



Tennessee Board of Regents

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MEMORANDUM

TO: Presidents, Directors and TBR Senior Staff

FROM: David Gregory, Vice Chancellor of Administration

RE: 2015 Legislative Compilation

DATE: June 26, 2015

Attached is the 2015 Legislative Compilation from the 109th General Assembly. It contains the public chapters for legislation adopted that directly impact the Tennessee Board of Regents. In addition, links to relevant information are attached to assist in the implementation of new laws. The information is categorized by institutional area in order to assist campus staff in understanding the impact of statutory changes.

Thanks to each of you for assisting this legislative session. I want to particularly thank Ginger Hausser and Ashley North for putting this compilation together and for their successful work in the legislative plaza this session. The compilation will be posted on the TBR Office of Administration website for future reference.

Austin Peay State University – East Tennessee State University – Middle Tennessee State University – Tennessee State University
Tennessee Tech University – University of Memphis – Chattanooga State Community College – Cleveland State Community College
Columbia State Community College – Dyersburg State Community College – Jackson State Community College
Motlow State Community College – Nashville State Community College – Northeast State Community College
Pellissippi State Community College – Roane State Community College – Southwest Tennessee Community
Volunteer State Community College – Walters State Community College – Colleges of Applied Technology



Legislation Impacting the Tennessee Board of Regents and Member Institutions *Public Acts of 2015*

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Prohibits the use of an unmanned aircraft to capture an image, without the venue owner and operator's consent at an open-air event venue.	Public Chapter 240	33
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<p>Requires the Executive Director of THEC to convene representatives from UT and the Board of Regents to create, revise, and adopt policies to assist veterans and military service members with higher education programs. This legislation also makes other various revisions to the eligibility and in-state tuition guidelines of the Tennessee Veterans Education Transition Support Act.</p>	Public Chapter 219	36
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ACADEMICS

Textbook Study and Presentation

Textbook Study and Presentation.

Representative Mike Sparks sponsored legislative this session asking higher education and the legislature to examine the cost of textbooks/educational materials and explore how technology and other innovations could save students money and enhance learning. Instead of moving the legislation, Representative Sparks agreed to the following request:

During the summer and fall of 2015, the Tennessee Board of Regents (TBR), the University of Tennessee (UT), and the Tennessee Higher Education Commission (THEC) will convene to review the current policies to minimize the costs of textbooks and instructional materials for students, as well as work with faculty, members of the textbook publishing industries, students, and others with experience or expertise in textbook best practice models.

The review shall include, but not be limited to:

- The average costs of textbooks and instructional materials for full-time and part-time students;
- The use of traditional textbooks and instructional materials;
- A survey of students on each respective campus related to current use of traditional or electronic textbooks or materials and whether students will purchase electronic textbooks and instructional materials, if offered;
- A survey of the professors and bookstores on each campus of the frequency of professors pulling packets together from a variety of sources as opposed to requiring students to purchase traditional textbooks and instructional materials;
- The feasibility of public institutions of higher learning to transition from traditional textbooks for general education courses to open textbooks and course materials by the state institutions of higher education;
- The impact of open textbooks and course materials on the costs of traditional textbooks, the extent to which open textbooks and course materials can be used at institutions of higher education, and the potential savings generated for students and the state through the use of open textbooks and course materials; and
- The varying costs of traditional textbooks and instructional materials and electronic textbooks for Tennessee and surrounding states.

Representative Harry Brooks, Chairman of the House Education Administration and Planning Committee, has asked THEC to present the results of this work to this committee in January 2016. Vice Chancellor of Academics, Tristan Denley will coordinate the involvement of TBR in this effort.

ACADEMICS	
Senate Resolution 14 House Resolution 8	<p>University of Memphis, Chair of Excellence. These resolutions redirect the endowment funds from the Lillian and Morrie Moss Chair of Excellence in English Poetry at the University of Memphis to the establishment and ongoing support of a Chair of Excellence in Computer Science at the University of Memphis.</p> <p><i>These resolutions become effective upon passage.</i></p>
Public Chapter 124	<p>Dry Needling. This act adds dry needling to the scope of practice of a physical therapist. Dry needling means “a skilled intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the management of neuromusculoskeletal conditions, pain, and movement impairments.” The Board of Physical Therapy will establish minimum competency requirements that a physical therapist shall demonstrate in order to practice dry needling. For further information regarding the Board of Physical Therapy visit the following links: http://health.state.tn.us/boards/pt/</p> <p><i>This legislation becomes effective upon passage.</i></p>
Public Chapter 169 TBR Human Resources Memo on 2015 Legislation	<p>Confidential Job Performance Evaluations. This act makes job performance evaluations confidential and not be open for public inspection for employees of the: Department of Treasury, Comptroller of the Treasury, Secretary of State, and public institutions of higher education. Job evaluations includes, but are not limited to: job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations. Under this act provisions do not limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.</p> <p>The TBR Director of Communications has notified all institutional communications directors that they are no longer required to provide these items to the media or related to a public records request.</p> <p>Attached is the guidance given to TBR’s Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.</p> <p><i>This legislation becomes effective upon passage.</i></p>

ACADEMICS

[Public Chapter 260](#)

Reporting of Nonimmigrant Students. This act requires that each institution that accepts nonimmigrant students possessing either an F-1 or M-1 student visa shall report to the TN Department of Safety the following information: the number of nonimmigrant students enrolled at the institution at the beginning and end of each period of study. The department, in consultation with the Tennessee Higher Education Commission, shall develop a form that shall be available to institutions for reporting purposes.

The TBR Office of Research and Assessment will coordinate the collection and submission of this information.

This legislation becomes effective upon passage and shall apply to instruction beginning on or after August 1, 2015.

[Public Chapter 261](#)

Telehealth. This legislation enacts provisions to the practice of telehealth or telemedicine regarding health care providers.

- 1) The act clarifies who is eligible to serve as a telehealth provider as:
 - a. Any provider licensed to diagnose and treat humans in Title 63 of the TN Code or
 - b. Any state-contracted crisis service provider employed by a facility licensed under Title 33 of the TN Code.
- 2) The act defines telehealth/telemedicine as, “the use of real-time audio, video, or other electronic media and telecommunications technologies that enable interaction between the healthcare provider and the patient or store-and-forward telemedicine services for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.”
- 3) The act clarifies that telemedicine/telehealth is conducted with mutual consent of the provider and patient, unless in an emergency. The duties and obligations created by the relationship do not arise until the health care provider undertakes or participates in the diagnosis and treatment the patient.
- 4) A health care provider who delivers services through the use of telehealth/telemedicine is held to the same standard of professional practice as a similar licensee providing the same services through in-person encounters.
- 5) Telehealth/telemedicine cannot be used for pain management clinics or chronic nonmalignant pain treatment.
- 6) Current statutes related to the transfer of patient medical information outside the state (T.C.A. §63-6-231); physical presence requirements for abortion (T.C.A. §63-6-241); or statutes related to the grounds for license denial, suspension or revocation for transferring medical information across state lines (T.C.A. §63-6-214(b) (21)) do not apply to the practice of telemedicine/telehealth.

