



Fall Quarterly Meeting

**18th Floor, Parkway Towers
Nashville, TN**

November 16, 2016

**Tennessee Higher
Education Commission**



AGENDA
TENNESSEE HIGHER EDUCATION COMMISSION
Fall Quarterly Meeting
Commission Boardroom, Parkway Towers
November 16, 2016, 10:00 a.m. – 3:00 pm CST

Adoption of Agenda

Approval of Minutes, July 20, 2016 Meeting

Chairman's Report

Executive Director's Report

Systems' Reports

Tennessee Board of Regents

University of Tennessee

Action Items

- I. Postsecondary State Authorization
 - A. Authorization of New Institutions
 - B. Approval of New Programs
 - C. Optional Expedited Authorization
 - D. Rule Revisions
- II. New Academic Programs
 - A. Middle Tennessee State University, Religious Studies, BA/BS
- III. Drive to 55 Capacity Building Fund Recommendations
- IV. 2017-18 Operating State Appropriation Recommendations
- V. 2017-18 Student Fee Recommendations
- VI. 2017-18 Capital Projects Recommendations
- VII. Schedule of 2017 Commission Meetings

**THEC Summer Meeting Minutes
July 20, 2016**

ROLL CALL

Commission Chairman Evan Cope called the meeting to order at 1:00 p.m. Brett Gipson called the roll. With four members absent and the non-voting student member not yet appointed, a quorum was present and recognized.

Commission Members Present:

Chairman Evan Cope	Treasurer Lillard
Dr. Nancy Dishner	Ms. Martin
Ms. Kadire	Ms. Roach
Ms. Koban	Mr. Wharton
Mr. Bill Lee	Mr. Wilson

Commission Members Absent

Secretary Hargett	Mr. Kustoff
Dr. Heyburn (non-voting)	Comptroller Wilson

*Student Member (non-voting) not appointed yet

ADOPTION OF AGENDA

Chairman Cope asked for a motion to adopt the meeting agenda. Mr. Wharton moved approval of the agenda and Mr. Wilson seconded the motion. The agenda was adopted unanimously by voice vote.

ADOPTION OF MINUTES, APRIL 21, 2016 MEETING

Chairman Cope asked for a motion to adopt the minutes of the April meeting as prepared. Vice Chairman Keith Wilson moved approval of the minutes and Treasurer David Lillard seconded the motion. The minutes were adopted unanimously by voice vote.

CHAIRMAN'S REPORT

Chairman Cope thanked Dr. Cecelia Foxley and Emily Dickens, representing the Association of Governing Boards (AGB), for facilitating a productive discussion during the morning Work Session regarding the FOCUS Act and its implications for the Commission's relationship with the six current Tennessee Board of Regents (TBR) universities. He also welcomed Dr. Nancy Dishner, who was attending her first Commission meeting, having recently been appointed by Governor Haslam. Dr. Dishner serves as President and CEO of the Niswonger Foundation in Greeneville, Tennessee.

EXECUTIVE DIRECTOR'S REPORT

Chairman Cope then recognized Dr. Russ Deaton to provide the Executive Director's Report. Dr. Deaton recognized the following employees recently added to the THEC staff: Dr. Lauren Collier, Director of Institution and Board Affairs; Chandra Eiland-Houston, TN Reconnect Community Network Director; Carl Manka, Capital Projects Consultant; and Dr. Pamela Knox, Associate Chief Academic Officer. He also invited members to attend a reception at the Governor's Residence later in the evening to honor the 2016-2017 class of Ned McWherter Scholars, who represent the very highest achieving high school graduates from the State of Tennessee. This year's class of 115

awardees all had an unweighted cumulative grade point average of 3.5 or better and an ACT composite score of 29 or better.

Dr. Deaton then recognized Jessica Gibson for an update on the Tennessee Reconnect Communities-Eight multi-county regions across the state that serve adults wishing to complete a degree. With fiscal support from the State and operational support from the Philadelphia-based Graduate! Network, three of these communities have deployed so far. By November 2016, 66 of Tennessee's 95 counties will have access to a Reconnect Community. Supporting the network of communities is the Reconnect Ambassador program, which seeks to build a human safety net of supporters for adult learners in Reconnect Communities. The first cadre of Ambassadors will comprise 150 employees from the Department of Economic and Community Development.

Dr. Deaton then recognized Steven Gentile to provide information on the potential impact of Tennessee Promise on student loan disbursement in the state. Mr. Gentile found support for his hypothesis that students supported by Tennessee Promise will take out less in federal student loans than non-Promise students. First, federal loan recipients and disbursements were down 19 percent between FY2014-2015 and FY2015-2016, while total fall headcount was up 2.4 percent and Promise enrollment was up 25 percent for first time freshmen. Second, loan recipients as a share of headcount decreased 46 percent to 36 percent, for a decrease of 21 percent. Finally, the average amount of each loan decreased from \$1,400 to \$1,100 per student. Chairman Cope thanked Mr. Gentile for providing such concrete and encouraging results.

SYSTEM REPORTS

Tennessee Board of Regents System

Acting Chancellor David Gregory reported that FOCUS transition is urgent on the minds of Regents and the staff, but reassured members that student success remains job one. All six universities have met with Belle Whelan, President of the Southern Association of Colleges and Schools (SACS) Commission on Colleges, and all are on track to have a substantive change regarding governance structure approved through the SACS process. Campus safety and security is also a major focus in light of recent events across the country. For the first time, this fall faculty and staff have the authority to carry weapons on campus. A task force has been appointed that will make recommendations for improving campus security. Finally, he announced that Dr. Tristan Denley received the Newell Perry Award, the highest form of recognition that the National Federation for the Blind can give an individual, for making higher education more accessible to visually impaired students.

University of Tennessee System

President Joe DiPietro relayed Chancellor Jimmy Cheek's decision to return to the classroom and said a replacement will be named by the first quarter of 2017. The recent passing of Lady Vols Head Basketball Coach Pat Summit was noted. He also announced that UT has settled a lawsuit brought by sexual assault plaintiffs and has put many new things in place to address sexual misconduct across the entire system. Regarding guns on campus, UT has implemented new safety policies, effective July 1. At the June UT board meeting, the Board approved Tuition and Fees increase of only 2.2 percent, in keeping with the university's commitment to raise tuition at no more than the rate of inflation. Since closing the Diversity Office at UT Knoxville, Noma Anderson has been named special advisor to Dr. DiPietro on diversity and inclusion. The System is also looking for a permanent UT Martin Chancellor, UT System Chief Financial Officer, and an Executive Vice President / Chief

Operating Officer at the UT System level. On May 20, the Cherokee Farm Innovation Campus and Research Park announced that Civil & Environmental Consultants Inc. (CEC) is the first private tenant in the research park. Finally, UT Martin introduced its new “Soar in Four” tuition model, which provides students incentive to complete on time.

ACTION ITEMS

Election of 2016-2017 THEC Officers

Chairman Cope recognized Dr. Deaton, who presented a proposal that Chairman Cope would continue to serve as Chair, as would Mr. Wilson and David Kustoff, as Vice Chairs, and Mr. Wharton, as treasurer. Mintha Roach moved approval of the positions, and Pam Martin seconded. The motion was adopted by unanimous voice vote.

Postsecondary Education Authorization

Dr. Stephanie Bellard Chase presented the recommendation of the Committee on Postsecondary Educational Institutions to authorize several new academic and training programs. Mr. Wharton moved approval of the recommendation and Vice Chairman Wilson seconded. The motion was unanimously adopted by voice vote. Dr. Bellard Chase also recommended re-appointment of the current members of the Committee, and this was approved unanimously with a voice vote.

