



MARCH 25, 2016

W E E K L Y L E G I S L A T I V E R E P O R T

TENNESSEE ORGANIZATION OF SCHOOL SUPERINTENDENTS

Monday - 03/28/16 - 4:00pm - Senate Chamber - Senate Floor Consent Calendar 2

6. [SB2518](#)
[K. Roberts](#) **Education: Display of American flag on school property.** Requires the American flag to be displayed on school property and at school events to conform to federal law and requires that the flag be taught in public schools. Requires the local board of education to permit the display of the flag on school property or at a school event so long as it is in accordance with federal law.
[*HB1722](#) - [J. Reedy](#) - 02/18/2016 - House passed.
Senate Status: 03/24/2016 - Set for Senate Floor Consent Calendar 2 03/28/16.
House Status: 02/18/2016 - House passed.

Monday - 03/28/16 - 4:00pm - Senate Chamber - Senate Floor Regular Calendar

14. [SB1695](#)
[M. Bell](#) **Education: General assembly merit scholarship - home school students.** Requires an incoming college freshman, in order to receive a general assembly merit scholarship from a home school program, to enroll in four dual enrollment courses and achieve a 3.0 GPA, participate in a governor's school program and achieve a 3.0 GPA, take two Advanced Placement (AP) exams and score at least a three on both, or take a College-Level Examination Program (CLEP) test and score at least a 55.
[*HB1665](#) - [W. Lamberth](#) - 02/17/2016 - House Finance Subcommittee deferred to lottery calendar.
Senate Status: 03/24/2016 - Set for Senate Floor Regular Calendar 03/28/16.
House Status: 02/17/2016 - House Finance Subcommittee deferred to lottery calendar.
16. [SB1707](#)
[D. Gresham](#) **Education: Payroll deduction of professional employees' dues.** Prohibits school districts and state special schools from utilizing payroll deductions to pay for professional employees' dues to a professional employee association.
[*HB2229](#) - [B. Spivey](#) - 03/22/2016 - Failed in House Education Administration and Planning Committee.
Senate Status: 03/24/2016 - Set for Senate Floor Regular Calendar 03/28/16.
House Status: 03/22/2016 - Failed in House Education Administration and Planning Committee.
18. [SB2098](#)
[B. Ketron](#) **Education: Recruiting by patriotic societies in schools.** Requires the principal of a school to allow a patriotic society time to speak with and recruit students to the society during school hours. Specifies that a school give the patriotic society one day at the beginning of each academic year for the society to speak for no more than 10 minutes. Defines "patriotic society" as a group or organization listed in title 36 of the United States Code that is intended to serve young people under twenty-one (21) years of age.
[*HB2147](#) - [R. Womick](#) - 03/24/2016 - Set for House Floor Regular Calendar 03/30/16.
Senate Status: 03/24/2016 - Set for Senate Floor Regular Calendar 03/28/16.
House Status: 03/24/2016 - Set for House Floor Regular Calendar 03/30/16.

401 Commerce Street • Suite 720 • Nashville, TN 37219-2249
Mark W. Smith (423) 364-2221 • Catie Lane Bailey (615) 744-8618
www.millermartin.com

Monday - 03/28/16 - 4:00pm - Senate Chamber - Senate Message Calendar3. [SB2002](#)
[B. Ketron](#)

Education: LEA policies on harassment, intimidation, bullying. Present law requires each school district to adopt a policy prohibiting harassment, intimidation, bullying, or cyber-bullying. Present law specifies 13 components that must be included in such policies. One of the components that school districts must include in their bullying policies is a procedure for prompt investigation of a report of an act of harassment, intimidation, bullying, or cyber-bullying. This bill instead requires that the policies include a procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal's designee, teacher, or school counselor. The principal or the principal's designee will be required to initiate the investigation and an appropriate intervention within 20 school days of receipt of the report, unless the need for more time is appropriately documented. This bill adds as an additional component that must be included in the policies a procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available. This bill adds a requirement that a principal, or the principal's designee, who is investigating an act of harassment, intimidation, bullying, or cyber-bullying must immediately inform the parent or legal guardian of a student involved in the act and inform the parents or legal guardians of the availability of counseling and support services that may be necessary. Present law requires each LEA to annually prepare and provide to the department of education a report concerning the number of bullying cases brought to the attention of school officials during the preceding year and the manner in which they were resolved or the reason they are still pending. This bill instead requires that, beginning August 1, 2016, and annually thereafter, each LEA must complete and submit a report to the department of education. The report must be in a format provided by the department and include: (1) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention of school officials during the preceding year; (2) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place; (3) The number of harassment, intimidation, bullying, or cyber-bullying cases not investigated within 20 school days of receipt of the report and the reason the investigation took longer than 20 school days; and (4) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying. Present law requires the department of education to annually submit a report to the education committee of the senate and the education administration and planning committee of the house updating membership on the number of bullying cases reported statewide, the number of LEAs implementing this part and any other information relating to the subject of bullying and harassment as will be helpful to the committee in establishing policy in this area. Adds that the report must also be submitted to the education instruction and programs committee of the house; include the status of investigations, including disciplinary actions against students; and also address intimidation and cyber-bullying. Encourages each LEA to review their policy prohibiting harassment, intimidation, bullying, or cyber-bullying at least once every three years. Each LEA will be required to transmit a copy of any changes in the policy to the commissioner in a timely manner.