This legislation becomes effective on July 1, 2015.

ACADEMICS

[Public Chapter 444](#)

State Authorization Reciprocity Agreement Act. The act authorizes the state's participation in a state authorization reciprocity agreement (SARA) relative to postsecondary distance education. Under this act, the Tennessee Higher Education Commission (THEC) is authorized to enter an interstate reciprocity agreement known as SARA, or any successor organization, which serves the purpose of approving institutions in Tennessee to participate in SARA. The Commission can annually collect fees from each Tennessee SARA institution, based on full-time enrollment and commensurate with the cost of administering SARA. Fees collected cannot exceed that charged by the National Council for State Authorization Reciprocity Agreements (NC-SARA) or any successor organization. In the event that NC-SARA determines to waive or terminate the assessment of fees for participating institutions, then the fees applicable to Tennessee SARA institutions shall be the same as those fees assessed in the prior fiscal year.

Institutions in Tennessee that offer distance education may apply to THEC for approval to participate in SARA as a Tennessee SARA institution. By being a SARA institution, it may receive distance education students from other SARA member states without having to go through separate state-by-state authorizations. Programs that require state licensing (teaching, nursing, etc.) are not applicable to SARA.

A non-Tennessee distance education student who files a complaint against a SARA-approved institution within the TBR or UT system will be referred from THEC to the public higher education system (TBR or UT) for investigation and final resolution.

For further information regarding the Southern Regional Education Board who is administering SARA at the regional level:

http://www.sreb.org/page/1740/state_authorization.html

For information on the National Council for State Authorization Reciprocity Agreements, see <http://nc-sara.org/>

The Regents Online Campus Collaborative (ROCC) will coordinate the TBR institutional applications for SARA participation.

This legislation becomes effective upon passage.

ACADEMICS

[Public Chapter 489](#)

Tennessee STEM Innovation Network. This act requires the Tennessee STEM innovation network to establish two additional STEM innovation hubs: (1) a STEM innovation hub dedicated to serving the rural areas and (2) a STEM innovation hub located in Northwest Tennessee.

The Tennessee STEM innovation network is also required to:

- implement STEM leadership training in all hubs;
- provide middle school curriculum on the benefits of STEM careers that can be accessed through the internet and is not limited to science classrooms; and
- seek STEM partner organizations, such as the American Chemical Society, to find ways to collaborate on STEM education programs and opportunities.

Currently, there are six STEM innovation hubs in the state. Three are affiliated with TBR campuses, including the:

- ETSU Northeast Tennessee STEM Innovation HUB
<http://www.netstemhub.com/>
- TTU Upper Cumberland Rural STEM Initiative <https://www.ucrsi.org/>
- U of M West Tennessee STEM Hub <http://www.westtnstem.org/>

The website for the Tennessee STEM Innovation Network is available at <http://thetsin.org>

\$1.5 million was appropriated in the budget (\$750,000 recurring and \$750,000 nonrecurring) to implement this act.

This legislation becomes effective upon passage.

[Public Chapter 500](#)

Go Build Tennessee Act. This act allows the state board for licensing contractors to establish a Go Build fund and a nonprofit corporation to administer the Go Build Tennessee Program to promote and foster the development of a comprehensive statewide program designed to attract and increase career opportunities for secondary and postsecondary students in the construction trades. This will include the promotion of TBR academic and training programs.

Alabama and Georgia currently have Go Build programs, see links below for details.

<http://gobuildalabama.com/>

<http://gobuildgeorgia.com/>

This legislation becomes effective upon passage.

APPROPRIATIONS

[Public Chapter 427](#)

Appropriations. Provides state funding for the 2015-2016 fiscal year.

Operating Dollars

This budget fully funds the outcomes-based formula, which resulted in an estimated average increase of: 2.7% for TBR universities, 3.3% for community colleges, and .4% for TCATs. This amounts to a \$19.4 million increase of which \$18.2 million recognizes improvements in outcomes.

The operating budget also included:

- \$11 million for a salary increase funding pool, which represents the state portion of a 1.5% salary increase; a
- \$1.2 million increase, representing 3.1%, for the TBR non-formula units (ETSU medical school, TSU agricultural research and extension, and TBR system office); and
- funding for the state's portion of the 401K match and the increase in the employer's share of health care premiums.

Capital Outlay

- TCAT Improvements \$23,370,000
- APSU Fine Arts Improvements \$15,975,000
- Jackson State Health Sciences \$16,200,000
- ETSU Fine Arts Classroom Building \$30,487,000

Capital Maintenance

Over \$82 million for Capital maintenance, which funds 72 capital maintenance projects.

Campus Allocations

- \$1 million for operations of University of Memphis' Lambuth campus
- \$5.35 million ETSU Fossil site
- \$5 million for equipment for TCATs to assist in increasing capacity
- \$2 million Center for Advanced Manufacturing and Business Development owned by McMinn County and operated by TCAT-Athens

This legislation will take effect July 1, 2015, provided that any provision of this act which authorized prior or immediate expenditures and any section or item which specifies an immediate effective date will take effect upon becoming a law.

BOARD OF REGENTS	
Senate Resolution 7	Barbara Prescott board appointment. This Senate resolution confirms the appointment of Barbara Prescott to the Board of Regents for a term that will expire on June 30, 2020.
Senate Resolution 8	Leigh Shockey board appointment. This Senate resolution confirms the appointment of Leigh Shockey to the Board of Regents for a term that will expire on June 30, 2020.
Senate Resolution 9	John Stites board appointment. This Senate resolution confirms the appointment of John Stites to the Board of Regents for a term that will expire on June 30, 2020.
BUSINESS	
Senate Resolution 14 House Resolution 8	University of Memphis, Chair of Excellence. These resolutions redirect the endowment funds to the Chair of Excellence in Computer Science at the University of Memphis.
Public Chapter 42	<p>Reporting of Security Breach. This act requires any state agency, including TBR, to notify the Comptroller of the Treasury of any confirmed or suspected unauthorized acquisition of computerized data or breach of a computer information system within no more than five working days.</p> <p>A breach does not include an individual occurrences of malware or spyware. For the purposes of this act, “computer information system” and “related security system” mean those computer information systems and security system infrastructures operated and administered by the state agency or an entity with which the state agency contracts for such operations and administration.</p> <p>TBR’s Office of System-wide Audit is working with the Comptroller and TBR institutions to coordinate the reporting mechanism related to this act.</p> <p><i>This legislation becomes effective upon passage.</i></p>

