



Weekly Legislative Update 2023

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Appropriations

SB1532/HB1545 PUBLIC FINANCE: Appropriations - FY beginning July 1, 2022, and July 1, 2023.

<i>Sponsors:</i>	Sen. Johnson, Jack , Rep. Lamberth, William
<i>Summary:</i>	Makes appropriations for the fiscal years beginning July 1, 2022, and July 1, 2023.
<i>Amendment Summary:</i>	House amendment 2 (006000) is the administration amendment to the appropriations bill. House amendment 3 (007000) is the legislative amendment to the appropriations bill. House amendment 8 (007919) make a technical correction by deleting the language "Administrative Office of the Courts" in Section 60, Item 34, and substituting instead the language "Commission on Children and Youth." House amendment 10 (007941) deletes in Section 54, Item 1, line item 33, the language "Court System – 32nd Judicial District Salaries" and substituting instead the language "District Attorneys General Conference – 32nd Judicial District Salaries."
<i>Senate Status:</i>	04/20/23 - Senate passed.
<i>House Status:</i>	04/19/23 - House passed with amendment 2 (006000), amendment 3 (007000), amendment 8 (007919), and amendment 10 (007941).
<i>Executive Status:</i>	05/17/23 - Enacted as Public Chapter 0418 effective July 1, 2023 (125 pages).
<i>Public Chapter:</i>	PC418.pdf
<i>Caption:</i>	AN ACT to make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2022, and July 1, 2023, 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, 2022, and July 1, 2023.



Children's Services

SB372/HB672 FAMILY LAW: Children in youth development centers.

Sponsors: Sen. Campbell, Heidi , Rep. Johnson, Gloria
Summary: Requires the department of children's services to determine if a child placed in a youth development center has an intellectual disability.
Fiscal Note: (Dated February 5, 2023) NOT SIGNIFICANT
Senate Status: 03/28/23 - Taken off notice in Senate Judiciary Committee.
House Status: 03/21/23 - Taken off notice in House Children & Family Affairs Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 5, relative to persons having an intellectual disability.
Position: **SUPPORT**

Commercial Law

SB77/HB414 COMMERCIAL LAW: Consumer Wheelchair Repair Bill of Rights Act.

Sponsors: Sen. Massey, Becky , Rep. Davis, Elaine
Summary: Enacts the "Consumer Wheelchair Repair Bill of Rights Act," which requires a manufacturer of powered wheelchairs to provide independent repair providers or owners of powered wheelchairs any new or used replacement parts, documentation, and other resources intended for use with the wheelchair for the purpose of repair services performed on the wheelchair. Allows a manufacturer to redact documentation to remove trade secrets from the documentation before providing access to the documentation, if the usability of the redacted documentation for the purpose of providing services is not diminished. Clarifies that a manufacturer is not liable for faulty or otherwise improper repairs provided by independent repair providers or owners, including faulty or otherwise improper repairs that cause damage to powered wheelchairs that occur during such repairs.
Fiscal Note: (Dated January 28, 2023) NOT SIGNIFICANT
Senate Status: 01/20/23 - Referred to Senate Commerce & Labor Committee.
House Status: 02/01/23 - Referred to House Banking & Consumer Affairs Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 47 and Title 56, relative to repair and other services performed on powered wheelchairs and parts.



SB1252/HB1470 COMMERCIAL LAW: Consumer Wheelchair Repair Bill of Rights Act.

Sponsors: Sen. Akbari, Raumesh , Rep. Towns Jr., Joe
Summary: Enacts the "Consumer Wheelchair Repair Bill of Rights Act," which states that an original equipment manufacturer of powered wheelchair manufacturers shall, with fair and reasonable terms and costs, make available to an independent repair provider or owner of the manufacturer's equipment any documentation, parts, embedded software, firmware, or tools that are intended for use with the equipment or any part, including updates to documentation, parts, embedded software, firmware, or tools. Covers equipment that contains an electronic security lock or other security-related function. Details limitations to outdated powered wheelchairs.
Fiscal Note: (Dated March 16, 2023) NOT SIGNIFICANT
Senate Status: 02/06/23 - Referred to Senate Commerce & Labor Committee.
House Status: 03/21/23 - House Banking & Consumer Affairs Subcommittee deferred to first calendar of 2024.
Caption: AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, relative to consumer protection.

Criminal Law

SB26/HB3 CRIMINAL LAW: Assault against a healthcare professional.

Sponsors: Sen. Hensley, Joey , Rep. Cepicky, Scott
Summary: Expands the offenses of assault against a first responder or nurse and aggravated assault against a first responder or nurse to apply to assaults committed against all healthcare professionals.
Fiscal Note: (Dated January 27, 2023) Increase State Expenditures \$19,400 Incarceration Increase Local Expenditures \$16,700/FY23-24 and Subsequent Years*
Senate Status: 03/14/23 - Failed in Senate Judiciary Committee.
House Status: 03/28/23 - House Criminal Justice Committee deferred to 2024 Enhancement Calendar.
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, relative to assault against certain persons.

SB284/HB612 CRIMINAL LAW: Determination of intellectual disability of those sentenced to death.

Sponsors: Sen. Gardenhire, Todd , Rep. Hawk, David



Summary: Establishes the procedure for the administrative office of the courts to issue payment to an expert who makes a court-ordered determination of intellectual disability in a person who has been sentenced to death prior to May 11, 2021.

Fiscal Note: (Dated February 10, 2023) Increase State Expenditures \$1,800/FY23-24 and Subsequent Years/Indigent Defense Fund

Senate Status: 02/23/23 - Senate passed.

House Status: 04/17/23 - House passed.

Executive Status: 05/02/23 - Enacted as Public Chapter 0255 effective April 28, 2023.

Public Chapter: PC255.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2, relative to the determination of intellectual disability of those sentenced to death.

Position: **SUPPORT**

SB1225/HB556 CRIMINAL LAW: Notice requirement for offender placed on registry for abusing vulnerable individuals.

Sponsors: Sen. White, Dawn , Rep. Littleton, Mary

Summary: Requires that court clerks notify the health facilities commission, instead of the department of health, when an offender is to be placed on the registry of persons who have been determined to have abused, neglected, misappropriated, or exploited the property of vulnerable individuals. Requires that such notice is given within 90 days of conviction of the offense.

Fiscal Note: (Dated February 14, 2023) NOT SIGNIFICANT

Senate Status: 03/06/23 - Senate passed.

House Status: 03/13/23 - House passed.

Executive Status: 04/11/23 - Enacted as Public Chapter 0103 effective March 31, 2023.

Public Chapter: PC103.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 5, relative to crimes against elderly and vulnerable adults.

SB1233/HB945 CRIMINAL LAW: Criminal offense for assault against a first responder or nurse.

Sponsors: Sen. White, Dawn , Rep. Alexander, Rebecca

Summary: Expands the criminal offenses of assault and aggravated assault against a first responder or nurse who is discharging or attempting to discharge official duties to include healthcare providers and increases the penalty for assault against those persons from a Class A misdemeanor to a Class D felony. Broadly captioned.

Fiscal Note: (Dated March 30, 2023) Increase State Expenditures \$396,400 Incarceration Decrease Local Expenditures \$16,700/FY23-24 and Subsequent Years



Senate Status: 02/06/23 - Referred to Senate Judiciary Committee.
House Status: 02/07/23 - Referred to House Criminal Justice Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, relative to assault.

SB1317/HB941 CRIMINAL LAW: Judicial diversion - aggravated neglect of an elderly or vulnerable adult.

Sponsors: Sen. Bailey, Paul , Rep. Alexander, Rebecca
Summary: Includes as an eligible petitioner for purposes of judicial diversion of criminal offenses, a person seeking deferral of proceedings for aggravated neglect of an elderly or vulnerable adult, or aggravated abuse of an elderly or vulnerable adult, if the person is a healthcare provider who committed such an offense in the course of the provider's official duties. Broadly captioned.
Fiscal Note: (Dated March 2, 2023) NOT SIGNIFICANT
Senate Status: 03/21/23 - Taken off notice in Senate Judiciary Committee.
House Status: 03/21/23 - Taken off notice in House Criminal Justice Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 71, Chapter 6, relative to criminal offenses.

Disability

SB403/HB298 HEALTH CARE: Report concerning the annual evaluation of the adequacy of the birth defects registry.

Sponsors: Sen. Massey, Becky , Rep. Martin, Brock
Summary: Authorizes the commissioner of health to submit, by electronic means, the commissioner's current annual report concerning the annual evaluation of the adequacy of the birth defects registry to the appropriate standing committees of the general assembly. Broadly captioned.
Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT
Senate Status: 01/26/23 - Referred to Senate Commerce & Labor Committee.
House Status: 01/21/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 29; Title 33; Title 56; Title 63; Title 68 and Title 71, relative to health.



Education

SB4/HB435

EDUCATION: Establishes a deaf mentor and parent advisor program.

Sponsors:

Sen. Massey, Becky , Rep. White, Mark

Summary:

Establishes a deaf mentor and parent advisor program to assist families in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind at the Tennessee Schools for the Deaf and the West Tennessee School for the Deaf.

Fiscal Note:

(Dated February 5, 2023) Increase State Expenditures - \$421,800/FY23-24 and Subsequent Years Other Fiscal Impact The current deaf mentor parent advisor program is funded in FY22-23 with a non-recurring appropriation of \$421,800.

Senate Status:

04/17/23 - Senate passed.

House Status:

04/19/23 - House passed.

Executive Status:

05/10/23 - Enacted as Public Chapter 0327 effective July 1, 2023.

Public Chapter:

PC327.pdf

Caption:

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 50, Part 10, relative to deaf mentor programs.

Position:

SUPPORT

SB27/HB23

PUBLIC EMPLOYEES: Meeting agendas and documents to be made available to public 48 hours prior.

Sponsors:

Sen. Gardenhire, Todd , Rep. Moon, Jerome

Summary:

Requires a governing body to make available to the public upcoming meeting agendas and supplemental meeting documents in an accessible location for a minimum of 48 hours prior to a meeting. Stipulates that maintained websites are considered "accessible" locations for meeting documents but requires copies be available at the meeting and upon request. Requires public meeting agendas to be detailed regarding matters to be discussed but allows governing bodies to take action on matters not on the agenda under certain circumstances provided its bylaws or rules and procedures are in compliance with state law. Defines supplemental meeting documents and specifies that the provision does not apply to documents or parts of documents deemed confidential under state or federal law. Requires public meeting agendas and supplemental meeting documents be provided at no cost.

Amendment Summary:

Senate amendment 1 (005885) rewrites this bill to require that a legislative body for a municipal, metropolitan, or county government make available to the public, at no charge and at least 48 hours prior to a meeting, the agenda for the upcoming meeting in a place accessible to the public.



Publication on a legislative body's website is not required, but will satisfy this amendment's notice requirement. This amendment specifies that a local government legislative body may deliberate or act upon matters not listed on the agenda if the body follows its bylaws or rules and procedures and complies with all other applicable state laws. This amendment prohibits a local government legislative body from circumventing the spirit or requirements of this amendment's notice requirement by withholding items from an agenda for the purpose of avoiding public disclosure of business to be considered by the legislative body.

Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT
Senate Status: 04/05/23 - Senate passed with amendment 1 (005885).
House Status: 04/10/23 - House passed.
Executive Status: 05/02/23 - Enacted as Public Chapter 0213 effective April 25, 2023.
Public Chapter: PC213.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 44, relative to public meetings.

SB82/HB146 EDUCATION: Persons designated to check buses transporting children with disabilities.

Sponsors: Sen. Massey, Becky , Rep. Hazlewood, Patsy
Summary: changes, from August 1 each year to July 31 each year, the date by which the name, address, and telephone number of persons designated to check buses transporting children with disabilities for such children must be supplied to the LEA each year. Broadly captioned.

Fiscal Note: (Dated January 10, 2023) NOT SIGNIFICANT
Senate Status: 01/20/23 - Referred to Senate Education Committee.
House Status: 01/20/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 9; Title 49 and Title 55, relative to school buses.

SB141/HB127 EDUCATION: Use of mechanical restraint on student in an emergency situation.

Sponsors: Sen. Watson, Bo , Rep. Martin, Greg
Summary: Allows a school resource officer, school security officer, or other law enforcement officer who is trained and certified for completing a behavior intervention training program to use a mechanical restraint on a student receiving special education services in an emergency situation.

Amendment Summary: House K-12 Subcommittee amendment 1 (004789) authorizes a school resource officer, school security officer, or other law enforcement officer who is trained and certified for completing a behavior intervention training program to use a mechanical restraint on a student in grades five through twelve receiving special education services in an emergency situation.



Establishes that a local education agency (LEA), a school resource officer, a school security officer, or other law enforcement officer is not civilly liable, unless the officer's conduct was reckless and results in injury to a student. Following the use of a mechanical restraint on a student, requires an LEA or public charter school to contact and provide certain information to the student's parent or legal guardian and to report the school security officer's use of a mechanical restraint to the Department of Education (DOE). Requires DOE to review each report submitted to the department and to determine whether a school security officer's use of a mechanical restraint was reasonable and done in compliance with this section.

