience (ACE) that may have life-long negative impacts on children who are abused. The Second Look Commission has reviewed the cases of many children who have experienced the horrors of child abuse. As a society, we should do all we can to prevent child abuse and respond appropriately when it does occur.

Sunset Legislation

TLS Bill Summaries:

SB 0226 (Bell)/HB 0350 (Faison) *Sunset - Bureau of TennCare. Extends the bureau of TennCare to June 30, 2019. Requires the board to report to the Government Operations Joint Evaluation Committee on Judiciary and Government no later than September 20, 2015, to update the Committee on the Bureau's progress in addressing the findings set forth in the December 2014 performance audit report.*

SB 0228 (Bell)/HB 0382 (Faison) *Sunset – extends state board of education. Extends the state board of education to June 30, 2019, and requires the board to report back to the committee concerning the findings in its 2014 performance audit report.*

SB 0231 (Bell)/HB 0364 (Faison) **Department of education.** *Extends the department of education to June 30, 2019.*

SB 0233 (Bell)/HB 0366 (Faison) **Department of health.** *Extends the department of health to June 30, 2019 and requires the department to report back to the committee concerning the findings in its 2014 performance audit report.*

SB 1243 (Bell)/HB 1186 Faison) – Department of labor and workforce development. *State Summary - As introduced, extends the department of labor and workforce development, June 30, 2019, and requires the department to report back to the committee concerning the findings in its 2014 single audit report.*

Impact of Changes in Current Law: The sunset bills continue the Departments of Education, Health and Labor and Workforce Development, the State Board of Education, and the Bureau of TennCare until June 30, 2019.

TCCY POSITION: SUPPORT – TCCY supports the reauthorization of these three major departments and two agencies that provide important services for Tennessee children.

SB 0253 (Bell)/HB 0330 (Faison)

TLS Bill Summary: Sunset – commission on children and youth. Extends the commission on children and youth to June 30, 2020.

Impact of Changes in Current Law: This legislation continues the Commission on Children and Youth so it can fulfill its mission of advocating for improvement in the quality of life of children and families and providing leadership for other children’s advocates.

TCCY POSITION: SUPPORT – TCCY believes it should be continued because of the positive impact it has on good public policies in Tennessee. TCCY advocates for improvements in the quality of life for children and families with a view toward data-informed best practices. TCCY products (budget recommendations, impact statements on legislation, KIDS COUNT and Resource Mapping Reports, *The Advocate* newsletter, Council on Children’s Mental Health, Youth Transitions Advisory Council and Second Look Commission reports) provide data and recommendations that assist in the formulation of good public policies and provide information and guidance for other children’s advocates. The regional councils are important vehicles for regional information sharing, networking, training and advocacy to improve outcomes for Tennessee children. TCCY juvenile justice funding and other activities improve the system in Tennessee and bring attention to the importance of addressing disparities in treatment.

SB 1390 (Overbey)/HB 1206 (Williams)

TLS Bill Summary: *Tennessee council on autism spectrum disorder. State Summary - As introduced, deletes the current autism spectrum disorder task force and replaces it with the Tennessee council on autism spectrum disorder.*

Additional Summary Clarification: Members of the Council on Autism Spectrum Disorder include the Commissioner or designee of the Departments of Health, Intellectual and Developmental Disabilities, Education, Human Services, Commerce and Insurance, and the Deputy Commissioner of TennCare or designee and six individuals appointed by the governor from nominations submitted with two members from each grand division.

Impact of Changes in Current Law: This legislation would establish a statutory Council on Autism Spectrum Disorder (ASD) charged with assessing the impact of ASD, assessing the availability of programs and services, seeking input and recommendations, developing a comprehensive statewide plan, ensuring interagency collaboration, coordinating available resources and coordinating state budget requests, all toward implementing a system of care for ASD.

TCCY POSITION: SUPPORT – TCCY supports creation of a Tennessee Council on Autism Spectrum Disorder. The CDC defines ASD as “as group of developmental disabilities that can cause significant social, communication and behavioral challenges.” (<http://www.cdc.gov/ncbddd/autism/index.html>) WebMD reports “ASDs affect one out of every 68 children in the U.S. They occur more often among boys than girls. While autism appears to be on the rise, it’s unclear whether the growing number of diagnoses shows a real increase or comes from improved detection.” (<http://www.webmd.com/brain/autism/autism-spectrum-disorders>) Early identification and intervention can ameliorate the impact of ASD. The work of a Tennessee Autism Spectrum Disorders Council can improve diagnosis and treatment for ASD in the state.

SB 0006 (Kelsey)/HB 0057 (Deberry)

TLS Bill Summary: Racial Profiling Prevention Act. *Enacts the "Racial Profiling Prevention Act". Requires each state and local law enforcement agency to adopt, on or before January 1, 2016, a written policy that prohibits racial profiling.*

Additional Summary Clarification: The bill defines racial profiling as, “~~the~~ detention, interdiction, or other disparate treatment of an individual solely on the basis of the individual’s actual or perceived race, color, ethnicity, or national origin.”

