

SENATE BILL 2263

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 4-58-102; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9, relative to tuition.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new section:

(a) An individual is exempt from paying out-of-state tuition at a state institution of higher education, if the individual:

(1) Attended school in this state for the three (3) years immediately prior to graduation from high school;

(2)

(A) Graduated from a Tennessee high school;

(B) Obtained a GED® or HiSET® credential awarded by a state-approved institution or organization; or

(C) Completed high school in a Tennessee home school program; and

(3) Is registered as an entering student or is enrolled at a state institution of higher education.

(b) The out-of-state tuition exemption in subsection (a) does not apply to international students and trainees who are nonimmigrants within the meaning of 8 U.S.C. § 1101 (a)(15)(F), (a)(15)(H)(iii), (a)(15)(J), or (a)(15)(M).

(c) Each student granted the out-of-state tuition exemption pursuant to subsection (a) must sign an affidavit stating that the student is either a citizen or a

lawfully present noncitizen, or, in the case of a person without lawful immigration status, that the student will file an application to legalize such student's immigration status as soon as the student is eligible.

(d) The exemption from paying the out-of-state tuition in this section affirmatively satisfies the express eligibility requirement of 8 U.S.C. § 1621(d).

(e) Information obtained in the implementation of this section is confidential and not a public record. The information shall only be used as required to administer tuition payments, and may not be disclosed for any other purpose without the written consent of the student except as required by Tennessee law or pursuant to a court order. A state institution of higher education that receives an affidavit shall treat the affidavit as an education record of the individual under the provisions of the federal Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g).

SECTION 2. Tennessee Code Annotated, Section 4-58-102(7), is amended by adding the following language as a new subdivision:

(C) Does not include the exemption from paying out-of-state tuition authorized by Section 1 of this act.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to the 2018 - 2019 academic year and academic years thereafter.