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Rule ID(s): 6569
File Date: 7/13/17
Effective Date: 10/11/17

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Military Department of Tennessee
Division:	Office of General Counsel
Contact Person:	Libby Donoho
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Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0930-02-01	Rules for Implementation of the "Tennessee Support, Training and Renewing Opportunity for National Guardsman (STRONG) Act of 2017"
Rule Number	Rule Title
0930-02-01-.01	Purpose and Scope
0930-02-01-.02	Definitions
0930-02-01-.03	STRONG Act Tuition Reimbursement is Subject to Funding Availability
0930-02-01-.04	Scope of STRONG Act Tuition Reimbursement
0930-02-01-.05	Program Administration
0930-02-01-.06	Eligibility
0930-02-01-.07	Application Process for STRONG Act Tuition Reimbursement
0930-02-01-.08	Cessation of Eligibility for STRONG Act Tuition Reimbursement
0930-02-01-.09	Oversight
0930-02-01-.10	Waiver of Rule

Chapter 0930-02-01 is amended so that it reads as follows:

Rules for Implementation of the "Tennessee Support, Training and Renewing Opportunity for National Guardsman (STRONG) Act of 2017"

Table of Contents is amended by deleting it in its entirety because of new numbering of Rules pertaining to the implementation of the "Tennessee Support, Training and Renewing Opportunity for National Guardsman (STRONG) Act of 2017" tuition reimbursement program housed in Chapter 0930-02-01, to replace the Rules that formerly implemented National Guard Tuition Assistance in Chapter 0930-02-01, so that, as amended, the Table of Contents shall read as follows:

TABLE OF CONTENTS

0930-02-01-.01 Purpose and Scope
0930-02-01-.02 Definitions
0930-02-01-.03 STRONG Act Tuition Reimbursement is Subject to Funding Availability
0930-02-01-.04 Scope of STRONG Act Tuition Reimbursement
0930-02-01-.05 Program Administration
0930-02-01-.06 Eligibility
0930-02-01-.07 Application Process for STRONG Act Tuition Reimbursement
0930-02-01-.08 Cessation of Eligibility for STRONG Act Tuition Reimbursement
0930-02-01-.09 Oversight
0930-02-01-.10 Waiver of Rule

Rule 0930-02-01-.01 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.01 Purpose and Scope.

To establish the Rules to be used for administering the "Tennessee Support, Training and Renewing Opportunity for National Guardsman (STRONG) Act of 2017", hereinafter referred to as the "Program." The Program is administered and managed under the authority and guidance of the Adjutant General. The purpose of the Program is to aid in the recruitment and retention of service members of the Tennessee National Guard.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.02 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.02 Definitions.

(1) The terms that follow shall have the following meanings, as set forth in this Rule:

- (a) Educational institution: Any public university, college, or community college, or private college or any university that is regionally accredited and has its primary campus located within the state of Tennessee.
- (b) Federal Tuition Assistance (FTA): The FTA is distinct from and should not be confused with other tuition assistance programs that are federally funded, such as Montgomery GI Bill benefits and Post-9/11 GI Bill benefits. The FTA is a military tuition assistance program for which all Army

National Guard and only active duty Air National Guard are eligible.

- (c) Tennessee Support, Training and Renewing Opportunity for National Guardsman Advisory Board (TN STRONG AB): The Program Advisory Board, also referenced herein as the "Board," is an advisory board to which the Adjutant General appoints Board members, and to whom the Adjutant General delegates the authority to review, approve or decline applications for STRONG Act tuition reimbursement, as set forth in this Rule and in accordance with Departmental policy.
- (d) Joint Force Headquarters Army National Guard G-1 (JFHQ G-1)/Joint Force Headquarters Air National Guard A-1 (JFHQ A-1): The JFHQ G-1/JFHQ A-1, or such office as named by the Adjutant General, is the office the Adjutant General has authorized to have primary responsibility for day-to-day operations for the Program, for the Tennessee Army National Guard and the Tennessee Air National Guard service members, respectively.
- (e) Credit hour: For the purposes of this Program, a credit hour is defined as the credit a service member receives for completion of an academic credit hour for a class in which a service member is enrolled beyond the educational institution's add/drop date and for which the service member receives a grade or a pass/fail designation, or is otherwise credited by the educational institution as having completed the course. If the service member drops a course prior to the add/drop date, the hours for that course will not be counted toward a service member's one hundred and twenty (120) attempted credit hours. A credit hour may include any associate degree hour or life experience (or equivalent) hour that is in furtherance of a service member's first bachelor's degree.
- (f) Good standing:
 - 1. A service member of the Tennessee National Guard is considered to be in good standing for the purposes of this Program :
 - (i) if he or she, at the time the JFHQ G-1/JFHQ A-1 time/date stamps the application for STRONG Act reimbursement as received:
 - (I) has not accumulated nine (9) or more unexcused absences from unit training assemblies, nor failed to attend a scheduled annual training, within a twelve (12) month period prior to the time/date stamped receipt of the service member's application, unless the service member produces documentation, showing that the service member had obtained proper permission from his or her unit commander excusing the absence; and
 - (II) has not missed a ship date to complete basic military training before the first day of class for the semester, trimester, quarter, or academic term for which the service member has submitted an application for STRONG Act tuition reimbursement, unless the service member produces documentation, showing that the service member had obtained proper permission from his or her unit commander excusing the absence; and
 - 2. Additionally, in order to be considered in good standing for that academic term a service member must:

- (i) have filed a course/degree plan with the JFHQ G-1/JFHQ A-1 after the completion of nine (9) credit hours, which course/degree plan will detail all required courses needed to fulfill degree requirements; and
 - (ii) after earning twelve (12) credit hours, the service member must have declared a major. If the service member has completed twelve (12) credit hours at the time that the application for tuition reimbursement is time/date stamped as received, the service member must include his or her declared major in the service member's application for tuition reimbursement. If a service member's major has changed, the new major must be reflected on subsequent applications for tuition reimbursement and course/degree plans.
- 3. Finally, to be considered in good standing for the purposes of this Program, the Board must have deemed the service member to be in good standing, after having reviewed relevant information obtained through the application process, at the direction and under the authority and guidance of the Adjutant General.
- (g) Currently active: A service member of the Tennessee National Guard is considered to be currently active for the purposes of this Program if he or she is an active member in the Tennessee Army National Guard and/or the Tennessee Air National Guard at the time his or her application for STRONG tuition reimbursement is time/date stamped as received by the JFHQ G-1/JFHQ A-1.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.03 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.03 STRONG Act Tuition Reimbursement is Subject to Funding Availability.

- (1) Meeting the eligibility criteria as outlined in Rule 0930-02-01-.06 does not obligate the Tennessee Military Department to award STRONG Act tuition reimbursement. The approval and award of STRONG Act tuition reimbursement is subject to funding availability.
- (2) If funding becomes limited, distribution of STRONG Act tuition reimbursement will be executed in accordance with Departmental policy.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.04 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.04 Scope of STRONG Act Tuition Reimbursement.

- (1) Payments of STRONG Act tuition reimbursement must be paid directly to an educational institution and not to the Tennessee National Guard member.
- (2) When the Board approves an eligible service member's application for STRONG Act tuition

reimbursement, and the service member is attending a public educational institution, the Department of Military shall pay the educational institution an amount equal to one hundred percent (100%) of the maximum resident undergraduate in-state tuition charged by the institution attended, less all other state or federal financial assistance as described in T.C.A. §49-4-1005. Such financial assistance must be credited first to the service member's tuition, subject to T.C.A. §49-4-1005.

- (3) Notwithstanding 0930-2-1-.04(2), for service members attending a private two-year college, the amount of STRONG Act tuition reimbursement paid is the average cost of tuition at the public two-year postsecondary institutions, as determined by the Tennessee Higher Education Commission and Tennessee Student Assistance Corporation, less all other financial assistance received by the service member. For service members attending a private four-year college or university the amount paid is the average cost of tuition at the public four-year universities, as determined by the Tennessee Higher Education Commission and Tennessee Student Assistance Corporation, less all other financial assistance received by the service member. Such financial assistance must be credited first to the amount of the average tuition, subject to T.C.A. §49-4-1005.
- (4) STRONG Act tuition reimbursement amounts which a service member may be eligible to receive under this part must be offset and reduced by the aggregate amount of state and federal education financial assistance received by the service member during the semester or educational term for which STRONG Act tuition reimbursement is sought, unless federal law or regulation requires otherwise, in which case federal priority controls. Examples of such federal and state tuition assistance include, but are not limited to, the Tennessee Promise scholarship, the Tennessee Reconnect grant, the Tennessee HOPE scholarship, and similar state assistance, as such assistance programs or grants may be amended, as well as Tennessee student assistance awards, the federal Pell grant, Montgomery GI Bill benefits, Post-9/11 GI Bill benefits, and federal tuition assistance program benefits.
- (5) Service members who are eligible for FTA as defined herein must apply for and use any tuition awarded through FTA.
- (6) The above provisions apply to any STRONG Act tuition reimbursement paid to both public and private educational institutions.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.05 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.05 Program Administration.

The Program will be administered by the JFHQ G-1/JFHQ A-1 at the direction and under the authority of the Adjutant General.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.06 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.06 Eligibility.

To qualify for STRONG Act tuition reimbursement pursuant to T.C.A. §49-04-1005, the Tennessee National Guard member must satisfy all of the following conditions:

- (1) The service member must be in good standing as defined in this Rule.
- (2) The service member must be currently active in the Tennessee National Guard as defined in this Rule.
- (3) The service member must have served in the Tennessee National Guard during the applicable academic term for which the application for STRONG Act tuition reimbursement is submitted.
- (4) The service member must have maintained satisfactory academic progress and received a minimum grade point average of 2.0 as determined by the educational institution attended for the academic term for which STRONG Act tuition reimbursement is sought.
- (5) The service member must be pursuing postsecondary credit hours toward a first bachelor's degree.
- (6) The service member's STRONG Act tuition reimbursement application must be time/date stamped as received by the JFHQ G-1/JFHQ A-1 within ninety (90) days of the last day of instruction for the academic term, as determined by the service member's educational institution, for which the service member is seeking STRONG Act tuition reimbursement.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.07 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.07 Application Process for STRONG Act Tuition Reimbursement.

- (1) Members of the Tennessee National Guard who meet the requirements of Rule 0930-02-01-.06 may apply for STRONG Act tuition reimbursement using the application process as set forth by this Rule and Departmental policy, and in accordance with guidance from the Adjutant General.
- (2) Service members must apply for tuition reimbursement through this Program within ninety (90) days of the last day of instruction for the academic term, as determined by the service member's educational institution, for which the service member is seeking STRONG Act tuition reimbursement.
- (3) Service members shall be required to submit a release to their educational institution that explicitly allows their educational institutions to lawfully release student records or other information requested by the JFHQ G-1/JFHQ A-1 during the application process.
- (4) Service members must submit completed and signed STRONG Act tuition reimbursement applications to the JFHQ G-1/JFHQ A-1 in a timely manner. Upon receipt, the JFHQ G-1/JFHQ A-1 will time/date stamp the applications as received, conduct an initial review of the applications for eligibility, accuracy, completeness, and process the applications accordingly. Incomplete or invalid applications may be returned without action by the JFHQ G-1/JFHQ A-1 for necessary corrections that would render the application complete and valid.

