

2018 Education Legislation Explained

[Public Chapter 573](#) – This new law exempts certain supervisors, principals, and public-school teachers (educators) from having to take an assessment to advance or renew a teaching license under certain circumstances. Starting July 1, 2018, educators will not be required to take an assessment to advance or renew a license if:

1. At the time of application for an initial license, the educator possesses an active professional license in a state that has a reciprocal agreement with the State Board;
2. At the time of application for advancement or renewal of a license, the educator is employed to serve or teach courses in the individual's area of endorsement in a public school in this state; and
3. The educator earned an overall performance effectiveness level of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines adopted by the State Board, in each of the first two years immediately following the issuance of the individual's initial license.

[Public Chapter 661](#) – This new law explicitly allows local boards of education to participate in local Other Post-Employment Benefit (OPEB) trusts. Another law was enacted allowing districts to participate in a state OPEB trust. Public Chapter 661 adds clarifying language to ensure boards have the authority to participate in local OPEB trusts.

[Public Chapter 672](#) – This new law states that the department of education and state board of education are prohibited from mandating any additional statewide assessments until the 2020-2021 school year. It does not apply to assessments required by federal law, assessments required for the implementation of response to instruction and intervention (RTI²), and required field tests. It also allows districts to voluntarily participate in assessments developed by the department of education. Finally, it requires the department of education to provide a report to the General Assembly detailing all actions or procedures that have been implemented to ensure all data associated with existing assessments is accurate and timely.

[Public Chapter 715](#) – This new law requires the department of education to develop a policy establishing a review period for LEAs to review and verify accountability data files and determinations before the information is released publicly by the department. The review period must be at least ten (10) business days. The state board of education is required to adopt the policy developed by the department of education.

[Public Chapter 751](#) – This new law states that for the 2017-2018 school year, employment termination and compensation decisions for pre-kindergarten or kindergarten teachers cannot be based solely on data generated by the pre-kindergarten/kindergarten growth portfolio model. Additionally, districts are required to notify all teachers evaluated under a growth portfolio model of training and professional development opportunities available on the growth model. Finally, prior to the 2018-2019 school year, the department of education must study the growth model and include feedback from pre-kindergarten and kindergarten teachers, as well as other teachers using other growth portfolio models.

[Public Chapter 881](#) – This new law allows LEAs to choose from a range between zero and fifteen (0-15%) percent when determining how much TNReady scores will count in a student's final grade for the spring semester. It also prevents the use of 2017-2018 TNReady student performance and student growth data in the A-F letter grading system, when identifying priority schools, and when determining if a school should be assigned to the Achievement School District. The law also prevents LEAs from basing employment termination and compensation decision for teachers on data generated by the 2017-2018 TNReady assessments. Finally, the law states that if an assessment vendor misadministers an assessment they must report the incident to the department of education and LEA, reimburse the LEA if there is not a reportable score, and allows students to take the assessment again at no charge.

[Public Chapter 935](#) – This new law requires a director of schools to report educators to the state board of education if they are convicted of certain offenses. It also requires a director of schools to report to the state board licensed educators who have been suspended or dismissed, or who have resigned, following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for license suspension or revocation under state board of education rules. If a director fails to report the educator to the state board of education, the state board may issue a public reprimand and must send a copy of the reprimand to the director of schools and the local board of education. This law also defines sexual misconduct as any sexually related behavior with a child or student, regardless of the age of the child or student, whether verbal, nonverbal, written, physical, or electronic that is designed to establish a sexual relationship with the child or student. The law also provides descriptions and examples of sexual misconduct.

[Public Chapter 938](#) – This new law prohibits an LEA from entering into, or requiring an opposing party to enter into, a non-disclosure agreement during a settlement, or as a prerequisite to settlement, for any act of sexual misconduct. Subject to certain exceptions, this bill prohibits an LEA from assisting a school employee, contractor, or agent in obtaining a new job if the employee knows, or has probable cause to believe, that the person seeking a job change engaged in sexual misconduct regarding a minor or student. The law also authorizes an LEA to request a personnel file regarding any person seeking employment in the LEA from any LEA in which the person seeking employment worked previously for the purposes of determining if sexual misconduct has occurred. An LEA receiving such request to provide the file must send the file to the requesting LEA within 10 business days.

[Public Chapter 948](#) – This new law states that any voluntary association that establishes and enforces bylaws or rules for interscholastic sports competition for public secondary schools is subject to an annual audit by the comptroller of the treasury. The comptroller may accept the association’s audit. Further, this law states that public schools shall not use public funds to join, become members of, or maintain membership in an association that regulates interscholastic athletics unless the association voluntarily complies with the open meetings law. The law does allow the association to close a meeting, or a portion of a meeting, if confidential student information is being discussed.

[Public Chapter 958](#) – This new law makes several changes to the progressive truancy intervention requirements that were enacted last year. The first change will update and align the progressive truancy intervention tiers with the requirement to refer a student to juvenile court. It also contains a provision that allows the LEA to file a truancy petition if the school can document that the student’s parent or guardian is unwilling to cooperate in the progressive truancy intervention plan. Finally, it adds assault that results in bodily injury to the list of zero tolerance offenses.

[Public Chapter 976](#) – This new law requires districts to ensure elementary school students receive no less than sixty (60) minutes of physical education each full school week. The class must meet at least two (2) times per full school week. Public Chapter 99 from 2016 required elementary school students to receive one hundred thirty (130) minutes of physical activity. The language from that public chapter also states that the physical activity requirement may work in conjunction with a school’s physical education program. As a result, physical education time may be used to meet the physical activity requirement.

[Public Chapter 1026](#) – This new law states that no adverse action may be taken against any student, teacher, school, or LEA based, in whole or in part, on student achievement data generated from the 2017-2018 TNReady assessments. Examples of adverse action include, but are not limited to, the identification of a school as a priority school and the assignment of a school to the achievement school district.