



**Legislation Impacting the
Tennessee Board of Regents and Member Institutions
*Public Acts of 2016***

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ACADEMICS

<p>Public Chapter 591</p>	<p>Nurse Licensure Compact</p> <p>This act revises the current <i>International Nurse Licensure Compact</i> enacted by Public Chapter 538 of the Public Acts of 2002 and creates the <i>Nurse Licensure Compact</i>. This new Compact is very similar to the current compact in that it continues to allow nurses to hold a multistate license and to practice outside of their primary state of residence, or “home state,” and in any Compact member’s state, or “party state” without having to attain additional licensure. Enactment of this legislation allows Tennessee to join the Compact enabling nurses and faculty to practice in any of the 25 compact states under one license. For additional detail on member states please see the link below:</p> <p>Nurse Licensure Compact 2016</p> <p><i>This bill was effective upon becoming law, 3/10/16.</i></p>
<p>Public Chapter 632</p>	<p>Medical Student Licensing</p> <p>This act exempts medical students from having to possess a medical license while practicing medicine or surgery within the scope of their accredited medical training program or its affiliated teaching hospital. Currently, medical interns, medical residents, and clinical fellows are already exempt.</p> <p>This act also creates a similar exemption for osteopathic medical students, interns, residents and fellows.</p> <p><i>This provisions of this bill are effective 7/1/16.</i></p>
<p>Public Chapter 656</p>	<p>Pharmacists Flexibility in Dispensing Medications</p> <p>The act allows a pharmacist to exercise professional judgment to dispense varying quantities of medication up to the total number of dosage units as authorized by the prescriber on the original prescription including any refills up to a 90-day supply.</p> <p>This does not apply to controlled substances (<i>TCA § 53-10-305</i>) or if the prescriber has specified that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary.</p> <p><i>This legislation was effective upon becoming law, 3/29/16.</i></p>

ACADEMICS

<p>Public Chapter 709</p>	<p>Students Tasting Alcohol – Bachelor’s Program in Fermentation</p> <p>This act allows a student, regardless of age, to taste (not swallow) alcoholic beverages as part of an academic course if:</p> <ol style="list-style-type: none">1. The student has completed at least 60 hours of coursework and is taking a required course for a bachelor’s degree in the production of fermented or distilled food or beverage products at an accredited public or private university;2. The qualified student tastes the beverages for educational purposes as part of course instruction, and3. The beverages remain in the control of an authorized instructor of the institution who is at least 21 years of age. <p>The university is not required to possess a liquor license or beer permit in order to engage in the activities as long as no additional fee is imposed on the student beyond normal tuition and fees for tasting the alcohol.</p> <p>TBR will amend the General Policy on Tobacco and Alcoholic Beverages, 1:07:00:00, to reflect this act.</p> <p><i>This legislation will become effective 7/1/16.</i></p>
<p>Public Chapter 891</p>	<p>Universities allowed to grow Low THC Industrial Hemp</p> <p>This act allows any Tennessee public or private four-year institution of higher education that offers a baccalaureate or post-graduate level program of study in agricultural sciences to grow genera cannabis with less than (0.3%) of tetrahydrocannabinol (THC).</p> <p>Growers and processors of industrial hemp in Tennessee are required to obtain an annual license from the TN Department of Agriculture and to pay any applicable fees. The TN Department of Agriculture is authorized to inspect the industrial hemp crop or inventory for compliance, prior to issuing a license. If a grower or processor fails to obtain a license, any industrial hemp in the grower’s or processor’s possession shall be considered marijuana and subject to the appropriate criminal penalties.</p> <p><i>The legislation became effective upon becoming law, 4/27/16.</i></p>

ACADEMICS

[Public Chapter 991](#)

Licensure & Certification of Barbers & Cosmetologists

This act establishes a license classification for a cosmetology school which provides educational courses for natural hair styling. This bill adds shampooing and natural hairstyling to the definition of cosmetology, thereby making such activities subject to the laws governing the practice of cosmetology, including licensure.

Present cosmetology laws provide that a student may not attend school for more than eight hours per day or 40 hours per week. This act revises these provisions to require instruction of no more than 10 hours per day, six days per week, or 48 hours per week, and to make those time frames the maximum attendance for a student.

After July 1, 2007, a barber instructor applicant, in addition to other requirements, will have to have completed a three hundred (300) hour instructor training program at a board-certified barber school. The applicant must also hold a valid certificate of registration as a master barber for a period of at least three (3) **consecutive** years prior to being certified as an instructor. Previous law did not require the 300 hours or consecutive holding of master barber certificate to in order for a master barber to become a barber instructor.

The legislation will become effective 7/1/16.

ACADEMICS

<p>Public Chapter 1051</p>	<p>Medication Aide Educational Programs</p> <p>This act changes terminology from "medication aides certified" to "medication aide" and revises training and other requirements for the medication aide program. The following represent revisions to the current law:</p> <ol style="list-style-type: none">1. Reduces from 65 to 60 the number of required hours of instruction in a medication aide training program;2. Reduces from 50 to 40 classroom hours, and from 20 to 15 clinical hours, that a medication aide training program must contain;3. Reduces from 25 to 20 required hours that a medication aide training program must devote to a supervised clinical practice component that is conducted under the discretion and supervision of a licensed nurse;4. Establishes that a medication aide may not administer medications delivered by aerosol or nebulizers, or administer medications by metered hand-held inhalers without a spacer or a non-metered inhaler;5. Authorizes the use of medication aides in any Program for All-Inclusive Care for the Elderly (PACE); and6. Requires any nursing home, assisted-care living facility, or PACE program that utilizes one or more medication aides to administer medications to implement a policy to track and record any incidents of medication errors and opioid or benzodiazepine diversions and make this information available to the Department of Health. <p>Based on the advocates for this bill, there are no medication aid programs in the state. This act is an attempt to encourage educational providers to develop them.</p> <p><i>Relative to rule making, this legislation became effective upon its becoming law, 4/28/16. All other elements of the legislation become effective 1/1/17.</i></p>
<p>Public Chapter 1083</p>	<p>Low THC Cannabis is not "Marijuana" for TN universities studying its medical use for disease treatment</p> <p>This act exempts the cannabis plant, seeds, resin or oil with less than .6% tetrahydrocannabinol (THC) from the definition of "marijuana" under <i>TCA § 39-17-402(16)</i>, when the plant is manufactured, processed, transferred, dispensed, or possessed by a four-year public or private institution of higher education located in Tennessee and certified by the Drug Enforcement Administration (DEA) as part of a clinical research study intractable seizures, cancer or other diseases.</p> <p><i>The legislation became effective upon passage on 5/20/16.</i></p>