- (5) The JFHQ G-1/JFHQ A-1 shall submit a form to the service member's unit commander, or his or her designee, which requires the commander, or his or her designee, to report any disciplinary action(s) pending against the service member and document whether he or she would recommend the service member as a candidate for approval of STRONG Act tuition reimbursement.
- (6) The Adjutant General has ultimate authority to approve or deny applications for STRONG Act tuition reimbursement through this Program. At his or her discretion, the Adjutant General may delegate this authority to the TN STRONG AB, under his or her direction and guidance, in accordance with this Rule and Departmental policy.
- (7) The JFHQ G-1/JFHQ A-1 must submit a complete application to the TN STRONG AB for review and approval, in accordance with this Rule and with Departmental policy. For the purposes of this Program, a complete application will include:
 - (a) the Tennessee National Guard member's timely-submitted application for STRONG Act tuition reimbursement; and
 - (b) the form referenced in 0930-02-01-.07(5), completed by the service member's unit commander or designee, to include his or her formal recommendation as to whether or not to approve the service member's application for STRONG Act tuition reimbursement; and
 - (c) the JFHQ G-1/JFHQ A-1's formal recommendation as to whether or not to approve the service member's application for STRONG Act tuition reimbursement.
- (8) The TN STRONG AB, acting under the authority and instruction of the Adjutant General, may consider the complete, timely application to make a determination as to whether the service member is in good standing and currently active in the Tennessee National Guard for the purposes of this Program. When a service member is deemed to be currently active and in good standing, the Board will consider the application for approval in accordance with these Rules and Departmental policy. The Board, in its discretion, may consider all information obtained during the application process, in accordance with these Rules and Departmental policy, when making a determination of whether or not to approve a service member's application for STRONG Act tuition reimbursement through this Program. However, neither the aforementioned recommendations nor any other factor(s) taken into consideration are inherently determinative with regard to the ultimate determination to approve or decline to approve a service member's application for STRONG Act tuition reimbursement through this Program.
- (9) Approved applications will be time/date stamped and returned to the JFHQ G-1/JFHQ A-1 for processing STRONG Act tuition reimbursement, in accordance with this Rule and Departmental policy. Applications that are declined by the Board will be time/date stamped as declined and returned to the service member, who will have thirty (30) days from the date of the Board's determination to submit an appeal to the Adjutant General for his or her consideration of the Board's decision, in accordance with this Rule and Departmental policy.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.08 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.08 Cessation of Eligibility for Strong Act Tuition Reimbursement.

- (1) Eligibility for STRONG Act tuition reimbursement will permanently cease upon the advent of any of the

following conditions:

- (a) The service member has attempted one hundred twenty (120) credit hours, inclusive of any postsecondary credit hours earned prior to receipt of STRONG Act tuition reimbursement; or
 - (b) The service member has completed eight (8) full-time semesters, as defined in T.C.A. §49-4-1003(b), or the equivalent of a semester if the educational institution is on a system other than a semester system, as defined in T.C.A. §49-4-1003(c); or
 - (c) The service member has earned a first bachelor's degree.
- (2) Eligibility will cease when a service member is not in good standing as defined in this Rule.
- (3) Eligibility will cease when a service member is not currently active as defined in this Rule.
- (4) All service members applying for tuition reimbursement through this Program are subject to the statutory limitations and conditions as provided in T.C.A. §49-4-1005. Should a service member fail to maintain satisfactory academic progress and a minimum of a 2.0 grade point average, he or she will become ineligible for tuition reimbursement. However, the service member may regain eligibility for tuition reimbursement at the end of any subsequent semester in which satisfactory academic progress and the required grade point average are established and the service member is deemed to meet all other requirements for STRONG Act reimbursement as determined by the Board.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.09 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.09 Oversight.

Pursuant to §49-4-1001, *et seq.*, the Adjutant General is vested with the authority to implement rules to effectuate the purposes of this Program. The Adjutant General hereby provides the following oversight provisions, which may be changed at any time at the Adjutant General's discretion:

- (1) The Adjutant General delegates oversight of day-to-day operations of this Program, as directed by the Adjutant General, to the JFHQ G-1/ JFHQ A-1.
- (2) The Adjutant General may appoint Board members to the TN STRONG AB as necessary and vest them with the following authority:
 - (a) The Board members will have voting privileges for the purpose of conducting Board business, in accordance with this Rule and Departmental policy.
 - (b) The TN STRONG AB will meet as required by this Rule or Departmental policy; or at the request of the Adjutant General, operating upon the recommendation of JFHQ G-1/JFHQ A-1; or when otherwise directed by the Adjutant General or his or her designee.

- (c) The TN STRONG AB has the authority to review completed applications that are submitted by JFHQ G-1/ JFHQ A-1 and determine the outcome of the application process, in accordance with this Rule and Departmental policy.
- (3) The Department of Military's Office of General Counsel may provide legal guidance to the JFHG G-1/JFHQ A-1, the TN STRONG AB and to the Adjutant General as it relates to administration of the Program, as necessary.
- (4) The Adjutant General will have appellate authority and jurisdiction over the administration of this Program. He or she may delegate the procedural, legal, and/or administrative functions of the appellate process to the Department of Military's Office of General Counsel, in accordance with this Rule and Departmental policy and this Rule.
- (5) Any service member denied STRONG Act tuition reimbursement by the STRONG AB may submit a request for appellate consideration to the Adjutant General, in accordance with Departmental policy and this Rule.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

Rule 0930-02-01-.10 is deleted in its entirety and is amended so that it reads as follows:

0930-02-01-.10 Waiver of Rule.

