

TennesseeCAN 2019 Legislative Session Summary



TennesseeCAN empowers parents, community members, and policymakers to advocate for improved K-12 education policies that put Tennessee children first. We believe students succeed when they are taught by well-supported, effective educators, and that all students deserve equitable access to a high-quality education.

Our organization's 2019 Legislative Agenda was very successful, highlighted by the passage of two monumental school choice bills that will help expand high-quality educational options for families who need them most. Our work this session, along with that of our partners, helped ensure that Tennessee will continue to champion education policies that focus on excellence, equity, choice, and transparency while seeking to improve academic outcomes for all Tennessee children.

Top Highlights:

HB0940/SB0796 Passed

Public Charter Schools -- TennesseeCAN supported passage of this important piece of the Governor's education package in order to provide additional access to high-quality public school options for more Tennessee students. The bill establishes the Tennessee Public Charter School Commission, a new statewide appellate charter school authorizer, which will be able to approve high-quality charter schools on appeal. The bill also increases accountability standards to ensure only the highest quality of charter schools are being approved, and low-quality schools are closed down.



Win

HB0939/SB0795 Passed

Private School Choice -- TennesseeCAN supported this legislation, which created the Governor's Education Savings Account pilot program. Education Savings Accounts (ESAs) will enable parents to customize their child's education, directing funding to the schools, courses, programs, and services of their choice. ESAs create a personal approach to education, where the ultimate goal is maximizing each child's natural learning abilities. The program will target at-risk families in underperforming schools, and will be piloted in Metro Nashville Public Schools and Shelby County Schools.



Win

HB1508/SB1518 Passed

Governor's Budget -- Governor Lee's first budget made critical investments in education in our state, with an overall budget of 6.5 billion for education. Key highlights of educational funding included: an additional \$39.4 million to fully fund the Basic Education Program (BEP) formula, \$71.3 million to provide Tennessee teachers with a 2.5 percent pay raise, and \$12 million for charter schools to purchase and maintain their facilities. It also includes \$25 million to fund the Governor's Investment in Vocational Education (GIVE) initiative (see below), as well as \$30 million in school safety grants.



Win

HB1083/SB0836 Passed

Public Charter Schools -- TennesseeCAN supported this legislation as it strengthened accountability measures for public charter schools that are already in place and better aligned with the original intent of the default closure law. As amended, this legislation specified local control for the first time a charter school falls on the Priority List, ensuring that if a new school or a school demonstrating a great deal of growth falls on the list, the authorizer can decide if they are showing enough promise to continue operating. If a school falls on the Priority List a second time, it will be automatically closed.



Win

HB0066/SB0373 Taken Off Notice

Teacher Evaluation -- TennesseeCAN opposed this bill as it aimed to lower the impact of value-added growth scores for teachers of untested subjects. This bill would have lowered the percentage of teacher evaluation criteria comprised of student achievement data for teachers in untested subjects to a mandatory 15% based on an achievement measure and an optional 15% based on TVAAS. Additionally, it would have allowed up to 85% percent of the evaluation to be based on observations for teachers in untested subjects--lessening meaningful evaluation based on multiple measures.



Win

HB1048/SB0876 Taken Off Notice

Assessments and Accountability -- TennesseeCAN staunchly opposed this bill as it would have severely damaged Tennessee's nationally renowned accountability system. The bill would have required 2 years of successful assessment implementation (without defining what this would entail) before assessment data could be used for any accountability purposes, including teacher evaluations, school and district accountability frameworks, and use for determining school turnaround intervention.



Win

HB0383/SB0488 Taken Off Notice

Assessments -- TennesseeCAN opposed this legislation, which would have required LEAs to use the ACT, ACT Aspire, or SAT suites of assessments, instead of state-mandated assessments, to test students in grades 9-12. These assessments are not aligned to Tennessee state standards, and would have reduced the amount of data the state has on high school student achievement.



Win

Additional Legislative Highlights:

In addition to our top-tier priorities listed above, there were several pieces of legislation that are relevant to our core policy priorities: Excellence, Equity, Choice, and Transparency. Below is a list of additional bills that we tracked and engaged on throughout the 2019 legislative session.

Excellence

Guaranteeing excellence in Tennessee's schools requires setting rigorous academic standards and providing an annual aligned assessment—while rewarding our teachers and principals for their achievements and setting the bar high for the students in their schools.

HB0803/SB0671 *Taken Off Notice*

Assessments -- This bill would have removed the requirement that all 11th grade students take the ACT examination (a critical college and career readiness examination and measure of high school performance) and would have allowed students to take a career-readiness examination as an alternative. Additionally, it would have allowed those career-readiness examinations to be used as part of the 15% achievement proficiency portion of the overall teacher evaluation.

HB1180/SB1307 *Taken Off Notice*

Assessments -- This proposed legislation would have authorized LEAs to use the ACT or ACT Aspire suites of assessments, instead of state-mandated assessments, to test students in grades 9-12. This bill would have interfered with the alignment of state standards and state assessments.

HB0928/SB0784 *Passed*

Teacher Evaluation -- This Governor's administration legislation will allow teachers with high student growth scores to have those scores make up a higher percentage of their overall evaluation. The bill extends the hold harmless provisions due to the testing administration issues of 2017-18 year and deletes obsolete provisions of the evaluation code.

HB0091/SB0442 *Passed*

Teacher Evaluation -- The bill authorizes LEAs to use a comparable alternative student growth measure approved by the SBOE and adopted by the LEA in the evaluation of pre-k and kindergarten teachers. Additionally, it requires 2018-19 data generated from the portfolio model to not be the only data used in employment termination and compensation decisions for pre-kindergarten or kindergarten teachers. Lastly, it creates a ten-member Portfolio Review Committee and requires the Committee to review the growth portfolio model process, identify expectations, and make recommendations for improvement.