Julie Woodruff presented new administration rules necessitated by the HEAA of 2016, effective Oct 1, 2016, which, with approval, will be transmitted to the Office of the Attorney General for approval prior to submitting them to the Tennessee Secretary of State’s office. Mr. Wharton raised concern about the Accrediting Council of Independent Colleges and Schools’ (ACICS) pending status with the U.S. Department of Education and how that might affect the Commission’s approval today of any programs offered by institutions accredited by ACICS. He was concerned about student protection now that the accreditor of the institutions is itself under review. Ms. Woodruff replied that the institutions, if their authorization were to go away under the demise of the ACICS, could request a hearing with THEC for an appeal. Mayor Wharton suggested we give them a single opportunity, which is all these rules require. Vice Chairman Wilson moved approval of the rule revisions and the motion was approved with 8 ayes and one abstention from Mr. Wharton.

Vote:

Mr. Cope (aye)	Mr. Lee (aye)
Dr. Dishner (aye)	Treasurer Lillard (aye)
Secretary Hargett (absent)	Ms. Martin (aye)
Dr. Heyburn (non-voting) and (absent)	Ms. Roach (aye)
Ms. Kadire (aye)	Mr. Wharton (abstain)
Ms. Koban (aye)	Comptroller Wilson (absent)
Mr. Kustoff (absent)	Mr. Wilson (aye)

*student member (non-voting) not appointed yet

2016-2017 Proposed Operating Budgets

Crystal Collins presented the proposed institutional operating budgets for FY 2016-2017. These had been reviewed by each system’s Board, and they were now being presented for THEC approval. Pam Koban moved approval of the budgets, authorizing Dr. Deaton to make adjustments as necessary.

Mayor Wharton seconded the motion, which was approved by roll call vote with 8 ayes and one abstention from Ms. Kadire.

Vote:

Mr. Cope (aye)	Mr. Lee (aye)
Dr. Dishner (aye)	Treasurer Lillard (absent at time of vote)
Secretary Hargett (absent)	Ms. Martin (aye)
Dr. Heyburn (non-voting) and (absent)	Ms. Roach (aye)
Ms. Kadire (abstain)	Mr. Wharton (aye)
Ms. Koban (aye)	Comptroller Wilson (absent)
Mr. Kustoff (absent)	Mr. Wilson (aye)

*Student Member (non-voting) not appointed yet

TSU and MTSU Master Plans

The Tennessee State University (TSU) master plan update was presented by architects from Woolpert, Inc. the institution’s planning firm. The plan identified needs for: better campus access and security at entry and exit points, a new health science building; moving parking to the campus perimeter; accentuating open space and pedestrian circulation; and outdoor activities and gathering spaces. Under the plan, the university will remove some facilities and acquire contiguous land for new housing, student services, and research and sponsored programs. All components were laid out in phases covering years 1-3, 4-8, and 9-20. The architect noted that this was a good guide but is adaptable over that time. Vice Chairman Wilson moved approval of the report, Ms. Martin seconded, and the motion was adopted by unanimous voice vote.

The Middle Tennessee State University (MTSU) Master Plan Update was presented by Perkins+Will Architects. The site study plans for new FTE growth, 15 new or repurposed academic facilities, 683 new beds, and 1262 new parking spaces. Vice Chairman Wilson moved adoption of the report and Mayor Wharton provided the second. The motion was adopted by unanimous voice vote.

Drive to 55 Capacity Building Fund Criteria

Mr. Gentile provided background on the Drive to 55 Capacity Fund, which was a recommendation of the Higher Education Capital Task Force convened two years ago at the direction of Governor Haslam. Mr. Gentile’s comments covered the fund’s purpose and proposed scoring rubric. In November 2015, the Commission requested \$10 million for this purpose and was appropriated \$24.25 million from the General Assembly. Staff developed a Request for Proposals (RFP) to allow public institutions and non-formula units to apply for a competitive grant and received 47 letters of intent to apply. Proposals, which are due by October 7, will be reviewed by scorers from several state agencies. Scoring will be based on project description, timeline, budget, sustainability, and how well the project contributes to D55 bottom line of more degrees and better aligned degrees. Awards will be made in two categories: program expansion and new capital construction / major renovation. The THEC staff has asked Dick Tracy of TBR and Robbi Stivers of UT to help validate the proposals’ estimated costs. Proposal scoring and the recommendations of the evaluation team will be presented at the November 16th THEC meeting.

After a lengthy discussion of award criteria, Bill Lee moved approval of the criteria as presented, with the opportunity to make selections based on the Commission staff's comprehensive analysis of cost per student, return on investment, and how well the project addresses D55 goals of degree production and program/workforce alignment. The motion was seconded by Mr. Wharton. A roll call vote was taken and the motion was approved with eight ayes and one abstention from Ms. Kadire.

Vote:

Mr. Cope (aye)	Mr. Lee (aye)
Dr. Dishner (aye)	Treasurer Lillard (Absent at time of vote)
Secretary Hargett (Absent)	Ms. Martin (aye)
Dr. Heyburn (non-voting) and (Absent)	Ms. Roach (aye)
Ms. Kadire (Abstain)	Mr. Wharton (aye)
Ms. Koban (aye)	Comptroller Wilson (absent)
Mr. Kustoff (Absent)	Mr. Wilson (aye)

*Student member (non-voting) not appointed yet

INFORMATION ITEMS

College for TN and Transcript Exchange Updates

Troy Grant provided updates on the College for TN website and e-Transcript Exchange. The new and improved CollegeforTN website will provide for electronic transcript exchange. Five different vendors across the state now hold student data. The new e-transcript application had to be able to find out how to extract what we need, put it in common form, and decide between three different high school grade point averages that students have on their records. The transcript exchange system sent nearly 18,000 transcripts across this platform in summer 2016 to TSAC for GPA verification for Hope Scholarship purposes. Postsecondary transcripts will be next phase of development.

Next Meeting

The Fall Commission meeting will be held on November 16, 2016.

ADJOURNMENT

Chairman Cope adjourned the meeting at 3:50 p.m.

Approved:

Evan Cope
Chairman

DATE: November 16, 2016

SUBJECT: Temporary Authorization of New Institutions under the Tennessee Higher Education Authorization Act of 2016

ACTION RECOMMENDED: Temporary Authorization

BACKGROUND INFORMATION: The Commission, under the Tennessee Higher Education Authorization Act of 2016, has the “power and duty” to act upon applications for authorization to operate an educational institution in the state. For the institutions listed below, applications have been reviewed, site visits have been performed, and staff has determined that all necessary documentation and bonds have been secured. The Committee on Postsecondary Educational Institutions met on November 2, 2016 and endorsed staff recommendations for Temporary Authorization of these institutions.

A. Buchanan Beauty College **Pleasant View, TN**
2008 Highway 49 East, Suite 202, Pleasant View, Tennessee 37146

Corporate Structure: Sole Proprietorship
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Buchanan Beauty College is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Pleasant View, Tennessee.

1. Program: Cosmetology
Credential Awarded: Diploma
Length of Program: 1500 Contact Hours
13 Months

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

2. Program: Senior Instructor
Credential Awarded: Diploma
Length of Program: 300 Contact Hours
3 Months

License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

B. Buchanan Beauty College

Tullahoma, TN

211 West Coffee Street, Tullahoma, Tennessee 37388

Corporate Structure: Sole Proprietorship
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Buchanan Beauty College is seeking approval for three new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Tullahoma, Tennessee.

1. **Program:** Cosmetology
Credential Awarded: Diploma
Length of Program: 1500 Contact Hours
13 Months

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

2. **Program:** Nail Technology
Credential Awarded: Diploma
Length of Program: 600 Contact Hours
6 Months

License/Certification Required for Employment: Manicurist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

3. **Program:** Senior Instructor
Credential Awarded: Diploma
Length of Program: 300 Contact Hours
3 Months

License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

C. Career Beauty College

Lawrenceburg, TN

113 South Military Avenue, Lawrenceburg, Tennessee 38464

Corporate Structure: Sole Proprietorship
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Change of Ownership:

Career Beauty College was purchased by Kelly McMasters, on July 1, 2016. The institution has been authorized by THEC since July 21, 2016.

Career Beauty College is seeking approval to revise three programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Lawrenceburg, Tennessee.