The Adjutant General may waive any Rule contained in 0930-02-01 not required by statute when it is in the best interest of the State of Tennessee and the Tennessee Military Department.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

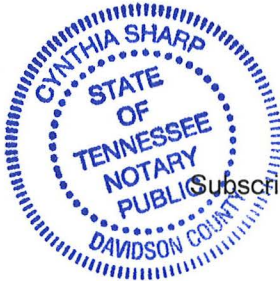
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on June 13, 2017 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 6/13/2017

Signature: _____

Name of Officer: Terry M. Haston, Major General

Title of Officer: The Adjutant General



Subscribed and sworn to before me on: June 13, 2017

Notary Public Signature: Cynthia Sharp

My commission expires on: July 2, 2018

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III

Herbert H. Slatery III
Attorney General and Reporter

6/27/2017

Date

Department of State Use Only

Filed with the Department of State on: 7/13/17

Effective on: 10/11/17

Tre Hargett

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This proposed rule is not projected to have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. §4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule effectuates the purposes of the STRONG Act tuition reimbursement program. The rule standardizes the management of the program so that it is administered in a uniform way, making all Tennessee National Guard service members who are pursuing their first 120 hours towards earning their first undergraduate degree from an educational institution with its primary campus located in the State of Tennessee eligible to apply for STRONG Act tuition reimbursement. Prior to the STRONG Act, tuition assistance made available to members of the Tennessee National Guard was administered differently. In previous regulations effectuated by such rule, fewer members were eligible and the funding was dispersed differently.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Acts of 2017; Chapter 0229 amends T.C.A. §49-4-1001 et seq. that had previously provided for tuition assistance for Tennessee National guard members and creates the STRONG Act program, which affords the Tennessee National Guard greater incentives in recruitment and retention of service members by offering tuition reimbursement opportunities to a larger population of eligible Tennessee National Guard service members. T.C.A. §49-4-1004(d) authorizes the Adjutant General to promulgate rules to effectuate the purposes of the program.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee STRONG Act provides additional educational opportunities for currently active members of the Tennessee National Guard who are in good standing. This tuition assistance program is in keeping with and in support of Governor Haslam's "Drive to 55" initiative, which was launched in 2013 with the mission of equipping 55 percent of Tennesseans with a degree or certificate by the year 2025. Members of the Tennessee National Guard and educational institutions in the state of Tennessee are most directly affected by and stand to benefit most from this rule. Service members and educational institutions are supportive of adopting these rules, so that they may start utilizing the tuition reimbursement opportunities afforded through the STRONG Act.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The cost associated with the rule is included in the Governor's budget for FY 17-FY 18 and accounted for in the appropriations bill as enacted by the general assembly. A total amount of 8.95 million dollars, non reoccurring, is budgeted for this 4 year pilot program, which will sunset if not extended.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Libby Donoho, Deputy General Counsel for the Department
Libby.Donoho@tn.gov

Fred Denson, General Counsel for the Department
Fred.Denson@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Libby Donoho, Deputy General Counsel for the Department
Libby.Donoho@tn.gov

Fred Denson, General Counsel for the Department
Fred.Denson@tn.gov

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

**RULES
OF
MILITARY DEPARTMENT OF TENNESSEE**

**CHAPTER 0930-2-1
RULES FOR NATIONAL GUARD TUITION ASSISTANCE**

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0930-2-1-.01 PURPOSE AND SCOPE.

- (1) To establish the policy, effective 1 July 2004, to be used for administering the Tennessee National Guard Tuition Assistance Scholarship Program [hereinafter called the "Program"]. The Program is managed under the guidance of the Adjutant General on a fair and equitable basis with limited funds appropriated annually by the state Legislature. The purpose of the program is to recruit and retain members of the Tennessee National Guard [hereinafter called the "TNG"].

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.02 DEFINITIONS.

- (1) The following terms shall have the meanings set forth in the rule:
- (a) Educational Institution. Any accredited state supported university, community college, or vocational or technical school or any private college or any university located within the State of Tennessee.
 - (b) Program. The Tennessee National Guard Tuition Assistance Scholarship Fund administered by the Adjutant General of Tennessee.
 - (c) STAAB. State Tuition Assistance Advisory Board.
 - (d) The office of the J1. The office of primary responsibility for the program, the Director of Human Resources.
 - (e) Tuition. The cost of instruction delineated in a catalog of an educational institution for a semester, quarter, or classroom hour.
 - (f) TNG. Tennessee National Guard.
 - (g) Unsatisfactory Participant. A member of the TNG who has accumulated nine (9) or more unexcused absences from unit training assemblies within a twelve (12) month period, or who, without proper authority, failed to attend or complete the entire period of annual training, or is otherwise barred from favorable personnel actions.

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.03 SUBJECT TO FUNDING AVAILABILITY.

- (1) Meeting the eligibility criteria as outlined in Rule 0930-2-1-.06 does not obligate the TNG to award its scholarship. Tuition assistance scholarships can not be awarded if funds are depleted.

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.04 PROGRAM ADMINISTRATION.

- (1) The Program will be administered by the Education Services Office [hereinafter called the "ESO" for Army] or Base Education and Training Manager [hereinafter called the "BETM" for Air].

