

**LEGISLATION AFFECTING  
TBR AND MEMBER INSTITUTIONS**

**Public Acts of 2006**

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**TABLE OF CONTENTS**

<u>Section</u>	<u>Public Chapter</u>	<u>Page</u>
<b>I. ACADEMICS</b>		
Establishes the 2006 Education Summit	<a href="#">HJR 1026</a>	1
Teacher education curriculum - reading instruction	<a href="#">655</a>	1
Human skeletal remains	<a href="#">896</a>	1
West Tennessee Seismic Safety Commission	<a href="#">905</a>	1
Awareness of hate crimes at higher education institutions	<a href="#">908</a>	1
Service fee to public institutions for disabled persons [Editor's Note: Approval of post-secondary education institutions or programs]	<a href="#">913</a>	2
MTSU and TSU to conduct study on solid waste disposal	<a href="#">924</a>	2
Admissions preference to state colleges	<a href="#">950</a>	2
Archaeological Advisory Council - membership	<a href="#">968</a>	2
Chairs of excellence endowment may be redirected	<a href="#">990</a>	2
<b><u>Medical</u></b>		
Health professionals shortage area designation process	<a href="#">571</a>	3
Temporary certificates for master social workers	<a href="#">658</a>	3
Certification of training centers for paramedics	<a href="#">752</a>	3
Occupational therapists - Revised requirements	<a href="#">765</a>	3
Cover Tennessee Act of 2006, CoverKids Act of 2006, Diabetes Prevention and Health Improvement Act of 2006, Access Tennessee Act of 2006	<a href="#">867</a>	4
TennCare Pharmacy Cost to Dispense Act of 2006	<a href="#">915</a>	4
<b>II. BUSINESS</b>		
State Appropriations	<a href="#">963</a>	4
Bond issuance	<a href="#">962</a>	4
Bond issuance	<a href="#">928</a>	4
Fee waiver for dependants & spouses of deceased combat veterans	<a href="#">544</a>	4
Tennessee Student Assistance Awards	<a href="#">582</a>	5
Expiration date on sale of gift certificates	<a href="#">622</a>	5
Freezing of debit cards for more than transaction amount	<a href="#">683</a>	5
Reporting of crime on college campuses	<a href="#">757</a>	5
Postsecondary school authorization	<a href="#">766</a>	5
Service fee to public institutions for disabled persons [Editor's Note: Approval of post-secondary education institutions or programs]	<a href="#">913</a>	6
Chairs of excellence endowment may be redirected	<a href="#">990</a>	6

<u>Section</u>	<u>Public Chapter</u>	<u>Page</u>
<b><u>Procurement</u></b>		
Competitive procurement process	<a href="#">597</a>	6
Surplus state property	<a href="#">649</a>	6
Individuals doing business with the state	<a href="#">773</a>	7
Group purchasing programs for higher education	<a href="#">780</a>	7
Monetary limits for informal purchases, including the solicitation of telephone bids	<a href="#">859</a>	7
Disclosure of financial transaction costs and details	<a href="#">874</a>	7
Contracting with any person who utilizes illegal immigrants	<a href="#">878</a>	8
<b>III. FACILITIES</b>		
Parking spaces for the handicapped	<a href="#">562</a>	8
Property transferred to tax-exempt organizations	<a href="#">621</a>	8
Regulation of elevators	<a href="#">637</a>	8
Surplus state property	<a href="#">649</a>	8
Property tax exemption for land owned by non-profits	<a href="#">740</a>	9
Rental property with code violations inspection	<a href="#">851</a>	9
Eminent domain for public use only	<a href="#">863</a>	9
Remediation of dangerous conditions of buildings	<a href="#">868</a>	9
Prohibits smoking in all state buildings	<a href="#">876</a>	9
Residential rental property inspections	<a href="#">949</a>	10
<b>IV. HUMAN RESOURCES</b>		
Misrepresentation of academic credentials	<a href="#">661</a>	10
Parental participation in public education	<a href="#">850</a>	10
Pensions & compensation program for state officers and employees	<a href="#">870</a>	10
Revisions to state employee benefits	<a href="#">982</a>	11
Death benefits of National Guard members	<a href="#">985</a>	11
Reemployment of retired TCRS members	<a href="#">1002</a>	11
Unarmed security guard applications	<a href="#">1013</a>	12
<b>V. INFORMATION SYSTEMS</b>		
Online peer-to-peer file-sharing services	<a href="#">SJR 1020</a>	12
Anti-Phishing Act of 2006	<a href="#">566</a>	12
<b>VI. LEGAL</b>		
Online peer-to-peer file-sharing services	<a href="#">SJR 1020</a>	13
Higher education foundation board hearings	<a href="#">541</a>	13
Sunshine in Government Improvement Act of 2006	<a href="#">887</a>	13
<b>VII. LOTTERY</b>		
Increases HOPE scholarship awards	<a href="#">974</a>	13
Extends annual event application deadline	<a href="#">508</a>	14
Tennessee Student Assistance awards	<a href="#">582</a>	14
After school programs funded from net lottery proceeds	<a href="#">685</a>	14

<u>Section</u>	<u>Public Chapter</u>	<u>Page</u>
TN HOPE Foster Child Tuition Grants	<a href="#"><u>869</u></a>	14
TSAC may conduct lottery scholarship day	<a href="#"><u>909</u></a>	14
TN HOPE Teacher’s Scholarship	<a href="#"><u>977</u></a>	15
Provides articulation of Wilder-Naifeh grant to HOPE scholarship	<a href="#"><u>980</u></a>	15
<b>VIII. STUDENT AFFAIRS</b>		
Student Information in Higher Education Act of 2005	<a href="#"><u>313</u></a>	16
Reporting of crime on college campuses	<a href="#"><u>757</u></a>	16
Scholarship program for graduate nursing students	<a href="#"><u>882</u></a>	16
Awareness of hate crimes at higher education institutions	<a href="#"><u>908</u></a>	16
Admissions preference to state colleges	<a href="#"><u>950</u></a>	16
<b>IX. TECHNOLOGY CENTERS</b>		
Workforce skills development	<a href="#"><u>941</u></a>	17
Career and technical education	<a href="#"><u>1016</u></a>	17
<b>X. EXTRAORDINARY SESSION 2006</b>		
Comprehensive Governmental Ethics Reform Act of 2006	<a href="#"><u>1</u></a>	18