- 1. Program: Cosmetology (Revised)**
Credential Awarded: Diploma
Length of Program: 1500 Contact Hours
13 Months Full-Time
26 Months Part-Time

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 2. Program: Manicurist (Revised)**
Credential Awarded: Diploma
Length of Program: 600 Contact Hours
5 Months Full-Time
10 Months Part-Time

License/Certification Required for Employment: Manicurist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 3. Program: Instructor (Revised)**
Credential Awarded: Diploma
Length of Program: 300 Contact Hours
2.5 Months Full-Time
5 Months Part-Time

License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

D. Douglas J Aveda Institute **Knoxville, TN**
516 S. Gay Street, Knoxville, Tennessee 37902

Corporate Structure: S-Corporation
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Douglas J Aveda Institute is seeking approval for three new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Knoxville, Tennessee.

- 1. Program: Cosmetology**
Credential Awarded: Diploma
Length of Program: 1500 Contact Hours
11 Months Full-Time
14 Months Part-Time

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 2. Program: Esthiology**
Credential Awarded: Diploma
Length of Program: 750 Contact Hours
5 Months Full-Time
7 Months Part-Time

License/Certification Required for Employment: Esthetician
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 3. Program: Instructor**
Credential Awarded: Diploma
Length of Program: 300 Contact Hours
2 Months

License/Certification Required for Employment: Cosmetology Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- E. Fayetteville College of Cosmetology Arts & Sciences Fayetteville, TN**
201 West College Street, Fayetteville, Tennessee 37334

Corporate Structure: S-Corporation
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Fayetteville College of Cosmetology Arts & Sciences is seeking approval for four new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Fayetteville, Tennessee.

1. **Program:** Aesthetics
Credential Awarded: Diploma
Length of Program: 750 Contact Hours
6 Months Full-Time
12 Months Part-Time

License/Certification Required for Employment: Esthetician
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

2. **Program:** Cosmetology
Credential Awarded: Diploma
Length of Program: 1500 Contact Hours
12 Months Full-Time
24 Months Part-Time

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

3. **Program:** Manicuring
Credential Awarded: Diploma
Length of Program: 750 Contact Hours
6 Months Full-Time
12 Months Part-Time

License/Certification Required for Employment: Manicurist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

4. **Program:** Teacher Training
Credential Awarded: Certificate
Length of Program: 450 Contact Hours
3.5 Months Full-Time
7 Months Part-Time

License/Certification Required for Employment: Cosmetology Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

F. Gould's Academy **Memphis, TN**
1203 Ridgeway Road, Suite 203, Memphis, Tennessee 38119

Corporate Structure: Limited Liability Company (LLC)
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Gould's Academy is seeking approval for four new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Memphis, Tennessee.

- 1. Program: Cosmetology**
Credential Awarded: Diploma
Length of Program: 1500 Contact Hours
12.5 Months

License/Certification Required for Employment: Barber Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 2. Program: Esthetics**
Credential Awarded: Diploma
Length of Program: 750 Contact Hours
6 Months

License/Certification Required for Employment: Esthetician
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 3. Program: Manicuring**
Credential Awarded: Diploma
Length of Program: 600 Contact Hours
5 Months

License/Certification Required for Employment: Manicurist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 4. Program: Instruction**
Credential Awarded: Diploma
Length of Program: 300 Contact Hours
4 Months

License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- G. Heavy Equipment College of Tennessee (HECT) Clarksville, TN**
298 G Clear Sky Court, Clarksville, Tennessee 37043

Corporate Structure: Limited Liability Company (LLC)
Accreditation: None
Title IV Funding: No

Heavy Equipment College of Tennessee (HECT) is seeking approval for four new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Clarksville, Tennessee.

- 1. Program: Heavy Equipment Operations I**
Credential Awarded: Certificate
Length of Program: 112 Contact Hours
3 Weeks

- 2. Program: Heavy Equipment Operations II**
Credential Awarded: Certificate
Length of Program: 112 Contact Hours
3 Weeks

- 3. Program: Heavy Equipment Operations Level III**
Credential Awarded: Certificate
Length of Program: 338 Contact Hours
2.25 Months

- 4. Program: Large Hydraulic Crane Operations**
Credential Awarded: Certificate
Length of Program: 114 Contact Hours
3 Weeks

H. HRB Tax Group, Inc. Athens, TN
1508 Decatur Pike, Athens, Tennessee 37303

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Athens, Tennessee.

- 1. Program: Income Tax Course**
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

I. HRB Tax Group, Inc.
1233 W. Market Street, Bolivar, Tennessee 38008

Bolivar, TN

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Bolivar, Tennessee.

1. Program: Income Tax Course
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

J. HRB Tax Group, Inc.
26 Dixon Springs Highway, Carthage, Tennessee 37030

Carthage , TN

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Carthage, Tennessee.

1. Program: Income Tax Course
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

K. HRB Tax Group, Inc.
423 W. 7th Street, Columbia, Tennessee 38401

Columbia , TN

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Columbia, Tennessee.

- 1. **Program:** **Income Tax Course**
Credential Awarded: **Certificate**
Length of Program: **60 Contact Hours**
3.5 Months

L. HRB Tax Group, Inc. Crossville, TN
2052 N. Main Street, Crossville, Tennessee 38555

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Crossville, Tennessee.

- 1. **Program:** **Income Tax Course**
Credential Awarded: **Certificate**
Length of Program: **60 Contact Hours**
3.5 Months

M. HRB Tax Group, Inc. Humboldt, TN
2718C N. Central Avenue, Humboldt, Tennessee 38343

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Humboldt, Tennessee.

- 1. **Program:** **Income Tax Course**
Credential Awarded: **Certificate**
Length of Program: **60 Contact Hours**
3.5 Months

N. HRB Tax Group, Inc. Jacksboro, TN
312 Main Street, Jacksboro, Tennessee 37757

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Jacksboro, Tennessee.

- 1. **Program:** **Income Tax Course**
- Credential Awarded:** **Certificate**
- Length of Program:** **60 Contact Hours**
3.5 Months

O. HRB Tax Group, Inc. Lawrenceburg, TN
1702 N. Locust Avenue, Lawrenceburg, Tennessee 38464

- Corporate Structure:** C-Corporation
- Accreditation:** None
- Title IV Funding:** No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Lawrenceburg, Tennessee.

- 1. **Program:** **Income Tax Course**
- Credential Awarded:** **Certificate**
- Length of Program:** **60 Contact Hours**
3.5 Months

P. HRB Tax Group, Inc. Livingston, TN
708 N. Church, Livingston, Tennessee 38570

- Corporate Structure:** C-Corporation
- Accreditation:** None
- Title IV Funding:** No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Livingston, Tennessee.

- 1. **Program:** **Income Tax Course**
- Credential Awarded:** **Certificate**
- Length of Program:** **60 Contact Hours**
3.5 Months

Q. HRB Tax Group, Inc. Manchester, TN
2161 Hillsboro Boulevard, Manchester, Tennessee 37355

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Manchester, Tennessee.

1. Program: Income Tax Course
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

R. HRB Tax Group, Inc. Martin, TN
215 Hawks Road, Suite 9, Martin, Tennessee 38237

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Martin, Tennessee.

1. Program: Income Tax Course
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

S. HRB Tax Group, Inc. Nashville, TN
5320 Nolensville Pike, Nashville, Tennessee 37211

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee.

- 1. Program: Income Tax Course**
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

T. HRB Tax Group, Inc. Pikeville, TN
1275 Main Street, Pikeville, Tennessee 37367

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Pikeville, Tennessee.

- 1. Program: Income Tax Course**
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

U. HRB Tax Group, Inc. Pulaski, TN
124 N. 3rd. Street, Pulaski, Tennessee 38478

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Pulaski, Tennessee.

- 1. Program: Income Tax Course**
Credential Awarded: Certificate
Length of Program: 60 Contact Hours
3.5 Months

V. HRB Tax Group, Inc. Union City, TN
1700 W. Reelfoot Avenue, Suite 136, Union City, Tennessee 38261

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

HRB Tax Group, Inc. is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Union City, Tennessee.