BUSINESS	
<p>Public Chapter 80 TBR Human Resources Memo on 2015 Legislation</p>	<p>Adverse Employment Against Guns in Trunks. This act states that no employer will discharge or take and adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area.</p> <ol style="list-style-type: none"> 1) An employee discharged, or subject to an adverse employment action under this provision is entitled to recover economic damages plus reasonable attorney fees and costs. 2) The employee is responsible for establishing a prima facie case of discharge, or adverse employment action, based solely on the employee’s transporting or storing a firearm or firearm ammunition in the employer’s parking area. 3) The employee has one (1) year from the date of termination of employment, or the date of adverse employment action, to file claim. 4) The presence of a firearm or ammunition within an employer’s parking area does not by itself constitute a failure by the employer to provide a safe workplace. <p>TBR’s Office of General Counsel and the Director of Human Resources will issue guidance to campuses on the implementation of this act.</p> <p><i>This legislation becomes effective on July 1, 2015.</i></p>
<p>Public Chapter 87</p>	<p>Termination of the Higher Education and Technical Institutions Publications Committee. Under this act the higher education and technical institutions publication committee shall terminate.</p> <p>TBR’s Director of Communications will continue to collect publication information from campuses as needed and submit information to the TN Higher Education Commission for publication in their <i>Fact Book</i>.</p> <p><i>This legislative becomes effective upon passage.</i></p>

BUSINESS	
<p>Public Chapter 118</p>	<p>Optional Retirement Program of Public Institutions of Higher Education. The act changes the oversight and administration of the optional retirement program from the Tennessee Consolidated Retirement System Board of Trustees to a separate board. The members of the Optional Retirement Program Board are comprised of the Commissioner of Finance and Administration, the Senate and House Chairs of the Finance, Ways and Means Committees, and the Chair of the Consolidated Retirement Board. The State Treasurer will be responsible for the day-to-day operations associated with this board specifically including rule promulgation, and eligibility determination for participation in the program</p> <p><i>This legislation becomes effective upon passage.</i></p>
<p>Public Chapter 219 Section 702 Fact Sheet</p>	<p>Tennessee Veterans Education Transition Support Act. This act aligns state statute with the federal “Veterans Access, Choice and Accountability Act of 2014,” section 702. Specifically, this act provides in-state tuition to a veteran, or any individual entitled to the veteran's educational benefits (spouse or child) who is enrolled in any public institution of higher education in this state if the veteran or the eligible individual:</p> <p>(1) is eligible for post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and (2) enrolls in a public institution of higher education, after satisfying all admission requirements, within three years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.</p> <p>In order to continue to qualify for in-state tuition and fees after three years have passed from the date of discharge, an eligible student shall:</p> <p>(1) Maintain continuous enrollment as defined by the public institution of higher education at which the student is enrolled; and (2) Demonstrate objective evidence of established residency in this state by presenting at least two of the following: proof of</p> <ul style="list-style-type: none"> (a) voter registration in this state, (b) Tennessee driver’s license, (c) Tennessee motor vehicle registration, (d) proof of established employment in this state; or (e) other documentation clearly evidencing domicile or residence in the state, as determined by THEC. <p>The Executive Director of the Tennessee Higher Education Commission shall convene representatives from the University of Tennessee and the Tennessee Board of Regents systems to identify and develop uniform methods to assess and maximize academic credit awarded by public institutions of higher education to veterans and military service members for military experience, education, and training obtained during military service. By September 1, 2016, the University of Tennessee and the Tennessee Board of Regents adopt or revise policies relating to the assessment and award of academic credit for military education, training, or service.</p> <p>TBR Office of Academic Affairs has notified TBR enrollment services staff of this change and will coordinate the ongoing implementation of Public Chapter 219.</p> <p><i>This legislation becomes effective upon passage.</i></p>

BUSINESS	
Public Chapter 240	<p>Operation of Drones. This act makes it a Class C misdemeanor to use an unmanned aircraft to capture an image, without the venue owner and operator's consent, of:</p> <ul style="list-style-type: none"> • an individual or event at an open-air event venue where more than 100 individuals could gather; • a designated fireworks discharge or display site, or a fireworks fallout area during an event; or • the grounds of a correctional facility. <p><i>This legislation becomes effective on July 1, 2015.</i></p>
Public Chapter 272	<p>Cooperative Purchasing Agreements. Under this act public higher education institutions are specifically given authority to participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods or services with one (1) or more other states or local governments in accordance with an agreement entered into between the participants. All cooperative purchasing conducted must be awarded through full and open competition.</p> <p>1) The act defines, “protest” as a written objection by a respondent, challenging a solicitation, an award, or a proposed award of a contract. 2) The act clarifies that a “protesting party” as a respondent as defined in 12-3-201, who has filed a protest.</p> <p>Any respondent who has submitted a response to a solicitation and who claims to be aggrieved in connection with the solicitation, award, or proposed award of a contract may protest to the chief procurement officer.</p> <p>The act changes when a protest shall be submitted in writing to within seven (7) calendar days after the notice of the award or intent to award the contract is issued. This act also states that a stay of the solicitation, award, or proposed award shall be in effect until the protest is resolved. Prior law required the protesting party to request a stay. This act also says that the stay is not lifted unless, after giving the protesting party and opportunity to be heard, the chief procurement officer or protest committee makes a written determination that continuation of the procurement is necessary.</p> <p>As previously required, the protesting party must submit a protest bond simultaneously with the protest. What changes under this act is the addition of ways to determine the amount of the bond required to:</p> <ul style="list-style-type: none"> • five percent (5%) of the lowest bid or cost proposal evaluated; • five percent (5%) of the maximum liability or estimated maximum liability provided in the solicitation; • five percent (5%) of the estimated maximum revenue, the state would receive revenue under the solicitation, award or proposed award; or • an amount determine by the chief procurement officer for no-cost contracts.

BUSINESS

[Public Chapter 272](#)

Cooperative Purchasing Agreements (Continued).

The act clarifies additional situations when the protesting party must surrender the bond to the state to now include five circumstances:

1. the protest was signed, before or after appeal to the chief procurement officer or protest committee;
2. the protest was brought or pursued in bad faith;
3. the state agency impacted suffered damages resulting in a loss of funding, increased expenditures, or a disruption in services because the protest was filed in bad faith and not upheld;
4. the protest did not state on its face a valid basis for protest; or
5. for any other reason approved by the protest committee.

Previous law allowed the chief procurement officer to limit a contractor's liability in the procurement of goods and services. This act now states that all respondents to the solicitation have to have an equal opportunity to request a limitation of liability. This act clarifies the limit of liability must be an amount less than two (2) times the maximum liability, estimated liability, or maximum revenue of a contract unless the chief procurement officer determines it is necessary to protect the state's interest for the amount to be higher or lower.

This act adds two circumstances to existing law when a limitation of liability in a contract with the state shall not apply. This includes liability for intellectual property infringement or claims covered by any specific contractual provision that provides for liquidated damages.

This legislation becomes effective upon passage.

[Public Chapter 324](#)

Higher Education Foundation Investment Pool. This act creates the Higher Education Foundation Investment for the purpose of receiving and investing a higher education foundation dollars for the institution.

Foundations may participate in the investment pool by submitting a request to the state treasurer requesting participation of some or all of its money invested in the investment pool.

Foundations may discontinue its participation in the investment pool by submitting a request to the state treasurer for the return of its principal investment or investment income or both.

The state treasurer shall be responsible for the day-to-day administration of the investment pool and for establishing policies and procedures to manage the operations and responsibilities of the investment pool. Either the state treasurer or participant shall have the authority to transfer and liquidate the assets that a participant wishes to invest in the investment pool. A participant may only invest its assets that are unencumbered or unrestricted in sale, transfer, or investment. The participant shall enter into an agreement with the department of treasury for participation in the investment pool, which shall include fees and expenses assessed by the department against a participant for services related to the investment of the participant's assets.