***HB1976 - B. Ramsey** - 03/17/2016 - House passed with amendment 1.

Senate Status: 03/24/2016 - Set for Senate Message Calendar 03/28/16.

House Status: 03/17/2016 - House passed with amendment 1.

7. [SB2504](#)

Education: Contributions to ABLE accounts for students. Authorizes the use of individual

[D. Gresham](#) education account funds for contributions to an achieving a better life experience (ABLE) account for the benefit of a participating student. Deletes requirement that eligibility for ABLE program be limited to state residents and residents of contracting states.
[*HB2592](#) - [D. Moody](#) - 03/21/2016 - House passed with amendment 2.
Senate Status: 03/24/2016 - Set for Senate Message Calendar 03/28/16.
House Status: 03/21/2016 - House passed with amendment 2.

Monday - 03/28/16 - 5:00pm - House Chamber - House Floor Consent Calendar

The House will take up the following memorializing resolutions on consent: HR191-HR233, HJR717-HJR748, SJR571-SJR574, SJR576, SJR577, SJR579-SJR584.

9. [HB2117](#) **Education: Eligibility for the community college reconnect grant.** Changes the effective date of the Community College Reconnect Grant, from July 1, 2016, to March 15, 2016, and revises various provisions governing the grant, as discussed below. Generally, the Community College Reconnect Grant is a grant program that provides a scholarship to adults who want to return to community college and complete their associates in applied science degree. Removes the requirement that the associates degree be in "applied science." Under present law, one of the requirements for a grant is that the student not have been enrolled in or attended any postsecondary institution for at least 24 months immediately preceding the date of initial enrollment in the Community College Reconnect Grant program. Changes the applicable time frame from 24 months to 12 months. Also, present law requires that an applicant file the FAFSA by March 1 prior to the beginning of each academic term. Removes the March 1 specification and requires that the FAFSA be filed prior to the beginning of each academic term. Removes the requirement that the grant be applied for "by June 1 prior to the beginning of each academic year" under this bill TSAC will determine the filing deadline. Present law requires TSAC to award the grants on a first-come, first-served basis. Revises the provision to instead require TSAC to distribute funds appropriated for the grants to public two-year postsecondary institutions based on each institution's percentage of the total nontraditional students enrolled at all public two-year postsecondary institutions, and specifies that such institutions will then award the grants to eligible students enrolled in each respective institution on a first-come, first-served basis according to rules promulgated by TSAC. Provides that only students obtaining a grant during the 2016-2017 academic year will be eligible to receive the grant in any academic year beyond the 2016-2017 academic year. Revises this provision to instead provide that funds appropriated for the grants during the 2016-2017 academic year will be carried forward to subsequent fiscal years for future grants until all such funds are expended.
[*SB2595](#) - [M. Norris](#) - 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.
Senate Status: 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.
House Status: 03/24/2016 - Set for House Floor Consent Calendar 03/28/16.

Monday - 03/28/16 - 5:00pm - House Chamber - House Floor Regular Calendar

11. [HB2573](#) **Education: Higher Education Authorization Act.** Under present law, the Post-Secondary Education Authorization Act of 1974 provides a mechanism for certain nonstate operated institutions of higher education receiving authorization to operate in this state. THEC is the entity responsible for establishing the criteria that applicants for authorization to operate must meet. Unless exempted under one of the several exemptions under present law, no person may operate a post-secondary educational institution in this state without first

obtaining authorization from THEC. This bill renames the Post-Secondary Education Authorization Act of 1974 to be the Tennessee Higher Education Authorization Act of 2016. revises various provisions of the Act, including adding a mechanism for expedited authorization; and revises one provision under the State Authorization Reciprocity Agreement Act, all as follows: (1) THEC DUTIES: This bill directs the executive director of THEC to reexamine the regulatory function of THEC and its structure, considering specifically, efficiency, adequacy, and overall effectiveness. The executive director is also encouraged to review the current operations, scope of regulation, personnel, and agency resources necessary to effectuate the purposes of the Act. Upon completion of this review, the executive director and THEC must adopt new agency policies that reflect the results of the examination. (2) OPTIONAL EXPEDITED AUTHORIZATION: This bill adds to the Act that degree-granting post-secondary educational institutions accredited by a regional or national institutional accrediting agency recognized by the United States department of education may apply annually for an eligibility review and an optional expedited authorization by THEC. Eligibility for optional expedited authorization is available annually to degree-granting post-secondary educational institutions that submit to THEC, among other things, evidence of good-standing and valid institutional accreditation from a regional or national institutional accrediting agency recognized by the United States department of education; and documents demonstrating the institution is operating lawfully in the state, and, at a minimum, currently maintaining financial standards and institutional stability deemed acceptable for eligibility in Title IV student federal financial aid programs. Upon receipt of an institution's application, THEC will conduct a detailed review and verification and, upon satisfactory examination of all submitted documentation, will issue this annual optional expedited authorization. If THEC, upon review and consideration of the application, determines the applicant is not eligible and fails to meet the optional expedited authorization criteria, THEC must notify the applicant of its decision to deny the application and set forth the reasons for the denial in writing. Issuance of an annual optional expedited authorization must demonstrate full compliance with the minimum standards established under the Act and fulfill all requirements for the institution's state authorization. Institutions satisfying the requirements and receiving optional expedited authorization will not be subject to any other authorization requirements under the Act, but will remain subject to the Act provisions governing judicial review, fees, student loan contracts, the closing of an institution, and the tuition guaranty fund. An institution receiving optional expedited authorization under this bill must: (A) Timely report to THEC any illegal or unethical conduct by employees, agents, contractors, or third-party service providers related to the delivery of educational programs and services to students, including any corrective action and remedies taken by the institution; (B) Notify THEC, within five business days, of the following: action by an accrediting agency in regard to the institution's accreditation status, including revocation, suspension, probation, warning, or similar action; notice of legal action involving the institution, or its parent entity if applicable, and Tennessee students, including class action lawsuits; utilization by the institution of a letter of credit or a cash management agreement with the United States department of education; or public announcement of investigation by any governmental agency. The institution must notify THEC whether the investigation is related to the institution's academic quality, financial stability, or student or consumer practices; (C) Provide any information requested by THEC necessary to monitor the institution's eligibility for optional expedited authorization; (D) Provide complaint resolution policies and procedures to the institution's students and cooperate with THEC in the investigation or resolution of student complaints; and (E) Provide the following data, subject to THEC's requirements: graduation rates and statistics on credential attainment; gainful employment data; costs of attendance; executed articulation and transfer of credit agreements with other institutions operating in Tennessee; and student default rates. Optional expedited authorization will remain available only to those institutions maintaining the eligibility standards required under this bill, as submitted in the documentation