- 1. Program: Income Tax Course**
- Credential Awarded: Certificate**
- Length of Program: 60 Contact Hours**
- 3.5 Months**

W. Image Maker Beauty Institute Hendersonville, TN
139 Maple Row Blvd, Suite 208, Hendersonville, Tennessee 37075

- Corporate Structure:** S-Corporation
- Accreditation:** National Accrediting Commission of Career Arts & Sciences (NACCAS)
- Title IV Funding:** Yes

Image Maker Beauty Institute is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Hendersonville, Tennessee.

- 1. Program: Cosmetology**
- Credential Awarded: Diploma**
- Length of Program: 1500 Contact Hours**
- 12 Months Full-Time**
- 16 Months Part-Time**

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

X. Lockhart Trucking Academy, LLC Mt. Juliet, TN
430 Clemmons Road, Mt. Juliet, Tennessee 37122

- Corporate Structure:** Limited Liability Company (LLC)
- Accreditation:** None
- Title IV Funding:** No

Lockhart Trucking Academy, LLC is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Mt. Juliet, Tennessee.

1. **Program:** Commercial Driving Preparation for Class A CDL
Credential Awarded: Certificate of Completion
Length of Program: 160 Contact Hours
4 Weeks

License/Certification Required for Employment: CDL-A
Licensing Board/Agency: Tennessee Department of Safety and Homeland Security

- Y. **Love Beauty School, Inc.** Manchester, TN
1161 Murfreesboro Hwy, Manchester, Tennessee 37355

Corporate Structure: S-Corporation
Accreditation: Council on Occupational Education (COE)
Title IV Funding: Yes

Love Beauty School, Inc. is seeking approval for four new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Manchester, Tennessee.

1. **Program:** Aesthetics
Credential Awarded: Certificate
Length of Program: 750 Contact Hours
6.25 Months Full-Time
12.5 Months Part-Time

License/Certification Required for Employment: Esthetician
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

2. **Program:** Cosmetology
Credential Awarded: Certificate
Length of Program: 1500 Contact Hours
13 Months Full-Time
30 Months Part-Time

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

3. **Program:** Nail Technology
Credential Awarded: Certificate
Length of Program: 600 Contact Hours
5 Months Full-Time
10 Months Part-Time

License/Certification Required for Employment: Manicurist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 4. Program: Instructor (Cosmetology)**
Credential Awarded: Certificate
Length of Program: 300 Contact Hours
2.5 Months Full-Time
2.5 Months Part-Time

License/Certification Required for Employment: Cosmetology Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- Z. Paul Mitchell the School Memphis Bartlett, TN**
 8000 U.S. Highway 64, Suite 108, Bartlett, Tennessee 38133

Corporate Structure: Limited Liability Company (LLC)
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

Paul Mitchell the School Memphis is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Bartlett, Tennessee.

- 1. Program: Cosmetology**
Credential Awarded: Certificate of Completion
Length of Program: 1500 Contact Hours
11 Months Full-Time
18 Months Part-Time

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 2. Program: Instructor Program**
Credential Awarded: Certificate of Completion
Length of Program: 300 Contact Hours
2 Months

License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- AA. Queen City College Clarksville, TN**
 1594 Ft. Campbell Boulevard, Clarksville, Tennessee 37042

Corporate Structure: Sole Proprietorship
Accreditation: Council on Occupational Education (COE)
Title IV Funding: Yes

Queen City College is seeking approval for six new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Clarksville, Tennessee.

- 1. Program: Barber 2010**
Credential Awarded: Certificate
Length of Program: 1500 Contact Hours
13 Months Full-Time
16 Months Part-Time

License/Certification Required for Employment: Master Barber
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 2. Program: Cosmetology 2016**
Credential Awarded: Certificate
Length of Program: 1500 Contact Hours
13 Months Full-Time
16 Months Part-Time

License/Certification Required for Employment: Cosmetologist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 3. Program: Esthetics 2013**
Credential Awarded: Certificate
Length of Program: 750 Contact Hours
7 Months Full-Time
10 Months Part-Time

License/Certification Required for Employment: Esthetician
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 4. Program: Nail Tech 2010**
Credential Awarded: Certificate
Length of Program: 600 Contact Hours
5 Months Full-Time
8 Months Part-Time

License/Certification Required for Employment: Manicurist
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 5. Program: Cosmetology Instructor**
Credential Awarded: Certificate

**Length of Program: 300 Contact Hours
3 Months Full-Time
4 Months Part-Time**

**License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners**

**6. Program: Barber Instructor
Credential Awarded: Certificate
Length of Program: 450 Contact Hours
4 Months Full-Time
6 Months Part-Time**

**License/Certification Required for Employment: Instructor License
Licensing Board/Agency: Board of Cosmetology and Barber Examiners**

**BB. Redemption School of Ministry Chattanooga, TN
1815 Union Avenue, Chattanooga, Tennessee 37404**

**Corporate Structure: Other
Accreditation: None
Title IV Funding: No**

Redemption School of Ministry is seeking approval for four new programs. The diploma programs will be offered in a residential format. The certificate program will be offered in a distance learning format. Instruction will be provided by the faculty from their authorized location in Chattanooga, Tennessee and online.

**1. Program: Missions
Credential Awarded: Diploma
Length of Program: 13 Semester Credit Hours
20 Months**

**2. Program: Pastoral Leadership
Credential Awarded: Diploma
Length of Program: 13 Semester Credit Hours
20 Months**

**3. Program: Worship
Credential Awarded: Diploma
Length of Program: 13 Semester Credit Hours
20 Months**

4. Program: Virtual
Credential Awarded: Certificate
Length of Program: 12 Semester Credit Hours
12 Months

CC. The Barber School **Jackson, TN**
77 Carriage House Drive, Suite H, Jackson, Tennessee 38305

Corporate Structure: S-Corporation
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

The Barber School is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Jackson, Tennessee.

1. Program: Master Barber
Credential Awarded: Certificate
Length of Program: 1500 Contact Hours
11 Months Full-Time
18 Months Part-Time

License/Certification Required for Employment: Master Barber
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

2. Program: Master Barber Instructor
Credential Awarded: Certificate
Length of Program: 450 Contact Hours
4 Months Full-Time
6 Months Part-Time

License/Certification Required for Employment: Barber Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

DD. The Barber School **Memphis, TN**
1309 Jackson Avenue, Memphis, Tennessee 38107

Corporate Structure: S-Corporation
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

The Barber School is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Memphis, Tennessee.

- 1. Program: Master Barber**
Credential Awarded: Certificate
Length of Program: 1500 Contact Hours
11 Months Full-Time
18 Months Part-Time

License/Certification Required for Employment: Master Barber
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

- 2. Program: Master Barber Instructor**
Credential Awarded: Certificate
Length of Program: 450 Contact Hours
4 Months Full-Time
6 Months Part-Time

License/Certification Required for Employment: Barber Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

EE. The Blackbird Academy **Nashville, TN**
3318 Ambrose Avenue, Nashville, Tennessee 37207

Corporate Structure: Limited Liability Company (LLC)
Accreditation: None
Title IV Funding: No

The Blackbird Academy is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee.

- 1. Program: Live Sound Engineering**
Credential Awarded: Diploma
Length of Program: 720 Contact Hours
6 Months
- 2. Program: Studio Engineering**
Credential Awarded: Diploma
Length of Program: 700 Contact Hours
6 Months

FF. The New York Code and Design Academy
1809 Dabbs Avenue, Nashville, Tennessee 37210

Nashville, TN

Corporate Structure: C-Corporation
Accreditation: None
Title IV Funding: No

The New York Code and Design Academy is seeking approval for eight new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee.

