



TENNESSEE
STATE BOARD OF EDUCATION

LEGISLATIVE REPORT

THE 2023 LEGISLATIVE SESSION

NATHAN R. JAMES

DEP. EXECUTIVE DIRECTOR FOR LEGISLATIVE & EXTERNAL
AFFAIRS

WHO ARE WE TO THE LEGISLATURE?

- **Truth Tellers.**

- We strive to give accurate information and are well respected for our integrity.
- When we make mistakes, we correct the record and take full responsibility.

- **Trusted Partners and Advisors.**

- Since we are not part of the administration we can work with members on their vision for education and help them to avoid pitfalls and unintended consequences.
- We work to understand their individual constituencies and the challenges unique to their areas through frequent contact when we are not needed.
 - Legislative in-district visits.
 - Participation in our Day in The District events for SBE Members.
 - Willingness to meet with local stakeholder groups in their districts.

LEGISLATIVE PARTNERSHIP THROUGH THE YEARS

- Our partnership has led to many good initiatives and laws since 2015.
 - Standards review process in 2015 and 2016 (with a unique dedicated funding stream outside of the budget).
 - Expansions of the legal, research and external affairs teams over the years both in and out of the executive budget.
 - Creation of the Charter Commission.
 - Constant strengthening of our educator licensure laws along with expanding our capacity to handle these matters.
 - Countless ill-advised laws avoided.
 - ERIC Commission attached to the SBE.

2023 LEGISLATIVE SESSION BY THE NUMBERS

- There were some **1860 total bills** introduced with **280 passing**.
 - There were at least **293 education bills and resolutions** filed, with roughly **54 K-12 bills** and a further **9 resolutions** that passed.

2023 SBE LEGISLATIVE PRIORITIES MADE LAW

- **PC 92** By Sen. Pody and Rep. Carringer
 - This legislation removed a provision of law that allowed the Charter School Center to “certify” charter board trainings. **This act took effect on March 31st, 2023.**
- **PC 93** By Sen. Pody and Rep. Carringer
 - This bill removed ineffectual language that required the State Board of Education to revoke the license of an educator who was delinquent in the repayment of student loans. The overarching statutory authority for boards to do this had been previously removed. **This act took effect on March 31st, 2023.**

2023 SBE LEGISLATIVE PRIORITIES MADE LAW (CONT'D)

- **PC 122** By Sen. Pody and Rep. Moody
 - This legislation removed the authority to create rules governing school buses from SBE and gave it to the Tennessee Department of Safety. **This act took effect on April 4th, 2023 for rulemaking purposes and will be in full effect on July 1st, 2024.**
- **PC 192** By Sen. Lundberg and Rep. Hurt
 - This legislation changed the standards review cycles for ELA, math, social studies, and science to a minimum of once every eight years instead of once every six years. **This act took effect on April 24th, 2023.**

2023 SBE LEGISLATIVE PRIORITIES MADE LAW (CONT'D)

- **PC 222** By Sen. White and Rep. Slater
 - This legislation in conjunction with PC 267 cleaned up some language in the statute related to licensure discipline. This bill specifically prevents the reactivation of licenses for persons who would not be able to obtain an original license due to criminal offenses. **This act took effect on April 25th, 2023.**
- **PC 267** By Sen. White and Rep. Slater
 - This legislation in conjunction with PC 222 among other things created a statutory allowance for court-ordered license surrendering to be done without a contested case hearing. **This act took effect on April 28th, 2023.**

ERIC COMMISSION LEGISLATION

- **PC 269** By Sen. White and Rep. Slater
 - The Education Recovery and Innovation Commission was attached to the SBE during its eighteen months in existence.
 - This legislation authorizes an LEA to award a high school student credit for a course offered by the LEA's high school if the student attains a qualifying score on the course's credit examination without requiring the student to enroll in the course. **This act took effect on April 28th, 2023.**

MILITARY INTERSTATE CHILDREN'S COMPACT (MIC3) LEGISLATION

- **PC 257** By Sen. Powers and Rep. Ragan
 - The MIC3 Tennessee Council is attached to the SBE and the state's dues to the compact are paid through our budget.
 - As enacted, extends the benefits and opportunities provided to children of active duty members of the uniformed services in the Interstate Compact on Educational Opportunity for Military Children to school-aged children in the household of a member of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard who are enrolled in any of the grades K-12. **This act took effect on April 28th, 2023.**

REVISIONS TO THE 3RD GRADE RETENTION LAW FOR NEXT YEAR

- **SB300 By Senator Lundberg** was passed on the 21st of April and signed by the Governor on the 5th of May.
 - While it **took effect on the 5th of May** it makes no changes to the retention provisions until next school year.