Impact of Changes in Current Law: The bill provides a statutory mandate requiring law enforcement agencies to adopt a written policy preventing racial profiling by the agencies’ employees.

TCCY POSITION: SUPPORT – TCCY supports fair and equal application of the law. Racial profiling impacts children as well as adults. Data throughout the nation, including Tennessee, show minority juveniles are disproportionately represented at various points of contact within the

juvenile justice system, including arrests and referral to courts. According to the 2012 Disproportionate Minority Contact (DMC) study conducted by TCCY, law enforcement is a primary source of referrals to juvenile court. Written policies for law enforcement agencies should help reduce DMC within the juvenile justice system by providing clear guidance for the fair and equal application of the law to all employees of law enforcement agencies. A written policy prohibiting racial profiling also sends a strong message that such conduct is unacceptable.

SB 0157 (Bowling)/HB 0031 (R. Williams)

TLS Bill Summary: *Deletes Intractable Pain Treatment Act. Deletes the "Intractable Pain Treatment Act." Broadly captioned.*

Additional Summary Clarification: The Intractable Pain Treatment Act of 2001 sought to remove a physician's fear of disciplinary action by the Board of Medical Examiners for ~~prescribing~~ or administering appropriate amounts, combinations, or durations of dangerous drugs or controlled substances in the course of treatment of a person for intractable pain." The Act also gave patients the ability to ask specifically for opiate drugs in order to alleviate their pain. The legislation gave patients a great amount of responsibility to choose opiate medications as a first line of treatment even though other modalities of pain relief exist. Patients did not have to attempt any other modality of pain alleviation before requesting opiates. If a doctor did not prescribe an opiate at the patient's request, the law indicated that the doctor ~~shall~~ inform the patient that there are physicians whose primary practices are the treatment of severe chronic intractable pain with methods that include the use of opiates."

Impact of Changes in Current Law: A repeal of the Intractable Pain Treatment Act will remove the ability of Tennessee citizens to self-determine that their legitimate health conditions require opioids for pain relief and easily receive a prescription from their medical provider. It will also help to eliminate those with illegitimate health conditions from easily obtaining opioid drugs. A repeal of this act will put the doctors back in a position to provide medical opinions on pain treatment and take it from the hands of patients. Tennessee medical providers will be free to use the Tennessee Department of Health's *Tennessee Chronic Pain Guidelines* developed in September, 2014 rather than feeling compelled to prescribe based on the Intractable Pain Treatment Act of 2001. Repealing this law will help alleviate the unintended consequences of the proliferation in the number of opioid prescriptions and subsequent addiction of many Tennesseans. The *Prescription for Success* estimates that 69,100 Tennesseans are addicted to opiates and are in need of treatment. Another 151,900 Tennesseans are estimated to be in a risky prescription opiate use category and in need of early intervention. These two categories represent 4.56 percent of the population of Tennessee. (Tennessee Department of Mental Health and Substance Abuse Services, 2014)

The U.S. National Library of Medicine National Institutes of Health states that even though Americans account for only 4.6 percent of the world's population, we have been consuming 80 percent of the global opioid supply and 99 percent of the global hydrocodone supply. Tennessee is currently number two in the nation for top prescription drug use. The state averages 16.9 prescriptions per year for every person in Tennessee. The U.S. average is 11.8 prescriptions.

The American Journal of Preventive Medicine tracks predicted age-adjusted death rates from drug poisoning (overdose deaths). Their data indicate a rise in death rates from a low of three – four per 100,000 in 1999-2000 to 13+ per 100,000 in 2008-2009. Tennessee death certificate data indicate the number of overdose deaths in Tennessee has increased 250 percent from 2001 to 2010 (422 to 1,059). In 2008, Tennessee’s overdose death rate (15 per 100,000) was above the national average (12 per 100,000). Tennessee’s death rates for overdose now exceed motor vehicle traffic crashes, suicides and homicides. The CDC reports in the U.S. for every opioid overdose death there are 10 treatment admissions for abuse, 32 emergency department visits for misuse or abuse, 130 people that abuse or are dependent, and 825 non-medical users (Vital Signs: Overdose of Prescription Opioid Pain Relievers – U.S., 1999-2008. MMWR 2011; 60:1-6).

SAMHSA’s Treatment Episode Data Set (TEDS) shows a marked rise in admissions for opiate addiction in Tennessee. There were 416 admissions in 2000 increasing to 764 just one year later. By 2010, there were approximately 2,700 admissions. State-funded treatment admissions for patients identifying opioids as their primary substance of abuse have risen from five percent in 1999 to 23 percent in 2009. Prescription opiate addiction is the primary treatment admission reason for state funded treatment by the Tennessee Department of Mental Health and Substance Abuse Services. Historically, alcohol addiction treatment held this number one spot.

