

# State of Tennessee

## PUBLIC CHAPTER NO. 204

SENATE BILL NO. 808

By Johnson, Haile, Bowling, Gresham

Substituted for: House Bill No. 952

By Lamberth, Gant, Hurt, Hardaway, Smith, Helton

AN ACT to amend Tennessee Code Annotated, Section 49-1-202; Title 49, Chapter 11; Section 49-3-201; Section 49-3-302 and Section 49-3-318, relative to education.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-202(a), is amended by deleting the second sentence and substituting instead the following:

The assistant commissioner for career and technical education shall be responsible for the management of all career and technical education matters as governed by federal and state policies, guidelines, rules, and regulations.

SECTION 2. Tennessee Code Annotated, Section 49-3-201, is amended by deleting the section and substituting instead the following:

(a) In case the United States congress enacts any legislation of any character making grants of public moneys to the states for the purpose of promoting the cause of public education, the department of education is designated as the authority to accept and administer the funds.

(b) Nothing in this section interferes with the allocation and administration of federal funds specifically appropriated to institutions of higher education, or for specific purposes; provided, that the funds are allocated and administered in accordance with applicable federal law.

(c) In case federal legislation makes funds available for public schools, for extended services of public schools, or for providing local and state supervisory services for public schools, or in case funds are made available through federal legislation previously passed for public schools, the department of education is authorized to accept and administer these funds according to the applicable federal law.

SECTION 3. Tennessee Code Annotated, Section 49-3-302(13), is amended by deleting the language "or the state board for vocational education".

SECTION 4. Tennessee Code Annotated, Section 49-3-318(a)(1), is amended by deleting the subdivision and substituting instead the following:

(a)(1) The department of education shall administer annual appropriations that are made for career and technical education, including all of the related programs for which funds have been or may be authorized or appropriated by any present or future federal act or acts having to do with or related to career and technical education.

SECTION 5. Tennessee Code Annotated, Section 49-3-318(a)(4), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 49-3-318(b)(1)(C), is amended by deleting the subdivision.

SECTION 7. Tennessee Code Annotated, Section 49-3-318(b), is amended by deleting subdivisions (2), (3), and (4).

SECTION 8. Tennessee Code Annotated, Section 49-3-318(c), is amended by deleting the language "vocational school" and substituting instead the word "career".

SECTION 9. Tennessee Code Annotated, Section 49-11-101(a)(1), is amended by deleting the subdivision and substituting instead the following:

The department of education is designated the state board for career and technical education and, as such, is authorized and empowered to accept on behalf of the state all acts of congress pertaining to career and technical education.

SECTION 10. Tennessee Code Annotated, Section 49-11-101(a)(3), is amended by deleting the language ", by October 1, 2008,".

SECTION 11. Tennessee Code Annotated, Section 49-11-101, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding any other provision of law to the contrary, the board of regents is solely responsible for administering career and technical programs in the colleges governed by the board of regents, and is authorized and empowered to make agreements with the federal government and local government units that may be deemed necessary to participate in career and technical funding programs for which the department of education has not been designated as the sole state agency authorized to receive federal funds.

SECTION 12. Tennessee Code Annotated, Section 49-11-102, is amended by deleting the section and substituting instead the following:

(a) The department of education shall, subject to available funds, administer an occupational educator scholarship program for prospective educators seeking a Tennessee occupational teaching license.

(b) To be eligible for an occupational educator scholarship, a prospective educator, in accordance with the rules promulgated under subsection (c), must:

(1) Be a Tennessee resident for one (1) year immediately preceding the date of application for a scholarship;

(2) Apply for an occupational educator scholarship;

(3) Be admitted to an eligible educator preparation program;

(4) Agree to teach occupational career and technical education courses in a Tennessee public school for a specified time; and

(5) Agree to repay the scholarship according to a repayment schedule if the prospective educator does not fulfill the requirements of subdivision (b)(4), unless it is impossible for the prospective educator to fulfill the requirements of subdivision (b)(4) because of the prospective educator's death or permanent disability.

(c) The department shall recommend, and the state board of education shall promulgate, rules for the administration and management of the occupational educator scholarship program. The rules must establish the maximum aggregate amount of the scholarship and the eligibility requirements for receiving and maintaining a scholarship under this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 13. Tennessee Code Annotated, Section 49-11-104(e), is amended by deleting the subsection.

SECTION 14. Tennessee Code Annotated, Section 49-11-202, is amended by deleting the language "state board" wherever it appears in the section and substituting instead the word "department".

SECTION 15. Tennessee Code Annotated, Section 49-11-202(2)(A), is amended by deleting the language "the handicapped" and substituting instead the language "students with disabilities".

SECTION 16. Tennessee Code Annotated, Title 49, Chapter 11, Part 5, is amended by deleting the part.

