

**Agenda Item:** III.A.

**DATE:** July 15, 2004

**SUBJECT:** Public Necessity and Permanent Rule Revision - Chapter 1540-1-4, Public Higher Education Fee Waivers for State Employees

**ACTION RECOMMENDED:** Approval

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**BACKGROUND INFORMATION:** In 1990, the General Assembly passed legislation to allow state employees to take one course at any public postsecondary institution for which the standard fees for the course are waived. The General Assembly extended this provision during the recently completed legislative session to allow use of the fee waiver for courses taken at the Tennessee Foreign Language Institute.

The statute authorizing the discounts requires the Commission to promulgate rules to implement the program. The attached document reflects changes made pursuant to the statutory change, as well as modifications that will clarify the extent of the benefit and make the rules easier to understand. The changes are reflected by the underlining of new language and ~~striketroughs~~ of deleted language.

By approving this agenda item, you are adopting two identical sets of rules; public necessity rules that will become effective immediately upon filing with the Secretary of State, and proposed rules that will follow the regular rulemaking process.

**RECOMMENDED PUBLIC NECESSITY AND PROPOSED RULE REVISIONS**  
**CHAPTER 1540-1-4**  
**PUBLIC HIGHER EDUCATION FEE WAIVERS FOR STATE EMPLOYEES**

1540-1-4-.01	Definitions
1540-1-4-.02	Eligibility
1540-1-4-.03	<u>Limitations</u>
1540-1-4-.04	Appeals Procedures
<del>1540-14-.05</del>	<del>Precedence of the Act</del>

~~1540-1-4-.01~~ — Introduction

~~These rules implement the provisions of the T.C.A. Title 8, Chapter 50, Part 1 in Public Chapter 1047 of the 1990 Public Acts (hereinafter called “the Act. The Act enables full-time employees of the State of Tennessee to be eligible for enrollment in one course per term at any state supported college, or university or technology center without paying tuition charges, maintenance fees, debt service fees, student activity fees, or registration fees.~~

1540-1-4-.01 Definitions

~~(1) Definitions. As used in these regulations:~~

- (1) Course: Undergraduate or graduate credit courses at a state supported college or university, ~~and~~ to certificate or diploma credit courses at the technology centers, or any course offered by the Institute.
- (2) Full-time employees of the State of Tennessee: Employees of the executive, judicial or legislative branches of Tennessee state government scheduled to work one thousand nine hundred and fifty (1,950) hours or more per year (~~hereinafter called “employee”~~).
- (3) State supported college or university or technology centers ~~means~~ or Institution: Any institution operated by the University of Tennessee or the Tennessee Board of Regents which offers courses of instruction beyond the high school level (~~hereinafter called “institution”~~).
- (4) Tennessee Foreign Language Institute or Institute: Foreign language institute established by Tennessee Code Annotated Title 49, Chapter 50, Part 13.
- (5) Term: The timeframe in which a course is offered by the institution, and for purposes of these rules includes Fall, Spring, Summer and special session terms, as defined by the individual universities and colleges. It is the intent of these rules that an employee may take up to two courses over the course of a special session term and the two Summer semester terms as long as the two instruction periods do not overlap. ~~For the area vocational technical schools technology centers and the Institute, “term” refers to a three month reporting period. The four terms are:~~

July 1 - September 30  
October 1 - December 31  
January 1 - March 31  
April 1 - June 30

- (6) ~~“tuition charges, maintenance fees, debt service fees, student activity fees or registration fees: are fees to be waived for eligible employees. Fees that are waived by this program are defined as follows:~~
  - (a) Debt service fees: An additional charge to students for the retirement of indebtedness and may be included in the maintenance fee charges.

- (b) Maintenance fees: Fee charged to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls.
- (c) Registration fees: Maintenance fees as described above.
- (d) Student activity fees: Student charges in addition to tuition and maintenance fees and are based on the credit hour enrollment of the student. Some institutions include student activity fees in the maintenance fees rather than as a separate charge. Student activity fees support health services, athletics, student newspapers and social and cultural events.
- (e) Tuition charges: An additional fee charged to students classified as non-residents and is in addition to the maintenance fee.

#### 1540-1-4-.02 Eligibility

- (1) Full-time employees of the State of Tennessee shall be eligible to enroll in one course per term at any state supported college, university or technology center, or the Tennessee Foreign Language Institute, without paying tuition charges, maintenance fees, student activity fees, or registration fees.
- (2) The employee must be a full-time employee of the State of Tennessee with six months or more of continuous state service as of the first day of classes for the term as determined by the institution or institute, meet the other provisions of this chapter and be eligible for enrollment at the institution for which a fee waiver is sought according to the academic rules and regulations of the institution. A change in employment status after the first day of classes will affect eligibility for the fee waiver only for subsequent terms.

#### 1540-1-4-.03 Limitations

- (1) Fee waivers are limited to one course per term. Fees will not be waived for non-credit or correspondence courses. Employees are not eligible for fee waivers at more than one institution per term. For the purposes of this paragraph, the term "institution" shall include the Institute.
- (2) Fees and charges which will not be waived include the cost of books or other course materials which are retained by the student, application fees, ~~applied music fees, lab fees,~~ off-campus facilities fees, parking fees, ~~and~~ traffic fines, and fees assessed that are applied to the cost of the course or which directly support the department offering the course such as applied music fees, lab fees, fees assessed to off-set the cost of offering distance education courses or courses offered in a particular discipline.
- (3) Fees will not be waived for programs for which part-time or course by course enrollment is prohibited as determined by the institutions. Examples include, but are not limited to, programs of law, medicine, dentistry, pharmacy, and veterinary medicine.
- (4) The fee waiver program described ~~herein~~ in this chapter may not be used in conjunction with any other fee waiver or discount program.
- (5) At the time of enrollment, the employee must have a completed state employee fee waiver form signed by his or her employer certifying that the applicant is a full-time employee with at least six months of continuous service. Forms are available at the higher education institutions or on the Commission's website, <www.state.tn.us/thec>.
- (6) Enrollment may be limited or denied by the college, university, ~~or~~ technology center, or the Institute on an individual basis according to space availability.

- (7) No tuition paying student shall be denied enrollment in a course because of state employee enrollments pursuant to this Act.
- ~~(8) Fee waivers described herein will be available beginning with the Fall 1990 term as defined by the institutions.~~
- (9) Rights and privileges provided to full-time employees of the state university and community college system and the University of Tennessee pursuant to T.C.A. § 49-7 shall not be affected or diminished by the Act.
- (10) The Higher Education Commission ~~will have the authority to~~ shall develop a methodology for allocating appropriations to reimburse institutions and the institute for ~~enrollments related to the Act~~ fees waived pursuant to this program.

1540-1-4-.04 Appeals Procedures

Appeals regarding the determination of eligibility of the applicant will be available in a manner consistent with institutional procedures now in place for admissions decisions.

~~1540-1-4-.05~~ Precedence of the Act

~~The rules are subordinate to the Act and are intended to facilitate its implementation. Any portion of these regulations which are adjudicated as contrary to law are to be considered null and void. All other portions of these rules shall be severed therefrom and considered in full force.~~