Fiscal Note: (Dated March 9, 2023) NOT SIGNIFICANT
Senate Status: 03/22/23 - Taken off notice in Senate Education Committee.
House Status: 03/21/23 - Failed in House K-12 Subcommittee after adopting amendment 1 (004789).
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10, Part 13 and Title 49, Chapter 6, relative to special education.
Position: **OPPOSE**

SB190/HB340 EDUCATION: OREA report on the formation and operation of community schools.

Sponsors: Sen. Lundberg, Jon , Rep. Cepicky, Scott
Summary: Deletes a provision of code that required the office of research and education accountability (OREA) in the office of the comptroller of the treasury to, by November 1, 2018, study and file a report on the formation and operation of community schools. Broadly captioned.

Amendment Summary: House amendment 1 (004052) rewrites this bill to revise the present law requirement that a student must be considered in violation of a zero tolerance offense and be expelled for not less than one calendar year, except that a director of schools may modify such expulsion on a case-by-case basis, for the following conduct: (1) A student brings to school or is in unauthorized possession on school property of a firearm; (2) A student commits aggravated assault or commits an assault that results in bodily injury upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer; or (3) A student is in unlawful possession of any drug, including any controlled substance, controlled substance analogue, or legend drug, on school grounds or at a school-sponsored event. This amendment adds to the above list a student who threatens mass violence, meaning an act which a reasonable person could conclude would lead to serious bodily injury or death of two or more persons, on school property or at a school-related activity.

Fiscal Note: (Dated January 19, 2023) NOT SIGNIFICANT
Senate Status: 04/05/23 - Senate passed.
House Status: 03/13/23 - House passed with amendment 1 (004052).
Executive Status: 05/02/23 - Enacted as Public Chapter 0299 effective July 1, 2023.



Public Chapter: PC299.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

SB197/HB809 EDUCATION: Establishing of maximum class size by LEAs and public charter schools.

Sponsors: Sen. Lundberg, Jon , Rep. Moody, Debra

Summary: Repeals the maximum class sizes, maximum class size averages, student-teacher ratios, and the prohibition against split-grade classes established by law. Authorizes each local education agency (LEA) and public charter school to establish the maximum class sizes for schools under its control and jurisdiction. Requires the state board of education, in consultation with the department of education, to develop guidance for LEAs and public charter schools in establishing maximum class sizes.

Amendment Summary: House K-12 Subcommittee amendment 1, Senate amendment 1 (004324) requires each local education agency (LEA) and public charter school to adopt a policy that student-teacher ratios must not exceed the maximum class sizes, as opposed to the maximum class-size averages established. Requires the student-teacher ratios, as opposed to the average student-teacher ratios, to establish the minimum number of regular classroom teaching positions in a school. Requires the maximum class size, as opposed to the average size specified for the grade levels involved in split-grade classes, to be the maximum size allowed for such classes. Deletes the average class size column from the prescribed class size table in this section. Removes the authority of LEAs that use the career academy or small learning community model to extend class sizes in career and technical education (CTE) classes in grades nine through twelve (9-12). Upon request of an LEA or public charter school, expands the authority of the Commissioner of DOE to grant a waiver from the maximum class sizes established in this section, rather than only in the event of a natural disaster that results in the enrollment of displaced students.

Fiscal Note: (Dated February 26, 2023) Other Fiscal Impact Changes in classroom sizes may result in a permissive change in local expenditures for LEAs and may result in a change in state expenditures for state administered schools. However, due to multiple unknown variables, a precise fiscal impact cannot reasonably be determined.

Senate Status: 03/06/23 - Senate passed with amendment 1 (004324).

House Status: 03/21/23 - Failed in House K-12 Subcommittee after adopting amendment 1 (004324).

Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to class sizes.

Position: **OPPOSE**



SB251/HB70

EDUCATION: Publishing of TISA guide on department of education website.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William
Summary: Requires the department of education to publish the TISA guide on its website. Broadly captioned. Part of Administration Package.
Fiscal Note: (Dated January 10, 2023) NOT SIGNIFICANT
Senate Status: 01/21/23 - Referred to Senate Education Committee.
House Status: 01/12/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to education funding.

SB274/HB322

EDUCATION: Threat assessment team to coordinate with state agencies.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William
Summary: Requires threat assessment teams from each local education agency to coordinate with state agencies to provide support services and technical assistance to the local teams. Part of Administration Package.
Amendment Summary: House amendment 2 (006917) rewrites this bill to revise various provisions of present law pertaining to elementary and secondary education and the Schools Against Violence in Education Act. STATE-LEVEL SAFETY TEAM Under present law, the commissioner of education must establish a state-level safety team to assist LEAs and schools with compliance with the requirements of the SAVE Act. As part of the assistance, the state-level safety team must publish a template for use by districts in preparing their district-level safety plans and building-level emergency response plans, which template must outline the responsibilities of the LEAs and individual schools in complying. The state-level safety team must regularly review and update the template. The commissioner must appoint the members of the safety team, including a representative of each of the following: (1) The department of safety; (2) TBI; (3) Homeland security; (4) The department of mental health and substance abuse services; (5) The emergency medical services of the department of health; (6) The state board of education; (7) The Tennessee association of school resource officers; and (8) The department of intellectual and developmental disabilities. Present law authorizes, but does not require, the commissioner to appoint representatives of additional groups and cohorts to the state-level safety team. This amendment requires the commissioner of safety, instead of the commissioner of education, to establish a state-level safety team. This amendment changes the member described in (1) to be a representative of the department of education. This amendment adds that the commissioner must appoint a representative of the Tennessee Sheriffs' Association, and a representative of the Tennessee Association of Chiefs of Police to the team. This amendment transfers responsibility for directing the state-level safety team from the director of



the Tennessee school safety center to the commissioner of safety.

ADOPTION OF COMPREHENSIVE PLANS Under present law, each LEA must adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team and must follow the template developed by the state-level safety team. An LEA having only one school building must develop a single building-level school safety plan, which must also fulfill all requirements for development of a district-wide plan. Any meeting concerning school security, the district-wide school safety plans or the building-level school safety plans is not subject to the open meetings laws. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting. The board must not discuss or deliberate on any other issues or subjects during such a meeting. Each LEA must provide to the local law enforcement agency with jurisdiction the LEA's plans regarding school security, district-wide school safety plans and building-level school safety plans, as well as information, records, and plans that are related to school security. This amendment extends the planning requirements to public charter schools and requires each LEA and public charter school to review each of the plans it adopts annually. This amendment revises the provisions pertaining to the requirement that LEAs provide their plans to the local law enforcement agency to require that by July 1, 2023, and every July after, each LEA and public charter school provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety: (1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan; (2) The building-level school safety plan for each school in the LEA or each public charter school; and (3) The floor plans for all school buildings within the LEA or used by the public charter school. This amendment further requires that each LEA and public charter school provide the school safety plans to a law enforcement agency or other emergency response organization participating in an armed intruder drill. Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school must provide any other plans, information, or records regarding school security. Present law requires each LEA to file a copy of its district-wide comprehensive safety plan with the commissioner. This amendment adds that LEAs must also file copies of each building-level school safety plan with the commissioner. This amendment requires that during a drill or an emergency, each LEA of public charter school, to the extent possible, must provide a responding law enforcement agency with access to security systems that may be required for the agency's response. This amendment also extends the requirements for plan adoption, annual plan review, and submission of plans to local law enforcement agencies, as well as law enforcement agencies and other emergency response organizations participating in an armed intruder drill, to private schools and



church-related schools. This amendment does not require private and church-related schools to follow the state-level safety team's template when developing a plan, or to make the disclosures described in (1)-(3).

TEMPLATE MINIMUM REQUIREMENTS Present law specifies nine components that the state-level safety team must include in its template. This amendment adds that the template must include policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law.

ANNUAL DRILLS Present law requires each school safety team to conduct at least one armed intruder drill annually. The drill must be conducted in coordination with the appropriate local law enforcement agency. The results of the drill must be maintained by each school for a minimum of five years and must be made available to the department of education upon request. This amendment replaces present law to require that each school safety team, private school, and church related school annually conduct at least one: (1) Armed intruder drill, conducted in coordination with the appropriate local law enforcement agency; (2) Incident command drill without students present to prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school; and (3) Emergency safety bus drill without students present to prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus. This amendment requires that the results of a drill conducted must be maintained by the school for a minimum of five years and must be made available to a local law enforcement agency with jurisdiction, the department of education, or the department of safety upon request.

SCHOOL BUILDING ENTRANCES This amendment requires that each LEA, public charter school, private school, and church-related school must ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities. Outside of regular school hours, an LEA, public charter school, private school, or church-related school may allow a school to unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building. This amendment authorizes state and local law enforcement personnel to inspect a door serving as an entrance to, or exit from, an LEA or public charter school building to determine whether the door is locked as required. There is no limit on the number of inspections law enforcement personnel may conduct. Except as provided by the exception described above for events and activities occurring outside of



regular hours, if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked, then the school must immediately lock the door and the law enforcement agency that found the unlocked door must, within 24 hours, send written notification to: (1) The LEA's director of schools or the leader of the public charter school; (2) The chair of the local board of education or public charter school governing body; (3) The head of the parent-teacher organization for the LEA or public charter school, if any; (4) The school principal; (5) The department of safety; (6) The department of education; and (7) Each local law enforcement agency with jurisdiction. This amendment requires that within 48 hours of receiving notification from the law enforcement agency, the LEA's director of schools, the leader of the public charter school, or their respective designees must send written confirmation to the notifying law enforcement agency that the door was immediately locked as required and that processes are in place to ensure that the door remains locked as required. The director, leader, or designee must send a copy of the director's, leader's, or designee's written confirmation to the recipients identified in (2) - (7). The director's, leader's, or designee's written confirmation must state whether the LEA or public charter school has a full-time school resource officer whose primary location is the school found to be in violation of the door locking requirement. This amendment provides that if a school is found to have violated the requirement that doors are locked at all times and access is limited on two or more occasions in one school year, then: (1) (A) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated on two or more occasions in one school year, the LEA or public charter school must cause a full-time school resource officer or armed school security officer (collectively referred to as "officer") to be posted at the school. The LEA or public charter school must bear the cost of posting the officer. The officer must be posted at the school within 30 days from the date on which the LEA or public charter school received notification of the school's second violation. The LEA or public charter school must notify the commissioner of education that the required officer is posted. If the LEA or public charter school fails to have an officer posted within 30 days, then the LEA or public charter school must submit a letter to the commissioner of education every 30 days that an officer is not posted explaining why the LEA or public charter school has not had an officer posted; and (B) If the department of education receives notice of a subsequent violation by the school in one school year, the commissioner will be required to withhold state funds from the LEA or public charter school, in either the current or upcoming school year, based on a sliding scale that ranges from two percent of the annual state funds generated by the school in the TISA for a third violation committed by a school in one school year to 10 percent of the annual state funds generated by the school in the TISA for a seventh violation committed by a school in one school year; or (2) If the LEA or public charter school currently has a full-time officer whose primary



location is the school found to have violated the door locking requirements on two or more occasions, this amendment requires the commissioner to withhold state funds from the LEA or public charter school, in either the current or upcoming school year, based on a sliding scale that ranges from two percent of the annual state funds generated by the school in the TISA for a second violation committed by a school in one school year to 10 percent of the annual state funds generated by the school in the TISA for a sixth violation committed by a school in one school year. This amendment requires that if funds are withheld for a violation, then the funds must be withheld until: (1) The LEA or public charter school has the required officer posted at the school; and (2) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The full text of this amendment specifies components that a corrective action plan must include. This amendment requires that the percentage of any funds withheld for a violation must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate funds in the previous school year, then the percentage withheld must be based on the average amount of state funds generated in the LEA in which the public charter school is located. ANNUAL REPORT Present law requires the commissioner of education to annually report to the governor and the general assembly on the SAVE Act. This amendment requires the commissioner of education and commissioner safety to jointly make the annual report. NEWLY CONSTRUCTED SCHOOL BUILDING This amendment requires that a public school building constructed or remodeled after July 1, 2023, must: (1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside; and (2) At least one secure vestibule that serves as the primary entrance to the school building and that contains two separate sets of doors that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter. This amendment clarifies that if a school building is being remodeled, (1) and (2) only apply to the portions of the building that are remodeled. This amendment provides that the date on which a public school building is constructed is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the building or the date on which the construction permit was issued for the building, whichever occurs first. THREAT ASSESSMENT TEAM This amendment makes mandatory the present law authorization for each LEA to adopt a policy to establish a threat assessment team within the LEA. Present law specifies nine duties of a threat assessment team. This amendment adds that a threat assessment team must coordinate with state agencies providing support services and technical assistance to local threat assessment teams. Under present law, a threat assessment team must report threat assessment team activities to the local board of education and the director of schools



on a regular basis. The report must include quantitative data on threat assessment team activities, including post-incident assessments, and must provide information on the effectiveness of the team's response to incidents deemed to pose a risk to school safety. The report must comply with the FERPA and all other relevant state and federal privacy laws. This amendment requires the team to also report threat assessment team activities to the department of safety, the Tennessee school safety center, and the members of the state-level safety team. TENNESSEE SCHOOL SAFETY CENTER Present law requires the department of education to establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention. This amendment requires that the department of education collaborate with the department of safety in the establishment of the center. Present law requires the department of safety, in collaboration with the department of education, to develop a school security assessment for use in Tennessee public schools. The departments must provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. The department of safety is authorized to conduct periodic audits of Tennessee public schools as necessary to verify the effective implementation and use of such assessments to enhance school security. This amendment adds a requirement that each LEA and public charter school submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment. CONFIDENTIAL RECORDS Under present law, information, records, and plans that are related to school security, the district-wide school safety plans or the building-level school safety plans are not open to public inspection. This must not be interpreted to prevent school administrators of an LEA from discussing or distributing information to parents or legal guardians of children attending the school regarding procedures for contacting or obtaining a child following a natural disaster. This amendment adds that all school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and are not open for inspection by members of the general public. However, this does not limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions. This amendment specifies that school building floor plans provided by LEAs to the commissioner pursuant to the SAVE Act are not public records. PRIVATE PROTECTIVE SERVICES LICENSING AND REGULATORY ACT TRAINING AND EXAMINATION OF APPLICANTS Under present law, a government officer or employee performing official duties is exempt from the licensure, registration, and regulatory requirements for security companies and guards. This amendment limits the exemption by making the exemption inapplicable to a security guard or security officer who is providing security or patrol services at or in a public school. Under present



law, within 15 days of employment, an unarmed security guard/officer applicant must complete general training and pass an examination and an armed security guard/officer applicant must complete general training, pass an examination, and complete firearms training within 60 days of employment. This amendment adds that an individual must not be posted as an unarmed security guard at or in a public school, public charter school, private school, or church-related school, or act as an unarmed security guard in any such school unless they first complete the general training and pass an examination. An individual must not be posted as an armed security guard in or at a public school, public charter school, private school, or church-related school unless they have completed all of the present law requirements above and has completed an active-shooter training. The active-shooter training must be no less than eight hours in duration and must be completed by each armed guard or officer providing security or patrol in a public school, public charter school, private school, or church-related school, regardless of whether the armed security guard or officer is employed by the public school or a contract security company.

