



# State of Tennessee

## PUBLIC CHAPTER NO. 398

### HOUSE BILL NO. 777

**By Representatives Lamberth, Gant, Cepicky, Sherrell, Hardaway, Ogles, Tim Hicks, Leatherwood, Moody, White, Eldridge, Cochran, Todd, Hurt, Garrett, Terry, Warner, Whitson**

**Substituted for: Senate Bill No. 774**

**By Senators Johnson, Lundberg, White, Akbari, Briggs, Gardenhire, Hensley, Massey, Pody**

AN ACT to amend Tennessee Code Annotated, Title 49, relative to BEP funding for the 2021-2022 school year.

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

SECTION 1. Tennessee Code Annotated, Section 49-3-317, is amended by adding the following as a new subsection:

(e)

(1) If an LEA's BEP calculation for the 2021-2022 school year, inclusive of the state and local portions, generates a lower BEP calculation than was calculated for the 2020-2021 school year, then the LEA's BEP calculation for the 2021-2022 school year, inclusive of the state and local portions, must be equal to the LEA's BEP calculation for the 2020-2021 school year. The department shall compare an LEA's BEP calculation for the 2021-2022 school year with the LEA's BEP calculation for the 2020-2021 school year for purposes of this subdivision (e)(1) prior to any adjustments to the instructional salaries and wages and instructional benefits categories of the BEP in each respective year.

(2) The BEP calculation used in subdivision (e)(1) must only be used to determine an LEA's BEP funding for the 2021-2022 school year, and shall not be used in determining future BEP calculations.

(3) Subdivision (e)(1) only applies to LEAs in full compliance with state school attendance and truancy intervention laws as provided in chapter 6, part 30 of this title, and the state board of education's continuous learning plan rules, which require LEAs to track student attendance daily when students are participating in remote instruction. In tracking daily student attendance and compliance with state school attendance and truancy intervention laws, an LEA shall implement policies and procedures for the LEA to request and receive daily visual, verbal, or written confirmation of student participation in instructional time; determine excused versus unexcused student absences; and implement interventions to address student absences during remote instruction.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 29, 2021



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 11<sup>th</sup> day of May 2021



BILL LEE, GOVERNOR