

# 110<sup>th</sup> General Assembly / 2018 Session

## Legislative Report

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### **Public Chapter 497**

SB 1469: Dickerson; HB 1458: Jernigan  
TDOE Contact: Vicki Kirk

Names the wrestling room at the Tennessee School for the Blind in honor of Frank Alexander. *Effective February 22, 2018*

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### **Public Chapter 503**

SB 1525: Bell; HB 1619: Faison  
TDOE Contact: Elizabeth Fiveash

Extends the Compact for Education for six years to June 30, 2024. *Effective February 22, 2018*

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### **Public Chapter 537**

SB 1664: Dickerson; HB 1570: Brooks, H.  
TDOE Contact: Marcy Tidwell

Requires that the location of a charter school be within the jurisdictional boundaries of the authorizing LEA and requires that a charter school to seek a delay in opening if the charter school has not secured a physical location 60 days prior to opening. *Effective March 7, 2018*

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### **Public Chapter 539**

SB 1782: Crowe; HB 1720: Reedy  
State Board Contact: Nathan James

Changes the term of the chair of the State Board of Education from four years to two years. *Effective January 1, 2019*

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### **Public Chapter 546**

SB 1514: Massey; HB 1533: Kane  
TDOE Contact: Casey Haugner Wrenn

Requires higher education institutions in the University of Tennessee system and the Board of Regents system to accept American sign language as a foreign language required for admission. *Effective March 9, 2018*

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### **Public Chapter 552**

SB 250: Gresham; HB 67: Smith  
TDOE Contact: Rene Diamond

Requires LEAs to use at least one alternative growth model that has been approved by the board of education for evaluation of teachers in non-tested grades and subjects. *Effective March 14, 2018*

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### **Public Chapter 553**

SB 730: Gresham; HB 902: Kumar  
TDOE Contact: Tammy Shelton

Requires that each student in grades K-8 be given an individual Scholars Summer Guide prior to the last day of the school year that provides students with curriculum for the upcoming school year, summer reading assignments and areas of improvement for the student. *Effective July 1, 2018*

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### **Public Chapter 554**

SB 2065: Tate; HB 1227: Cooper  
TDOE Contact: Aleah Guthrie

Clarifies that a school may satisfy the summer programming requirement for qualification for a community schools grant by providing four weeks of summer programming during consecutive or nonconsecutive weeks. *Effective July 1, 2018*

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### **Public Chapter 557**

SB 1624: Gresham; HB 1527: Parkinson  
TDOE Contact: Christy Ballard

Prohibits alterations to a student's transcript unless the LEA or charter school has a written policy governing transcript alterations. Additionally, prohibits an LEA from retaliating against an employee who brings unauthorized transcript alterations to the attention of school officials. *Effective July 1, 2018*

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### **Public Chapter 569**

SB 1626: Gresham; HB 1460: Smith  
TDOE Contact: Christy Ballard

Authorizes LEAs to establish Recovery High Schools to serve students who have a primary or secondary alcohol or other drug abuse or dependency diagnosis. *Effective March 16, 2018*

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### **Public Chapter 573**

SB 1804: Ketron; HB 1549: Terry  
TDOE Contact: Amy Wooten

Permits educators who hold a professional level license from another state that the state board holds a reciprocal agreement with to renew or advance a Tennessee license without an assessment if at the time of application they are employed to serve or teach a course in the individual's area of endorsement in a Tennessee public school and have earned a level of overall effectiveness of 4 or 5 in each of the first two years immediately following the issuance of the individual's initial license. *Effective July 1, 2018*

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### **Public Chapter 592**

SB 1663: Dickerson; HB 1699: Love  
TDOE Contact: Christy Ballard

Adds school-wide or system-wide instructional planning meetings to the list of activities that excess instructional time can be used on and clarifies that in order to use the excess instructional time for instructional planning meetings it must be approved by the commissioner. *Effective March 22, 2018*

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### **Public Chapter 594**

SB 1537: Bell; HB 1645: Faison  
TDOE Contact: Theresa Nicholls

Extends the dyslexia advisory council for two years to June 30, 2020. *Effective March 22, 2018*