accompanying the institution's annual optional expedited authorization application. THEC must review an issued optional expedited authorization for revocation upon the occurrence of any of the following events: loss or failure to meet any of the listed criteria for authorization; or failure to fulfill the requirements in (A)-(E) above. THEC may revoke optional expedited authorization for just cause. Upon THEC's revocation of any institution's optional expedited authorization, the institution will then immediately be subject to all requirements under the Act, applicable administrative rules, and procedures for issuance of authorization, and must reapply for THEC authorization under the present requirements of the Act. An institution whose optional expedited authorization is revoked by THEC will be ineligible to reapply for optional expedited authorization for at least 24 months from the date of revocation. Authorizes THEC to investigate any signed student complaint involving institutions authorized under this the expedited authorization provisions; however, initial responsibility for the investigation and resolution of complaints will reside with the institution against which the complaint is made. For complaints not resolved at the institutional level, THEC may investigate and coordinate resolution of any student complaint with the assistance of other government agencies, as necessary. Institutions receiving optional expedited authorization will be subject to a flat annual fee, as established by THEC, but will not be subject to any other authorization fees under the Act. Requires THEC to develop and make available to the public on its web site, no later than June 30, 2017, the following information for institutions authorized under the optional expedited authorization procedures: graduation rates and statistics on credential attainment; gainful employment data; costs of attendance; information as to whether academic credits attained are transferable to other institutions operating in Tennessee; and student default rates. (3) RULEMAKING: This bill requires THEC to promulgate rules to effectuate the purposes of the Act. During the rulemaking process, THEC must seek input from institutions not pursuing optional expedited authorization. (4) FEES: Under present law, the fees to be collected by THEC under the Act are set in a schedule in rules; however, present law requires that all fees be stated as a flat fee, with the exception of renewal fees, which must be based upon an institution's annual gross tuition revenues. This bill removes the provision for renewal fees being based on annual gross tuition revenue. This bill specifies that eligible institutions pursuing optional expedited authorization from THEC will be subject to a flat annual fee and will be exempt from all other fees under the Act. (5) MINIMUM STANDARDS FOR AUTHORIZATION: Under present law, two of the minimum standards that an institution must meet under the requirements for authorization of an institution are that the chief executive officer, trustees, directors, owners, administrators, supervisors, staff and instructors are of good reputation and character; and that the student housing owned, maintained, or approved by the institution, if any, is appropriate, safe, and adequate. This bill removes these provisions. Also, present law provides that an applicant for an agent's permit must "be an individual of good reputation and character and must represent only a postsecondary educational institution or institutions that meet the minimum standards and criteria established in the Act." This bill rewrites this provision to instead provide that an applicant for an agent's permit must "represent only post-secondary educational institutions lawfully authorized by the commission to operate in the state." (6) BACKGROUND CHECKS: Under present law, THEC may require as part of the application for initial authorization of a post-secondary educational institution a full set of fingerprints of all owners and directors of the institution to enable a criminal background investigation to be conducted. Present law provides that dissemination of information provided to THEC as a result of this process is governed by federal law. Rewrites the above provisions to instead provide that THEC may require as part of the application for initial authorization of a post-secondary educational institution criminal background checks for all owners and directors of institutions not accredited by an accrediting agency recognized by the United States department of education. The results of the background checks will be confidential and not open to public inspection. (7) Present law defines an "agent" for purposes of the Act to mean

any person owning any interest in, employed by, or representing for remuneration a post-secondary educational institution, who, by solicitation in any form, enrolls or seeks to enroll a student for education offered by an authorized institution, or offers to award educational credentials, for remuneration, on behalf of the institution for any such purpose. This bill redefines "agent" to mean any person representing a post-secondary educational institution for payment, who solicits in any form and enrolls, or seeks to enroll, a student for education offered by an authorized institution, or offers to award educational credentials, for remuneration, on behalf of any such institution. Persons owning an interest in an institution and the institution's full-time employees and directors will not be considered agents under the Act. (8) FEES UNDER THE STATE AUTHORIZATION RECIPROCITY AGREEMENT ACT: Present law requires that all fees collected pursuant to the State Authorization Reciprocity Agreement Act be deposited in the state treasury and credited to a dedicated THEC account. Specifies that the fees must be used for the administration of the State Authorization Reciprocity Agreement Act (10pp.).

