



Legislation Affecting the Tennessee Board of Regents and Member Institutions

Public Acts of 2011

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PUBLIC FINANCE AND APPROPRIATIONS	
<u>Public Chapter 276</u>	<p>Appropriations for Wacker and Electrolux. Appropriates funds to the Department of Economic and Community Development for making grants to the Southeast Tennessee Development District for the Wacker Chemie AG Project and to the Industrial Development Board of the City of Memphis and Shelby County for the Electrolux Home Products, Inc. Project.</p> <p>Effective May 23, 2011.</p>
<u>Public Chapter 470</u>	<p>Provides \$34 M in bonds to be issued for the Tennessee Technology Centers. The Department of Finance and Administration will allocate \$34 M to be expended for the purposes of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments and extraordinary repairs to existing structures, for TBR for benefit of the Tennessee Technology Centers.</p> <p>Effective June 10, 2011.</p>
<u>Public Chapter 472</u>	<p>Provides issuance of bonds for Hemlock Semiconductor. Authorizes the state to issue \$150 M in bonds for making grants to the Industrial Development Board of Montgomery County for the Hemlock Semiconductor project.</p> <p>Effective June 10, 2011.</p>
<u>Public Chapter 473</u>	<p>Provides appropriations for FY 11/12 and FY 12/13.</p> <p>The impact of the budget on TBR is as follows:</p> <p><u>Appropriations</u></p> <ul style="list-style-type: none"> • Provides approximately a 2% decrease in operating funds • Provides for a 4% health insurance premium increase for 2012 • Provides for a 1.6% pay increase for state and higher education employees • Continues the \$50 match for employees' 401K accounts <p><u>Capital</u></p> <ul style="list-style-type: none"> • Provides for \$30.7 million to fund 26 capital maintenance projects • Debt service funding for \$34 M in bonds for new capital funding for the Tennessee Technology Centers (debt service provided through TTC operational funds – see Public Chapter 470 of the 2011 Acts) • \$6,580,000 for capital outlay to develop the Columbia State Community College Williamson County Campus • Authorization of school bonds, institutional/auxiliary and other funds to fund capital projects totaling approximately \$341,390,000 <p><u>Special items and appropriations</u></p> <ul style="list-style-type: none"> • \$100,000 for the Forensic Center at ETSU's Quillen College of Medicine • \$6.5M for capital outlay to develop the Columbia State Community College Williamson County Campus • \$10 million for the Department of Economic and Community Development for

