

HOUSE BILL 335

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 50, Part 1 and Title 49, relative to public  
higher education institutions for certain students.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 8, Part 1, is amended by adding the following language as a new section:

§ 49-8-119.

(a) An alien unlawfully present in the United States is not eligible to attend a public higher education institution within the board of regents system.

(b) The board of regents shall develop a process by which the lawful presence of each student applicant is verified by either a valid government-issued form of identification or the federal systematic alien verification of entitlement program, as operated by the United States department of homeland security. The board of regents shall specify what forms of identification recognized by the federal government to prove lawful presence shall be acceptable. Graduation from a high school located in the United States shall not be sufficient evidence of lawful presence in the United States. The board of regents shall also establish a verification waiver process to ensure that all lawfully present, qualified residents of Tennessee, including but not limited to homeless residents, are verified. A higher education institution shall complete the verification or verification waiver process before an applicant's initial enrollment in the institution.

(c) The verification and verification waiver processes required by subsection (b) shall operate within existing resources whenever possible. If the board of regents finds that existing resources are insufficient to fund such processes, additional application fees may be assessed to fund the verification and verification waiver processes.

(d) Any transfer student who, at the time immediately prior to transferring, was enrolled at an institution within the board of regents system or University of Tennessee system shall not be subject to the verification or verification waiver process required by this section.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 9, is amended by adding the following language as a new section:

§ 49-9-113.

(a) An alien unlawfully present in the United States is not eligible to attend a public higher education institution within the University of Tennessee system.

(b) The board of trustees of the University of Tennessee system shall develop a process by which the lawful presence of each student applicant is verified by either a valid government-issued form of identification or the federal systematic alien verification of entitlement program, as operated by the United States department of homeland security. The board of trustees of the University of Tennessee system shall specify what forms of identification recognized by the federal government to prove lawful presence shall be acceptable. Graduation from a high school located in the United States shall not be sufficient evidence of lawful presence in the United States. The board of trustees shall also establish a verification waiver process to ensure that all lawfully present, qualified residents of Tennessee, including but not limited to homeless residents, are verified. A higher education institution shall complete the verification or verification waiver process before an applicant's initial enrollment in the institution.

(c) The verification and verification waiver processes required by subsection (b) shall operate within existing resources whenever possible. If the board of trustees finds that existing resources are insufficient to fund such processes, additional application fees may be assessed to fund the verification and verification waiver processes.

(d) Any transfer student who was at the time immediately prior to transferring enrolled at an institution within the board of regents system or University of Tennessee system shall not be subject to the verification or verification waiver process required by this section.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect January 1, 2012, the public welfare requiring it, and shall apply to all initial enrollees at public higher education institutions during or after the fall semester of 2012.