



2021 Legislative Sessions Wrap- Up Report

May 18, 2021 by Lee Harrell, Blair Taylor

Together, Tennesseans for Quality Early Education with partners and advocates had a very successful 2021 legislative session. Three legislative proposals were introduced on our behalf, and we endorsed another five. Additionally, TQEE endorsed and advocated in support of the Governor’s legislative package presented in a special legislative session on education called by Governor Lee in January.

A Strategic Reset of Tennessee’s Temporary Assistance for Needy Families (TANF) Program

[HB137/SB144](#) “Tennessee Opportunity Act” was merged into ([HB142/SB751](#)) ultimately receiving unanimous support in the House (92-0) and in the Senate (32-0) and is expected to be signed into law soon. Senator Bo Watson and Representative David Hawk filed legislation proposing the Tennessee Opportunity Act for a strategic reset of how Tennessee uses its federal TANF block grant, \$730+ million of which was unused as of 2020. The key provisions of the bill which we championed will 1) establish a reserve not to exceed the state’s annual TANF block grant (\$191 million), 2) ensure future funds other than the reserve are fully allocated and that funds are deployed in counties throughout the state proportionally to their share of children in poverty, and 3) invest \$182 million of surplus funds in the planning, implementation and rigorous evaluation of seven evidence-based pilot initiatives across the state --all with the goal of strengthening family self-sufficiency and interrupting the cycle of poverty and government dependence.

Other provisions of the merged bill which were championed by DHS and the Governor’s office included increased penalties for fraudulently receiving TANF assistance, an optional alternative set of incentives and supports for individuals pursuing education advancement, and an increase to the monthly cash assistance grant. Negotiations resulted in adoption of the provisions of the Tennessee Opportunity Act into the Governor’s legislation in what was arguably a model for collaboration among the legislative, executive branches of government and the nonprofit community, producing one of the most consequential pieces of legislation this session.

TN Child Care Taskforce – Strengthening Tennessee’s Workforce of Today and Tomorrow

[House Bill 598/Senate Bill 677](#) also received unanimous support in the House (91-0) and Senate (29-0) and was signed into law on May 18th. The legislation sponsored by Senator Becky Massey and Representative Patsy Hazlewood on behalf of TQEE establishes a 15-member taskforce charged with creating a strategic action plan that will better ensure Tennessee’s working families can access quality, affordable child care. The taskforce would be comprised of commissioners from various departments, two legislators, representatives from the business community, and providers of high-quality child care programs, and comes at a time when child care challenges for working parents, and their adverse impact on workforce productivity and Tennessee’s economy, are [well documented](#) and greatly exacerbated as a result of the pandemic. The Task Force offers a rare opportunity for Tennesseans to employ ingenuity and underutilized resources to simultaneously strengthen the workforce of today and the workforce of tomorrow.

Rightsizing the Nurse to Student Ratio in our Schools

[House Bill 537/Senate Bill 581](#) was deferred to 2022. For nearly 30 years, the state’s funding formula for public schools has included a component for school nurses. Unfortunately, this formula only funds a school nurse for every 3,000 students in a school system. Senator Rusty Crowe and Representative David Hawk filed legislation this year on behalf of TQEE that would reduce this ratio to recognize the nationwide best practice of a school nurse for every 750 students. While most legislators are supportive of such a change, the cost of roughly \$42 million was an insurmountable hurdle, and the legislation was deferred to next year. TQEE has begun working on other cost-effective and creative solutions for addressing student health and mental health and looks forward to engaging advocates on the topic in the coming months.

Mental Health Trust Fund for Public Schools

[House Bill 73/Senate Bill 739](#) received overwhelming bipartisan support House (84-1) and Senate (23-5) and is expected to be signed into law soon. Governor Lee prioritized \$250 million toward addressing the mental health challenges of Tennessee students which have been greatly exacerbated during the COVID-19 pandemic. Under this legislation, \$25 million will be immediately available for mental health services, and a trust fund of \$225 million will be established and overseen by a board comprised of the Secretary of State, the Treasurer, the Comptroller, and the Commissioner of Finance & Administration. Subject to the approval of this board, annual earnings on the fund would be available to school districts to contribute to mental health services for students. While earnings from the fund will be dwarfed by the need for counseling and other mental health services, the move is an important step in the right direction toward promoting mental health and removing barriers to learning for Tennessee’s school children.

Accessible, Responsive Government

[House Bill 670/Senate Bill 807](#) received unanimous support in the House (91-0) and Senate (31-0), and it was signed into law on May 12th and became [Public Chapter 406](#). Senator Jeff Yarbro and Representative Bob Freeman filed legislation this year to ensure that child care providers have access to regular, consistent communication with the Department of Human Services. Under the proposal, which was filed on behalf of the Tennessee Association for Children’s Early Education (TACEE), the DHS commissioner will designate a specific staff person to serve as a liaison to child care providers, community stakeholders, department child care staff, and partner agencies.