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### **Public Chapter 609**

SB 1510: Massey; HB 2164: Moody  
TDOE Contact: Lori Paisley

Requires that instruction on the detection, intervention, prevention, and treatment of child sexual abuse be provided as part of a family life curriculum and provides immunity from a cause of action for such instruction provided by teachers employed by the LEA and certain other instructors that provide this instruction. *Effective April 2, 2018*

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### **Public Chapter 622**

SB 1899: Gresham; HB 2430: White, M.  
TDOE Contact: Marcy Tidwell

Clarifies that the State Board of Education serves as the LEA for the charter schools authorized by the board on appeal. Additionally updates the funding requirements for State Board authorized charter schools. *Effective April 2, 2018*

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### **Public Chapter 625**

SB 2017: Haile; HB 2231: Love  
TDOE Contact: Christy Ballard

Extends homebound instruction to all students who have a medical condition that prevents the student from attending regular classes, instead of only to pregnant students. *Effective July 1, 2018*

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### **Public Chapter 631**

SB 2241: Watson; HB 1817: Hawk  
TDOE Contact: Maryanne Durski

Establishes a state trust to fund the state liability for post-employment benefits and allows LEAs to invest in the state trust in order to fund local post-employment benefit liabilities. *Effective April 2, 2018*

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### **Public Chapter 640**

SB 2661: Bailey; HB 2368: Lynn  
TDOE Contact: Christy Ballard

Enacts the *National Motto in the Classroom Act*, which requires each LEA to display the national motto, "In God We Trust," in a prominent location in each school. *Effective April 2, 2018*

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### **Public Chapter 661**

SB 2508: Ketron; HB 2093: Curcio  
TDOE Contact: Maryanne Durski

Clarifies that LEAs may participate in a post-employment benefit trust established by local governments and are not required to participate in the state trust. *Effective April 9, 2018*

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### **Public Chapter 669**

SB 1691: Lundberg; HB 1569: Brooks, H.  
TDOE Contact: Casey Haugner Wrenn

Allows an LEA using the career academy or small learning community model to extend career and technical education (CTE) class sizes in grades nine through 12 and allows an LEA to seek a waiver from the commissioner of education to extend the CTE class size average in grades nine through 12. *Effective April 12, 2018*

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### **Public Chapter 672**

SB 1806: Ketron; HB 1855: Rudd  
TDOE Contact: Mary Batiwalla

Prohibits the department and the State Board of Education from mandating new assessments for any grades or subjects beyond those mandated during the 2016-2017 school year until the 2020-2021 school year. *Effective April 12, 2018*

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### **Public Chapter 687**

SB 1794: Ketron; HB 1499: Hulsey  
TDOE Contact: Maryanne Durski

Extends by one year the manner in which liquor-by-the-drink tax proceeds are distributed to local political subdivisions, including LEAs. *Effective July 1, 2018*

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### **Public Chapter 697**

SB 574: Gresham; HB 72: Sargent  
SBE Contact: Nathan James

Requires the state board to ensure the standards review and development committees and advisory teams for ELA, math, science, and social studies conduct a review of the standards at least once every 6 years. *Effective April 12, 2018*

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### **Public Chapter 698**

SB 1407: Tate; HB 1237: Akbari  
TDOE Contact: Marcy Tidwell

Changes the time period a local board of education has to deny or approve a charter school sponsor's amended application from 30 days to 60 days and changes the time period in which the amended application will be deemed approved if the local board of education fails to deny or approve the amended application from 30 days to 60 days. *Effective July 1, 2018*

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### **Public Chapter 699**

SB 1471: Haile; HB 2204: Byrd  
TDOE Contact: Tammy Shelton

Revises the date by which the State Board of Education must require a course in Tennessee history for students from the 2018-2019 school year to the 2019-2020 school year. *Effective April 12, 2018*

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### **Public Chapter 711**

SB 1723: Bell; HB 1676: Brooks, H.  
TDOE Contact: Tammy Shelton

Revises various provisions for the state textbook and instructional materials quality commission including: the appointment process and qualifications for membership, the requirements for a quorum, and reporting requirements. *Effective April 12, 2018*

