

PUBLIC CHAPTER NO. 1175**SENATE BILL NO. 2809****By Woodson, Bunch, Burks****Substituted for: House Bill No. 2975****By Wunningham, Hardaway, Shaw, Bone**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 51, Part 1 and Title 49, Chapter 6, Part 7, relative to lottery-funded after school programs.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-701, is amended by deleting the section in its entirety and by substituting instead the following:

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

(b) There is created within the state treasury a fund to be administered by the Department of Education and to be known as the "lottery for education after school programs grant fund" hereinafter referred to as the "LEAP grant fund".

(c) In any fiscal year in which the financial assistance program for attendance at postsecondary educational institutions located within this state is funded pursuant to Title 49, Chapter 4, Part 9, and funds are available in the after school account established in § 4-51-111(f), the governor shall recommend, and the general assembly may appropriate moneys in the after school account to the Department of Education for deposit in the LEAP grant fund.

(d)(1) Moneys in the LEAP grant fund shall be available to the Department of Education to make grants and fund technical assistance for after school programs. An after school program grant shall be awarded for a period of three (3) years with moneys for such grant earmarked in the LEAP grant fund and disbursed annually during the life of the grant according to the terms of the grant.

(2) The Department of Education shall establish a method whereby it converts grant funding for after school programs from annual grants to grants awarded for three (3) year periods. Such method may include a phase-in of the award of three-year grants so that not all grants expire at the same time or any other process that the department finds to be most efficacious in the administration of the grant program. Grants shall only be awarded to those programs that comply with § 49-6-702 or § 49-6-705 and meet adequate performance levels as determined by the Department of Education.

(e) The award of grants in any fiscal year is subject to the availability of funds in the LEAP grant fund for such grants. Amounts remaining in the LEAP grant fund at the end of each fiscal year shall not revert to the general fund or to the after school account, but shall be carried forward into the subsequent fiscal year and remain available for use by the department for after school programs and technical assistance for such programs. Moneys in the fund shall be invested by the state treasurer pursuant to Title 9, Chapter 4, Part 6 for the sole benefit of the fund. All earnings attributable to such investments shall be credited to the fund.

SECTION 2. Tennessee Code Annotated, Section 49-6-705(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) The grants shall be available in any fiscal year in which funds are available in the LEAP grant fund for such grants.

SECTION 3. Tennessee Code Annotated, Section 49-6-705(d)(1), is amended by adding the following sentence at the end of the subdivision:

A pilot after school educational program grant shall be awarded for a period of three (3) years with moneys for such grant earmarked in the LEAP grant fund and disbursed annually during the life of the grant according to the terms of the grant in accordance with the method of administration of the grant program adopted by the Department of Education pursuant to § 49-4-701(d)(2).

SECTION 4. Tennessee Code Annotated, Section 49-6-706, is amended by deleting the language "after school programs special account" and substituting instead the language "LEAP grant fund".

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 6, Part 7, is amended by adding the following language as a new, appropriately designated section:

§ 49-6-7__. Programs funded under this part shall be subject to the school administered child care rules established under § 49-1-302(l).

SECTION 6. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 20, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of June 2008



PHIL BREDESEN, GOVERNOR