APPROPRIATIONS

[Public Chapter 758](#)

Appropriations. Provides state funding for the 2016-2017 fiscal year.

- For FY 2016-2017 the state appropriation to the TBR system is \$733,944,400, a 9% increase over last year in state appropriations.
- Full funding of THEC's outcome formula recommendation, which includes a \$35.1 million increase in operating funds.

THEC & Drive to 55 Programs

- \$10 Million - LEAP grant- (*Applications due July 27th*)
- \$2.5 Million - College Advising Corp
- \$460,100 - SAILS expansion (remediation)
- \$1 Million - Veteran Reconnect (*Notice of Intent due June 20 and proposals due July 25*)
- \$800,000 - Institutional Outcome Improvement Grants (*Austin Peay, Cleveland State, ETSU, Roane State, and Walters State were awarded grants on June 8th.*)
- \$800,000 - TN Promise Forward Grants
<http://www.tn.gov/thec/article/promise-forward>
- \$400,000 - TN Promise Bridge

TBR Capital Projects

- \$24.3 Million - Drive to 55 Capacity Fund (one-time funds; THEC developing metric by which institutions may apply)
- \$29.1 Million - TSU Health Science Building
- \$71.3 Million - TTU Laboratory Science Building
- \$4.1 Million - Walters State Greeneville Campus
- \$2 Million - Chattanooga State Center for Engineering Tech, Arts & Science Building
- \$1.1 Million - Roane State Campbell County Campus
- \$500,000 - Columbia State Williamson County Campus
- \$240,000 - Austin Peay Farm Building
- \$45.5 Million - Capital Maintenance for TBR (48 projects)

APPROPRIATIONS	
	<p>Appropriations (continued)</p> <p><u>Other TBR institutional Investments</u></p> <ul style="list-style-type: none"> • \$28.7 Million - Technology resource for community colleges shared services (one-time funds) • \$1.5 Million - Chair of Excellence in Accountancy at MTSU (grant) • \$1 Million - Federal match for TSU Institute of Agriculture (recurring) • \$500,000 – Univ. of Memphis cyber security project (one-time funds) • \$100,000-Forensic Center at Quillen College of Medicine at ETSU (grant) <p><i>The Appropriations Act becomes effective 7/1/16.</i></p>
BOARD OF REGENTS	
<p>Public Chapter 869</p>	<p>The FOCUS Act. The FOCUS Act restructures the Tennessee Board of Regents by providing the four-year institutions their own autonomous boards with certain vested powers as outlined below.</p> <p>Tennessee Board of Regents</p> <ul style="list-style-type: none"> ➤ The Board composition and term length remains the same with one change. After July 1, 2016, the at-large appointments may be either residents from different geographical areas of the state or non-Tennessee residents. ➤ TBR will continue to approve operating budgets for universities and distribute funds to them; however, this review and approval is limited to ensuring each university can appropriately cover outstanding indebtedness. ➤ TBR program approval processes remain the same for TCATs and community colleges. ➤ Universities will no longer submit academic programs to the TBR board for approval. <p><i>Note: With respect to the changes impacting universities, TBR fiscal and academic processes will remain the same until the university boards have convened and adopted policies.</i></p>

BOARD OF REGENTS

[Public Chapter 869](#)

The FOCUS Act (continued)

University Boards of Trustees (local governing boards)

The FOCUS Act creates university governing boards of trustees for each of the six TBR universities, although each will remain part of the Board of Regents.

➤ **Board Composition**

Each board of trustees is comprised of 10 members, nine of whom are voting members.

- 8 members are appointed by the Governor and serve 6-year terms, after a staggered implementation;
- 1 faculty member will be selected by the faculty senate and serve a two-year term;
- 1 non-voting student member shall be appointed by the board to serve a one-year term;
- At least 6 shall be residents of Tennessee; and
- At least 3 shall be graduates of the institution.

➤ **Board Membership**

Governor's appointments are subject to confirmation by the General Assembly and are limited to two consecutive terms.

- Board elects a chair who serves a two-year term.
- A board's first meeting shall be at the call of the Governor, and each board shall meet at least four (4) times annually.
- THEC shall conduct mandatory orientations for all board members prior to the first meeting, and in subsequent years, newly appointed members must attend orientation seminars within the first year of service.

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University Boards of Trustees (local governing boards)

➤ **Board Authority & Requirements**

- Approve the operating budget for each university under its control, in addition to TBR's approval.
- Set in-state tuition and fees within the established THEC range and set out-of-state tuition.
- Create operating policies and guidelines.
- Manage and initiate capital and real estate transactions within the scope of the master plan approved by THEC. This includes submitting capital projects directly to THEC for consideration of funding.
- Approve or reject requests for tenure.

BOARD OF REGENTS

[Public Chapter 869](#)

The FOCUS Act (continued)

TBR Universities

- Along with the TBR, universities shall maintain alignment across state higher education to promote student success and completion.
- Provide information to THEC for assessment and accountability purposes, including its institutional mission.
- Continue as participating employers in programs and services provided or administered by the Tennessee Department of Treasury.
- Ensure that data systems provide interoperability with the statewide student information system used by TBR and THEC.
- Each TBR University shall have representation on the THEC formula review committee.