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.05 SCOPE OF TUITION ASSISTANCE SCHOLARSHIPS.

- (1) TNG members who meet the prerequisites in Rule 0930-2-1-.06 may receive a tuition assistance scholarship based upon available funds. Courses that are audited or are taken as "pass/fail" do not qualify and will not be approved for payment. Courses must be taken for academic credit or a certificate of completion. This program will provide funding for a course only once.
- (2) The Tuition Assistance Scholarship must be paid to an educational institution [not to the individual]. "Educational Institution" is defined as any accredited state-supported university, community college, or vocational or technical school or any private college or university located within the State of Tennessee.
- (3) Regardless of the state of residence, a member of the TNG who has met the eligibility requirements of these Rules and is attending a Tennessee educational institution, as defined above, qualifies for the same tuition assistance scholarship amount as an instate resident. However, it will not be used for an increase in tuition due to out of state tuition costs.
- (4) In no case will the combination of this tuition assistance scholarship with any other tuition assistance program exceed 100% of the student's tuition cost, and shall not exceed the amount of in-state tuition assistance the member would receive if the member were enrolled at a state supported institution.

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.06 ELIGIBILITY. To qualify for a TNG tuition assistance scholarship pursuant to Rule 0930-2-1-.05, the TNG members must satisfy all the following conditions:

- (1) Be a member of the TNG on or before the first day of class for the semester, trimester, quarter, or term and have successfully completed basic military training or received a commission on or before the first day of class for the semester, trimester, quarter, or term.
- (2) Be a satisfactory participant in the TNG. An "unsatisfactory participant" is a member of the TNG who has accumulated nine (9) or more unexcused absences from unit training assemblies within a twelve (12) month period, or who, without proper authority, failed to attend or complete the entire period of annual training, or is otherwise barred from favorable personnel actions.
- (3) Must serve in the TNG beyond the end of the term for which the tuition assistance scholarship is granted.
- (4) The recipient must complete all courses in the semester for which benefits are received.

(Rule 0930-2-1-.06, continued)

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.07 CESSATION OF BENEFITS. The tuition assistance scholarship will permanently cease upon the member meeting any of the following conditions:

- (1) Accumulation of 150 credit hours (semester), or the equivalent of the TNGs tuition assistance scholarship funding;
- (2) Unsatisfactory participation by the TNG member as defined in Rule 0930-2-1-.06.

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.08 RESTITUTION.

- (1) A TNG member shall repay the State of Tennessee the full tuition assistance scholarship amount received for each course during the preceding semester, trimester, quarter or term that:
 - (a) The member failed to complete with a passing grade the course or courses for which he/she received the scholarship within 60 days of the originally scheduled course end date.
 - (b) The member fails to produce grade report to the ESO/BETM within 60 days of the originally scheduled course end date.
 - (c) The member becomes an unsatisfactory participant with the TNG, as described in Rule 0930-2-1-.06.
- (2) The TNG member may retake the course at their own expense. A passing grade at that time will preclude the member from making restitution for the expense of the original course.
- (3) If the member does not fulfill the member's contractual obligation to the TNG as defined in Rule 0930-2-1-.06, the Adjutant General [or designee] shall notify the member in writing that the member is liable for restitution, and the member shall repay the State of Tennessee the full amount of the tuition assistance scholarship received during the last school year.
- (4) The member may appeal the requirement to make restitution pursuant to this paragraph if the member files a written notice of intent to appeal with the Adjutant General within 30 days notice that the member is liable for restitution. During the appeal process the requirement of restitution is postponed. If the Adjutant General determines that the matter meets the requirements for restitution, the Adjutant General shall inform the member of this determination. The member shall then make restitution within 60 days to the State of Tennessee for those courses for which the Adjutant General determines the member is liable. The decision of the Adjutant General is final and may not be appealed.

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.09 APPLICATION PROCESS.

- (1) Members of the TNG who meet the requirements of Rule 0930-2-1-.06 may apply using the "Tennessee National Guard Tuition Assistance Scholarship Application Form", in accordance with annual guidance from the Adjutant General. A member must apply for each semester, trimester, quarter, or term for which they intend to utilize the scholarship.

(Rule 0930-2-1-.09, continued)

- (2) ~~The member will forward the completed and signed application to their respective ESO/BETM. The ESO/BETM will review applications for eligibility, accuracy, completeness, and priority category before being forwarded to the State Tuition Assistance Advisory Board [hereinafter called the "STAAB"]. Incomplete or invalid forms will be returned without action.~~
- (3) ~~Applications must be submitted to the ESO/BETM no later than the 10th day of the month prior to the class start month.~~
- (4) ~~Approval authority may be granted by the Adjutant General to the J-1/STAAB President. After Board review, the form will be signed and forwarded to the state budget office for funds obligation and then returned to the ESO/BETM for distribution to the applicant. Applications declined will be returned to the ESO/BETM without action. All participants must file a degree plan with the ESO/BETM after accumulation of nine (9) semester hours at an institution. The degree plan will detail all required courses needed to fulfill degree requirements. If a student's degree goal has changed, a new degree plan must be filed. Courses that do not support the current degree plan will not be funded.~~

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1.10 PRIORITY OF FUNDING. As with any program that has fiscal limitations, funding priorities should be clear and consistent with the intent of this program. The primary intent of this program is to recruit and retain members of the TNG. All reasonable efforts will be made to fulfill all eligible applications.

- (1) Priority 1. Members pursuing an undergraduate degree.
- (2) Priority 2. Members pursuing certification at a vocational/technical institution.
- (3) Priority 3. Members without a graduate degree who are pursuing a degree or those members who are pursuing a professional certification, i.e. teacher or principal certification, CPA, etc.

