

HOUSE BILL 1348

By Weaver

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 49, Chapter 1, Part 2; Title 49, Chapter 1, Part 3; Title 49, Chapter 1, Part 6; Title 49, Chapter 1, Part 7 and Title 49, Chapter 6, relative to curriculum standards.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-309, is amended by adding the following language as a new subsection:

The department of education shall not withhold state funds from an LEA for the failure to adopt or use the state academic content standards or statewide assessments adopted by the state board of education and the department of education.

SECTION 2. Tennessee Code Annotated, Section 49-1-309(b), is amended by deleting the subsection and substituting instead the following:

The state board and the department shall not adopt or implement state academic content standards developed by any similar initiative process or program including, but not limited to, the common core state standards, CSCOPE, the Next Generation Science Standards, or the National Sexuality Standards, as the state academic content standards for the subjects of English language arts, math, history, social studies, science, and technical subjects.

SECTION 3. Tennessee Code Annotated, Section 49-1-309(c), is amended by designating the existing language as subdivision (c)(1) and by designating the following language as a new subdivision (2):

Neither the state board, the department of education, nor a state official shall join an organization or consortium that relinquishes state or local control over education.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following language as a new section:

The state board and the department of education shall not:

(1) Adopt the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments, the Smarter Balanced Assessment, Measurement Incorporated, or any other assessment related to or based on the common core state standards; or

(2) Require PARCC, the Smarter Balanced, Measurement Incorporated, or any other assessment related to the common core state standard to be administered in any LEA.

SECTION 5. Tennessee Code Annotated, Section 49-1-226(c), is amended by deleting the subsection and substituting instead the following:

(c) The state shall not adopt or implement common core state standards in any subject. An action by the state to adopt or implement common core standards prior to the effective date of this act shall be null and void.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 1, Part 3, is amended by adding the following language as a new section:

(a)

(1) Notwithstanding any law requiring the state board to adopt state academic content standards, effective for the 2015–2016 and 2016–2017 academic school years, the state board shall replace the current content standards in the subjects of English language arts, math, science, and social studies with new state academic content standards that are consistent with the standards adopted in 2009 under the Tennessee Diploma Project (SPI).

(2) The requirements of subdivision (a)(1) shall take effect no less than ninety (90) days after the effective date of this act.

(b) Notwithstanding any law requiring the state board to adopt academic standards, effective for the 2017–2018 school year and every school year thereafter, the state board shall by June 30, 2016, adopt new academic standards using the standards from:

(1) The English language arts (ELA) standards for instruction shall apply to core ELA courses in all grades K–12 that were in place prior to the 2010–2011 school year; and

(2) Other states such as Massachusetts, California, and Indiana as the template to create state academic content standards for grades kindergarten through twelve (K–12) in English language arts, math, science, and social studies that are distinct and independent from the standards previously adopted by the state board.

(c) The state board shall ensure that the new state academic content standards:

(1) Emphasize coherence, focus, essential knowledge, and rigor. For the purpose of this subdivision, “rigor” means requiring a high degree of academic content knowledge appropriate to the subject and grade level; and

(2) Are more challenging and demanding when compared to international standards.

(d) The state board shall ensure that the state academic content standards for English language arts meet the following requirements:

(1) Require the use of English phonograms and all of their sounds;

(2) At least eighty percent (80%) of English language arts study focus on imaginative literature;

(3) A choice of literary works are studied solely on the basis of such works literary merit rather than popularity or political considerations;

(4) At least eighty percent (80%) of literary works taught in grades eight through twelve (8–12) be complete works of classic British and American authors published prior to 1970; and

(5) Include significant instruction in English grammar.

(e) The state board shall ensure that the state academic content standards for math meet the following requirements:

(1) Demand mastery of the standard algorithm;

(2) Fluency with addition and subtraction of multi-digit whole numbers using the standard algorithm by grade three (3);

(3) Fluency with arithmetic operations on decimals, multiplication, and division of multi-digit numbers using the standard algorithm by grade five (5);

(4) Prepare students to take the first authentic algebra I course by grade eight (8); and

(5) Include a traditional Euclidean (Greek) geometry course, algebra II, pre-calculus, and calculus.

(f) The state board shall ensure that the state academic content standards for science meet the following requirements:

(1) Be based in core existing disciplines of biology, chemistry, and physics;

(2) Incorporate appropriate grade-level mathematics and be referenced in the mathematics standards;

(3) Focus on academic and scientific knowledge rather than scientific processes; and

(4) Prohibit a political or religious interpretation of science.