Note: The Act emphasizes the role of Tennessee State University as a Historically Black College and University and as an 1890 land grant institution.

Tennessee Higher Education Commission

- THEC has expanded authority under the FOCUS Act, authorizing and directing it to: annually establish a binding tuition and fee policy upon all state public institutions of higher education within two approved ranges of allowable percentage and adjustment, which include:
 - One for any proposed modification to current tuition rates and
 - One for proposed modification to combined total of tuition and fees.
- Establish a formal process for identifying capital investment needs and determining priorities for those investments for consideration by the Governor and the General Assembly, including requests that come directly from the UT system, the TBR system, and TBR universities.
- Convene the leaders, and appropriate members of each public institution, governing board, or system to ensure a cohesive and coordinated system of higher education public policy.

BOARD OF REGENTS

<p>Public Chapter 869</p>	<p>The FOCUS Act (continued)</p> <p>Tennessee Higher Education Commission</p> <p>➤ Provide the members of each university board and governing board orientation and ongoing training. Orientation training must cover:</p> <ul style="list-style-type: none"> • Perspectives of higher education from national experts in governance; • Roles and responsibilities of governing boards; • Legal and ethical responsibilities of trustees; • Board's role in academic standards, intellectual diversity, and academic freedom; • Board's role in budget development, presidential searches and evaluation; • Role of higher education in K-12 collaboration; and <p>Information on setting strategic goals.</p> <p>TBR has created a FOCUS website to answer questions and provide updates on implementation of the FOCUS Act. https://www.tbr.edu/focus/focus-act</p> <p><i>The legislation becomes effective 7/1/16.</i></p>
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<p>Senate Resolution 72</p>	<p>Mary Lou Apple appointment. This Senate Resolution confirms the appointment of Mary Lou Apple to the Board of Regents for a term that will expire on June 30, 2018.</p> <p><i>This appointment became effective 2/22/16.</i></p>
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BUSINESS

<p>Public Chapter 571</p>	<p>Notification requirements for changes in projects financed with tax-exempt bonds</p> <p>This act requires that the Office of State and Local Finance in the Comptroller of the Treasury be notified and approve of a change in the use, management or ownership of a project financed with tax-exempt bonds prior to moving forward with the change. This applies to both the Tennessee State Funding Board and Tennessee State School Bond Authority projects. In addition to the Office of State and Local Finance, approval is required by the relevant debt issuer.</p> <p><i>The legislation become effective on 3/8/16.</i></p>
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[Public Chapter 601](#)

Renaming, removing, relocating, altering, or rededicating a historical memorial on state or local government property

This act prohibits the removal, renaming, relocation, alteration, rededication, or otherwise disturbing or alteration of any memorial regarding a "historic conflict," "historic entity," "historic event," "historic figure," or "historic organization" that is, or is located on, public property, unless the TN Historical Commission grants a waiver. Under this act, public property means all property owned, leased, rented, managed, or maintained by or under the authority of this state, any county, municipality, metropolitan government, or any other public entity that is created by act of the general assembly to perform any public function. The act defines all the historical terms and the TN Historical Commission waiver process.

Prior to petitioning the TN Historical Commission, the institution must publish notice of the petition for waiver on its website and in at least one newspaper of general circulation in the area of the memorial and one newspaper in Davidson County.

The petition for waiver must be in writing to the TN Historical Commission and state the reasons for which the waiver is sought and must include at least one report showing that there is a material or substantial need for a waiver based on historical or other compelling public interest. The petition must also include the names and addresses of any private entities, groups or individuals, including descendants that may have an interest in receiving notice of the petition. In order for a waiver to be granted, the public entity seeking the waiver must demonstrate by clear and convincing evidence that a material or substantial need for a waiver based on historical or other compelling public interest exists.

There is an initial and final hearing process which must occur within 180 days after the petition is filed. The Commission may grant a waiver in whole or in part by 2/3 vote of the entire membership of the Commission. Those failing to receive 2/3 vote will be denied. The party or entity who submitted the waiver for approval may appeal the commission's decision to the chancery court of Davidson County.

This act is applicable to the current renaming of Forest Hall at MTSU.

The provisions of this bill became effective upon becoming law, 3/11/16.

BUSINESS

[Public Chapter 700](#)

Use of tuition free courses for state employees

This act clarifies that full-time state employees are eligible for enrollment in up to **four courses per academic year** at any state-supported college or university, college of applied technology, or the Tennessee Foreign Language Institute without paying tuition or fees; including online course fees. **Previously the statute authorized one (1) course per term.**

The act clarifies that state employees using the waiver may only take one course at a time with the waiver. It limits the use of the waiver to cover online course fees taken through the Tennessee Board of Regent’s online degree program, now called TN eCampus, each year by the amount of funds specifically appropriated for such online course fee waivers in the general appropriations act.

TBR Guideline B-061 on Education Assistance will be revised in accordance with this act.

The legislation became effective 6/1/16.

[Public Chapter 758](#)

Appropriations. Provides state funding for the 2016-2017 fiscal year.

