## Weekly Legislative Update 2019

### Public Chapters Only

**June 21, 2019**

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The position of The Arc Tennessee

- **SUPPORT**
- **OPPOSE**

**Achieve with us.**
Appropriations

**SB1518/HB1508 Appropriations - FY 2018 and FY 2019.**


*Summary:* Make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2018, and July 1, 2019, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state. Also make appropriations for certain state aid and obligations, for capital outlay, and for the service of the public debt. Repeals certain appropriations and any acts inconsistent herewith. Establishes certain provisions, limitations and restrictions under which appropriations may be obligated and expended.

*Amendment Summary:* Senate amendment 2, House amendment 2 (004500) makes appropriations from the general fund and the education fund in the amount of $17,982,000 recurring and $86,553,500 non-recurring for various departments and organizational units of state government, including the department of economic and community development for economic and community development grants for making rural and community grants for capital expenditures, repairs, maintenance, or operations to local governments or non-profit public education, public safety, library, community, or recreational service entities. Also appropriates amounts to implement the cited legislative bills, including the JuJuan Latham Act. Further, specifies earmarked appropriations and capital outlay additional provisions. Also, specifies program expansions from federal and other departmental revenue and specifies annual hospital coverage assessment. House amendment 3 (005000) is the legislative amendment to the appropriations bill.

*Senate Status:* 04/30/19 - Senate passed with amendment 1 (008574), amendment 2 (004500), and amendment 3 (009019).

*House Status:* 04/30/19 - House concurred in Senate amendment 1 (008574), amendment 2 (004500), and amendment 3 (009019).

*Executive Status:* 05/20/19 - Enacted as Public Chapter 0405 effective July 1, 2019. (114 pages)

*Public Chapter:* PC405.pdf

*Caption:* AN ACT to make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2018, and July 1, 2019, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state; for certain state aid and obligations; for capital outlay, for the service of the public debt, for emergency and contingency; to repeal certain appropriations and any acts inconsistent herewith; to provide provisional continuing appropriations; and to establish certain provisions, limitations and
restrictions under which appropriations may be obligated and expended. This act makes appropriations for the purposes described above for the fiscal years beginning July 1, 2018, and July 1, 2019.

Children’s Services

**SB12/HB3**  
**Granting of custody to a relative caregiver.**

**Sponsors:** Sen. Briggs, Richard, Rep. Staples, Rick  
**Summary:** Requires a court that issues orders granting custody or guardianship of children to relative caregivers to inform the relative caregiver that resources and funding may be available through the department of children's services. Also requires the department and the administrative office of the courts to distribute resource information to courts that issue such court orders. Permits resource information to be distributed by electronic means.

**Amendment Summary:** Senate amendment 1 (003327) changes this bill's requirement for the distribution of information to courts. This amendment requires the department of children's services to distribute information on available relative caregiver resources to the administrative office of the courts, and the administrative office of the courts to distribute the information to each court within the state that issues orders regarding child custody or guardianship.

**Fiscal Note:** (Dated January 8, 2019) NOT SIGNIFICANT

**Senate Status:** 03/14/19 - Senate passed with amendment 1 (003327).

**House Status:** 03/21/19 - House concurred in Senate amendment 1 (003327).

**Executive Status:** 04/15/19 - Enacted as Public Chapter 0130 effective April 9, 2019.

**Public Chapter:** PC130.pdf  
**Caption:** AN ACT to amend Tennessee Code Annotated, Title 16; Title 36 and Title 37, relative to relative caregivers.

Conservatorship

**SB711/HB686**  
**Public guardianship for the elderly.**

**Sponsors:** Sen. Stevens, John, Rep. Kumar, Sabi  
**Summary:** Allows the executive director of the Tennessee Commission on Aging and Disability to request the district public guardian to serve as a conservator for disabled persons who are younger than sixty (60) years of age if certain criteria are met.

**Fiscal Note:** (Dated February 15, 2019) NOT SIGNIFICANT

**Senate Status:** 04/15/19 - Senate passed.

**House Status:** 03/18/19 - House passed.

**Executive Status:** 05/07/19 - Enacted as Public Chapter 0230 effective April 30, 2019.
SUPPORT

Education

SB790/HB934 **Revises special education laws.**

**Sponsors:**  Sen. Johnson, Jack, Rep. Lamberth, William

**Summary:**  Redefines "special education" and child with disability" or "children with disabilities." Specifies that every child with a disability is entitled to free appropriate public education (FAPE). Specifies that each LEA is responsible for ensuring that every child with a disability receives special education and related services designed to meet the child's unique needs. Defines "related services" to include transportation and developmental, corrective, and other supportive services, school health services, social work services in schools, parent counseling and training, in addition to other services that may be approved by the state board of education. Requires a child with a disability to be educated in the least restrictive environment. Clarifies that special classes, separate schooling, or other removals of a child with a disability from the regular educational environment must occur only when the student's IEP determines that the nature of the child's disability is such that education in a regular classroom setting with the use of supplementary aids and services cannot be achieved. Requires the department of education to enforce the IDEA and the state's special education laws. Requires the state board of education, in consultation with the department of education, to take necessary action to: (1) adopt standards for teachers and other personnel providing instruction or educational services to children with disabilities; (2) adopt the evaluation procedures and eligibility criteria for children with disabilities; and (3) cooperate with other state agencies, organizations, and institutions that are concerned with the health, education, and welfare of children with disabilities. Allows LEAs to contract with other LEAs to provide services for children with disabilities. In such instances, clarifies that the LEA in which the child is enrolled shall continue to be responsible for ensuring that the child receives the special education and relates services in accordance with the IDEA. Requires agreements or contracts pursuant to this section to be in writing and specifies that such agreements may include the provision of special education and related services, payment of reasonable costs associated with the services, or other related costs. Allows a parent or legal guardian to request the LEA to conduct a full or individualized evaluation of the child to determine if the child has a disability and is eligible for special education services. Requires the identification, location, and evaluation of children with disabilities to be conducted in accordance with the IDEA, the state's special education laws, and the state board of education's rules. Revises language regarding denial of BEP funding for noncompliance with the
special education statutes. Make various other changes regarding special education. (22 pp.)

Amendment Summary:
Senate amendment 3 (005275) restores present law language, which the bill deletes, expressing that it is state policy to provide services to maximize the capabilities of children with disabilities. This amendment restores and expands upon a list of disabilities that appears in the present law definition of a "child with a disability" for purposes of special education. Under this amendment, "child with a disability" means a child between three and 21 years of age, both inclusive, who has been evaluated and determined as having a state-identified disability in accordance with the rules and regulations of the state board of education or as having one or more of the following disabilities, as defined in federal regulations: an intellectual disability; a hearing impairment; a speech or language impairment; a visual impairment; emotional disturbance; an orthopedic impairment; autism; traumatic brain injury; other health impairment; a specific learning disability; developmental delay; deaf-blindness; or multiple disabilities, and who, by reason thereof, needs special education and related services. This amendment expands the definition of "related services", as described in section (13) of the Bill Summary, to include rehabilitation counseling with a focus on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability. This amendment specifies that, to the maximum extent appropriate, a child with a disability must be educated alongside the child's typically developing peers. This amendment removes a provision of this bill that prohibits an LEA attorney or a parent attorney from being a member of an IEP team. This amendment specifies that there must be a branch school of the school for the deaf located in Davidson County, but removes the language of this bill that would require such school be connected to the Tennessee School for the Blind.

Fiscal Note: (Dated February 17, 2019) NOT SIGNIFICANT
Senate Status: 03/07/19 - Senate passed with amendment 3 (005275).
House Status: 04/01/19 - House passed.
Executive Status: 04/15/19 - Enacted as Public Chapter 0107 effective April 11, 2019.
Public Chapter: PC107.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Section 4-5-322; Title 49, Chapter 10 and Title 49, Chapter 50, relative to special education.