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### **Public Chapter 715**

SB 1805: Ketron; HB 1577: Forgety  
TDOE Contact: Mary Batiwalla

Requires the department to develop, and the State Board of Education to adopt, a policy establishing a review period for LEAs to review and verify accountability data files and determinations before data files and determinations are released publicly by the department. *Effective April 12, 2018*

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### **Public Chapter 723**

SB 1386: Tate; HB 1240: Akbari  
TDOE Contact: Pat Conner

Requires the department to develop an evidence-based training program on adverse childhood experiences (ACEs) for school leaders and teachers. *Effective April 18, 2018*

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### **Public Chapter 725**

SB 1618: Gresham; HB 1968: Rudd  
TDOE Contact: Elizabeth Fiveash

Deletes obsolete pilot projects and reporting requirements from the education laws. *Effective April 18, 2018*

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### **Public Chapter 744**

SB 2306: Harris; HB 2412: Lollar  
State Board Contact: Elizabeth Taylor

Gives the State Board of Education the discretion whether or not to suspend, deny, or revoke a license of an educator that defaulted or became delinquent on student loan repayment, if the State Board determines that the default or delinquency is the result of a medical hardship that prevented the educator from working and the medical hardship significantly contributed to the default or delinquency. *Effective January 1, 2019*

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### **Public Chapter 747**

SB 2549: Gardenhire; HB 2522: Akbari  
TDOE Contact: Christy Ballard

Prohibits a court from requiring an educator to be a witness in a civil domestic dispute proceeding if the educator's attendance would cause absence from teaching or supervisory duties in a school unless the court determines the educator's attendance is necessary to ensure fairness. *Effective April 18, 2018*

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### **Public Chapter 751**

SB 1854: Massey; HB 1686: Smith  
TDOE Contact: Christy Ballard

Specifies that, for the 2017-2018 school year, employment termination and compensation decisions for pre-kindergarten or kindergarten teachers shall not be based solely on data generated by the portfolio model. *Effective April 18, 2018*

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### **Public Chapter 767**

SB 1901: Gresham; HB 1870: Dunn  
TDOE Contact: Marcy Tidwell

Requires LEAs to include qualifying services provided to students enrolled in charter schools in the authorizing LEA's request for high cost reimbursement. Requires the authorizing LEA to provide its charter schools reimbursement funds for any qualifying special education services costs incurred by district charter schools. *Effective July 1, 2018*

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### **Public Chapter 768**

SB 2158: Bell; HB 1888: Lollar  
TDOE Contact: Marcy Tidwell

Requires all CMOs operating a charter school in this state to file an annual financial report with the comptroller of the treasury no later than August 31 of each year. *Effective April 19, 2018*

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### **Public Chapter 775**

SB 2124: Roberts; HB 2174: Kumar  
TDOE Contact: Tammy Shelton

Requires the department to post on its website a list of each LEA implementing a Bible course that has been approved by the department, the academic standards for a Bible course and instructions on how an LEA may submit its own Bible course curriculum for approval. *Effective April 19, 2019*

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### **Public Chapter 777**

SB 1947: Crowe; HB 2331: Powell  
TDOE Contact: Mike Herrmann

Requires each LEA to annually submit a report to the department detailing the LEA's use of corporal punishment. Requires the department to post on its website the number of instances of corporal punishment in each LEA and the number of instances involving a student with an active IEP or an active 504 plan. *Effective April 19, 2018*

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### **Public Chapter 784**

SB 1896: Gresham; HB 1778: Kane  
TDOE Contact: Casey Haugner Wrenn

Revises the *Course Access Program Act*, including: updating the requirements for participation and the course review process. *Effective April 20, 2018*

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### **Public Chapter 810**

SB 1803: Ketron; HB 1607: Pitts  
TDOE Contact: Christy Ballard

Requires LEAs to transfer BEP funding to a day treatment facility providing education services to students admitted to the facility by court order. In order to receive BEP funding the day treatment facility must meet the following requirements: the facility operates as a Category 1 school; the facility provides a minimum 32 hours per week of educational instructional services to students; and the facility is a recipient of a juvenile justice prevention grant. *Effective April 24, 2018*