This legislation becomes effective upon passage.

BUSINESS

<p>Public Chapter 382</p>	<p>Requirements for Leasing Space. This act changes the process of leasing space by state entities.</p> <ol style="list-style-type: none">1. The act changes who prepares the general statement of the entity’s space needs from the Division of Real Property Management, Department of General Services to the state agency, department, or institution of higher education seeking the space.2. The act adds that procurement for lease space must comply with State Building Commission policy.3. The act still requires advertisement of the lease in a newspaper of general circulation in the city or county where the space is needed on at least one occasion at least two weeks before proposals are open. However, this act changes the exceptions for when a request for lease space must be advertised to include:<ul style="list-style-type: none">• The annual rental will be less than an amount to be specified by the policy of the state building commission, the amount not to exceed fifty thousand dollars (\$50,000)• The property to be leased is owned or otherwise controlled by a city, county, or other political subdivision of the state or the federal government• The space required by the entity has special and unique requirements as determined and approved by the state building commission• The term of the lease will be one (1) year or less.4. The act still requires that any proposal to lease space shall contain the name of any persons who are contemplated to become financially interested in the lease and requires it be made readily available and accessible for public examination.5. The act changes what entity may negotiate with prospective lessors from the Division of Real Property to the state agency procuring the space. The act also changes to whom the statement of justification must be sent if other than the lowest total cost bid is being selected. Previously, this justification was submitted to the Commissioner of General Services and the State Building Commission, with approval from the Commissioner required. Now, statement of justification is only submitted to the State Building Commission for approval. <p><i>This legislation will become effective upon becoming a law.</i></p>
<p>Public Chapter 403</p>	<p>Threshold Increase for Public Works Projects. This act will increase the threshold from \$25,000 to \$50,000 for public works projects that require a registered architect, registered engineer, or registered landscape architect.</p> <p><i>This legislation will become effective upon becoming law</i></p>

BUSINESS

[Public Chapter 426](#)

[TBR Human Resources](#)

[Memo on 2015](#)

[Legislation](#)

Employee Insurance and Benefits. Listed below are the changes that may be adopted by the State Insurance Committee resulting from this act.

- 1) Employees hired after July 1, 2015-may not be eligible for pre-65 retiree health insurance.
- 2) Employees hired after July 1, 2015-the state may discontinue offering the Medicare Supplement for employees hired after July 1, 2015. Current employees and current Medicare Supplement members will be grandfathered.
- 3) After July 1, 2015, a state or higher education employee working less than, on average, 30 hours/week may no longer eligible for any insurance plan. Current state and higher education employees working 1,450 hours or more per year will be grandfathered.
- 4) The state plan may require a state or higher education employee's spouse to choose a different insurance plan if he/she is offered insurance through their employer.
- 5) The State and Local Education Insurance Committees may be able to offer a new option--a defined contribution (i.e., cash payment) toward premium--in addition to the current defined benefit for state, higher education and local education employees, elected officials and retirees for continuation coverage at retirement.
- 6) What doesn't change-the State Insurance Committee will continue to be required to offer one basic health plan that subsidizes at the current level of 80% for the employee and his or her eligible dependents.

TBR's Assistant Vice Chancellor of Human Resources is the new appointee to the State Insurance Committee representing higher education. Attached is the initial guidance given to TBR's Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.

This legislation will become effective upon becoming a law.

BUSINESS	
<p>Public Chapter 447</p>	<p>University of Memphis: 30 Mile Radius for In-State Tuition. This act adds students at the University of Memphis who are residents of another state in a county lying immediately adjacent to Shelby county or who have residences within 30 miles of the university to attend without paying out-of-state tuition.</p> <p>The Higher Education Commission formula review committee is reviewing how out-of-state students will be treated in the future.</p> <p><i>This legislation will take effect July 1, 2015.</i></p>
<p>Public Chapter 482</p> <p>TBR Human Resources Memo on 2015 Legislation</p>	<p>Observance of Veterans Day. This act would require all public institutions of the University of Tennessee and the Board of Regents system to observe Veterans Day on or near the day recognized as the national day of observance. Any student, faculty, and staff who are veterans will be given the opportunity to participate in the campus observances without adverse action or absence.</p> <p>Attached is the guidance given to TBR’s Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.</p> <p><i>This legislation will take effect upon becoming law.</i></p>
<p>Public Chapter 515</p>	<p>Contracts to include sales tax responsibility for vendors. This act requires that state entities, including TBR, include in any major procurement contract (over \$75,000) with a vendor a provision that clarifies the entity responsible for remitting sales and use taxes on sales and good or services made by the vendor or the vendor’s subcontractor.</p> <p><i>This legislation will take effect July 1, 2015 and applies to contracts entered into or renewed on or after such date.</i></p>

COMMUNITY COLLEGES AND COLLEGES OF APPLIED TECHNOLOGY

[Public Chapter 363](#)

Community College Reconnect Grant. This act creates the Community College Reconnect grant pilot program beginning in the 2016-17 academic year for independent students seeking to complete an associate of applied science degree. The grant is a last dollar scholarship that will pay for tuition and mandatory fees. The 2015-16 budget allocated \$1.5 million from lottery funds for this pilot program. The act also defines “gift aid” for the Wilder Naifeh reconnect grant as the federal Pell grant and a Tennessee Student Assistance Corporation award and any scholarship or grant funded from net lottery proceeds.

In order to be eligible for the Community College Reconnect Grant, a student will have to meet the following criteria:

1. not be ineligible for the grant under § 49-4-904;
2. have been a Tennessee resident, as defined by regulations promulgated by the board of regents under § 49-8-104, for one (1) year immediately preceding the date of application for the grant;
3. not have been enrolled in or attended any postsecondary institution for at least twenty-four (24) months immediately preceding the date of initial enrollment in the Community College Reconnect Grant program;
4. have earned a minimum of thirty (30) semester hours toward completion of an associate of applied science degree as determined by the postsecondary institution attended;
5. file the FAFSA by March 1 prior to the beginning of each academic year;
6. be an independent student (age 24 or older) as determined by the FAFSA;
7. apply for the grant by filing a Community College Reconnect Grant application as required by TSAC by June 1 prior to the beginning of each academic year;
8. be admitted to and enroll in a public two-year postsecondary institution for the 2016–2017 academic year; and
9. have an adjusted gross income attributable to the student that does not exceed thirty-six thousand dollars (\$36,000).

COMMUNITY COLLEGES AND COLLEGES OF APPLIED TECHNOLOGY

Community College Reconnect Grant (*continued*).

To maintain the grant a student must:

- enroll in classes that lead to completion of an associate of applied science degree;
- maintain satisfactory academic progress and a minimum cumulative grade point average of 2.0;
- enroll in at least nine hours per fall and spring semester;
- reapply as required each year.

This legislation for the purpose of promulgation of the rules will become effective upon becoming a law. For the purpose of amending § 49-4-923 (Wilder Naifeh Reconnect), will become effective July 1, 2015. All other purposes this legislation will become effective July 1, 2016.