REFRESHER TRAINING AND REGISTRATION CARD RENEWAL This amendment requires that an armed guard or officer providing security or patrol services at or in a public school, public charter school, private school, or church-related school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

UNLAWFUL EMPLOYMENT Under present law, it is a Class A misdemeanor offense, punishable by fine only, for a person to knowingly employ as a security guard or officer an individual who does not hold a valid registration card of the appropriate type. This amendment makes it unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the guard or officer is not properly registered, working on a pending application, or otherwise trained as required by law. House amendment 3 (007265) requires each district-wide school safety team and building-level school safety team to consider including in the district-wide school safety plan or building-level school safety plan the implementation of a mobile panic alert system that is capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies and that integrates with local public safety answering point infrastructure to transmit 911 calls and mobile activation. Senate amendment 2 (007274) requires a public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must, at a minimum: include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside; have installed a clear, bullet-resistant or entry-resistant film on the glass panel of each exterior entry or basement level window and door to prevent individuals from entering the school building without authorization by breaking the glass in an exterior entry or basement level window or door; include a camera system that continuously monitors each entrance, hallway, and communal area in the



school building during regular school hours and during school-related events and activities conducted on school grounds that is accessible by a local law enforcement agency in an emergency situation; and include at least one (1) secure vestibule that serves as the primary entrance to the school building that contains two (2) separate sets of doors through which a person must pass to gain entrance into the school building that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter. Senate amendment 3 (007361) requires each local education agency and each private school to adopt a building-level school safety plan regarding crisis intervention, emergency response, and emergency management. Each LEA and private school should provide their floor plans and school safety plans to each local law enforcement agency, department of education, and department of safety by July 1 annually. Outlines required annual drills that each school must conduct. Senate amendment 4 (007265) requires each district-wide safety team and building-level school safety team to consider including the implementation of a mobile panic alert system that is capable of connecting emergency services to ensure real-time coordination between first responder agencies.

Fiscal Note: (Dated March 3, 2023) NOT SIGNIFICANT
Senate Status: 04/13/23 - Senate passed with amendment 2 (007274), amendment 3 (007361), and amendment 4 (007265).
House Status: 04/19/23 - House concurred in Senate amendment 2 (007274), amendment 3 (007361), and amendment 4 (007265).
Executive Status: 05/15/23 - Enacted as Public Chapter 0367 effective May 10, 2023.
Public Chapter: PC367.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Section 10-7-504; Title 49, Chapter 6 and Title 62, Chapter 35, relative to school safety.

SB322/HB368 EDUCATION: Discipline of students in pre-kindergarten through grade two.

Sponsors: Sen. Akbari, Raumesch , Rep. Love Jr., Harold
Summary: Prohibits an LEA from suspending or expelling a student who is enrolled in grades pre-kindergarten through two unless the student's behavior endangers the physical safety of other students or school personnel. Allows an LEA to suspend a student with such behavior for no more than three days if certain steps are taken before the student is suspended. Requires the principal of the school to notify the student's parent or legal guardian of the student's suspension on the day the suspension takes place.

Fiscal Note: (Dated March 9, 2023) NOT SIGNIFICANT
Senate Status: 03/22/23 - Senate Education Committee deferred to second calendar of 2024.



House Status: 03/28/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to discipline of students in pre- kindergarten through grade two (pre-K-2).

SB350/HB294 EDUCATION: Student ID cards to include contact info for certain crisis and suicide prevention lifelines.

Sponsors: Sen. Campbell, Heidi , Rep. Freeman, Bob
Summary: Expands the Save Tennessee Students Act to require public institutions of higher education that issue new student identification cards to students enrolled in the institution to include the telephone number for the National Suicide Prevention Lifeline and contact information for certain crisis and suicide prevention lifelines on the cards. Requires the institutions to post the phone number for the National Suicide Prevention Lifeline and contact information for certain crisis and suicide prevention lifelines in a noticeable place on each campus.

Amendment Summary: House amendment 1 (006012) expands the Save Tennessee Students Act to include public institutions of higher education, requiring such institutions when issuing new student identification (ID) cards purchased by the institutions on or after July 1, 2023 to include on the ID card the telephone number for the 988 Suicide and Crisis Lifeline and the social media handle, telephone number, or text number for at least one additional crisis resource selected by the institution. Clarifies that the crisis resource information does not apply to digital ID cards. Requires such institutions to also post such information in a conspicuous place on each campus operated by the institution. Requires each institution to create and feature a webpage on the institution's website or a mobile application that contains information dedicated solely to the mental health resources available to the institution's students. Further requires each institution to include a strategy to raise awareness of the mental health and crisis support services and resources, that are available to students, faculty, and staff as part of the institution's suicide prevention plan. Requires any Local Education Agency (LEA) that serves grades 6th-12th to update any newly issued ID cards to include the telephone number for the 988 Suicide and Crisis Lifeline rather than the National Suicide Prevention Lifeline.

Fiscal Note: (Dated February 9, 2023) NOT SIGNIFICANT
Senate Status: 04/03/23 - Senate concurred in House amendment 1 (006012).
House Status: 03/23/23 - House passed with amendment 1 (006012).
Executive Status: 05/02/23 - Enacted as Public Chapter 0190 effective July 1, 2023.
Public Chapter: PC190.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to suicide prevention.



SB582/HB453 EDUCATION: Intentional assault on educational personnel.

Sponsors: Sen. Pody, Mark , Rep. Moody, Debra

Summary: Specifies that a civil cause of action exists for an intentional assault upon educational personnel by any person on school grounds or in vehicles owned, leased, or under contract by the LEA and used for transporting students or faculty, even if such assault occurs outside of school hours or school functions. Broadly captioned.

Fiscal Note: (Dated March 24, 2023) NOT SIGNIFICANT

Senate Status: 01/30/23 - Referred to Senate Education Committee.

House Status: 02/01/23 - Caption bill held on House clerk's desk.

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13; Title 40 and Title 49, relative to school employees.

SB764/HB986 CRIMINAL LAW: Offense of assault while defendant was trespassing on school property.

Sponsors: Sen. Campbell, Heidi , Rep. Beck, Bill

Summary: Increases from a Class A misdemeanor to a Class E felony the punishment for the offense of assault by intentionally, knowingly, or recklessly causing bodily injury to another if the offense occurred while the defendant was trespassing on school property and was committed against a school employee.

Amendment Summary: Senate Judiciary Committee amendment 1 (004610) expands the offense of aggravated assault to include a person who intentionally or knowingly commits or attempts to commit an assault against a school employee while trespassing on school property and the assault results in bodily injury to the school employee. Establishes aggravated assault against a school employee is a Class E felony offense.

Fiscal Note: (Dated February 16, 2023) Increase State Expenditures \$37,300 Incarceration Decrease Local Expenditures \$2,900/FY23-24 and Subsequent Years

Senate Status: 03/14/23 - Failed in Senate Judiciary Committee after adopting amendment 1 (004610).

House Status: 03/28/23 - Taken off notice in House Criminal Justice Committee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 39, relative to criminal offenses on school property.

SB815/HB1144 EDUCATION: Duties for transporting children with disabilities on school buses.

Sponsors: Sen. Gardenhire, Todd , Rep. Vital, Greg

Summary: Clarifies that if a new person is designated to check school buses each time a bus returns from transporting children with disabilities to their



respective destinations to ensure that all children have left the bus in the interim period between when annual reports are submitted to the LEA, then the name and contact information of the new designee must be submitted within 10 calendar days, instead of just within 10 days. Broadly captioned.

Amendment Summary: Senate amendment 1 (005248) establishes that the registration fee for one school bus owned by a person under contract with a local education agency (LEA), for the provision of transportation services is equal to the fee charged for a school bus owned by a local education agency (LEA).

Fiscal Note: (Dated February 1, 2023) NOT SIGNIFICANT

Senate Status: 04/10/23 - Senate passed with amendment 1 (005248).

House Status: 04/21/23 - House passed.

Executive Status: 05/23/23 - Enacted as Public Chapter 0462 effective July 1, 2023.

Public Chapter: PC462.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 21 and Title 55, Chapter 4, relative to school buses.

SB882/HB454 EDUCATION: Payment for teaching supplies.

Sponsors: Sen. Akbari, Raumesh , Rep. Glynn, Ronnie

Summary: Increases from \$200 to \$600, the amount each LEA is required to pay every teacher in kindergarten through grade 12 for the purchase of instructional supplies for the 2023-2024 school year. Stipulates that these funds be used at the teacher's discretion to purchase items for the benefit of the instructional program but cannot be used for basic building needs such as HVAC, carpets or furniture. States that unused funds at the end of the school year be pooled at the school level to be used for the teachers' common equipment needs. Clarifies that these funds do not constitute an appropriation and that funding must be specifically appropriated by the general appropriations act.

Fiscal Note: (Dated February 25, 2023) Increase State Expenditures - \$24,901,200/FY23-24

Senate Status: 02/06/23 - Referred to Senate Education Committee.

House Status: 03/07/23 - Taken off notice in House K-12 Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 3, relative to teaching supplies.

SB972/HB995 EDUCATION: Corporal punishment for students with disabilities.

Sponsors: Sen. Powers, Bill , Rep. Stevens, Robert

Summary: Clarifies that a communication made in an electronic format in which a parent of a child with a disability gives permission for the use of corporal punishment against the child constitutes permission given in writing such that the chief administrative officer, or the chief administrative officer's



designee, may administer such corporal punishment to the child in accordance with the LEA's discipline policy.

Amendment Summary: Senate amendment 1 (006314) rewrites this bill to revise present law relative to corporal punishment. Under present law, a teacher or school principal may use corporal punishment in a reasonable manner against a pupil for good cause in order to maintain discipline and order within the public schools. However, teachers, school principals, or other school personnel are prohibited from using corporal punishment against a student who has a disability, unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. This amendment adds that, prior to the administration of corporal punishment against a student, the student's teacher or school principal must document in the student's educational record that they have: (1) Acted to address the student's behavior; (2) Provided consequences to the student to address the behavior; (3) Consulted with the student's parent or legal guardian about the student's behavior; and (4) Considered the need to conduct an initial evaluation to determine whether the student has a disability in accordance with the Individuals with Disabilities Education Act, state law, and the state board of education's rules. This amendment also provides that if, as a result of the evaluation provided in (4), a student is found to have a disability, then corporal punishment may only be administered against the student if authorized in accordance with the present law described above.

Fiscal Note: (Dated February 1, 2023) NOT SIGNIFICANT
Senate Status: 04/12/23 - Senate passed with amendment 1 (006314).
House Status: 04/13/23 - House passed.
Executive Status: 05/02/23 - Enacted as Public Chapter 0275 effective April 28, 2023.
Public Chapter: PC275.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to corporal punishment for students with disabilities.

SB1024/HB741 EDUCATION: Repeals the TN Education Savings Account Pilot Program.

Sponsors: Sen. Campbell, Heidi , Rep. Mitchell, Bo
Summary: Repeals the Tennessee Education Savings Account Pilot Program.
Fiscal Note: (Dated March 14, 2023) Decrease State Expenditures \$55,321,725/FY22-23 and Subsequent Years Decrease Local Expenditures \$192,500/FY22-23 and Subsequent Years Passage of this legislation will prevent a shift in Tennessee Investment in Student Achievement funding amongst local education agencies estimated as follows: \$55,321,725 in FY22-23; \$73,762,300 in FY23-24; \$92,202,875 in FY24-25; and \$110,643,450 in FY25-26 and subsequent years.