**ACADEMICS**

<p><a href="#"><u>HJR 1026</u></a></p>	<p><b>Establishes the 2006 Education Summit.</b> Establishes the 2006 Education Summit of Tennessee for the purposes of evaluating the current educational delivery system, discussing strategies to increase the high school graduation rate, and propose educational programs that will prepare the next generation for the future workplace. The committee will consist of 54 individuals. Representing the TBR System will be the chancellor, one president and one professor whom will be selected by the board.</p> <p>HJR 1026, Brown</p>
<p><a href="#"><u>Public Chapter 655</u></a> Effective 07/01/2006</p>	<p><b>Teacher education curriculum - reading instruction.</b> The Department of Education shall encourage institutions with teacher training programs to evaluate such programs to assure that persons seeking a Tennessee teaching license will have had appropriate instruction in the teaching of reading.</p> <p>SB 3038, Harper/HB 2973, Cooper, et al.</p>
<p><a href="#"><u>Public Chapter 896</u></a> Effective 07/01/2006</p>	<p><b>Human skeletal remains.</b> Includes offering to sell or purchase, or selling or purchasing buried human skeletal remains without legal authority as a Class E felony within the abuse of a corpse statute. Excludes import or export of buried human skeletal remains for educational or research purposes.</p> <p>SB 2732, Henry/HB 2644, Hensley, Favors</p>
<p><a href="#"><u>Public Chapter 905</u></a> Effective 06/20/2006</p>	<p><b>West Tennessee Seismic Safety Commission.</b> Establishes West Tennessee Seismic Safety Commission consisting of 12 members to study ways to mitigate earthquake damage in West Tennessee. Administratively attaches the Commission to the University of Memphis.</p> <p>SB 3068, Kyle, et al./HB 2192, Kernell, et al.</p>
<p><a href="#"><u>Public Chapter 908</u></a> Effective 07/01/2006</p>	<p><b>Awareness of hate crimes at higher education institutions.</b> Strongly encourages rather than requires TBR and UT to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual battery, sexual harassment, and date rape to all entering freshmen during orientation or introductory studies.</p> <p>SB 3112, Bowers, Cohen, Finney/HB 3250, Brown, Henri Brooks</p>

<p><a href="#"><u>Public Chapter 913</u></a> Effective 07/20/2006</p>	<p><b>Service fee to public institutions for disabled persons [Editor's Note: Approval of post-secondary education institutions or programs]</b></p> <ol style="list-style-type: none"> <li>1. Decreases fee for disabled or elderly persons.</li> <li>2. Specifies that THEC can consider comments of public institutions that they are meeting the instructional need for the proposed program being offered by a regionally accredited institution. Exempts institutions that have their primary campus located in Tennessee, that have been domiciled in Tennessee for at least 10 years, and are accredited by SACS at the baccalaureate level.</li> </ol> <p>SB 3329, Kilby, Crutchfield, et al./HB 2934, McMillan, et al.</p>
<p><a href="#"><u>Public Chapter 924</u></a> Effective 06/20/2006</p>	<p><b>MTSU and TSU to conduct study on solid waste disposal.</b> Requires MTSU and TSU to conduct a joint study of the present state of solid waste in Tennessee and report its findings to the General Assembly by February 15, 2007.</p> <p>SB 3835, Jackson, et al./HB 3829, Coleman, et al.</p>
<p><a href="#"><u>Public Chapter 950</u></a> Effective 06/20/2006</p>	<p><b>Admissions preference to state colleges.</b> Requires TBR and UT institutions to adopt a policy concerning preference for admission to residents of Tennessee.</p> <p>SB 3383, Herron/HB 3262, Fitzhugh</p>
<p><a href="#"><u>Public Chapter 968</u></a> Effective 07/01/2006</p>	<p><b>Archaeological Advisory Council - membership.</b> Increases the membership of the Archaeological Advisory Council from 10 to 11 members by adding an anthropologist representing East Tennessee State University.</p> <p>SB 1207, Crowe, Ramsey, et al./HB 1027, Odom, Dunn, Hill, et al.</p>
<p><a href="#"><u>Public Chapter 990</u></a> Effective 07/01/2006</p>	<p><b>Chairs of excellence endowment may be redirected.</b> Provides for the redesignation of proceeds from existing chairs of excellence to scholarships under certain limited certain circumstances. Requires approval from the higher education system, THEC, and legislature (by resolution). The institution must attempt to redesignate the chair's field of study before attempting to redesignate the proceeds to scholarships.</p> <p>SB 2096, Person, et al./HB 1991, DeBerry, et al.</p>

## Medical

<p><a href="#"><u>Public Chapter 571</u></a> Effective 05/01/2006</p>	<p><b>Health professionals' shortage area designation process.</b> Requires the Department of Health to enter into a Memorandum Of Understanding (MOU) with Tennessee Primary Care Association, the Tennessee Hospital Association, and the Tennessee Rural Health Recruitment and Retention Center concerning the annual Health Professionals Shortage Area designation process. Requires MOU, at minimum, to include a communication plan, an accuracy plan, and a period for comment. Requires the commissioner of the Department of Health to report annually to the General Assembly on data related to access to care and safety-net adequacy.</p> <p>SB 3362, Herron, Black/HB 3383, Shepard, Favors</p>
<p><a href="#"><u>Public Chapter 658</u></a> Effective 05/12/2006</p>	<p><b>Temporary certificates for master social workers.</b> Requires the Board of Social Worker Certification and Licensure to establish regulations for the issuance of temporary certificates for master social workers who hold a master's or doctoral degree in social work granted by any college, university, or school of social work which has applied for, but has not yet received, accreditation by the Council on Social Work Education.</p> <p>SB 3270, Crowe, Ramsey, et al./HB 3228, Odom, Harrison, et al.</p>
<p><a href="#"><u>Public Chapter 752</u></a> Effective 05/23/2006</p>	<p><b>Certification of training centers for paramedics.</b> Specifies that the Emergency Medical Services Board is authorized to certify only paramedic training centers that are operated by fire departments which operate a fire training academy to provide training for career paramedics who are employed by such fire department. Clarifies that only paid career members of such a fire department would be eligible to enter and graduate from such paramedic training program.</p> <p>SB 3764, Kyle/HB 3800, U. Jones, J. DeBerry, Miller, Moore, et al.</p>
<p><a href="#"><u>Public Chapter 765</u></a> Effective 07/01/2006</p>	<p><b>Occupational therapists - revised requirements.</b> Revises licensure and practice requirements for occupational therapists. Authorizes physicians to delegate routine tasks associated with non-treatment aspects of occupational therapy practice to persons who are not licensed as occupational therapists to the same extent as this bill authorizes licensed occupational therapists and licensed occupational therapy assistants to delegate such tasks to unlicensed persons. Clarifies that "occupational therapy services" include assessment, design, development, fabrication, adaptation, application, fitting and training in the use of assistive technology and adaptive and selective orthotic devices.</p> <p>SB 2639, Black/HB 2648, Odom</p>

