



**TENNESSEE**  
STATE BOARD OF EDUCATION

# **LEGISLATIVE REPORT**

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KEY OUTCOMES FROM THE 2021 LEGISLATIVE SESSION

NATHAN R. JAMES

DIRECTOR OF LEGISLATIVE & EXTERNAL AFFAIRS

# 2021 LEGISLATIVE SESSION BY THE NUMBERS

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- Total bills filed: 1 633
- Total bills passed: 250 +
- Total bills filed impacting K-12 education: 378
- More than 40 bills passed impacting education.

# 2021 SBE LEGISLATIVE PRIORITIES MADE LAW

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- **PC 211** By Sen. White and Rep. Moody
  - This act expands the authority of the SBE on educator discipline to permitted teachers as well as licensed ones. **This act took effect on April 22, 2021.**
- **SB 630** By Sen. Lundberg and Rep. White
  - This bill clarifies some provisions related to textbook contracting and the instructional materials waiver process for the SBE and the TDOE. **This act awaits the governor's action.**

# TDOE / ADMINISTRATION LEGISLATION

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- **PC 134** By Sen. Johnson and Rep. Lamberth
  - (Special Education Behavior Supports Act Cleanup)
  - Provides various cleanup changes to SEBSA that clarify statutory definitions and ensures consistent use of language throughout the law. This cleanup bill will allow local education agencies (LEAs) to better fulfill their implementation requirements and ensure the TDOE can provide proper oversight of isolation and restraint practices. **This act takes effect July 1, 2021.**
- **PC 205** By Sen. Johnson and Rep. Lamberth
  - (Common Core Prohibition Clarification)
  - Clarifies that textbook and instructional materials, both primary and supplemental, used in Tennessee shall not align with the Common Core state standards by explicitly prohibiting the use of textbooks and instructional materials exclusively created to align with Common Core and marketed/branded as such. It requires the commissioner withhold funds from non-compliant LEAs. **This act took effect on April 22, 2021.**

# TDOE / ADMINISTRATION

## LEGISLATION

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- **SB 774** By Sen. Johnson and Rep. Lamberth
  - This act enacts the BEP Hold Harmless legislation. Requires an LEA's Basic Education Program (BEP) calculation for the 2021-22 school year to be equal to the BEP calculation for the 2020-21 school year if a lower amount of funding is generated for the 2021- 22 school year. This was a BEP Review Committee priority. **This act took effect on May 11, 2021.**
- **SB 737** By Sen. Johnson and Rep. Lamberth
  - This act addresses an issue facing several Achievement School District (ASD) schools that are approaching the statutory ten-year expiration of their tenure in the ASD but have yet to achieve priority exit status. This legislation creates clear opportunities for ASD schools to continue serving students and communities under the leadership of the LEA of origin via a district-led intervention, under the jurisdiction of the Tennessee Public Charter School Commission, or under the continued governance of the ASD. **This act was transmitted to the governor for his action.**

# TDOE / ADMINISTRATION LEGISLATION CONTINUED

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- **SB 739** By Sen. Johnson and Rep. Lamberth
  - (K-12 Mental Health Trust Fund)
  - Establishes a \$250 million K-12 Mental Health Trust Fund to be administered by the Department of Mental Health and Substance Abuse Services in consultation with TDOE, ensuring long-term support for school-based mental health in Tennessee schools. **This bill awaits the governor's action.**

# RELATED LEGISLATION

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- **PC 125** By Sen. Haile and Rep. Weaver
  - As enacted, revises various provisions regarding initial educator licensure, advancement, and renewal, including requiring the State Board, when issuing an educator license to an out-of-state educator, to issue a license that is equivalent to the license the educator possesses in another state. The SBE may promulgate rules to effectuate this act. **This act will take effect on July 1, 2021.**
- **PC 261** By Sen. Powers and Rep. Ogles
  - Establishes that, for the purposes of the prohibition from charging teachers for leave usage for any day on which the teacher's school or school district is closed due to natural disaster, inclement weather, serious outbreak of contagious illness, or other unexpected event, the teacher's school or school district is not closed when teachers are required to work remotely and provide virtual instruction to students. The SBE may promulgate rules to effectuate this act. **This act took effect on April 28, 2021.**