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### **Public Chapter 817**

SB 1898: Gresham; HB 1534: Forgety  
TDOE Contact: Mary Batiwalla

Requires student scores on TCAP to be included in the final grade of students in grades 3-5 from a range of 0% - 25% as determined by the local board and to be included in the final grade of students in grades 6-8 from a range of 10% - 25% as determined by the local board. Clarifies if TCAP scores for students in grades 9-12 are not received by an LEA 5 instructional days before the end of the course then the LEA may choose not to include the scores in a student's final grade. *Effective April 27, 2018*

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### **Public Chapter 835**

SB 1765: Harris; HB 2549: White, D.  
EESI Contact: Paul Cross

Allows the energy efficient schools council to award grants or loans for energy efficient capital outlay projects to charter schools and the achievement school district in addition to LEAs. *Effective April 27, 2018*

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### **Public Chapter 844**

SB 2196: Swann; HB 2272: Pitts  
TDOE Contact: Leigh Bagwell and Joanna Bivens

Requires the department to establish a student support collaborative to review and define the roles and responsibilities for school social workers, school counselors, school psychologists, and school nurses; requires the basic education program (BEP) review committee to analyze the addition of a component for school social workers to the BEP funding formula and include such analysis in its 2018 annual report. *Effective April 26, 2018*

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### **Public Chapter 867**

SB 1399: Dickerson; HB 1344: Jernigan  
TDOE Contact: Christy Ballard

Requires public schools that are being used as a polling place for a regular November election to be closed for instruction on the election day. Permits the school to be used as an in-service day for school personnel. LEAs must include closure for election day in their school calendar and must maintain a school year of at least 180 days. *Effective January 1, 2019*

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### **Public Chapter 881**

SB 1623: Gresham; HB 1981: Smith  
TDOE Contact: Christy Ballard

Outlines the requirements if a misadministration occurs for the required 11<sup>th</sup> grade assessment (ACT or SAT). Additionally, outlines the use of 2017-18 TNReady data in student grades, school letter grades, priority school identification, and employment termination and compensation decisions for teachers. *Effective May 3, 2018*

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### **Public Chapter 882**

SB 2039: Gresham; HB 1988: Kumar  
TDOE Contact: Tammy Shelton

Requires schools to provide each high school student in grades 9-12 a scholars prep guide upon registering for a course. The scholars prep guide shall provide each student with information regarding the curriculum for that particular course and areas that might be challenging for students, with suggestions on how the student can best prepare for the course. *Effective July 1, 2019*

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### **Public Chapter 886**

SB 2052: Crowe; HB 2049: Ragan  
TDOE Contact: Maryanne Durski

Increases the amount of sick leave that may be used by an educator who is a reserve member of the United States armed forces when called into active duty from five days to any accumulated amount.  
*Effective May 3, 2018*

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### **Public Chapter 895**

SB 1835: Southerland; HB 2247: Faison  
TDOE Contact: Mary Batiwalla

Requires that 30% of test items used on the state assessments be fresh, nonredundant items that haven't been used on the state assessment in the previous 2 years. *Effective May 3, 2018*

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### **Public Chapter 900**

SB 2330: Kyle; HB 2330: Powell  
TDOE Contact: Mike Herrmann

Prohibits the use of corporal punishment against students with disabilities unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. *Effective July 1, 2018*

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### **Public Chapter 906**

SB 2609: Gresham; HB 2550: White, D.  
TDOE Contact: Casey Haugner Wrenn

Clarifies that LEAs may offer a noncompulsory gun safety class or program for students in elementary school. *Effective May 3, 2018*

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### **Public Chapter 907**

SB 2379: Yarbro; HB 2590: Powell  
TDOE Contact: Maryanne Durski

Authorizes state employees and educators to use sick leave and annual leave for maternity or paternity leave or adoption of a child for a period not to exceed the state employee's or educator's accumulated sick leave and annual leave balance, or 12 weeks, whichever is less. *Effective July 1, 2018*

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### **Public Chapter 910**

SB 2029: Green; HB 2690: Weaver  
TDOE Contact: Christy Ballard

Requires LEAs to notify parents or legal guardians prior to any student participating in a mental health screening conducted in accordance with T.C.A. § 49-2-124. *Effective July 1, 2018*