In the 2012, TEDS indicated 45 percent of female admissions were for opiate addiction. The majority of females using opioids are within their childbearing years. This poses an additional complication to those who use opiates while pregnant. Some women using opiates during pregnancy give birth to children who are also dependent upon those drugs. These babies experience withdrawal symptoms after being separated from their mother’s bodies. The condition is referred to as Neonatal Abstinence Syndrome (NAS) or Substance Exposed Infants (SEI). In 2013, the Tennessee Department of Health added NAS to its list of reportable diseases because of its public health significance. The reported number of NAS births has increased dramatically since the institution of the Intractable Pain Treatment Act in 2001. During 1999 – 2001, there were 50 NAS births reported per year. In 2002, that number climbed to over 100. In 2007, the number had climbed to well over 200 and Tennessee ended 2014 with 973 recorded NAS births. Not only do drug dependent infants suffer excruciating withdrawal reactions (seizures, high-pitched crying, tremors, fever and vomiting), their births are often characterized by long neo-neonatal intensive care stays. Drugs other than opioids contribute to NAS, but opiate drugs play a substantial role.

NAS-diagnosed infants have increased costs associated with their care. The average cost to TennCare in 2010 for healthy baby births was \$7,258 compared to \$40,931 for a baby diagnosed with NAS. The incidence of NAS births among TennCare enrollees is on the rise. Calendar year 2008 had a 5.3 rate of NAS births per 1,000 live births, which grew to 14.6 in 2012. In Calendar year 2012, 83 percent of all NAS births were to mothers receiving TennCare benefits. Thirty-four of the infants from 2012 had TennCare costs exceeding \$250,000. The average TennCare cost of care for NAS infants is 13 times higher than the cost of care for normal birth weight infants. NAS babies are much more likely to be placed in the protective care of Department of Children’s Services. Only 1.6 percent of all infants born in 2012 were placed with DCS while 24.3 percent of all NAS babies were placed with DCS.

Crime associated with opioid abuse has also increased in Tennessee. The Tennessee Bureau of Investigation (TBI) defines Drug/Narcotics violations as “~~the~~ unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.” There were 31,068 reported offenses in 2001, and by 2011, the number had grown to 48,727, a 57 percent increase. Drug equipment violations are defined as “~~the~~ unlawful manufacture, sale, purchase, possession or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.” In 2001, there were 14,420 reported offenses and 24,344 in 2011, a 69 percent increase. While all the increase in crime cannot be attributed to opioids, opioids do play a role.

TCCY POSITION: SUPPORT – TCCY supports the repeal of the Intractable Pain Treatment Act. Remaining law will permit the appropriate administration of prescription pain medications and provide increased incentive for use of alternative treatment modalities. Reducing the use of opioids in Tennessee is a desirable outcome that should result in fewer NAS babies, reduced substance abuse, reduced drug violations, and help reduce the rate of prescription use in the state.

SB 1009 (Harris)/HB 1025 (Stewart)

TLS Bill Summary: *Sets reimbursement rate for indigent counsel to \$100 per hour. State Summary - As introduced, requires that the rules adopted by the supreme court that establish compensation rates for appointed counsel of indigent defendants set a minimum hourly rate of \$100.*

Additional Summary Clarification: The legislation would establish the rate for compensation for indigent counsel at \$100 for services prior to trial, at trial, and during the appeal of the case.

Impact of Changes in Current Law: The current reimbursement rate for indigent counsel is \$40 per hour in trial preparation and \$50 per hour in court. This legislation would more than double the rate for trial preparation and double the rate per hour in court. The current reimbursement rate for indigent counsel is inadequate and potentially jeopardizes provision of effective legal representation in some cases. Current reimbursement for lawyers who represent children is inadequate in both hourly and maximum rates.

TCCY POSITION: SUPPORT – In a country founded on principles of the rule of law, it is virtually unconscionable to fail to provide children with representation to protect their rights, even in minor cases that can have a life-long adverse impact. Failure to provide children with effective legal counsel sends them a message that they are not “worth it” and subverts their respect for the legal system. TCCY supports providing more reasonable reimbursement rates for indigent counsel. Attorneys representing indigent clients, especially in juvenile court and termination of parental rights cases, should be reimbursed at more reasonable rates. The decisions in these cases have life-long consequences for the children and families involved. They deserve aggressive, appropriately compensated representation.

SB 1121 (Yarbro)/HB 0554 (Fitzhugh)

TLS Bill Summary: *Parental rights with respect to child conceived during rape. Prohibits person convicted of rape, aggravated rape, or rape of a child from having custody, visitation, or inheritance rights with respect to child conceived during such crime. Authorizes other parent of child to waive prohibition of rights. Directs court to establish child support obligation against convicted father unless waived by the department of human services and the other parent, if other parent is contributing to support of child.*

Impact of Changes in Current Law: This legislation would explicitly provide if a person were convicted of various forms of rape and a child was born as a result of that crime, the rapist would have no rights to the child unless the other parent waived the prohibition of rights.