[*SB2564](#) - [M. Norris](#) - 03/22/2016 - Senate Finance, Ways & Means Committee recommended. Sent to Senate Calendar Committee.

Senate Status: 03/22/2016 - Senate Finance, Ways & Means Committee recommended. Sent to Senate Calendar Committee.

House Status: 03/24/2016 - Set for House Floor Regular Calendar 03/28/16.

Tuesday - 03/29/16 - 8:30am - LP 12 - Senate Finance, Ways & Means Committee Regular Calendar

Per suspension of the rules on the Senate Floor, item 27 was added to the calendar as an addendum. MEMBERS: Chair Sen. R. McNally (R), Vice Chair Sen. B. Watson (R), 2nd Vice Chair Sen. D. Overbey (R), Sen. S. Dickerson (R), Sen. F. Haile (R), Sen. T. Harper (D), Sen. J. Hensley (R), Sen. B. Ketron (R), Sen. M. Norris (R), Sen. J. Stevens (R), Sen. R. Tate (D)

1. [SB2540](#)
[M. Norris](#) **Education: Revises certain provisions regarding student assessments.** Reduces the required amount of assessments that public school students must take in order to receive a high school diploma from three to one, to be taken at grade 11. Allows students to be able to retake the assessment one additional time before graduation. Imposes additional information requirements that shall be posted in regard to the assessments, such as how parents can access the items on the student's assessment and answers. Adds that the information shall also be provided for in each school's student handbook or other standard policy guidebook. States that TCAP tests and scores shall be annually released to LEAs, posted on the Department of Education's website, and made available to parents. Part of Administration Package.
[*HB1537](#) - [G. McCormick](#) - 03/03/2016 - House passed.
Senate Status: 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.
House Status: 03/03/2016 - House passed.
8. [SB2569](#)
[M. Norris](#) **Education: Restructures the board of regents.** Revises provisions governing the structure and management of state higher education institutions that are part of the state university and community college system; revises provisions governing the THEC; and makes other revisions regarding higher education in this state. Transfers government, management and control of the state universities from the board of regents to each individual institution's respective state university board, subject to certain powers and duties maintained by the THEC. The board of regents will maintain control over the state community colleges and state colleges of applied technology under this bill, subject to certain powers and duties relegated to THEC. Provides that during a transition period commencing July 1, 2016, and ending November 30, 2017, the board of regents will maintain performance of the following functions on behalf of the state university boards: data systems, capital project planning and

management, and procurement. By November 30, 2017, THEC will solicit and receive requests from the state university boards to assume the performance of these functions. THEC will approve or deny a state university board's request to assume these functions. A state university board will not be permitted to assume the performance of these functions until November 30, 2017. If the board of regents continues to perform the functions related to data systems, capital project planning and management, and procurement after the transition period has concluded, a state university board is not precluded from requesting to assume the performance of these functions at any time after November 30, 2017. Establishes the requirements for each state university board. Establishes the initial, staggered terms for the members. After the initial, staggered terms, terms will be six years, except that the faculty member and nonvoting student member will serve a term of one year. The following individuals are prohibited from serving as a member of a state university board for so long as they hold the office or position: employees of any public institution of higher education, except those faculty members appointed to the board pursuant to this bill; elected or appointed officials; state employees; and members of a governing body for any institution of higher education. Requires all members of a state university board to participate in orientation and informational policy seminars conducted by THEC prior to the first meeting of the board. In subsequent years, all newly appointed members must attend orientation seminars within their first two years of service. Each board will elect from its members a chair and other officers the board deems appropriate. The chair will serve a term of two years. Each board will adopt by-laws and rules for the organization and conduct of its business. Board members will not receive compensation for their services, but will be entitled to reimbursement for travel expenses incurred in the performance of their official duties. Establishes other requirements for the boards and the conducting of board meetings, including the requirement that meetings of the boards be made available for viewing by the public over the Internet by streaming video accessible from the respective institution's web site. This bill delineates the powers that each board will have with respect to the institution that it governs. This bill specifies that the boards will manage and initiate capital and real estate transactions; provided, that such transactions are within the scope of a master plan approved by THEC. Each board will approve the operating budget and set the fiscal policy for the university that it governs, but the board of regents will have authority over, and must give final approval to, the operating budget of each university. This bill: (1) Requires all institutions in the state university and community college system and all institutions governed by the UT board of trustees to annually submit to THEC a mission statement; (2) Clarifies that references in the code to students attending a state university "without tuition" means that such students may attend at in-state rates instead of paying out-of-state tuition; (3) Transfers from the state university and community college system to THEC the authority to determine when degree-granting institutions of higher learning have attained the status of a university; (4) Revises the requirements for the at-large appointees to the board of regents. Under present law, 12 public members are appointed to the board of regents, with one each from the nine congressional districts and three at-large from different geographical areas of the state. Under this bill, the at-large appointments may be either residents from different geographical areas of the state or nonstate residents; (5) Requires each institution in the state university and community college system to provide data to THEC for information, assessment, and accountability purposes, to be used in a statewide data system that facilitates the public policy agenda developed by THEC, and to make an annual report on any academic program terminations to the senate education committee and house education administration and planning committee, with a copy of that report being filed with THEC; (6) Specifies that THEC will establish and ensure that all postsecondary institutions in this state cooperatively provide for an integrated system of postsecondary education. This bill requires THEC to guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions. This bill also requires THEC to: provide planning and policy leadership, including a distinct and