	<p>the Memphis Research Consortium</p> <ul style="list-style-type: none">• \$5 million set aside for operating funds for the University of Memphis for the Lambuth Campus in Jackson; Chancellor and the University of Memphis President must complete a progress report including the use of state funds by January 15, 2012• \$200,000 to Tennessee Technological University to replace fire alarms at the Hyder Burks Agricultural Pavilion/Tech Farm• \$100,000 to Tennessee Technological University for a mobile equipment lending laboratory for rural K-12 schools through the university's STEM Center• Continuance of the purchasing disparity study with both TBR and UT systems• Each state university, community college, and technology center are required to report to the Commissioner of Finance and Administration, the Tennessee Higher Education Commission, and the Office of Legislative Budget Analysis actual expenditures for maintenance and operation of their physical plant• TBR and UT must consult with THEC regarding the fees charged at state public higher education institutions
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ACADEMICS	
<u>Public Chapter 135</u>	<p>Access of facilities. Requires public higher education institutions that provide teacher training programs to allow equal access to any domestic professional educators' organization.</p> <p>Effective May 2, 2011.</p>
<u>Public Chapter 212</u>	<p>Financial literacy. Requires the State Board of Education to 1) develop guidelines to strengthen personal finance standards and 2) require that certain financial literacy concepts are included as part of the Board's standards for social studies. Requires the Tennessee Financial Literacy Commission to conduct a formal review of personal financial standards taught in grades K-8 and recommend revisions to the Department of Education and the State Board of Education, and to develop and report to these entities the means to include in existing standardized testing for grades five and eight the following concepts as an additional social studies component: decision-making; earning an income; saving and spending; use of credit; and budgeting.</p> <p>Effective May 20, 2011.</p>
<u>Public Chapter 288</u>	<p>"Virtual Public Schools Act." Removes language in current law requiring students to have been enrolled in a public school during the previous school year in order to be eligible to participate in a virtual education program. Allows local education agencies 1) to authorize virtual education programs; 2) to use BEP money for students currently enrolled to help defray the cost of the programs; and 3) to charge a tuition fee equal to the amount that is needed to fund students' virtual education for students that are not currently enrolled in a public school (these students will not be counted in the LEA's enrollment for BEP funding purposes). Virtual education programs will not be a separate school but will offer a range of courses that students may take in conjunction with classes taken in the regular local education agency, private, home school, homebound, or hospital bound classroom setting.</p> <p>Effective July 1, 2011.</p>
<u>Public Chapter 291</u>	<p>Audiology programs – dispensing of hearing aids. Permits state public colleges and universities to establish and operate clinical and dispensary programs in speech pathology, speech therapy and audiology for the purpose of educating students and generating financial support necessary to operate and make necessary improvements to those programs. Prohibits public education institutions operating hearing centers from opening a satellite center for the purpose of selling hearing aids after July 1, 2011. Prohibits these centers from advertising their services through any form of mass media. Requires each public institution operating a hearing center to submit a report to THEC and the education committees of the general assembly by September 15. The report must contain information from the prior year including the number of patients served, the number of patient-contact hours for which students received credit, the number of billed patient hours, the number of hearing aids dispensed to patients, and the revenues from clinical and dispensing operations.</p> <p>Effective July 1, 2011.</p>

<p><u>Public Chapter 380</u></p>	<p>Study of transitional teacher licensure program options. Requires the State Board of Education, in consultation with the Department of Education, to review current policies, rules and regulations pertaining to transitional licensure options and make recommendations relative to certain items.</p> <p>Effective May 30, 2011.</p>
<p><u>Public Chapter 427</u></p>	<p>Revisions to Tennessee’s Education Lottery Scholarship (TELS) Program regarding the dual enrollment grant and extension of the scholarship for students with a documented medical disability. Authorizes students receiving a dual enrollment grant to enroll in one additional dual enrollment course per semester if the student is a junior or senior in high school, is receiving a dual enrollment grant, and is academically qualified for a Tennessee HOPE scholarship or has achieved an overall weighted high school grade point average of 3.0 for all high school work completed in the semester prior to enrollment as a dual enrollment student. Any financial assistance received for additional courses shall reduce the subsequent award of the Tennessee HOPE scholarship on a dollar for dollar basis. Requires courses taken by students who participate in the dual enrollment program and attend an eligible college or university after graduation from high school to receive credit for any college course taken as a dual enrollment student if the course was successfully completed. Authorizes a student who has a documented medical disability that restricts the student’s attendance to part-time to petition for an extension of the current 5-year limitation in order for the student to retain the HOPE scholarship.</p> <p>Effective June 6, 2011 for TSAC to promulgate emergency rules to implement the Act’s provisions beginning in the Fall 2011 semester.</p>
<p><u>Public Chapter 437</u></p>	<p>Revisions to Tennessee’s Education Lottery Scholarship (TELS) Program regarding terminating events and summer school. Authorizes summer semester awards beginning with the fall semester of 2011 to recipients of HOPE scholarships, HOPE access grants, and HOPE scholarships for non-traditional students when the recipient began school in the fall semester of 2009 or thereafter. Adds new terminating event of 120 semester hours for receipt of the HOPE for recipients that began school in the fall semester of 2009 or thereafter. Adds new terminating event of 136 semester hours for receipt of the HOPE for recipients pursuing degrees that require more than 120 semester hours, and who began school in the fall semester of 2009 or thereafter.</p> <p>Effective June 8, 2011 for implementation beginning in the Fall 2011 semester.</p>
<p><u>Public Chapter 488</u></p>	<p>Enacts the Move On When Ready Act. Defines Advanced Placement course (AP) conditional entry and International Baccalaureate course (IB) for the purposes of students enrolling in a postsecondary institution of higher education. Beginning in the 2012-13 school year and subsequent school years, authorizes public school students to complete an early high school graduation program and be eligible for unconditional entry into a two-year public institution of higher education or conditional entry into a public four-year institution of higher education. To achieve early graduation, the student must achieve a benchmark score for each end-of-course text; successfully complete 18 specified credits; have a cumulative grade point average of at least 3.2; score at or above benchmarks set on either the ACT or SAT tests; obtain a qualifying benchmark score on a world language proficiency examination; complete either two AP courses, two IB courses, or a combination of the two. The State Board of</p>