Senate Status: 03/22/23 - Senate Education Committee deferred to second calendar of 2024.
House Status: 03/28/23 - House K-12 Subcommittee deferred to second calendar of 2024.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to the Tennessee Education Savings Account Pilot Program.

SB1194/HB1214 EDUCATION: Electronic participation of local board of education members.

Sponsors: Sen. McNally, Randy , Rep. Sexton, Cameron
Summary: Changes, from five days to five business days, the amount of notice a local board of education member must give the board before a scheduled meeting of the member's intent to participate in the meeting electronically because the member is or will be out of the county at the time of the meeting. Broadly captioned.

Amendment Summary: House Education Administration Committee amendment 1 (004560) makes various revisions regarding home school students and the operation of public charter schools. Establishes that: 1) public charter schools authorized by the Public Charter School Commission (Commission) may be formed to provide residential or boarding programs for all at-risk students in grades six through twelve (6-12) residing within this state, and that hybrid public charter schools may be formed to provide quality educational options for all home school students residing within this state. Authorizes the sponsor seeking to establish a public charter school to provide a residential or boarding program for at-risk students in grades (6-12) to apply either to a local board of education (LEA) or directly to the Commission. Requires the sponsor seeking to establish a hybrid public charter school to apply directly with the Commission. Authorizes hybrid public charter schools and public charter schools providing residential or boarding programs to enroll students residing outside the geographic boundaries of the LEA regardless of the LEA's out-of-district enrollment policy. Establishes certain instructional requirements for home school students and public charter schools. Authorizes tuition to be charged for certain out-of-district students by the LEA in which the hybrid public charter school is located and to which the student transfers. Prohibits public charter schools providing residential or boarding programs from charging registration fees, enrollment fees, or tuition. Effective January 1, 2024 for most purposes of the legislation.

Fiscal Note: (Dated February 6, 2023) NOT SIGNIFICANT
Senate Status: 03/22/23 - Taken off notice in Senate Education Committee.
House Status: 04/05/23 - Taken off notice in House Education Administration Committee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.



SB1200/HB1500 EDUCATION: Dyslexia advisory council report recipients.

Sponsors: Sen. Oliver, Charlane , Rep. McKenzie, Sam
Summary: Adds the education administration committee of the house of representatives to the committees of the general assembly to which the dyslexia advisory council is required to submit an annual report on the number of students screened for dyslexia intervention services. Broadly captioned.
Fiscal Note: (Dated March 28, 2023) NOT SIGNIFICANT
Senate Status: 02/06/23 - Referred to Senate Education Committee.
House Status: 02/02/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

SB1305/HB251 EDUCATION: Tennessee Special Educator Scholarship Act.

Sponsors: Sen. Bailey, Paul , Rep. Haston, Kirk
Summary: Enacts the "Tennessee Special Educator Scholarship Act," which establishes the Tennessee special educator scholarship for individuals who agree to work full-time as a special education teacher in a Tennessee public school for at least three consecutive years immediately following the individual's graduation from the eligible postsecondary institution. Specifies requirements for scholarship.
Fiscal Note: (Dated February 15, 2023) Increase State Expenditures \$871,500/FY23-24 \$1,525,500/FY24-25 and Subsequent Years
Senate Status: 04/21/23 - Senate Finance, Ways & Means Committee deferred to 2024.
House Status: 04/18/23 - Taken off notice in House Finance, Ways & Means Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to special education.
Position: **SUPPORT**

SB1374/HB423 EDUCATION: School nurse funding.

Sponsors: Sen. Southerland, Steve , Rep. Davis, Elaine
Summary: Requires the department of education to allocate sufficient funds for local education agencies to employ one full-time public school nurse for every 750 students enrolled or one per school, whichever is greater. Requires each local education agency to use the funds to employ a public school nurse or notify the department of the agency's decision not to do so.
Fiscal Note: (Dated March 3, 2023) Other Fiscal Impact - For Local Education Agencies (LEAs) that are required to hire additional nurses to meet the



staffing ratio, an unknown shift in local expenditures or permissive increase in local expenditures may occur.

Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/07/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49 and Title 68, Chapter 1, Part 12, relative to education funding.

SB1412/HB791 EDUCATION: Status of pre-kindergarten programs.

Sponsors: Sen. Akbari, Raumesh , Rep. White, Mark
Summary: Requires the department's office of early learning to include in its annual report on the status of pre-kindergarten programs submitted to the governor and general assembly, the number of open positions for at-risk children in pre-kindergarten programs that remained open for the majority of the immediately preceding school year, or that were filled by children who were not at-risk. Broadly captioned.

Fiscal Note: (Dated March 10, 2023) NOT SIGNIFICANT
Senate Status: 03/22/23 - Taken off notice in Senate Education Committee.
House Status: 02/02/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49; Title 67 and Title 71, relative to children.

SB1419/HB1130 EDUCATION: Student enrollment and appeal of assignment decision.

Sponsors: Sen. Roberts, Kerry , Rep. Gant, Ron
Summary: Requires an LEA to provide for the enrollment of students who are residents of this state, regardless of the student's residence, race, ethnicity, or language proficiency, the resources of the LEA or its schools, or other considerations regarding the appropriateness of a particular school for a particular student. Allows a student's parent or legal guardian to appeal an LEA's enrollment or assignment decision for the student to the commissioner of education.

Amendment Summary: Senate Education Committee amendment 1 (006444) decreases the list of factors that a local board of education may use when determining student assignment to a public school, and requires a local board of education to consider and base its decision on one or more of the following factors: 1) if the student has been suspended or expelled; 2) the attendance record of the student; 3) available capacity in the school; 4) the choice and interests of the student; and 5) the request or consent of the student's parent or legal guardian. Authorizes a student's parent or legal guardian to appeal a board of education's enrollment or assignment decision for the student to the Commissioner of the Department of Education (DOE). Requires the State Board of Education (SBE) to establish and appeals process.



Fiscal Note: (Dated March 10, 2023) Other Fiscal Impact Changing the factors that may be considered when determining student assignment to a public school may result in a shift in student enrollment across the state, an increase in local expenditures to expand current school facilities, and an increase in state expenditures to hear appeals. However, due to multiple unknown factors, the timing and extent of any such impacts cannot be reasonably determined.

Senate Status: 03/22/23 - Senate Education Committee recommended with amendment 1 (006444). Sent to Senate Calendar Committee.

House Status: 03/28/23 - Taken off notice in House K-12 Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to student enrollment.

SB1507/HB1249 EDUCATION: Kindergarten prerequisite for attending first grade.

Sponsors: Sen. Powers, Bill , Rep. Sexton, Cameron

Summary: Deletes an obsolete reference to the date July 1, 1993, after which a child is not able to enter first grade without having attended an approved kindergarten program, unless the child otherwise meets the requirements of the state board of education for transfer or admission and is accepted by the LEA. Broadly captioned.

Amendment Summary: House K-12 Subcommittee amendment 1 (005594) rewrites the bill and creates a task force for the purpose of identifying each federal law, regulation or program from which the state or a political subdivision of the state received federal funding or educational programs or purposes in the current fiscal year and the amount of funding received. The task force is also responsible for determining whether the state has the option to not comply with, or participate in, the respective federal law, regulation or program. Requires the task force report to the administration and the general assembly on the feasibility of the state and each political subdivision of the state rejecting federal funding for educational programs or purposes to provide the state with the flexibility to establish its own educational goals, requirements and measures. Establishes criteria for the appointments of 11 task force members and other logistical considerations. Establishes repeal date of December 1, 2023, unless reenacted or extended by the general assembly.

Fiscal Note: (Dated February 14, 2023) NOT SIGNIFICANT

Senate Status: 03/22/23 - Taken off notice in Senate Education Committee.

House Status: 04/05/23 - Taken off notice in House Education Administration Committee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 51; Title 5; Title 6; Title 9; Title 49 and Title 67, relative to education.

Position: **OPPOSE**



Education – Retention

SB249/HB68 EDUCATION: Learning loss remediation by use of summer learning camps.

Sponsors:

Sen. Johnson, Jack , Rep. Lamberth, William

Summary:

Requires LEAs to conduct summer learning camps and after-school learning mini-camps for priority students annually rather than summers only. Updates the definition of "priority student" to include additional "at-risk" children and students entering certain grade levels to participate in after-school learning mini-camps, learning loss bridge camps, and summer learning camps. Provides that an "at-risk" student is a student who will be entering first, second, or third grade in the upcoming school year and who scored below proficient in math or English language arts on the student's most recent state-approved screenings or certain other assessments. For purposes of a learning loss bridge camp, an at-risk student is defined as a student who will be entering the fourth, fifth, sixth, seventh, eighth, or ninth grade in the upcoming school year and who scored below proficient in math or English language arts on the student's most recent TCAP test or state-adopted benchmark assessment. For summer learning camps, an at-risk student is one who will be entering kindergarten, first, second or third grade and who attends a public school or public charter school in with fewer than 50 percent of students in grades three through five scored proficient in math or English language arts on the most recently administered TCAP test. An "at-risk" student is further defined as one who will be entering kindergarten through third grade and who is eligible for TANF. Provides guidelines for determining program requirements. Part of Administration Package.

Amendment Summary: Senate amendment 1 (003486) changes the effective date of the bill from October 1, 2023, to upon becoming a law.

Fiscal Note:

(Dated February 5, 2023) Increase State Expenditures \$21,433,500/FY23-24 and Subsequent Years/General Fund \$5,760,000/FY23-24 and Subsequent Years/LEAP Other Fiscal Impact The state receives approximately \$182,200,000 in TANF block grant funding each year and the states TANF balance as of September 30, 2022 was \$753,890,600. The proposed legislation will draw upon existing federal TANF dollars in the amount of \$13,698,900 in FY23-24 and subsequent years. General 03/06/23 - Senate passed with amendment 1 (003486).

Senate Status:

03/23/23 - House passed.

House Status:

Executive Status:

04/17/23 - Enacted as Public Chapter 0144 effective April 13, 2023.

Public Chapter:

PC144.pdf

Caption:

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 15, relative to the learning loss remediation and student acceleration program.



SB300/HB437 EDUCATION: Explanation of appeals process to be posted on website for student who is identified for retention.

Sponsors: Sen. Lundberg, Jon , Rep. White, Mark

Summary: Requires the department to post on the department's website an explanation of the appeals process, administered by the department, for a student who is identified for retention in third grade, based on the student's performance level rating on the ELA portion of the student's most recent TCAP test.

Amendment Summary: Senate amendment 2 (007359) rewrites this bill to revise various provisions of present law pertaining to the promotion of students from third grade, as described below. **PROMOTION TO NEXT GRADE LEVEL** Under present law, beginning with the 2022-2023 school year, a student in the third grade must not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test. However: (1) A student who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test may be promoted if: (A) The student is an English language learner and has received less than two years of ELA instruction; (B) The student was previously retained in any of the grades K-3; (C) The student is retested before the beginning the next school year and scores proficient in ELA; (D) The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a 90 percent attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp demonstrates adequate growth, as determined by the department; or (E) The student is assigned a tutor through the Tennessee accelerating literacy and learning corps (TALLC) to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department; and (2) A student who is not proficient in ELA, as determined by the student's achieving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test may be promoted if: (A) The student is an English language learner and has received less than two years of ELA instruction; (B) The student was previously retained in any of the grades K-3; (C) The student retested before the beginning the next school year and scores proficient in ELA; or (D) The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a 90 percent attendance rate at the camp, and is assigned a tutor through the TALLC to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department. This amendment adds another option under (1), providing



that, beginning with the 2023-2024 school year, a student may be promoted if the student demonstrates proficiency in ELA standards based on the student's scoring within the 50th percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, as determined by the department, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department. If a student is promoted to the fourth grade pursuant to this, then the student's LEA or public charter school must notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or guardian to do so. RULES BY STATE BOARD OF EDUCATION Under present law, the state board of education must promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention in third grade based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The rules must provide that if an appeal is filed, the filing must be made by the student's parent or guardian. This amendment revises this present law provision to require that the rules provide, for the 2023-2024 school year and every school year thereafter: (1) That if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to a principal, guidance counselor, teacher, or other administrator of the student's school filing the appeal, in which case the appeal may be filed by such individual; and (2) The process by which a principal, guidance counselor, teacher, or other administrator of the student's school must obtain the written consent of a student's parent or guardian for purposes of filing an appeal on behalf of the student's parent or guardian. REPORT BY DEPARTMENT This amendment requires that the department must report, to the education committees of the senate and house of representatives, for each LEA: (1) The number of students identified for mandatory retention who were promoted to the fourth grade pursuant to the new option for promotion under (1); (2) The provider, format, and frequency of tutoring services provided to students in the fourth grade who were promoted pursuant the new option for promotion under (1); (3) The percentage of students promoted pursuant to the new option under (1) that demonstrated growth or proficiency in ELA after receiving tutoring services in the fourth grade; (4) The number of students promoted pursuant to the new option under (1) that enrolled in a learning loss bridge camp; and (5) The percentage of students promoted pursuant to the new option under (1) and who enrolled in a learning loss bridge camp, that demonstrated growth or proficiency in ELA at the conclusion of the camp. The information in (1) must be reported no later than December 1, 2024, and each December 1 thereafter. The other information must be provided no later than December 1, 2025, and then each December 1 thereafter. TUTORING SERVICES This amendment requires that,



beginning with the 2023-2024 school year, a student who is retained in any of the grades K-3 must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department. The department may procure up to three online tutoring providers for LEAs and public charter schools to use to provide online tutoring services to students. The chief procurement officer is authorized to approve an emergency purchase of online tutoring providers using procurement methods authorized by law and the rules of the department of general services' central procurement office.