- 1. Program: AngularJS 102**
Credential Awarded: Certificate
Length of Program: 48 Contact Hours
2 Months

- 2. Program: Front End 101**
Credential Awarded: Certificate
Length of Program: 48 Contact Hours
2 Months

- 3. Program: iOS Development 101**
Credential Awarded: Certificate
Length of Program: 48 Contact Hours
2 Months

- 4. Program: React.js 102**
Credential Awarded: Certificate
Length of Program: 48 Contact Hours
2 Months

- 5. Program: Ruby on Rails 101**
Credential Awarded: Certificate
Length of Program: 48 Contact Hours
2 Months

- 6. Program: UI/UX Design 101**
Credential Awarded: Certificate
Length of Program: 48 Contact Hours
2 Months

- 7. Program: Web Development 100**
Credential Awarded: Certificate
Length of Program: 96 Contact Hours
4 Months

8. Program: Web Development Intensive
Credential Awarded: Certificate
Length of Program: 420 Contact Hours
3 Months

GG. VIBE Barber College **Memphis, TN**
623 Chelsea Avenue, Memphis, Tennessee 38107

Corporate Structure: Sole Proprietorship
Accreditation: National Accrediting Commission of Career Arts & Sciences (NACCAS)
Title IV Funding: Yes

VIBE Barber College is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Memphis, Tennessee.

1. Program: Master Barber
Credential Awarded: Completion Certificate
Length of Program: 1500 Contact Hours
9 Months Full-Time
18 Months Part-Time

License/Certification Required for Employment: Master Barber
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

2. Program: Master Barber Instructor
Credential Awarded: Completion Certificate
Length of Program: 450 Contact Hours
3 Months Full-Time
6 Months Part-Time

License/Certification Required for Employment: Barber Instructor
Licensing Board/Agency: Board of Cosmetology and Barber Examiners

HH. Walden University **Minneapolis, MN**
100 Washington Avenue South, Suite 900, Minneapolis, Minnesota 55401

Corporate Structure: Limited Liability Company (LLC)
Accreditation: The Higher Learning Commission (HLC)
Title IV Funding: Yes

Walden University is seeking approval for eighteen new programs. The programs will be offered

in a distance learning format. This institution is recruitment only and all instruction is provided on-line.

- 1. Program: Nursing**
Credential Awarded: Doctor of Nursing Practice
Length of Program: 53 Quarter Credit Hours
33 Months
- 2. Program: Counselor Education and Supervision**
Credential Awarded: Doctor of Philosophy
Length of Program: 93 Quarter Credit Hours
60 Months
- 3. Program: Nursing**
Credential Awarded: Doctor of Philosophy
Length of Program: 77 Quarter Credit Hours
53 Months
- 4. Program: Healthcare Administration**
Credential Awarded: Master of Healthcare Administration
Length of Program: 53 Quarter Credit Hours
30 Months
- 5. Program: Information Systems Management**
Credential Awarded: Master of Information Systems Management
Length of Program: 30 Semester Credit Hours
24 Months
- 6. Program: Public Health**
Credential Awarded: Master of Public Health
Length of Program: 64 Quarter Credit Hours
30 Months
- 7. Program: Clinical Research Administration**
Credential Awarded: Master of Science
Length of Program: 33 Semester Credit Hours
24 Months
- 8. Program: Adult Gerontology Acute Care Nurse Practitioner**
Credential Awarded: Master of Science in Nursing
Length of Program: 56 Quarter Credit Hours
36 Months

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| 9. | Program:
Credential Awarded:
Length of Program: | Adult Gerontology Care Nurse Practitioner
Master of Science in Nursing
56 Quarter Credit Hours
36 Months |
| 10. | Program:
Credential Awarded:
Length of Program: | Family Nurse Practitioner
Master of Science in Nursing
56 Quarter Credit Hours
36 Months |
| 11. | Program:
Credential Awarded:
Length of Program: | Leadership and Management
Master of Science in Nursing
51 Quarter Credit Hours
36 Months |
| 12. | Program:
Credential Awarded:
Length of Program: | Nursing Education
Master of Science in Nursing
51 Quarter Credit Hours
36 Months |
| 13. | Program:
Credential Awarded:
Length of Program: | Psychiatric-Mental Health Nurse Practitioner
Master of Science in Nursing
61 Quarter Credit Hours
36 Months |
| 14. | Program:
Credential Awarded:
Length of Program: | Business Administration
Masters of Business Administration
36 Semester Credit Hours
24 Months |
| 15. | Program:
Credential Awarded:
Length of Program: | Computer Information Systems
Bachelor of Science
181 Quarter Credit Hours
48 Months |
| 16. | Program:
Credential Awarded:
Length of Program: | Health Studies
Bachelor of Science
181 Quarter Credit Hours
48 Months |
| 17. | Program:
Credential Awarded:
Length of Program: | Political Science and Public Administration
Bachelor of Science
181 Quarter Credit Hours
48 Months |

18. Program: Nursing Completion
Credential Awarded: Bachelor of Science in Nursing
Length of Program: 181 Quarter Credit Hours
48 Months

DATE: November 16, 2016

SUBJECT: Approval of New Programs under the Tennessee Higher Education Authorization Act of 2016

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: The Commission, under the Tennessee Higher Education Authorization Act of 2016, has the “power and duty” to act upon applications for authorization of educational programs in the state. Applications have been reviewed and staff has determined that all necessary documentation for the institutions submitting new program applications is in accordance with the Act and postsecondary rules. The Committee on Postsecondary Educational Institutions, which is a review and advisory committee to the Commission, met on November 2, 2016 and affirmed staff recommendations for approval.

A. Argosy University **Nashville, TN**
100 Centerview Drive, Suite 225, Nashville, Tennessee 37214

Corporate Structure: C-Corporation
Authorization Date: January 28, 1999
Accreditation: Western Association of Schools and Colleges (WASC)
Title IV Funding: Yes
Highest Credential Offered: Doctorate Degree

Argosy University is seeking approval for three new programs. The programs will be offered in a blended format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee, as well as on-line.

1. Program: **Business Administration/Human Resource Management**
Credential Awarded: **Master of Business Administration**
Length of Program: **36 Semester Credit Hours**
13 Months Full-Time
20 Months Part-Time

2. Program: **Business Administration/Organizational**

Credential Awarded: Leadership
Length of Program: Master of Business Administration
36 Semester Credit Hours
13 Months Full-Time
20 Months Part-Time

3. **Program:** Business Administration/Public Health
Credential Awarded: Master of Business Administration
Length of Program: 36 Semester Credit Hours
13 Months Full-Time
20 Months Part-Time

B. Argosy University Phoenix, AZ
2233 West Dunlap Avenue, Suite 150, Phoenix, Arizona 85021

Corporate Structure: C-Corporation
Authorization Date: April 26, 2007
Accreditation: Western Association of Schools and Colleges (WASC)
Title IV Funding: Yes
Highest Credential Offered: Doctorate Degree

Argosy University is seeking approval for three new programs. The programs will be offered in a distance learning format. This institution is recruitment only and all instruction is provided on-line.

1. **Program:** Business Administration/Human Resource Management
Credential Awarded: Master of Business Administration
Length of Program: 36 Semester Credit Hours
13 Months Full-Time
20 Months Part-Time

2. **Program:** Business Administration/Organizational Leadership
Credential Awarded: Master of Business Administration
Length of Program: 36 Semester Credit Hours
13 Months Full-Time
20 Months Part-Time

3. **Program:** Business Administration/Public Health

Credential Awarded: Master of Business Administration
Length of Program: 36 Semester Credit Hours
13 Months Full-Time
20 Months Part-Time

C. Brightwood College Nashville, TN
750 Envious Lane, Nashville, Tennessee 37217

Corporate Structure: C-Corporation
Authorization Date: September 16, 1981
Accreditation: Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding: Yes
Highest Credential Offered: Associate Degree

Brightwood College is seeking approval for one new program. The program will be offered in a blended format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee, as well as on-line.

