

SENATE BILL 1901

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 10, relative to special education.

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

SECTION 1. Tennessee Code Annotated, Section 49-10-113(c)(2), is amended by deleting subdivisions (A) and (B) and substituting instead the following language:

(A) Each district shall keep an accurate, detailed, and separate account of all moneys paid out for the maintenance of each type of class and school for the instruction and care of students and for the cost of transportation, and shall annually report on the account, indicating the excess cost for all elementary or high school students, including students who attend any charter schools overseen by the district, for the school year over the last ascertained average cost for the instruction of children in the regular program in the elementary public schools or public high schools of the school district for a like period of time of attendance. Each district shall be required to send all excess cost reimbursement funds received due to students generating excess costs to the individual schools;

(B) Each special education services association shall keep an accurate, detailed, and separate account of all moneys paid out by it for the maintenance of each of the types of classes and schools for the instruction and care of pupils attending them and for the cost of their transportation, and shall annually report on the accounts, indicating the excess cost for all elementary or high school pupils, including pupils who attend charter schools overseen by any district participating in the special education services association, for the school year over the last ascertained average cost for the instruction of children in the regular program in the elementary public schools or public

high schools as the case may be, of the school districts served by the special education services association for a like period of attendance; and

SECTION 2. Tennessee Code Annotated, Section 49-10-113, is amended by adding the following language as a new subsection:

(e) The state board of education shall promulgate rules necessary to effectuate the purposes of this section. All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-10-201, is amended by deleting the section in its entirety and substituting instead the following language:

A special education services association shall provide services for all the areas included within the school districts and for any charter schools participating in it. It may be established by resolution of each of the governing boards of the school districts or charter schools participating in it.

SECTION 4. Tennessee Code Annotated, Section 49-10-202, is amended by deleting the section and substituting instead the following language:

(a) The governing board of a special education services association shall consist of representatives of the participating school districts and charter schools.

(b) Unless otherwise provided in a written agreement embodied in the resolution or resolutions by which the special education services association is established, each participating school district and each participating charter school shall have one (1) representative.

(c)

(1) The representative of each school district on the governing board shall be elected by the governing board of the school district by its own members.

(2) The representative of each charter school on the governing board shall be elected by the governing body of the charter school from its own members.

(d) Each representative shall have one (1) vote on the governing board.

SECTION 5. Tennessee Code Annotated, Section 49-10-203, is amended by deleting subdivision (b)(3) and substituting instead the following language:

(3) Make arrangements with school districts or charter schools participating in the special education services association for the provision of special education, corrective services, and supporting services for children with disabilities enrolled in the school districts or charter school;

SECTION 6. Tennessee Code Annotated, Section 49-10-203(b)(10), is amended by deleting the language "school districts" and substituting instead the language "school districts, charter schools,".

SECTION 7. Tennessee Code Annotated, Section 49-10-204(a)(1), is amended by deleting the language "school district" and substituting instead the language "school district or charter school".

SECTION 8. Tennessee Code Annotated, Section 49-10-205, is amended by deleting the language "school districts" wherever it appears and substituting instead the language "school districts or charter schools".

SECTION 9. Tennessee Code Annotated, Section 49-10-206, is amended by deleting the language "school district" wherever it appears and substituting instead the language "school district or charter school".

SECTION 10. Tennessee Code Annotated, Section 49-10-206(a)(1), is amended by deleting the language "resident within its boundaries" and substituting instead the language "residing within the boundary of the school district or attending the charter school".

SECTION 11. Tennessee Code Annotated, Section 49-10-207(a), is amended by deleting subdivisions (1) and (2) and substituting instead the following language:

(1) Each special education services association, other than one composed of a single school district or a single charter school, shall function pursuant to and in accordance with an inter-school district agreement, referred to as "the agreement" in this section.

(2) The agreement may be incorporated in the resolution or other action establishing the special education services association or may be a separate document. It shall be adopted by affirmative vote of each of the governing boards of the school districts or charter schools participating in the special education services association.

SECTION 12. Tennessee Code Annotated, Section 49-10-207(b), is amended by deleting the language "school districts" wherever it appears and substituting instead the language "school districts or charter schools".

SECTION 13. Tennessee Code Annotated, Section 49-10-207(b), is further amended by deleting the language "school district" wherever it appears and substituting instead the language "school district or charter school".

SECTION 14. Tennessee Code Annotated, Section 49-10-208(2), is amended by deleting the language "school districts" and substituting instead the language "school districts or charter schools".

SECTION 15. Tennessee Code Annotated, Section 49-10-209(a), is amended by deleting the language "school district" wherever it appears and substituting instead the language "school district or charter school".

SECTION 16. Tennessee Code Annotated, Section 49-10-209(a)(1), is amended by deleting the language "with the district" and substituting instead the language "with the school district or charter school".

SECTION 17. Tennessee Code Annotated, Section 49-10-209(a)(2), is amended by deleting the subdivision and substituting instead the following language:

Withdrawal shall be effective only if the governing board has the approval of the director to establish a comparable part of a program.

SECTION 18. This act shall take effect July 1, 2018, the public welfare requiring it.