<p><a href="#"><u>Public Chapter 867</u></a> Effective 06/05/2006</p>	<p><b>Cover Tennessee Act of 2006, CoverKids Act of 2006, Diabetes Prevention and Health Improvement Act of 2006, Access Tennessee Act of 2006.</b></p> <p>SB 3895, Cooper, et al./HB 4011, McMillan, et al.</p>
<p><a href="#"><u>Public Chapter 915</u></a> Effective 06/20/2006</p>	<p><b>TennCare Pharmacy Cost to Dispense Act of 2006.</b> Requires the TennCare Bureau to procure an annual study designed to assess the cost of dispensing a prescription in a pharmacy setting to a TennCare enrollee. Requires the study to be performed by a postsecondary academic institution with knowledge of pharmacy business operations and that has the expertise to conduct business cost allocation studies. Makes subject to funding availability.</p> <p>SB 3423, Jackson/HB 3206, Odom, Litz, Hensley, Moore, Marrero</p>

## BUSINESS

<p><a href="#"><u>Public Chapter 963</u></a> Effective 06/21/2006</p>	<p><b>State appropriations.</b> Makes appropriations for fiscal years 2005-2006 and 2006-2007.</p> <p>SB 3914, Henry, et al./HB 4025, McMillan, et al.</p>
<p><a href="#"><u>Public Chapter 962</u></a> Effective 06/21/2006</p>	<p><b>Bond issuance.</b> Authorizes issuance of bonds to fund state projects.</p> <p>SB 3912, Henry, et al./HB 4015, McMillan, et al.</p>
<p><a href="#"><u>Public Chapter 928</u></a> Effective 06/20/2006</p>	<p><b>Bond issuance.</b> Provides for the issuance of bonds to fund state projects.</p> <p>SB 3907, Kyle/HB 4021, McMillan</p>
<p><a href="#"><u>Public Chapter 544</u></a> Effective 07/01/2006</p>	<p><b>Fee waiver for dependants &amp; spouses of deceased combat veterans.</b> Adds Afghanistan Campaign Medal, Iraq Campaign Medal, and Army Combat Action Badge to the list of military campaign medals that are acceptable proof of serviceperson's participation in qualifying period of conflict for purposes of establishing eligibility for tuition and/or fee waiver at state institutions of higher education for dependents and spouses of prisoners of war and servicepersons killed during periods of armed conflict.</p> <p>SB 2726, Crowe, et al./HB 2847, Curtiss, et al.</p>

<p><a href="#"><u>Public Chapter 582</u></a> Effective 05/04/2006</p>	<p><b>Tennessee Student Assistance awards.</b> Requires TSAC awards be made directly to the college or university rather than the student. Requires the institution to disburse the award proceeds to the student if the student does not owe the institution for educational expenses.</p> <p>SB 3196, Woodson/HB 3097, Winningham</p>
<p><a href="#"><u>Public Chapter 622</u></a> Effective 07/01/2006</p>	<p><b>Expiration date on sale of gift certificates.</b> Prohibits gift certificates sold to consumers from expiring less than two years after the issuance date. Prohibits entities from charging an issuance fee or a service fee after issuance. States that a gift certificate sold without an expiration date is valid until redeemed or replaced with a new gift card. Clarifies exceptions.</p> <p>SB 2702, Harper, Finney/HB 2574, West, Sargent, Langster, et al.</p>
<p><a href="#"><u>Public Chapter 683</u></a> Effective 07/01/2006</p>	<p><b>Freezing of debit cards for more than transaction amount.</b> Requires any person initiating a preauthorized debit card transaction that is greater than 25% of the actual transaction amount, or \$50.00, whichever is greater, to inform the customer that a hold will be placed on the customer's debit card account.</p> <p>SB 2570, Kilby/HB 3092, Winningham, Hargett, Roach, et al.</p>
<p><a href="#"><u>Public Chapter 757</u></a> Effective 07/01/2006</p>	<p><b>Reporting of crime on college campuses.</b> Instructs the TBI to promulgate rules prescribing a form on which institutions of higher education must report crime statistics occurring on certain campuses.</p> <p>SB 3564, Person/HB 2841, Coleman</p>
<p><a href="#"><u>Public Chapter 766</u></a> Effective 07/01/2006</p>	<p><b>Postsecondary school authorization.</b> Revises the "Postsecondary Education Authorization Act of 1974." Allows agents to be from any state, not just Tennessee. Changes "home study" to "online/distance learning" when defining postsecondary education institutions. Adds "diploma mill" and defines it as a degree offering school based on life experience which does not require classroom instruction. Changes the criminal background check for application from mandatory to optional. Requires institutions to file a renewal form prior to expiration. Permits the Board of Directors of the Tuition Guaranty Fund to set fees by rule, instead of fees being set by statute. Allows the Board to determine when the Fund is adequately funded to insure against institutional closure.</p> <p>SB 2904, Woodson/HB 3096, Winningham</p>



<p><a href="#"><u>Public Chapter 913</u></a> Effective 07/20/2006</p>	<p><b>Service fee to public institutions for disabled persons [Editor's Note: Approval of post-secondary education institutions or programs]</b></p> <ol style="list-style-type: none"> <li>1. Decreases fee for disabled or elderly persons.</li> <li>2. Specifies that THEC can consider comments of public institutions that they are meeting the instructional need for the proposed program being offered by a regionally accredited institution. Exempts institutions that have their primary campus located in Tennessee, that have been domiciled in Tennessee for at least 10 years, and are accredited by SACS at the baccalaureate level.</li> </ol> <p>SB 3329, Kilby, Crutchfield, et al./HB 2934, McMillan, et al.</p>
<p><a href="#"><u>Public Chapter 990</u></a> Effective 07/01/2006</p>	<p><b>Chairs of excellence endowment may be redirected.</b> Provides for the redesignation of proceeds from existing chairs of excellence to scholarships under certain limited certain circumstances. Requires approval from the higher education system, THEC, and legislature (by resolution). The institution must attempt to redesignate the chair's field of study before attempting to redesignate the proceeds to scholarships.</p> <p>SB 2096, Person, et al./HB 1991, DeBerry, et al.</p>