visible role in setting the state's higher education policy agenda and serving as an agent of education transformation; develop and advance the education public policy agenda of the state to address the challenges facing higher education in Tennessee; and develop public consensus and awareness for the Tennessee higher education public policy agenda; (7) Adds a president from a state university in the state university and community college system to the THEC funding formula committee. This bill makes other revisions in regard to the funding formula, and requires THEC to develop a comprehensive strategic financial plan; (8) Requires THEC to approve annually a tuition and fee policy binding upon all state institutions of higher education. The policy will apply only to tuition and fees for students classified as state residents, and will include two approved ranges of allowable percentage adjustment, one for any proposed modification to the current tuition rates and one for any proposed modification to the combined total amount of tuition and all mandatory fees assessed; (9) Requires THEC to establish a formal process for identifying capital investment needs and determining priorities for these investments for consideration by the governor and legislature; (10) Authorizes THEC to convene the membership, leaders, and personnel of each public institution, governing board, or system to ensure a cohesive and coordinated system of higher education public policy; (11) Directs the board of regents and governing boards of state universities to adopt and implement transfer pathway policies; (12) Adds THEC's executive director to the review of state legislative funding requests for public higher education, in addition to those provided for in present law, which are the chancellor of the board of regents and president of the UT system; (13) Clarifies that the membership of the UT board of trustees includes one nonresident member; and (14) Adds the state university boards to the list of state governmental entities exempt from procurements and contracts (37 pp.).

[*HB2578 - G. McCormick](#) - 03/24/2016 - House passed with amendments 1, 2, 3 and 4.

HOUSE AMENDMENT 1 (012237) deletes and rewrites the bill such that the only substantive changes are: (1) to declare that the policies and guidelines adopted by the Tennessee Board of Regents as of the effective date of the act shall be applicable to the state university boards and their respective institutions until such time that the boards rescind or revise such policies; (2) to require that the title to property held on behalf of state universities by the Board of Regents be transferred to the respective state university board, no later than June 30,2017; (3) to require that the respective state universities continue to be participants in the state's retirement system; and (4) to further require that any data system employed by state universities be interoperable with the statewide student management system used by the Board of Regents and THEC. HOUSE AMENDMENT 2 (013225) adds language that requires THEC to coordinate and administer an orientation training program and an ongoing continuing education program for all board members of the respective state university Boards created by the bill, as amended; requires continuing education programs to include certain topics, including but not limited to, the role, duties, and responsibilities of the governing boards; and requires continuing education programs to cover legal and ethical responsibilities of trustees, budget development, intellectual diversity, academic freedom, and setting strategic goals; and requires all newly appointed Board members of the respective state university Boards shall attend orientation seminars in their first year of service. HOUSE AMENDMENT 3 (013626) adds language to the bill that revises Tenn. Code Ann. § 49-7-204 (a), (b), and (c), relative to the composition of THEC, that revises the appointing authorities of the THEC members such that the Governor shall appoint six voting members and the Speaker of the House of Representatives and the Speaker of the Senate shall each appoint one voting member. Requires the Governor to also appoint two student members, one of whom shall be a voting member. Requires the Comptroller of the Treasury, the Secretary of State, and the State Treasurer to serve as ex officio voting members, and the Executive Director of THEC to serve as an ex-officio, nonvoting member. Sets forth the process to transition from the Governor appointing all members of THEC to a divided appointing system which consists of the Governor, the Speaker of the House of

Representatives, and the Speaker of the Senate. Sets forth how vacancies shall be filled in the future by the respective appointing authorities and how the Governor shall appoint the student members of THEC; sets forth how student members shall be nominated; and sets forth the terms of office of THEC members. HOUSE AMENDMENT 4 (013986) deletes and rewrites Section 21 such that the substantive change is to require that the Tennessee Board of Regents retain all powers and duties with respect to each state university, community college, or Tennessee College of Applied Technology including but not limited to any projects at these institutions which are necessary to fulfill its covenants, representations, agreements, and obligations under any financing agreement that is existing between the Board of Regents and the Tennessee State School Bond Authority. Deletes and rewrites Section 29 such that the only substantive change is to require that each president of a Board of Regents state university be a member of the newly-created review committee to aid in the development and revision of the higher education master plan and funding formula. Adds language to prohibit any change in tuition or fee policy from being made which, in the opinion of the Board of Regents, might adversely affect compliance with, or future borrowings pursuant to financing agreements with the Tennessee State School Bond Authority.

Senate Status: 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.