SB809/HB953 Career aptitude assessment for students.
Summary: Requires an LEA to make certain interest inventories available to students in grades five through nine. Requires an LEA to administer a career aptitude assessment to students in grades seven or eight. Part of the Administration Package.
Amendment Summary: Senate amendment 1 (004909) substitutes the College Board Career Finder for the MyRoad provided by the College Board as a career interest inventory.
Fiscal Note: (Dated March 7, 2019) NOT SIGNIFICANT
SB375/HB34 **Funds for noneducational purposes.**

**Sponsors:** Sen. Swann, Art, Rep. Carr, Dale

**Summary:** Allows a local board of education to authorize a teacher, school employee, or other person employed by the LEA to raise funds for noneducational purposes. Requires the local board of education to develop, adopt, and provide the LEA with policies and procedures for use of the funds, including policies and procedures for the receipt, disbursement, and accounting of all funds. Clarifies that persons raising funds for noneducational purposes are not to be considered as a school support organization.

**Amendment Summary:** House amendment 1 (003435) deletes and replaces language in the original bill such that the only substantive change is to require a local board of education to pay for the cost of the audit.

**Fiscal Note:** (Dated January 30, 2019) NOT SIGNIFICANT

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SB796/HB940 **Report on collecting and obligations fulfilled by authorizer fees.**

**Sponsors:** Sen. Johnson, Jack, Rep. Lamberth, William

**Summary:** Changes to December 31 the date the state board of education is required to report the total amount of authorizer fees collected in the previous school year and the authorizing obligations fulfilled using the fee. Broadly captioned. Part of Administration Package.

**Amendment Summary:** Senate amendment 6 (007867) adds language to require that a majority of the Commission members must reside within the geographic boundary of an LEA in which at least one public charter school operates. House amendment 3 (007750) revises various provisions of the Tennessee Public Charter Schools Act of 2002, including the following: (1) This amendment creates a nine-member public charter school commission, which will serve as an appellate charter school authorizer and
as the LEA for any public charter school that it authorizes. The governor will appoint the nine commission members, subject to confirmation by each house of the general assembly. This amendment sets out in detail the confirmation process for the members. There will be at least three commission members from each grand division of the state. The commission will have the power to declare a commission member's position vacant if the member fails, without cause, to attend more than 50 percent of the commission's regular meetings in a calendar year. Also, a member will be subject to removal from the commission by a two-thirds majority vote of each house of the general assembly for misconduct, incapacity, or neglect of duty. Such removal will be by passage of a joint resolution by the senate and the house of representatives. This amendment prohibits elected officials and state employees from serving on the commission. This amendment sets out in detail the requirement for commission members; the initial, staggered terms of office; and the duties of the commission. The commission will employ a director of schools. This amendment requires that commission meetings be made available for public viewing over the internet by streaming video accessible on the commission's website, and requires the commission to maintain archives of prior meetings. This amendment also schedules the commission for sunset review. (2) This amendment revises the public charter school authorizing process. Under present law, the chartering authority/authorizer of a public charter school is: (A) The local board of education or the achievement school district (ASD) that approves, renews, or decides not to revoke a public charter school application or agreement; or (B) The state board of education, if the state board approves a charter school: under the present law provisions whereby the LEA may be the sponsor of a public charter school; or upon appeal from a denial of a charter school application by an LEA that contains at least one priority school on the current or last preceding priority school list. This amendment revises the provisions described above in (2)(B). Under this amendment, if an LEA is the sponsor of a public charter school, then the commission will serve as the authorizer. Also, this amendment transitions the role of an appellate authorizer from the state board of education to the commission created by this amendment. Under this amendment, the state board will not be an authorizer after June 30, 2021. This amendment sets out in detail the process by which charter agreements for which the state board is the authorizer will be transferred to the commission. This amendment provides that the transfer will occur if there is mutual agreement to the transfer by the public charter school's governing body and the commission. If the public charter school's governing body and the commission cannot reach a mutual agreement before July 1, 2021, then the charter agreement authorized by the state board will terminate. This amendment clarifies that a sponsor seeking to establish a new public charter school or convert an existing school to a charter school must apply to the local board of education. This amendment also specifies that the requirement to apply to the local board for a conversion does not apply if the existing public school has entered the achievement school district. This amendment also requires that notice of a commission meeting regarding an appeal be provided to the local board of education, the sponsor, and the general public. Under this amendment, at least one week before the meeting, notice of the meeting must be: published in a newspaper of general circulation in the county.
where the LEA is located; and posted on the commission's website. (3) This amendment requires the state board of education to ensure the effective operation of authorizers and to evaluate authorizer quality. This amendment authorizes the state board to conduct periodic evaluations of authorizers to determine authorizer compliance with the Act. If an authorizer fails to comply with state law and rules after receiving notice of noncompliance, the failure to remedy may result in a reduction of the authorizer fee provided for in present law, as determined by the state board. (4) Under present law, if the local board of education is the chartering authority of a charter school, then the local board receives an annual authorizer fee that is a percentage of the charter school's per student state and local funding as allocated under present law. The annual authorizer fee must be the lesser of 3 percent of the annual per student state and local allocations or $35,000 per school. This amendment adds that if the ASD authorizes a public charter school, then the ASD will receive an annual authorizer fee of up to 3 percent of the public charter school's per pupil state and local funding as allocated under present law. (5) This amendment prohibits a public charter school from charging tuition, registration fees, or enrollment fees. (6) This amendment specifies that the authorization for a public charter school to enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located pursuant to the out-of-district enrollment policy of the LEA in which the public charter school is located applies unless the LEA in which the public charter school is located has a policy prohibiting out-of-district enrollment. (7) This amendment specifies that the state board will determine timelines for approval and the appeal process. House amendment 4 (007891) adds language to amendment 007750 to require that a majority of the Commission members must be residents of a county in which at least one public charter school operates. House amendment 11 revises the provisions, added by House Amendment #3, whereby if the general assembly is not in session at the time a member is appointed to fill a vacancy resulting from the expiration of a term, then the member whose term has expired serves until a new appointee is confirmed; and whereby if the general assembly is not in session at the time a member is appointed to fill a vacancy not resulting from the expiration of a term, then the new appointee serves for the term appointed unless the appointment is not confirmed during the next regular session of the general assembly. This amendment rewrites these provisions to instead provide that if the general assembly is not in session at the time a member is appointed to fill a vacancy, then the new appointee will serve for the term appointed unless the appointment is not confirmed during the next regular session of the general assembly. House amendment 10 (008281) corrects an internal cross-reference in this bill.

**Fiscal Note:**
(Dated February 12, 2019) NOT SIGNIFICANT

**Senate Status:**
04/18/19 - Senate passed with amendment 6 (007867).

**House Status:**
04/18/19 - House concurred in Senate amendment 6 (007867).

**Executive Status:**
04/30/19 - Enacted as Public Chapter 0219 effective April 26, 2019.

**Public Chapter:**
PC219.pdf

**Caption:**
AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 13, relative to charter schools.
SB20/HB70  Repeal of Virtual Public Schools Act.
Summary: Extends the date of the repeal of the "Virtual Public Schools Act" from June 30, 2019, to June 30, 2023.
Fiscal Note: (Dated January 10, 2019) Other Fiscal Impact Upon expiration of the Virtual Public Schools Act, there will be various shifts in state and local Basic Education Program (BEP) funding between and within certain local education agencies (LEAs) and possible decreases in state and local government expenditures due to closure of virtual schools. In addition, Union County's required BEP maintenance of effort would decline. Under the provisions of the legislation, these impacts will be delayed by four years until June 30, 2023.
Senate Status: 02/11/19 - Senate passed.
House Status: 04/23/19 - House passed.
Executive Status: 05/13/19 - Enacted as Public Chapter 0283 effective May 8, 2019.
Public Chapter: PC283.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 16, relative to virtual schools.