## Procurement

<p><a href="#"><u>Public Chapter 597</u></a> Effective 05/04/2006</p>	<p><b>Competitive procurement process.</b> Specifies that no cost proposals may be opened until the evaluation of the non-cost sections of the proposal have been completed, unless the commissioner of the Department of Finance and Administration, the comptroller, and, if applicable, the commissioner of the procuring agency approve that the cost proposals in the particular procurement may be opened prior to evaluation of the non-cost sections. Requires such exception to be made part of the solicitation document.</p> <p>SB 3916, Kyle, Jackson/HB 4036, McMillan</p>
<p><a href="#"><u>Public Chapter 649</u></a> Effective 05/12/2006</p>	<p><b>Surplus state property.</b> Increases the maximum value of surplus state property that may be sold to adjoining landowner or former property owner in certain circumstances to \$75,000 from \$25,000.</p> <p>SB 3891, Kyle, Cooper, Bowers/HB 4026, McMillan, Pinion</p>

<p><a href="#"><u>Public Chapter 773</u></a> Effective 05/26/2006</p>	<p><b>Individuals doing business with the state.</b> Specifies that a contractor, vendor, or employee thereof would be deemed to be a lobbyist for the purposes of prohibiting gifts from such person to a candidate, official, or the immediate family of such candidate or official only if the person is actively engaged in selling or marketing to an official in the executive branch or an official in the legislative branch whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or contract so marketed or sold.</p> <p>SB 3852, Williams/HB 3689, McMillan</p>
<p><a href="#"><u>Public Chapter 780</u></a> Effective 05/24/2006</p>	<p><b>Group purchasing programs for higher education.</b> Clarifies that membership dues to a non-profit buying cooperative are not considered payment or compensation and should not be construed as prohibiting an institution of higher learning from making purchases through a group purchasing program.</p> <p>SB 780, Woodson/HB 3952, Briley</p>
<p><a href="#"><u>Public Chapter 859</u></a> Effective 07/01/2006</p>	<p><b>Monetary limits for informal purchases, including the solicitation of telephone bids.</b> Increases the dollar limit for purchases made pursuant to an informal purchasing procedure established by the director of purchases from \$10,000 to \$25,000 where the Board of Standards unanimously agrees. Increases limit for purchases from \$5,000 to \$10,000 where the Board does not unanimously agree on the higher amount.</p> <p>SB 3879, Kyle, Haynes/HB 3996, McMillan, U. Jones</p>
<p><a href="#"><u>Public Chapter 874</u></a> Effective 07/01/2006</p>	<p><b>Disclosure of financial transaction costs and details.</b> Defines terms, such as, advisor, costs, debt obligation, derivative, finance transaction, public entity, public finance professional, and state funding board. Also requires any legal contract for legal, fiscal agency, financial advisory, or advisory services to be in writing, specifying the services to be rendered, the costs, and the expenses to be covered under such contract. Any fiscal agent, financial advisor, or advisory services provider under contract who decides to bid, directly or indirectly, on any bonds, notes, or other obligations of such entity sold pursuant to public, competitive sale shall receive in writing prior to the sale the permission of such entity to bid either directly or indirectly on the obligations.</p> <p>SB 3779, Henry/HB 3740, Fitzhugh</p>

<p><a href="#"><u>Public Chapter 878</u></a></p> <p>Effective 01/01/2007</p> <p>(Effective 06/15/2006 in order to promulgate rules)</p>	<p><b>Contracting with any person who utilizes illegal immigrants.</b> Prohibits a person from contracting to supply goods or services to the state or other state entities without first attesting in writing that the person will not knowingly use the services of illegal immigrants in the performance of the contract and will not knowingly use the services of any subcontractor who will use the services of illegal immigrants in the performance of the contract. Bill's application is limited to person who knowingly utilizes illegal immigrants in the performance of a contract for goods or services entered into with the state or a state entity.</p> <p>SB 411, Haynes, et al./HB 111, Moore et al.</p>
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## FACILITIES

<p><a href="#"><u>Public Chapter 562</u></a></p> <p>Effective 04/24/2006</p>	<p><b>Parking spaces for the handicapped.</b> Requires businesses or firms that provide handicapped parking spaces to also provide van accessible parking spaces. Requires that any construction or alterations to the parking area of a business must provide for specially marked parking spaces in compliance with the ADA Accessibility Guidelines.</p> <p>SB 2622, McNally/HB 2670, Hackworth</p>
<p><a href="#"><u>Public Chapter 621</u></a></p> <p>Effective 05/05/2006</p>	<p><b>Property transferred to tax-exempt organizations.</b> Clarifies that if the ownership of taxable property is conveyed or transferred to a person, firm or corporation who is exempt from property assessment and taxation, the new owner is not liable for the taxes on the property from the date of transfer and change of use to the end of the taxable year.</p> <p>SB 3776, Henry/HB 3743, Fitzhugh</p>
<p><a href="#"><u>Public Chapter 637</u></a></p> <p>Effective 05/12/2006</p>	<p><b>Regulation of elevators.</b> Authorizes use of new technology as defined by the Elevator Safety Code if it meets the standards of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators.</p> <p>SB 2937, Ramsey/HB 3077, Curtiss</p>
<p><a href="#"><u>Public Chapter 649</u></a></p> <p>Effective 05/12/2006</p>	<p><b>Surplus state property.</b> Increases the maximum value of surplus state property that may be sold to adjoining landowner or former property owner in certain circumstances to \$75,000 from \$25,000.</p> <p>SB 3891, Kyle, Cooper, Bowers/HB 4026, McMillan, Pinion</p>

<p><a href="#"><u>Public Chapter 740</u></a> Effective 05/23/2006</p>	<p><b>Property tax exemption for land owned by nonprofits.</b> Exempts from property taxes land owned by a religious, charitable, scientific or nonprofit educational institution leased by another such institution for more than \$1.00 per year. Sets requirements for exemption.</p> <p>SB 3066, Kyle/HB 2768, Hargett</p>
<p><a href="#"><u>Public Chapter 851</u></a> Effective 06/02/2006</p>	<p><b>Rental property with code violations inspection.</b> Allows the building codes enforcement agency for Davidson County, Shelby County, City of Oak Ridge and Goodlettsville to inspect residential rental property that have three code violations cited on three separate occasions within a six-month period. Specifies entry for the in-home inspection that the municipal agency or department is authorized to conduct may only be performed with the consent of the tenant in possession; with a validly-issued search warrant; or in the event of an emergency presenting an immediate threat to the health, safety, and welfare of the tenant in possession. Specifies entry must not be unconstitutional and must be made in a manner to cause the least possible inconvenience to the tenant in possession.</p> <p>SB 3297, Haynes/HB 3317 M. Turner, L. DeBerry, Brooks, Cooper, et al.</p>
<p><a href="#"><u>Public Chapter 863</u></a> Effective 07/01/2006</p>	<p><b>Eminent domain.</b> Clarifies the power and use of eminent domain and the acquisition of property by eminent domain.</p> <p>SB 3296, Jackson, et al./HB 3450, Fowlkes, et al.</p>
<p><a href="#"><u>Public Chapter 868</u></a> Effective 06/05/2006</p>	<p><b>Remediation of dangerous conditions of buildings.</b> Allows lien to be placed on property on which a building or premises had to be repaired, torn down, or demolished, or from which materials were removed and dangerous conditions remedied.</p> <p>SB 3928, Kyle, Bowers/HB 4045, McMillan, Harmon</p>
<p><a href="#"><u>Public Chapter 876</u></a> Effective 06/12/2006</p>	<p><b>Prohibits smoking in all state buildings.</b> Prohibits smoking in all buildings that are owned or operated by the state. Cabins and lodging run by state park operations are exempt in order to function similarly to private entities. Correctional facilities that are owned or operated by the Department of Corrections must begin compliance effective July 1, 2007.</p> <p>SB 3368, Herron, et al./HB 3269, Fitzhugh, et al.</p>

