

HOUSE BILL 788

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-201(c)(28), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(30), is amended by deleting the subdivision and substituting instead the following:

Require each LEA's director of schools to submit to the department of education an annual personnel report.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(e), is amended by deleting the subsection.

SECTION 4. Tennessee Code Annotated, Section 49-1-211(a)(3), is amended by deleting the subdivision and substituting instead the following:

School performance indicators including performance on the Tennessee comprehensive assessment program (TCAP), dropout rates, numbers of waivers, local financial contribution to education, attendance rates, and other indicators adopted by the state board of education;

SECTION 5. Tennessee Code Annotated, Section 49-1-211(a)(4), is amended by deleting the subdivision and substituting instead the following:

School and district performance designations pursuant to § 49-1-602;

SECTION 6. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subdivisions (a)(5), (a)(11), and (a)(16).

SECTION 7. Tennessee Code Annotated, Section 49-1-214(d), is amended by deleting the subsection.

SECTION 8. Tennessee Code Annotated, Section 49-1-216, is amended by deleting the section and substituting instead the following:

The commissioner shall annually monitor and report academic performance of historically underserved student groups. Historically underserved student group performance must be included in the accountability model established under part 6 of this chapter.

SECTION 9. Tennessee Code Annotated, Section 49-1-220, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following language as a new section:

(a) Subject to the guidance and approval of the state board of education, local boards of education are urged to develop a sexual violence awareness curriculum for presentation at least once in grades seven (7) and eight (8) and at least once, preferably twice, in grades nine through twelve (9-12), as part of the wellness, family life, safety, or other existing curricula. The curriculum should include instruction to increase students' awareness and understanding of teen dating violence and sexual violence, including, but not limited to, date rape, acquaintance rape, stranger rape, statutory rape, rape prevention strategies, resources and support available to victims of teen dating violence and sexual violence, and prosecution of crimes associated with teen dating and sexual violence.

(b) The curriculum should address, in age-appropriate language, topics including, but not limited to:

(1) What teen dating violence is;

(2) What sexual violence is, and specifically, what date rape, acquaintance rape, stranger rape, and statutory rape are and the dangers of sexual violence;

(3) What are the methods and means of avoiding and preventing victimization from teen dating violence or sexual violence;

(4) How alcohol and other drugs are used to facilitate date rape or acquaintance rape, and the dangers of these substances;

(5) Why there is a need for prompt medical attention and medical evaluation of victims of sexual violence;

(6) What is the nature and prevention of AIDS and other sexually transmitted diseases;

(7) How to preserve forensic evidence of sexual violence and specifically what victims should and should not do after being sexually assaulted;

(8) Who are the authorities to whom teen dating violence and sexual violence should be reported in a timely manner, including, but not limited to, identification of and telephone numbers for local law enforcement personnel to whom sexual crimes should be reported;

(9) What persons, including school personnel, and organizations provide support and resources for victims of teen dating violence and sexual violence;  
and

(10) What are the penalties and long-term consequences resulting from conviction of sexual crimes, including, but not limited to, rape and statutory rape.

SECTION 11. Tennessee Code Annotated, Section 49-1-302(e)(2), is amended by deleting the second sentence.

SECTION 12. Tennessee Code Annotated, Section 49-1-302(g), is amended by deleting the subsection.

SECTION 13. Tennessee Code Annotated, Section 49-2-203(b), is amended by adding the following language as a new subdivision:

Operate ungraded or unstructured classes in grades kindergarten through three (K-3). The operation of ungraded or unstructured classes does not impair the LEA's participation in the basic education program.

SECTION 14. Tennessee Code Annotated, Section 49-1-302(i), is amended by deleting the subsection and substituting instead the following:

The commissioner shall recommend, and the board shall adopt, a policy to promote educator diversity. The policy must include:

- (1) Strategies for LEAs to use in the recruitment and retention of minority educators;
- (2) A requirement that each LEA set a goal for educator diversity that takes into consideration the diversity of the students that the LEA serves; and
- (3) A plan to monitor educator diversity in the state.

SECTION 15. Tennessee Code Annotated, Section 49-1-315, is amended by deleting the section.

