

CHAPTER NO. 953

SENATE BILL NO. 3158

By Cohen

Substituted for: House Bill No. 3210

By Newton, Hagood, Kent

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 51, Part 1 and Title 49, Chapter 6, relative to after school programs pursuant to Article XI, Section 5, of the Constitution of Tennessee.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following language as a new part:

Section 49-6-701. (a) The Department of Education shall establish, administer and monitor a system of competitive grants and technical assistance for eligible organizations providing after school educational programs consistent with Article XI, Section 5, of the Constitution of Tennessee.

(b) Such grants and technical assistance shall be available in any fiscal year in which the financial assistance program for attendance at post secondary educational institutions located within this state is funded pursuant to Title 49, Chapter 4, Part 9, and excess funds are available from the lottery for education account for other educational purposes and projects consistent with Article XI, Section 5, of the Constitution of Tennessee. In any such year, the governor may recommend, and the general assembly may appropriate, monies for grants and technical assistance for after school educational programs. Such appropriations shall otherwise be made in the manner required by law for appropriations.

(c) Such grants and technical assistance shall supplement, not supplant, non-lottery educational resources for after school educational programs and purposes.

Section 49-6-702. (a) In accordance with rules and regulations promulgated by the State Board of Education, on the recommendation of the Commissioner of Education, grants and technical assistance shall be awarded to public and not-for-profit organizations that provide, or propose to provide, after school educational programs within Tennessee.

(b) An organization shall be eligible if such organization operates, or proposes to operate, a program that is available to students at least twenty (20) hours per week on a year round basis and includes, at a minimum:

- (1) Reading skills development and enhancement;
- (2) Math or science skills development and enhancement;

- (3) Computer literacy and skills development;
- (4) Academic mentoring or tutorial assistance; and
- (5) Sports or leisure opportunities.

(c) Programs shall be designed to comprehensively address the educational, health, and social service needs of children who are five (5) years of age or older and enrolled in the elementary or secondary grades. Any such program shall maintain an enrollment of children of which at least eighty percent (80%) of the students enrolled meet one (1) of the following requirements:

- (1) Qualify for free and reduced lunch pursuant to 42 U.S.C. § 1771;
- (2) Are at risk of educational disadvantage and failure due to circumstances of abuse, neglect or disability;
- (3) Are at risk of state custody due to family dysfunction;
- (4) Are enrolled in and attending a public school failing to make adequate yearly progress;
- (5) Are attending a public school, including a public charter school, instead of a public school failing to make adequate yearly progress as a result of parent choice; or
- (6) Are at risk of failing one (1) or more subjects or are behind grade level by at least one (1) year.

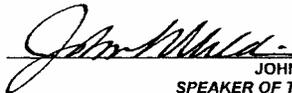
Section 49-6-703. At least once each year, the commissioner shall report findings and recommendations concerning the system of competitive grants and technical assistance established pursuant to the provisions of this part to the governor, Speaker of the Senate, Speaker of the House of Representatives, and the co-chairs of the select committee on the Tennessee education lottery corporation.

SECTION 2. The State Board of Education, on the recommendation of the Commissioner of Education, is authorized to promulgate rules and regulations to effectuate the provisions of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 20, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of June 2004


PHIL BREDESEN, GOVERNOR