SB442/HB91  Evaluation of pre-kindergarten and kindergarten teachers.
Sponsors: Sen. Bell, Mike, Rep. Hicks, Gary
Summary: Allows LEAs that receive pre-kindergarten approval to now utilize an alternative academic growth indicator approved by the state board of education and adopted by the LEA instead of only being authorized to use the pre-k/kindergarten growth portfolio.
Amendment Summary: House amendment 1 (008375) creates the portfolio review committee composed of the following 10 members: (1) The chair of the education committee of the house; (2) The chair of the education committee of the senate; (3) One member of the house, to be appointed by the speaker of the house; (4) One member of the senate, to be appointed by the speaker of the senate; (5) One representative from the Tennessee Organization of School Superintendents; (6) One representative from the Tennessee school boards association; (7) The commissioner of education, or the commissioner's designee; and (8) One pre-kindergarten or kindergarten teacher from each grand division of the state, to be appointed as follows: (A) The speaker of the house will appoint one pre-kindergarten or kindergarten teacher from the western grand division; (B) The governor will appoint one pre-kindergarten or kindergarten teacher from the middle grand division; and (C) The speaker of the senate will appoint one teacher from the eastern grand division. The committee will, among other things: identify expectations for the pre-k/kindergarten growth portfolio model and areas of improvement for the growth portfolio model; and study and consider alternative options for measuring student growth in pre-kindergarten and kindergarten. The
The department of education will identify additional opportunities for educators and stakeholders throughout this state to provide feedback on the growth portfolio model on an ongoing basis. The committee will report its findings and recommendations to the education committees of the senate and house no later than August 1, 2019, at which time the committee will cease to exist. Senate amendment 3 (009048) authorizes an LEA to use a “comparable alternative measure of student growth,” instead of an “alternative academic growth indicator,” as provided in this bill. This amendment adds that, for the 2018-2019 school year, employment termination and compensation decisions for pre-kindergarten or kindergarten teachers will not be based solely on data generated by the portfolio model.

**Fiscal Note:**
(Dated March 4, 2019) Increase State Expenditures Exceeds $9,000,000/Recurring Other Fiscal Impact If LEAs are required to cover the costs associated with administering an alternative growth indicator, there will be a permissive increase in local expenditures. However, due to multiple unknown factors, a precise impact cannot be reasonably determined.

**Senate Status:** 05/01/19 - Senate concurred in House amendment 1 (008375).

**House Status:** 05/01/19 - House passed with amendment 1 (008375).

**Executive Status:** 05/15/19 - Enacted as Public Chapter 0376 effective May 10, 2019.

**Public Chapter:** PC376.pdf

**Caption:** AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 1, relative to pre-kindergarten programs.

**SB205/HB268** Allows school bus cameras to record unlawful passing of stopped buses.

**Sponsors:** Sen. Briggs, Richard , Rep. Hill, Matthew

**Summary:** Permits cameras on school buses to record vehicles that unlawfully pass stopped school buses and allows evidence to be reviewed by law enforcement officers after evidence is submitted to an LEA by a school bus driver. Establishes citations for first and subsequent offenses.

**Amendment Summary:** House amendment 1 (006301) specifies that any photograph or video recorded by a camera can be used as evidence as long as it meets the standards of the Tennessee Rules of Evidence. Requires 100 percent of the proceeds from any fine imposed that is based solely upon evidence from a school bus camera be allocated to the LEA without being designated for any particular purpose. Allows the LEA to use the proceeds towards defraying the costs of purchasing, installing, operating or maintaining the camera and the costs of compensating the vendor of the cameras. Orders LEAs to develop procedures and keep record if they choose to compensate vendors with the proceeds. Deletes requirement that an LEA not submit evidence from a camera to local law enforcement officers without the information provided by a bus driver. Eliminates only POST-certified or state-commissioned law enforcement officers are authorized to review evidence from a camera and make a determination as to whether a violation has occurred.
Removes the limitation that footage of the alleged violation occurring at the date and time provided by a bus driver is only time that can be reviewed for evidence.

_Fiscal Note:_ (Dated February 25, 2019) Increase Local Revenue Up to $17,190,300/FY19-20/Permissive Exceeds $1,000,000/FY20-21 and Subsequent Years/Permissive Increase Local Expenditures Up to $13,050,000/FY19-20/Permissive Exceeds $1,000,000/FY20-21 and Subsequent Years/Permissive

_Senate Status:_ 04/30/19 - Senate passed.

_House Status:_ 04/22/19 - House passed with amendment 1 (006301).

_Executive Status:_ 05/24/19 - Enacted as Public Chapter 0418 effective May 21, 2019.

_Public Chapter:_ PC418.pdf

_Caption:_ AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 21 and Title 55, Chapter 8, relative to installing cameras on school buses to monitor certain violations.

**SB170/HB405 Requires an adverse childhood experiences (ACEs) assessment before suspending or expelling a child.**


_Summary:_ Requires each board of education to adopt a policy where an adverse childhood experiences (ACEs) assessment must be done before expelling, suspending, assigning in-school suspension, or ordering a student to attend another school. Establishes reports of suspension and expulsion must include and consider ACE assessments. The LEA is required to conduct an ACE assessment when considering disciplinary action if one has not been made within one calendar year.

_Amendment Summary:_ House amendment 1 (008319) rewrites this bill to add a preamble and require each LEA and public charter school to adopt a trauma-informed discipline policy that does the following: (1) Balances accountability with an understanding of traumatic behavior; (2) Teaches school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school; (3) Minimizes disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans; (4) Creates consistent rules and consequences; and (5) Models respectful, nonviolent relationships. This amendment requires the department of education to develop guidance on trauma-informed discipline practices that LEAs must use to develop a trauma-informed discipline policy.

_Fiscal Note:_ (Dated February 19, 2019) Increase State Expenditures $197,500/FY19-20 $107,500/FY20-21 and Subsequent Years Increase Local Expenditures Exceeds $6,682,000/FY19-20 and Subsequent Years*

_Senate Status:_ 04/29/19 - Senate passed.

_House Status:_ 04/18/19 - House passed with amendment 1 (008319).

_Executive Status:_ 05/24/19 - Enacted as Public Chapter 0421 effective May 21, 2019.

_Public Chapter:_ PC421.pdf

_Caption:_ AN ACT to amend Tennessee Code Annotated, Title 49, relative to adverse childhood experiences (ACEs).
SB33/HB25 Establishes Middle Tennessee branch for TN School for the Deaf.

**Sponsors:** Sen. Dickerson, Steven, Rep. Jernigan, Darren

**Summary:** Requires the Tennessee School for the Deaf to establish a school for the deaf in Middle Tennessee rather than specifying Davidson County and removes the Tennessee School for the Deaf from the facilities of the Tennessee School for the Blind beginning with the 2022-2023 school year. Prohibits the Tennessee School for the Deaf, the Tennessee School for the Blind, and the Alvin C. York Agricultural Institute from sharing certain leadership positions at the same time.

**Amendment Summary:** House amendment 1 (007902) rewrites the bill to forbid the Tennessee School for the Blind, the Tennessee School for the Deaf, the West Tennessee School for the Deaf, and the Alvin C. York Agricultural Institute from sharing the same president, director of schools, or officers at the same time.

**Senate Status:** 04/29/19 - Senate passed.

**House Status:** 04/18/19 - House passed with amendment 1 (007902).

**Executive Status:** 05/24/19 - Enacted as Public Chapter 0460 effective May 21, 2019.

**Public Chapter:** PC460.pdf

**Caption:** AN ACT to amend Tennessee Code Annotated, Title 49, relative to special education.

SB604/HB664 Alternative education for students who have been expelled.