- For FY 2016-2017 the state appropriation to the TBR system is \$733,944,400, a 9% increase over last year in state appropriations
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BUSINESS

<p>Public Chapter 758</p>	<p>Appropriations (continued)</p> <p><u>TBR Capital Projects</u></p> <ul style="list-style-type: none">• \$24.3 Million - Drive to 55 Capacity Fund (one-time funds; THEC developing metric by which institutions may apply)• \$29.1 Million - TSU Health Science Building• \$71.3 Million - TTU Laboratory Science Building• \$4.1 Million - Walters State Greeneville Campus• \$2 Million - Chattanooga State Center for Engineering Tech, Arts & Science Building• \$1.1 Million - Roane State Campbell County Campus• \$28.7 Million - Technology resource for community colleges shared services (one-time funds)• \$1.5 Million - Chair of Excellence in Accountancy at MTSU (grant)• \$1 Million - Federal match for TSU Institute of Agriculture (recurring)• \$500,000 – Univ. of Memphis cyber security project (one-time funds)• \$100,000-Forensic Center at Quillen College of Medicine at ETSU (grant) <p><i>The Appropriations Act becomes effective 7/1/16.</i></p>
<p>Public Chapter 820</p>	<p>In-State Tuition for Military Dependents whose parent perished in terrorist attack in Tennessee</p> <p>The act grants in-state tuition and fees at public higher education institutions to dependent children of military parents regardless of place of residency if the military parent perished as the result of a targeted attack that occurred in Tennessee.</p> <p>This legislation was brought to assist children whose parents were killed in the targeted attack on a military recruiting center in Chattanooga in July of 2015.</p> <p>The TBR Policy for Classifying Students In-state and Out-of-state for Paying College or University Fees and Tuition, 3:05:01:00, will be revised in accordance with this act.</p> <p><i>The legislation became effective 4/21/16.</i></p>

BUSINESS

[Public Chapter 887](#)

Allows use of Tennessee Technology Corporation Funds to Universities

This act allows the Tennessee technology development corporation to provide matching grants for applied research of strategic importance to Tennessee's economy conducted by industry or universities.

This legislation became effective 4/27/16.

COMMUNITY COLLEGES AND COLLEGES OF APPLIED TECHNOLOGY

[Public Chapter 991](#)

Licensure & Certification of Barbers & Cosmetologists

This act establishes a license classification for a cosmetology school which provides educational courses for natural hair styling. This bill adds shampooing and natural hairstyling to the definition of cosmetology, thereby making such activities subject to the laws governing the practice of cosmetology, including licensure.

Present cosmetology laws provide that a student may not attend school for more than eight hours per day or 40 hours per week. This act revises these provisions to require instruction of no more than 10 hours per day, six days per week, or 48 hours per week, and to make those time frames the maximum attendance for a student.

After July 1, 2007, a barber instructor applicant, in addition to other requirements, will have to have completed a three hundred (300) hour instructor training program at a board-certified barber school. The applicant must also hold a valid certificate of registration as a master barber for a period of at least three (3) **consecutive** years prior to being certified as an instructor. Previous law did not require the 300 hours or consecutive holding of master barber certificate to in order for a master barber to become a barber instructor.

The legislation becomes effective 7/1/16.

COMMUNITY COLLEGES AND COLLEGES OF APPLIED TECHNOLOGY

<p>Public Chapter 1051</p>	<p>Medication Aide Educational Programs</p> <p>This act changes terminology from "medication aides certified" to "medication aide" and revises training and other requirements for the medication aide program. The following represent revisions to the current law:</p> <ol style="list-style-type: none">1. Reduces from 65 to 60 the number of required hours of instruction in a medication aide training program;2. Reduces from 50 to 40 classroom hours, and from 20 to 15 clinical hours, that a medication aide training program must contain;3. Reduces from 25 to 20 required hours that a medication aide training program must devote to a supervised clinical practice component that is conducted under the discretion and supervision of a licensed nurse;4. Establishes that a medication aide may not administer medications delivered by aerosol or nebulizers, or administer medications by metered hand-held inhalers without a spacer or a non-metered inhaler;5. Authorizes the use of medication aides in any Program for All-Inclusive Care for the Elderly (PACE); and6. Requires any nursing home, assisted-care living facility, or PACE program that utilizes one or more medication aides to administer medications to implement a policy to track and record any incidents of medication errors and opioid or benzodiazepine diversions and make this information available to the Department of Health. <p>Based on the advocates for this bill, there are no medication aid programs in the state. This act is an attempt to encourage educational providers to develop them.</p> <p><i>Relative to rule making, this legislation became effective on 4/28/16. All other elements of the legislation become effective 1/1/17.</i></p>
<p>Public Chapter 1081</p>	<p>Community College Reconnect Grant Revision</p> <p>This act revises the provisions governing eligibility and funding for the community college reconnect grant. As written it:</p> <ul style="list-style-type: none">➤ Eliminates the requirement for reconnect students to be in a AAS degree program;➤ Grants reconnect funds to institutions based on proportional adult non-traditional population;➤ Grants are distributed to students at each institution on first-come-first-served basis;➤ Allows students to receive the grant if out of college for 12 months instead of the previous requirement of 24 months; and➤ Clarifies that the TN Student Assistance Corp. will determine filing deadlines and other rules related to the program <p><i>The legislation became effective 5/20/16.</i></p>

GOVERNANCE	
Public Chapter 543	<p>Tennessee Center for Earthquake Research This act extends the Tennessee Center for Earthquake Research and Information six (6) years until June 30, 2022.</p> <p><i>This legislation became effective 3/2/16.</i></p>
Public Chapter 869	<p>The FOCUS Act. The FOCUS Act restructures the Tennessee Board of Regents by providing the four-year institutions their own autonomous boards with certain vested powers as outlined below.</p> <p>Tennessee Board of Regents</p> <ul style="list-style-type: none"> ➤ The Board composition and term length remains the same with one change. After July 1, 2016, the at-large appointments may be either residents from different geographical areas of the state or non-Tennessee residents. ➤ TBR will continue to approve operating budgets for universities and distribute funds to them; however, this review and approval is limited to ensuring each university can appropriately cover outstanding indebtedness. ➤ TBR program approval processes remain the same for TCATs and community colleges. ➤ Universities will no longer submit academic programs to the TBR board for approval. <p><i>Note: With respect to the changes impacting universities, TBR fiscal and academic processes will remain the same until the university boards have convened and adopted policies.</i></p> <p>University Boards of Trustees (local governing boards) The FOCUS Act creates university governing boards of trustees for each of the six TBR universities, although each will remain part of the Board of Regents.</p> <ul style="list-style-type: none"> ➤ <u>Board Composition</u> Each board of trustees is comprised of 10 members, nine of whom are voting members. <ul style="list-style-type: none"> • 8 members are appointed by the Governor and serve 6-year terms, after a staggered implementation; • 1 faculty member will be selected by the faculty senate and serve a two-year term; • 1 non-voting student member shall be appointed by the board to serve a one-year term; • At least 6 shall be residents of Tennessee; and • At least 3 shall be graduates of the institution. ➤ <u>Board Membership</u> Governor’s appointments are subject to confirmation by the General Assembly and are limited to two consecutive terms. <ul style="list-style-type: none"> • Board elects a chair who serves a two-year term. • A board's first meeting shall be at the call of the Governor, and each board shall meet at least four (4) times annually. • THEC shall conduct mandatory orientations for all board members prior to the first meeting, and in subsequent years, newly appointed members must attend orientation seminars within the first year of service.