GOVERNANCE

[Public Chapter 444](#)

State Authorization Reciprocity Agreement Act. The act authorizes the state's participation in a state authorization reciprocity agreement (SARA) relative to postsecondary distance education.

Under this act, the Tennessee Higher Education Commission (THEC) is authorized to enter an interstate reciprocity agreement known as SARA, or any successor organization, which serves the purpose of approving institutions in Tennessee to participate in SARA. The Commission can annually collect fees from each Tennessee SARA institution, based on full-time enrollment and commensurate with the cost of administering SARA. Fees collected cannot exceed that charged by the National Council for State Authorization Reciprocity Agreements (NC-SARA) or any successor organization. In the event that NC-SARA determines to waive or terminate the assessment of fees for participating institutions, then the fees applicable to Tennessee SARA institutions shall be the same as those fees assessed in the prior fiscal year.

Institutions in Tennessee that offer distance education may apply to THEC for approval to participate in SARA as a Tennessee SARA institution. By being a SARA institution, it may receive distance education students from other SARA member states without having to go through separate state-by-state authorizations. Programs that require state licensing (teaching, nursing, etc.) are not applicable to SARA.

A non-Tennessee distance education student who files a complaint against a SARA-approved institution within the TBR or UT system will be referred from THEC to the public higher education system (TBR or UT) for investigation and final resolution.

For further information regarding the Southern Regional Education Board who is administering SARA at the regional level:

http://www.sreb.org/page/1740/state_authorization.html

For information on the National Council for State Authorization Reciprocity Agreements, see <http://nc-sara.org/>

The Regents Online Campus Collaborative (ROCC) will coordinate the TBR institutional applications for SARA participation.

This legislation becomes effective upon passage.

LEGAL	
<p>Public Chapter 80</p> <p>TBR Human Resources</p> <p>Memo on 2015</p> <p>Legislation</p>	<p>Adverse Employment Against Guns in Trunks. This act states that no employer will discharge or take and adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area.</p> <ol style="list-style-type: none"> 1) An employee discharged, or subject to an adverse employment action under this provision is entitled to recover economic damages plus reasonable attorney fees and costs. 2) The employee is responsible for establishing a prima facie case of discharge, or adverse employment action, based solely on the employee's transporting or storing a firearm or firearm ammunition in the employer's parking area. 3) The employee has one (1) year from the date of termination of employment, or the date of adverse employment action, to file a claim. 4) The presence of a firearm or ammunition within an employer's parking area does not by itself constitute a failure by the employer to provide a safe workplace. <p>TBR's Office of General Counsel is reviewing existing policies and campus guidance for updates resulting from this legislation. Attached is the initial guidance given to TBR's Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.</p> <p><i>This legislation becomes effective on July 1, 2015.</i></p>
<p>Public Chapter 169</p> <p>TBR Human Resources</p> <p>Memo on 2015</p> <p>Legislation</p>	<p>Confidential Job Performance Evaluations. This act makes job performance evaluations confidential and not be open for public inspection for employees of the: Department of Treasury, Comptroller of the Treasury, Secretary of State, and public institutions of higher education. Job evaluations includes, but are not limited to: job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations. Under this act provisions do not limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.</p> <p>The TBR Director of Communications has notified all institutional communications directors that they are no longer required to provide these items to the media or related to a public records request.</p> <p>Attached is the guidance given to TBR's Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.</p> <p><i>This legislation becomes effective upon passage.</i></p>

LEGAL	
Public Chapter 240	<p>Operation of Drones. This act makes it a Class C misdemeanor to use an unmanned aircraft to capture an image, without the venue owner and operator's consent, of:</p> <ul style="list-style-type: none"> • an individual or event at an open-air event venue where more than 100 individuals could gather; • a designated fireworks discharge or display site, or a fireworks fallout area during an event; or • the grounds of a correctional facility. <p><i>This legislation becomes effective on July 1, 2015.</i></p>
Public Chapter 253	<p>Sexual Assault. This act requires law enforcement, including TBR police forces, to adopt a model policy related to responding to sexually oriented crimes and details the requirements for handling a sexual assault evidence collection kits.</p> <p><u>Model Policy</u> The Domestic Violence Coordinating Council will develop a model policy related to the handling of sexual assaults by law enforcement. The model policy shall include guidelines for officers on:</p> <ol style="list-style-type: none"> 1) investigating reports of sexually oriented crimes; 2) providing victim assistance; 3) collaborating with victim advocates, healthcare providers, and victim service agencies; and 4) collecting, storing, and submitting sexual assault evidence kits to the state crime lab or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing. <p>The model policy shall be distributed to all law enforcement agencies that are likely to encounter reports of sexually oriented crimes on or before January 1, 2016.</p> <p>All law enforcement agencies that are likely to encounter reports of sexually oriented crimes shall establish written policies and procedures on responding to reports of sexually oriented crimes. An agency may adopt the model policy developed by the Domestic Violence State Coordinating Council or an agency may adopt its own policy, provided the policy includes the same or higher standards as the model policy developed by the council. Each agency shall adopt its written policy on or before July 1, 2016.</p> <p>Chief Buddy Peaster from MTSU is representing higher education on creating the model policy. The Office of General Counsel will work with campuses on the adoption of the model policy to ensure no conflict occurs between other state and federal sexual assault requirements.</p>

LEGAL

[Public Chapter 253](#)

Sexual Assault (Continued).

Sexual Assault Evidence Collection Kits

Under this act, a victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Upon the conclusion of the forensic examination, the resulting sexual assault evidence collection kit or hold kit shall be released to a law enforcement agency by a health care provider for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

1) If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim's name. The hold kit shall be released to the appropriate law enforcement agency for storage. If an adult victim reports the alleged offense to the police, or the victim is a minor, the healthcare provider shall attach the victim's name to the sexual assault evidence collection kit, and it shall be released to the appropriate law enforcement agency.

2) The law enforcement agency shall, within sixty (60) days of taking possession of the sexual assault evidence collection kit or within sixty (60) days from the date of the police report, shall affix the victim's name to the kit and submit the kit to the Tennessee bureau of investigation or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing. Upon receipt of a hold kit with only an identification number attached to it, the law enforcement agency shall store the hold kit for a minimum of three (3) years or until the victim makes a police report, whichever event occurs first. However, no hold kit shall be submitted to the state crime lab or similar laboratory for testing until the victim has made a police report.

This legislation becomes takes effect upon becoming law.

LEGAL

[Public Chapter 272](#)

Cooperative Purchasing Agreements. Under this act public higher education institutions are specifically given authority to participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods or services with one (1) or more other states or local governments in accordance with an agreement entered into between the participants. All cooperative purchasing conducted must be awarded through full and open competition.

- 1) The act defines, “protest” as a written objection by a respondent, challenging a solicitation, an award, or a proposed award of a contract.
- 2) The act clarifies that a “protesting party” as a respondent as defined in 12-3-201, who has filed a protest.

Any respondent who has submitted a response to a solicitation and who claims to be aggrieved in connection with the solicitation, award, or proposed award of a contract may protest to the chief procurement officer.