House Status: 03/24/2016 - House passed with amendments 1, 2, 3 and 4. HOUSE AMENDMENT 1 (012237) deletes and rewrites the bill such that the only substantive changes are: (1) to declare that the policies and guidelines adopted by the Tennessee Board of Regents as of the effective date of the act shall be applicable to the state university boards and their respective institutions until such time that the boards rescind or revise such policies; (2) to require that the title to property held on behalf of state universities by the Board of Regents be transferred to the respective state university board, no later than June 30, 2017; (3) to require that the respective state universities continue to be participants in the state's retirement system; and (4) to further require that any data system employed by state universities be interoperable with the statewide student management system used by the Board of Regents and THEC. HOUSE AMENDMENT 2 (013225) adds language that requires THEC to coordinate and administer an orientation training program and an ongoing continuing education program for all board members of the respective state university Boards created by the bill, as amended; requires continuing education programs to include certain topics, including but not limited to, the role, duties, and responsibilities of the governing boards; and requires continuing education programs to cover legal and ethical responsibilities of trustees, budget development, intellectual diversity, academic freedom, and setting strategic goals; and requires all newly appointed Board members of the respective state university Boards shall attend orientation seminars in their first year of service. HOUSE AMENDMENT 3 (013626) adds language to the bill that revises Tenn. Code Ann. § 49-7-204 (a), (b), and (c), relative to the composition of THEC, that revises the appointing authorities of the THEC members such that the Governor shall appoint six voting members and the Speaker of the House of Representatives and the Speaker of the Senate shall each appoint one voting member. Requires the Governor to also appoint two student members, one of whom shall be a voting member. Requires the Comptroller of the Treasury, the Secretary of State, and the State Treasurer to serve as ex officio voting members, and the Executive Director of THEC to serve as an ex-officio, nonvoting member. Sets forth the process to transition from the Governor appointing all members of THEC to a divided appointing system which consists of the Governor, the Speaker of the House of Representatives, and the Speaker of the Senate. Sets forth how vacancies shall be filled in the future by the respective appointing authorities and how the Governor shall appoint the student members of THEC; sets forth how student members shall be nominated; and sets forth the terms of office of THEC members. HOUSE AMENDMENT 4 (013986) deletes and rewrites Section 21 such that the substantive change is to require that the Tennessee

Board of Regents retain all powers and duties with respect to each state university, community college, or Tennessee College of Applied Technology including but not limited to any projects at these institutions which are necessary to fulfill its covenants, representations, agreements, and obligations under any financing agreement that is existing between the Board of Regents and the Tennessee State School Bond Authority. Deletes and rewrites Section 29 such that the only substantive change is to require that each president of a Board of Regents state university be a member of the newly-created review committee to aid in the development and revision of the higher education master plan and funding formula. Adds language to prohibit any change in tuition or fee policy from being made which, in the opinion of the Board of Regents, might adversely affect compliance with, or future borrowings pursuant to financing agreements with the Tennessee State School Bond Authority.

10. [SB2595](#)
[M. Norris](#)

Education: Eligibility for the community college reconnect grant. Changes the effective date of the Community College Reconnect Grant, from July 1, 2016, to March 15, 2016, and revises various provisions governing the grant, as discussed below. Generally, the Community College Reconnect Grant is a grant program that provides a scholarship to adults who want to return to community college and complete their associates in applied science degree. Removes the requirement that the associates degree be in "applied science." Under present law, one of the requirements for a grant is that the student not have been enrolled in or attended any postsecondary institution for at least 24 months immediately preceding the date of initial enrollment in the Community College Reconnect Grant program. Changes the applicable time frame from 24 months to 12 months. Also, present law requires that an applicant file the FAFSA by March 1 prior to the beginning of each academic term. Removes the March 1 specification and requires that the FAFSA be filed prior to the beginning of each academic term. Removes the requirement that the grant be applied for "by June 1 prior to the beginning of each academic year" under this bill TSAC will determine the filing deadline. Present law requires TSAC to award the grants on a first-come, first-served basis. Revises the provision to instead require TSAC to distribute funds appropriated for the grants to public two-year postsecondary institutions based on each institution's percentage of the total nontraditional students enrolled at all public two-year postsecondary institutions, and specifies that such institutions will then award the grants to eligible students enrolled in each respective institution on a first-come, first-served basis according to rules promulgated by TSAC. Provides that only students obtaining a grant during the 2016-2017 academic year will be eligible to receive the grant in any academic year beyond the 2016-2017 academic year. Revises this provision to instead provide that funds appropriated for the grants during the 2016-2017 academic year will be carried forward to subsequent fiscal years for future grants until all such funds are expended.

***HB2117 - G. McCormick** - 03/24/2016 - Set for House Floor Consent Calendar 03/28/16.
Senate Status: 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.

House Status: 03/24/2016 - Set for House Floor Consent Calendar 03/28/16.

18. [SB2565](#)
[M. Norris](#)

Education: Eliminates obsolete provision of TCA concerning BEP. Deletes obsolete provisions regarding the BEP. The obsolete provisions deleted read as follows: (1) Effective with the 2004-2005 fiscal year, the dollar value of the BEP instructional positions component will be \$34,000 per instructional position. In subsequent fiscal years, the dollar value of the instructional positions component in the BEP will be set in accordance with Tennessee Code Annotated, Section 49-3-351; (2) No LEA will receive from the BEP in fiscal year 2004-2005 and in subsequent fiscal years a lesser amount of state funds for instructional salaries, benefits, insurance, and unit costs adjusted for any mandatory increases in these categories and adjusted for any changes in average daily membership, than it received for such purposes in the 2003-2004 fiscal year; and (3) The commissioner of education must provide to each LEA, as appropriate, a state funding plan to transition from

prior appropriations pursuant to Chapter 356 of the Public Acts of 2003, to funding under the BEP for the instructional positions component. In developing the plan, the commissioner must consider the applicable local salary schedules for instructional positions, the fiscal capacity of the LEA and the local effort in raising revenue. The department must provide each LEA notice of its obligations and anticipated revenues under the transition plan.