	<p>Education (SBE) and the Tennessee Higher Education Commission (THEC) will set the test benchmark score requirements. Exempts students pursuing early graduation from additional graduation requirements currently set by the SBE. Prohibits the SBE and a local board of education from imposing graduation requirements that would prevent students pursuing early graduation from completing high school in less than four years. Authorizes these students to be eligible for the HOPE scholarship, provided that students meet all other non-academic requirements. Authorizes THEC and the SBE to promulgate rules and regulations to effectuate this Act.</p> <p>Effective July 1, 2011.</p>
<p>Public Chapter 492</p>	<p>Enacts the Virtual Public Schools Act. Allows for the operation of virtual schools in the state. Virtual schools may be established by a local education agency, shall be a public school, and are required to provide resources as any other public school in the state. For each family with a student enrolled, the virtual school shall provide instructional materials, ensure access to necessary technology such as a computer and printer, and ensure access to an Internet connection used for schoolwork. These schools will not provide assistance to students or families to purchase instructional programs or materials. However, there are not prohibited from reimbursing families for costs associated with their Internet connection for use in the virtual school program. Each teacher employed at a virtual school must be qualified to teach in this state under existing law. The virtual school must maintain an administrative office with the state which shall be considered as its principal place of business. Virtual schools must be evaluated annually according to criteria stated in the Act.</p> <p>Effective July 1, 2011 with a sunset provision of June 30, 2015.</p>
<p>SJR 111</p>	<p>Perkins Tech Prep Program. Urging resolution for Congress to oppose elimination of funding.</p>

ADMINISTRATION	
<p><u>Public Chapter 10</u></p>	<p>Annual charitable events. Extends deadline for 2010-2011 annual charitable events for five days after effective date of Act.</p> <p>Effective March 24, 2011.</p>
<p><u>Public Chapter 95</u></p>	<p>Charitable Gift Annuities Exemption Act. For charitable gift annuity separate accounts in which the charitable organization must maintain the total dollar amount of donations for outstanding charitable gift annuities, this legislation requires the total amount of donations be determined by measuring the donation at the time of donation, later reduced by payments under the annuity and taking into account investment gains and losses. Exempts any portion of the annuity risk that is insured or reinsured by the charitable organization from the separate account requirement.</p> <p>Effective April 21, 2011.</p>