The act changes when a protest shall be submitted in writing to within seven (7) calendar days after the notice of the award or intent to award the contract is issued. This act also states that a stay of the solicitation, award, or proposed award shall be in effect until the protest is resolved. Prior law required the protesting party to request a stay. This act also says that the stay is not lifted unless, after giving the protesting party and opportunity to be heard, the chief procurement officer or protest committee makes a written determination that continuation of the procurement is necessary.

As previously required, the protesting party must submit a protest bond simultaneously with the protest. What changes under this act is the addition of ways to determine the amount of the bond required to:

- five percent (5%) of the lowest bid or cost proposal evaluated;
- five percent (5%) of the maximum liability or estimated maximum liability provided in the solicitation;
- five percent (5%) of the estimated maximum revenue, the state would receive revenue under the solicitation, award or proposed award; or
- an amount determine by the chief procurement officer for no-cost contracts.

The act clarifies additional situations when the protesting party must surrender the bond to the state to now include five circumstances:

- 1) the protest was signed, before or after appeal to the chief procurement officer or protest committee;
- 2) the protest was brought or pursued in bad faith;
- 3) the state agency impacted suffered damages resulting in a loss of funding, increased expenditures, or a disruption in services because the protest was filed in bad faith and not upheld;
- 4) the protest did not state on its face a valid basis for protest; or
- 5) for any other reason approved by the protest committee.

LEGAL	
Public Chapter 272	<p>Cooperative Purchasing Agreements (Continued).</p> <p>Previous law allowed the chief procurement officer to limit a contractor’s liability in the procurement of goods and services. This act now states that all respondents to the solicitation have to have an equal opportunity to request a limitation of liability. This act clarifies the limit of liability must be an amount less than two (2) times the maximum liability, estimated liability, or maximum revenue of a contract unless the chief procurement officer determines it is necessary to protect the state’s interest for the amount to be higher or lower.</p> <p>This act adds two circumstances to existing law when a limitation of liability in a contract with the state shall not apply. This includes liability for intellectual property infringement or claims covered by any specific contractual provision that provides for liquidated damages.</p> <p>This legislation becomes effective upon passage.</p>
Public Chapter 335	<p>Racial Profiling Prevention Act. This act requires each state and local law enforcement agency, including a university police department, to adopt, on or before January 1, 2016 a written policy that prohibits racial profiling. "Racial profiling" is the detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual's actual or perceived race, color, ethnicity, or national origin.</p> <p>TBR’s Office of General Counsel will work with campuses on the policy development and adoption.</p> <p><i>This legislation becomes effective upon passage.</i></p>
Public Chapter 515	<p>Contracts to include sales tax responsibility for vendors. This act requires that state entities, including TBR, include in any major procurement contract (over \$75,000) with a vendor a provision that clarifies the entity responsible for remitting sales and use taxes on sales and good or services made by the vendor or the vendor’s subcontractor.</p> <p><i>This legislation will take effect July 1, 2015 and applies to contracts entered into or renewed on or after such date.</i></p>

LOTTERY SCHOLARSHIP AND NEED-BASED AID

[Public Chapter 186](#)

Revisions of the Tennessee Promise Act of 2014. The act serves to make statutory changes to address the implications from the Tennessee Promise Act of 2014. The main provisions of these statutory changes are listed below.

(1) "Full-time student" is defined in this act as a student who is enrolled in a minimum of twelve (12) semester hours, or a student who is enrolled in a full-time program at a Tennessee college of applied technology.

(2) "Gift aid" if clarified in this act to mean financial aid received from the federal Pell grant, the Tennessee education lottery scholarship, or the Tennessee student assistance award. Gift aid comes before Tennessee Promise funding.

(3) "Eligible postsecondary program" is explained for associate degrees at four-year schools to mean a curriculum of courses leading to a certificate, diploma, or associate degree at an eligible postsecondary institution. Courses taken at a four-year postsecondary institution prior to admission in, or that fulfill prerequisite requirements for, an eligible postsecondary program shall not be considered part of the eligible postsecondary program.

(4) Exceptions to initial enrollment requirements may be made for students not directly admitted into an eligible postsecondary program at a four-year institution and for extenuating circumstances as provided in rules promulgated by the Tennessee Student Assistance Corporation (TSAC).

(5) The act allows for TSAC to promulgate rules for circumstances when a Tennessee Promise student's leaves of absence may exceed six months.

(6) The act clarifies when eligibility for the Tennessee Promise scholarship ends with the occurrence of the first of the following events:

- a. the student has earned a diploma or associate degree; or
- b. the student has attended an eligible postsecondary institution as a Tennessee Promise scholarship student for five (5) semesters if the institution is on semester system, or its equivalent if the institution is on a system other than a semester system. Such semester limit shall not include an approved leave of absence.

(7) In order to keep the Tennessee Promise scholarship, a student shall maintain continuous enrollment as a full-time student in each semester while receiving the scholarship. That act clarifies that the requirement of continuous enrollment does not apply to a Tennessee Promise scholarship student who is on a medical or personal leave, as approved by the student's eligible postsecondary institution.

(8) The act also explains that a Tennessee Promise scholarship student may enroll in fewer than twelve (12) semester hours if required by the academic program in which the student is enrolled. (Example, a student in the last semester of school may need only six credit hours to graduate with the degree sought.)

This legislation becomes effective on July 1, 2015.

LOTTERY SCHOLARSHIP AND NEED-BASED AID

[Public Chapter 363](#)

Community College Reconnect Grant. This act will create the Community College Reconnect grant pilot program beginning in the 2016-17 academic year for independent students seeking to complete an associate of applied science degree. The grant is a last dollar scholarship that will pay for tuition and mandatory fees. The 2015-16 budget allocated \$1.5 million from lottery funds for this pilot program. The act also defines “gift aid” for the Wilder Naifeh reconnect grant as the federal Pell grant and a Tennessee student assistance award and any scholarship or grant funded from net lottery proceeds.

In order to be eligible for the Community College Reconnect Grant, a student will have to meet the following criteria:

1. not be ineligible for the grant under § 49-4-904;
2. have been a Tennessee resident, as defined by regulations promulgated by the board of regents under § 49-8-104, for one (1) year immediately preceding the date of application for the grant;
3. not have been enrolled in or attended any postsecondary institution for at least twenty-four (24) months immediately preceding the date of initial enrollment in the Community College Reconnect Grant program;
4. have earned a minimum of thirty (30) semester hours toward completion of an associate of applied science degree as determined by the postsecondary institution attended;
5. file the FAFSA by March 1 prior to the beginning of each academic year;
6. be an independent student (age 24 or older) as determined by the FAFSA;
7. apply for the grant by filing a Community College Reconnect Grant application as required by TSAC by June 1 prior to the beginning of each academic year;
8. for the 2016–2017 academic year, be admitted to and enroll in a public two-year postsecondary institution; and
9. have an adjusted gross income attributable to the student that does not exceed thirty-six thousand dollars (\$36,000).