SECTION 16. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new section:

(a) LEAs are authorized to develop before or after school programs in collaboration with 501(c)(3) nonprofit corporations that may provide assistance in selecting and appointing qualified volunteers for the programs.

(b) The programs authorized in subsection (a) must focus on kindergarten through grade three (K-3) before or after school activities designed to improve student

achievement in the academic subjects of reading, math, science, social studies, and fine arts.

(c) Any 501(c)(3) nonprofit corporation recognized under this section must meet all applicable rules of the state board of education and the policies and procedures of the LEA in which the corporation's volunteers are assisting and ensure the volunteers undergo criminal history record checks and otherwise meet all of the requirements of § 49-5-413.

(d) An LEA must approve a recognized 501(c)(3) nonprofit corporation to assist in the LEA's schools before the corporation's volunteers may begin assisting students in a school.

(e) An LEA that develops a program in accordance with this section has the authority to remove the recognized 501(c)(3) nonprofit corporation or any of the corporation's volunteers from the program.

SECTION 17. Tennessee Code Annotated, Section 49-1-906, is amended by deleting the section.

SECTION 18. Tennessee Code Annotated, Section 49-1-907, is amended by deleting the section and substituting instead the following:

The department of education shall annually submit to the education committee of the senate and the education committee of the house of representatives an early grades reading report. The reading report must include:

- (1) Statewide third grade reading scores;
- (2) The testing procedures used to evaluate reading proficiency;
- (3) The number of students retained in grades kindergarten through three (K-3);
- (4) The number of reading specialists in each LEA;

(5) The types of reading intervention or enrichment programs offered in each LEA; and

(6) Information on statewide reading initiatives.

SECTION 19. Tennessee Code Annotated, Section 49-2-105, is amended by deleting the section.

SECTION 20. Tennessee Code Annotated, Section 49-2-115(b), is amended by deleting the first sentence and substituting instead the following:

Upon approval by the department of education, basic education program (BEP) funds may be expended by an LEA to plan and implement a family resource center.

SECTION 21. Tennessee Code Annotated, Section 49-2-115(g), is amended by deleting the last sentence.

SECTION 22. Tennessee Code Annotated, Section 49-2-123, is amended by deleting the section.

SECTION 23. Tennessee Code Annotated, Section 49-2-124(e), is amended by deleting the following language:

Subsections (b) and (c) shall not be construed to:

and substituting instead the following:

Subsections (b), (c), and (h) shall not be construed to:

SECTION 24. Tennessee Code Annotated, Section 49-2-126, is amended by deleting the section and substituting instead the following:

A school may establish an early postsecondary course fund to receive donations or grants from individuals or from private corporations, associations, or other artificial entities, both nonprofit and for profit, who desire to help support an early postsecondary course offered or attempted to be established by the school. Monies in the fund must be used solely for academic enhancement in support of the program for which the fund was

created. The principal of each school establishing a fund shall appoint a committee which shall be responsible for the determination of the use of funds for the program for which the fund was created.

SECTION 25. Tennessee Code Annotated, Section 49-2-203(a)(8), is amended by deleting the subdivision.

SECTION 26. Tennessee Code Annotated, Section 49-2-203(a)(11), is amended by deleting the word "mail" and substituting instead the word "provide" and by deleting the language "mailed to or otherwise".

SECTION 27. Tennessee Code Annotated, Section 49-2-203(b)(11), is amended by deleting the subdivision and substituting instead the following:

Establish and operate before and after school care programs in connection with any schools, before or after the regular school day and while school is not in session. State basic education program (BEP) funds and any required local matching funds cannot be used in connection with the operation of a before or after school care program. The board may charge a fee of any child attending a before or after school care program.

SECTION 28. Tennessee Code Annotated, Section 49-2-207(d), is amended by deleting the subsection.

SECTION 29. Tennessee Code Annotated, Section 49-2-207(e), is amended by deleting the language ", and a copy shall be filed with the commissioner".

SECTION 30. Tennessee Code Annotated, Section 49-2-301(b)(1), is amended by deleting subdivisions (Q), (R), and (JJ).