BUSINESS	
<u>Public Chapter 151</u>	<p>Public records. Clarifies that auditee records , intra-agency and interagency communications, draft reports, schedules, notes, memoranda and other records relating to an audit or investigation are confidential and not open to public inspection.</p> <p>Effective May 5, 2011.</p>
<u>Public Chapter 177</u>	<p>Governmental telephone subscribers. Adds state government telephone subscribers to do not call registry.</p> <p>Effective January 1, 2012.</p>
<u>Public Chapter 233</u>	<p>“Freedom in Contracting Act”. Prohibits public agencies from imposing certain labor and wage requirements as a condition of performing public works that are state funded in part or in whole. Provides that any provision of this part shall not apply to the extent that compliance with such provision would violate federal law or cause a loss of federal funding.</p> <p>Effective July 1, 2011.</p>
<u>Public Chapter 260</u>	<p>Public contracts. Prohibits any addenda to a competitive bid within 48 hours of the bid opening date. Requires any questions concerning bid documents to be received by the designer no less than 96 hours before the bid opening date. Exempts from these requirements TDOT contracts and any state or local contracts funded in whole or in part with state or federal highway funds.</p> <p>Effective May 23, 2011.</p>
<u>Public Chapter 295</u> <u>Public Chapter 329</u>	<p>Delays implementation of the “Procurement Act of 2010.” Eliminates the definition of “bidder,” and defines “proposer” for the purposes of state procurement. Requires the Procurement Commission to adopt procedures for and the chief procurement officer to keep permanent records of all proceedings. Requires submission of draft rules to the Commission prior to submission to the Secretary of State. Eliminates the requirement that there be a Commission chair, vice chair, and secretary. Requires the single public Internet procurement website to be established by January 1, 2012, rather than July 1, 2011. Eliminates the resale of surplus property provisions relating to vocational and technical schools, and the corresponding notice requirements. Eliminates references to the “Department of General Services” and replaces them with “Procurement Commission” for the purposes of state procurement. Eliminates the requirement that requests to procure services through non-competitive contracts be contemporaneously filed with the Fiscal Review Committee and the Commissioner of Finance and Administration.</p> <p>See public chapters for various effective dates.</p>
<u>Public Chapter 297</u>	<p>Statutory reporting requirements. Removes statutory out-dated reporting requirements for donation and licensing revenues, sponsored research, and student activity fees.</p> <p>Effective May 27, 2011.</p>

FACILITIES	
<u>Public Chapter 12</u>	<p>Bid envelopes. Restores language to include geothermal heating and cooling projects on the outside of the bid envelope.</p> <p>Effective March 24, 2011.</p>
<u>Public Chapter 135</u>	<p>Access of facilities. Requires public higher education institutions that provide teacher training programs to allow equal access to any domestic professional educators' organization.</p> <p>Effective May 2, 2011.</p>
<u>Public Chapter 233</u>	<p>“Freedom in Contracting Act”. Prohibits public agencies from imposing certain labor and wage requirements as a condition of performing public works that are state funded in part or in whole. Provides that any provision of this part shall not apply to the extent that compliance with such provision would violate federal law or cause a loss of federal funding.</p> <p>Effective July 1, 2011.</p>
<u>Public Chapter 260</u>	<p>Public contracts. Prohibits any addenda to a competitive bid within 48 hours of the bid opening date. Requires any questions concerning bid documents to be received by the designer no less than 96 hours before the bid opening date. Exempts from these requirements TDOT contracts and any state or local contracts funded in whole or in part with state or federal highway funds.</p> <p>Effective May 23, 2011.</p>
<u>Public Chapter 454</u>	<p>Parking for disabled drivers. Requires businesses, firms, or persons conducting business with the public from a permanent location providing specially marked parking places for the disabled on or before April 24, 2006, to comply with the requirement to provide van-accessible parking spaces when “readily achievable” – i.e., easily accomplishable and able to be carried out without considerable difficulty or expense. Specifies that each business which provides only one specially marked parking space must convert such specially marked parking space into a van-accessible parking space when such conversion is “readily achievable”.</p> <p>Effective June 10, 2011.</p>

HUMAN RESOURCES	
<p><u>Public Chapter 273</u></p>	<p>Advancement of employee wages. Allows an employer to offset an employee's wages if the employee owes the employer money that the employer loaned or advanced the employee, in certain situations.</p> <p>Effective July 1, 2011.</p>
<p><u>Public Chapter 336</u></p>	<p>Payment of retirement benefits in the event of state employee's death. Increases from \$10,000 to \$50,000 the maximum amount of retirement benefits that may be paid in a lump sum to a state employee's surviving spouse or next of kin in the absence of knowledge of a purported will naming a surviving executor.</p> <p>Effective May 30, 2011.</p>
<p><u>Public Chapter 436</u></p>	<p>Enacts the Tennessee Lawful Employment Act. Revises the manner in which employers are required to ensure its workforce is documented as US citizens or lawful workers who are not US citizens. The law requires all employers with more than 5 employees to either keep copies of certain I-9 documents or otherwise to enroll in and utilize the federal E-Verify database.</p> <p>Effective January 1, 2012 for all employers with 500 or more employees and government entities.</p>
<p><u>Public Chapter 506</u></p>	<p>Requires background checks for resident assistants – the Kristin Azevedo Act. Requires background checks – including a fingerprint sample and criminal history records check – for resident assistants and other personnel prior to being employed in housing facilities that are owned or operated by our institutions and who will have access to student rooms or apartments. The background check will be provided by the TBI, FBI, or other contracted vendor and requires results to be sent to the institution. Employees or resident assistants are required to pay for the cost of the background check.</p> <p>Effective July 1, 2011.</p>