LOTTERY SCHOLARSHIP AND NEED-BASED AID	
	<p>Community College Reconnect Grant (<i>continued</i>).</p> <p>To maintain the grant a student must:</p> <ul style="list-style-type: none"> • enroll in classes that lead to completion of an associate of applied science degree; • maintain satisfactory academic progress and a minimum cumulative grade point average of 2.0; • enroll in at least nine hours per fall and spring semester; • reapply as required each year. <p><i>This legislation for the purpose of promulgation of the rules will become effective upon becoming a law. For the purpose of amending § 49-4-923 (Wilder Naifeh Reconnect), will become effective July 1, 2015. All other purposes this legislation will become effective July 1, 2016.</i></p>
<p>Public Chapter 491</p>	<p>Military Child HOPE Scholarship Recipient. This act clarifies that a child of a military or national guard parent is eligible for the Tennessee HOPE scholarship as long as the other scholarship requirements are met along with the criteria below.</p> <ol style="list-style-type: none"> 1. A dependent child of a member of the armed forces or Tennessee national guard whose <u>parent's home of record</u>, at the time of entry into military service, were determined to be Tennessee; or 2. A dependent child of member of the armed forces or Tennessee national guard qualifies to be classified as an in-state student under regulations promulgated by the board of regents pursuant to § 49-8-104, at the time of enrollment in the eligible postsecondary institution. (<i>new section added to code</i>) <p><i>This legislation becomes effective upon passage and applies to students in the 2015-16 year and academic years thereafter.</i></p>

LOTTERY SCHOLARSHIP AND NEED-BASED AID

[Public Chapter 495](#)

HiSET HOPE Scholarship Recipients. This act changes the eligible score of the GED® test to reflect the test’s revision and adds the HiSET® as an additional approved high school equivalency test that can qualify a student for the HOPE scholarship. This act also retroactively provides for the HOPE scholarship for students negatively impacted in the 2013-14 and 2014-15 academic years because the statute did not reflect the new scoring for the GED® or acceptance of the HiSET® test.

Under this act, a student is eligible for the HOPE lottery scholarship if he or she:

1. is a Tennessee resident for at least one year prior to obtaining a GED® or HiSET®;
2. scores at least an average score of 525 on the GED® or an average score of at least 170 on the revised GED®, or has scored at least a 15 average score on the HiSET®;
3. obtains a composite ACT score of at least 21 or a combined SAT score of at least 980;
4. meets the requirements of § 49-4-905; and
5. is not ineligible under § 49-4-904.

A student who either scored high enough on the revised scoring of the GED® or HiSET® and, after January 1, 2014, met the requirements for the HOPE scholarship will be awarded a Tennessee HOPE scholarship in the 2014-2015 academic year for the 2013-2014 academic year as long as the student met the following provisions:

- was not ineligible for the scholarship under § 49-4-904 and met the requirements of § 49-4-905 in the 2013–2014 academic year while enrolled at an eligible institution;
- did not receive the Tennessee HOPE scholarship in the 2013–2014 academic year; and
- was enrolled in the 2014–2015 academic year in an eligible postsecondary institution.

This legislation becomes effective on July 1, 2015.

SAFETY AND SECURITY	
<p>Public Chapter 42</p>	<p>Reporting of Security Breach. This act requires any state agency, including TBR, to notify the Comptroller of the Treasury of any confirmed or suspected unauthorized acquisition of computerized data or breach of a computer information system within no more than five working days.</p> <p>A breach does not include an individual occurrences of malware or spyware. For the purposes of this act, “computer information system” and “related security system” mean those computer information systems and security system infrastructures operated and administered by the state agency or an entity with which the state agency contracts for such operations and administration.</p> <p>TBR’s Office of System-wide Audit is working with the Comptroller and TBR institutions to coordinate the reporting mechanism related to this act.</p> <p><i>This legislation becomes effective upon passage.</i></p>
<p>Public Chapter 80</p> <p>TBR Human Resources</p> <p>Memo on 2015</p> <p>Legislation</p>	<p>Adverse Employment Against Guns in Trunks. This act states that no employer will discharge or take an adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area.</p> <ol style="list-style-type: none"> 1) An employee discharged, or subject to an adverse employment action under this provision is entitled to recover economic damages plus reasonable attorney fees and costs. 2) The employee is responsible for establishing a prima facie case of discharge, or adverse employment action, based solely on the employee’s transporting or storing a firearm or firearm ammunition in the employer’s parking area. 3) The employee has one (1) year from the date of termination of employment, or the date of adverse employment action, to file a claim. 4) The presence of a firearm or ammunition within an employer’s parking area does not by itself constitute a failure by the employer to provide a safe workplace. <p>TBR’s Office of General Counsel is reviewing existing policies and campus guidance for updates resulting from this legislation. Attached is the initial guidance given to TBR’s Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.</p> <p><i>This legislation becomes effective on July 1, 2015.</i></p>
<p>Public Chapter 240</p>	<p>Operation of Drones. This act makes it a Class C misdemeanor to use an unmanned aircraft to capture an image, without the venue owner and operator's consent, of:</p> <ul style="list-style-type: none"> • an individual or event at an open-air event venue where more than 100 individuals could gather; • a designated fireworks discharge or display site, or a fireworks fallout area during an event; or • the grounds of a correctional facility. <p><i>This legislation becomes effective on July 1, 2015.</i></p>

SAFETY AND SECURITY

[Public Chapter 253](#)

Sexual Assault. This act requires law enforcement, including TBR police forces, to adopt a model policy related to responding to sexually oriented crimes and details the requirements for handling a sexual assault evidence collection kits.

Model Policy

The Domestic Violence Coordinating Council will develop a model policy related to the handling of sexual assaults by law enforcement. The model policy shall include guidelines for officers on:

- 1) investigating reports of sexually oriented crimes;
- 2) providing victim assistance;
- 3) collaborating with victim advocates, healthcare providers, and victim service agencies; and
- 4) collecting, storing, and submitting sexual assault evidence kits to the state crime lab or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

The model policy shall be distributed to all law enforcement agencies that are likely to encounter reports of sexually oriented crimes on or before January 1, 2016.

All law enforcement agencies that are likely to encounter reports of sexually oriented crimes shall establish written policies and procedures on responding to reports of sexually oriented crimes. An agency may adopt the model policy developed by the Domestic Violence State Coordinating Council or an agency may adopt its own policy, provided the policy includes the same or higher standards as the model policy developed by the council. Each agency shall adopt its written policy on or before July 1, 2016.

Chief Buddy Peaster from MTSU is representing higher education on creating the model policy. The Office of General Counsel will work with campuses on the adoption of the model policy to ensure no conflict occurs between other state and federal sexual assault requirements.

