



**TENNESSEE**  
STATE BOARD OF EDUCATION

# **LEGISLATIVE REPORT**

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KEY OUTCOMES FROM THE 2018 LEGISLATIVE SESSION

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# 2018 LEGISLATIVE HIGHLIGHTS

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- Passed 100% of legislative priorities for 2017 session
- Positive budget hearings
- Heaviest load of legislation, budget improvements and rule disputes for the SBE in a decade
- 9 bills, 3 confirmations, and successful budget expansions in the interest of student safety

# 2018 SBE LEGISLATIVE PRIORITIES MADE LAW

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- **PC 539** By Sen. Crowe and Rep. Reedy  
As enacted, changes the term of the chair of the state board of education from four years to two years. **This Act has an effective date of 1/1/2019. This will necessitate an election in January.**
- **PC 935** By Sen. Gresham and Rep. Goins  
This bill grants the state board of education the power to reprimand directors of schools for failure to report certain criminal convictions of licensed educators to the state board; grants the state board the power to suspend an educator's license or reprimand an educator for misconduct in addition to the state board's present power to revoke licenses; grants the state board the power to reprimand educators for violations of the teacher code of ethics. **This Act extends our disciplinary authority to directors of private schools. Section 1 went into effect on 7/1/2018 and the rest became law on 5/15/18.**

# 2018 SBE LEGISLATIVE PRIORITIES MADE LAW (CONTINUED)

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- **PC 936** By Sen. Gresham and Rep. Reedy  
This bill requires the state board of education to develop a policy for transmittal of final disciplinary actions on educator licenses to the national clearinghouse administered by the National Association of State Directors of Teacher Education and Certification (NASDTEC); requires the state board to post on its website all of its final disciplinary actions on educator licenses. **This Act took effect on 5/15/2018.**
- **PC 937** By Sen. Gresham and Rep. Goins  
This bill revises the teacher code of ethics; requires annual professional development for teachers on the teacher code of ethics; requires teacher preparation programs to include training for all students on the teacher code of ethics it also requires teachers to report violations of the teacher's code of ethics to their supervisor. **This Act took effect on 7/1/2018.**

# 2018 SBE LEGISLATIVE PRIORITIES MADE LAW (CONTINUED)

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- **PC 1006** By Sen. Gresham and Rep. Brooks of Knox  
This bill ended up requiring the state of Tennessee and LEAs to enter into the FBI Rap Back Program. It also requires criminal background checks for teachers to include non conviction data. The law makes it up to the local district as to who bears The cost for the background checks. **This Act took effect on 7/1/2018.**
- **PC 938** By Sen. Gresham and Rep. White of Shelby  
This bill prohibits LEAs from entering into a non-disclosure agreement during, or as a prerequisite to, settlement for any act of sexual misconduct; 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. **This Act took effect on 7/1/2018.**

# 2018 SBE LEGISLATIVE PRIORITIES MADE LAW (CONTINUED)

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- **PC 697** By Sen. Gresham HB 72 By Reps. Eldridge and Sargent.  
This bill made the standards review process perpetual and recurring. It was funded by the Executive Budget. **This Act is law now.**
- **PC 699** By Sen. Haile and Rep. Byrd  
As enacted, 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. **This Act is law now.**
- **PC 1899** By Sen. Gresham and Rep. White of Shelby  
This bill clarified that the SBE is an LEA. **This Act is law now.**

# RELATED LEGISLATION

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- **PC 625** By Sen. Haile and Rep. Love  
As enacted, extends homebound instruction to all students, instead of only pregnant students, who have a medical condition that prevents the student from attending regular classes. **This Act took effect on 7/1/2018 and allows us to make all the rules necessary for this work.**
- **PC 744** By Sen. Harris and Rep. Lollar  
This legislation allows for an exception from the TSAC student loan default license suspension requirement in the case of a “medical hardship”. These hardships are not defined in the legislation. Originally they were going to be defined by TSAC, the final legislation passed with no specific agency called out as the arbitrator of medical hardship and therefore leaving that definition up to each agency. This will likely call for coordination with other agencies to have the most defensible definition. **This Act takes effect on 1/1/2019**

# RELATED LEGISLATION

## CONTINUED

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- **PC 906** By Rep. White of Rutherford and Sen. Gresham  
This bill authorizes the teaching of firearms safety courses in public schools without the use of live ammunition. There are no SBE duties. **This Act took effect on 5/8/2018.**
- **PC 654** By Rep Hawk and Sen. Lundburg  
This act transfers control of the “Special Trust Fund for Education” from the SBE to the Treasurer. **This Act is already in effect.**
- **PC 557** By Sen. Gresham and Rep. Parkinson  
This act prevents educators or LEA staff from altering student transcripts and records except in keeping with written policies in the district. There must be evidence that the student actually earned the grade reflected. Infractions against this policy can result in licensure revocation. **This Act took effect on 7/1/18.**

# RELATED LEGISLATION CONTINUED

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- **PC 725** By Sen. Gresham and Rep. Rudd  
This legislation removed obsolete requirements from title 49 including 12 different provisions related to the SBE. **This Act is in effect.**
- **PC 844** By Sen. Swann and Rep. Pitts  
This legislation among other provisions requires The basic education program (BEP) review committee shall analyze the addition of a component for school social workers to the BEP funding formula and shall include such analysis in its 2018 annual report. **This Act is in effect.**
- **PC 698** By Sen. Tate and Rep. Akbari  
As enacted, changes the time period a local board of education has to deny or approve a sponsor's amended application from 30 days to 60 days; 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. **This Act took effect on 7/1/2018.**

