FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 12, 1996

SUBJECT: **HB 2868 - SB 3122**

This bill, if enacted, will:

1. make instructional material available for parental review;
2. prohibit the psychological or psychiatric testing or evaluation of a student without parental consent and requires LEAs to develop policies on the use of such testing;
3. provide for written notification of the parent for the purpose of any screening or evaluation;
4. provide written notification to parents of the types of records routinely maintained by a school;
5. provide for security of school records;
6. prohibit the release of student records without parental consent;
7. prohibit the placing of information of criminal activity in a permanent student file;
8. allow a parent to contest the accuracy of a student record;
9. prohibit the survey or evaluation of students concerning the student's immediate family's political or social status;
10. prohibit the requiring of a student to view or listen to any video or audio recording which contains pornographic material;
11. prohibit the contents of individual student records to become part of any database;
12. provide parents written notification of the provisions of this bill.

If an LEA fails to comply with these provisions, the state may withhold funding, subject to a hearing before the state board, followed by judicial review through chancery court. In addition, any parent who feels aggrieved as a result of breach of duty on the part of an LEA may bring suit in chancery court.

The fiscal impact from enactment of this bill is estimated to be an increase in state expenditures for the redesign of the student information system. According to the Department of Education, this bill would make the Tennessee Student Management System inoperable, since much of the data considered key to the system could no longer be captured. Additionally, test information such as TCAP scores included in the Commissioner's Report Card, could not be collected and analyzed at the state level. Such increase in state expenditures cannot be determined but is estimated to exceed $100,000.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

James A. Davenport, Executive Director

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*