TCCY POSITION: SUPPORT – TCCY supports legislation that protects a parent who has borne a child conceived by rape from a requirement that the person convicted of that rape have any rights to the child unless the prohibition is waived. A rape victim should not be “coerced” to have a relationship with the rapist unless by consent of the victim, even when there is a child conceived by the rape.

SB 1159 (Massey)/HB 0974 (Hill, M.)

TLS Bill Summary: *Tennessee Pregnant Workers Fairness Act. State Summary - As introduced, enacts the "Tennessee Pregnant Workers Fairness Act."*

Additional Summary Clarification: Requires reasonable accommodations for employees for pregnancy, childbirth or a related position, including the need to express breast milk for a nursing child. Requires the Tennessee Human Rights Commission to develop rules and provide training.

Impact of Changes in Current Law: This legislation would provide protection for pregnant women who require accommodations as a result of issues related to their pregnancy or breast feeding. With the majority of women in the working force, and many of them primary income generating for their families, it is important for them to be able to retain employment if accommodations are needed during pregnancy and subsequently for breastfeeding. Breastfeeding is strongly recommended for infants whenever possible because of the substantial benefits it has.

TCCY POSITION: SUPPORT – TCCY supports the provision of reasonable accommodations for pregnant and nursing mothers. The overwhelming majority of women in the workforce make critical economic contributions to their families. The provision of reasonable accommodations provides them with improved opportunities for a healthy pregnancy and childbirth and breastfeeding for their infants. These are factors that contribute to better outcomes for the future for Tennessee babies and their families.

SB 0100 (Norris)/HB 0089 (McCormick)

TLS Bill Summary: *Background check on substitute employee at licensed child care agency. Specifies that staffing agencies placing substitute employees at child care agencies are*

responsible for obtaining and submitting the fingerprint sample, the disclosure form, and any information necessary to process the fingerprint-based background reviews to the TBI. Part of Administration Package.

Impact of Changes in Current Law: This would simplify current law that technically requires each agency where substitute staff is placed to submit their fingerprints and other required information for a background check.

TCCY POSITION: SUPPORT – TCCY supports this legislation that streamlines background checks for substitute child care staff who are affiliated with staffing agencies/substitute pools while still preserving safety and screening requirements. Implementation of this legislation would eliminate an unnecessary and costly step.

SB 0114 (Norris)/HB 0103 (McCormick)

TLS Bill Summary: *Extends CoverKids Act. Extends the CoverKids Act of 2006 from June 30, 2015, to June 30, 2020. Part of Administration Package.*

Impact of Changes in Current Law: CoverKids would be extended until June 30, 2020. CoverKids expenditures in Fiscal Year 2013 were \$48,162,298 to provide health insurance to children in Tennessee who live in families with incomes above the eligibility level for TennCare, but would otherwise likely not have health insurance. CoverKids reported providing health insurance to 68,001 children in Fiscal Year 2014 who would likely not have health insurance in the future without its extension.

TCCY POSITION: SUPPORT – TCCY supports extension of CoverKids to provide health insurance for vulnerable Tennessee children. Many families struggle with keeping their children healthy because they lack access to adequate preventive health services. Access to health insurance provides improved access to preventive care and early intervention when problems arise. It can mean the difference in early and successful treatment and life-long disability as a result of untreated health issues.

SB 1317 (McNally)/HB 0622 (Farmer)

TLS Bill Summary: *Underage driving while impaired. State Summary - As introduced, changes age group to which offense of underage driving while impaired statute applies from 16–21 to 16–18 and gives judge the authority to order the issuance of a restricted license, including interlock device, to 16–18 year olds committing underage driving while impaired.*

Additional Summary Clarification: This legislation specifically identifies underage driving as ~~a~~ delinquent act.”

Impact of Changes in Current Law: The proposed legislation specifies punishment for underage driving for a person age 16 or older but less than 18. The definition of underage driving as ~~a~~ delinquent act” is problematic because it conflicts with federal requirements related to deinstitutionalization of status offenders. Federal regulations provide that secure confinement for

underage drinking is a status offense because the law is different based on the status of the offender as a minor. The legislation establishes punishment that includes driver license suspension of one year, a fine of \$250, and public service work, at the discretion of the court.

TCCY POSITION: SUPPORT ONLY WITH AMENDMENT – TCCY supports the delineation of responses to underage driving by persons 16 or older but less than 18. However, it would request amendments in the legislation to delete the description of this offense as ~~“a delinquent act,”~~ and amending it to provide ~~“any person found to have violated this section”~~ rather than ~~“found to have been delinquent for a violation of this section.”~~ Eliminating the use of the word ~~“delinquent”~~ in these provisions would reduce confusion on the part of juvenile court judges and staff regarding the eligibility of these youth for secure confinement under federal requirements. It could assist in avoiding deinstitutionalization of status offenders violations that could jeopardize Tennessee’s eligibility for federal Juvenile Justice and Delinquency Prevention Act funding.

