

Education Administration & Planning 1

Amendment No. 1 to HB0396

Brooks H
Signature of Sponsor

AMEND Senate Bill No. 732

House Bill No. 396*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-1506, is amended by deleting the section in its entirety and substituting instead the following:

(a) As applicable to Tennessee SARA institutions, the commission's complaint investigation and resolution under this part shall be limited to complaints:

(1) Filed by a student residing in a member state other than Tennessee;

(2) Where the complaint involves a distance education course or program offered by a Tennessee SARA institution;

(3) Where the student has exhausted the Tennessee SARA institution's grievance process; and

(4) Where the complaint concerns a requirement imposed solely by the state authorization reciprocity agreement and not imposed by federal law, state law, or the institution's policies.

(b) A complaint filed with the commission shall be in writing and shall set forth the grounds for the complaint, explain any steps taken to exhaust the Tennessee SARA institution grievance process, identify the basis for the commission's jurisdiction under SARA, include any relevant documents, and contain other information that is required by the commission.

(c) The commission shall initially consult with the Tennessee SARA institution indicated in the complaint.

(d)

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(1) In the event that consultation with the Tennessee SARA institution does not result in resolution of the complaint, then the commission shall request a copy of the complaint investigation file and any other related documents from the Tennessee SARA institution for further review.

(2) The commission may request from the complainant or the Tennessee SARA institution answers in writing to questions propounded by the commission. The answers shall be provided within fourteen (14) days of the request.

(3) The commission may, at its discretion, attempt to effectuate a settlement. In the event that a settlement is neither sought nor reached, commission staff shall recommend a resolution of the complaint to the executive director.

(4) In the event that a settlement is not reached or a party to the complaint disagrees with the determination of the executive director, the party may request a hearing before the commission. Upon receiving a request for hearing, the commission shall consider the request in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(5) If, upon all the evidence at a hearing, it is found that a Tennessee SARA institution has engaged in or is engaging in any act or practice contrary to SARA as set forth in subsection (a), subject to the requirements of the Uniform Administrative Procedures Act, the commission may take such actions necessary to prevent the act or practice from continuing. If the commission finds that the

complainant suffered loss or damage as a result of the act or practice, the commission, subject to the Uniform Administrative Procedures Act, may award the complainant full or partial restitution for the damage or loss.

(e) The commission shall also have the authority to assist or refer any Tennessee resident with a grievance against a non-Tennessee SARA institution to the appropriate agency in the other state, to follow up on the outcome of the grievance, and to assist the other state with the investigation and resolution.

(f) Apart from any rights or remedies created by this part, nothing in this part is intended to limit or restrict, or to create or expand, any right that any person may have under any existing common law or statute to seek any legal, equitable, or administrative remedy. Without limiting the foregoing, the commission shall not address complaints regarding student grades or student conduct violations.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.