<p><a href="#">Public Chapter 949</a></p> <p>Effective 07/01/2006</p>	<p><b>Residential rental property inspections.</b></p> <p>Allows the governing body of a municipality to adopt an ordinance to inspect residential rental dwelling units that are either deteriorated or in the process of deteriorating for compliance with applicable local housing, building, plumbing, electrical, fire, health or related codes and to promote the health, safety and welfare of its citizens. Requires the public authority to make reasonable efforts to notify unit owners regarding the adoption of the inspection ordinance. The ordinance may include a provision that requires unit owners to notify the public authority in writing if the units are to be used for rental purposes. Clarifies that public officer can only enter into a dwelling with permission from the inhabitant. Allows municipalities to impose penalties on persons who willfully fail to comply or who refuse to comply with the provisions of the bill.</p> <p>SB 3174, Harper, Haynes/HB 3202, Odom, Pruitt, West, et al.</p>
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## HUMAN RESOURCES

<p><a href="#">Public Chapter 661</a></p> <p>Effective 07/01/2006</p>	<p><b>Misrepresentation of academic credentials.</b></p> <p>States that the offense of misrepresentation of academic credentials is a Class A misdemeanor. Requires each TBR and UT institution to include warnings of this offense in catalogs, websites and in any employment contract for a position requiring academic credentials.</p> <p>SB 3399, Herron/HB 3526, Maddox, L. DeBerry</p>
<p><a href="#">Public Chapter 850</a></p> <p>Effective 07/01/2006</p>	<p><b>Parental participation in public education.</b></p> <p>Allows state employees with children enrolled in schools to take off up to one day a month from work to voluntarily participate at their children's schools. Requires schools to provide documentation verifying employee's participation in the educational and teaching process.</p> <p>SB 3246, Burchett/HB 3123, Harry Brooks, et al.</p>
<p><a href="#">Public Chapter 870</a></p> <p>Effective 07/01/2006</p>	<p><b>Pensions and compensation programs for state officers and employees.</b></p> <p>Permits state employees to designate employee contributions to the deferred compensation plan as Roth 401(k) contributions. Re-distributes annuity to surviving children of deceased compensation plan member where spousal beneficiary is also deceased. Revises other provisions governing pension and compensation programs for public employees, including teachers.</p> <p>SB 2968, McNally/HB 3287, Fitzhugh, et al.</p>

<p><b><u>Public Chapter 982</u></b></p> <p><b>Effective 07/01/2006</b> (Section 1 effective 1/20/07)</p>	<p><b>Revisions to state employee benefits.</b></p> <ul style="list-style-type: none"> <li>• Increases the maximum 401(k) plan state employee's contribution that the state will match from \$30 to \$40 per month.</li> <li>• Increases the maximum longevity payment to state employees from \$2,500 for 25 years of service to \$3,000 for 30 years of state service (\$100 times the number of years worked with a maximum payment of \$3,000).</li> <li>• Provides for a percentage increase in the retirement allowance of retired teachers, wildlife officers, state police officers, firefighters, police officers, and general employees, effective January 1, 2007, based on date of retirement (ranging from prior to July 2, 1975 to July 1, 1989), with the percentages ranging from 10% for those retired prior to July 2, 1975, to 0.3% for those who retired between July 2, 1987, and July 1, 1989.</li> </ul> <p>SB 3178, Cooper, Kyle, McNally/HB 3266, Fitzhugh, Shaw, Hargrove</p>
<p><b><u>Public Chapter 985</u></b></p> <p><b>Effective 07/01/2006</b></p>	<p><b>Death benefits of National Guard members.</b></p> <p>Modifies the National Guard death benefit payment to a lump sum of \$100,000. Specifies that such payments will be funded by the state general fund.</p> <p>SB 3474, Herron, Cooper, Jackson, Finney/HB 3781, Rinks et al.</p>
<p><b><u>Public Chapter 1002</u></b></p> <p><b>Effective 06/27/2006</b></p>	<p><b>Reemployment of retired TCRS members.</b></p> <p>Requires educational and athletic associations whose administrative employees participate in TCRS to notify the Board of Trustees of reemployment of retired member. Requires such associations to report annually any retired members performing any functions or duties for the association.</p> <p>SB 3788, Woodson/HB 3791, Winningham</p>

<p><b><u>Public Chapter 1013</u></b></p> <p><b>Effective 09/01/2006</b></p> <p><b>(Effective 06/27/06 for rulemaking purposes only.)</b></p>	<p><b>Unarmed security guard applications.</b></p> <p>Requires an unarmed guard applicant to complete general training and an examination within 15 days of employment, and retains the 60-day from employment period for armed guard applicants to complete the general training and examination as well as the additional firearm training specified by present law. Requires a statement from the trainer certifying that the required training has been completed be submitted to the commissioner of the Tennessee Department of Commerce and Insurance within 15 days of training. Requires applicant to submit the completed application form, three sets of classifiable fingerprints, three sets of head-and-shoulder photographs taken within the last six months, and the application fee to the commissioner before commencing work on a provisional basis as an unarmed security guard. Specifies that applicant could only work on the completed application form for 75 business days from the date this information is received by the commissioner, pending the issuance or denial of the registration card.</p> <p>SB 3925, Kyle, Burks/HB 4031, McMillan, Cobb</p>
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## **INFORMATION SYSTEMS**

