

HOUSE BILL 2490

By Swafford

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1, Part 2, relative to collecting and reporting data concerning public school students who cannot prove lawful residence in the United States.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 49-1-2\_\_.

(a) To the extent permitted by federal law, the department of education shall collect from LEAs data on populations of students enrolled in LEAs who are aliens and cannot prove lawful residence in the United States.

(b) The department shall submit a report on or before December 15 of each year to the governor, the speaker of the house of representatives and the speaker of the senate that summarizes the data collected pursuant to this section on a district-by-district basis. The department shall provide a copy of such report to the secretary of state and to the state librarian and archivist. The report shall include the following information:

(1) Research on the adverse impact of the enrollment of students who cannot prove lawful residence in the United States; and

(2) A detailed estimate of the total cost to the taxpayers of this state for the education of students who are not citizens of the United States, including a separate detailed estimate of the total cost to the taxpayers of this state for the education of students who cannot prove lawful residence in the United States.

(c) The commissioner of education may withhold state education finance funds that the LEA is otherwise eligible to receive, if the commissioner determines that the LEA is not complying with the requirements of this section.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.