**Sponsors:** Sen. Robinson, Katrina, Rep. Parkinson, Antonio

**Summary:** Requires students in grades seven through 12 who have been expelled to attend an alternative school. Requires the governing body of a public charter school to establish an alternative educational setting for students who have been suspended from the regular school program. Prohibits a charter school from expelling a student from school attendance until after the student has been placed in an alternative educational setting.

**Amendment Summary:** House amendment 2 (008831) deletes all language after the enacting clause and rewrites the bill to: (1) add “alternative program” as an option for a student to participate in who has been suspended or expelled; and (2) require students in grades seven through twelve who have been suspended or expelled to be assigned to attend an alternative school or alternative program if there is space and staff available. House amendment 3 (008858) specifies attendance in an alternative program shall be voluntary.

**Fiscal Note:** (Dated March 22, 2019) Increase State Expenditures Exceeds $3,000,000
Increase Local Expenditures Exceeds $1,000,000*

**Senate Status:** 05/01/19 - Senate passed.

**House Status:** 04/30/19 - House passed with amendment 2 (008831) and amendment 3 (008858).

**Executive Status:** 05/28/19 - Enacted as Public Chapter 0465 effective May 24, 2019.

**Public Chapter:** PC465.pdf
AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 13 and Title 49, Chapter 6, relative to alternative education.

**SB310/HB567 Creation of deaf mentor pilot project.**

**Sponsors:** Sen. Massey, Becky, Rep. White, Mark

**Summary:** Requires the Tennessee School for the Deaf, together with the West Tennessee School for the Deaf, to establish a two-year deaf mentor pilot project to assist families and agencies in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind. Requires the department of education to evaluate the pilot project and report its findings to the education committees of the senate and the house.

**Amendment Summary:** House amendment 1 (006906) rewrites the bill to require a one year deaf mentor pilot project at the TN school for the Deaf in Knoxville during the 2019-2020 school year. The report shall be made to the House and Senate Education Committees by February 1, 2021.

**Fiscal Note:** (Dated March 3, 2019) Increase State Expenditures Exceeds $443,100/Each FY19-20 and FY20-21

**Senate Status:** 05/01/19 - Senate passed.

**House Status:** 04/30/19 - House passed with amendment 1 (006906).

**Executive Status:** 05/28/19 - Enacted as Public Chapter 0500 effective May 24, 2019.

**Public Chapter:** PC500.pdf

**Caption:** AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10, Part 9, relative to a deaf mentor pilot project.

**SB795/HB939 Education options - request student’s transfer.**

**Sponsors:** Sen. Johnson, Jack, Rep. Lamberth, William

**Summary:** Extends the period of time after a local board of education orders a student's school assignment within which a parent, guardian, or legal representative may apply to the board for a hearing to challenge the reasonableness of the student's assignment and to request the student's transfer to another school from 10 days to 30 days. Part of Administration Package.