Authority: Public Acts of 2004; Chapter 477. *Administrative History:* Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1.11 OVERSIGHT.

- (1) ~~The office of primary responsibility is the office of the J-1.~~
- (2) ~~For the purpose of rendering recommendations and guidance for this program, the Adjutant General will appoint a State Tuition Assistance Advisory Board to consist of the following members, with additional members appointed as necessary:~~
 - (a) ~~J-1.~~
 - (b) ~~Education Services Officer [Army].~~
 - (c) ~~Military Personnel Management Officer [Air].~~
 - (d) ~~Recruiting and Retention Manager [Army].~~
 - (e) ~~Recruiting and Retention Superintendent [Air].~~
 - (f) ~~Senior NCO/Officer from a Field Unit [Army].~~
 - (g) ~~Senior NCO/Officer from a Field Unit [Air].~~

(Rule 0930-2-1-.11, continued)

(3) ~~The STAAB will have voting privileges for the purpose of conducting Board business.~~

(4) ~~The STAAB will meet as required or at the call of the Adjutant General.~~

~~Authority: Public Acts of 2004; Chapter 477. Administrative History: Original rule filed July 29, 2004; effective November 26, 2004.~~

0930-2-1-.12 WAIVER OF RULE.

(1) ~~The Adjutant General can waive any rule contained in 0930-2-1 not required by statute when it is in the best interest of the State of Tennessee and the Tennessee National Guard.~~

~~Authority: Public Acts of 2004; Chapter 477. Administrative History: Original rule filed July 29, 2004; effective November 26, 2004.~~

Chapter 0930-02-01
Rules for Military Department of Tennessee
Rules for Implementation of the "Tennessee Support, Training and Renewing Opportunity for National Guardsman (STRONG) Act of 2017"

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0930-02-01-.01 Purpose and Scope.

To establish the Rules to be used for administering the "Tennessee Support, Training and Renewing Opportunity for National Guardsman (STRONG) Act of 2017", hereinafter referred to as the "Program." The Program is administered and managed under the authority and guidance of the Adjutant General. The purpose of the Program is to aid in the recruitment and retention of service members of the Tennessee National Guard.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.02 Definitions.

(1) The terms that follow shall have the following meanings, as set forth in this Rule:

- (a) Educational institution: Any public university, college, or community college, or private college or any university that is regionally accredited and has its primary campus located within the state of Tennessee.

- (b) Federal Tuition Assistance (FTA): The FTA is distinct from and should not be confused with other tuition assistance programs that are federally funded, such as Montgomery GI Bill benefits and Post-9/11 GI Bill benefits. The FTA is a military tuition assistance program for which all Army National Guard and only active duty Air National Guard are eligible.
- (c) Tennessee Support, Training and Renewing Opportunity for National Guardsman Advisory Board (TN STRONG AB): The Program Advisory Board, also referenced herein as the "Board," is an advisory board to which the Adjutant General appoints Board members, and to whom the Adjutant General delegates the authority to review, approve or decline applications for STRONG Act tuition reimbursement, as set forth in this Rule and in accordance with Departmental policy.
- (d) Joint Force Headquarters Army National Guard G-1 (JFHQ G-1)/Joint Force Headquarters Air National Guard A-1 (JFHQ A-1): The JFHQ G-1/JFHQ A-1, or such office as named by the Adjutant General, is the office the Adjutant General has authorized, under his or her guidance and direction, to have primary responsibility for day-to-day operations for the Program, for the Tennessee Army National Guard and the Tennessee Air National Guard service members, respectively.
- (e) Credit hour: For the purposes of this Program, a credit hour is defined as the credit a service member receives for completion of an academic credit hour for a class in which a service member is enrolled beyond the educational institution's add/drop date and for which the service member receives a grade or a pass/fail designation, or is otherwise credited by the educational institution as having completed the course. If the service member drops a course prior to the add/drop date, the hours for that course will not be counted toward a service member's one hundred and twenty (120) attempted credit hours. A credit hour may include any associate degree hour or life experience (or equivalent) hour that is in furtherance of a service member's first bachelor's degree.
- (f) Good standing:
 - 1. A service member of the Tennessee National Guard is considered to be in good standing for the purposes of this Program :
 - (i) if he or she, at the time the JFHQ G-1/JFHQ A-1 time/date stamps the application for STRONG Act reimbursement as received:
 - (I) has not accumulated nine (9) or more unexcused absences from unit training assemblies, nor failed to attend a scheduled annual training, within a twelve (12) month period prior to the time/date stamped receipt of the service member's application, unless the service member produces documentation, showing that the service member had obtained proper permission from his or her unit commander excusing the absence; and
 - (II) has not missed a ship date to complete basic military training before the first day of class for the semester, trimester, quarter, or academic term for which the service member has submitted an application for STRONG Act tuition reimbursement, unless the service member produces documentation, showing that the

service member had obtained proper permission from his or her unit commander excusing the absence; and

2. Additionally, in order to be considered in good standing for that academic term a service member must:

- (i) have filed a course/degree plan with the JFHQ G-1/JFHQ A-1 after the completion of nine (9) credit hours, which course/degree plan will detail all required courses needed to fulfill degree requirements; and
- (ii) after earning twelve (12) credit hours, the service member must have declared a major. If the service member has completed twelve (12) credit hours at the time that the application for tuition reimbursement is time/date stamped as received, the service member must include his or her declared major in the service member's application for tuition reimbursement. If a service member's major has changed, the new major must be reflected on subsequent applications for tuition reimbursement and course/degree plans.