(g) The state board shall ensure that the academic standards for social studies:

- (1) Incorporate the original texts and the original context of the:
 - (A) Declaration of Independence;
 - (B) Northwest Ordinance;
 - (C) Constitution of the United States; and
 - (D) Constitutional amendments to the Constitution of the United

States with an emphasis on the Bill of Rights;

- (2) Incorporate the Constitution of Tennessee;

- (3) Define the United States of America as a constitutional republic;

- (4) Be based on acquisition of real knowledge of major historical individuals and events;

- (5) Require the study of world and American geography; and

- (6) Prohibit the use of any interpretation of social studies with a specific political or religious interpretation.

(h) An LEA shall not be required to utilize all or any part of the academic standards adopted by the state board of education.

SECTION 7. Tennessee Code Annotated, Section 49-1-226(b), is amended by deleting the subsection and substituting the following language:

(b)

(1) Prior to the 2015–2016 school year, but not later than ninety (90) days after the effective date of this act, the department of education shall issue a request for proposals and, through competitive bidding, contract with one (1) or more entities to provide assessments in English language arts, mathematics, science, and social studies, which shall be aligned to the academic standards adopted in 2009 under the Tennessee Diploma Project (SPI) and fully implemented, but only for the 2015–2016 and 2016–2017 school year. Prior to

the 2015–2016 school year, such tests shall be field tested and shall replace the existing assessments in the applicable subject area. The request for proposals issued by the department shall be prepared in consultation with the comptroller and in compliance with state procurement requirements, including those relative to conflicts of interest.

(2) Prior to the 2017–2018 school year, but not later than ninety (90) days after the effective date of this act, the department of education shall issue a request for proposals and, through competitive bidding, contract with one (1) or more entities to provide assessments in English language arts, mathematics, science, and social studies, which shall be aligned to the academic standards adopted in 2009 under the Tennessee Diploma Project (SPI) and fully implemented during the 2017–2018 school year and each school year thereafter. Prior to the 2017–2018 school year, such tests shall be field tested and shall replace the existing assessments in the applicable subject area. The request for proposals issued by the department shall be prepared in consultation with the comptroller and in compliance with state procurement requirements, including those relative to conflicts of interest.

SECTION 8. Tennessee Code Annotated, Section 49-1-309, is amended by adding the following language as a new subsection:

The state board shall not adopt a proposed change or addition to academic standards in English language arts, mathematics, science, or social studies until:

(1) The general assembly approves the proposed change or addition to the academic standards by joint resolution;

(2) The education committees of the house of representatives and the education committee of the senate shall hold at least one (1) public hearing, at

which time the members of the public shall have the opportunity to speak and express their concerns and opinions on the proposed changes or addition to the academic standards; and

(3) The academic standards steering committee, pursuant to § 49-6-2501 recommends the proposed changes or revisions to the state academic content standards.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following language as a new part:

49-6-2501.

(a) There is created an academic standards steering committee. There shall be thirteen (13) voting members of the committee.

(b) The committee shall appoint a chair, co-chair, and other officers as deemed necessary. The chair shall preside at meetings of the committee and, in consultation with the voting members of the committee, shall supervise the work of the staff of the committee. The committee shall meet at the call of the chair or at the written call of the twelve (12) voting members of the committee when such written call is delivered to the chair. The chair may vote only on matters related to the administration of the committee or the committee's research. The chair shall not vote on any matter that constitutes a policy recommendation to the governor or general assembly.

(c) The committee shall include:

(1) The governor, or the governor's designee;

(2) Six (6) individuals appointed by the speaker of the house of representatives, who shall be voting members; provided, that not more than one (1) of the appointees shall be a member of the house of representatives; and

(3) Six (6) individuals appointed by the speaker of the senate, who shall be voting members; provided, that not more than one (1) of the appointees shall be a member of the senate.

(d) The speaker of the house of representatives and the speaker of the senate shall appoint additional members to the committee who are:

(1) Parents or legal guardians of students enrolled in public schools in the state;

(2) Primary and secondary teachers;

(3) Curriculum experts; and

(4) Provosts, chairs, and deans of state institutions of higher education.

(e) Proxy voting is prohibited by members of the committee; provided, however, that in instances where a voting member will be absent from a vote of the committee, the member's appointing authority is authorized to appoint a designee for the vote or votes.

(f) Voting members shall serve four-year terms and the terms shall be staggered so that terms shall not terminate at the same time. All four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(g) The chair of the education committee of the senate and the chairs of the education committees of the house of representatives, or their designees, shall be ex officio, nonvoting members of the committee.

(h) Each voting and nonvoting member of the committee shall, upon the expiration of the member's term, be eligible for reappointment and shall serve until a successor is appointed. In the event a member resigns or becomes ineligible for service during the member's term, a successor shall be appointed by the appropriate appointing authority to serve the remainder of the term.