# RELATED LEGISLATION CONTINUED

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- **PC 929** By Sen. Bell and Rep. Matlock  
This legislation makes changes to the Uniform Administrative Procedures Act and specifically requires all agencies to annually submit *policies* rather than only rules to the Government Operations Committees of the General Assembly. It further protects the freedom of speech of agency personnel of all state agencies subject to sunset. It further clarifies that the appointing authority of a board, task force etc. shall have authority to remove a member. **This Act took effect on 7/1/2018.**
- **PC 698** By Sen Tate and Rep. Akbari  
This legislation changes the time period a local board of education has to deny or approve a sponsor's amended application from 30 days to 60 days. This amendment also 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. **This Act took effect on 7/1/2018.**

# USE OF ASSESSMENT DATA

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- **PC 881** By Sen. Gresham and Rep. Smith

This legislation creates an exception to present law whereby an LEA may choose the percentage within the range of zero percent to 15 percent that scores from the TN Ready assessments administered in the 2017-2018 school year shall count on a student's final grade for the spring semester.

It also prohibits LEAs from basing employment termination and compensation decisions for teachers solely on data generated by statewide assessments administered online for the 2017-2018 school year. **This Act took effect on 5/3/18.**

# LEGISLATIVE CONFIRMATIONS

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- TCA 49-1-301 (a) (3) All appointive members shall be appointed by the governor subject to confirmation by the senate and house of representatives, but appointments shall be effective until adversely acted upon by the senate and house of representatives. Members of the existing board of education shall continue to serve until their successors are appointed and confirmed.
- This process allows the General Assembly to build a relationship with both the members and the institution of the State Board of Education.
- No appointee to the State Board of Education has been rejected by the General Assembly in modern times.
- The instrument of confirmation is a Joint Resolution.
- Lang Wiseman, Bob Eby and Darrell Cobbins were confirmed on 4/6/2018.

# BUDGET HEARINGS

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- The budget hearings serve as the main chance to update the Education and Finance, Ways and Means Committees on the operations, activities and budget of the State Board.
  - An understanding of the importance of these discussions is essential.
  - Committees use these hearings as the main tool of oversight of agencies.
  - We had 4 successful budget hearings, resulting in an increase of an additional staff attorney and recurring funding for the standards review process.
- Though ultimately unsuccessful, the Senate attempted to appropriate money for a SBE paralegal as well.

# 2018 EDUCATION BUDGET

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- New state funding in education this year totaled over \$200 million, including more than \$55 million in new funding for teacher salaries.
- Since 2011, Gov. Haslam and the General Assembly have partnered to improve the BEP by nearly \$1.5 billion including by investing over \$500 million in new funding for teacher salaries.

# EXPENDITURE INCREASES

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<b>Basic Education Program Teacher Compensation</b>	Recurring funding for the enhancement of compensation for teachers and other LEA personnel.	<b>\$55,124,000</b>
<b>Basic Education Program Growth and Inflation</b>	Growth and inflationary costs to provide recurring funds for Basic Education Program (BEP) formula.	<b>\$48,820,000</b>
<b>Basic Education Program TCRS</b>	Recurring funding for the increase in the retirement contribution for local certified personnel.	<b>\$22,214,000</b>
<b>Basic Education Program Current Year Growth</b>	Funding for all current year growth due to increased average daily membership. This combined with the \$19 million included in FY 18 budget results in total current year growth of \$37 million.	<b>\$18,000,000</b>

# EXPENDITURE INCREASES

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<b>Basic Education Program Response to Instruction and Intervention Positions</b>	Recurring funds for Response to Instruction and Intervention positions in the BEP	<b>\$13,334,000</b>
<b>Priority School Improvement Grants</b>	To provide non-recurring funds for Priority School Improvement Grants. (Year 2 of 2)	<b>\$10,000,000</b>
<b>Charter Schools Facilities Fund</b>	Non-recurring funds for the charter schools facilities fund. (Year 2 of 3)	<b>\$6,000,000</b>
<b>Read to be Ready</b>	Non-recurring funds for the third year of the Read to be Ready Initiative to build capacity in LEAs to improve literacy by creating a network of district literacy coaches and regional coordinators. (Year 3 of 3)	<b>\$4,447,000</b>

# EXPENDITURE INCREASES

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<b>School Safety</b>	\$5.2 million in recurring funds for the Safe Schools grant program, resulting in a total of \$10 million in funding the program. \$25 million in one-time funds to assist districts in addressing immediate security concerns identified via the statewide security and risk assessment process.	<b>\$30,200,000</b>
<b>Principal Leadership</b>	Funds for principal leadership initiative that includes training, recruitment and retention, and professional development.	<b>\$1,750,000</b>
<b>Standards-Based Professional Learning</b>	Funding for training and implementation on the new social studies standards.	<b>\$700,000</b>
<b>Tennessee Educator Survey</b>	To provide recurring funds for the design, administration, analysis, and development of the Tennessee Educator Survey, a comprehensive tool for gathering feedback from educators statewide.	<b>\$230,000</b>

# QUESTIONS?

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- NOTE: A complete list of education legislation passed this session is available to any member on request.