3. Finally, to be considered in good standing for the purposes of this Program, the Board must have deemed the service member to be in good standing, after having reviewed relevant information obtained through the application process, at the direction and under the authority and guidance of the Adjutant General.

- (g) Currently active: A service member of the Tennessee National Guard is considered to be currently active for the purposes of this Program if he or she is an active member in the Tennessee Army National Guard and/or the Tennessee Air National Guard at the time his or her application for STRONG tuition reimbursement is time/date stamped as received by the JFHQ G-1/JFHQ A-1.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.03 STRONG Act Tuition Reimbursement is Subject to Funding Availability.

- (1) Meeting the eligibility criteria as outlined in Rule 0930-02-01-.06 does not obligate the Tennessee Military Department to award STRONG Act tuition reimbursement. The approval and award of STRONG Act tuition reimbursement is subject to funding availability.
- (2) If funding becomes limited, distribution of STRONG Act tuition reimbursement will be executed in accordance with Departmental policy.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.04 Scope of STRONG Act Tuition Reimbursement.

- (1) Payments of STRONG Act tuition reimbursement must be paid directly to an educational institution and not to the Tennessee National Guard member.

- (2) When the Board approves an eligible service member's application for STRONG Act tuition reimbursement, and the service member is attending a public educational institution, the Department of Military shall pay the educational institution an amount equal to one hundred percent (100%) of the maximum resident undergraduate in-state tuition charged by the institution attended, less all other state or federal financial assistance as described in T.C.A. §49-4-1005. Such financial assistance must be credited first to the service member's tuition, subject to T.C.A. §49-4-1005.
- (3) Notwithstanding 0930-2-1-.04(2), for service members attending a private two-year college, the amount of STRONG Act tuition reimbursement paid is the average cost of tuition at the public two-year postsecondary institutions, as determined by the Tennessee Higher Education Commission and Tennessee Student Assistance Corporation, less all other financial assistance received by the service member. For service members attending a private four-year college or university the amount paid is the average cost of tuition at the public four-year universities, as determined by the Tennessee Higher Education Commission and Tennessee Student Assistance Corporation, less all other financial assistance received by the service member. Such financial assistance must be credited first to the amount of the average tuition, subject to T.C.A. §49-4-1005.
- (4) STRONG Act tuition reimbursement amounts which a service member may be eligible to receive under this part must be offset and reduced by the aggregate amount of state and federal education financial assistance received by the service member during the semester or educational term for which STRONG Act tuition reimbursement is sought, unless federal law or regulation requires otherwise, in which case federal priority controls. Examples of such federal and state tuition assistance include, but are not limited to, the Tennessee Promise scholarship, the Tennessee Reconnect grant, the Tennessee HOPE scholarship, and similar state assistance, as such assistance programs or grants may be amended, as well as Tennessee student assistance awards, the federal Pell grant, Montgomery GI Bill benefits, Post-9/11 GI Bill benefits, and federal tuition assistance program benefits.
- (5) Service members who are eligible for FTA as defined herein must apply for and use any tuition awarded through FTA.
- (6) The above provisions apply to any STRONG Act tuition reimbursement paid to both public and private educational institutions.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.05 Program Administration.

The Program will be administered by the JFHQ G-1/JFHQ A-1 at the direction and under the authority of the Adjutant General.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.06 Eligibility.

To qualify for STRONG Act tuition reimbursement pursuant to T.C.A. §49-04-1005, the Tennessee National Guard member must satisfy all of the following conditions:

- (1) The service member must be in good standing as defined in this Rule.
- (2) The service member must be currently active in the Tennessee National Guard as defined in this Rule.
- (3) The service member must have served in the Tennessee National Guard during the applicable academic term for which the application for STRONG Act tuition reimbursement is submitted.
- (4) The service member must have maintained satisfactory academic progress and received a minimum grade point average of 2.0 as determined by the educational institution attended for the academic term for which STRONG Act tuition reimbursement is sought.
- (5) The service member must be pursuing postsecondary credit hours toward a first bachelor's degree.
- (6) The service member's STRONG Act tuition reimbursement application must be time/date stamped as received by the JFHQ G-1/JFHQ A-1 within ninety (90) days of the last day of instruction for the academic term, as determined by the service member's educational institution.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.07 Application Process for STRONG Act Tuition Reimbursement.

- (1) Members of the Tennessee National Guard who meet the requirements of Rule 0930-02-01-.06 may apply for STRONG Act tuition reimbursement using the application process as set forth by this Rule and Departmental policy, and in accordance with guidance from the Adjutant General.
- (2) Service members must apply for tuition reimbursement through this Program within ninety (90) days of the last day of instruction for the academic term, as determined by the service member's educational institution, for which the service member is seeking STRONG Act tuition reimbursement.
- (3) Service members shall be required to submit a release to their educational institution that explicitly allows their educational institutions to lawfully release student records or other information requested by the JFHQ G-1/JFHQ A-1 during the application process.
- (4) Service members must submit completed and signed STRONG Act tuition reimbursement applications to the JFHQ G-1/JFHQ A-1 in a timely manner. Upon receipt, the JFHQ G-1/JFHQ A-1 will time/date stamp the applications as received, conduct an initial review of the applications for eligibility, accuracy, completeness, and process the applications accordingly. Incomplete or invalid applications may be returned without action by the JFHQ G-1/JFHQ A-1 for necessary corrections that would render the application complete and valid.
- (5) The JFHQ G-1/JFHQ A-1 shall submit a form to the service member's unit commander, or his or her designee, which requires the commander, or his or her designee, to report any disciplinary action(s) pending against the service member and document whether he or she would recommend the service member as a candidate for approval of STRONG Act tuition reimbursement.

