

TICUA Policy Update

March 11, 2016

TICUA State Authorization Bill Passes House

TICUA has worked with THEC to draft a bill that will clarify THEC's ability to maintain a list of authorized non-profit post-secondary institutions in the state. The need for the bill stems from the US Department of Education (USDOE) staff reinterpreting the State's role of authorizing domiciled institutions. In 2015 the USDOE held up the Title IV recertification of a number of TICUA members based on the new interpretation. Consequently, TICUA, in cooperation with THEC, has sought a legislative solution to the issue.

The bill, (HB1680/SB1734) unanimously passed the full House Chamber with a vote of 96-0. The Senate version passed the Education Committee with a unanimous vote and will be considered by the full Senate next week.

Veteran Friendly Bill Passes House

Senate Majority Leader Mark Norris and House Speaker Pro Tempore Curtis Johnson are sponsoring a bill (SB2598/HB1836) which will expand THEC's authority to recognize TICUA members as Veteran Friendly campuses. Current law restricts the recognition to public colleges and universities.

The bill passed the House Chamber on the Consent Calendar on Monday evening and the companion bill unanimously passed out of the Senate Education Committee. The full Senate will consider the measure next week. Once the bill is signed by Governor Haslam THEC will begin accepting applications for recognition. TICUA will notify campuses as to the process within the next few weeks.

Firearms Bills Move to the Senate Floor

Senator Mike Bell and Rep. Tillman Goins are sponsoring a bill (SB1559/HB1644) which will allow private K-12 and postsecondary institutions to create policies allowing Tennessee conceal and carry permit holders to possess weapons on campus. The bill is permissive which also allows campuses to keep a weapons ban intact. If a campus chooses to promulgate a policy allowing weapons, it must do so with the approval of the institution's governing board and notify local law enforcement. The Senate version passed out of the Judiciary Committee and will go before the full Senate next week. The House bill has moved on to the Finance, Ways, and Means Committee.

Senator Dolores Gresham and Rep. Jeremy Fasion are sponsoring a bill (SB1736/HB2033) which will provide immunity to entities which allow weapons on private property. The sponsors have amended the second half of the bill to indicate immunity will not be granted for gross negligence. The amendment put the bill in a favorable position with the Senate Judiciary Committee so they voted it out

of committee for a vote in the Senate Chamber next week. If passed, this bill will impact campuses who may choose to allow weapons on campus under the Bell/Goins bill.

F-1 Visa Bill is Amended

Senator Paul Bailey and Rep. Ryan Williams are sponsoring a bill (SB2394/HB2429) which will increase the reporting cycle for F-1 Visa holders from once a year to twice a year. As well, the bill requires higher education institutions to report the names and addresses of F-1 Visa holders who unexpectedly do not re-enroll in classes. Just last year a bill was passed requiring higher education institutions to annually report aggregate numbers of students holding M-1 and F-1 Visas. The report was to give the number enrolled and the number still enrolled at the end of each term. The first reporting cycle is in November of 2016.

The higher education community has expressed concern that the additional requirement of giving directory information for a subset of students will violate FERPA since the reporting will clearly create student identifiable information that is not allowed under FERPA. The bill was amended in the House this week giving the Tennessee Department of Homeland Security administrative subpoena powers. These powers will allow the Department to request the data under FERPA. The data, however, must remain confidential within the Department.

The House version has passed through the Education committees and is now in the Finance, Ways, and Means Subcommittee. The Senate version is on the Education Committee's final calendar which contains 83 bills. The goal is for the Senate Education Committee to complete its work within two weeks.