# RELATED LEGISLATION CONTINUED

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- **PC 276** By Sen. Bell and Rep. Howell
  - This bill will allow districts to use unused textbook funds for student technology devices. **This act took effect on April 30, 2021.**
- **HB 1570** By Sen. Bailey and Rep. Cochran
  - This act requires the commissioner of the TDOE to obtain approval from the State Board of Education for changes to the formula used to calculate school LEA performance goals and measures. It further requires the commissioner to convene a working group prior to submitting a proposal to the SBE to change performance goals and measures for schools and LEAs. **This act takes effect on July 1, 2021.**



# RELATED LEGISLATION CONTINUED

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- **SB 653** By Sen. Bowling and Rep. Weaver
  - This act, effective January 1, 2022, requires the SBE to approve a process by which LEAs can establish district teacher training programs, and requires the TDOE to review such training programs. It also requires the TDOE to issue a practitioner license to teach in grades 9 - 12 to an applicant who meets certain education and work criteria. It further requires an eligible educator that receives an endorsement to take an assessment except in certain circumstances. The SBE does have rulemaking power in this bill.
  - **This act will take effect on January 1, 2022, unless vetoed by the governor.**

# RELATED LEGISLATION CONTINUED

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- **PC125** By Sen. Haile and Rep. Weaver
  - This legislation requires the SBE to issue a teaching license that is equivalent to the teaching license that an individual possesses from another state if the state has a reciprocal agreement with the Board. It further allows teachers who do not have a recent evaluation score to take the most recent score that they have or get a recommendation from the school director on their effectiveness. **This act takes effect on July 1, 2021.**

# RELATED LEGISLATION CONTINUED

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- **PC 161** By Sen. Haile and Rep. White
  - This legislation allows school child abuse coordinators, school teachers, school officials, and other school personnel to provide information relevant to suspected child abuse or child sexual abuse to the child's parent or guardian when required by federal law or regulation. **This act took effect on April 20, 2021.**

# RELATED LEGISLATION CONTINUED

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- **SB 623** By Sen. Bell and Rep. Ragan
  - This legislation is a Title 49 cleanup bill with 54 provisions. It deletes numerous outdated provisions. In the final weeks of session, it was amended to eliminate the requirement that a teacher be required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the public school teacher possesses an active professional license in a state that has a reciprocal agreement with the State Board.
  - It was further amended to prohibit the instruction of what is commonly known as “critical race theory” in any LEA or public charter school. **This act awaits the governor’s action.**

# RELATED LEGISLATION CONTINUED

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- **SB 9** By Sen. Yager and Rep. Powers
  - This legislation increases from \$1,000 to \$1,250 the amount awarded each semester to a full-time student receiving the Middle College Scholarship. **This bill is being transmitted to the governor for his action.**
- **SB 122** By Sen. Haile and Rep. Cochran
  - This legislation creates the “School Turnaround Pilot Program Act.” The TDOE will create and develop a four-year school turnaround pilot program for priority schools. The TDOE will select five priority schools that are diverse geographically and diverse in grade levels to participate in the pilot program. The TDOE will operate and administer the pilot program for four school years beginning with the 2021-2022 school year. In the 2021-2022 school year, schools in need of intervention must develop a school turnaround plan. **This bill is being transmitted to the governor for his action.**

# RELATED LEGISLATION CONTINUED

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- **PC 96** By Sen. Kelsey and Rep. Vaughan
  - This legislation establishes that a local board of education or governing body of a public charter school has the sole authority — which can be delegated to the Director of Schools — to open or close a school to in-person learning and instruction during an emergency, except for instances when the governor issues an Executive Order with statewide applicability which requires in-person learning and instruction. **This act took effect on April 7, 2021.**
- **SB 187** By Sen. Bowling and Rep. Hulseby
  - This legislation deals with immunization requirements **This act will take effect on August 1, 2020.**

# RELATED LEGISLATION CONTINUED

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- **HB 117** by Rep. Lamar and Sen. Gilmore
  - This act increases, from one time to once every three years, the required in-service training for a teacher employed by a local board of education regarding the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child. **This act took effect on April 30, 2021.**
- **SB 224** by Sen. Hensley and Rep. Haston
  - This bill, among several other provisions, encourages joint economic and community development boards to include representation from school systems located within the county. **This act took effect on May 13, 2021.**