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### **Public Chapter 920**

SB 2314: Southerland; HB 2324: Goins  
TDOE Contact: Casey Haugner Wrenn

Updates the quality point requirement for local grading policies so that students completing early postsecondary courses would be awarded one quality point and ½ quality point would be awarded for students completing an honors course. *Effective July 1, 2018*

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### **Public Chapter 935**

SB 2011: Gresham; HB 2009: Goins  
SBE Contact: Elizabeth Taylor

Requires a director of schools, director of public charter school, or director of a nonpublic school who learns of the conviction of a licensed educator employed by the LEA, charter school, or nonpublic school for certain offenses to report the conviction to the state board. Authorizes the state board to reprimand such a director for failure to report. *Effective July 1, 2018*

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### **Public Chapter 936**

SB 2012: Gresham; HB 2099: Reedy  
State Board Contact: Elizabeth Taylor

Requires the State Board of Education to transmit final disciplinary actions on educator licenses to the National Association of State Directors of Teacher Education and Certification (NASDTEC) national clearinghouse and requires the state board to post on its website all of its final disciplinary actions on educator licenses. *Effective May 15, 2018*

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### **Public Chapter 937**

SB 2013: Gresham; HB 2165: Goins  
TDOE Contact: Christy Ballard

Revises the teacher code of ethics and requires LEAs to provide annual training to teachers on the teacher code of ethics. *Effective July 1, 2018*

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### **Public Chapter 938**

SB 2015: Gresham; HB 2433: White, M.  
TDOE Contact: Christy Ballard

Prohibits LEAs from entering into a non-disclosure agreement during, or as a prerequisite to, settlement for any act of sexual misconduct. Additionally, prohibits employees from assisting others in obtaining employment if the employee knows that the person has engaged in sexual misconduct involving a minor or student. *Effective July 1, 2018*

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### **Public Chapter 946**

SB 2571: Hensley; HB 2060: Smith  
TDOE Contact: Brinn Obermiller

Requires the department to establish in at least two public schools a three-year pilot program to improve parent-teacher engagement in any grade from kindergarten through grade two. *Effective May 15, 2018*

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### **Public Chapter 948**

SB 2662: Bailey; HB 2670: Sexton, C.  
TDOE Contact: Christy Ballard

Provides that any voluntary association that establishes and enforces bylaws or rules for interscholastic sports competition for secondary schools in this state is subject to an annual audit by the comptroller of the treasury and prohibits public schools from using public funds to pay for membership in such an association that does not comply with open meeting laws. *Effective July 1, 2018*

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### **Public Chapter 958**

SB 2381: Lundberg; HB 2376: Hicks  
TDOE Contact: Christy Ballard and Mike Herrmann

Revises and updates law regarding school attendance and truancy and discipline. *Effective July 1, 2018*

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### **Public Chapter 976**

SB 558: Ketron; HB 372: Kane  
TDOE Contact: Christine Rockwood

Enacts the *Tom Cronan Physical Education Act*, which requires each student in elementary school to participate in a physical education class at least twice a week for a minimum total time of 60 minutes. Each P.E. class shall be taught by a licensed teacher that has a PE endorsement. *Effective July 1, 2019*

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### **Public Chapter 977**

SB 619: Harris; HB 631: Staples  
TDOE Contact: Lori Paisley

Requires each local board of education to develop a policy to implement a program to reduce the potential sources of lead contamination in drinking water in public schools that incorporates periodic of lead levels in drinking water sources at school facilities that were constructed prior to January 1, 1998. *Effective January 1, 2019*

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### **Public Chapter 983**

SB 1302: Harris; HB 1337: Hardaway  
TDOE Contact: Lori Paisley

Requires the department to identify child abuse training programs appropriate for teachers. Beginning with the 2019-2020 school year, requires each LEA and public charter school to ensure its teachers complete a child abuse training program identified by the department or a training program that meets the guidelines established by the department of children's services. *Effective May 21, 2018*