WHAT CHANGES UNDER SB300?

- Beginning with the 2023-2024 school year, a student may be promoted if the student demonstrates proficiency in ELA standards based on the student's scoring within the **50th percentile** on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, as determined by the department, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department. If a student is promoted to the fourth grade pursuant to this, then the student's LEA or public charter school must notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or guardian to do so.

RELATED LEGISLATION

- **SB 102** by Sen. Gardenhire / HB158 by Rep. Zachary
 - This bill prohibits a local education agency, public charter school, public institution of higher education, the state board of education, and the department of education from requiring an educator, employee of an LEA or charter school, faculty member, or employee of a public institution of higher education to complete or participate in implicit bias training; defines "implicit bias training"; prohibits adverse licensure and employment actions from being taken against such an individual for the individual's failure or refusal to participate in implicit bias training. **This bill is on the Governor's desk as of May 12th, 2023.**
- **PC 144** by Sen. Johnson and Rep. Lamberth
 - Requires LEAs to conduct summer learning camps and after-school learning mini-camps annually instead of only in the summers immediately following the 2020-2021 and 2021-2022 school years; revises the definition of "priority student" to allow additional "at-risk" children and students entering certain grade levels to participate in after-school learning mini-camps, learning loss bridge camps, and summer learning camps. **This Act took effect on April 13th, 2023.**

RELATED LEGISLATION

- **PC 114** by Sen. Johnson and Rep. Lamberth
 - This act replaces references to the GED and HiSET exams with “High School Equivalency Credential”. **This act will take effect on July 1st, 2023.**
- **SB 281** by Sen. Johnson and Rep. Lamberth
 - This act increases starting educator salaries steadily to \$50,000 and prohibits dues deductions for educators’ professional associations. **This bill is on the Governor’s desk as of May 12th, 2023.**
- **SB 466** by Sen. Rose and Rep. Cochran
 - Establishes that teachers or other employees of public schools and local education agencies (LEAs) are not required to use a student’s preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student’s biological sex and are further shielded from civil liability and adverse employment action when doing so. Establishes that a public school or LEA is not civilly liable if a teacher or employee of the public school or LEA refers to a student using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student’s preferred pronoun. **This bill is on the Governor’s desk as of May 12th, 2023.**

RELATED LEGISLATION

- **PC 872** by Sen. Akbari and Rep. Clemens
 - This changed a suggested set of requirements for African American History standards to be included in the social studies standards to a requirement that they be included. **This act took effect on April 4th, 2023.**
- **PC 278** By Sen. Hensley and Rep. Lynn
 - This bill makes it a Class E felony for a book publisher, distributor, or seller to knowingly sell or distribute obscene matter to a public school serving any of the grades K-12. In addition to the punishment authorized for a Class E felony (one to six years imprisonment and a fine of up to \$3,000), a person who violates this amendment's prohibition will additionally be fined at least \$10,000, but not more than \$100,000. **This act takes effect on July 1st, 2023.**

RELATED LEGISLATION CONTINUED

- **PC 316** By Sen. Roberts and Rep. Darby
 - This act allows members of boards and commissions to continue to serve until their replacements are appointed. It further revises requirements that SRC members be legislatively confirmed, so that only the Governor's appointees must be confirmed. **This act took effect on April 28th, 2023.**
- **SB 1443** By Sen. Roberts and Rep. Fritts
 - This bill requires parents to give written consent that students participate in instruction included in the family life curriculum. **This act has been signed by the governor, but not assigned a public chapter.**
- **SB1458** By Sen. White and Mr. Speaker Sexton
 - This act awards six weeks paid maternity leave for all public school teachers administrators etc. following the birth or stillbirth of a child. **This act has been signed by the governor, but not assigned a public chapter.**

QUESTIONS?

- A complete list of all education legislation is available.