SECTION 31. Tennessee Code Annotated, Section 49-3-321, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 49-3-359(a), is amended by deleting the subsection and substituting instead the following:

There is included in the BEP an amount of money sufficient to pay two hundred dollars (\$200) for every teacher in kindergarten through grade twelve (K-12). This money must be used by the teachers for instructional supplies and must be given to each teacher by October 31 of each school year so that the teacher may spend it at any time during that school year on instructional supplies as determined necessary by the teacher. The purpose of these funds is to permit purchase of items of equipment for the benefit and enhancement of the instructional program. The funds cannot be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like. Any funds not spent by the end of the school year must be pooled at the school level and used for the purchase of items of equipment for the benefit of all teachers. Pooled funds cannot be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like.

SECTION 33. Tennessee Code Annotated, Section 49-3-361, is amended by deleting the section.

SECTION 34. Tennessee Code Annotated, Section 49-5-101(g), is amended by deleting the subsection.

SECTION 35. Tennessee Code Annotated, Section 49-5-108(c)(3), is amended by deleting the subdivision.

SECTION 36. Tennessee Code Annotated, Section 49-5-112(b), is amended by deleting subdivisions (3) and (4).

SECTION 37. Tennessee Code Annotated, Section 49-5-401(c), is amended by deleting the subsection.



SECTION 38. Tennessee Code Annotated, Section 49-5-402(a), is amended by deleting the language "as prescribed by the state board of education and approved by the commissioner of education" and substituting instead the language "as prescribed by the commissioner of education and approved by the state board of education".

SECTION 39. Tennessee Code Annotated, Section 49-5-402(b), is amended by deleting the word "December" and substituting instead the word "February".

SECTION 40. Tennessee Code Annotated, Section 49-5-402, is amended by deleting subsections (c) and (d).

SECTION 41. Tennessee Code Annotated, Section 49-5-408, is amended by deleting the section and substituting instead the following:

All teachers shall make a written contract with the director of schools or board of education at a fixed salary per month before entering upon the teachers' duties.

SECTION 42. Tennessee Code Annotated, Section 49-5-410(c), is amended by deleting the subsection and substituting instead the following:

The employment must be approved by the governing board of each institution of public education.

SECTION 43. Tennessee Code Annotated, Section 49-5-411(b)(1), is amended by deleting the language "commissioner of education" and substituting instead the language "state board of education".

SECTION 44. Tennessee Code Annotated, Section 49-5-411(b)(3), is amended by deleting the word "commissioner" and substituting instead the language "state board of education".

SECTION 45. Tennessee Code Annotated, Section 49-5-411(b)(4), is amended by deleting the subdivision and substituting instead the following:

If the state board of education finds that the contract was broken, then the commissioner shall suspend the teacher's license for no less than thirty (30) and no more than three hundred sixty-five (365) days;

SECTION 46. Tennessee Code Annotated, Section 49-5-411(b)(5), is amended by deleting the word "commissioner" and substituting instead the language "state board of education".

SECTION 47. Tennessee Code Annotated, Section 49-5-418(f), is amended by deleting the subsection.

SECTION 48. Tennessee Code Annotated, Section 49-5-710(a)(2), is amended by deleting the subdivision and substituting instead the following:

Any teacher who goes on maternity or paternity leave may use sick leave and annual leave, as described by § 8-50-801, for maternity or paternity leave for a period not to exceed the teacher's accumulated sick leave and annual leave balance, or twelve (12) weeks, whichever is less. To be eligible to use sick leave as maternity or paternity leave, the teacher must submit a written request that includes a statement from the attending physician indicating the expected date of confinement, no later than the end of the fifth month of pregnancy. Upon verification by a written statement from an adoption agency or other entity handling an adoption, a teacher may be allowed to use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers, only one (1) parent is entitled to use leave under this subsection (a).

SECTION 49. Tennessee Code Annotated, Section 49-5-5609, is amended by deleting the last sentence.

SECTION 50. Tennessee Code Annotated, Section 49-6-101(c)(2), is amended by deleting the subdivision and substituting instead the following:

State funds appropriated for grades kindergarten through twelve (K-12) and any local funds that are required for participation in the basic education program shall not be used for preschool purposes.