Fiscal Note: (Dated January 24, 2023) NOT SIGNIFICANT
Senate Status: 04/18/23 - Senate passed with amendment 2 (007359).
House Status: 04/20/23 - House passed.
Executive Status: 05/10/23 - Enacted as Public Chapter 0338 effective May 5, 2023.
Public Chapter: PC338.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to retention.

SB412/HB1035 EDUCATION: Student retention for third grade students not testing proficient on ELA portion of TCAP.

Sponsors: Sen. Yarbro, Jeff , Rep. Shaw, Johnny
Summary: Removes the retention requirement for third grade students who did not test proficient on the English language arts (ELA) portion of their most recent Tennessee comprehensive assessment program test. Authorizes a student's ELA teacher or school principal to retain the student in the third or fourth grade if the teacher or principal determines that the student is not proficient in ELA. Requires written notice to a student's parent of the student's potential retention and of any alternatives to retention that are available to the student.

Fiscal Note: (Dated March 1, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student retention.

SB444/HB534 EDUCATION: Fourth grade promotion with adequate growth in ELA.

Sponsors: Sen. Lowe, Adam , Rep. Cochran, Mark
Summary: Allows a student who did not test proficient in English language arts (ELA) on the Tennessee comprehensive assessment program test administered to the student in third grade, but who was promoted to fourth grade after



attending a learning loss bridge camp, to be promoted to fifth grade if the student's parent or guardian mutually agrees with the LEA or public charter school in which the student is enrolled that the student has shown adequate growth in ELA based on the student's grades or performance on assessments administered to the student in fourth grade.

Fiscal Note: (Dated March 1, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to student retention.

SB712/HB670 EDUCATION: First grade promotion requirements.

Sponsors: Sen. Hensley, Joey , Rep. Cepicky, Scott
Summary: Requires a student to be at least 7 years of age on or before August 15 or test proficient in the kindergarten academic standards on the first-grade entry assessment. Requires the department of education to create a first-grade entry assessment to determine whether a student is prepared to succeed in the first grade. Requires each local education agency and public charter school to administer the first-grade entry assessment developed by the department.

Amendment Summary: House K-12 Subcommittee amendment 1 (005719) prohibits a student from being promoted to the second grade unless the student is eight years of age or older on or before August 15 or scores in the 50th percentile on the most recently administered Tennessee universal reading screener provided by the Department of Education or on a universal reading screener approved by the State Board of Education.

Fiscal Note: (Dated March 12, 2023) Increase State Expenditures - \$4,416,400/FY23-24 \$3,696,300/FY24-25 and Subsequent Years Increase Local Expenditures - \$5,000,000/FY24-25 and Subsequent Years
Senate Status: 03/22/23 - Taken off notice in Senate Education Committee.
House Status: 03/21/23 - House K-12 Subcommittee deferred to first calendar of 2024 after adopting amendment 1 (005719).
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to student promotion.

SB802/HB1033 EDUCATION: Student retention - third grade student who has not shown basic understanding of curriculum.

Sponsors: Sen. Yarbro, Jeff , Rep. Shaw, Johnny
Summary: Authorizes an LEA or public charter school to retain a student in the third grade if the student has not shown a basic understanding of the curriculum and an ability to perform the skills required in the subject of reading, as demonstrated by the student's grades or standardized test results, instead



of requiring an LEA or public charter school to retain a third grade student who did not achieve a performance level rating of "on track" or "mastered" on the English language arts portion of the student's most recent Tennessee comprehensive assessment program test. Broadly captioned.

Fiscal Note: (Dated February 14, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to student retention.

SB818/HB1381 EDUCATION: Promotion of third grade student not proficient in ELA.

Sponsors: Sen. Hensley, Joey , Rep. Ragan, John
Summary: Authorizes a third-grade student who is not proficient in English language arts (ELA) to be promoted to fourth grade if at least 66 percent of the third-grade students in the student's LEA or public charter school test proficient on the ELA portion of the most recently administered Tennessee comprehensive assessment program test and if the student's parent or guardian, teacher, and school principal mutually agree and recommend in writing that the student should be promoted to fourth grade. Broadly captioned.

Fiscal Note: (Dated March 8, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to third- grade students.

SB901/HB927 EDUCATION: Student retention - third grade student who is not proficient in ELA.

Sponsors: Sen. Akbari, Raumesh , Rep. McKenzie, Sam
Summary: Allows a third-grade student who is not proficient in English language arts (ELA) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test to be promoted to fourth grade if the student maintains a 90 percent attendance rate at a learning loss bridge camp without having to demonstrate adequate growth on the post-test administered at the end of the camp. Requires the student to show adequate growth on the ELA portion of the student's fourth grade TCAP test before the student may be promoted to fifth grade.

Fiscal Note: (Dated February 14, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.



Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student retention.

SB920/HB852 EDUCATION: Student retention - third-grade student who is not proficient in ELA.

Sponsors: Sen. Rose, Paul , Rep. Leatherwood, Tom
Summary: Allows a third-grade student who is not proficient in English language arts (ELA) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent Tennessee comprehensive assessment program test to be promoted to the next grade level if the student has demonstrated growth above the national norm on a universal reading screener and has demonstrated growth in standards mastery based on the student's scores on a state-adopted benchmark assessment.

Fiscal Note: (Dated February 14, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student retention.

SB951/HB848 EDUCATION: Third grade student English proficiency requirements.

Sponsors: Sen. Walley, Page , Rep. Haston, Kirk
Summary: Adds various exceptions to mandatory retention for third grade students who are not proficient in English language arts. Allows an LEA to retain students in any of the grades kindergarten through two who have not shown a basic understanding of the curriculum and an ability to perform the skills required in reading. Requires the department of education to provide LEAs with individual student performance level ratings from the Tennessee comprehensive assessment program tests by May 19 each year. Broadly captioned.

Fiscal Note: (Dated March 1, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

SB1008/HB456 EDUCATION: Makes changes to the Tennessee Learning Loss Remediation and Student Acceleration Act.

Sponsors: Sen. Campbell, Heidi , Rep. Hakeem, Yusuf



Summary: Makes changes to the Tennessee Learning Loss Remediation and Student Acceleration Act, including changes to require LEAs and participating public charter schools to conduct summer learning camps and after-school learning mini-camps annually beginning in the summer of 2021, instead of only in the summers immediately following the 2020-2021 and 2021-2022 school years. Requires the department of education to issue guidance to assist LEAs and public charter schools in making retention decisions for students with a disability or suspected disability. Requires each LEA and public charter school that provides instruction to students through the learning loss remediation and student acceleration program to ensure that the instruction is aligned to state academic standards.

Amendment Summary: House K-12 Subcommittee amendment 1 (003357) requires LEAs and participating public charter schools to conduct summer learning camps and after-school learning mini-camps. Makes provisions for summer learning camps and after-school learning mini-camps. Requires each LEA and public charter school that provides learning loss remediation and student acceleration program to ensure that the instruction is aligned to state academic standards.

Fiscal Note: (Dated March 5, 2023) Increase State Expenditures \$24,803,900/FY23-24 and Subsequent Years/General Fund \$5,760,000/FY23-24 and Subsequent Years/LEAP Other Fiscal Impact The state receives approximately \$182,200,000 in TANF block grant funding each year and the states TANF balance as of September 30, 2022 was \$753,890,600. The proposed legislation will draw upon existing federal TANF dollars in the amount of \$13,057,400 in FY23-24 and subsequent years. A balance of approximately \$7,880,600 is assumed to be currently available for additional transportation expenditures created by this legislation. General 02/06/23 - Referred to Senate Education Committee.

Senate Status:
House Status: 03/14/23 - House K-12 Subcommittee deferred to Summer Study after adopting amendment 1 (003357).

Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to student achievement.

SB1213/HB978 EDUCATION: Third grade student retention - appeals process.

Sponsors: Sen. White, Dawn , Rep. Terry, Bryan

Summary: Requires the rules promulgated by the board to establish an appeal process for certain students identified for retention in the third grade to allow, in addition to the student's parent or guardian, the parent's or guardian's student's principal, guidance counselor, teacher, or another administrator of the student's school to file an appeal with the department, if the student's parent or guardian consents to same in writing. Broadly captioned.



Fiscal Note: (Dated February 23, 2023) NOT SIGNIFICANT
Senate Status: 03/22/23 - Taken off notice in Senate Education Committee.
House Status: 03/21/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student retention.

SB1217/HB270 EDUCATION: Third grade student promotion.

Sponsors: Sen. White, Dawn , Rep. Terry, Bryan
Summary: Allows a third grade student to be promoted, even if the student does not test proficient on the English language arts (ELA) portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test, if the student tests proficient in reading on each Tennessee universal reading screener administered to the student in the student's third grade year. Allows a student's LEA to file an appeal regarding the student's identification for retention based on the student's performance on the ELA portion of the student's most recent TCAP test.

Fiscal Note: (Dated February 14, 2023) NOT SIGNIFICANT
Senate Status: 02/06/23 - Referred to Senate Education Committee.
House Status: 03/21/23 - Returned to House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student proficiency.

SB1265/HB1410 EDUCATION: Student retention - third grade student who has not shown basic understanding of curriculum.

Sponsors: Sen. Akbari, Raumesh , Rep. Johnson, Gloria
Summary: Authorizes, instead of requires, an LEA or public charter school to retain a student in the third grade if the student has not shown a basic understanding of the curriculum and an ability to perform the skills required in the subject of reading or English language arts. Requires an LEA or public charter school that conducts a learning loss bridge camp to offer a third-grade student identified for retention the opportunity to attend the camp before the start of the next school year. Prohibits an LEA or public charter school from requiring a student to attend a learning loss bridge camp.

Fiscal Note: (Dated March 4, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Failed in House K-12 Subcommittee due to lack of motion.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student retention.

SB1306/HB107



EDUCATION: Retention policy for third grade students not proficient in English language arts (ELA).

Sponsors: Sen. Bailey, Paul , Rep. Travis, Ron
Summary: Requires an LEA or public charter school to adopt and implement a retention policy for third-grade students who are not proficient in English language arts (ELA), rather than requiring the LEA to retain a third-grade student who does not achieve a certain performance level rating on the ELA portion of the student's most recent Tennessee comprehensive assessment program test. Establishes parental notice requirements for LEAs and public charter schools that recommend a third-grade student for retention. Removes the authority of the state board of education to establish an appeal process for certain students identified for retention.
Fiscal Note: (Dated February 24, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to student retention.

SB1368/HB93 EDUCATION: Local education agency responsible for determining growth in elementary language arts proficiency.

Sponsors: Sen. Southerland, Steve , Rep. Hawk, David
Summary: Changes the responsibility of determining the adequate growth of a third or fourth grade student who has previously tested not proficient in English language arts from the department of education to the student's local education agency.
Fiscal Note: (Dated January 29, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to student proficiency.

SB1455/HB1364 EDUCATION: Tennessee Learning Loss Remediation and Student Acceleration Act progress report.

Sponsors: Sen. Niceley, Frank , Rep. Farmer, Andrew
Summary: Expands who receives the Tennessee Learning Loss Remediation and Student Acceleration Act progress report that is developed by the department to include all of the general assembly, instead of only the speaker of the senate, the speaker of the house of representatives, and



the chairs of the education committees of the senate and house of representatives. Broadly captioned.

Fiscal Note: (Dated February 16, 2023) NOT SIGNIFICANT
Senate Status: 02/06/23 - Referred to Senate Education Committee.
House Status: 03/21/23 - Returned to House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to K-12 education.

SB1524/HB1433 EDUCATION: Retention requirements for students who did not achieve a certain English language arts performance level rating.

Sponsors: Sen. Campbell, Heidi , Rep. Mitchell, Bo
Summary: Allows local education agencies and charter schools to retain or promote a student who has not shown a basic understanding of the curriculum and an ability to perform required skills in reading. Requires LEAs and charter schools to develop a retention policy for students who have not shown a basic understanding of the curriculum and an ability to perform required skills in reading and implement the program in the 2023-2024 school year and subsequent school years.

Fiscal Note: (Dated February 24, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Education Committee.
House Status: 03/14/23 - Taken off notice in House K-12 Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

Family Law

SB620/HB1414 FAMILY LAW: Families' Rights and Responsibilities Act.

Sponsors: Sen. Pody, Mark , Rep. Raper, Kevin
Summary: Enacts the "Families' Rights and Responsibilities Act", which declares that the ability of a parent to direct the upbringing, education, health care, and mental health of that parent's child is a fundamental right. Details how to bring a suit for potential violations of this act. Broadly captioned.

Fiscal Note: (Dated March 24, 2023) NOT SIGNIFICANT
Senate Status: 02/02/23 - Referred to Senate Judiciary Committee.
House Status: 02/07/23 - Referred to House Children & Family Affairs Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 36 and Title 49, relative to the "Families' Rights and Responsibilities Act."



