

HOUSE BILL 1583

By Kane

AN ACT to amend Tennessee Code Annotated, Section 49-3-363, relative to the education of children in state custody.

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

SECTION 1. Tennessee Code Annotated, Section 49-3-363, is amended by designating the existing language as subsection (a) and adding the following language as subsection (b):

(b)

(1) Notwithstanding subsection (a), a residential mental health facility that contracts with the department of children's services (DCS) for the provision of services to children in state custody shall receive from DCS at least the average daily rate of education funding provided by the commissioner pursuant to subsection (a) if:

(A) The facility is approved to operate as a Category I special purpose school pursuant to state board of education rules and regulations; and

(B) The facility provides a minimum of sixteen and one-half (16 ½) hours per week of education instruction to the students admitted pursuant to this part.

(2) If a child in state custody receives services from a contracted residential mental health facility as provided by subdivision (b)(1) but continues to attend school in the child's LEA, then the contracted residential mental health facility shall not receive the average daily rate of education funding for that child from DCS.

(3) Nothing in this section shall prohibit a facility that meets the requirements of subdivision (b)(1) from receiving funds above the average daily rate of education funding because of a higher cost of care for students.

(4) As used in this section, "average daily rate of education funding" means the per student average daily share of the total of all state and local BEP funding and all funding in addition to the local BEP match provided by the LEAs.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.