

SENATE BILL 3262

By Berke

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 51 and Title 49, Chapter 6, relative to early intervention programs.

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

SECTION 1. Tennessee Code Annotated, Section 4-51-111, is amended by adding the following language as a new subsection:

(g)

(1) There is hereby created a special account in the state treasury to be known as the "early intervention programs special account," hereinafter referred to as the "early intervention account." The general assembly may appropriate excess net proceeds from the lottery for education account to the early intervention account in accordance with § 49-6-110(b).

(2) 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 is available from net lottery proceeds for other educational purposes and projects consistent with article XI, § 5 of the Constitution of Tennessee, then in any such fiscal year moneys in the early intervention account may be appropriated by the general assembly from such account pursuant to subdivision (g)(3).

(3) Moneys in the early intervention account shall be used exclusively for programs consistent with article XI, § 5 of the Constitution of Tennessee. Such moneys shall supplement, not supplant, non-lottery educational resources for early intervention educational programs and purposes. The general assembly

shall appropriate from the early intervention programs special account by specific reference to it or by reference to the early intervention account. Such appropriations shall otherwise be made in the manner required by law for appropriations.

(4) Any reserve balance remaining unexpended at the end of a fiscal year in the early intervention account shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(5) Notwithstanding any provision of this section to the contrary, interest accruing on investments and deposits of the early intervention account shall be credited to such account, shall not revert to the general fund, and shall be carried forward into the subsequent fiscal year.

(6) Moneys in the early intervention account shall be invested by the state treasurer in accordance with the provisions of § 9-4-603.

SECTION 2. Tennessee Code Annotated, Section 49-6-108, is amended by adding the following language as a new subsection:

(7) Administer the lottery for education early intervention programs grant fund in accordance with § 49-6-111.

SECTION 3. Tennessee Code Annotated, Section 49-6-110, is amended by designating the existing language as subsection (a) and by adding the following language as subsection (b):

(b) In any fiscal year in which the financial assistance program for attendance at postsecondary educational institutions located within this state is funded pursuant to chapter 4, part 9 of this title and there exists net proceeds of the state lottery in excess of such allocation, then the general assembly may, through the appropriations process, allocate a portion of the excess net proceeds to the early intervention account created in § 4-51-111.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 1, is amended by adding the following language as new sections:

Section 49-6-111.

(a) The department of education office of early learning shall establish, administer, and monitor a system of competitive grants and technical assistance for eligible organizations providing early intervention educational programs consistent with Tennessee Constitution Article XI, § 5. The grants and technical assistance shall supplement not supplant non-lottery educational resources for early intervention educational programs and purposes.

(b) There is created within the state treasury a fund to be administered by the department of education office of early learning and to be known as the lottery for education early intervention programs grant fund, referred to as the early intervention grant fund in this section.

(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 Chapter 4, part 9 of this title, and funds are available in the early intervention account established in § 4-51-111(g), the governor shall recommend and the general assembly may appropriate moneys in the early intervention account to the department of education for deposit in the early intervention grant fund.

(d) Moneys in the early intervention fund shall be available to the department of education to make grants and fund technical assistance for early intervention programs. An early intervention program grant shall be awarded for a period of two (2) years with moneys for such grant earmarked in the early

intervention grant fund and disbursed annually during the life of the grant according to the terms of the grant.

(e) The awards of grants in any fiscal year are subject to the availability of funds in the early intervention grant fund for such grants. Amounts remaining in the early intervention grant fund at the end of each fiscal year shall not revert to the general fund, but shall be carried forward into the subsequent fiscal year and remain available for use by the department of early intervention programs and technical assistance for such programs. Moneys in the fund shall be invested by the state 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 49-6-112.

(a) In accordance with rules and regulations promulgated by the department of education and 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, early intervention programs in this state.

(b) An organization shall be eligible if the organization operates, or proposes to operate, a program that provides appropriate early intervention services to Part C eligible children and families in accordance with the child's individualized family services plan or portion thereof.

(c) Programs shall be designed to comprehensively address the educational and social service needs Part C eligible children. At a minimum, the program shall provide direct intervention and consulting services including family

training, special instruction, counseling, consultation to other caregivers, developmental evaluations and assessments, and appropriate related services.

Section 49-6-113. At least once each year, the commissioner shall report findings and recommendations concerning the system of competitive grants and technical assistance established pursuant to § 49-6-111 and § 49-6-112 to the governor, the speaker of the senate, and the speaker of the house of representatives.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.