Government Organization

SB42/HB208 GOVERNMENT ORGANIZATION: Sunset - department of intellectual and developmental disabilities extension.

Sponsors: Sen. Roberts, Kerry , Rep. Ragan, John
Summary: Extends the department of intellectual and developmental disabilities to June 30, 2027.
Fiscal Note: (Dated January 10, 2023) NOT SIGNIFICANT
Senate Status: 02/13/23 - Senate passed.
House Status: 03/13/23 - House passed.
Executive Status: 04/11/23 - Enacted as Public Chapter 0075 effective March 31, 2023.
Public Chapter: PC75.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 4, Chapter 3, relative to the department of intellectual and developmental disabilities.

Health Care

SB220/HB272 HEALTH CARE: Removes a task force contracted by the department of intellectual and developmental disabilities.

Sponsors: Sen. Crowe, Rusty , Rep. Terry, Bryan
Summary: Removes a section of the code that created a twenty-five member task force to review the regulations of the residential and day provider agencies contracted by the department of intellectual and developmental disabilities. The task force was required to have completed its duties and made its final report to the governor and the general assembly by June 30, 2014. Broadly captioned.
Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT
Senate Status: 01/21/23 - Referred to Senate Commerce & Labor Committee.
House Status: 01/21/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to health.

SB230/HB404 TENNCARE: Medicaid expansion - authorization by general assembly.

Sponsors: Sen. Yarbrow, Jeff , Rep. Miller, Larry



Summary: Removes the requirement that the governor receive authorization by the general assembly through a joint resolution prior to making any decision or obligating the state with regard to the expansion of optional enrollment in the medical assistance program. Broadly captioned.

Fiscal Note: (Dated February 16, 2023) NOT SIGNIFICANT

Senate Status: 03/22/23 - Taken off notice in Senate Health & Welfare Committee.

House Status: 02/01/23 - Caption bill held on House clerk's desk.

Caption: AN ACT to amend Tennessee Code Annotated, Title 71, relative to medical assistance.

SB248/HB66 HEALTH CARE: Department of intellectual and developmental disabilities to provide home health services to outpatients.

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

Summary: Authorizes the department of intellectual and developmental disabilities to provide home health services to outpatients through the Tennessee Early Intervention System. Part of Administration Package.

Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT

Senate Status: 02/13/23 - Senate passed.

House Status: 02/23/23 - House passed.

Executive Status: 03/20/23 - Enacted as Public Chapter 0024 effective March 10, 2023.

Public Chapter: PC24.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 2, relative to home health services.

SB299/HB653 HEALTH CARE: Access to persons in health-related facilities.

Sponsors: Sen. Hensley, Joey , Rep. Fritts, Monty

Summary: Requires healthcare facilities and long-term care facilities to permit in-person visitation of a patient or resident by family members and community pastoral care members. Allows the facilities to place limitations on the frequency and duration of visitation in certain areas and to require the visitors to comply with safety protocols. Broadly captioned.

Amendment Summary: Senate Health & Welfare Committee amendment 1, House Health Subcommittee amendment 1 (005024) permits healthcare and long-term care facilities to place restrictions on the frequency and duration of visitation in areas that require a higher level of safety protocols. Permits psychiatric hospitals or treatment resources to prohibit access to areas that require a higher level of safety protocols so long as they are in writing. Allows facilities to prohibit visitation in accordance with the wishes of a person's power of attorney, a court order, or if a treatment team in a psychiatric facility determines that treatment is untherapeutic for the patient. In this instance,



requires a family member or community pastoral care member be notified of the restrictions or prohibitions on visitation. Removes the Class B misdemeanor charge against violators of this bill and replaces it with a civil monetary penalty assessed by the Health Facilities Commission.

Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT
Senate Status: 03/08/23 - Taken off notice in Senate Health & Welfare Committee.
House Status: 03/07/23 - Failed in House Health Subcommittee after adopting amendment 1 (005024).
Caption: AN ACT to amend Tennessee Code Annotated, Title 33; Title 63; Title 68 and Title 71, relative to access to persons in health-related facilities.

SB309/HB292 HEALTH CARE: Deletes report requirement on infections by infections taskforce.

Sponsors: Sen. Yarbro, Jeff , Rep. Freeman, Bob
Summary: Deletes provisions related to the infections taskforce that focused on strategies and recommendations for the prevention and control of antibiotic resistant infections, including MRSA, and reported aggregate data on incidence and trends for invasive MRSA in Tennessee to the general assembly from 2008-2010. Broadly captioned.

Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT
Senate Status: 01/26/23 - Referred to Senate Commerce & Labor Committee.
House Status: 01/21/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 29; Title 33; Title 56; Title 63; Title 68 and Title 71, relative to health.

SB585/HB377 HEALTH CARE: Patient Rights Act.

Sponsors: Sen. Pody, Mark , Rep. Warner, Todd
Summary: Enacts the "Patient Rights Act" which allows medical patients the right to administration of treatments procedures, the right to alternative treatment available under emergency use authorization, the right to release or transfer of care, the right of an advocate on their behalf, the right to room with family members, the right to transplants, the right of no discrimination in admission or treatment, the right of medical record privacy, and the notification of rights to the patient, if the patient is not incapacitated or to the advocate, if the patient is incapacitated. Details penalties if rights are violated (15 pp). Broadly captioned.

Fiscal Note: (Dated March 23, 2023) NOT SIGNIFICANT
Senate Status: 01/30/23 - Referred to Senate Commerce & Labor Committee.
House Status: 02/01/23 - Referred to House Health Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 8; Title 29; Title 33; Title 34; Title 56; Title 63; Title 68 and Title 71, relative to health care.



SB597/HB1205 HEALTH CARE: Timeframe requirement to provide full medical record to a person with power of attorney.

Sponsors: Sen. Pody, Mark , Rep. Capley, Kip

Summary: Requires a full medical record to be provided within 24 hours of a written request submitted by a person with power of attorney for health care to make health care decisions for a patient; grants 24-hour patient visitation rights to a person with a durable power of attorney for health care, with certain exceptions such as visitation during an invasive procedure. Prohibits a health care provider from continuing treatment after the patient or a person with power of attorney for health care of the patient demanded the health care provider to discontinue or not administer the treatment. Prohibits the termination or suspension of visitation rights by the hospital, state health departments or the governor during the declaration of a disaster or state of emergency.

Fiscal Note: (Dated March 16, 2023) NOT SIGNIFICANT

Senate Status: 03/22/23 - Senate Judiciary Committee deferred to the first calendar of 2024.

House Status: 02/07/23 - Referred to House Health Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 34, Chapter 6, Part 2 and Title 68, relative to persons authorized to make health care decisions for patients.



Insurance

SB460/HB607 INSURANCE HEALTH: Timeframe for utilization review agents to notify enrollees for more information.

<i>Sponsors:</i>	Sen. Watson, Bo , Rep. Hale, Michael
<i>Summary:</i>	Lowers, from five to four business days, the amount of time a utilization review agents must notify the enrollee and the healthcare provider in writing or electronic portals of the need for additional information in order to make a determination on a request for authorization.
<i>Amendment Summary:</i>	Senate amendment 1 (004467) rewrites this bill to make changes relative to the coverage of complex rehabilitation technology (CRT) by health insurance entities and managed care organizations. This amendment prohibits a health insurance entity that offers health insurance coverage of CRT or manual wheelchairs from requiring a prior authorization for repairs of such technology or equipment unless: (1) The repairs are covered under a manufacturer's warranty; (2) The cost of the repairs exceeds the cost to replace the CRT or manual wheelchair; or (3) The CRT or manual wheelchair in need of repair is subject to replacement because the age of the CRT or manual wheelchair exceeds, or is within one year of the expiration of, the recommended lifespan of the CRT or manual wheelchair. This amendment prohibits a health maintenance organization, behavioral health organization, or managed health insurance issuer that participates in the TennCare program ("managed care organization") from requiring a participant in the TennCare program to obtain and submit a prior authorization for repairing CRT or manual wheelchairs unless the conditions in (1)-(3) exist. This bill applies to contracts entered into, amended, or renewed on or after July 1, 2023.
<i>Fiscal Note:</i>	(Dated January 26, 2023) NOT SIGNIFICANT
<i>Senate Status:</i>	03/30/23 - Senate passed with amendment 1 (004467).
<i>House Status:</i>	04/21/23 - House passed.
<i>Executive Status:</i>	05/22/23 - Enacted as Public Chapter 0447 effective July 1, 2023.
<i>Public Chapter:</i>	PC447.pdf
<i>Caption:</i>	AN ACT to amend Tennessee Code Annotated, Title 56 and Title 71, relative to prior authorization.
<i>Position:</i>	SUPPORT

SB673/HB626 INSURANCE HEALTH: Health benefit coverage for prosthetic devices.

<i>Sponsors:</i>	Sen. Reeves, Shane , Rep. Jernigan, Darren
<i>Summary:</i>	Requires health benefit plans to provide certain coverage for prosthetic devices including repairs and replacements. Broadly captioned.



Fiscal Note: (Dated April 5, 2023) Increase State Expenditures - \$4,290,700/FY23-24 and Subsequent Years Increase Local Expenditures - \$5,000/FY23-24 and Subsequent Years*

Senate Status: 02/02/23 - Referred to Senate Commerce & Labor Committee.

House Status: 02/01/23 - Referred to House Insurance Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 56, relative to prosthetic devices.

Intellectual Disability

SB267/HB315 HEALTH CARE: Intermediate care facilities for individuals with intellectual disabilities - allowable number of beds.

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

Summary: Increases the allowable number of beds in private for-profit and private not-for-profit intermediate care facilities for individuals with intellectual disabilities from 668 to 804. Allows for private for-profit and private not-for-profit to be transferred from one location to another. Requires that an available private bed be filled only upon completion of a community-informed choice process established by the department of intellectual and developmental disabilities to ensure the most cost-effective placement with consideration for the individual's freedom of choice. Allows a facility to refuse persons based on the facility's compatibility needs. Part of Administration Package.

Amendment Summary: House amendment 1 (006424) incorporates the changes made by Senate Amendment 2 but requires the department of intellectual and developmental disabilities to use the data from cost reports submitted by providers to the comptroller of the treasury in order to determine the statewide available occupancy, instead of requiring the comptroller to make the determination.

Fiscal Note: (Dated February 3, 2023) NOT SIGNIFICANT

Senate Status: 04/13/23 - Senate concurred in House amendment 1 (006424).

House Status: 04/10/23 - House passed with amendment 1 (006424).

Executive Status: 05/02/23 - Enacted as Public Chapter 0254 effective April 28, 2023.

Public Chapter: PC254.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 1, relative to intermediate care facilities for individuals with intellectual disabilities.



Juvenile Justice

SB509/HB720 CRIMINAL LAW: Interrogation of a child in custody due to suspicion of a delinquent act or unruly conduct.

Sponsors: Sen. Lamar, London , Rep. Sparks, Mike
Summary: Requires a child that is taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home to be informed of the reason the child was taken into custody, the right to be released to a parent or guardian within a reasonable time, the right to legal counsel, and the right to have the child's parent or guardian present during any interview or interrogation.
Fiscal Note: (Dated February 19, 2023) Increase Local Expenditures Exceeds \$40,200/FY23-24* Exceeds \$6,700/FY24-25 and Subsequent Years*
Senate Status: 03/28/23 - Senate Judiciary Committee deferred to the first calendar of 2024.
House Status: 04/04/23 - Returned to House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, relative to juvenile justice.

Mental Health

SB179/HB508 MENTAL HEALTH: Courts may order person into a program of assisted outpatient mental health treatment.

Sponsors: Sen. Massey, Becky , Rep. Rudd, Tim
Summary: Allows courts to order a person into a program of assisted outpatient mental health treatment upon finding certain conditions are met, including the person's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the person will pose a substantial likelihood of serious harm to other persons. Provides a process for certain persons to petition a court on behalf of a proposed patient, including a parent, legal guardian, physician psychologist, or law enforcement officer. Establishes criteria for the evaluation of proposed patients and reporting to the court by physicians and certain mental health professionals. (18 pp.)
Fiscal Note: (Dated April 6, 2023) Increase State Expenditures \$714,200/FY23-24 \$1,123,000/FY24-25 and Subsequent Years Increase Federal Expenditures \$95,800/FY23-24 \$150,600/FY24-25 and Subsequent Years
Senate Status: 01/21/23 - Referred to Senate Health & Welfare Committee.
House Status: 02/08/23 - Referred to House Health Subcommittee.



Caption: AN ACT to amend Tennessee Code Annotated, Title 33, relative to mental health treatment.

SB553/HB305 MENTAL HEALTH: Revises references for mental defect or mentally defective throughout code.

Sponsors: Sen. Kyle, Sara , Rep. Camper, Karen
Summary: Changes references for mental defect, mental defective, and mentally defective to mental health condition throughout the code. Broadly captioned.
Fiscal Note: (Dated January 31, 2023) NOT SIGNIFICANT
Senate Status: 03/21/23 - Taken off notice in Senate Judiciary Committee.
House Status: 03/29/23 - Taken off notice in House Health Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 16; Title 33; Title 37; Title 38; Title 39; Title 41; Title 57; Title 62 and Title 71, relative to mental health.