<p><b><u>SJR 1020</u></b></p>	<p><b>Online peer-to-peer file-sharing services.</b></p> <p>Requests administrators of state-sponsored or state-owned networks, including administrators of public colleges and universities, to explore the availability of network technology, legitimate online services, and other solutions to address the risks and detrimental effects of certain online peer-to-peer file-sharing services.</p> <p>SJR 1020, Burchett</p>
<p><b><u>Public Chapter 566</u></b></p> <p><b>Effective 07/01/2006</b></p>	<p><b>Anti-Phishing Act of 2006.</b></p> <p>Provides that it would be unlawful for any person to represent oneself, either directly or by implication, to be another person, without the authorization or permission of such other person, through the use of the Internet, electronic mail messages, or any other electronic means, and to solicit, request, or take any action to induce a resident of this state to provide identifying information or identification documents. Authorizes civil penalties for damages incurred as result of phishing. Prohibits a person from creating a Web site that is designed to mimic another person's Web site, or capture information directed to another person's Web site, without the approval of the owner or licensee of such other Web site.</p> <p>SB 2575, Burchett, et al./HB 3105, Maddox, et al.</p>



LEGAL

<p><a href="#"><u>SJR 1020</u></a></p>	<p><b>Online peer-to-peer file-sharing services.</b> Requests administrators of state-sponsored or state-owned networks, including administrators of public colleges and universities, to explore the availability of network technology, legitimate online services, and other solutions to address the risks and detrimental effects of certain online peer-to-peer file-sharing services.</p> <p>SJR 1020, Burchett</p>
<p><a href="#"><u>Public Chapter 541</u></a> Effective 07/01/2006</p>	<p><b>Higher education foundation board hearings.</b> Removes due process contested case hearings required before a higher education foundation board votes to remove a member and replaces instead an opportunity for the accused member to address the board in connection with the alleged violation.</p> <p>SB 2590, Fowler/HB 2607, McCormick</p>
<p><a href="#"><u>Public Chapter 887</u></a> Effective 06/20/2006</p>	<p><b>Sunshine in Government Improvement Act of 2006.</b> Establishes an 18 member joint committee to study Tennessee's open government laws to determine whether these laws need updating or revising to better serve TN citizens. At the committee's request, state government agencies shall assist the committee in the performance of its duties. The committee shall timely report its initial findings and recommendations by December 1, 2006, with a final report due February 1, 2007.</p> <p>SB 2471, McNally, Woodson, et al./HB 2495, Fowlkes, DuBois, et al.</p>

LOTTERY

<p><a href="#"><u>Public Chapter 974</u></a> Effective 06/27/2006</p>	<p><b>Increases HOPE scholarship awards.</b></p> <ol style="list-style-type: none"> <li>1. Increases the HOPE scholarship awards for students to: <ul style="list-style-type: none"> <li>• \$3,800 at universities,</li> <li>• \$1,900 at two-year institutions, and</li> <li>• \$1,500 at technology centers.</li> </ul> </li> <li>2. Allows a student who is a TN citizen , and a dependent child of a full-time religious worker, to be eligible for a HOPE scholarship as an entering freshman.</li> <li>3. Allows students to apply retroactively for any semester of the 2005-06 academic year.</li> <li>4. Extends eligibility to TN students who graduate from high schools located in neighboring states in counties contiguous to TN.</li> </ol> <p>SB 2683, Cohen/HB 2811, Winningham</p>
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<p><a href="#"><u>Public Chapter 508</u></a> Effective 03/20/2006</p>	<p><b>Extends annual event application deadline.</b> For 2006 annual event period, the filing deadline was April 14. The filing deadline will be December 31 for every year following.  SB 2452, Cohen, et al./HB 2592, Tindell, et al.</p>
<p><a href="#"><u>Public Chapter 582</u></a> Effective 05/04/2006</p>	<p><b>Tennessee Student Assistance awards.</b> Requires TSAC awards to be made directly to the college or university rather than the student. Requires the institution to disburse the award proceeds to the student if the student does not owe the institution for educational expenses.  SB 3196, Woodson/HB 3097, Winningham</p>
<p><a href="#"><u>Public Chapter 685</u></a> Effective 05/18/2006</p>	<p><b>After school programs funded from net lottery proceeds.</b> Establishes six pilot after school educational programs for at-risk students to prepare for ACT and SAT examinations funded by net state lottery proceeds. Requires two pilot programs for each grand division.  SB 3113, Bowers, et al./HB 3249, Brown, et al.</p>
<p><a href="#"><u>Public Chapter 869</u></a> Effective 06/05/2006</p>	<p><b>TN HOPE Foster Child Tuition Grants.</b> Allows students receiving Tennessee HOPE Foster child tuition grants to attend eligible private, as well as public, postsecondary institutions.  SB 2587, Woodson, et al./HB 2809, Winningham, et al.</p>
<p><a href="#"><u>Public Chapter 909</u></a> Effective 07/01/2006</p>	<p><b>TSAC may conduct lottery scholarship day.</b> TSAC may conduct a lottery scholarship day each school year to inform high school students and their parents of financial assistance available from net lottery proceeds for attendance at eligible postsecondary institutions. THEC, UT, and TBR shall provide assistance to TSAC in planning and conducting such event(s). Requires schools to provide community-specific information to students and their parents regarding opportunities in tutoring and test-taking skills development in subjects covered by the ACT and SAT, other enrichment programs, and the importance of planning for college. Requires each high school to provide workshops on completing college admissions and financial aid applications for students in grades 10-12. Directs that funding come from Lottery Education Account.  SB 3149, Ford, Bowers, Kurita/HB 3248, Brown, Towns</p>

