



State of Tennessee
PUBLIC CHAPTER NO. 305

HOUSE BILL NO. 63

By Representatives Kane, Harry Brooks, Moody, Hazlewood, Daniel, Mark White, Powers

Substituted for: Senate Bill No. 584

By Senator Gresham

AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

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

SECTION 1. Tennessee Code Annotated, Section 49-10-1402(3)(A), is amended by deleting the language "Is a child with any of the following disabilities" and substituting instead the language "Is a child with any of the following disabilities as defined by the state board of education pursuant to § 49-10-102".

SECTION 2. Tennessee Code Annotated, Section 49-10-1402(3)(A), is further amended by deleting the word "or" after subdivision (3)(A)(vi) and adding the following language as new, appropriately designated subdivisions:

(viii) Developmental delay; or

(ix) Multiple disabilities;

SECTION 3. Tennessee Code Annotated, Section 49-10-1402, is amended by deleting subdivisions (3)(B) and (3)(C) and substituting instead the following:

(B) Has an active individualized education program (IEP) in accordance with 34 C.F.R. § 300 et seq., § 49-10-102, and regulations of the state board of education with one (1) of the disabilities pursuant to subdivision (3)(A) as the primary or secondary disability in effect at the time the department receives the request for participation in the program; and

(C) Meets at least one (1) of the following requirements:

(i) Was previously enrolled in and attended a Tennessee public school for the one (1) full school year immediately preceding the school year in which the student receives an individualized education account (IEA);

(ii) Is enrolling in a Tennessee school for the first time; or

(iii) Received an individualized education account (IEA) in the previous school year;

SECTION 4. Tennessee Code Annotated, Section 49-10-1403(a)(1), is amended by deleting the language "reading, grammar," and substituting instead the language "English language arts,"

SECTION 5. Tennessee Code Annotated, Section 49-10-1403(a)(2), is amended by deleting the first sentence of the subdivision and substituting instead the language "Not to enroll the parent's eligible student in a public school during participation in the IEA program and to release the LEA in which the student resides and is zoned to attend from all obligations to educate the student."

SECTION 6. Tennessee Code Annotated, Section 49-10-1403(b)(3), is amended by deleting the subdivision and substituting instead "Tutoring services provided by a tutor or tutoring facility that meets the requirements set by the department and the state board of education;"

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SECTION 7. Tennessee Code Annotated, Section 49-10-1403(b)(6), is amended by deleting the subdivision and substituting instead "Tuition or fees for a nonpublic online learning program or course that meets the requirements set by the department and the state board of education;"

SECTION 8. Tennessee Code Annotated, Section 49-10-1403(b)(9), is amended by deleting the subdivision and substituting instead "Educational therapies or services provided by therapists that meet the requirements set by the department and the state board of education;"

SECTION 9. Tennessee Code Annotated, Section 49-10-1403(b)(14), is amended by deleting the subdivision and substituting instead the following "Computer hardware or other technological devices approved by the department or a licensed treating physician, if the computer hardware or other technological device is used for the student's educational needs; or".

SECTION 10. Tennessee Code Annotated, Section 49-10-1403(d), is amended by deleting the first sentence of the subsection.

SECTION 11. Tennessee Code Annotated, Section 49-10-1403(e), is amended by deleting the last sentence of the subsection and substituting instead "Students with disabilities who would have participated in the alternate assessment, as determined on the student's IEP, are exempt from this requirement."

SECTION 12. Tennessee Code Annotated, Section 49-10-1403(g), is amended by deleting the subsection in its entirety and substituting instead the following:

Notwithstanding subdivision (a)(2), a participating student may return to the student's LEA at any time after enrolling in the program. Upon a participating student's return to the student's LEA, the student's IEA shall be closed, and any remaining funds shall be returned to the state treasurer to be placed in the basic education program (BEP) account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358.

SECTION 13. Tennessee Code Annotated, Section 49-10-1403(i), is amended by deleting the subsection and substituting instead the following:

A participating student's IEA shall be closed, and any remaining funds shall be returned to the state treasurer to be placed in the basic education program (BEP) account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358, if a participating student graduates from a postsecondary institution, after a period of four (4) consecutive years after a student enrolls in a postsecondary institution, or after any period of four (4) consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary institution, whichever occurs first.

SECTION 14. Tennessee Code Annotated, Section 49-10-1405(a)(1), is amended by deleting the subdivision and substituting instead the following:

Remit funds to a participating student's IEA account on at least a quarterly basis. Any funds awarded under this part shall be the entitlement of only the eligible student under the supervision of the student's parent. The maximum annual amount to which an eligible student is entitled under this part shall be equal to the amount representing the per pupil state and local funds generated and required through the basic education program (BEP) for the LEA in which the student resides and is zoned to attend. For the purpose of funding calculations, each eligible student who participates in the program shall be counted in the enrollment figures for the LEA in which the student resides and is zoned to attend. The IEA funds shall be subtracted from the state funds otherwise payable to the LEA;

SECTION 15. Tennessee Code Annotated, Section 49-10-1405(a)(2)(A), is amended by deleting the language "supplication".

SECTION 16. Tennessee Code Annotated, Section 49-10-1405(a)(2)(B), is amended by deleting the language "create an application and approval process for nonpublic schools and providers to become participating schools and participating providers;" and substituting instead

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the language "create an application and approval process for nonpublic schools to become participating schools;"

SECTION 17. Tennessee Code Annotated, Section 49-10-1405(a)(4), is amended by deleting the language "LEAs" and substituting instead "IEAs".

SECTION 18. Tennessee Code Annotated, Section 49-10-1405(a)(6)(A), is amended by deleting the language "and annual reviews" and substituting instead the language "or annual reviews".

SECTION 19. Tennessee Code Annotated, Section 49-10-1405(b), is amended by deleting the language "four percent (4%)" and substituting instead "six percent (6%)".

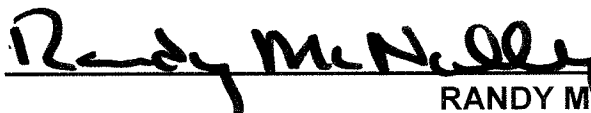
SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 27, 2017



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY McNALLY
SPEAKER OF THE SENATE

APPROVED this 5th day of May 2017



BILL HASLAM, GOVERNOR