E-CIGARETTES/VAPOR PRODUCTS

Use of e-cigarettes by youth is on the rise. The CDC reported that 4.5 percent of high school students used e-cigarettes in 2013, an increase of almost 300 percent over two years. The report stated that 12 percent of high school students and three percent of middle school students had tried them at least once. While age restrictions on purchases and limitations on public smoking have led to a reduction in use of traditional cigarettes by youth of over 50 percent in the last 15 years, older children continue to experiment with a variety tobacco products. While it is known that nicotine is addictive and can harm adolescent brain development, the long term effects of electronic cigarettes or e-cigarettes is unknown.

On February 1, 2014, the Tennessee Department of Health issued a Public Health Advisory regarding e-cigarettes urging caution for consumers using or considering the use of electronic nicotine delivery systems, including electronic cigarettes and other electronic emissions-producing products, and also addressing concerns about secondhand exposures.

Cautions from the Public Health Advisory included the following information users and potential users should consider:

- There is inadequate scientific information about the effects of using current electronic nicotine delivery systems to assure the public about the impact to safety and health. Coupled with the absence of state or federal regulation of manufacture, this information should prompt consumers to be cautious about using the devices as well as exposure to secondhand emissions.
- Nicotine is a highly addictive chemical which can be toxic. It can affect the nervous and circulatory systems in both people and pets. Studies show most people who smoke wants to quit, but are unable to end their nicotine addiction.

- The manufacturing of electronic nicotine delivery systems is currently not regulated by any state or federal agency. Consequently, consumers are cautioned they may be exposed to varying levels of nicotine or other chemicals and contaminants in these products.
- Emissions from electronic nicotine delivery products are not only water vapor. They can contain nicotine and other chemicals such as formaldehyde, propylene glycol, acetaldehyde, caroling and tobacco-specific nitrosamines.
- Electronic cigarettes and similar electronic nicotine delivery devices have not been adequately tested as tobacco cessation devices. Until Food and Drug Administration approval is given, TDH recommends FDA-approved nicotine replacement therapy products, which contain controlled doses of nicotine, for those wanting to use them for tobacco cessation efforts.
- Parents should not allow children to play with electronic cigarettes or similar devices. They contain batteries and liquid chemicals which, if swallowed, could cause serious health complications.
- Parents should be aware electronic cigarettes and similar electronic nicotine delivery devices are available in a variety of flavors that may be attractive to children, such as bubble gum, strawberry, chocolate, mint and others. TDH reminds parents and retailers that it is illegal to sell or distribute any electronic cigarette to another person who has not yet attained 18 years of age or to purchase an electronic cigarette on behalf of such person less than 18 years of age. (TCA 39-17-1504)
- Best current evidence is that most adolescents who use electronic cigarettes also smoke traditional cigarettes. Because many adults are also dual users (conventional and electronic cigarettes) there are significant unknowns about the cumulative health impact on individuals of any age using multiple nicotine delivery products.
- Pregnant women should avoid using these devices and children should not be exposed to them. The nicotine can impact fetal development, affecting the brain, nerves and circulatory systems. Pregnant women should know exposure to nicotine, in conventional or electronic cigarettes, may:
 - cause a miscarriage.
 - cause low birth weight, creating significant health challenges for their babies.
 - affect the unborn baby's blood flow, heart rate and breathing.
 - contribute to sudden infant death syndrome.

More research is needed on the overall impact of e-cigarettes and similar electronic nicotine delivery products on cancer, heart disease and other long-term health issues in primary users and in those exposed to secondhand emissions. Until additional research is done, the Tennessee Department of Health encourages all users of any electronic nicotine delivery system to avoid exposing others to secondhand emissions and cautions potential users to have conversations with their personal clinician about the impact to their individual health from inhaling emissions.

SB 0411 (Overbey)/HB 0309 (McDaniel)

TLS Bill Summary: *Restrictions on sale of vapor products. Makes it unlawful for a person under the age of 18 years old to possess or purchase vapor products. Defines "vapor product" as any noncombustible, tobacco-derived product containing nicotine, such as an electronic cigarette, that employs a mechanical heating element, battery, or electronic circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in a vapor cartridge as well as any vapor cartridges containing liquid nicotine solution that can be used with or in a vapor product. Requires store owners or managers provide training to employees on the sale of vapor products. Implements child-resistant safety standards for liquid nicotine containers used in conjunction with vapor products, in accordance with federal safety standards.*

Changes in Current Law: The summary above is accurate but very misleading. This bill weakens rather than strengthens current law. This bill would remove ~~“electronic cigarettes”~~ or ~~e-cigarettes~~ from current law and replace it with ~~“vapor products”~~ where ever it appears. This bill would also redefine ~~“smoking”~~ to exclude the use of electronic or e-cigarettes, redefined as vapor products. This would effectively exempt their use from existing non-smoking laws, allowing use of electronic cigarettes, or e-cigarettes, hereby redefined as vapor products, where smoking is prohibited.