SB700/HB268 CRIMINAL LAW: Crisis intervention services contact information to victims.

Sponsors: Sen. Crowe, Rusty , Rep. Terry, Bryan
Summary: Requires a law enforcement agency to provide victims of crime with the contact information for crisis intervention services and emergency and medical services, in addition to the availability of any such services. Broadly captioned.
Fiscal Note: (Dated January 22, 2023) NOT SIGNIFICANT
Senate Status: 02/02/23 - Referred to Senate Judiciary Committee.
House Status: 01/24/23 - Referred to House Criminal Justice Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Title 38; Title 39; Title 40 and Title 68, relative to services for certain victims of crime.



Miscellaneous

SB342/HB1230 MISCELLANEOUS: TN - exemption from daylight saving time.

<i>Sponsors:</i>	Sen. Campbell, Heidi , Rep. Hemmer, Caleb
<i>Summary:</i>	Exempts the entire state of Tennessee and all its political subdivisions from the observance of daylight saving time should the commissioners of transportation for the states of Alabama, Arkansas, Georgia, Kentucky, Mississippi and North Carolina certify to the speakers of both chambers of the general assembly that they have exempted themselves from daylight saving time. Requires the general assembly to confirm receipt of these certifications by joint resolution. Provides that the exemption would take effect on the first day of January following compliance with the exemption requirements.
<i>Amendment Summary:</i>	House State Government Committee amendment 1 (006495) exempts Tennessee and all its political subdivisions from the observance of daylight saving time if the Commissioner of the Department of Transportation (TDOT) certifies in writing to the Speakers of the Senate and the House of Representatives that the states of Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, and Virginia have exempted themselves from the provisions of U.S.C. § 260 (pertaining to observance of daylight saving time) and the General Assembly, by joint resolution, confirms the receipt of the certification. Should such exemption be certified, the exemption from daylight saving time would begin on the first day of January following compliance with the abovementioned requirements.
<i>Fiscal Note:</i>	(Dated January 24, 2023) NOT SIGNIFICANT
<i>Senate Status:</i>	04/06/23 - Re-referred to Senate Calendar Committee.
<i>House Status:</i>	04/05/23 - Failed in House State Government Committee after adopting amendment 1 (006495).
<i>Caption:</i>	AN ACT to amend Tennessee Code Annotated, Section 4- 1-401, relative to daylight saving time.
<i>Position:</i>	SUPPORT



Professions & Licensure

SB451/HB165 PROFESSIONS & LICENSURE: Use of service animal or training of service animal.

<i>Sponsors:</i>	Sen. Lowe, Adam , Rep. Butler, Ed
<i>Summary:</i>	Authorizes an employee of a public accommodation to ask for certain information about a dog guide in training. Specifies that an individual utilizing a service animal or training a service animal in training is liable for damages to the same extent that an individual whose pet causes damages to a public accommodation is liable. Makes other related changes to service animals and service animals in training.
<i>Amendment Summary:</i>	House amendment 1 (004478) makes the following changes to this bill: (1) Authorizes a place of public accommodation, amusement, or recreation to ask a person to remove a dog guide or dog guide in training from the premises if the dog is out of control and its handler does not take effective action to control it; or the dog is not housebroken; and (2) Clarifies that a violation of this bill, except for the provisions relative to misrepresentations, is a Class C misdemeanor.
<i>Fiscal Note:</i>	(Dated January 23, 2023) NOT SIGNIFICANT
<i>Senate Status:</i>	04/03/23 - Senate concurred in House amendment 1 (004478).
<i>House Status:</i>	03/23/23 - House passed with amendment 1 (004478).
<i>Executive Status:</i>	05/02/23 - Enacted as Public Chapter 0194 effective July 1, 2023.
<i>Public Chapter:</i>	PC194.pdf
<i>Caption:</i>	AN ACT to amend Tennessee Code Annotated, Title 8; Title 39; Title 44 and Title 62, Chapter 7, Part 1, relative to service animals.

SB898/HB521 PROFESSIONS & LICENSURE: Creates the professional music therapist advisory committee.

<i>Sponsors:</i>	Sen. Akbari, Raumesh , Rep. Dixie, Vincent
<i>Summary:</i>	Creates the professional music therapist advisory committee of the board of examiners in psychology to regulate the practice of music therapy. Specifies membership and terms of advisory committee. Requires the advisory committee to meet at least twice a year and allows the committee to hold additional meetings as the advisory committee may determine necessary to carry out its duties. Specifies duties of advisory committee (15 pp.).
<i>Amendment Summary:</i>	House Health Committee amendment 1, Senate Health & Welfare Committee amendment 1 (004980) creates the Professional Music Therapy Advisory Committee of the Board of Examiners in Psychology (Committee). Establishes the Committee is to consist of five members, to be appointed by the Governor, who must be certified professional music therapists and must be actively engaged in the practice or teaching of music therapy in this state at the time of their appointment. Authorizes the Committee to issue



certificates to qualified applicants, which will be valid for 24 months from the date of issuance. Entitles members to travel and other appropriate expenses while engaged in Committee business. Requires the Division of Health-Related Boards in the Department of Health (DOH) to provide administrative support to the Committee. Authorizes the Committee to promulgate rules to implement the proposed legislation. Places the Committee under sunset review with the first termination date on June 30, 2025. Takes effect January 1, 2024. House Government Operations Committee amendment 1, Senate Government Operations Committee amendment 1 (006707) creates the Professional Music Therapy Advisory Committee of the Board of Examiners in Psychology (Committee). Establishes the Committee is to consist of five members, to be appointed by the Governor, who must be certified professional music therapists and must be actively engaged in the practice or teaching of music therapy in this state at the time of their appointment. Authorizes the Committee to issue certificates to qualified applicants, which will be valid for 24 months from the date of issuance. Prohibits a person from representing to be, or functioning as, a professional music therapist in this state unless the person holds a valid certificate issued by the Committee. Establishes that the proposed legislation does not prohibit the use of music intervention in a non-clinical, non-therapeutic manner by persons who do not represent themselves as music therapists or through a program that is not represented to be a music therapy program, including the Person-Centered Music Program administered by the Commission on Aging and Disability. Entitles members to travel and other appropriate expenses while engaged in Committee business. Requires the Division of Health-Related Boards in the Department of Health (DOH) to provide administrative support to the Committee. Authorizes the Committee to promulgate rules to implement the proposed legislation. Places the Committee under sunset review with the first termination date on June 30, 2025. Takes effect January 1, 2024.

Fiscal Note: (Dated February 11, 2023) Increase State Revenue \$40,000/FY23-24/Board of Medical Examiners \$40,000/FY24-25/Board of Medical Examiners \$24,000/FY25-26 and Subsequent Years/ Board of Medical Examiners Increase State Expenditures \$88,700/FY23-24/Board of Medical Examiners \$82,500/FY24-25 and Subsequent Years/ Board of Medical Examiners Other Fiscal Impact Pursuant to Tenn. Code Ann. 4-29-121, all health-related boards are required to be self-supporting over a two-year period. The Board of Medical Examiners had an annual surplus of \$937,379 in FY20-21, an annual surplus of \$902,739 in FY21-22, and a cumulative reserve balance of \$3,289,036 on June 30, 2022.

Senate Status: 04/12/23 - Re-referred to Senate Calendar Committee.

House Status: 04/12/23 - Taken off notice in House Finance, Ways & Means Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 4 and Title 63, Chapter 11, relative to music therapy.



TennCare/Medicaid

SB308/HB332 TENNCARE: Contracting with managed care organizations.

Sponsors: Sen. Hensley, Joey , Rep. Cepicky, Scott

Summary: Requires the bureau to contract with at least one managed care organization that is partnered with a provider participation entity. Establishes eligibility requirements for such entities to contract with TennCare. Prohibits TennCare from choosing managed care organizations through a request for proposal or competitive bidding process beginning January 1, 2024. Makes other various changes including eligibilities for contracts with TennCare, financial risk factors, characteristics of the governing body of the provider participation entity involved with TennCare, and report submission for TennCare eligibility qualifications and standards. Broadly captioned.

Fiscal Note: (Dated March 13, 2023) Increase State Expenditures - \$26,500/FY23-24
Other Fiscal Impact The proposed legislation may result in changes to contract structures and negotiated prices with the TennCare program which would result in an increase in state expenditures. Any such increase is dependent on multiple unknown variables and cannot be reasonably determined. HB 332 - SB 308

Senate Status: 03/20/23 - Failed in Senate Commerce & Labor Committee.

House Status: 03/21/23 - Taken off notice in House Insurance Committee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 56; Title 68 and Title 71, relative to managed care organizations.

SB363/HB371 TENNCARE: Claims seeking recovery against the estates of deceased ABLE account beneficiaries.

Sponsors: Sen. Massey, Becky , Rep. Darby, Tandy

Summary: Prohibits the state from filing certain claims seeking recovery against the estates of deceased ABLE account beneficiaries.

Fiscal Note: (Dated February 10, 2023) NOT SIGNIFICANT

Senate Status: 02/23/23 - Senate passed.

House Status: 02/27/23 - House passed.

Executive Status: 03/20/23 - Enacted as Public Chapter 0044 effective March 14, 2023.

Public Chapter: PC44.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 4, Part 8, relative to qualified ABLE accounts.

Position: **SUPPORT**

SB425/HB800



FAMILY LAW: Report on objections received to services being provided by religious organizations.

Sponsors: Sen. Johnson, Jack , Rep. Zachary, Jason
Summary: Requires the department of children's services and the department of human services to annually report to the judiciary committee of the senate and the children and family affairs subcommittee of the house of representatives the number of objections received to children, health, or human services being provided by religious organizations. Specifies that the report must identify each objection by county where the objection occurred for the immediately preceding calendar year. Broadly captioned.
Fiscal Note: (Dated January 26, 2023) NOT SIGNIFICANT
Senate Status: 01/26/23 - Referred to Senate Judiciary Committee.
House Status: 02/02/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 12; Title 29; Title 33; Title 36; Title 39; Title 40; Title 50; Title 56; Title 63 and Title 68, relative to the right to object.

SB440/HB780 HEALTH CARE: Date change for the accounting of expenditures for long-term care facilities.

Sponsors: Sen. Jackson, Ed , Rep. Helton-Haynes, Esther
Summary: Requires the accounting of long-term care expenditures for nursing facility services; home and community-based services made under the CHOICES long-term healthcare program; and employment and Community First CHOICES services under a waiver amendment to the TennCare II demonstration, provided by the bureau of TennCare to the general assembly and interested persons, to include prior fiscal year actual expenditures and projected current fiscal year expenditures no later than January 15 of each year, instead of February 1 of each year. Broadly captioned.
Fiscal Note: (Dated January 26, 2023) NOT SIGNIFICANT
Senate Status: 01/30/23 - Referred to Senate Health & Welfare Committee.
House Status: 02/02/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 68 and Title 71, relative to long-term care.

SB459/HB416 TENNCARE: PACE program.

Sponsors: Sen. Watson, Bo , Rep. Hemmer, Caleb
Summary: Directs the bureau to establish, by January 1, 2024, a statewide program of all-inclusive care for the elderly (PACE) to provide comprehensive, integrated acute and long-term care services for qualifying frail, elderly individuals who require nursing facility levels of care. Sets minimum



program enrollment limits. Authorizes the director to seek any federal waiver the director deems necessary to establish the program.

Fiscal Note: (Dated March 11, 2023) Increase State Expenditures - Net Impact - \$4,013,900/FY23-24 \$8,027,700/FY24-25 and Subsequent Years Increase Federal Expenditures - Net Impact - \$7,615,500/FY23-24 \$15,230,900/FY24-25 and Subsequent Years

Senate Status: 03/22/23 - Taken off notice in Senate Health & Welfare Committee.

House Status: 02/01/23 - Referred to House Insurance Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 71, relative to TennCare.

SB546/HB553 TENNCARE: Mailing documentation of material change by TennCare applicant.

Sponsors: Sen. Briggs, Richard , Rep. Littleton, Mary

Summary: Reduces from 30 days to 15 days the time within which an applicant is responsible for mailing documentation of any material change affecting any information given to the bureau or in the applicant's application. Broadly captioned.

Fiscal Note: (Dated January 26, 2023) NOT SIGNIFICANT

Senate Status: 01/30/23 - Referred to Senate Health & Welfare Committee.

House Status: 02/01/23 - Caption bill held on House clerk's desk.

Caption: AN ACT to amend Tennessee Code Annotated, Title 68 and Title 71, relative to TennCare.

SB797/HB856 TENNCARE: Removes obsolete reference to task force assigned to review ICF/MR services.

Sponsors: Sen. Oliver, Charlane , Rep. Jernigan, Darren

Summary: Deletes an obsolete reference to a nine-person task force that was assigned to review oversight, utilization, and the future need for ICF/MR services and make recommendations to the general assembly and governor by June 30, 2007. Broadly captioned.

Fiscal Note: (Dated January 31, 2023) NOT SIGNIFICANT

Senate Status: 02/06/23 - Referred to Senate Commerce & Labor Committee.

House Status: 02/02/23 - Caption bill held on House clerk's desk.

Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 56 and Title 71, relative to TennCare.

SB1016/HB890 WELFARE: Patient Protection and Affordable Care Act.

