



**State of Tennessee**  
**PUBLIC CHAPTER NO. 1099**

**SENATE BILL NO. 3270**

**By Tracy, Ketron, Burks**

Substituted for: House Bill No. 3496

By Hensley

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

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

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

(3) 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 medical necessity. An LEA may require a physician attestation form including the patient's name, the dates of admission, and the signature of the physician to be submitted to the LEA prior to disbursement of funds to the facility.

SECTION 4. 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 5. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 3270

PASSED: May 1, 2012

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 21<sup>st</sup> day of May 2012

  
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BILL HASLAM, GOVERNOR