<p><b><u>Public Chapter 977</u></b> Effective 06/27/2006</p>	<p><b>Tennessee HOPE Teacher's Scholarship.</b> Allows tenured public school teachers to utilize lottery scholarship funds to pursue an advanced degree in math or a science or certification to teach math or a science. Provides up to \$2,000 per year per teacher with a maximum permissible award of \$10,000 per teacher. Program of study must be completed within five years. A teacher's eligibility expires if the teacher has a break in enrollment of more than 12 months. No retroactive awards may be made under this program. Requires such teacher to teach in a Tennessee public school system two academic years for each year of scholarship funding provided and sign a promissory note that stipulates the cash repayment obligation incurred if the teaching service is not fulfilled. Any teacher who fails to meet the requisite teaching obligation after receiving a HOPE teacher's scholarship will be required to repay all such scholarship funds obtained, unless TSAC determines that the teacher cannot repay such funds due to death or permanent disability.</p> <p>SB 2724, Tracy, et al./HB 3720, Winningham, et al.</p>
<p><b><u>Public Chapter 980</u></b> Effective 06/27/2006</p>	<p><b>Provides articulation of Wilder-Naifeh grant to HOPE scholarship.</b> Allows student who receives a Wilder-Naifeh Technical Skills Grant to be eligible under certain circumstances to receive a Tennessee HOPE Scholarship. Changes the continuing eligibility requirements for a student to receive a HOPE Scholarship, General Assembly Merit Scholarship (GAMS), or Tennessee HOPE Access Grant after attending a Tennessee Technology Center (TTC) and receiving a Wilder-Naifeh Technical Skills Grant to the following:</p> <ol style="list-style-type: none"> <li>(1) Apply for a HOPE scholarship and enroll in an eligible postsecondary institution within three years of completing a diploma from a TTC consisting of at least 900 clock hours</li> <li>(2) Is not ineligible for a HOPE scholarship (see student ineligibility T.C.A. 49-4-904)</li> <li>3) Meet eligibility requirements for the HOPE Scholarship (see student eligibility T.C.A. 49-4-905)</li> </ol> <p>Hours taken by a student at a TTC towards a diploma before receiving a HOPE Scholarship, GAMS, or HOPE Access Grant would not count as semester hours attempted for the purposes of calculating the number of semester hours for which a student may receive a HOPE Scholarship, GAMS, or HOPE Access Grant. The five-year limitation on the student's receipt of a HOPE Scholarship shall not begin to run for a student receiving a HOPE Scholarship under the provisions of this section until the student's initial enrollment at any postsecondary institution other than a TTC.</p> <p>SB 2981, Bowers/HB 3109, Cooper, et al.</p>

## STUDENT AFFAIRS

<p><a href="#"><u>Public Chapter 313</u></a></p> <p>Passed in 2005 – see Page 19 for recently approved Committee recommendations</p>	<p><b>Student Information in Higher Education Act of 2005.</b> Requires higher education institutions to inform parents and students of students' option to execute consent forms authorizing the institution to release certain otherwise confidential education records. Establishes a pilot program at MTSU.</p> <p><b>2006 Update</b> - On May 23, 2006, the Committee met to receive a report on MTSU's pilot program - Partners in Education. The Committee approved the report and recommendations. See Page 19 of this document for the approved report and Committee recommendations.</p>
<p><a href="#"><u>Public Chapter 757</u></a></p> <p>Effective 07/01/2006</p>	<p><b>Reporting of crime on college campuses.</b> Instructs the TBI to promulgate rules prescribing a form on which institutions of higher education must report crime statistics occurring on certain campuses.</p> <p>SB 3564, Person/HB 2841, Coleman</p>
<p><a href="#"><u>Public Chapter 882</u></a></p> <p>Effective 06/20/2006</p>	<p><b>Scholarship program for graduate nursing students.</b> Revitalizes an existing graduate nursing loan program to provide scholarships to students pursuing a masters or doctorate degree in nursing. Allows TSAC to receive contributions for the program from private sources.</p> <p>SB 0447, McNally, Henry, et al./HB 1295, Favors, Cooper</p>
<p><a href="#"><u>Public Chapter 908</u></a></p> <p>Effective 07/01/2006</p>	<p><b>Awareness of hate crimes at higher education institutions.</b> Strongly encourages rather than requires TBR and UT to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual battery, sexual harassment, and date rape to all entering freshmen during orientation or introductory studies.</p> <p>SB 3112, Bowers, Cohen, Finney/HB 3250, Brown, Henri Brooks</p>
<p><a href="#"><u>Public Chapter 950</u></a></p> <p>Effective 06/20/2006</p>	<p><b>Admissions preference to state colleges.</b> Requires TBR and UT institutions to adopt a policy concerning preference for admission to residents of Tennessee.</p> <p>SB 3383, Herron/HB 3262, Fitzhugh</p>

**TECHNOLOGY CENTERS**

<p><a href="#"><u>Public Chapter 941</u></a> Effective 06/20/2006</p>	<p><b>Workforce skills development.</b> The Department of Labor and Workforce Development in conjunction with the Department of Finance and Administration, the Department of Health, and the Department of Education, shall establish a two-year pilot program in which the Department of Labor and Workforce Development will make specific efforts to encourage individuals on the TennCare program to utilize existing educational grants in an effort to train individuals in needed health-care related fields for the region. The Department of Labor and Workforce Development will utilize existing staff in the pilot region to assist individuals interested in educational opportunities and, with the assistance of the Department of Education, seek out existing grant opportunities, including, but not limited to, the Wilder-Naifeh Technical Skills Grants funded out of proceeds from the Tennessee lottery. Using information from the Department of Health, efforts shall be made to encourage individuals to enter into the health-related fields. The Department of Labor and Workforce Development is required to submit an annual report due April 1 to the General Assembly regarding the results of the program.</p> <p>SB 3011, Herron/HB 2880, Hackworth, Turner, Shepard, et al.</p>
<p><a href="#"><u>Public Chapter 1016</u></a> Effective 06/27/2006</p>	<p><b>Career and technical education.</b> Provides that the State Board for Career and Technical Education is to be the sole agency of the state for administering career and technical education programs in cooperation with local and federal education agencies.</p> <p>Creates the Tennessee Council for Career and Technical Education to serve in an advisory capacity to the State Board of Education (SBE), the Tennessee Board of Regents, the governor, and the General Assembly. The Council consists of thirteen members appointed by the governor and includes seven individuals to represent the private sector – five representing business, industry, trade organizations and agriculture and two to represent labor organizations. The remaining six members will represent secondary and postsecondary vocational institutions (equitably distributed), career guidance and counseling organizations within the state, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations, and a member to represent special education.</p> <p>The Council's purpose is to:</p> <ul style="list-style-type: none"> <li>• Meet with the SBE to assist with development of the state plan.</li> <li>• Advise the SBE and make reports to the governor, the business community, and the public concerning policies the state should pursue to strengthen career and technical</li> </ul>

	<p>education and initiatives the private sector could undertake to assist in modernizing career and technical programs.</p> <ul style="list-style-type: none"> <li>• Analyze and report on the state dollars spent on such programs and on the availability of career and technical education activities within the state.</li> <li>• Consult with the SBE on the establishment of evaluation criteria for in-state career and technical education programs.</li> <li>• Submit recommendations to the SBE on the conduct of in-state career and technical education programs which emphasize the use of business concerns and labor organizations.</li> <li>• Assess the distribution of funds for career and technical education between secondary and postsecondary.</li> <li>• Evaluate career and technical education program delivery systems at least once every two years.</li> <li>• Make recommendations on the adequacy and effectiveness of the coordination between career and technical education and other training programs.</li> <li>• Advise the governor, General Assembly, Tennessee Board of Regents, and the SBE of these findings and recommendations.</li> </ul> <p>SB 3919, Kyle, Crutchfield, Tracy/HB 4040, McMillan, Winningham</p>
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**EXTRAORDINARY SESSION 2006**

<p><a href="#">Public Chapter 1</a></p>	<p><b>Comprehensive Governmental Ethics Reform Act of 2006.</b></p>
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## **Partners in Education Pilot Year Review Spring, 2006**

The **Partners in Education** program at Middle Tennessee State University is based on the premise that students are best served by a learning environment that meets their needs as individuals through the integration of student life services and academic programs. We believe that many students may also benefit from their participation in a collaborative partnership that includes the student, their family, and the MTSU staff.