- (6) The Adjutant General has ultimate authority to approve or deny applications for STRONG Act tuition reimbursement through this Program. At his or her discretion, the Adjutant General may delegate this authority to the TN STRONG AB, under the Adjutant General's direction and guidance, in accordance with this Rule and with Departmental policy.
- (7) The JFHQ G-1/JFHQ A-1 must submit a complete application to the TN STRONG AB for review and approval, as appropriate, in accordance with this Rule and with Departmental policy. For the purposes of this Program, a complete application will include:
- (a) the Tennessee National Guard member's timely-submitted application for STRONG Act tuition reimbursement; and
 - (b) the form referenced in 0930-02-01-.07(5), completed by the service member's unit commander or designee, to include his or her formal recommendation as to whether or not to approve the service member's application for STRONG Act tuition reimbursement ; and
 - (c) the JFHQ G-1/JFHQ A-1's formal recommendation as to whether or not to approve the service member's application for STRONG Act tuition reimbursement.
- (8) The TN STRONG AB, acting under the authority and instruction of the Adjutant General, may consider the complete, timely application to make a determination as to whether the service member is in good standing and currently active in the Tennessee National Guard for the purposes of this Program. When a service member is deemed to be currently active and in good standing, the Board will consider the application for approval in accordance with these Rules and Departmental policy. The Board, in its discretion, may consider all information obtained during the application process, in accordance with these Rules and Departmental policy, when making a determination of whether or not to approve a service member's application for STRONG Act tuition reimbursement through this Program. However, neither the aforementioned recommendations nor any other factor(s) taken into consideration are inherently determinative with regard to the ultimate determination to approve or decline to approve a service member's application for STRONG Act tuition reimbursement through this Program.
- (9) Approved applications will be time/date stamped and returned to the JFHQ G-1/JFHQ A-1 for processing STRONG Act tuition reimbursement, in accordance with this Rule and with Departmental policy. Applications that are declined by the Board will be time/date stamped as declined and returned to the service member, who will have thirty (30) days from the date of the Board's determination to submit an appeal to the Adjutant General for his or her consideration of the Board's decision, in accordance with this Rule and Departmental policy.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.08 Cessation of Eligibility for Strong Act Tuition Reimbursement.

- (1) Eligibility for STRONG Act tuition reimbursement will permanently cease upon the advent of any of the following conditions:
- (a) The service member has attempted one hundred twenty (120) credit hours, inclusive of any postsecondary credit hours earned prior to receipt of STRONG Act tuition reimbursement; or

- (b) The service member has completed eight (8) full-time semesters, as defined in T.C.A. §49-4-1003(b), or the equivalent of a semester if the educational institution is on a system other than a semester system, as defined in T.C.A. §49-4-1003(c); or
 - (c) The service member has earned a first bachelor's degree.
- (2) Eligibility will cease when a service member is not in good standing as defined in this Rule.
- (3) Eligibility will cease when a service member is not currently active as defined in this Rule.
- (4) All service members applying for tuition reimbursement through this Program are subject to the statutory limitations and conditions as provided in T.C.A. §49-4-1005. Should a service member fail to maintain satisfactory academic progress and a minimum of a 2.0 grade point average, he or she will become ineligible for tuition reimbursement. However, the service member may regain eligibility for tuition reimbursement at the end of any subsequent semester in which satisfactory academic progress and the required grade point average are established and the service member is deemed to meet all other requirements for STRONG Act reimbursement as determined by the Board.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.09 Oversight.

Pursuant to §49-4-1001, et seq., the Adjutant General is vested with the authority to implement rules to effectuate the purposes of this Program. The Adjutant General hereby provides the following oversight provisions, which may be changed at any time at the Adjutant General's discretion:

- (1) The Adjutant General delegates oversight of day-to-day operations of this Program, as directed by the Adjutant General, to the JFHQ G-1/ JFHQ A-1.
- (2) The Adjutant General may appoint Board members to the TN STRONG AB as necessary and vest them with the following authority:
 - (a) The Board members will have voting privileges for the purpose of conducting Board business, in accordance with this Rule and Departmental policy.
 - (b) The TN STRONG AB will meet as required by this Rule or Departmental policy; or at the request of the Adjutant General, operating upon the recommendation of JFHQ G-1/ JFHQ A-1; or when otherwise directed by the Adjutant General or his or her designee.
 - (c) The TN STRONG AB has the authority to review completed applications that are submitted by JFHQ G-1/ JFHQ A-1 and determine the outcome of the application process in accordance with this Rule and Departmental policy.
- (3) The Department of Military's Office of General Counsel may provide legal guidance to the JFHQ G-1/JFHQ A-1, the TN STRONG AB and to the Adjutant General as it relates to administration of the Program, as necessary.
- (4) The Adjutant General will have appellate authority and jurisdiction over the administration of this

Program. He or she may delegate the procedural, legal, and/or administrative functions of the appellate process to the Office of the General Counsel, in accordance with this Rule and Departmental policy.

- (5) Any service member denied STRONG Act tuition reimbursement by the STRONG AB may submit a request for appellate consideration to the Adjutant General, in accordance with Departmental policy and this Rule.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.

0930-02-01-.10 Waiver of Rule.

The Adjutant General may waive any Rule contained in 0930-02-01 not required by statute when it is in the best interest of the State of Tennessee and the Tennessee Military Department.

Authority: T.C.A. §§ 49-4-1001 et seq. and 58-1-101 et seq.; and Acts 2017, ch. 0229.