SAFETY AND SECURITY

<p>Public Chapter 253</p>	<p>Sexual Assault (Continued).</p> <p><u>Sexual Assault Evidence Collection Kits</u> Under this act, a victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Upon the conclusion of the forensic examination, the resulting sexual assault evidence collection kit or hold kit shall be released to a law enforcement agency by a health care provider for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.</p> <p>1) If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim's name. The hold kit shall be released to the appropriate law enforcement agency for storage. If an adult victim reports the alleged offense to the police, or the victim is a minor, the healthcare provider shall attach the victim's name to the sexual assault evidence collection kit, and it shall be released to the appropriate law enforcement agency.</p> <p>2) The law enforcement agency shall, within sixty (60) days of taking possession of the sexual assault evidence collection kit or within sixty (60) days from the date of the police report, shall affix the victim's name to the kit and submit the kit to the Tennessee bureau of investigation or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing. Upon receipt of a hold kit with only an identification number attached to it, the law enforcement agency shall store the hold kit for a minimum of three (3) years or until the victim makes a police report, whichever event occurs first. However, no hold kit shall be submitted to the state crime lab or similar laboratory for testing until the victim has made a police report.</p> <p><i>This legislation becomes takes effect upon becoming law.</i></p>
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<p>Public Chapter 335</p>	<p>Racial Profiling Prevention Act. This act requires each state and local law enforcement agency, including a university police department, to adopt, on or before January 1, 2016 a written policy that prohibits racial profiling. "Racial profiling" is the detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual's actual or perceived race, color, ethnicity, or national origin.</p> <p>TBR's Office of General Counsel will work with campuses on the policy development and adoption.</p> <p><i>This legislation becomes effective upon passage.</i></p>
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STUDENT AFFAIRS

<p>No Public Chapter</p>	<p>Immunization. TBR did not move forward with legislation filed related to immunization this year. Instead, TBR and the Tennessee Department of Health are holding a series of meetings to determine changes to the immunization process for college students that decrease the barrier for students and college administrators, while preserving public health. TBR General Counsel, Mary Moody; TBR Assistant Vice Chancellor for Student Affairs, Heidi Leming; and Director of Admissions and College Registrar and Volunteer State, Tim Amyx, represent TBR in these meetings.</p>
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STUDENT AFFAIRS

[Public Chapter 219](#)

[Section 702 Fact Sheet](#)

Tennessee Veterans Education Transition Support Act. This act aligns state statute with the federal “Veterans Access, Choice and Accountability Act of 2014,” section 702. Specifically, this act provides in-state tuition to a veteran, or any individual entitled to the veteran's educational benefits (spouse or child) who is enrolled in any public institution of higher education in this state if the veteran or the eligible individual:

- (1) is eligible for post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
- (2) enrolls in a public institution of higher education, after satisfying all admission requirements, within three years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.

In order to continue to qualify for in-state tuition and fees after three years have passed from the date of discharge, an eligible student shall:

- (1) Maintain continuous enrollment as defined by the public institution of higher education at which the student is enrolled; and
- (2) Demonstrate objective evidence of established residency in this state by presenting at least two of the following: proof of
 - (a) voter registration in this state,
 - (b) Tennessee driver's license,
 - (c) Tennessee motor vehicle registration,
 - (d) proof of established employment in this state; or
 - (e) other documentation clearly evidencing domicile or residence in the state, as determined by THEC.

The Executive Director of the Tennessee Higher Education Commission shall convene representatives from the University of Tennessee and the Tennessee Board of Regents systems to identify and develop uniform methods to assess and maximize academic credit awarded by public institutions of higher education to veterans and military service members for military experience, education, and training obtained during military service. By September 1, 2016, the University of Tennessee and the Tennessee Board of Regents adopt or revise policies relating to the assessment and award of academic credit for military education, training, or service.

TBR Office of Academic Affairs has notified TBR enrollment services staff of this change and will coordinate the ongoing implementation of Public Chapter 219.

This legislation becomes effective upon passage.

STUDENT AFFAIRS

[Public Chapter 253](#)

Sexual Assault. This act requires law enforcement, including TBR police forces, to adopt a model policy related to responding to sexually oriented crimes and details the requirements for handling a sexual assault evidence collection kits.

Model Policy

The Domestic Violence Coordinating Council will develop a model policy related to the handling of sexual assaults by law enforcement. The model policy shall include guidelines for officers on:

- 1) investigating reports of sexually oriented crimes;
- 2) providing victim assistance;
- 3) collaborating with victim advocates, healthcare providers, and victim service agencies; and
- 4) collecting, storing, and submitting sexual assault evidence kits to the state crime lab or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

The model policy shall be distributed to all law enforcement agencies that are likely to encounter reports of sexually oriented crimes on or before January 1, 2016.

All law enforcement agencies that are likely to encounter reports of sexually oriented crimes shall establish written policies and procedures on responding to reports of sexually oriented crimes. An agency may adopt the model policy developed by the Domestic Violence State Coordinating Council or an agency may adopt its own policy, provided the policy includes the same or higher standards as the model policy developed by the council. Each agency shall adopt its written policy on or before July 1, 2016.

Chief Buddy Peaster from MTSU is representing higher education on creating the model policy. The Office of General Counsel will work with campuses on the adoption of the model policy to ensure no conflict occurs between other state and federal sexual assault requirements.

STUDENT AFFAIRS

	<p>Sexual Assault (Continued).</p> <p><u>Sexual Assault Evidence Collection Kits</u> Under this act, a victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Upon the conclusion of the forensic examination, the resulting sexual assault evidence collection kit or hold kit shall be released to a law enforcement agency by a health care provider for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.</p> <p>1) If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim's name. The hold kit shall be released to the appropriate law enforcement agency for storage. If an adult victim reports the alleged offense to the police, or the victim is a minor, the healthcare provider shall attach the victim's name to the sexual assault evidence collection kit, and it shall be released to the appropriate law enforcement agency.</p> <p>2) The law enforcement agency shall, within sixty (60) days of taking possession of the sexual assault evidence collection kit or within sixty (60) days from the date of the police report, shall affix the victim's name to the kit and submit the kit to the Tennessee bureau of investigation or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing. Upon receipt of a hold kit with only an identification number attached to it, the law enforcement agency shall store the hold kit for a minimum of three (3) years or until the victim makes a police report, whichever event occurs first. However, no hold kit shall be submitted to the state crime lab or similar laboratory for testing until the victim has made a police report.</p> <p><i>This legislation becomes takes effect upon becoming law.</i></p>
<p>Public Chapter 260</p>	<p>Reporting of Nonimmigrant Students. This act requires that each institution that accepts nonimmigrant students possessing either an F-1 or M-1 student visa shall report to the TN Department of Safety the following information: the number of nonimmigrant students enrolled at the institution at the beginning and end of each period of study. The department, in consultation with the Tennessee Higher Education Commission, shall develop a form that shall be available to institutions for reporting purposes.</p> <p>The TBR Office of Research and Assessment will coordinate the collection and submission of this information.</p> <p><i>This legislation becomes effective upon passage and shall apply to instruction beginning on or after August 1, 2015.</i></p>

STUDENT AFFAIRS

[Public Chapter 482](#)

[TBR Human Resources](#)

[Memo on 2015](#)

[Legislation](#)

Observance of Veterans Day. This act would require all public institutions of the University of Tennessee and the Board of Regents system to observe Veterans Day on or near the day recognized as the national day of observance. Any student, faculty, and staff who are veterans will be given the opportunity to participate in the campus observances without adverse action or absence.

Attached is the guidance given to TBR's Directors of Human Resources related to this and other public chapters adopted during the 2015 legislative session.

This legislation will take effect upon becoming law.