**Amendment Summary:** House amendment 2 (008453) rewrites this bill and enacts the “Tennessee Education Savings Account Act,” which provides for education savings accounts for eligible students, whereby funds will be provided for the student to be educated at a private school that meets the requirements established by the department of education and the state board of education for a Category I, II, or III private school (referred to as a participating school). An "eligible student" under this bill is a resident of this state who: (A) Was previously enrolled in and attended a Tennessee public school for the one full school year immediately preceding the school year for which the student receives an education savings account; is eligible for the first time to enroll in a Tennessee school; or received an education savings account in the previous school year; (B) Is a student in any of the grades K-12; (C) Is zoned to attend a school in an LEA that had three or more schools identified as priority schools in 2015 and that had three or more schools among
the bottom 10 percent of schools as identified by the department in 2017; and (D) Is a member of a household with an annual income for the previous year that does not exceed twice the federal income eligibility guidelines for free lunch. Additionally, either the parent of the student, if the student is less than 18 years of age, or the student, if the student is 18 years of age or older, must present one of the following documents for the parent of the minor student or for the student who is at least 18 years of age: a valid Tennessee driver license or photo identification license issued by the department of safety; a valid driver license or photo identification license issued by another state where the issuance requirements are at least as strict as those in this state, as determined by the department; an official birth certificate issued by a United States state, jurisdiction or territory; A U.S. government-issued certified birth certificate; a valid, unexpired United States passport; a U.S. certificate of birth abroad; a report of birth abroad of a citizen of the United States; a certificate of citizenship; a certificate of naturalization; a United States citizen identification card; or valid alien registration documentation or other proof of current immigration registration recognized by the United States department of homeland security that contains the individual's complete legal name and current alien admission number or alien file number. In addition to the provision of the above-described documentation, to participate in the program the parent of a minor eligible student, or the eligible student, as applicable, must: (1) Ensure the provision of an education for the participating student that satisfies the compulsory school attendance requirement of state law through enrollment in a private school that meets the requirements established by the department and state board for a Category I, II, or III private school; (2) Not enroll the participating student in a public school while participating in the program; (3) Release the LEA in which the participating student resides from all obligations to educate the participating student while participating in the program. Participation in the program has the same effect as a parental refusal to consent to the receipt of services under the Individuals with Disabilities Education Act (IDEA); and (4) Only use the funds deposited in a participating student's ESA for education-related expenses. This amendment details the allowable expenditures, such as tuition, textbooks, certain fees for transportation, computer hardware, and school uniforms. Authorized expenditures also include fees for the management of the ESA by a private or non-profit financial management organization, as approved by the department. The fees must not exceed 2 percent of the funds deposited in a participating student's ESA in a fiscal year. This amendment specifies that it does not prohibit a parent or third party from paying the costs of educational programs and services for a participating student that are not covered by the funds in an ESA. Generally under this amendment, a participating student may participate in the program until: the participating student enrolls in a public school; ceases to be a resident of the LEA in which the student resided when the student began participating in the program; graduates or withdraws from high school; or reaches 22 years of age between the commencement of the school year and the conclusion of the school year, whichever occurs first, unless the student is suspended or terminated from participating in the program. A participating student may return to the student's LEA at any time after enrolling in the program. Upon a participating student's return to the student's LEA, the student's ESA will be closed.
and any remaining funds must be returned to the state treasurer to be placed in the basic education program account of the education trust fund. Similarly, if a participating student ceases to be a resident of the LEA in which the student resided when the student began participating in the program, then the student's ESA will be closed and any remaining funds must be returned to the state treasurer to be placed in the basic education program account. Any funds remaining in a participating student’s ESA upon graduation from high school or exiting the program by reaching 22 years of age may be used by the student when the student becomes a legacy student to attend or take courses from an eligible postsecondary institution, with qualifying expenses subject to the conditions of this amendment described above in (4). A participating student’s ESA will be closed, and any remaining funds will be returned to the state treasurer to be placed in the basic education program account, after the first of the following events: upon a legacy student’s graduation from an eligible postsecondary institution; after four consecutive years elapse immediately after a legacy student enrolls in an eligible postsecondary institution; after a participating student or legacy student exits the program and is not enrolled in an eligible postsecondary institution; or after a participating or legacy student reaches 22 years of age and is not enrolled in an eligible postsecondary institution. A student who is eligible for both the program created under this amendment and an individualized education account under the Individualized Education Act may apply for both programs but must only participate and receive assistance from one program. This amendment also specifies the criteria for a participating student's eligibility to participate in a sport sanctioned by an association that regulates interscholastic athletics for the first year in which the student attends a participating school. The program will begin enrolling participating students no later than the 2021-2022 school year. The number of participating students enrolled in the program must not exceed: (1) For the first school year of operation, 7,500 students; (2) For the second school year of operation, 15,000 students; (3) For the third school year of operation, 22,500 students; (4) For the fourth school year of operation and for each school year thereafter, 30,000 students. This amendment sets out in detail the process that will be followed when applications are less than or more than maximum allowable amount of students, including provisions for a lottery and the preference in the lottery for certain students. The maximum annual amount to which a participating student will be entitled under the program must be equal to the amount representing the per pupil state and local funds generated and required through the basic education program (BEP) for the LEA in which the participating student resides. This amendment establishes a school improvement fund to be administered by the department that, for the first three fiscal years in which the program accepts participating students and subject to appropriation, will disburse an annual grant to each LEA to be used for school improvement for participating students under the program who: were enrolled in and attended a school in the LEA for the one full school year immediately preceding the school year in which the student began participating in the program; and generate BEP funds for the LEA in the applicable fiscal year that will be subtracted from the state BEP funds payable to the LEA. The annual grant amount will be as follows: (1) For the first fiscal year in which the program accepts participating students, subject to
appropriation, 75 percent of the ESA amount awarded to participating students under the program who meet the above-described requirements; (2) For the second fiscal year in which the program accepts participating students, subject to appropriation, 50 percent of the ESA amount awarded to participating students under the program who meet the above-described requirements; and (3) For the third fiscal year in which the program accepts participating students, subject to appropriation, 25 percent of the ESA amount awarded to participating students under the program who meet the above-described requirements. This amendment provides that the department will also disburse an annual school improvement grant to LEAs that have priority schools as defined by the state's accountability system, but that do not have participating students in the program as follows: (1) For the first fiscal year in which the program accepts participating students, subject to appropriation, 25 percent of the ESA amount awarded to participating students under the program who meet the above-described requirements; (2) For the second fiscal year in which the program accepts participating students, subject to appropriation, 50 percent of the ESA amount awarded to participating students under the program who meet the above-described requirements; and (3) For the third fiscal year in which the program accepts participating students, subject to appropriation, 75 percent of the ESA amount awarded to participating students under the program who meet the above-described requirements. This amendment establishes various requirements of the department of education in administering the program, and authorizes the department to deduct 6 percent from the annual ESA award amount to cover the costs of overseeing the funds and administering the program. This amendment also authorizes the department to contract with a nonprofit organization to administer some or all portions of the program. Under this amendment, as a condition of participating in the program, participating students in grades 3-11 must be annually administered the Tennessee comprehensive assessment program (TCAP) tests for math and English language arts, or successor tests authorized by the state board of education for math and English language arts. For participating students enrolled full-time in a participating school, the participating school shall annually administer the tests required in subdivision (a)(1) to participating students. For participating students 17 years of age or younger who are not enrolled full-time in a participating school, the participating student's parent must ensure that the participating student is annually administered the tests. A participating student who has reached the age of 18 and who is not enrolled full-time in a participating school must ensure that participating student is annually administered the tests. This amendment sets out in detail other requirements for the program and the ESA accounts, establishes certain reporting requirements, and specifies that the program is subject to audit by the comptroller. The department may suspend or terminate a participating student from the program, or close a legacy student's ESA, if the department determines that the participating student's or legacy student's parent or the participating student or legacy student has failed to comply with the requirements of this amendment. This amendment also sets out requirements for participating schools, such as requiring the schools to certify that they will not discriminate against participating students or applicants on the basis of race, color, or national origin; and requirements to conduct criminal background checks on employees. The department may suspend
or terminate a participating school's or provider's participation in the program if the department determines that the participating school or provider has failed to comply with the requirements of this amendment. Under this amendment, if a person knowingly uses ESA funds for expenses that do not constitute qualified expenses with the intent to defraud the program, or knowingly misrepresents the nature of the expenses paid with the intent to defraud the program, then the department may refer the matter to the appropriate enforcement authority for criminal prosecution. This amendment specifies that a participating school or provider will be considered autonomous and not an agent of this state, and provides that a participating school will not be required to alter its creed, practices, admissions policies, or curriculum in order to accept participating students, other than as is necessary to comply with the requirements of the program. This amendment grants various rulemaking authorities to the state board of education and the department of education, as detailed in this bill, to effectuate various provisions of the program. This amendment: (1) Provides that it is the intent of this amendment to provide funding to students who reside in LEAs that have consistently had the lowest performing schools on a historical basis and for the ESA funds to be used to provide educational opportunities to such students that are equal to the educational opportunities of students who reside in LEAs with higher performing schools; (2) Requires the department to provide, on January 1 following the third fiscal year in which the program enrolls participating students, and every January 1 thereafter, a report to the general assembly. The report must include a list of the LEAs with at least one school among the bottom 5 percent of schools in overall achievement, as determined by the performance standards and other criteria set by the state board, for the most recent year in which the department collected such information. The report must also include a recommendation for legislative action if, based upon the list provided, the group of LEAs whose students are eligible for participation under this amendment’s provisions described above in (C) is no longer consistent with the intent described in item (1) above; and (3) Specifies that a local board of education does not have authority to assert a cause of action, or intervene in any cause of action, challenging the legality of this bill as amended. House amendment 11 (008684) reduces the maximum number of students that may participate in the program, as described above in the summary for House Amendment #2, to be 5,000 for the first year; 7,500 for the second year; 10,000 for the third year; 12,500 for the fourth year; and 15,000 for the fifth and subsequent years. This amendment also adds to the requirement of House Amendment #2 that participating students be administered the TCAP tests (or successor tests) for math and English language arts to also require that such students be administered the TCAP tests (or successor tests) for: science in even-numbered years; and social studies in odd-numbered years. House amendment 12 (008599) adds that an education savings account under this amendment is a state or local public benefit for purposes of the present law Eligibility Verification for Entitlements Act. Senate amendment 5 (008665) revises various provisions of this bill, as follows: (1) This amendment revises, in the definition of "eligible student," the school to which the student must be zoned (as described above in the summary for House Amendment #2 in (C)) to be either: (A) A school in an LEA, excluding the
achievement school district (ASD), with 10 or more schools: identified as priority schools in 2015, as defined by the state's accountability system; among the bottom 10 percent of schools, as identified by the department in 2017; and identified as priority schools in 2018, as defined by the state's accountability system pursuant to 49-1-602; or (B) A school in the ASD on the effective date of this bill. (2) This amendment allows, as an alternative to enrollment in a private school, the student satisfying the compulsory school attendance through a home school operated under either of the following present law provisions: the provisions for home schools that teach K-12, where the parents are associated with and where students are enrolled with a church-related school that are supervised by the church-related school's director and that administer or offer standardized achievement tests; or the provision for enrollment by the parent-teacher of a home school student in a church-related school with the parent-teacher participating as a teacher in that church-related school. (3) This amendment adds the following to the list of allowable expenses under this bill: payment for purchase of curriculum, including any supplemental materials or instruments required by the curriculum; and services provided under a contract with a public school, including individual classes or extracurricular programs. This amendment removes "technology fees" from the list of allowable expenses. (4) This amendment removes the requirement for the parent or student, as applicable, to provide proof of legal presence in this country, and adds a requirement for the parent or student to verify that the student's household income meets the requirements of this bill by providing documentation showing evidence of income, including, but not limited to, pay stubs, W-2 forms, or income tax returns. Household income must be verified under this amendment when the parent or student, as applicable, submits an application to participate in the program and at least once every three years, according to the schedule and income-verification process developed by the department. This amendment adds that a student's participation in the program will terminate if the parent or student, as applicable: fails to verify that the participating student's household income meets the requirements of this bill according to the schedule and income-verification process developed by the department; or verifies, according to the schedule and income-verification process developed by the department, that the participating student's household income does not meet the requirements of this bill. (5) This amendment removes this bill's criteria for a participating student's eligibility to participate in a sport sanctioned by an association that regulates interscholastic athletics for the first year in which the student attends a participating school. (6) This amendment requires the department to establish an application process that provides a timeline, before the start of the school year for which an application is being submitted, when a parent of a student, or a student who has reached the age of 18, as applicable, must submit an application to participate in the program. If the application is approved, then the student may participate in the program beginning with the school year identified in the application. If a participating student exits the program, then the student's parent, or the student, as applicable, may reapply to participate in the program in accordance with the application process and timeline established by the department. This amendment also requires the department to establish an income verification process. (7) This amendment revises the provisions governing
the number of participating students to be as follows: the number of participating students that may enroll in the program from any one LEA, as described above in (1)(A) of this amendment summary, or from any one school, as described above in (1)(B) of this bill summary, must not exceed: for the first school year of operation, 5,000 students; and for the second school year of operation and for each school year thereafter, 7,500 students. Under this amendment, the maximum number of students that may participate in the program is 15,000 students. (8) This amendment revises the process that will be followed when applications are less than or more than maximum allowable amount of students to make the provisions applicable to situations where applications do or do not exceed 75 percent of the maximum number of students that may participate in the program. (9) This amendment specifies that the maximum annual amount to which a participating student is entitled under this bill must not exceed the average state BEP allocation per pupil combined with the average required local match per pupil. (10) This amendment revises the provisions governing the amount and method of awarding a school improvement grant to an LEA for the first three fiscal years in which the program accepts participating students, as described above in the summary for House Amendment #2, which provides for a different percentage depending on the fiscal year of the program. This amendment instead provides that the grant will be in an amount equal to the ESA amount and revises the provision for grants to LEAs that have priority schools but no participating students so that after the first three fiscal years in which the program accepts participating students the department will disburse any appropriations to the fund as school improvement grants for programs to support priority schools. (11) This amendment removes the requirements added by House Amendment #11 regarding TCAP tests for science and social studies. (12) This amendment removes the provision whereby, if a person knowingly uses ESA funds for non-allowable expenses, the department may refer the matter to the appropriate enforcement authority for criminal prosecution. (13) Replaces the requirement for an annual report from the department to the general assembly that includes a list of the LEAs with at least one school among the bottom 5 percent of schools in overall achievement for the most recent year in which the department collected such a recommendation for legislative action if, based upon the list provided, the group of LEAs whose students are eligible for participation is no longer consistent with the intent of this legislation. This amendment instead requires the office of research and education accountability (OREA), in the office of the comptroller of the treasury, to provide a report to the general assembly to assist the general assembly in evaluating the efficacy of the program. The report must include, in compliance with all state and federal student privacy laws: (A) The information contained in the department’s annual report prepared pursuant to this bill (includes number of participating students; assessment information; graduation outcomes; and results of a parental satisfaction survey); (B) Academic performance indicators for participating students in the program; (C) Audit reports prepared by the comptroller; (D) A list of the LEAs that meet the requirements described in (1)(A) and (B) of this amendment summary for the most recent year in which the department collected such information; and (E) Recommendations for legislative action if, based upon the list provided pursuant to (D), the LEAs with students who are eligible to
participate in the program is no longer consistent with the intent of this legislation.
(14) This amendment removes this bill's provision that a local board does not have
authority to assert a cause of action, or intervene in any cause of action,
challenging the legality of this bill. (15) This amendment removes the provision
added by House Amendment #12, which specifies that an ESA is a state or local
public benefit for purposes of the Eligibility Verification for Entitlements Act. Senate
amendment 2 (008818) corrects a typographical error, makes technical
clarifications, and makes the following substantive changes and additions to this
bill: (1) This amendment specifies that the amount that a participating student
receives under the program must not exceed "the combined statewide average of
required state and local BEP allocations per pupil" instead of "the average state
BEP allocation per pupil combined with the average required local match per
pupil". This amendment adds a requirement that the department of education
promulgate rules to annually calculate and determine the combined statewide
average of required state and local BEP allocations per pupil; (2) This amendment
requires that the department's annual report concerning the program include
"participating student performance on annual assessments required by this bill,
aggregated by LEA and statewide" instead of "aggregate participating student
performance on annual assessments required by this bill"; (3) This amendment
adds a requirement that data from the TCAP tests that are annually administered
to participating students in grades three through 11 be used to determine student
achievement growth, as represented by the Tennessee Value-Added Assessment
System (TVAAS), for schools that participate in the program. This amendment
further requires the department of education to make the TVAAS score of each
participating school publicly available on the department's website; and (4) This
amendment clarifies OREA's responsibility to report certain data with regard to the
achievement school district.