# RELATED LEGISLATION CONTINUED

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- **SB 458** By Sen. Bell and Rep. Faison
  - This bill removes the requirement that a home school student must be enrolled as a home school student for a full year to be eligible for certain state lottery scholarships and adds those who complete six credit hours of dual enrollment courses to be eligible for the Tennessee HOPE scholarship. **This bill awaits the governor's action.**
- **SB 482** By Sen. Haile and Rep. White
  - This legislation makes certain that the amount awarded for courses under dual enrollment grants for students can't exceed the cost of the same courses at a TCAT or Community College. **This bill awaits the governor's action.**



# RELATED LEGISLATION CONTINUED

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- **HB 1570** By Rep. Cochran and Sen. Bailey
  - This legislation requires the commissioner of education to obtain approval from the SBE for changes to the formula used to calculate school or LEA performance goals and measures established pursuant to present law. To ensure stakeholder input, before submitting a proposal to the SBE to change the formula used to calculate performance goals and measures for schools or LEAs, the commissioner must convene a working group. To ensure meaningful stakeholder engagement, the commissioner must provide relevant materials in advance of a convening of the working group to provide adequate time for working group members to gather feedback from the members' respective peers. **This act took effect on April 30, 2021.**
- **HB 865** By Rep. Haston and Sen. Hensley
  - This bill requires the SBE determine the percentage of any increase in funds appropriated to the instructional salaries and wages component of the BEP and increase the minimum salary on the state salary schedule by that percentage. **This bill has been transmitted to the governor for his action.**

# RELATED LEGISLATION CONTINUED

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- **HB 1131** Rep. Farmer and Sen. Akbari
  - This law permits certain exceptions to the law prohibiting contractors working with schools and childcare programs who have been convicted of certain offenses. **This act took effect on May 12, 2021.**
- **HB 212** Rep. Clemmons and Sen. Kyle
  - This legislation authorizes LEAs to develop and implement a "Stop the Bleed" program and provides limited civil immunity to LEAs, schools, and LEA employees for personal injuries resulting from the use of items in a bleeding control kit; establishes requirements for the program. **This act takes effect on July 1, 2021.**

# RELATED LEGISLATION CONTINUED

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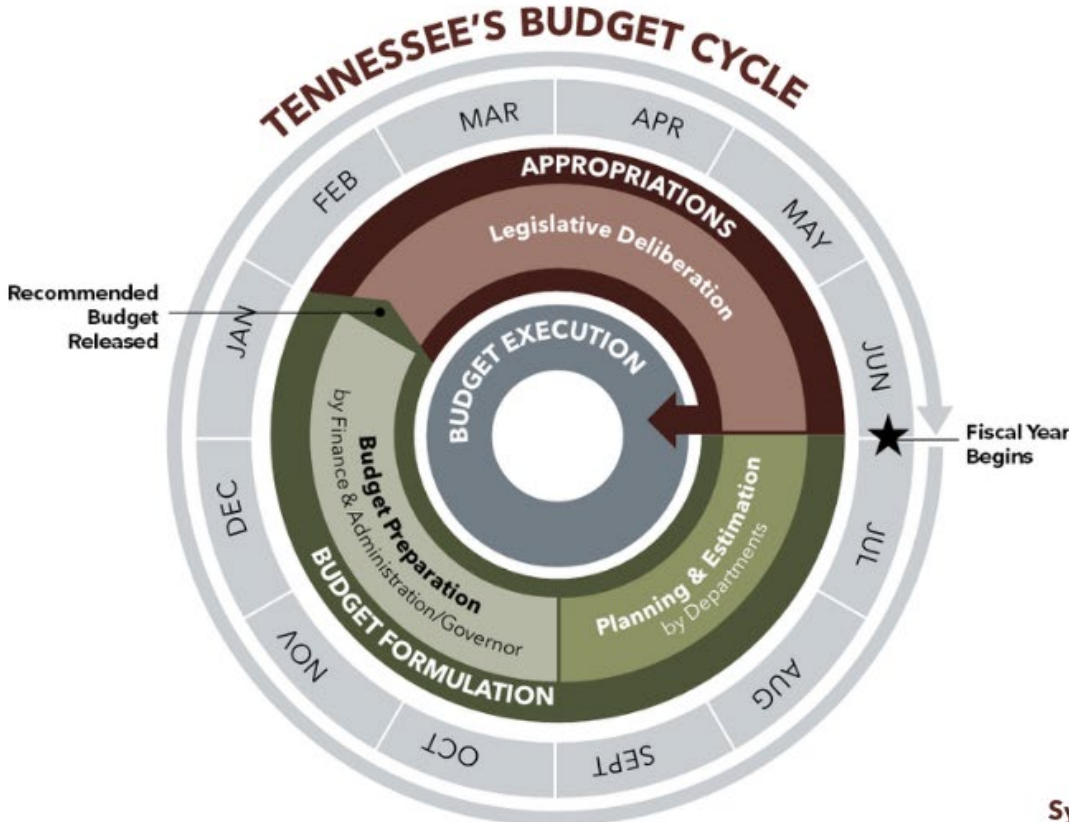
- **HB 1537** By Rep. Weaver and Sen. Bell
  - This legislation requires the TDOE support the work of the Textbook and Instructional Materials Quality Commission while prohibiting the TDOE from attempting to improperly interfere with or influence the commission's review process, rubrics associated with it, the scoring of textbooks and instructional materials, the training of members, the selection of experts for service on advisory panels and the recommendations made by those panels. **This act took effect on May 4, 2021.**

