



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 991**

**SENATE BILL NO. 1649**

**By Norris, Massey, Stevens**

Substituted for: House Bill No. 1599

By Forgety; Madam Speaker Harwell; Byrd, Gant, Reedy, Kane, Holt, Butt, Mark White, Love, Faison, Howell, Weaver, Williams, Hazlewood, Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 49; Title 50, Chapter 6 and Title 67, relative to work-based learning.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 11, Part 1, is amended by adding the following as a new section:

(a) An employer that accepts or employs a student who is participating in work-based learning coordinated through the student's LEA or a state institution of higher education, including, but not limited to, Tennessee colleges of applied technology:

(1) Shall not be liable for actions relating to that student unless the employer acted willfully or with gross negligence; and

(2) May elect to provide workers' compensation insurance coverage to compensate a participating student for any injury that is covered under the Workers' Compensation Law, compiled in title 50, chapter 6. Notwithstanding subdivision (a)(1), if an employer elects to provide workers' compensation insurance coverage pursuant to this subdivision (a)(2):

(A) The coverage shall serve as the participating student's exclusive remedy for any compensable injury that is covered under the Workers' Compensation Law; and

(B) The employer shall not disclaim the participating student's eligibility for such coverage.

(b) An LEA or state institution of higher education that coordinates work-based learning for students shall maintain liability insurance coverage for all participating students. If an employer elects to provide workers' compensation insurance coverage to a participating student pursuant to subdivision (a)(2), then the LEA or state institution of higher education shall maintain liability insurance coverage to compensate the participating student for any injury that is not covered under the Workers' Compensation Law.

(c) For purposes of this section, an employer shall not be prohibited from employing a student who is under the age of eighteen (18); provided, that the employer is in compliance with state and federal law.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 11, is amended by adding the following as a new part:

**49-11-901.** As used in this part:

(1) "Department" means the department of economic and community development;

(2) "Grant" means a qualified work-based learning student grant issued pursuant to this part;

(3) "Grant fund" means the qualified work-based learning student grant fund established by § 49-11-902(b);

(4) "Program operator" means a nonprofit entity that has entered into an agreement with the department to administer the program established by this part; and

(5) "Qualified work-based learning student" means a student who:

(A) Is enrolled in a secondary or postsecondary work-based learning course coordinated through the student's LEA or a state institution of higher education, including, but not limited to, Tennessee colleges of applied technology;

(B) Is receiving academic credit or credit toward completion of a career and technical education program for the work-based learning course;

(C) Is performing the duties associated with the work-based learning course in this state; and

(D) Is supervised by a teacher, faculty member, or staff member of the LEA or state institution of higher education.

**49-11-902.**

(a) There is established a qualified work-based learning student grant program.

(b) There is created a separate fund within the general fund to be known as the qualified work-based learning student grant fund.

(c) The grant fund is composed of:

(1) Funds specifically appropriated by the general assembly for the grant fund; and

(2) Gifts, grants, and other donations received for the grant fund.

(d) Moneys in the grant fund shall be invested by the state treasurer for the benefit of the grant fund pursuant to § 9-4-603. Interest accruing on investments and deposits of the grant fund shall be returned to the grant fund and remain a part of the grant fund.

(e) Any unencumbered funds and any unexpended balance of the grant fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with this section.

(f) Moneys in the grant fund may be expended only with the approval of the department and in accordance with this section.

(g) The department shall select a program operator to administer the program established by this part and shall issue a grant from funds available in the qualified work-based learning student grant fund to the program operator selected by the department.

**49-11-903.**

Any employer that accepts or employs a qualified work-based learning student may apply to the program operator for a grant in a manner determined by the program operator.

**49-11-904.**

(a) The grant amount allowed under this part shall be limited to five thousand dollars (\$5,000) per employer in any calendar year.

(b) The total amount of grants provided to employers under this part shall not exceed one million dollars (\$1,000,000) for any calendar year.

**49-11-905.**

An employer must submit an application, in a form prescribed by the program operator, along with any supporting documentation required by the program operator, by July 15 following the calendar year in which the employer accepted or employed a qualified work-based learning student. No grant shall be allowed under this part to an employer that fails to submit an application by the July 15 deadline. By September 15 following the July 15 deadline established in this section the program operator shall notify the employer of the amount of the grant allowed under this part.

**49-11-906.**

The department may promulgate rules to effectuate the purposes of this act in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**49-11-907.**

The program operator may establish an application fee sufficient to offset the costs of administering this part, subject to approval by the department.

**49-11-908.**

As a condition of receiving funds from the department pursuant to this part, the program operator must agree to submit to audits by the comptroller of the treasury.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1649

PASSED: April 25, 2018

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 21<sup>st</sup> day of May 2018

  
BILL HASLAM, GOVERNOR