

HOUSE BILL 2044

By Moody

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to education of children with disabilities.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 10, is amended by adding Sections 2 through 5 as a new, appropriately designated part.

SECTION 2. As used in this part:

(1) "Department" means the department of education;

(2) "Eligible student" means a child with a disability twenty-two (22) years of age or younger who meets all of the following criteria:

(A) Requires an individualized education plan;

(B) Receives special education or related services on a daily basis;

(C) Has not been placed in a nonpublic school or facility by an LEA or other public agency at public expense;

(D) Has not been enrolled in a postsecondary institution as a full-time student taking at least twelve (12) hours of academic credit;

(E) Has not received a high school diploma; and

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

(i) Was enrolled in a public school in this state during the previous semester;

(ii) Received special education or related services through the public schools of this state as a preschool child with a disability during the previous semester;

(iii) Received a scholarship grant for the previous semester; or

(iv) Is eligible for initial enrollment in kindergarten or the first grade in a public school in this state;

(3) "Nonpublic school" means a school identified as a category I, II, III or IV school pursuant to rules and regulations of the state board of education that complies with all health and safety laws or codes that are applicable to such schools;

(4) "Related services" has the same meaning as defined in the Individuals with Disabilities Education Act 20 U.S.C. § 1401; and

(5) "Scholarship grant" means a grant awarded under this part by the department to eligible students.

### SECTION 3.

(a)

(1) The department, annually by May 1, shall make available to eligible students applications for the award of scholarship grants to attend and to receive special education and related services in a nonpublic school. Scholarship grants may also be awarded to provide related services to home schooled students. The department shall post on the department's web site information about scholarship grants and the application process.

(2) The department shall give priority in the award of scholarship grants to eligible students who received a scholarship grant during the previous semester. Except as otherwise provided by the department for prior scholarship grant recipients, scholarship grants shall be awarded to eligible students in the order in which the applications are received.

(3) Eligible students awarded grants may not be enrolled in a public school.

(b)

(1) Scholarship grants awarded to eligible students shall be not more than three thousand dollars (\$3,000) per semester per eligible student for the 2014-2015 school year. For future school years, the maximum amount of the scholarship grant per semester shall be set in the general appropriations act.

(2)

(A) Except as provided in subdivision (b)(2)(B), scholarship grants shall be awarded only for the reimbursement of tuition and related services, including those related services provided to home schooled students. Parents may only receive reimbursement for tuition and related services if the parent provides documentation that the student was enrolled in nonpublic school for seventy-five (75) days or more of the semester for which the parent seeks reimbursement. A parent may only receive reimbursement for related services provided to a home schooled student if the parent provides documentation that the student received related services for seventy-five (75) days or more of the semester for which the parent seeks reimbursement.

(B) Any federal funding received for transportation of a scholarship student as a related service under 34 CFR 30.34(c)(16) shall be paid by the LEA directly to the nonpublic school in which the student enrolls; provided, that the nonpublic school agrees to and does provide the transportation for the student.

(3) The department shall notify parents in writing of their children's eligibility to receive scholarship grants for costs that shall be incurred during the spring semester of the following year by December 1 and for costs incurred during the fall semester of that year by July 1. The department shall also notify

the LEA in which the student resides of the student's eligibility to receive a scholarship grant. Following the conclusion of each school semester, the parent of an eligible student shall submit to the LEA any receipts or other documentation approved by the department to demonstrate the costs incurred during the semester as well as student enrollment in the nonpublic school for seventy-five (75) days or more of the semester for which the parent seeks reimbursement for tuition. The parents of a home schooled student shall submit to the LEA documentation that related services were provided to a home schooled student for seventy-five (75) days or more of the semester for which the parent seeks reimbursement for related services.

(4) The LEA in which the student resides shall disburse the scholarship grant in the amount of costs demonstrated by the parent up to the maximum amount. For the purposes of funding calculations, each grant recipient shall be counted in the enrollment figures for the LEA in which the student resides. If the costs incurred by a parent do not meet the maximum amount, the LEA shall retain the remainder of the funds.

(5) The department shall award scholarship grants to the parents of eligible students at least semiannually.

(c) After an eligible student initially receives a scholarship grant, the LEA shall reevaluate the student at least every three (3) years to verify that the student continues to be a child with a disability.

#### SECTION 4.

(a) The department may seek verification of information on any application for

scholarship grants from eligible students. If a parent fails to cooperate with verification efforts, the department shall revoke the award of the scholarship grant to the eligible student.

(b) Parents of applicants for scholarship grants shall authorize the department to access any information held by the LEA that is needed for verification efforts.

#### SECTION 5.

(a) The department shall report annually no later than October 1 on the award and use of scholarship grants to the education committees of the house of representatives and senate.

(b) The annual report shall include at least the following information:

(1) Total number, age, and grade level of eligible students receiving scholarship grants;

(2) Total amount of scholarship grant funding awarded;

(3) Nonpublic schools in which scholarship grant recipients are enrolled and the number of scholarship grant students at each school; and

(4) The type of special education or related services for which scholarship grants were awarded.

SECTION 6. The state board of education, in consultation with the commissioner of education, shall establish rules and regulations for the administration and awarding of scholarship grants. Initial rules and regulations for the administration and awarding of scholarship grants may be promulgated as emergency rules pursuant to § 4-5-208. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.