[*HB2574](#) - [G. McCormick](#) - 03/24/2016 - Set for House Finance Subcommittee 03/30/16.

Senate Status: 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.

House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.

Tuesday - 03/29/16 - 10:30am - LP 30 - House Government Operations Committee

MEMBERS: Chair Rep. J. Faison (R), Vice Chair Rep. J. Ragan (R), Rep. G. Casada (R), Rep. J. Clemmons (D), Rep. C. Fitzhugh (D), Rep. C. Halford (R), Rep. D. Howell (R), Rep. C. Johnson (R), Rep. G. McCormick (R), Rep. M. Stewart (D)

3. [HB1879](#) [R. Kane](#)

Education: Course Access Program Act. Creates the course access program, under which state resident K-12 students may enroll in certain courses provided by course providers who are authorized by the department of education to offer courses online or in person, including online education providers, public or private elementary or secondary education institutions, education service agencies, post-secondary education institutions, and vocational or technical course providers. Under this bill, beginning in the 2017-2018 school year, an eligible participating student, which is a K-12 student that resides in this state, may enroll in course access program courses (discussed below), as determined by the LEA. Specifies that an eligible funded student, which is any eligible participating student who is currently enrolled in a public school, including a public charter school, may enroll in one or two state course access program courses that are made available by the course access program, unless additional courses are approved by the LEA where the student is enrolled. A school may individually approve eligible funded students to take more than two course access program courses. Also, the families of eligible funded students and other eligible participating students may elect to enroll in additional courses exceeding the two-course limitation; such students will be responsible for paying the department or LEA the required tuition and fees for all courses exceeding the two-course limitation. LEAs with students enrolled in the course access program may review the courses in which the student is enrolled to ensure the courses are academically appropriate, logistically feasible, keep the student on track for graduation, and do not extend a student beyond a full-time course load. An LEA may reject a student's course enrollment request if the course enrollment for the student does not comply with these provisions. Authorizes the department of education to enter into a reciprocity agreement with other states for the purpose of authorizing and approving high-quality providers and courses for the course access program and the operation of the course access catalog. Requires the department to submit a report by March 1, 2019, and annually thereafter, on the course access program and the participation of entities to the governor, the speaker of the senate, and the speaker of the house. Requires LEAs to provide students and parents notice regarding the availability of courses and the deadline or deadlines for students to enroll. Specifies that the performance data of students who are enrolled in a course pursuant to this bill will be counted as student achievement data. Establishes requirements for tuition applicable to courses taken through an approved course provider. Among other things, this bill provides that the course provider will receive tuition for each eligible funded student at a fair and reasonable rate to be negotiated by the department and the approved course provider. The tuition will include all required fees and course materials. Also, the course provider will receive payment from the department only for the courses in which an eligible funded student is enrolled. Payment of tuition to all approved course providers will be based upon the student's successful completion

of the course and made in accordance with requirements specified in this bill (14 pp.)

[*SB2497](#) - [D. Gresham](#) - 03/23/2016 - Senate Education Committee recommended with amendment 1 (013667). Sent to Senate Finance.

Senate Status: 03/23/2016 - Senate Education Committee recommended with amendment 1 (013667). Sent to Senate Finance.

House Status: 03/24/2016 - Set for House Government Operations Committee 03/29/16.

4. [HB2489](#)
[R. Akbari](#)

Education: Teaching of elementary students by nonprofit corporations. Authorizes the commissioner of education to promulgate rules to allow a 501(c)(3) nonprofit corporation to enter a school to teach kindergarten through third-grade students various subjects, including reading comprehension, mathematics, foreign language, and science.

[*SB1864](#) - [R. Tate](#) - 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Calendar Committee.

Senate Status: 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Calendar Committee.

House Status: 03/24/2016 - Set for House Government Operations Committee 03/29/16.

5. [HB2490](#)
[R. Akbari](#)

Education: Submission date for annual report on virtual schools. Changes the date by which the department of education must submit its annual report on virtual schools, from July 1 to September 1. "Broadly captioned."

[*SB2165](#) - [R. Tate](#) - 03/23/2016 - Senate Education Committee recommended with amendment 1 (013620). Sent to Senate Calendar Committee.

Senate Status: 03/23/2016 - Senate Education Committee recommended with amendment 1 (013620). Sent to Senate Calendar Committee.

House Status: 03/24/2016 - Set for House Government Operations Committee 03/29/16.

9. [HB2616](#)
[J. Pitts](#)

Education: Requires an LEA to screen K-2 students for dyslexia. Requires the department of education to provide a universal screening tool that screens for characteristics of dyslexia, to be utilized by the LEAs through their existing RTI² framework. Allows a student's parent or guardian to request such screening. Requires the department to provide appropriate professional development for educators in the area of identification of and intervention methods for students with dyslexia. Creates the dyslexia advisory council.