LEGAL	
<u>Public Chapter 41</u>	<p>Codifies acts of the 2010 legislative session.</p> <p>Effective April 6, 2011.</p>
<u>Public Chapter 47</u>	<p>Replaces outdated terminology related to individuals with disabilities. Removes “handicapped” through the Tennessee Code and replaces it with “disability”, “barrier”, etc.</p> <p>Effective July 1, 2011.</p>
<u>Public Chapter 48</u>	<p>Statutes and Codification. Authorizes the Tennessee Code Commission to make stylistic, nonsubstantive changes when codifying acts of the general assembly and preparing replacement volumes as long as the changes are consistent with style guidelines adopted by the Commission and submitted to the Senate and House Judiciary Committees.</p> <p>Effective April 6, 2011.</p>
<u>Public Chapter 54</u>	<p>Locksmithing services on campus. Exempts employees of state higher education institutions who provide locksmithing services at facilities operated by the TBR or UT from locksmith licensure requirements.</p> <p>Effective July 1, 2011.</p>
<u>Public Chapter 151</u>	<p>Public records. Clarifies that auditee records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and other records relating to an audit or investigation are confidential and not open to public inspection.</p> <p>Effective May 5, 2011.</p>
<u>Public Chapter 158</u>	<p>Replaces outdated terminology related to individuals with disabilities. Changes all references from “mental health and mental retardation” to “mental health, and intellectual and developmental disabilities”.</p> <p>Effective May 5, 2011.</p>
<u>Public Chapter 224</u>	<p>Prisoner’s labor on TBR farms. Subject to the Board’s approval, the legislation is permissive and allows the use of county or municipal jail or workhouse inmates to perform labor on TBR-operated farms.</p> <p>Effective May 20, 2011.</p>
<u>Public Chapter 283</u>	<p>Revision to definition of “big game”. Under current law, it is a Class B misdemeanor to hunt or kill big game during the closed season. Due to their increasing population not only across the state but country as well and the agricultural and economic losses which are caused by wild hogs and wild boars, this legislation removes these terms, “wild hog” and “wild boar”, from the definition of “big game” and; therefore, provides year-round hunting of these animals. The legislation also removes permitting requirements for hunting wild boars and wild hogs.</p>

	Effective July 1, 2011.
Public Chapter 295 Public Chapter 329	<p>Delays implementation of the “Procurement Act of 2010.” Eliminates the definition of “bidder,” and defines “proposer” for the purposes of state procurement. Requires the Procurement Commission to adopt procedures for and the chief procurement officer to keep permanent records of all proceedings. Requires submission of draft rules to the Commission prior to submission to the Secretary of State. Eliminates the requirement that there be a Commission chair, vice chair, and secretary. Requires the single public Internet procurement website to be established by January 1, 2012, rather than July 1, 2011. Eliminates the resale of surplus property provisions relating to vocational and technical schools, and the corresponding notice requirements. Eliminates references to the “Department of General Services” and replaces them with “Procurement Commission” for the purposes of state procurement. Eliminates the requirement that requests to procure services through non-competitive contracts be contemporaneously filed with the Fiscal Review Committee and the Commissioner of Finance and Administration.</p> <p>See public chapters for various effective dates.</p>
Public Chapter 297	<p>Statutory reporting requirements. Removes statutory out-dated reporting requirements for donation and licensing revenues, sponsored research, and student activity fees.</p> <p>Effective May 27, 2011.</p>
Public Chapter 353	<p>Public records. Specifies that under law regarding records to open to public inspection, “public record” or “state record” does not include the device or equipment that may have been used to create or store a public or state record.</p> <p>Effective May 30, 2011.</p>
Public Chapter 424	<p>Athlete Agent Reform Act of 2011. The Act broadens the definition of a sports agent so agents can no longer use unlicensed intermediaries to communicate with athletes. The expanded definition includes athletes’ parents and guardians if they seek payments or other compensation not allowed under NCAA rules, regulations and bylaws. Agents are also now required to notify colleges and universities in writing at least 48 hours prior to contacting student athletes enrolled at colleges and universities. Agents who attempt to persuade high school athletes to accept college scholarships must disclose if they have working relationships with a college or university. More clearly defines the role of the Secretary of State’s office in investigating potential illegal activity by sports agents and seeking appropriate penalties.</p> <p>Effective July 1, 2011.</p>
Public Chapter 436	<p>Enacts the Tennessee Lawful Employment Act. Revises the manner in which employers are required to ensure its workforce is documented as US citizens or lawful workers who are not US citizens. The law requires all employers with more than 5 employees to either keep copies of certain I-9 documents or otherwise to enroll in and utilize the federal E-Verify database.</p>