(i)

(1) Notwithstanding § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the committee:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6, who is subsequently appointed or otherwise named as a member of the committee shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the council, prior to serving as a member of the committee;

(B) No person who is a member of the committee shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the committee during such person's period of service as a member of the committee; and

(C) No person who serves as a member of the committee shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the council for one (1) year following the date such person's service on the committee ends.

(2) A person who violates this subsection (i) shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance shall promulgate rules to effectuate the purposes of this subsection (i). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(j) In addition to all other requirements for membership on the committee, all persons appointed or otherwise named to serve as members of the committee shall be residents of this state.

(k) Members of the committee shall not be paid but may be reimbursed for travel expenses. All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

49-6-2502.

In performing its responsibilities, the committee's role shall be strictly advisory and the committee may:

(1) Make recommendations to the governor, the general assembly, the education committee of the senate and education committees of the house of representatives, the executive director of the state board of education, and the commissioner of the department of education relating to the promulgation or adoption of legislation or rules;

(2) Appoint four (4) individuals to oversee the development of the state academic content standards reports pursuant to § 49-6-2504;

(3) Contract, if necessary, with an individual who has a national reputation in the areas of state academic content standards and assessments to facilitate the work of the committee;

(4) Contract with a certified child development expert to ensure that the state academic content standards are age and grade appropriate;

(5) Establish a subcommittee for the each of the following subject areas:

(A) English language arts;

(B) Mathematics;

(C) Science; and

(D) Social studies; and

(6) Maintain the appointment and operation of the separate state academic content standards subcommittees for each subject area pursuant to § 49-6-2503.

49-6-2503.

(a) There is created four (4) subcommittees of the academic standards steering committee. Each subcommittee shall represent one of the following four (4) subject areas:

(1) English language arts;

(2) Mathematics;

(3) Science; and

(4) Social studies.

(b) The membership of the subcommittees shall consist of five (5) members as follows:

(1) One (1) chairperson who is an instructor or professor in a related subject area at a state institution of higher education to be appointed by the state academic content standards committee; and

(2) Four (4) members who are teachers with at least ten (10) years of classroom teaching experience nominated by the superintendent of the LEA where such teachers are employed and appointed by the state board.

(c) One (1) school librarian, to be nominated by the Tennessee library council, may provide assistance to the English language arts subcommittee.

(d) One (1) engineer, to be nominated by the Tennessee board of architectural and engineering examiners, may provide assistance to the mathematics and science subcommittees.

(e) Each subcommittee shall:

(1) Make recommendations for or against the proposed state academic content standards for each subject area;

(2) Obtain comments from teachers on the appropriateness and wording of the proposed academic content standards for each grade and, if necessary, offer revisions to the proposed standards, which shall be recorded; and

(3) Maintain the appointment and operation of the separate state academic content standards review committees for each of the subjects of English language arts, mathematics, science, and social studies pursuant to this part 25.

49-6-2504.

(a) The committee, in consultation with the state board, shall:

(1) Compare the new state academic content standards in English language arts, mathematics, science, and social studies to be adopted no later than June 30, 2016, with the standards in place pursuant to the Tennessee First to the Top Act of 2010; and

(2) Submit a report to the education committees of the house of representatives, the education committee of the senate, and the governor that outlines the results of the comparison of the standards. In conducting the evaluation and comparison of the standards, the state board shall consider the public comments, the use of best practices, evidence, and research.

(b) The department shall:

(1) Compare the new elementary and secondary assessments, to be adopted no later than June 30, 2017, with the Tennessee Comprehensive Assessment Program (TCAP), the Tennessee graduation tests, and with the assessments that are used for the 2015–2016 and 2016–2017 school years; and

(2) Post the results of the comparison in subdivision (b)(1) on the department's web site.

SECTION 10. Tennessee Code Annotated, Section 49-1-703, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

Notwithstanding subdivision (a)(2)(A), the policy shall:

(1) Restrict access to student data pursuant to § 49-1-702, for any person who performs data processing services for an LEA to adjust the required student information necessary for the fulfillment of any contractual obligations;

(2) Require a contract between an LEA and a data processing entity to include a stipulation that student data shall not be shared with additional parties;

(3) Specify that if the United States department of education requires a grant recipient to provide data of students or teachers as a condition of a federal education grant, only aggregate data, as defined in § 49-1-702 may be provided;

and

(4) Prohibit a federal grant recipient from releasing:

(A) Student data without the informed written consent of the student's parent or legal guardian; or

(B) Teacher data without the informed written consent of the teacher.

SECTION 11. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015 at 12:01 a.m., the public welfare requiring it.