HB0632/SB0565 *Passed*

Teacher Evaluation -- As originally introduced, the bill would've badly weakened the teacher evaluation system by allowing a teacher who demonstrates an overall performance effectiveness level of "above expectations" or "significantly above expectations" for three consecutive years to receive an overall evaluation score of "above expectations" in subsequent years. As amended, the bill would give these teachers additional professional development credits as a reward for high performance.

HB0982/SB0187 Passed

Assessments -- Tennessee will be transitioning to a new testing vendor beginning in the 2019-20 school year. This bill will create a transition period, requiring all testing in year 1 to be administered on paper, with no computerized testing beginning until the 2020-21 school year.

HB0559/SB0504 Passed

Career and Technical Education -- This legislation allows LEAs to offer internship programs for elective credits in the high school curriculum through cooperative agreements with local and state governments. It's important to note that this legislation is not a mandate.

HB0866/SB0063 Passed

Career and Technical Education -- This legislation changes current CTE law by expanding CTE programs to middle school students in grades 6-8. Everything that is offered for high school, including career counseling, would be expanded down to middle school as well.

Equity

Tennessee's policies should provide a high-quality education to every student, regardless of their socioeconomic background, where they live, or any other life circumstance.

HB0802/SB0670 Taken Off Notice

Curricula and Graduation Tracks -- This legislation sought to create two alternative graduation pathways for public high school students, one designated the college preparatory track and one designated the technology track, to be implemented in all public high schools beginning with the 2020-21 school year. This bill would have resulted in tracking and led the state away from providing equitable and increased access to early postsecondary opportunities for all students.

HB1391/SB1503 Taken Off Notice

Teacher Evaluations -- This bill would have reduced the student achievement data portion of teacher evaluations from thirty-five (35%) to five percent (5%) for teachers and principals with ESL (English as a second language) students. This would have the unintended consequence of lowering expectations for English learners and teacher accountability for educating these students.

HB0934/SB0790 Passed

Special Education -- This legislation provided much needed updates to Tennessee's special education laws, bringing the code into full compliance with federal law and clarifying key definitions and requirements for compliance by LEAs to ensure that all students are being served in a way that allows them to reach their maximum ability in the least restrictive educational setting.

HB0949/SB0805 Passed

Career and Technical Education -- The "Governor's Investment in Vocational Education Act" will provide students with additional early postsecondary opportunities. The bill will allow students to take up to four dual-enrollment courses without any reduction to future HOPE scholarship aid.

HB1374/SB1398 Passed

Early Postsecondary Opportunities -- This legislation would require LEAs to notify all students and families of any early postsecondary options being offered by the district. This will help ensure equitable access to these important programs linked to postsecondary success.

HB0886/SB0976 Passed

School Turnaround -- This legislation allows non-recurring funds allotted by a local government for schools designated as priority status schools to be excluded from the maintenance of local funding requirements for each year that the school is identified as a priority school, plus one additional year thereafter.

HB0499/SB0062 Passed

LEA Governance -- This legislation requires the department to develop rules, to be adopted by the state board of education, that include procedures for providing instruction to students incarcerated in juvenile detention centers for a minimum of four hours each instructional day.

Choice

Whether it's a traditional public school, a public charter school, a private school, or homeschooling, every Tennessee family should have the ability to choose the educational option that best meets their children's unique needs.

HB0663/SB0605 Taken Off Notice

Public Charter Schools -- This bill intended to give local boards of education the ability to consider whether the establishment of a new charter school would result in oversaturation of a school zone located within the LEA when considering whether to approve or deny a charter school application. The bill in no way addressed how the quality of school choice options in a given neighborhood should have prevalence over school density in a given area.

HB0241/SB0166 Passed

Course Access -- This legislation aimed to clarify previous law, stating that a student's home LEA must pay the host LEA (the course provider) fees and tuition for the first 2 course access program classes a student takes annually. If students take additional courses in the same year, they must pay all tuition and fees unless additional courses are approved by the student's home LEA.

Transparency

Tennessee must protect our accountability system and provide for greater transparency of information on student, teacher, school, and district performance, as well as taxpayer investments in public education.

HB0946/SB0802 Passed

School Funding -- Part of the Governor's education package, this bill will require an LEA to report, for each year that the LEA receives an increase in state funding for instructional wages and salaries, how the increase was utilized by the LEA. This legislation will improve transparency around teacher salaries and how funding increases are being utilized.

HB1246/SB0753 Taken Off Notice

Assessments -- This bill would require TDOE to release all test questions and answers from TNReady and end-of-course exams to LEAs and public schools. An amended version would've exempted copyrighted and field test questions from having to be released. Releasing a high percentage of test questions is already part of the RFP for a new vendor.

HB1394/SB1267 Taken Off Notice

Assessments -- This bill would have amended existing law by requiring a 90-day time limit for LEAs and teachers to receive their students' TNReady and end-of-course assessment answers, as well as requiring that all answers are returned. This improved timeline of returning scores is already included in the RFP for a new vendor.

HB0315/SB0443 Taken Off Notice

Assessments -- This legislation would have shortened the time in which data from standardized assessments must be reported to LEAs. The bill also intended to expand current law, which allows LEAs to not include TNReady data in students' final grades if not returned in a timely manner. Moreover, a timeline for return of test scores is already included in the RFP for a new testing vendor, making this legislation unnecessary.