GOVERNANCE

[Public Chapter 869](#)

The FOCUS Act (continued)

University Boards of Trustees (local governing boards)

➤ **Board Authority & Requirements**

- Approve the operating budget for each university under its control, in addition to TBR's approval.
- Set in-state tuition and fees within the established THEC range and set out-of-state tuition.
- Create operating policies and guidelines.
- Manage and initiate capital and real estate transactions within the scope of the master plan approved by THEC. This includes submitting capital projects directly to THEC for consideration of funding.
- Approve or reject requests for tenure.

TBR Universities

- Along with the TBR, universities shall maintain alignment across state higher education to promote student success and completion.
- Provide information to THEC for assessment and accountability purposes, including its institutional mission.
- Continue as participating employers in programs and services provided or administered by the Tennessee Department of Treasury.
- Ensure that data systems provide interoperability with the statewide student information system used by TBR and THEC.
- Each TBR University shall have representation on the THEC formula review committee.

Note: The Act emphasizes the role of Tennessee State University as a Historically Black College and University and as an 1890 land grant institution.

Tennessee Higher Education Commission

- THEC has expanded authority under the FOCUS Act, authorizing and directing it to: annually establish a binding tuition and fee policy upon all state public institutions of higher education within two approved ranges of allowable percentage and adjustment, which include:
 - One for any proposed modification to current tuition rates and
 - One for proposed modification to combined total of tuition and fees.
- Establish a formal process for identifying capital investment needs and determining priorities for those investments for consideration by the Governor and the General Assembly, including requests that come directly from the UT system, the TBR system, and TBR universities.
- Convene the leaders, and appropriate members of each public institution, governing board, or system to ensure a cohesive and coordinated system of higher education public policy.

GOVERNANCE

[Public Chapter 869](#)

The FOCUS Act (continued)

Tennessee Higher Education Commission

- Provide the members of each university board and governing board orientation and ongoing training. Orientation training must cover:
 - Perspectives of higher education from national experts in governance;
 - Roles and responsibilities of governing boards;
 - Legal and ethical responsibilities of trustees;
 - Board's role in academic standards, intellectual diversity, and academic freedom;
 - Board's role in budget development, presidential searches and evaluation;
 - Role of higher education in K-12 collaboration; andInformation on setting strategic goals.

TBR has created a FOCUS website to answer questions and provide updates on implementation of the FOCUS Act. <https://www.tbr.edu/focus/focus-act>

The legislation becomes effective 7/1/16.

[Senate Resolution 72](#)

Mary Lou Apple appointment. This Senate Resolution confirms the appointment of Mary Lou Apple to the Board of Regents for a term that will expire on June 30, 2018.

This appointment was effective 2/22/16.

HUMAN RESOURCES

[Public Chapter 813](#)

State Employer prohibited from inquiring about applicant’s criminal history on initial application

This act prohibits a state employer from inquiring about an applicant's criminal history on the initial application form, if the position for which the applicant is applying is not a "covered position." For non-covered positions, an employer may inquire about an applicant’s criminal history after the initial screening of applications.

A "covered position" is one for which a criminal background check is required under federal law or for which the commission of an offense is a disqualifying event for employment under federal or state law.

If an employer asks about an applicant's criminal history, the employer must provide the applicant with an opportunity to provide an explanation of the applicant's criminal history to the employer.

For position announcements for covered positions, the state employer must state, **“this position requires a criminal background check. Therefore, you may be required to provide information about your criminal history in order to be considered for this position.”**

[Public Chapter 813](#)

State Employer prohibited from inquiring about applicant’s criminal history on initial application (continued)

In considering an applicant with a criminal history for a position other than a covered position, the employer shall consider:

1. the specific duties and responsibilities of the position;
2. the bearing the applicant’s criminal history has on the applicant’s fitness or ability to perform the duties required;
3. the amount of time that has elapsed since the applicant’s conviction or release;
4. the age of the applicant at the time of the offense(s);
5. any information produced by the applicant regarding the rehabilitation or good conduct since the offense (s); and
6. any public any public policy considerations with respect to the benefits of employment of those with a criminal history.

This act further protects an employer from liability for any damages arising from the employer’s failure or refusal to employ an applicant for any covered position or other position based on the criminal history of the applicant.

The act allows institutions that may have printed applications in use to deplete their existing supply before adjusting the application in compliance with this act.

TBR Human Resources is in the process of amending the standard online application utilized by the TBR system office and community colleges. The TCAT system office will update their application form and disseminate to the colleges. Universities, who operate a separate online applicant tracking system, will need to make this change to their standard application. Institutions will be responsible for putting the required phrase related to background checks in all applicable position announcements.

This legislation was effective upon becoming law 4/4/16.