Fiscal Note:  (Dated February 11, 2019) NOT SIGNIFICANT
Senate Status:  05/01/19 - Senate adopted conference committee report (009043).
House Status:  05/01/19 - House adopted conference committee report (009043).
Executive Status:  05/28/19 - Enacted as Public Chapter 0506 effective May 24, 2019.
Public Chapter:  PC506.pdf
Caption:  AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to
education options.
Employment/Vocational Rehabilitation

SB904/HB1324 Membership of advisory board of a rehabilitation center.

**Sponsors:** Sen. Southerland, Steve , Rep. Sanderson, Bill

**Summary:** Removes the limit on the number of parents of an individual with a disability that may serve on the advisory board of a rehabilitation center. Broadly captioned.

**Amendment Summary:** House amendment 1 (007088) rewrites the bill and allows a county sheriff to create an inmate reentry education program. The successful completion of the program may allow an inmate to qualify for an educational sentence reduction credit of 60 days if the inmate successfully receives a high school equivalency credential, high school diploma, vocational educational diploma, or other postsecondary industry recognized certification. No credit will be given unless the course of study, including the institution through which the credential, diploma, degree, or certification is offered, has received the prior approval of the department of correction.

**Fiscal Note:** (Dated February 12, 2019) NOT SIGNIFICANT

**Senate Status:** 04/24/19 - Senate passed.

**House Status:** 04/22/19 - House passed with amendment 1 (007088).

**Executive Status:** 05/14/19 - Enacted as Public Chapter 0346 effective May 10, 2019.

**Public Chapter:** PC346.pdf

**Caption:** AN ACT to amend Tennessee Code Annotated, Title 4; Title 41; Title 49; Title 50; Title 68 and Title 71, relative to vocational rehabilitation.

SB789/HB933 Background checks on human services contractors working with disabled individuals.

**Sponsors:** Sen. Johnson, Jack , Rep. Lamberth, William

**Summary:** Authorizes state and national criminal history background checks and investigations of employees and contractors of the human services department who are likely to have access to individuals with disabilities.

**Amendment Summary:** Senate amendment 1 (004343) authorizes a person who is contracted with the department of human services division of rehabilitation services or employed by or subcontracted with a company that is contracted with the department of human services division of rehabilitation services who is likely to have access to individuals with disabilities to undergo a criminal background investigation by a state-licensed private investigation company in lieu of undergoing criminal history background checks and investigations conducted by the TBI and FBI.

**Fiscal Note:** (Dated February 17, 2019) Increase State Revenue $7,300/FY19-20/TBI $1,300/FY20-21 and Subsequent Years/TBI Increase State Expenditures $7,300/FY19-20/TBI $19,400/FY19-20/Department of Human Services $1,300/FY20-21 and Subsequent Years/TBI $3,400/FY20-21 and Subsequent Years/ Department of Human Services
Government Organization

SB759/HB252 Requires accommodations for dyslexic applicants for certain licenses.

Sponsors: Sen. Yarbro, Jeff, Rep. Freeman, Bob

Summary: Requires reasonable accommodations to be made for a person applying for a license to engage in an occupation, trade, or profession who is diagnosed with dyslexia.