Impact of Changes in Current Law: This act changes current law, rewrites and weakens the ~~“Prevention of Youth Access to Tobacco and Vapor Products Act.”~~ It removes the words ~~“electronic cigarettes”~~ from current law where ever they appear and replaces them with the words ~~“vapor products”~~ and redefines ~~“smoking”~~ as not including the use of ~~e-cigarettes~~, hereby redefined as ~~“vapor products.”~~ Tennessee was one of the first states to age restrict sales of e-cigarettes. This bill makes no improvements in current strong laws preventing underage youth from purchasing e-cigarettes.

TCCY POSITION: OPPOSE – TCCY opposes legislation that exempts e-cigarettes or as redefined, vapor products designed for nicotine delivery, from non-smoking laws and regulations or from consideration for taxation. The long-term impact of these devices and the vapors they release are unknown. It is known that nicotine is an addictive substance and many users of e-cigarettes, both adults and adolescents use both e-cigarettes and traditional cigarettes, opening the door to nicotine addiction. It is clear smoking is a health risk for people, and it is far from clear these devices are safe for children or adults. There is particular concern increased exposure to these devices, as would be permitted under this legislation, would lead to more children using and becoming addicted to nicotine. Tennessee became one of the first states in the nation to prohibit sales of e-cigarettes to minors; it should continue to be a leader in good public policy and prohibit use of e-cigarettes indoors and not remove them from the possibility of being subject to all applicable forms of taxation.

SB 0595 (Haile)/HB 0673 (Rodgers)

TLS Bill Summary: *Vapor defined as smoking. Adds the vapor from electronic cigarettes to the definition of what is "smoking" for purposes of the "Children's Act for Clean Indoor Air."*

Impact of Changes in Current Law: This bill strengthens current law by including electronic cigarettes or e-cigarettes in prohibitions on smoking under the "Children's Act for Clean Indoor Air." This bill would clarify that electronic cigarettes or e-cigarettes are treated the same as cigarettes, cigars and pipes burning actual tobacco.

TCCY POSITION: SUPPORT – TCCY supports legislation that reduces children’s exposure to the effects of vapor emitted by electronic cigarettes by clarifying that they are considered the same as other tobacco products including cigarettes, cigars, and pipes under the Children's Act for Clean Indoor Air. The long-term impact of these devices and the vapors they release are unknown. It is known that nicotine is an addictive substance and many users of e-cigarettes, both adults and adolescents use both e-cigarettes and traditional cigarettes, opening the door to nicotine addiction. It is clear smoking is a health risk for people, and it is far from clear these devices are safe for children or adults. There is particular concern increased exposure to these devices would lead to more children using and becoming addicted to nicotine. Tennessee became one of the first states in the nation to prohibit sales of e-cigarettes to minors; it should continue to be a leader in good public policy and prohibit use of e-cigarettes indoors where children may be exposed to the still unknown effects of the vapor emitted by electronic cigarettes.

SB 0645 (Ketron)/ HB 0520 (Butt)

TLS Bill Summary: *School policies on electronic cigarettes. Requires that schools change their student discipline code or school policy relative to the use and possession of smoking and tobacco products on property owned or used regularly by the school to include electronic cigarettes. Requires this change to be in place and operational by the 2015-2016 school year.*

Additional Summary Clarification: Creates new section in Title 49, Chapter 6, Part 40, relative to certain student discipline codes and policies.

Impact of Changes in Current Law: Requires all schools include electronic cigarettes in their school discipline codes and school policy relative to smoking and tobacco possession and use on school grounds or locations frequently used for school functions.

TCCY POSITION: SUPPORT – TCCY supports legislation that reduces children’s exposure to the effects of vapor emitted by electronic cigarettes by clarifying that they are considered the same as other tobacco products including cigarettes, cigars, and pipes under school conduct and discipline codes and school policy. The long-term impact of these devices and the vapors they release are unknown. It is known that nicotine is an addictive substance and many users of e-cigarettes, both adults and adolescents use both e-cigarettes and traditional cigarettes, opening the door to nicotine addiction. It is clear smoking is a health risk for people, and it is far from clear these devices are safe for children or adults. There is particular concern increased exposure to these devices would lead to more children using and becoming addicted to nicotine. Tennessee became one of the first states in the nation to prohibit sales of e-cigarettes to minors; it should continue to be a leader in good public policy and prohibit use of e-cigarettes indoors where children may be exposed to the still unknown effects of the vapor emitted by electronic cigarettes.