HUMAN RESOURCES

[Public Chapter 931](#)

Public Pension and Retirement plans must recognize a Qualified Domestic Relations Order. The act applies qualified domestic relations orders (QDRO) to the Tennessee Consolidated Retirement System plan and government sponsored 401k, 403b, and 457 retirement saving plans. This has already in place for Optional Retirement Plans (ORP) some TBR staff have, namely TIAA. Contact each plan to determine the correct form to be used for application of QDRO. This act is applicable to QDROs issued on or after July 1, 2016 for TCRS, 401K, 403b, and 457 retirement savings accounts.

What is a Qualified Domestic Relations Orders (QDRO)?

A QDRO is a court judgment, decree, or order that is made pursuant to state domestic relations law, and:

1. relates to the provisions of child support, alimony payments, or marital property rights for the benefit of a spouse, former spouse, child, or other dependent of a participant;
2. that creates or recognizes the existence of an alternative payee's right to receive, or assigns to an alternative payee the right to receive, all or a portion of the benefits payable under a federally regulated retirement plan, and
3. includes certain information and meets certain legal requirements.

This legislation becomes effective 7/1/16.

[Public Chapter 980](#)

Advanced practice nurses renamed advanced practice registered nurses. This act changes the title of advanced practice nurses to advanced practice registered nurses and changes references to their credentials from certificates to licenses.

This legislation becomes effective 7/1/16.

LEGAL

[Public Chapter 651](#)

Statutorily Required Reports Submitted to Legislative Law Library

This act requires that a copy of all statutorily required reports that are filed with the general assembly, the speakers of the general assembly, a committee of the general assembly, or any combination thereof, also be filed with the legislative reference and law library. Below is the link to the library. The current legislative librarian is Eddie Weeks. His email is Eddie.weeks@capitol.tn.gov

<http://www.legislature.state.tn.us/joint/staff/legal/library.html>

This legislation becomes effective 7/1/16.

LEGAL

[Public Chapter 722](#)

Written Public Records Policy

This act requires every governmental entity, subject to the Tennessee Public Records Act (which includes TBR), establish a written public records policy by July 1, 2017, that does not impose requirements on individuals requesting records that are more burdensome than state law. The policy must include:

- (1) the process for making a request to inspect public records or receive copies of public records and a copy of any required request form;
- (2) the process for responding to requests, including redaction practices;
- (3) a statement of any fees charges for copies of public records and the procedures for billing and payment; and
- (4) the name or title and the contact information of the individuals within such governmental entity designated as the public records request coordinator.

The Comptroller’s Office of Open Records Counsel will develop a model policy. Their website is <http://www.comptroller.tn.gov/openrecords/index.asp>

The TBR guideline G-070, Records Retention and Disposal of Records will be amended to reflect this act and the components of the model policy when completed.

The legislation become effective on 7/1/16.

[Public Chapter 835](#)

Required instruction for freshman on sexual assault, date rape and other items

The act **mandates** that each public institution of higher education **require all entering freshmen** receive instruction aimed at increasing the awareness and prevention of sexual assault, sexual battery, sexual harassment, and date rape. This instruction must be provided during orientation or introductory studies.

This act also **encourages** all public institutions of higher education to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual assault, sexual battery, sexual harassment and date rape **to all students**.

TBR Policy 6:03:00:00 on Sexual Misconduct will be revised to reflect this act.

The legislation becomes effective on 7/1/16.

LOTTERY SCHOLARSHIP AND NEED-BASED AID

<p>Public Chapter 750</p>	<p>Promise Scholarship to Military dependents graduating from out-of-state or foreign high schools</p> <p>Extends the Tennessee Promise scholarship to dependents of Tennessee military parents who graduated from out-of-state high schools operated by the U.S. government, accredited by the appropriate regional accreditor, or accredited by an entity in a foreign nation in which the school is located.</p> <p><i>The legislation becomes effective on 7/1/16.</i></p>
<p>Public Chapter 910</p>	<p>Tuition Waiver Task Force</p> <p>Creates a tuition waiver task force to examine the statutory tuition discount and waiver programs currently offered at public institutions of higher education in Tennessee. Members of the task force include: a member of the House and Senate, representatives of Human Resources, Legislative Budget Office, TBR, UT, and THEC. THEC will coordinate the task force.</p> <p><i>This legislation became effective 4/27/16.</i></p>
<p>Public Chapter 930</p>	<p>STEP UP Scholarship Revision</p> <p>This act authorizes eligible STEP UP programs to be up to four (4) years in length instead of the previous two (2) years allowed.</p> <p>It adds an occupational diploma to the list of diplomas and certificates that make a student eligible for the scholarship.</p> <p>It requires each institution to determine the period of time required to complete their respective STEP-UP program and changes and clarifies the terminating events for the scholarship.</p> <p>For students who <u>don't take a leave of absence</u> the scholarship terminates when:</p> <ul style="list-style-type: none">• the student receives a credential signifying completion of the eligible STEP-UP program or• the student completes the end of the period of time required to complete the program. <p>For students who <u>do take a leave of absence</u> the scholarship terminates when:</p> <ul style="list-style-type: none">• the student receives a credential signifying completion of the eligible STEP-UP program or• the point in time when the total number of years the student has attended an eligible program, including the number of years that the student attended prior to returning from a leave of absence, is equal to the number of years required to complete the program.