Sponsors: Sen. Campbell, Heidi , Rep. Glynn, Ronnie



Summary: Removes the statutory provision that currently prohibits the governor from making a decision or obligating the state with regard to the expansion of optional enrollment in the medicaid program pursuant to the federal Patient Protection and Affordable Care Act unless the governor is authorized to do so by joint resolution of the general assembly.

Fiscal Note: (Dated March 9, 2023) NOT SIGNIFICANT

Senate Status: 02/06/23 - Referred to Senate Commerce & Labor Committee.

House Status: 02/02/23 - Caption bill held on House clerk's desk.

Caption: AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, relative to medicaid.

SB1205/HB686 CRIMINAL LAW: Victim advocate's communication - disclosure of certain info prohibited.

Sponsors: Sen. Campbell, Heidi , Rep. Freeman, Bob

Summary: Prohibits an advocate from disclosing any communication received by the advocate from a victim, records regarding a victim stored by the advocate, counseling the victim received, crisis intervention the victim receiving, or the location of the shelter that accommodated the victim during any judicial, legislative, or administrative proceeding unless the victim waives this right by written consent. Allows the court to compel disclosure if the information is deemed relevant and material evidence, the probative value of the information outweighs the harmful effect of disclosure, and the information cannot be obtained by reasonable means from any other source.

Amendment Summary: Senate amendment 1 (005093) revises the provisions relative to a court's ability to compel disclosure, to provide that this bill does not limit the ability of a court to compel disclosure if, upon the motion of a party, the court determines after an in-camera review that: (1) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act that is the subject of a criminal proceeding or a proceeding brought by the department of children's; (2) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the victim-advocate relationship, and the treatment services; and (3) The information cannot be obtained by reasonable means from any other source.

Fiscal Note: (Dated March 1, 2023) NOT SIGNIFICANT

Senate Status: 04/13/23 - Senate passed with amendment 1 (005093).

House Status: 04/13/23 - House passed.

Executive Status: 05/02/23 - Enacted as Public Chapter 0282 effective July 1, 2023.

Public Chapter: PC282.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 24; Title 36 and Title 39, relative to a victim advocate's communications.



SB1339/HB1215 HEALTH CARE: Reimbursement prohibited for certain procedures relating to gender identity.

Sponsors: Sen. Johnson, Jack , Rep. Sexton, Cameron

Summary: Prohibits any managed care organization that contracts with the bureau of TennCare to provide medical assistance from providing reimbursement or coverage for a medical procedure if the performance or administration of the procedure is for the purpose of enabling a person to identify with, or live as, a purported identity inconsistent with the person's sex, or treating purported discomfort or distress from a discordance between a person's sex and asserted identity. Broadly captioned.

Amendment Summary: House Insurance Committee amendment 1 (003881) prohibits a managed care organization (MCO) that contracts with the Division of TennCare (Division) to provide medical assistance from providing reimbursement or coverage for a medical procedure if the performance or administration of the procedure is for the purpose of enabling a person to identify with, or live as, a purported identity inconsistent with the person's sex, or treating purported discomfort or distress from a discordance between a person's sex and asserted identity. Prohibits the Division from contracting with any MCO to provide medical assistance if the MCO provides reimbursement or coverage for such medical procedures through: (1) a private health insurance program regulated by the state; (2) a state or local insurance program in this state or another state; or (3) any other program for insurance or medical assistance regulated or administered by another state. Requires the Division to revise or amend all necessary contracts within 30 days of the effective date of the legislation to ensure compliance. Requires an MCO that is in violation to come into compliance no later than 90 days after the effective date of the proposed legislation, and provide documentation of the compliance to the Division within 120 days. Authorizes the Department of Commerce and Insurance (DCI) to periodically review each MCO to ensure compliance. Requires the Division, upon being notified by the DCI, to immediately provide notice of any finding of noncompliance to an MCO. Grants an MCO the ability to contest a finding and request a contested case hearing. States that an MCO that violates the proposed legislation is no longer eligible to contract with the Division to provide medical assistance. House Finance Subcommittee amendment 1 (005645) prohibits a managed care organization (MCO) that contracts with the Division of TennCare (Division) to provide medical assistance from providing reimbursement or coverage for a medical procedure if the performance or administration of the procedure is for the purpose of enabling a person to identify with, or live as, a purported identity inconsistent with the person's sex, or treating purported discomfort or distress from a discordance between a person's sex and asserted identity. Prohibits the Division from contracting with any MCO to provide medical assistance if the MCO provides reimbursement or coverage for such medical procedures through: (1) a private health



insurance program regulated by the state; (2) a state or local insurance program in this state or another state; or (3) any other program for insurance or medical assistance regulated or administered by another state. Creates an exception for medical procedures performed or administered to treat a person's congenital defect, precocious puberty, disease, or physical injury. Authorizes the Division to seek a waiver from the federal Department of Health and Human Services, if necessary. Requires the Division to revise or amend all necessary contracts within 30 days of finalizing an amended waiver to ensure compliance with the proposed legislation. Requires the Department of Commerce and Insurance (DCI) to conduct an initial review of an MCO that is contracting with the Division no later than 90 days after the effective date of the proposed legislation. Authorizes the DCI to periodically review each MCO to ensure compliance, and notify the MCO and Division of a violation. Requires an MCO to remedy a violation within 30 days of receiving notice. Requires the Division to begin the process of replacing an MCO if the MCO does not remedy a violation within the 30-day time period.

Fiscal Note:

(Dated February 12, 2023) Other Fiscal Impact The proposed legislation may result in changes to contract structures and negotiated prices with the TennCare program which would result in an increase in state expenditures. Any such increase is dependent on multiple unknown variables and cannot be reasonably determined.

Senate Status:

02/06/23 - Referred to Senate Commerce & Labor Committee.

House Status:

04/18/23 - Returned to House clerk's desk.

Caption:

AN ACT to amend Tennessee Code Annotated, Title 4; Title 56; Title 68 and Title 71, relative to managed care organizations.

SB1442/HB501 TENNCARE: Katie Beckett program report in electronic format.

Sponsors:

Sen. Roberts, Kerry , Rep. Rudd, Tim

Summary:

Allows the bureau of TennCare and the department of intellectual and developmental disabilities to issue their annual joint report on the status of the Katie Beckett program in an electronic format.

Fiscal Note:

(Dated January 27, 2023) NOT SIGNIFICANT

Senate Status:

02/06/23 - Referred to Senate Commerce & Labor Committee.

House Status:

02/01/23 - Caption bill held on House clerk's desk.

Caption:

AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 56; Title 63; Title 68 and Title 71, relative to medical assistance.



Transportation

SB80/HB140 TRANSPORTATION VEHICLES: Precious Cargo Act provisions revised.

Sponsors: Sen. Massey, Becky , Rep. Howell, Dan
Summary: Authorizes the department of revenue, in cooperation with other governmental agencies or interested nonprofit organizations, to publicize to potential participants the availability, under the Precious Cargo Act of 2021, of a designation within the Tennessee Vehicle Title and Registration System (VTRS) database of a need for assistance with expressive language or communicating needs to first responders. Broadly captioned.
Fiscal Note: (Dated January 23, 2023) NOT SIGNIFICANT
Senate Status: 01/20/23 - Referred to Senate Transportation & Safety Committee.
House Status: 01/20/23 - Caption bill held on House clerk's desk.
Caption: AN ACT to amend Tennessee Code Annotated, Title 4; Title 54; Title 55; Title 65 and Title 67, relative to transportation.

SB107/HB257 TRANSPORTATION VEHICLES: Clarification of motor vehicle ownership.

Sponsors: Sen. Powers, Bill , Rep. Bulso, Gino
Summary: Clarifies that an owner or lessee of a motor vehicle who is the parent, legal guardian, or conservator of a person who has an intellectual or developmental disability or medical condition, who may be operating the owner's or lessee's vehicle, and who needs assistance in communicating specific needs to law enforcement and first responders, may apply for a designation of such person's need in the Tennessee Vehicle Title and Registration System (VTRS) database.
Amendment Summary: Senate amendment 1 (004573) clarifies that if the applicant for the designation of need for assistance in the Tennessee Vehicle Title and Registration System (VTRS) database is a conservator, then the conservator must also verify that a court in this state granted, through the issuance of an order, the authority to release health-related information and submit with the application a copy of the conservatorship appointment order or letters of conservatorship or both, with the right granted to the conservator listed in the order or letters, as applicable. Only upon the receipt of the written statement and a copy of the conservatorship appointment order or letters of conservatorship required by a conservator must the department cause the operator's status to be ordered into the VTRS database.
Fiscal Note: (Dated February 23, 2023) NOT SIGNIFICANT
Senate Status: 03/16/23 - Senate passed with amendment 1 (004573).
House Status: 01/24/23 - Referred to House Transportation Subcommittee.



Caption: AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 21, Part 3, relative to the 2021 Precious Cargo Act.

Position: **SUPPORT**

SB232/HB25 TRANSPORTATION VEHICLES: TDOT to report recommendations for improvement for transportation services for passengers with disabilities.

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

Summary: Requires the department of transportation to report by February 1, 2024, to the house transportation committee and the senate safety committee on recommendations for change to improve transportation services for passengers with disabilities.

Fiscal Note: (Dated January 12, 2023) NOT SIGNIFICANT

Senate Status: 01/21/23 - Referred to Senate Transportation & Safety Committee.

House Status: 01/12/23 - Caption bill held on House clerk's desk.

Caption: AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 10, relative to transportation services.

SB257/HB76 TRANSPORTATION VEHICLES: Eliminates the disabled license plate fee for eligible parents or guardians.

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

Summary: Exempts the disabled license plate fees for a parent or guardian of an individual that is permanently confined to a wheelchair and does not own or operate a vehicle. Part of Administration Package.

Fiscal Note: (Dated January 27, 2023) Decrease State Revenue \$27,700/FY23-24/Highway Fund \$600/FY23-24/General Fund \$55,300/FY24-25 and Subsequent Years/Highway Fund \$1,100/FY24-25 and Subsequent Years/General Fund

Senate Status: 02/27/23 - Senate passed.

House Status: 03/06/23 - House passed.

Executive Status: 03/27/23 - Enacted as Public Chapter 0052 effective January 1, 2024.

Public Chapter: PC52.pdf

Caption: AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 21, Part 1 and Title 55, Chapter 4, Part 2, relative to registration plates.

SB402/HB661 TRANSPORTATION VEHICLES: Physical therapists can issue certified statements of disability for registration plate.



Sponsors: Sen. Massey, Becky , Rep. Hicks, Tim
Summary: Authorizes licensed physical therapists to issue certified statements of disability in same manner as physicians for a person's application for a disabled registration plate, decal, or placard.
Fiscal Note: (Dated February 1, 2023) NOT SIGNIFICANT
Senate Status: 02/13/23 - Senate passed.
House Status: 03/13/23 - House passed.
Executive Status: 04/11/23 - Enacted as Public Chapter 0089 effective March 31, 2023.
Public Chapter: PC89.pdf
Caption: AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 21, relative to certified statements of disability.

SB1450/HB42 TRANSPORTATION VEHICLES: Pilot program exempting driver of motorcycle from crash helmet requirement.

Sponsors: Sen. Roberts, Kerry , Rep. Reedy, Jay
Summary: Creates a pilot program to authorize drivers and passengers of motorcycles, motorized bicycles or motor-driven cycles, including passengers in unenclosed side cars or cabs attached to these vehicles, who are age 21 or older to choose whether or not to wear a crash helmet under certain circumstances. During the program, the driver and passengers must be 21 years of age or older and maintain medical or health insurance that is not provided under medicaid or through the bureau of TennCare. Prohibits law enforcement officers from issuing a citation for violation except when issuing a citation for another separate traffic violation. Provides that the four-year pilot program begin on July 1, 2023, and end on July 1, 2027, and operate during the first week in September and the last week of May annually.
Fiscal Note: (Dated February 24, 2023) NOT SIGNIFICANT
Senate Status: 03/15/23 - Taken off notice in Senate Transportation & Safety Committee.
House Status: 03/08/23 - Failed in House Transportation Subcommittee.
Caption: AN ACT to amend Tennessee Code Annotated, Section 55-9-302, relative to crash helmet requirements for riders and passengers of motorcycles, motorized bicycles, and motor-driven cycles.
Position: **OPPOSE**



Welfare

SB778/HB709 WELFARE: Required authorization to accepting or renewing a waiver of work requirements by the Supplemental Nutrition Assistance Program.

Sponsors: Sen. Stevens, John , Rep. Littleton, Mary

Summary: Requires the department of human services to obtain specific authorization from the general assembly before seeking, applying for, accepting, or renewing a waiver of work requirements established by the Supplemental Nutrition Assistance Program. Prohibits the department from exercising the state's option to provide an exemption from the work requirement.

Fiscal Note: (Dated March 11, 2023) Increase State Expenditures \$139,438,500/FY23-24 \$139,043,500/FY24-25 and Subsequent Years Increase Federal Expenditures \$361,825,100/FY23-24 \$361,430,000/FY24-25 and Subsequent Years

Senate Status: 03/22/23 - Taken off notice in Senate Health & Welfare Committee.

House Status: 03/21/23 - Taken off notice in House Health Subcommittee.

Caption: AN ACT to amend Tennessee Code Annotated, Title 71, relative to the food stamp program.