MOTORCYCLE HELMETS

SB 0925 (Roberts)/HB 0700 (Reddy)

TLS Bill Summary: *Revises helmet requirement for riders and passengers of motorcycles. State Summary - As introduced, exempts drivers and passengers over 21 years of age from the requirement to wear a crash helmet while operating or riding in motorcycles, motor-driven cycles, and motorized bicycles, if the person is covered by health or medical insurance other than insurance through TennCare; makes a violation of the helmet law a secondary offense. - Amends TCA Section 55-9-302.*

SB 0469 (Bell)/HB 395 (Goins)

TLS Bill Summary: *Helmet exemption for motorcycle riders in funeral procession. Exempts driver or passenger who are 18 or older from wearing a helmet while riding a motorcycle in a funeral procession, memorial ride, or body escort detail.*

Impact of Changes in Current Law: The first bill weakens current strong laws requiring all motorcycle riders to wear protective helmets. Allowing adults, whether from Tennessee or elsewhere, to ride helmetless in our state sets a poor example for youth who ride motorcycles and will certainly lead to unnecessary injury and death on Tennessee roads, resulting in an increased loss of human life, disability, and healthcare costs.

The Tennessee Trauma Care Advisory Council issued the following findings regarding motorcycle helmets:

There is overwhelming medical evidence of the benefits of helmets. There is overwhelming evidence of the deleterious medical impact and the excess costs associated with helmet law repeal. Most telling is the research from the Trauma program in Memphis that studied the impact of helmets across the nation. "Unhelmeted motorcycle crash patients suffer more severe brain injuries, consume more resources, and Society bears a large financial burden for these uninsured unhelmeted patients. All states should have universal motorcycle helmet laws that are aggressively enforced" (*Annals of Surgery* 2009; volume 250: pages 390–394).

Operating motorized vehicles remains a privilege and not a right. The question of choice is a moot issue as the State and its fiduciary responsibilities to the taxpayers is not subject to personal whims. Operating a vehicle occurs on public roads, paid for by taxpayers. Emergency medical services, from first responders through resuscitation and rehabilitation are funded and regulated by the State and Federal government, again paid for by tax revenues. Lost wages and employment opportunities are also borne by the taxpayers, as disability, unemployment payments, lost revenue from decreased tax collected all impact the remaining state citizens as these too are funded by tax dollars.

Tennessee ranks 6th in the nation in lives and economic costs saved by universal helmet laws with 46 lives and an estimated \$94 million saved in 2010 in unspent medical costs and economic losses.

While it is important for all motorcycle riders to wear helmets, it is particularly important for young riders. Young riders by definition, generally have less road experience on their motorcycles than adult riders, regardless of how long they ride motorcycles prior to reaching legal, street-riding age.

Due to their current stage of brain development awaiting fully-functioning adult-level executive thinking skills, youth and young adults often have difficulty making good decisions and therefore are more likely to make choices that could have long-term consequences on their life course. Allowing adults over 21 to ride motorcycles without helmets would provide poor role models for youth and result in temptation many youth would be unable to resist.

All 28 States that have gone from universal helmet laws to partial or no helmet requirements have seen an increase in the loss of life, head injury, and healthcare costs due to motorcycle accidents of 20 to 40 percent since weakening their laws. While all states with partial helmet laws require motorcyclists under the age of 21 to wear helmets, deaths of minors due to motorcycle accidents have increased in every state. In Florida, deaths of minors increased by 188 percent following repeal, even though helmet requirements remained in place for those young riders.

States with strong helmet requirements like Tennessee see helmets used by motorcyclists at near 100 percent with over 60 percent supporting universal helmet use. States that have repealed their universal helmet laws have seen helmet use reduced by about half, in addition to increased loss of life, and head injury costs due to motorcycle accidents.

Partial helmet requirements are difficult to enforce and eventually become universal helmet repeals. Less than one percent of motorcyclists are under 21 years of age. When 99 percent of motorcyclists are exempt, it becomes a low priority for enforcement. This bill would make it a secondary offense, meaning it could only be enforced in conjunction with a more serious traffic offense.

TCCY POSITION: OPPOSE – TCCY supports the use of helmets by all motorcyclists and urges lawmakers to support Tennessee’s existing strong motorcycle helmet laws and oppose current legislation designed to weaken helmet requirements in Tennessee. Tennessee’s universal helmet requirement better protects all motorcyclists, especially youth. Our current law saves countless lives, saves families and communities from unnecessary and preventable tragedy, and conserves scarce taxpayer funds for other priorities. Proposed changes in the law result in the presence of poor role models for youth who are incapable of recognizing the protective value of a helmet or the long term consequences of an accident without one.

EDUCATION STANDARDS

Tennessee is currently in the midst of evaluating education standards for the state’s public schools. As a result of concerns, often based on misinformation, Common Core Standards developed by the National Governor’s Association to improve educational outcomes in the states are not trusted. These standards raise the bar in the classroom and ensure students graduate from

high school with the real world skills they need to succeed. Governor Haslam and the State Board of Education have implemented a public review process for education standards.