LOTTERY SCHOLARSHIP AND NEED-BASED AID

<p>Public Chapter 930</p>	<p>STEP UP Scholarship Revision (continued)</p> <p>The act also allows a student that has completed a STEP UP program that is shorter than four (4) academic years to transfer to another eligible postsecondary program that provides a longer program and continue to receive the Tennessee STEP UP scholarship.</p> <p>If an eligible program changes its program length from two (2) years to three (3) or four (4) years a currently enrolled student may continue to receive the STEP UP scholarship as long as the student meets other statutory and academic requirements.</p> <p>Finally, the act prohibits retroactive awards of the STEP UP scholarship for students enrolled in a three (3) or four (4) year program in 2015-16.</p> <p><i>The legislation became effective 4/27/16.</i></p>
<p>Public Chapter 943</p>	<p>Eligibility Requirements for Graduates of Home Schools or Ineligible High Schools to Receive the General Assembly Merit Scholarship (GAMS)</p> <p>This act revises the eligibility requirements for home school students and students who graduate from an ineligible high school to receive the general assembly merit scholarship. The current statute allows home school students or other graduates of ineligible high schools to receive the GAMS award if the student enrolls in at least four dual enrollment courses and achieve a minimum cumulative GPA of 3.0. The act creates additional ways for a home school student, or student graduating from an ineligible high school, to qualify for the GAMS. This includes:</p> <ol style="list-style-type: none">1.) participating in a governor’s school program and achieving a minimum cumulative GPA of 3.0,2.) taking two advanced placement (AP) examinations and making a score of at least three (3) , or3.) taking a College Level Examination Program (CLEP) test, and making a score of at least 55. <p><i>This legislation became effective 4/27/16.</i></p>
<p>Public Chapter 971</p>	<p>Tennessee Promise Revisions for Students with Disabilities</p> <p>This act permits a student with a documented learning disability who is unable to take 12 semester hours, as required for the Tennessee Promise scholarship, to be eligible for the scholarship. Currently, students with documented disabilities are eligible (by TSAC rule) to receive the TN Promise Scholarship for five semesters (or TCAT equivalent) or until graduation, whichever occurs first.</p> <p>This act clarifies that a student with a documented learning disability must enroll each term in the maximum number of hours that is established by the college or university as feasible for the student to attempt.</p>

LOTTERY SCHOLARSHIP AND NEED-BASED AID

<p>Public Chapter 971</p>	<p>Tennessee Promise Revisions for Students with Disabilities (continued)</p> <p>This could go beyond five (5) semesters (or TCAT equivalent) if determined by the campus. The terminating event for the TN Promise for a student with a documented disability is as follows:</p> <ol style="list-style-type: none">1.) the student earns a diploma or associate’s degree or2.) The student has attended for the minimum number of semesters the institution establishes as feasible for the student to complete the course work for the academic program. Leaves of absences are not counted in the total time calculations for termination. <p>A student who does not have a disability may take fewer than twelve (12) semester (or TCAT equivalent) if required by the academic program in which the student is enrolled.</p> <p><i>The legislation became effective 4/27/16 and will apply to new TN Promise students beginning in 2016-17 and each year thereafter.</i></p>
<p>Public Chapter 1081</p>	<p>Community College Reconnect Grant Revisions</p> <p>This act revises the provisions governing eligibility and funding for the community college reconnect grant. The act makes the following changes:</p> <ul style="list-style-type: none">➤ Eliminates the requirement for reconnect students to be in a AAS degree program;➤ Grants reconnect funds to institutions based on proportional adult non-traditional population;➤ Grants are distributed to students at each institution on first-come-first-served basis;➤ Allows students to receive the grant if out of college for 12 months instead of the previous requirement of 24 months; and➤ Clarifies that the TN Student Assistance Corporation will determine filing deadlines and other rules related to the program. <p><i>The legislation became effective 5/20/16.</i></p>

SAFETY AND SECURITY

[Public Chapter 638](#)

New Sign Requirements Related to Firearms

This act revises the minimum requirements for phrases and symbols on signs prohibiting firearms in certain places open to the public.

The act establishes new minimum requirements for phrases and symbols on signs prohibiting firearms in a corporation, business entity or local, **state** or federal government entity. Each sign shall include the phrase **“NO FIREARMS ALLOWED,”** and the phrase shall measure at least one inch (1”) high and eight inches (8”) wide and shall also include the phrase **“As authorized by TCA § 39-17-1359”**. The sign shall also include a pictorial representation of the phrase **“NO FIREARMS ALLOWED”** that **shall include a red circle with a red diagonal line through the circle and a black image of a firearm inside the red circle under the diagonal line.**

Entities have until January 1, 2018 to replace existing signs. TBR will confer with the Attorney General to determine whether our existing signs used across the system can be considered in compliance. The TBR General Counsel recommends campuses do not change signs until receiving further guidance from TBR subsequent to review by the Attorney General.

This legislation becomes effective 7/1/16.

[Public Chapter 641](#)

Expansion of Individuals Who May Carry Firearms At All Times

This act authorizes a sheriff, who is certified by the Police Officers Standards and Training (POST) Commission, or a deputy sheriff who is employed by a county as a court officer or corrections officer, to carry firearms at all times and in all places in Tennessee regardless of the officer’s regular duty hours or assignment, unless otherwise prohibited by federal law, court order, or otherwise by law. There is no POST certification requirement for the county court officers or corrections officers as long as they are authorized in writing by the sheriff.

TBR General Policy 3:02:00:00, General Policy on Student Conduct and Disciplinary Sanctions, specifically the exhibit on Firearms on College and University Property and TBR Guideline P-085, Workplace Violence Prevention and the new policy 7:01:00:00, Firearms and Other Weapons, will be revised to reflect this act.

This legislation was effective 3/23/16.

SAFETY AND SECURITY

[Public Chapter 801](#)

Emergency Administration of Epinephrine by Law Enforcement

The act authorizes law enforcement officers to administer epinephrine to treat anaphylactic reactions and allows physicians to prescribe epinephrine kits and pharmacists to dispense such kits.

This act requires:

- a law enforcement agency to have an epinephrine-administration protocol developed by a licensed physician;
- an officer to complete training within the last twelve (12) months. The training must include patient assessment, universal precautions, rescue breathing, seeking medical attention, and the use of intramuscular epinephrine;
- the law enforcement agency keep a record of each officer’s participation in training; and
- any officer that administers epinephrine must file a record of the event with the appropriate local emergency medical services agency. The record must include the signs, symptoms, therapies, response, and disposition of the event.