# RELATED LEGISLATION CONTINUED

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- **HB 1513** By Rep. Cochran and Sen. Bell
  - This bill requires electronic versions of textbooks to be available for public inspection during the time that it is in use. **This act took effect on May 4, 2021.**
- **HB 210** By Rep. Carringer and Sen. White
  - This legislation requires LEAs to post their curricula on their respective websites. **This bill awaits the governor's action.**

# UNDERSTANDING THE BUDGET CYCLE IN TENNESSEE



# STATE BUDGET K-12 EDUCATION

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- The General Assembly approved the \$42.6 billion fiscal year 2021-2022 budget.
- The budget includes several initiatives that will impact school districts and students:
  - \$120 million for teacher salaries, which equals a four percent increase to the instructional component of the BEP and raises the dollar value of the BEP instructional component to \$50,283
  - \$70.5 million for BEP growth
  - \$11.6 million for BEP group health insurance
  - \$2.5 million for the Governor's Future Workforce Initiative
  - \$500,000 for principal development
  - \$250 million investment in the Mental Health Trust Fund
  - \$100 million to provide high-speed broadband to every Tennessean
  - \$86.5 million for learning loss initiatives (including the funds from special session)
  - \$18.5 million for summer transportation
  - \$ 8.9 million for the BEP Hold Harmless legislation

A complete state budget document is available on request.

# STATE BOARD OF EDUCATION

## BUDGET

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- The State Board is losing 2 positions paid for by authorizer fee dollars to the Charter Commission.
- In 2020 and 2021, we requested 6 new positions: 3 new attorneys, 2 paralegals, and a communications/constituent services coordinator. The governor's budget in 2020 included the legal positions initially, but the final budget removed them. The 2021-2022 budget includes 2 legal positions and case management software funding. The legislature added the communications position in final budget negotiations.

# BUDGET OVERVIEW STAFF POSITIONS

Fiscal Year	2020-21	2021-22 Requested Improvements	2021-22 Executive Budget as Passed
Full Time	14	6	17
Part Time	0	0	0
Seasonal	0	0	0

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# ACTUAL BUDGET BREAKDOWN

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	Actual	Estimated	Base	Cost Increase	Executive Budget as Passed
ACCOUNT	19-20	20-21	21-22	21-22	21-22
Payroll	1,384,800	1,567,200	1,27,000	165,100	1,779,100
Operational	9,078,700	16,005,600	535,300	14,900	550,200
Total	\$10,463,500	\$17,672,800	\$2,062,300	\$180,000	\$2,329,300
State	1,749,500	2,064,200	2,062,300	180,000	2,329,300
Federal	-	-	-	-	-
Other	8,714,000	15,608,600	-	-	-

# QUESTIONS?

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