TCCY POSITION: SUPPORT High Education Standards for Tennessee Schools – Schools across Tennessee have phased in implementation of the Common Core Standards since their adoption in 2010. The state is already seeing historic gains in proficiency. The 2013 National Assessment of Educational Progress (NAEP) results indicated Tennessee students in fourth and eighth grade made more progress in reading and math in a one-year period than students in any other state. The 2014 Annie E. Casey Foundation Data Snapshot entitled “Early Reading Proficiency in the United States” reported students in only seven states made more progress in fourth grade reading proficiency than Tennessee fourth graders over the past decade. Continued progress is needed. In spite of the gains, 66 percent of all fourth graders were not proficient in reading. The gap between lower income and higher income students in Tennessee was the highest in the nation – 82 percent below proficient for lower income students, 48 percent below proficient for higher income students. It is critical Tennessee students be prepared for education beyond high school. The Data Snapshot notes that by 2020, the United States is expected to face a shortage of workers with college degrees and a surplus of 6 million individuals with a high school diploma who are unemployed because they lack necessary educational credentials. Tennessee must maintain high standards and move ahead with assessments aligned with these higher expectations.

The State Collaborative on Reforming Education (SCORE), United Ways of Tennessee, the Bill and Melinda Gates Foundation, the Chambers of Commerce and much of the business community are on record as supporting maintaining Common Core Standards. Superintendents of 114 schools systems in the state have gone on record as urging no change in academic standards in 2015. They do not want changes to derail the momentum of gains in student achievement that would result from weakening standards. Tennessee students deserve being taught and held to high expectations to prepare them to succeed in the 21st Century.

HUMAN TRAFFICKING

TCCY POSITION: TCCY SUPPORTS all legislation that improves protection of children from all forms of human trafficking. Human trafficking poses a significant and serious threat to the physical and mental health and safety of children.

Approximately one million children are exploited by the global commercial sex trade every year. U.S. Department of State, *The Facts About Child Sex Tourism*: 2005. Approximately 70 percent of female trafficking victims are trafficked into the commercial sex industry. U.S. Department of Justice, *Assessment of U.S. Government Activities to Combat Trafficking in Persons*: 2004.

In 2000, 244,000 American children and youth were estimated to be at risk of child sexual exploitation, including commercial sexual exploitation. Estes, Richard J. and Neil A. Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. The University of Pennsylvania School of Social Work: 2001. Study funded by the Department of Justice.

The average age of entry into prostitution is 12-14. Estes, Richard J. and Neil A. Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. The University of Pennsylvania School of Social Work: 2001.

—In November 2010, a multi-agency investigation by the TBI lead to a federal indictment of 29 individuals who were affiliated with Somali gangs in the Middle District of Tennessee. They were arrested for trafficking girls as young as twelve across the U.S., including Tennessee (Martinez, 2010). In July 2010, a man in East Tennessee was arrested for having trafficked over four hundred women (Stambaugh, 2010).” Tennessee Human Sex Trafficking and Its Impact on Children and Youth 2011 (2011 Human Trafficking Report).

Human trafficking is the second largest crime in the world and it is growing. If not the fastest, human trafficking is one of the fastest growing criminal enterprises in the world. —Human trafficking and sex slavery in Tennessee are more common than previously believed possible.” Mark Gwyn, Tennessee Bureau of Investigations Director.

Any human trafficking legislation should be amended, if necessary, to ensure Tennessee’s eligibility for Federal Juvenile Justice and Delinquency Prevention Act funds is not jeopardized. Specifically, efforts to decriminalize human trafficking involving prostitution must not result in the incarceration/placement of children in secure facilities if they have not been charged or convicted of delinquent offenses. Such placements would be in violation of deinstitutionalization of status offenders and non-offenders requirements, could result in incarcerating children without adequate due process, and could result in requirements for the Department of Children’s Services to violate Tennessee Supreme Court rulings prohibiting placement of children who have not been adjudicated for delinquent offenses in secure facilities.

INSURE TENNESSEE

TCCY POSITION: SUPPORT – TCCY supports passage of Insure Tennessee to provide coverage for Tennessee’s uninsured. Insure Tennessee is market-based, promotes personal responsibility, addresses cost, and is a big step towards real healthcare reform in the state.

Insure Tennessee will address the “coverage gap” for Tennesseans who do not qualify for Medicaid/TennCare and who earn too little to qualify for tax credits to help buy coverage in the federal Health Insurance Marketplace. These are individuals and families with incomes below 138 percent of poverty.

Insure Tennessee is projected to provide coverage for more than 200,000 uninsured Tennesseans, including over 24,000 veterans. It will benefit Tennessee hospitals, Tennessee businesses, the Tennessee economy and individuals who receive access to health insurance. Insure Tennessee brings federal tax dollars paid by Tennesseans back into the state to meet critical needs. The estimated impact on the Tennessee economy includes:

- \$1.03 billion in new health care revenues;
- \$909 million in new income for residents of the state; and

- 15,000 full-time equivalent jobs.

Children benefit when their parents have insurance coverage. The Agency for Healthcare Research and Quality reports when parents also have insurance coverage, children are less likely to have unmet health needs and more likely to receive needed care. Unmet health care needs in children can result in escalating and more costly problems, including the potential for life-long disability.

Insure Tennessee is the right thing to do for Tennessee children, families, uninsured adults, the health care system, and the Tennessee economy.