State Payments to Providers of Child Care Services

[House Bill 996/Senate Bill 1105](#) was approved by both the House (87-0) and Senate (29-1) and was signed into law on May 18th. Recognizing the importance of stable revenues to the viability of child care providers, Senator Jeff Yarbro and Representative Harold Love filed legislation this year that would authorize the Department of Human Services to issue payments based on enrollment versus attendance. Enrollment-based payments remove the financial challenges that providers may experience with child absences, and they provide greater certainty and stability that providers need to remain solvent. This legislation reinforced a practice which the Department of Human Services began in 2019.

Cost-Based Reimbursement Rates and Provider Networks

[House Bill 1509/Senate Bill 1104](#) received unanimous support in the House (90-0) and Senate (31-0) and it should be signed into law soon. The state provides reimbursements to child care providers on behalf of low-income families. This year, Senator Jeff Yarbro and Representative Sam McKenzie filed legislation that would authorize the Department of Human Services to utilize an alternative methodology based on cost, rather than a market rate study, to calculate reimbursement rates. This proposal would also authorize DHS to take actions necessary to support the development of shared services alliances and family child care networks to improve the quality of child care, give providers access to innovative business resource platforms, and provide a means of cost savings to child care providers through economies of scale.

Use of Available State Facilities for Child Care

[House Bill 1114/Senate Bill 22](#) passed both the House (89-0-1) and Senate (30-0), and it was signed into law on May 4th and became [Public Chapter 238](#). Finding appropriate and affordable facilities is often a challenge for child care providers, and state government buildings often have unused spaces which could be dedicated to this purpose. Senator Sara Kyle and Representative Tom Leatherwood filed creative and common-sense legislation this year which will authorize a state agency to contract with a child care provider to offer child care services to the agency's employees in the agency's facilities, at no cost to government.

First Extraordinary Session of the 112th General Assembly – January 2021

TQEE supported the passage [Governor Lee's package of bills](#) during the special legislative session on education. The bills establish a new phonics-based reading program to help boost literacy rates, allocate resources for tutoring, summer and afterschool programs to accelerate learning and address learning loss due to the pandemic, and ensure standardized tests are administered to ensure visibility into student progress while “holding harmless” educators, schools and students for test outcomes.

[SB7001/HB7003 \(Johnson/Lamberth\)](#) **Accountability to Inform.** This bill passed the House (71-17) and Senate (23-5), and it was signed into law on February 3rd and became [Public Chapter 2](#). Requires that the 3rd-12th grade TCAP tests be administered as usual in the 2020-2021 school year so we have visibility into learning progress or losses; and extends hold harmless provisions so that assessment results can't adversely impact student grades, teacher evaluations, and school and district report cards.

[SB7002/HB7004 \(Johnson/Lamberth\)](#) **Intervening to Stop Learning Loss.** This bill passed the House (70-21) and Senate (23-4), and it was signed into law on February 3rd and became [Public Chapter 1](#). Provides opportunities for students to participate in after-school learning mini-camps and summer learning camps emphasizing literacy and math instruction. Requires measurement of student progress in

those camps and offers free assessment tools for that purpose. Provides TDOE created prep courses and professional development for instructors, and stipends of at least \$1000/week. Establishes a new Tennessee Accelerated Literacy and Learning Corps (ALL Corps) of high-quality tutors. Strengthens the state's 3rd grade reading retention law by requiring students are reading on grade level before progressing to 4th grade beginning in the 2022-23 school year.

[SB7003/HB7002 \(Johnson/Lamberth\) Building Better Readers with Phonics](#). This bill passed the House (84-5) and Senate (25-3), and it was signed into law on February 3rd and became [Public Chapter 3](#).

Requires LEAs (school districts) to use foundational literacy skills for early literacy instruction — a method solidly backed by research as the most effective way to teach reading to early learners — and to develop a Foundational Literacy Skills Plan. Requires LEAs to use a locally-adopted reading screener for all students in grades K-3, three times a year, to identify when students need more support; and it provides the new Tennessee universal reading screener to districts free of charge. A state developed universal reading screener is offered free of charge, and can be used as an approved alternative to portfolio assessment for grades pre-kindergarten-2nd grade. Requires LEAs to provide reading supports and interventions for each student identified as having a significant reading deficiency. Teachers in kindergarten-5th grades must complete at least one professional development course on foundational literacy skills approved by the department. The department will develop at least one professional development course to fulfill this requirement to be made available at no cost. Educator preparation providers (EPPs) must provide training on reading instruction focused primarily on foundational literacy skills standards to new teacher candidates seeking licensure to teach kindergarten through third grade. Any individual who teaches or seeks to teach kindergarten through third grade must pass a Tennessee reading instruction test or complete a foundational literacy skills instruction course (which is provided at no cost) to receive, advance, or renew their teaching license.