1. Program: Dental Assistant
Credential Awarded: Diploma
Length of Program: 47 Quarter Credit Hours
9 Months

License/Certification Required for Employment: Registered Dental Assistant
Licensing Board/Agency: Tennessee Board of Dentistry

D. Daymar College Nashville, TN
560 Royal Parkway, Nashville, Tennessee 37214

Corporate Structure: S-Corporation
Authorization Date: January 1, 1974
Accreditation: Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding: Yes
Highest Credential Offered: Master Degree

Daymar College is seeking approval for two new programs. The programs will be offered in a blended format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee, as well as on-line.

1. Program: Limited Scope X-Ray Technologist

Credential Awarded: Associate of Applied Science
Length of Program: 92 Quarter Credit Hours
18 Months

License/Certification Required for Employment: Limited Scope X-Ray Technician
Licensing Board/Agency: Board of Medical Examiners

2. **Program:** Limited Scope X-Ray Technologist
Credential Awarded: Diploma
Length of Program: 64 Quarter Credit Hours
12 Months

License/Certification Required for Employment: Limited Scope X-Ray Technician
Licensing Board/Agency: Board of Medical Examiners

E. DeVry University **Naperville, IL**
1200 East Diehl Road, Naperville, Illinois 60563

Corporate Structure: C-Corporation
Authorization Date: January 31, 2002
Accreditation: The Higher Learning Commission (HLC)
Title IV Funding: Yes
Highest Credential Offered: Master Degree

DeVry University is seeking approval for one new program. The program will be offered in a distance learning format. This institution is recruitment only and all instruction is provided on-line.

1. **Program:** Health Information Management
Credential Awarded: Certificate
Length of Program: 31 Semester Credit Hours
18 Months

F. Genesis Career College **Cookeville, TN**
880-A East 10th Street, Cookeville, Tennessee 38501

Corporate Structure: S-Corporation
Authorization Date: April 24, 2014
Accreditation: Council on Occupational Education (COE)
Title IV Funding: Yes

Highest Credential Offered: Diploma

Genesis Career College is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Cookeville, Tennessee.

- 1. Program: Massage Therapy**
- Credential Awarded: Diploma**
- Length of Program: 720 Contact Hours**
- 6 Months**

License/Certification Required for Employment: Licensed Massage Therapist
Licensing Board/Agency: Board of Massage Licensure

G. Lincoln College of Technology Nashville, TN
1524 Gallatin Road, Nashville, Tennessee 37206

- Corporate Structure:** C-Corporation
- Authorization Date:** January 1, 1974
- Accreditation:** Accrediting Commission of Career Schools and Colleges (ACCSC)
- Title IV Funding:** Yes
- Highest Credential Offered:** Associate Degree

Lincoln College of Technology is seeking approval to revise two programs. The programs will be offered in a blended format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee, as well as on-line.

- 1. Program: Collision Repair and Refinishing Service Management (Revised)**
- Credential Awarded: Associates of Occupational Studies**
- Length of Program: 60.5 Semester Credit Hours**
- 17 Months**

- 2. Program: Collision Repair and Refinishing Technology (Revised)**
- Credential Awarded: Diploma**
- Length of Program: 41.5 Semester Credit Hours**
- 13 Months**

H. Miller-Motte College Wilmington, NC

5000 Market Street, Wilmington, North Carolina 28405

Corporate Structure: C-Corporation
Authorization Date: July 24, 2014
Accreditation: Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding: Yes
Highest Credential Offered: Associate Degree

Miller-Motte College is seeking approval for ten new programs. The programs will be offered in a distance learning format. This institution is recruitment only and all instruction is provided on-line.

- 1. Program:** Business Studies
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 2. Program:** Criminal Justice Studies
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 3. Program:** Cyber Security Specialist
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 4. Program:** Paralegal Studies
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 5. Program:** PC and Network Support Technician
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 6. Program:** Business Office Specialist

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| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 7. | Program: | Criminal Justice Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 8. | Program: | Cyber Security Professional |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 9. | Program: | Desktop Support Technician |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 10. | Program: | Paralegal Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |

I. Miller-Motte Technical College **Chattanooga, TN**
6397 Lee Highway, Chattanooga, Tennessee 37421

Corporate Structure:	C-Corporation
Authorization Date:	July 11, 2002
Accreditation:	Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding:	Yes
Highest Credential Offered:	Associate Degree

Miller-Motte Technical College is seeking approval for seventeen new programs. The programs will be offered in a blended format. Instruction will be provided by the faculty

from their authorized location in Chattanooga, Tennessee, as well as on-line.

- 1. Program:** Cyber Security
Credential Awarded: Associate of Applied Science
Length of Program: 92 Quarter Credit Hours
20 Months Full-Time
40 Months Part-Time
- 2. Program:** Healthcare Information Technology
Credential Awarded: Associate of Applied Science
Length of Program: 92 Quarter Credit Hours
23 Months Full-Time
46 Months Part-Time
- 3. Program:** Paralegal
Credential Awarded: Associate of Applied Science
Length of Program: 92 Quarter Credit Hours
20 Months Full-Time
40 Months Part-Time
- 4. Program:** Web Design
Credential Awarded: Associate of Applied Science
Length of Program: 92 Quarter Credit Hours
20 Months Full-Time
40 Months Part-Time
- 5. Program:** Business Studies
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 6. Program:** Criminal Justice Studies
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 7. Program:** Cyber Security Specialist
Credential Awarded: Diploma
Length of Program: 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time
- 8. Program:** Medical Clinical Assistant

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| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 9. | Program: | Paralegal Studies |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 10. | Program: | PC and Network Support Technician |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 11. | Program: | Web Design Technician |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 12. | Program: | Business Office Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 13. | Program: | Criminal Justice Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 14. | Program: | Cyber Security Professional |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 15. | Program: | Desktop Support Technician |

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| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours |
| | | 9 Months Full-Time |
| | | 18 Months Part-Time |
| 16. | Program: | Medical Assistant Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours |
| | | 9 Months Full-Time |
| | | 18 Months Part-Time |
| 17. | Program: | Paralegal Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours |
| | | 9 Months Full-Time |
| | | 18 Months Part-Time |

J. Miller-Motte Technical College **Clarksville, TN**
 1820 Business Park Drive, Clarksville, Tennessee 37040

Corporate Structure:	C-Corporation
Authorization Date:	January 1, 1987
Accreditation:	Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding:	Yes
Highest Credential Offered:	Associate Degree

Miller-Motte Technical College is seeking approval for eighteen new programs. The programs will be offered in a blended format. Instruction will be provided by the faculty from their authorized location in Clarksville, Tennessee, as well as on-line.

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| 1. | Program: | Criminal Justice |
| | Credential Awarded: | Associate of Applied Science |
| | Length of Program: | 92 Quarter Credit Hours |
| | | 20 Months Full-Time |
| | | 40 Months Part-Time |
| 2. | Program: | Cyber Security |
| | Credential Awarded: | Associate of Applied Science |
| | Length of Program: | 92 Quarter Credit Hours |
| | | 20 Months Full-Time |
| | | 40 Months Part-Time |
| 3. | Program: | Healthcare Information Technology |

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| | Credential Awarded: | Associate of Applied Science |
| | Length of Program: | 92 Quarter Credit Hours
23 Months Full-Time
46 Months Part-Time |
| 4. | Program: | Paralegal |
| | Credential Awarded: | Associate of Applied Science |
| | Length of Program: | 92 Quarter Credit Hours
20 Months Full-Time
40 Months Part-Time |
| 5. | Program: | Web Design |
| | Credential Awarded: | Associate of Applied Science |
| | Length of Program: | 92 Quarter Credit Hours
20 Months Full-Time
40 Months Part-Time |
| 6. | Program: | Business Studies |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 7. | Program: | Criminal Justice Studies |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 8. | Program: | Cyber Security Specialist |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 9. | Program: | Medical Clinical Assistant |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 10. | Program: | Paralegal Studies |

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| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 11. | Program: | PC and Network Support Technician |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 12. | Program: | Web Design Technician |
| | Credential Awarded: | Diploma |
| | Length of Program: | 60 Quarter Credit Hours
14 Months Full-Time
28 Months Part-Time |
| 13. | Program: | Business Office Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 14. | Program: | Criminal Justice Specialist |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 15. | Program: | Cyber Security Professional |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 16. | Program: | Desktop Support Technician |
| | Credential Awarded: | Certificate |
| | Length of Program: | 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time |
| 17. | Program: | Medical Assistant Specialist |

Credential Awarded: Certificate
Length of Program: 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time

18. **Program:** Paralegal Specialist
Credential Awarded: Certificate
Length of Program: 36 Quarter Credit Hours
9 Months Full-Time
18 Months Part-Time

K. National College **Bristol, TN**
1328 Highway 11 West, Bristol, Tennessee 37620

Corporate Structure: S-Corporation
Authorization Date: January 27, 2000
Accreditation: Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding: Yes
Highest Credential Offered: Bachelor Degree

National College is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Bristol, Tennessee.

