

CHAPTER NO. 1016

HOUSE BILL NO. 4040

By Representatives McMillan, Winningham

Substituted for: Senate Bill No. 3919

By Senators Kyle, Crutchfield, Tracy

AN ACT to amend Tennessee Code Annotated, Title 49, relative to Career and Technical Education.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-202 is amended by deleting the language "vocational education" wherever it appears and substituting instead the language "career and technical education".

SECTION 2. Tennessee Code Annotated, Section 49-1-202 is further amended by adding the following language at the end of the second sentence:

All references to or duties or powers of the former division of vocational education or to the division of vocational-technical education shall be deemed to be references to or powers or duties of the division of career and technical education.

SECTION 3. Tennessee Code Annotated, Section 49-11-101(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) The state board of education is hereby designated the state board for career and technical education and as such is authorized and empowered to accept upon the behalf of the state any and all acts of congress pertaining to career and technical education.

(2) The state board career and technical education is hereby designated the sole agency of the state for administering career and technical education programs in cooperation with local education agencies and the federal government and its agencies, and is authorized and empowered to make such agreements with the federal government and local governmental units as may be deemed necessary to participate in federal career and technical education funding.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 11, Part 2 is amended by deleting the part in its entirety and substituting instead the following:

Section 49-11-201.

(a) There is hereby created the Tennessee council for career and technical education.

(b) The council shall consist of thirteen (13) members appointed by the governor and shall serve in an advisory capacity to the state board of education, the board of regents, the governor and the general assembly. Members of the council shall be appointed to serve terms of six (6) years. In the event a vacancy is created by the death or resignation of a member or by other cause, a successor shall be appointed within fifteen (15) days to serve for the remainder of the unexpired term. The governor shall appoint a person to fill each of the below listed categories:

(1) Seven (7) individuals who are representative of the private sector in the state who shall constitute a majority of the membership:

(A) Five (5) of whom shall be representative of business, industry, trade organizations and agriculture; and

(B) Two (2) of whom shall be representatives of labor organizations; and

(2) Six (6) individuals who are representative of secondary and postsecondary vocational institutions (equitably distributed among such institutions), career guidance and counseling organizations within the state, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) and of whom one (1) member shall be representative of special education.

Section 49-11-202. The Tennessee council for career and technical education shall:

(1) Meet with the state board of education or its representatives during the planning year to advise on the development of the state plan;

(2) Advise the state board of education and make reports to the governor, the business community and general public of the state concerning:

(A) Policies the state should pursue to strengthen career and technical education (with particular attention to programs for the handicapped); and

(B) Initiatives and methods the private sector could undertake to assist in the modernization of career and technical education programs;

(3) Analyze and report on the distribution of spending for career and technical education in the state and on the availability of career and technical education activities and services within the state;

(4) Furnish consultation to the state board of education on the establishment of evaluation criteria for career and technical education programs within the state;

(5) Submit recommendations to the state board of education on the conduct of career and technical education programs conducted in the state which emphasize the use of business concerns and labor organizations;

(6) Assess the distribution of financial assistance between secondary career and technical education programs and postsecondary career and technical education programs;

(7) Recommend procedures to the state board of education to ensure and enhance the participation of the public in the provision of career and technical education at the local level within the state, particularly the participation of local employers and local labor organizations;

(8) Report to the state board of education on the extent to which all persons are provided with equal access to quality career and technical education programs, including, but not limited to:

(A) Individuals with disabilities;

(B) Disadvantaged individuals;

(C) Adults who are in need of training and retraining;

(D) Individuals who are single parents or homemakers;

(E) Individuals who participate in programs designed to eliminate sex bias and stereotyping in career and technical education; and

(F) Criminal offenders who are serving in a correctional institution.

(9) Evaluate career and technical education program delivery systems at least once every two (2) years;

(10) Make recommendations to the state board of education on the adequacy and effectiveness of the coordination that takes place between career and technical education and other training programs; and

(11) Advise the governor, the general assembly, the Tennessee board of regents, and the state board of education of these findings and recommendations.

Section 49-11-203.

(a) Funds necessary to accomplish the mandates of federal legislation affecting career and technical education shall be provided from either federal or state funds or both through appropriation by the general assembly.

(b) Members of the council shall be entitled to receive per diem at the rate of fifty dollars (\$50.00) per day for each day engaged in carrying out their responsibilities under this part, provided such funds are available.

(c) Members of the council are entitled to reimbursement for all actual reasonable and necessary expenses incurred for meals and lodging while attending to the official business of the council and mileage for attending council meetings and conducting other business of the council. Funds appropriated for the work of the council may be used to pay for meals of the members of the council and other persons authorized by the council to participate in meetings which assist the council to fulfill its obligations under state and federal legislation. The council is authorized to disburse funds for out-of-state travel as prescribed by state law.

(d)

(1) The council is authorized to obtain the services of such professional, technical and clerical personnel as may be necessary to enable it to carry out its functions under this part and to contract for such services as may be necessary to enable the council to carry out its evaluation functions, independent of programmatic and administrative control by other state boards, agencies and individuals.

(2) The expenditure of funds paid pursuant to this subsection is to be determined solely by the state council, and may not be diverted or reprogrammed for any other purpose by any state board, agency or individual. The council shall designate an appropriate state agency or other public agency, eligible to receive funds pursuant to either federal or state law, to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2006


PHIL BREDEESEN, GOVERNOR