SECTION 17. Tennessee Code Annotated, Section 49-11-602(4), is amended by deleting the subdivision and substituting instead the following:

"Establishment of a rehabilitation facility" means the expansion, remodeling, or alteration of existing buildings, and initial equipment of the buildings, necessary to adapt the buildings to rehabilitation facility purposes or to increase the buildings' effectiveness for rehabilitation purposes and initial staffing of the facility;

SECTION 18. Tennessee Code Annotated, Section 49-11-602, is amended by deleting subsections (5), (13), and (16).

SECTION 19. Tennessee Code Annotated, Section 49-11-602, is amended by adding the following language as new subdivisions:

( ) "Commissioner" means the commissioner of human services;

( ) "Department" means the department of human services;

SECTION 20. Tennessee Code Annotated, Section 49-11-603(a)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

The director must be appointed, in accordance with established personnel standards, on the basis of the person's training, experience, and demonstrated ability in the field of vocational rehabilitation, or related fields, and is the head of the vocational rehabilitation program.

SECTION 21. Tennessee Code Annotated, Section 49-11-603(c)(2), is amended by deleting the subdivision and substituting instead the following:

Upon approval by the department, the proposals constitute the state plan and state regulations.

SECTION 22. Tennessee Code Annotated, Section 49-11-604(c)(2), is amended by deleting the language "workshops and".

SECTION 23. Tennessee Code Annotated, Section 49-11-604(d), is amended by deleting the language ", through its executive officer,".

SECTION 24. Tennessee Code Annotated, Section 49-11-604(d), is amended by deleting the language ", adopted by the state board and".

SECTION 25. Tennessee Code Annotated, Section 49-11-604, is amended by deleting the language "state board" wherever it appears and substituting instead the language "department".

SECTION 26. Tennessee Code Annotated, Section 49-11-604, is amended by deleting the language "bureau of old-age and survivors insurance" wherever it appears in the section and substituting instead the language "social security administration".

SECTION 27. Tennessee Code Annotated, Section 49-11-605(a), is amended by deleting the language "state board, through the division," and substituting instead the word "department".

SECTION 28. Tennessee Code Annotated, Section 49-11-605(b), is amended by deleting the language "Upon designation by the state board, the division" and substituting instead the language "The department".

SECTION 29. Tennessee Code Annotated, Section 49-11-606, is amended by deleting the language "state board" and substituting instead the word "department".

SECTION 30. Tennessee Code Annotated, Section 49-11-607(b)(1), is amended by deleting the language "state board" and substituting instead the word "department".

SECTION 31. Tennessee Code Annotated, Section 49-11-607(b)(1), is amended by deleting the language "and workshops" wherever it appears in the subdivision.

SECTION 32. Tennessee Code Annotated, Section 49-11-608, is amended by deleting the language ", in the judgment of the state board,".

SECTION 33. Tennessee Code Annotated, Section 49-11-608, is amended by deleting the language "by the state board" wherever it appears in the section.

SECTION 34. Tennessee Code Annotated, Section 49-11-608, is amended by deleting the language "state board is empowered" and substituting instead the language "department is empowered".

SECTION 35. Tennessee Code Annotated, Section 49-11-608, is amended by deleting the language "the state board to defray" and substituting instead the language "the department to defray".

SECTION 36. Tennessee Code Annotated, Section 49-11-609, is amended by deleting the language "state board through the director" and substituting instead the word "commissioner".

SECTION 37. Tennessee Code Annotated, Section 49-11-610, is amended by deleting the language "state board" and substituting instead the word "department".

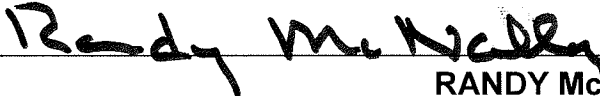
SECTION 38. Tennessee Code Annotated, Section 49-11-612, is amended by deleting the section and substituting instead the following:

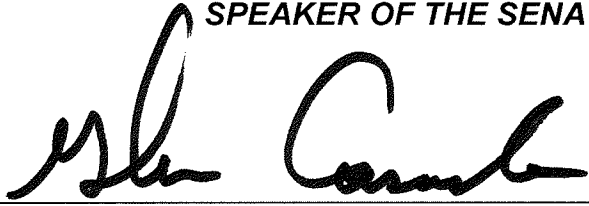
Any individual applying for or receiving vocational rehabilitation services who is aggrieved by any action of the division is entitled, in accordance with regulations, to a fair hearing, before a hearing officer.

SECTION 39. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 808

PASSED: April 15, 2019

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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GLEN CASADA, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 25<sup>th</sup> day of April 2019

  
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BILL LEE, GOVERNOR