

SENATE BILL 3270

By Tracy

AN ACT to amend Tennessee Code Annotated, Section 49-3-370, relative to education funding for students in mental health facilities.

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

SECTION 1. Tennessee Code Annotated, Section 49-3-370, is amended by deleting the words “and local” in subsection (a).

SECTION 2. Tennessee Code Annotated, Section 49-3-370, is further amended by deleting the language of subdivision (a)(1) and by substituting instead the following:

The residential mental health facility operates as a Category I special purpose school pursuant to state board of education rules and regulations and provides a minimum of sixteen and one half (16 1/2) hours per week of educational instructional services to the students admitted pursuant to this part;

SECTION 3. Tennessee Code Annotated, Section 49-3-370, is further amended by deleting the language of subdivision (a)(2) and by substituting instead the following:

The student admitted to the residential mental health facility was enrolled in the LEA in the academic year immediately preceding admission to the mental health facility and is a currently enrolled student in the LEA; and

SECTION 4. Tennessee Code Annotated, Section 49-3-370, is further amended by deleting the language of subdivision (a)(3) and by substituting instead the following:

The student is admitted to the residential mental health facility under a signed, written order of a qualified physician licensed to practice medicine in this state, such order being based upon a certification of medical necessity. An exact copy of the order signed by the physician shall be provided to the LEA in which the student is enrolled prior to the disbursement of funds to the facility.

SECTION 5. Tennessee Code Annotated, Section 49-3-370, is amended by adding the following new language as a new subsection (c) and by redesignating the current subsection accordingly:

(c) This part shall not be used or construed to circumvent the requirements of Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.