[*SB2635](#) - [D. Gresham](#) - 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Calendar Committee.

Senate Status: 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Calendar Committee.

House Status: 03/24/2016 - Set for House Government Operations Committee 03/29/16.

Wednesday - 03/30/16 - 11:00am - LP 29 - House Finance Subcommittee

Per suspension of the rules on the House Floor, items 53-55 were added to the calendar. MEMBERS: Chair Rep. C. Johnson (R), Rep. D. Alexander (R), Rep. K. Brooks (R), Rep. K. Camper (D), Rep. C. Fitzhugh (D), Rep. D. Hawk (R), Rep. G. McCormick (R), Rep. S. McDaniel (R), Rep. C. Sargent (R), Rep. C. Todd (R)

3. [HB1852](#)
[R. Kane](#)

Education: Governor's Three Star Physical Education and Literacy Program." Creates the Governor's Three Star Physical Education and Literacy Program. Beginning with the 2016-2017 school year, there is established a two-and- one-half-year pilot program to be operated by the office of coordinated school health, in consultation with the department of education. The purpose of the program is to determine whether increasing physical education and literacy courses in a student's schedule to four (4) days of each school week for no less than thirty (30) minutes and no more than forty-five (45) minutes each day will increase student academic achievement, decrease incidents of student behavior problems and increase student growth in motor skills.

[*SB2001](#) - [B. Ketron](#) - 02/24/2016 - Senate Education Committee recommended with

amendment 1. Sent to Senate Finance.

Senate Status: 02/24/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Finance.

House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.

16. [HB2574](#)
[G. McCormick](#) **Education: Eliminates obsolete provision of TCA concerning BEP.** Deletes obsolete provisions regarding the BEP. The obsolete provisions deleted read as follows: (1) Effective with the 2004-2005 fiscal year, the dollar value of the BEP instructional positions component will be \$34,000 per instructional position. In subsequent fiscal years, the dollar value of the instructional positions component in the BEP will be set in accordance with Tennessee Code Annotated, Section 49-3-351; (2) No LEA will receive from the BEP in fiscal year 2004-2005 and in subsequent fiscal years a lesser amount of state funds for instructional salaries, benefits, insurance, and unit costs adjusted for any mandatory increases in these categories and adjusted for any changes in average daily membership, than it received for such purposes in the 2003-2004 fiscal year; and (3) The commissioner of education must provide to each LEA, as appropriate, a state funding plan to transition from prior appropriations pursuant to Chapter 356 of the Public Acts of 2003, to funding under the BEP for the instructional positions component. In developing the plan, the commissioner must consider the applicable local salary schedules for instructional positions, the fiscal capacity of the LEA and the local effort in raising revenue. The department must provide each LEA notice of its obligations and anticipated revenues under the transition plan.
**SB2565* - [M. Norris](#) - 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.
Senate Status: 03/24/2016 - Set for Senate Finance, Ways & Means Committee Regular Calendar 03/29/16.
House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.
25. [HB2009](#)
[S. Butt](#) **Education: Notice to LEAs regarding reports on pre-K.** Requires the department of education to notify electronically each LEA when the office of research and education accountability publishes a report pertaining to pre-K-12 education in order that the LEAs may disseminate the report to licensed personnel. Broadly captioned.
**SB2499* - [D. Gresham](#) - 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Calendar Committee.
Senate Status: 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Calendar Committee.
House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.
33. [HB2103](#)
[G. Hardaway](#) **Education: Task force to study the effects of concussions on student athletes.** Creates a task force to study and evaluate concussions and other injuries received from long term, continued participation in high school, college, university, community or junior college level sports.
**SB2204* - [T. Gardenhire](#) - 03/23/2016 - Senate Education Committee recommended. Sent to Senate Calendar Committee.
Senate Status: 03/23/2016 - Senate Education Committee recommended. Sent to Senate Calendar Committee.
House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.
37. [HB2612](#)
[D. Moody](#) **Education: Competitive grant program for certain charter schools.** Requires the department of education to create a pilot program to provide certain facilities funding to charter schools and rural schools. Requires the department to establish, administer, and monitor a system of annual competitive grants to public schools that provide funds to: (i) Equip teachers with modern teaching tools and technology; (ii) Upgrade facilities to ensure safe and healthy learning environments for students; and (iii) Modernize education technology infrastructure for school facilities. Specifies requirements for application and receipt of grants.

[*SB2506](#) - [D. Gresham](#) - 03/09/2016 - Senate Education Committee recommended. Sent to Senate Finance.

Senate Status: 03/09/2016 - Senate Education Committee recommended. Sent to Senate Finance.

House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.

41. [HB2469](#)
[D. Powers](#)

Education: Study on the effectiveness of dual enrollment grants. Requires THEC, in consultation with the governing bodies of the state institutions of higher education and the Tennessee Independent Colleges and Universities Association, to perform a study on the effectiveness of dual enrollment grants in promoting college degree attainment.

[*SB2466](#) - [K. Yager](#) - 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Finance.

Senate Status: 03/23/2016 - Senate Education Committee recommended with amendment 1. Sent to Senate Finance.

House Status: 03/24/2016 - Set for House Finance Subcommittee 03/30/16.