The **Partners in Education** program helps address the needs of students by creating just such a partnership, fostering communication between students, their families, and the university. Designated professional staff can help families to open communication lines and provide support services to improve the academic success of students. Through the Partners in Education program, families can seek answers to questions that arise throughout the year, and will receive information and suggestions to help them provide effective support for their students. All activities of the **Partners in Education** program are directed toward strengthening the collaborative relationship between the student, the family, and Middle Tennessee State University, with the goal of improving the academic success and retention of students.

### **Overview of the Partners in Education Program**

Participation in the Partners in Education program is initiated when the student signs the Partners in Education waiver. This form allows students to authorize the release of confidential academic information to a third party, and specifically indicates that releasable information includes confidential academic, financial aid and any student financial account information, including academic progress reports and grades when available. The waiver specifically notes that access to confidential counseling and health information is not provided through participation in the Partners in Education program. The authorization is valid as long as the student is enrolled at Middle Tennessee State University or until cancelled in writing by the student, or until the student reaches the age of 21.

Students and their partners select a Personal Identification Number (PIN) for the purpose of identifying the non-student member when he/she calls to request information. Partners may access information by calling the Partners in Education representative, who is a staff member in the Academic Support Center.

Members are entitled to the following benefits:

**Parent's Newsletters** - Each semester newsletters are sent that discuss new academic policies, curricular changes, and advisement concerns. Newsletters also contain important reminders and news from the campus.

**Academic Advisement** – MTSU academic advisors are available by appointment for one-on-one conferences, as is the Director of the Academic Support Center, Dr. Laurie Witherow. Partners who desire a conference with their student's academic advisor may arrange individual appointments through the Center.

**Discipline Records** - The Family Educational Rights and Privacy Act (FERPA) grants access to student disciplinary records if specific conditions are met. As a member of the PIE program, partners have access to the student's disciplinary records. Additionally, partners are contacted by the university if the student reports to the university that she is the victim of a crime of violence or a non-forcible sex offense, and/or if the student is under the age of 21 and is found responsible for alcohol and/or drug-related offenses.

**Participation in the program does not require that the University initiate contact with the identified partner concerning any of the identified areas. It is the responsibility of the partner to initiate contact and for the University to respond to the query in the most reasonable fashion possible.**

**Telephone Assistance** - When questions, concerns, or problems arise, partners may call Academic Support Center staff, Monday through Friday from 7:30 am to 5:30 pm at 615-898-2339.

### **Review of Participation in the 2005-06 Partners in Education Program**

During the fall semester, 2005, 450 students and their families enrolled in the Partners in Education program. Of that number, eleven of the partners made direct contact with the Partners in Education liaison. Of those, five partners made only one contact for fairly simple questions. Most of these contacts took place early in the fall semester and requested general information about the drop/add process or about business office or financial aid related questions.

Three partners made multiple contacts throughout the semester to request information about grades and academic progress of their students.

Three partners made a high number of contacts throughout the semester (from 12-16 contacts with the liaison).

In all but one case, partners who initiated requests for student academic information had correctly assessed that the student was, indeed, experiencing academic difficulty.

Two students withdrew from the program during the fall semester after parents made their initial contact with the liaison. One of those students reenrolled the following week, presumably after further discussion with the family.

As of March 1, 2006, we have had four spring terms contacts from partners. Of these, two were from partners of new spring semester students, and two were continuing partners.

### **Recommendations for Statewide Implementation**

1. While the program has been helpful to our students, we have to note that it has been helpful to a very small number of students. Out of nearly 3,200 freshmen, only three had significant contact with staff. The vast majority of calls were related to matters that required no waiver to be in pace. This calls into question the wisdom of imposing the program on all four-year institutions of higher education.
2. We do not recommend that every four-year institution be required to duplicate the Middle Tennessee State University program as it exists on that campus. Rather we recommend the establishment of a **minimum standard** that must be observed on each campus. Assuming that the response on all campuses is similar to that experience in the pilot program, some smaller institutions may have no students who require use of the program. Establishing a program that may not be used is not helpful to the students, their parents or the home institution. We recommend that the minimum standard be the identification of an office on campus where the Partners in Education forms can be found on an as needed basis for responding to specific issues that arise. We assert that if the program has true merit it will grow on each campus over time. But, the program should be allowed to grow to fit the needs of the individual campus.

3. We recommend that the implementation be scheduled for the 2007 fall semester. There are many decisions that will need to be made by each institution, e.g. what existing office will be responsible. It would significantly weaken the positive impact of the program for it to be put into place on campus in a piecemeal fashion. Implementation in the 2007 fall semester allows each institution sufficient time to receive training and assistance from Middle Tennessee State University in order to insure an orderly implementation.
4. We do not recommend that the program be established on a permanent basis. We recommend the program be reviewed by a jointly appointed task force of Tennessee Board of Regents, the University of Tennessee System and the Tennessee Independent Colleges and Universities Association student affairs officers on a five year cycle. If the utilization of the program diminishes over time the requirement should be revised or eliminated.
5. We recommend that each institution develop a record keeping system to track utilization of the program. This will enable clear evaluation of the utility of the program on each campus. Records should be maintained in accordance with existing state and federal laws. We do not recommend that a student's individual PIE records be transferred between institutions.

### **SUMMARY RECOMMENDATIONS**

Beginning in Fall 2007, all institutions of higher education shall effectuate the minimum provisions of this Act for a period of five years, at which time the provisions will be reviewed by a jointly appointed task force of the Tennessee Board of Regents, the University of Tennessee System, the Tennessee Independent Colleges and Universities Association to recommend or not recommend to the legislature the continuance of this Act. At a minimum, each institution of higher education shall identify an opportunity to communicate to parents and students the ability to execute consent forms authorizing the institution of higher education to release certain otherwise confidential education records, as defined by federal law, to a designated parent or third party. A student may withdraw his or her consent upon written notice to the institution of higher education.