Amendment Summary: House amendment 1 (006297) rewrites this bill to require agencies to ensure the provision of appropriate accommodations in accordance with the Americans with Disabilities Act, if the agency requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination. A state agency that administers a required examination for licensure must promulgate rules to implement this amendment, which rules must establish the eligibility criteria that a person must meet for an accommodation to be provided pursuant to this amendment. This amendment specifies that it does not apply to an examination mandated and administered pursuant to federal law. For purposes of promulgating rules and carrying out any administrative duties necessary to effectuate the provisions and intent of this bill, this bill as amended will take effect upon becoming law. For all other purposes, this bill as amended will take effect on July 1, 2020.

Fiscal Note: (Dated February 20, 2019) NOT SIGNIFICANT

SB130/HB462 Sunset - traumatic brain injury advisory council.


Summary: Extends the traumatic brain injury advisory council to June 30, 2025.

Fiscal Note: (Dated January 26, 2019) NOT SIGNIFICANT
SB143/HB475 Sunset - state board of education.
Summary: Extends the state board of education to June 30, 2024.
Fiscal Note: (Dated January 26, 2019) NOT SIGNIFICANT
Senate Status: 03/18/19 - Senate passed.
House Status: 04/22/19 - House passed.
Executive Status: 05/13/19 - Enacted as Public Chapter 0292 effective May 8, 2019.
Public Chapter: PC292.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 1, Part 3, relative to the state board of education.

SB142/HB474 Sunset - department of education.
Summary: Extends the department of education to June 30, 2022. Requires the department to appear before sunset review committee in 2019 to discuss progress made in addressing findings in its 2018 audit.
Fiscal Note: (Dated January 26, 2019) NOT SIGNIFICANT
Senate Status: 03/11/19 - Senate passed.
House Status: 03/18/19 - House passed.
Executive Status: 04/05/19 - Enacted as Public Chapter 0057 effective March 28, 2019.
Public Chapter: PC57.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 1, Part 3, relative to the department of education.

Fiscal Note: (Dated January 26, 2019) NOT SIGNIFICANT
Senate Status: 03/11/19 - Senate passed.
House Status: 03/18/19 - House passed.
Executive Status: 04/05/19 - Enacted as Public Chapter 0057 effective March 28, 2019.
Public Chapter: PC57.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 4, Chapter 3, Part 27, relative to the Tennessee council on autism spectrum disorder.

Health

SB28/HB37 Creates the Alzheimer's disease and related dementia advisory council.


Summary: Creates the state Alzheimer's disease and related dementia advisory council and specifies membership of council and terms of members. Specifies that the council is attached to the commission on aging and disability for administrative purposes. Requires the council to develop and submit an Alzheimer's disease state plan to the general assembly that identifies barriers to Alzheimer's disease care, analyzes service utilization data, and includes recommendations, metrics, and best practices to address gaps in service no later than January 15, 2020.

Amendment Summary: House amendment 3 (008715) adds language to the bill as amended to include a representative of Leading Age Tennessee to the list of groups who may submit qualified nominees to be appointed to the Council.

Fiscal Note: (Dated February 2, 2019) Increase State Expenditures - $6,100

Senate Status: 04/30/19 - Senate concurred in House amendment 3 (008715).

House Status: 04/30/19 - House passed with amendment 3 (008715).

Executive Status: 05/15/19 - Enacted as Public Chapter 0364 effective May 10, 2019.

Public Chapter: PC364.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 68, Chapter 11, Part 14 and Title 71, relative to the creation of the state Alzheimer's disease and related dementia advisory council.

SB281/HB774 Chronic Disease Prevention Act.


Summary: Requires the speaker of the senate and the speaker of the house to establish a task force to study methods on how best to prevent chronic diseases in this state and what funding is available to assist with chronic disease prevention. Specifies membership of task force and requires task force to complete its findings and make a report to the speakers by December 15, 2020.

Amendment Summary: Senate amendment 1 (006525) deletes all language after the enacting clause and rewrites the bill such that the only substantive change is to reconstitute the task force to consist of 11 members. Requires six legislative members, three subject matter experts, one certified medical professional, and one person who possesses experience in the subject of health to serve on the task force.

Fiscal Note: (Dated February 19, 2019) Increase State Expenditures $6,300/FY19-20 $4,200/FY20-21
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Senate Status: 04/08/19 - Senate passed with amendment 1 (006525).
House Status: 05/01/19 - House passed.
Executive Status: 05/15/19 - Enacted as Public Chapter 0372 effective May 10, 2019.
Public Chapter: PC372.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 33; Title 39; Title 67; Title 68 and Title 71, relative to enacting the "Chronic Disease Prevention Act".

Intellectual/Development Disability

SB807/HB951 Licensure exemptions - direct care services.

Summary: Exempts from licensure requirements a person providing direct care services at most four people receiving services through consumer direction in a Medicaid home and community-based services program.

Amendment Summary: Senate amendment 1 (004801) replaces this bill's exemption from licensure for a person providing direct care services to no more than four people receiving services through consumer direction in a medicaid home and community-based services program. This amendment instead adds to present law an exemption for a person providing direct care services to no more than three people receiving services through consumer direction in a medicaid home- and community-based services program. This amendment specifies that the exemption it adds does not apply to an individual who holds out to the public as being in the business of providing personal support services for compensation.

Fiscal Note: (Dated February 16, 2019) NOT SIGNIFICANT
Senate Status: 02/28/19 - Senate passed with amendment 1 (004801).
House Status: 03/14/19 - House passed.
Executive Status: 04/08/19 - Enacted as Public Chapter 0089 effective April 4, 2019.
Public Chapter: PC89.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Section 33-2-402 and Section 33-2-403, relative to the licensure of a person providing direct care for a person with an intellectual or developmental disability through consumer direction.

Mental Health

SB579/HB643 Removes law enforcement as mental health department transportation method for people with certain conditions.

Summary: Removes law enforcement as a transportation option provided by the mental health and substance abuse services department for people with developmental disabilities, mental illness, or serious emotional disturbance.
Amendment Summary: House amendment 1 (008322) deletes all language after the enacting clause. Creates a grant program through the Department of Finance and Administration, in consultation with the Department of Mental Health and Substance Abuse Services and the Division of TennCare, to assist sheriffs required to transport persons to a hospital or treatment resource for emergency mental health transport under this section. Prohibits assistance from the grant program for emergency mental health transports where a physician, psychologist, or designated professional determines that the person can be transported by friends, neighbors, or other mental health professionals familiar with the person, relatives, or member of the clergy. Authorizes a sheriff to contract with one or more third parties or other law enforcement agencies to transport persons to a hospital or treatment resource. Sheriffs may use grant funds to pay for the services. Authorizes hospitals or treatment resources to conduct an evaluation for admission through telehealth if such services are available and offered.

Fiscal Note: (Dated February 8, 2019) NOT SIGNIFICANT

Senate Status: 05/01/19 - Senate passed.
House Status: 06/05/19 - Enacted as Public Chapter 0512 effective July 1, 2019.
Public Chapter: PC512.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 21; Title 8, Chapter 42; Title 9, Chapter 8; Title 13, Chapter 26; Title 29, Chapter 20; Title 33, Chapter 2; Title 33, Chapter 6; Title 33, Chapter 7; Title 37, Chapter 1; Title 56; Title 63; Title 68 and Title 71, relative to transportation service for persons with developmental disabilities, mental illness, and serious emotional disturbance.

TennCare/Medicaid

**SB1286/HB616**  
TennCare enrollees' eligibility for federal supplemental security income due to disability.


Summary: Requires the Bureau of TennCare to establish a program that identifies child enrollees in TennCare who are likely to be eligible for federal supplemental security income due to disability upon reaching 18 years of age. Also requires the program to initiate counseling with and provide enrollment assistance to the child and the child's parent or guardian to prevent a gap in TennCare eligibility upon the child reaching 18 years of age.