1. **Program:** Medical Assisting
Credential Awarded: Certificate
Length of Program: 48 Quarter Credit Hours
10 Months Full-Time
15 Months Part-Time

L. National College **Memphis, TN**
2576 Thousand Oaks Cove, Memphis, Tennessee 38118

Corporate Structure: S-Corporation
Authorization Date: November 17, 2005
Accreditation: Accrediting Council for Independent Colleges and Schools (ACICS)
Title IV Funding: Yes
Highest Credential Offered: Associate Degree

National College is seeking approval for one new program. The program will be offered in a

residential format. Instruction will be provided by the faculty from their authorized location in Memphis, Tennessee.

- 1. Program: Medical Assisting**
Credential Awarded: Certificate
Length of Program: 48 Quarter Credit Hours
10 Months Full-Time
15 Months Part-Time

M. National College **Nashville, TN**
1638 Bell Road, Nashville, Tennessee 37211

- Corporate Structure:** S-Corporation
- Authorization Date:** July 16, 1991
- Accreditation:** Accrediting Council for Independent Colleges and Schools (ACICS)
- Title IV Funding:** Yes
- Highest Credential Offered:** Associate Degree

National College is seeking approval for one new program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee.

- 1. Program: Medical Assisting**
Credential Awarded: Certificate
Length of Program: 48 Quarter Credit Hours
10 Months Full-Time
15 Months Part-Time

N. Peak Technical Institute **Maryville, TN**
235 South Old Glory Road, Maryville, Tennessee 37801

- Corporate Structure:** Limited Liability Company (LLC)
- Authorization Date:** July 24, 2014
- Accreditation:** None
- Title IV Funding:** No
- Highest Credential Offered:** Certificate

Peak Technical Institute is seeking approval for two new programs. One program will be

offered in a residential format and one program will be offered in a distance learning format. Instruction will be provided by the faculty from their authorized location in Maryville, Tennessee, as well as on-line.

- 1. Program: Food and Beverage Service Training**
Credential Awarded: Certificate
Length of Program: 75 Contact Hours
2 Weeks

- 2. Program: Housekeeping Training**
Credential Awarded: Certificate
Length of Program: 75 Contact Hours
2 Weeks

O. Richmond Graduate University **Chattanooga, TN**
1815 McCallie Avenue, Chattanooga, Tennessee 37404

Corporate Structure: Not-for-Profit Corporation
Authorization Date: July 31, 1998
Accreditation: Southern Association of Colleges and Schools,
Commission on Colleges (SACSCOC)
Title IV Funding: Yes
Highest Credential Offered: Master Degree

Richmont Graduate University is seeking approval to revise one program. The program will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Chattanooga, Tennessee.

- 1. Program: Ministry (Revised)**
Credential Awarded: Master of Arts
Length of Program: 48 Semester Credit Hours
24 Months Full-Time
48 Months Part-Time

P. SAE Institute of Technology **Nashville, TN**
7 Music Circle North, Nashville, Tennessee 37203

Corporate Structure: C-Corporation
Authorization Date: November 20, 1998
Accreditation: Accrediting Council for Independent Colleges and

Title IV Funding: Schools (ACICS)
Yes
Highest Credential Offered: Bachelor Degree

SAE Institute of Technology is seeking approval for two new programs. The programs will be offered in a residential format. Instruction will be provided by the faculty from their authorized location in Nashville, Tennessee.

1. **Program:** Entertainment Business
Credential Awarded: Associate of Applied Science
Length of Program: 64 Semester Credit Hours
16 Months Full-Time
32 Months Part-Time
2. **Program:** Entertainment Business
Credential Awarded: Diploma
Length of Program: 44 Semester Credit Hours
12 Months Full-Time
24 Months Part-Time

Q. Tulsa Welding School **Jacksonville, FL**
3500 Southside Boulevard, Jacksonville, Florida 32216

Corporate Structure: C-Corporation
Authorization Date: January 27, 2005
Accreditation: Accrediting Commission of Career Schools and Colleges (ACCSC)
Title IV Funding: Yes
Highest Credential Offered: Diploma

Tulsa Welding School is seeking approval for three new programs. The programs will be offered in a residential format. The institution is recruitment only and all instruction will be provided by faculty from their authorized location in Jacksonville, Florida.

1. **Program:** Electrical Applications
Credential Awarded: Diploma
Length of Program: 27 Semester Credit Hours
7 Months
2. **Program:** Professional Welder with Pipefitting
Credential Awarded: Diploma
Length of Program: 36 Semester Credit Hours
10 Months
3. **Program:** Professional Welder with Shipfitting and Metal

Credential Awarded: Fabrication
Length of Program: Diploma
35.5 Semester Credit Hours
10 Months

R. Vatterott College - Sunset Hills **Sunset Hills, MO**
12900 Maurer Industrial Drive, Sunset Hills, Missouri 63127

Corporate Structure: C-Corporation
Authorization Date: January 29, 2015
Accreditation: Accrediting Commission of Career Schools and Colleges (ACCSC)
Title IV Funding: Yes
Highest Credential Offered: Associate Degree

Vatterott College - Sunset Hills is seeking approval for one new program. The program will be offered in a distance learning format. This institution is recruitment only and all instruction is provided on-line.

1. Program: Computer Programming and Development
Credential Awarded: Associate of Occupational Science
Length of Program: 103 Quarter Credit Hours
16 Months

DATE: November 16, 2016

SUBJECT: Optional Expedited Authorization under the Tennessee Higher Education Authorization Act of 2016

ACTION RECOMMENDED: Optional Expedited Authorization

BACKGROUND INFORMATION: The Commission, under the Tennessee Higher Education Authorization Act of 2016, has the “power and duty” to act upon applications for authorization to operate an educational institution in the state. For the institutions listed below, applications have been reviewed and staff has determined that all necessary documentation has been submitted. The Committee on Postsecondary Educational Institutions met on November 2, 2016 and endorsed staff recommendations for Optional Expedited Authorization of these institutions.