	<p>Effective January 1, 2012 for all employers with 500 or more employees and government entities.</p>
<p><u>Public Chapter 441</u></p>	<p>Continues certain permanent rules filed with the secretary of state after January 1, 2010.</p> <p>Effective June 10, 2011.</p>
<p><u>Public Chapter 461</u></p>	<p>Civil procedure in employment discrimination and retaliation cases. Creates statutory burden of production and persuasion in employment discrimination, Tennessee Disability Act, and retaliatory discharge actions. Requires plaintiff to establish a prima facie case of discrimination or retaliation. If this burden is met, the defendant is required to meet a burden of production to show a legitimate, non-discriminatory reason for the challenged employment action. If the defendant meets this burden, the plaintiff is required to prove that the defendant's stated reason was not the true reason for the action and that the stated reason was a pretext for illegal discrimination or retaliation.</p> <p>Effective June 20, 2011.</p>
<p><u>Public Chapter 506</u></p>	<p>Requires background checks for resident assistants – the Kristin Azevedo Act. Requires background checks – including a fingerprint sample and criminal history records check – for resident assistants and other personnel prior to being employed in housing facilities that are owned or operated by our institutions and who will have access to student rooms or apartments. The background check will be provided by the TBI, FBI, or other contracted vendor and requires results to be sent to the institution. Employees or resident assistants are required to pay for the cost of the background check.</p> <p>Effective July 1, 2011.</p>

STUDENT AFFAIRS	
<p><u>Public Chapter 169</u></p>	<p>Relative to products containing certain drugs. Creates Class A misdemeanor of producing, manufacturing, selling or offering to sell any product containing any of six listed synthetic derivatives or analogues of the Schedule I controlled substance methcathinone. Also known as the “Molly’s Plant Food” legislation.</p> <p>Effective May 5, 2011.</p>
<p><u>Public Chapter 394</u></p>	<p>Student members appointed to Tennessee Student Assistance Corporation. Changes the number and qualifications of students, the selection process, and term length for appointment to the board of the Tennessee Student Assistance Corporation.</p> <p>Effective July 1, 2011.</p>
<p><u>Public Chapter 421</u></p>	<p>Tennessee Intercollegiate State Legislature Foundation. Allows state agencies to provide free and discounted services to the Tennessee Intercollegiate State Legislature (TISL) Foundation.</p> <p>Effective July 1, 2011.</p>
<p><u>Public Chapter 506</u></p>	<p>Requires background checks for resident assistants – the Kristin Azevedo Act. Requires background checks – including a fingerprint sample and criminal history records check – for resident assistants and other personnel prior to being employed in housing facilities that are owned or operated by our institutions and who will have access to student rooms or apartments. The background check will be provided by the TBI, FBI, or other contracted vendor and requires results to be sent to the institution. Employees or resident assistants are required to pay for the cost of the background check.</p> <p>Effective July 1, 2011.</p>