

# TICUA Policy Update

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March 3, 2016

## **TICUA State Authorization Bill Passes House Education**

TICUA has drafted 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 House Education Administration and Planning Committee. The bill will be considered by the full House Chamber next week. The Senate version will be considered by the Senate Education Committee next week as well.

## **Veteran Friendly Bill Passes House Education Committee**

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 House bill passed the House Education Administration and Planning Committee and will be on the floor of the House next week. Due to committee time constraints, the Senate version of the bill remains in the Senate Education.

Fifteen of TICUA's member colleges and universities currently have a "military friendly" designation by Victory Media and all undergraduate programs participate in the Post 9-11 GI Yellow Ribbon program. If this bill is passed, it will provide yet another way TICUA members can highlight their service to our veterans. 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.

## **Guns on Campus**

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 is currently in the Judiciary Committee and the House bill has moved on to the Finance, Ways, and Means Committee. Both the Senate and House committees plan on hearing the bill next week.

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 second half of the bill,

however, places conditions on the immunity including negligence in protecting persons from being harmed by individuals who illegally bring weapons on the property with intent to do harm. Concerns have been expressed about how the second part of the bill negates the former negligence provision. If passed, this bill will impact campuses who may choose to allow weapons on campus under the Bell/Goins bill. TICUA continues to work with the bill sponsors to ensure independence and proper legal protections of its member campuses.

## **F-1 Visa Reporting Expansion**

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. There is a desire for the Tennessee Attorney General to opine to give clarification to the FERPA compliance issue.

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 calendar for next week.

## **FOCUS and Higher Education Authorization Acts**

Governor Haslam's higher education package continues to move through both chambers of the State Legislatures. The FOCUS Act, which provides with independent governing boards for the TBR universities, passed the House Education Administration and Planning Committee. It will now move to the House Finance, Ways, and Means Committee. Tennessee State University sent students to protest the bill in fear of its impact on the Nashville campus. They believe the bill will diminish TSU's parity in funding and could serve as a move for UT to ultimately take over the campus. The Senate version of the FOCUS Act is stalled in the Education Committee so that an amendment proposed by Chair Gresham which deals with Board appointments can be discussed further.

The Higher Education Authorization Act which deals with for-profit and out-of-state institutions operating in Tennessee, moved through the House Education Administration and Planning Committee and will now be considered by the House Government Operations Committee. The Senate version of the bill will be presented to the Education Committee next week.