

**CHAPTER NO. 685**

**SENATE BILL NO. 3113**

**By Bowers, Burks, Finney**

**Substituted for: House Bill No. 3249**

**By Brown, Henri Brooks, Lois DeBerry, Marrero, Rowe, Favors, Cooper, Towns, Langster, Pruitt, Sontany**

AN ACT to amend Tennessee Code Annotated, Title 49, relative to after school programs funded from net state lottery proceeds.

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

SECTION 1. As used in this act, unless the context otherwise requires:

- (1) "ACT" means the ACT assessment administered by ACT;
- (2) "EXPLORE" means the EXPLORE assessment for students in the eighth and ninth grades administered by the ACT;
- (3) "PLAN" means the PLAN assessment for students in the tenth grade administered by the ACT;
- (4) "PSAT/NMSQT" means the Preliminary SAT/National Merit Scholarship Qualifying Test administered by the College Board and National Merit Scholarship Corporation; and
- (5) "SAT" means the Scholastic Aptitude Test administered by the College Board.

SECTION 2. (a) The Department of Education shall establish, administer and monitor a system of competitive grants for eligible organizations providing pilot after school educational programs consistent with Article XI, Section 5, of the Constitution of Tennessee.

(b) Such grants shall be available 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 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, moneys for grants for pilot after school educational programs. Such appropriations shall otherwise be made in the manner required by law for appropriations.

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

SECTION 3. (a) The purpose of the pilot after school educational programs shall be to increase performance for at-risk students on the ACT or SAT examinations in order to expand the number of students in the at-risk population eligible for lottery scholarships and to increase the abilities of such students to excel in postsecondary education. Such programs shall serve at-risk students in grades seven through nine (7-9). The programs shall prepare such students to take the EXPLORE and PLAN ACT preparatory examinations or the PSAT/NMSQT preparatory examination and eventually to take the ACT or SAT examinations.

(b) Six (6) pilot after school educational programs shall be established with two (2) programs in each grand division of the state. One (1) program in each grand division shall be in a rural area. The other program in each grand division shall be in an urban area. Each pilot program shall serve no more than sixty (60) students.

SECTION 4. (a) In accordance with rules and regulations promulgated by the state board of education and on the recommendation of the Commissioner of Education, grants shall be awarded to public schools, public charter schools, or public and not-for-profit organizations that propose to provide pilot after school educational programs.

(b) An organization shall be eligible if such organization proposes to operate a program that provides:

(1) Academic tutoring and skills development in subjects covered by EXPLORE, PLAN, and ACT examinations or PSAT/NMSQT and SAT examinations; and

(2) Test taking skills and strategies.

SECTION 5. At least once each year, the commissioner shall report findings and recommendations concerning the pilot after school educational programs established pursuant to the provisions of this act to the governor, Speaker of the Senate, Speaker of the House of Representatives, and the Education Committees of the Senate and the House of Representatives.

SECTION 6. 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 part. 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 7. The provisions of this act shall not be construed to be an appropriation of funds, and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 10, 2006

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 18<sup>th</sup> day of May 2006

  
PHIL BREDESEN, GOVERNOR