Fiscal Note: (Dated February 20, 2019) NOT SIGNIFICANT

Senate Status: 04/15/19 - Senate passed.
House Status: 04/22/19 - House passed.
Executive Status: 05/13/19 - Enacted as Public Chapter 0310 effective May 8, 2019.
Public Chapter: PC310.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 71, relative to TennCare.
SB1428/HB1280 TennCare II funding by means of a block grant indexed for inflation and population growth.


Summary: Requires the governor acting through the commissioner of finance and administration to submit to the federal centers for medicare and medicaid services a waiver amendment to the existing TennCare II waiver, or to submit a new waiver in order to provide medical assistance to the TennCare II waiver population by means of a block grant no later than 120 days after the effective date of this act. Orders the block grant to convert the federal share of all medical assistance funding into an allotment that is tailored to meet the needs of the state and that is indexed for inflation and population growth. Broadly captioned.

Amendment Summary: House amendment 1 (004786) requires any negotiated agreement between the federal government and the finance and administration commissioner be approved by a general assembly joint resolution. Senate amendment 1 (008269) increases the number of days after the effective date of this act for the submission of a waiver amendment to the existing TennCare II waiver, or for the submission of a new waiver, from 120 days to 180 days. Adds that the block grant authorized must convert the federal share of all medical assistance funding for this state into an allotment that excludes from the block grant financing amount any expenses that are not included in the state's existing 1115 demonstration waiver, factors the current inaccurate reflection of the state's labor costs in the state's Medicare Wage Index, excludes administrative costs from the block grant financing amount, permits the state to continue to draw federal matching funds for administrative costs, provides the state with minimum flexibility with regard to existing federal mandates, provides the state with maximum flexibility regarding pharmacy benefits, provides the state with maximum flexibility to serve other needy populations with distinct financial needs, and remains at the level set according to the block grant without any decrease in the federal share of all medical assistance funding for this state based on deflation or a reduction in population.

Fiscal Note: (Dated February 25, 2019) Increase State Expenditures Not Significant Other Fiscal Impact - If approved by the federal government, the level of federal funding that would be approved for the Medicaid program is unknown. The current federal funding level for FY18-19 is approximately $7,544,537,000.

Senate Status: 05/02/19 - Senate adopted conference committee report (009338).
House Status: 05/02/19 - House adopted conference committee report (009338).
Executive Status: 05/28/19 - Enacted as Public Chapter 0481 effective May 24, 2019.
Public Chapter: PC481.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 56 and Title 71, relative to medical assistance.

Position: OPPOSE
SB476/HB498  Reduces time for mailing documentation - TennCare applications.

Sponsors: Sen. Roberts, Kerry, Rep. Whitson, Sam
Summary: Reduces from 30 to 15 days the time for a medical assistance applicant to mail documentation of a material change affecting their TennCare application. Broadly captioned.

Amendment Summary: House amendment 1 (006388) deletes all language after the caption of the proposed legislation. Directs the Commissioner of the Department of Finance and Administration, no later than 120 days after the effective date of this act, to submit a waiver or waivers pursuant to Section 1115 of the Social Security Act to the federal Centers for Medicare and Medicaid Services (CMS) for the purpose of establishing a distinct Katie Beckett program. Requires the program to be designed in consultation with the Commissioner of the Department of Intellectual and Developmental Disabilities. House amendment 2 (008921) deletes the provision in 006388 that requires Part A and Part B to be approved by CMS for the Katie Beckett program to be administered and replaces it with the provision to authorize the approval of either Part A or Part B by CMS for the program to be administered without the other part.

Fiscal Note: (Dated February 3, 2019) NOT SIGNIFICANT

Senate Status: 05/01/19 - Senate passed.
House Status: 04/30/19 - House passed with amendment 1 (006388) and amendment 2 (008921).
Executive Status: 05/28/19 - Enacted as Public Chapter 0494 effective May 24, 2019.
Public Chapter: PC494.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 56; Title 68 and Title 71, relative to healthcare benefits for disabled children.

Position: SUPPORT

Tort Liability

SB576/HB192 Immunity for civil liability for local governments for certain software.

Summary: Establishes that a person does not have a cause of action against a local government, officers, employees, or agents of a local government for any defect or malfunction in a software program intended to register a non-communicative person with law enforcement when the program was designed in good faith and without cost to the recipient local government or user of the program. Provides exception to immunity for claims based on gross negligence, willful misconduct, or bad faith.

Fiscal Note: (Dated February 9, 2019) Other Fiscal Impact A precise cost savings for local government cannot reasonably be determined due to multiple unknown factors.
Senate Status: 03/25/19 - Senate passed.
House Status: 03/18/19 - House passed.
Executive Status: 04/15/19 - Enacted as Public Chapter 0141 effective April 5, 2019.
Public Chapter: PC141.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 86; Title 9; Title 36 and Title 38, relative to immunity from civil liability.

Position: SUPPORT

Transportation

**SB46/HB62 Dynamic Accessibility Act.**


Summary: Enacts the "Dynamic Accessibility Act," which requires the commissioner of general services to designate a new symbol of access for disabled persons for use on state property. Also requires the department of revenue to designate a new symbol of access for disabled drivers and disabled passengers for use on registrations, placards, decals, and license plates. Describes new symbol and logo to be used.

Amendment Summary: House amendment 1 (004604) deletes and replaces all language after the enacting clause such that substantive changes include: Removes $10,000 renovation threshold; Delays the date the sign must be used to designate access points for state buildings, structures, and real property, from July 1, 2019 to July 1, 2020; Establishes that a state government entity that receives documentation from a federal agency that compliance with a provision of this act may jeopardize federal funding or grant money for the state governmental entity is not required to comply with such provision; provided, that the state governmental entity shall comply with each provision of this act that does not jeopardize such federal funding or grant money. Requires any person requesting to replace an existing registration, placard, decal, or license plate with another which features the symbol of access, to pay the fee otherwise due for the initial issuance of such registration, placard, decal, or license plate; Establishes that the requirement to utilize the symbol of access for registrations, placards, decals, or license plates only applies upon the exhaustion of the supply of existing registration, placards, decals, and license plates; Specifies that personalized plates for disabled drivers may bear the stylized wheelchair symbol in addition to the symbol of access; Authorizes, rather than requires, that parking spaces owned or leased by state and local entities use the symbol of access and delays such authority until July 1, 2020, rather than July 1, 2019; and delays the effective date of this Act from July 1, 2019 to July 1, 2020.

Fiscal Note: (Dated February 11, 2019) Increase State Expenditures Net Impact Exceeds $342,900/FY19-20 Exceeds $27,300/Each FY20-21 through FY23-24 Increase Local Expenditures Exceeds $100,000/Each FY19-20 through FY23-24*

Senate Status: 03/25/19 - Senate concurred in House amendment 1 (004604).
House Status: 03/18/19 - House passed with amendment 1 (004604).
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Executive Status: 04/15/19 - Enacted as Public Chapter 0112 effective April 9, 2019.
Public Chapter: PC112.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 12; Title 55 and Title 68, relative to persons with disabilities.

SB78/HB131 Urges study of enforcement of disabled parking violations.

Summary: Urges department of revenue study enforcement of disabled parking violations and requires that if a study is conducted a report with findings and recommendations be made to the senate transportation & safety and house transportation committees by February 1, 2020.
Amendment Summary: House amendment 1 (003354) deletes the study on July 1 after it has completed its work.
Fiscal Note: (Dated January 28, 2019) NOT SIGNIFICANT
Senate Status: 02/21/19 - Senate passed.
House Status: 02/18/19 - House passed with amendment 1 (003354).
Executive Status: 03/11/19 - Enacted as Public Chapter 0004 effective March 7, 2019.
Public Chapter: PC4.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 21, Part 1, relative to parking privileges for persons with disabilities.