SECTION 51. Tennessee Code Annotated, Section 49-6-201(b)(3), is amended by deleting the subdivision and substituting instead the following:

Children entering kindergarten must be five (5) years of age on or before August 15 each school year.

SECTION 52. Tennessee Code Annotated, Section 49-6-201(b)(5), is amended by deleting the subdivision and substituting instead the following:

The employment of adult aides or teacher's aides for kindergarten is within the discretion of the local board of education;

SECTION 53. Tennessee Code Annotated, Section 49-6-201(b), is amended by deleting subdivisions (6), (7), and (8).

SECTION 54. Tennessee Code Annotated, Section 49-6-302(c), is amended by deleting the subsection and substituting instead the following:

A school shall not be established with fewer than ten (10) students in average daily attendance.

SECTION 55. Tennessee Code Annotated, Section 49-6-403(g), is amended by deleting the subsection.

SECTION 56. Tennessee Code Annotated, Section 49-6-407(c), is amended by deleting the subsection.

SECTION 57. Tennessee Code Annotated, Section 49-6-412, is amended by deleting the section and substituting instead the following:

An interest inventory such as the Kuder assessment, Myers-Briggs Type Indicator personality inventory, the ASVAB, or MyRoad provided by the College Board,

or other interest or career inventory must be available to all public middle schoolers or ninth graders to assist students in determining their interests and making career decisions. By May 1 of each year, LEAs shall submit summary data obtained from the interest inventories and personality profiles administered under this section to the department of education. The department shall annually submit a report of the summary data collected to the state board of education.

SECTION 58. Tennessee Code Annotated, Section 49-6-705(e), is amended by deleting the subsection.

SECTION 59. Tennessee Code Annotated, Section 49-6-1003, is amended by deleting the section.

SECTION 60. Tennessee Code Annotated, Section 49-6-1020, is amended by deleting the section and substituting instead the following:

Each public school, under the guidance of the school's LEA, is encouraged to adopt a recycling program.

SECTION 61. Tennessee Code Annotated, Section 49-6-1028(d), is amended by deleting the subsection.

SECTION 62. Tennessee Code Annotated, Section 49-6-1029, is amended by deleting the section.

SECTION 63. Tennessee Code Annotated, Section 49-6-1204, is amended by deleting the section.

SECTION 64. Tennessee Code Annotated, Section 49-6-2306, is amended by deleting the section.

SECTION 65. Tennessee Code Annotated, Section 49-6-3005(d), is amended by deleting the second sentence.

SECTION 66. Tennessee Code Annotated, Section 49-6-3015, is amended by deleting the section.

SECTION 67. Tennessee Code Annotated, Section 49-6-3106, is amended by deleting the section and substituting instead the following:

A local board of education may approve a procedure for determining the competency of students who have attended kindergarten to advance directly to grade two (2).

SECTION 68. Tennessee Code Annotated, Section 49-6-4214, is amended by deleting the section.

SECTION 69. Tennessee Code Annotated, Section 49-6-4216, is amended by deleting the section.

SECTION 70. Tennessee Code Annotated, Section 49-6-4505(d), is amended by deleting the language ", as prohibited by § 49-6-4216,".

SECTION 71. Tennessee Code Annotated, Section 49-6-4217(c), is amended by deleting the subsection.

SECTION 72. Tennessee Code Annotated, Section 49-6-6006, is amended by deleting the section and substituting instead the following:

A teacher shall not teach a course in which an end of course examination is required for students to satisfy graduation requirements established by the state board of education pursuant to § 49-6-6001(a) if the teacher's license does not carry a subject specific endorsement for the subject area of the course, unless the teacher demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, a standardized or criterion-referenced test for the content area.

SECTION 73. Tennessee Code Annotated, Section 49-6-7007, is amended by deleting the section.

SECTION 74. Tennessee Code Annotated, Section 49-6-7008, is amended by deleting the section.

SECTION 75. Tennessee Code Annotated, Section 49-6-7009, is amended by deleting the section.

SECTION 76. Tennessee Code Annotated, Title 49, Chapter 50, Part 3, is amended by deleting the part.

SECTION 77. This act shall take effect upon becoming a law, the public welfare requiring it.