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### **Public Chapter 991**

SB 1649: Norris; HB 1599: Forgety  
TDOE Contact: Casey Haugner Wrenn

Provides that any employer which accepts or employs a student in work-based learning is not liable for actions relating to that student unless the employer acted willfully or with gross negligence. Requires LEAs to maintain liability insurance coverage for all students participating in WBL. *Effective May 21, 2018*

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### **Public Chapter 1006**

SB 2014: Gresham; HB 1997: Brooks, H.  
TDOE Contact: Christy Ballard

In addition to the mandatory background check required for teachers or any other position that requires proximity to children at the time of application, requires LEAs and charter schools to conduct background checks for teachers or any other position that requires proximity to children every five years. Mandates participation in the FBI rap back program. Upon acceptance in the rap back program, the LEA requirement for background checks every 5 years will be eliminated. *Effective July 1, 2018*

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### **Public Chapter 1008**

SB 2059: Green; HB 2129: Van Huss  
TDOE Contact: Mike Herrmann

Enacts the *School Safety Act of 2018*, which authorizes LEAs to adopt a policy to allow off-duty law enforcement officers to serve as armed school security officers. *Effective May 21, 2018*

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### **Public Chapter 1020**

SB 2591: Yarbrow; HB 2303: Beck  
TDOE Contact: Justin Singleton

Clarifies that LEAs must comply with the *McKinney-Vento Homeless Assistance Act* and provide education services and support to homeless students and designate a local homeless student liaison. Additionally, permits a minor that has been verified as a homeless child or youth to obtain a copy of the minor's birth certificate from the department of health and a state-issued identification card from the department of safety. *Effective July 1, 2018*

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### **Public Chapter 1026**

SB 578: Gresham; HB 75: Kane  
TDOE Contact: Christy Ballard

Prohibits an adverse action from being taken against any student, teacher, school, or LEA based, in whole or in part, on student achievement data generated from the 2017-2018 TNReady assessments. For purposes of this section, adverse action includes, but is not limited to, the identification of a school as a priority school and the assignment of a school to the achievement school district. *Effective May 21, 2018*

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### **Public Chapter 1028**

SB 410: Swann; HB 521: Ramsey  
TDOE Contact: Lori Paisley

Requires all public high schools to have an automated external defibrillator (AED) device placed within the school. Encourages public middle and elementary schools to place AEDs within the school. Requires all public and private schools that have an AED device in the school to comply with requirements for training, establishment of a written plan, notification, and maintenance and testing. *Effective July 1, 2018*

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### **Public Chapter 1036**

SB 1629: Gresham; HB 1694: Smith  
TDOE Contact: Amy Wooten

Authorizes the director of schools to recommend a teacher who receives a score of "below expectations" or "significantly below expectations" on the teacher's overall evaluation, in the teacher's first year of service as a teacher of record, for remediation to be provided by the teacher's educator preparation provider. *Effective January 1, 2019*

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### **Public Chapter 1061**

SB 2552: Norris; HB 2644: Sargent  
TDOE Contact: Chris Foley

Makes appropriations for the fiscal years beginning July 1, 2017, and July 1, 2018. *Effective July 1, 2018*

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### **Senate Resolution 150**

TDOE Contact: Mary Batiwalla

Urges the department to include the ACT and SAT participation rates for each LEA on the state report card.

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### **Senate Resolution 158 and House Resolution 192**

TDOE Contact: Maryanne Durski

Approves the proposed revision to the components of the Basic Education Program (BEP) funding formula to create a new position in the instructional category of the BEP to assist districts with implementation of Response to Instruction and Intervention (RTI<sup>2</sup>).

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### **Senate Joint Resolution 593**

TDOE Contact: Maryanne Durski

Directs the Tennessee Advisory Commission on Intergovernmental Relations to study the overall effects on public education relative to having multiple school districts operating in the same county.

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### **Senate Resolution 597**

TDOE Contact: Casey Haugner Wrenn

Commends the Tennessee Work Ethic Diploma program and encourages its expansion into every school system in the State of Tennessee.

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### **House Resolution 712**

TDOE Contact: Lori Paisley

Commemorates National Healthy Schools Day in the first week of April 2018.

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