

SENATE BILL 2283

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 4 and  
Title 49, relative to the department of education.

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 section:

(a)

(1) The department of education shall promulgate rules not later than  
September 1, 2020, to regulate how the department's office for civil rights  
effectuates the office's duty to:

(A) Ensure that the department complies with Title VI of the Civil  
Rights Act of 1964 (42 U.S.C. § 2000d) and Title IX of the Education  
Amendments of 1972 (20 U.S.C. § 1681); and

(B) Assist programs that receive funding from the department to  
comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
and Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681).

(2) Rules promulgated under subdivision (a)(1) must be in compliance  
with the United States Code, the Code of Federal Regulations (CFR), and state  
law, and shall not include policy guidance issued by the United States  
department of education.

(3) Rules promulgated under this subsection (a) must be promulgated in  
accordance with the Uniform Administrative Procedures Act, compiled in title 4,  
chapter 5. Notwithstanding any law to the contrary, the department shall not

have the authority to implement any change by proposed rules without public hearing or by adopting emergency rules after initial rules are adopted, unless:

(A) The rule is required by the constitution or a federal court order; or

(B) The rule is required by an agency of the federal government through a change in the Code of Federal Regulations (CFR), and adoption of the rule through ordinary rulemaking procedures described in title 4, chapter 5, might jeopardize the loss of a federal program or funds.

(b) Rules promulgated under subdivision (a)(1) must include:

(1) Accounting methodology to be used by the department to ensure compliance with § 4-4-123(b); and

(2) Methodology used to ensure Title IX implementation plans developed by state government entities subject to the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) include:

(A) Protections pursuant to §§ 49-6-2902(a), 49-6-2904(a)(3), and 49-6-8002; and

(B) Protections to avoid offenses under §§ 39-13-511 and 39-13-607.

(c)

(1) The comptroller of the treasury shall conduct a performance audit of the department's office for civil rights no later than December 1, 2021. Following the initial audit, subsequent audits of the department's office for civil rights shall be conducted as directed by the joint government operations committee or during the course of the normal audit cycle of the comptroller.

(2) The comptroller shall notify the chairs of the joint government operations committee upon completion of the audit report, and upon notification, the government operations joint subcommittee on education, health, and general

welfare may hold a public hearing and receive testimony from the comptroller and department's office for civil rights.

(3) The comptroller shall submit a written report of its audit findings to the education committees of the senate and the house of representatives.

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