The act provides immunity from civil liability for pharmacists, law enforcement officers and their law enforcement agency unless any party acted with reckless disregard for safety.

The legislation becomes effective 7/1/16.

[Public Chapter 806](#)
[TBR Firearms and Weapons](#)
[Policy 7:01:00:00](#)
[TBR Guide to Gun Laws on Campus](#)

Firearms allowed in vehicle

This bill prohibits public postsecondary institutions from taking any adverse action against an **employee** or **student** solely for that individual’s lawful transportation and storage of a firearm or ammunition in the individual’s parked motor vehicle. Both students and employees, **who hold a valid handgun permit**, are permitted to transport and store firearms and ammunition in the trunk, or cabinet attached to a pickup truck, of parked vehicles on college/university property. The guns must be locked and out of sight.

See the link to policy 7:01:00:00, Firearms and Other Weapons, approved by the TBR Board on June 24, 2016. There is also a link provided to the TBR Guide to Gun Laws on Campus.

This legislation became effective 4/14/16.

SAFETY AND SECURITY

[Public Chapter 1061](#)

[TBR Firearms and Weapons
Policy 7:01:00:00](#)

[TBR Guide to Gun Laws on
Campus](#)

[Handgun Campus Carry
Registration Form](#)

Employees May Carry Handguns on Campus

This act permits **full-time employees** of state public colleges or universities to carry a handgun, under certain conditions, while on property owned, operated, or used by the employing college or university if the employee has a valid Tennessee handgun carry permit or a permit from another state with reciprocity with Tennessee.

- Employee may carry only on his/her college or university of employment.
- Guns must be concealed from ordinary observation when carried on campus.
- Guns will not be permitted in: disciplinary or tenure meetings, hospitals, an office where medical or mental health are the primary services provided, K-12 schools on campus, auditoriums, stadiums or gyms where campus events are taking place.
- Employees must notify in writing law enforcement with jurisdiction over the campus of intent to carry.
- Campuses have immunity from claims of monetary damages arising solely from or related to an employee's use or failure to use a handgun.
- Employees who elect to carry are not immune from personal liability or entitled to workers' compensation related to injuries or incidences related to the gun.
- Students are not allowed to carry handguns on campus except in his/her car in accordance with Public Chapter 806.

See the link to policy 7:01:00:00, Firearms and Other Weapons, approved by the TBR Board on June 24, 2016. See other links to the TBR Guide to Gun Laws on Campus and the Handgun Campus Carry Registration Form. Additional policies related to workplace and student discipline may be revised as well in accordance with this act.

The legislation become effectives 7/1/16.

STUDENT AFFAIRS

<p>Public Chapter 767</p>	<p>Registered Sex Offender May Not Live on Campus</p> <p>This act says that no person who is registered or required to register as a violent sexual offender or offender against children pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 shall knowingly establish a primary or secondary residence or any other living accommodation in any public institution of higher education's on-campus student residence facilities, including dormitories and apartments. This act makes violation of this law a class E felony.</p> <p>Existing TBR policy bans registered sex offenders from residing in on-campus housing if:</p> <ol style="list-style-type: none">1. The campus includes a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public; or2. The campus is within one thousand feet (1,000') of a public school, private or parochial school, licensed day care center, other child care facility, public athletic field available for use by the general public. <p>TBR General Student Housing Policy, 3:03:01:00 will be revised to reflect this change.</p> <p><i>The legislation becomes effective 7/1/16.</i></p>
<p>Public Chapter 812</p>	<p>Reporting of Non-Immigrant Students</p> <p>This act eliminates the previous statutory requirement to report F-1 and M-1 student visa information by institution for the beginning and ending of each academic term. Instead the TN Commissioner of Safety is authorized to issue a subpoena, for valid law enforcement purposes, to an institution of higher education in Tennessee to compel the production of the following information related to nonimmigrant students possessing either an F-1 or M-1 student visa:</p> <ul style="list-style-type: none">➤ The number of nonimmigrant students enrolled at the institution at the beginning of a period of study;➤ The number of nonimmigrant students enrolled at the institution at the end of the period of study; and➤ The name and address of the nonimmigrant students who were enrolled at the beginning of the period of study but were not enrolled at the end of the period of study. <p>In the subpoena, the commissioner can ban the institution from disclosing to impacted students the request or release of information. By using the subpoena, FERPA is not violated with the release of personal identifiable information.</p> <p><i>This legislation was effective 4/14/16.</i></p>

STUDENT AFFAIRS

<p>Public Chapter 835</p>	<p>Required instruction for freshman on sexual assault, date rape and other items</p> <p>The act mandates that each public institution of higher education require all entering freshmen receive instruction aimed at increasing the awareness and prevention of sexual assault, sexual battery, sexual harassment, and date rape. This instruction must be provided during orientation or introductory studies.</p> <p>This act also encourages all public institutions of higher education to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual assault, sexual battery, sexual harassment and date rape to all students.</p> <p>TBR Policy 6:03:00:00 on Sexual Misconduct will be revised to reflect this act.</p> <p><i>The legislation becomes effective on 7/1/16.</i></p>
<p>Public Chapter 841</p>	<p>Proof of Immunization for Military Students</p> <p>This legislation was part to of the Tennessee Board of Regents’ legislative package and is aimed at reducing time-consuming and often duplicative paper work. The act requires public institutions of higher education to accept proof of the student’s prior or current military service as evidence of complying with any immunization requirements for enrollment at the institution.</p> <p>TBR is continuing to work with the TN Department of Health to improve the immunization records process.</p> <p>TBR Admissions Policy 2:03:00:00 will be revised to reflect this act.</p> <p><i>The legislation becomes effective 7/1/16.</i></p>