

HOUSE BILL 438

By Harris

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to special education funding.

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

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

(a) Subject to appropriation, the state shall provide funding to the department to develop and administer a system of grants to LEAs to supplement the funding each LEA receives for special education through the BEP.

(b) Funding received by the department pursuant to subsection (a) must be distributed to each LEA in an amount equal to thirty percent (30%) of the funding amount the LEA receives in the same year for special education through the BEP.

(c) An LEA is not required to apply to the department to receive a grant under this section; however, in order to receive the grant in a subsequent fiscal year, an LEA must submit a report to the department, in a manner directed by the department, detailing how the LEA used the grant funds provided under this section.

(d) An LEA shall use all grant funds received under this section for special education purposes.

(e) The department shall not require an LEA receiving a grant under this section to match any percentage of the grant funds provided to the LEA.

(f) Grants made to an LEA pursuant to this section must not supplant any existing funding for special education, and must be made in compliance with all applicable state and federal laws.

(g) The state board of education is authorized to promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) As used in this section, "special education" has the same meaning as defined in § 49-10-102.

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2022 fiscal year and each fiscal year thereafter.