- | | | |
|----|---|-------------------|
| 1 | Argosy University | Phoenix, AZ |
| 2 | Argosy University | Nashville, TN |
| 3 | Asbury Theological Seminary - Memphis | Memphis, TN |
| 4 | Belhaven University | Chattanooga, TN |
| 5 | Belhaven University | Memphis, TN |
| 6 | Central Baptist Theological Seminary, Inc. | Nashville, TN |
| 7 | Concorde Career College | Memphis, TN |
| 8 | Concorde Career College - Southaven Campus | Southaven, MS |
| 9 | Daymar College | Clarksville, TN |
| 10 | Daymar College | Murfreesboro, TN |
| 11 | Daymar College | Nashville, TN |
| 12 | Embry-Riddle Aeronautical University | Memphis, TN |
| 13 | Embry-Riddle Aeronautical University
Worldwide Online Campus | Daytona Beach, FL |
| 14 | Fortis Institute | Nashville, TN |
| 15 | Huntington College of Health Sciences | Knoxville, TN |
| 16 | Lancaster Bible College | Memphis, TN |
| 17 | Lincoln College of Technology | Nashville, TN |
| 18 | Marian University | Nashville, TN |
| 19 | Meridian Institute of Surgical Assisting, Inc. | Nashville, TN |
| 20 | Miller-Motte College | Wilmington, NC |
| 21 | Miller-Motte Technical College | Conway, SC |
| 22 | Miller-Motte Technical College | Chattanooga, TN |
| 23 | Miller-Motte Technical College | Clarksville, TN |
| 24 | National College | Bartlett, TN |
| 25 | National College | Bristol, TN |
| 26 | National College | Memphis, TN |
| 27 | National College | Nashville, TN |

28	National College	Salem, VA
29	Nossi College of Art	Nashville, TN
30	Relay Graduate School of Education	Memphis, TN
31	Relay Graduate School of Education	Nashville, TN
32	Ross College	Sylvania, OH
33	South College	Knoxville, TN
34	South College	Knoxville, TN
35	South College	Nashville, TN
36	Spartan College of Aeronautics and Technology	Tulsa, OK
37	Strayer University - Knoxville Campus	Knoxville, TN
38	Strayer University - Nashville Campus	Nashville, TN
39	Strayer University - Online	Salt Lake City, UT
40	Strayer University - Shelby	Memphis, TN
41	Strayer University - Thousand Oaks Campus	Memphis, TN
42	Sullivan University	Louisville, KY
43	Union College	Greeneville, TN
44	Union College	Kingsport, TN
45	University of Phoenix	Chattanooga, TN
46	University of Phoenix	Cordova, TN
47	University of Phoenix	Knoxville, TN
48	University of Phoenix	Nashville, TN
49	University of the Cumberlands	Williamsburg, KY
50	Visible Music College	Memphis, TN
51	WyoTech	Ormond Beach, FL
52	Wyoming Technical Institute	Blairsville, PA
53	Wyoming Technical Institute	Laramie, WY

DATE: November 16, 2016

SUBJECT: Rulemaking Proceeding Regarding Rule Chapter 1540-01-02, Authorization and Regulation of Postsecondary Educational Institutions and Their Agents and Proposed Rule Chapter 1540-01-10, Regulation of Postsecondary Educational Institutions with Optional Expedited Authorization (OEA)

ACTION RECOMMENDED: Adopt the attached Redline of Recommended Final Rule Revisions and the Responses to Comments for purposes of submitting the Rulemaking Hearing Rule(s) Filing Form to the Attorney General for review and direct the Executive Director to make any non-substantive changes to the rules required by the Attorney General before submitting the form to the Tennessee Secretary of State.

Materials Provided for Your Consideration:

- Responses to CommentsAttachment 1
- Redline of Recommended Final Rule RevisionsAttachment 2
- Transcripts of October 6, 2016 Rulemaking HearingAttachment 3
- All Timely Filed Written CommentsAttachment 4

Background Information: Public Chapter 868, referred to as The Tennessee Higher Education Authorization Act of 2016 “HEAA,” passed the General Assembly earlier this year. The bill was effective for rulemaking purposes when signed on April 19, 2016; however, the substantive provisions of the bill became effective October 1st of this year. The bill includes changes that are specific to degree granting, accredited institutions and others that are applicable to all institutions. Given the expansiveness of the HEAA, on July 20, 2016, the Tennessee Higher Education Commission (Commission or THEC) voted to delete Rule Chapter 1540-01-02 in its entirety, promulgate new rules for this rule chapter, and promulgate a new rule chapter to implement OEA. The Commission did this by approving a set of rule revisions as Emergency Rules and as Rulemaking Hearing Rules to send to the Office of the Attorney General for review and to move forward with the rulemaking hearing process.

Thereafter, the rules were approved by the Attorney General and were filed with the Secretary of State on August 15, 2016, both as Emergency Rules and as a Notice of Rulemaking Hearing. The Emergency Rules were effective October 3, 2016 and will expire April 1, 2017 or upon adoption of permanent rulemaking hearing rules. The Notice of Rulemaking Hearing set October 6, 2016 as the hearing date and written comment filing due date. The purpose of the hearing and the written comment period was to provide interested parties an opportunity to comment on the rules included in the notice. Also, on September 7, 2016, THEC emailed all authorized institutions and known interested parties the Notice of Rulemaking Hearing.

THEC convened the rulemaking hearing as noticed on October 6, 2016. Six institutions or corporate parents and one law firm commented on the rules,¹ either orally at the hearing or through written comments. Some commenters expressed their appreciation for THEC listening to comments throughout the rulemaking process. Others asked operational questions about the rules but did not suggest revisions. Finally, commenters suggested revisions to four rules, Rule 1540-01-02-.05(1)(a), .08(2), and .12(3)(a) and Rule 1540-01-10-.06.

As a result of these comments, further review of the rules, and the initial implementation of the Emergency Rules, Commission Staff recommends some revisions to the rules that were in the Notice of Rulemaking Hearing. Generally, the revisions are typographical, grammatical, statutory citation updates, necessary for clarification, or the result of institution comments. The revisions are highlighted in yellow on the attached Redline of Recommended Final Rule Revisions. Additionally, Commission Staff created the attached Responses to Comments for your review. Responses to comments must be filed with the Tennessee Secretary of State.

On October 26, 2016, Commission Staff sent the members of the Committee on Postsecondary Educational Institutions the final rule revisions and related materials, including the proposed responses to comments. At its November 2, 2016 meeting, the Committee voted unanimously to recommend the Redline of Recommended Final Rule Revisions and the Responses to Comments to the Commission.

It is Commission Staff's recommendation that the Commission vote to:

1. Adopt the attached Redline of Recommended Final Rule Revisions and the Responses to Comments for purposes of submitting the Rulemaking Hearing Rule(s) Filing Form to the Attorney General for review and
2. Direct the Executive Director to make any non-substantive changes to the rules required by the Attorney General before submitting the Rulemaking Hearing Rules Filing Form to the Tennessee Secretary of State.

¹ The commenters were: National College (6 Tennessee locations and 1 out-of-state location), DeVry University (1 Tennessee location and 1 out-of-state location); Apollo Group (4 University of Phoenix Tennessee locations and 1 The Iron Yard location); Education Corporation of America (2 Virginia College Tennessee locations and 1 Brightwood College Tennessee location); Interfaith Education Center for Community Dental Care (1 Tennessee location); Nashville Software School (1 Tennessee location); and Waller Lansden Dortch & Davis LLP.

Responses to the Comments Offered as Part of the Rulemaking Proceeding Initiated on August 15, 2016

Subject of Comment: Rule 1540-01-02-.05(1)(a) – Exemptions

Commenting Entities:

- Waller Lansden Dortch & Davis, LLP

Comment Summary: The suggestion made by this commenter is to add an explicit exemption for franchisor, franchisee, and employee training.

Commission Staff Response: Staff accepted this suggestion by incorporating the suggested language along with an added qualifier that the training must be at no cost to the employee. This qualifier is consistent with the other .05(1)(a) exemptions.

Subject of Comment: Rule 1540-01-02-.08(2) – Acceptance of funds prior to start date

Commenting Entities:

- Nashville Software School, Inc.

Comment Summary: This rule provides: “Unaccredited institutions shall not accept funds for tuition prior to ten (10) business days of the scheduled start date of the course or program.” The institution commented that the number of days should be greater as the current ten (10) day period compromises the flexibility of students who are seeking financing or trying to reserve a spot.

Commission Staff Response: Staff does not agree with this comment and is not recommending that the proposed rule be revised. The proposed rule is identical to a rule that was effective from 2008 through 2011. See Rule 1540-01-02-.18(6) (August 2008). The rule prevents unaccredited institutions from receiving tuition too far in advance. Preventing such protects students in the event that the institution closes unexpectedly and is unable to return tuition to students who paid in advance. Such a scenario is less likely when the time period between the first day tuition can be paid and the program starts is short. Staff will contact the institution to discuss alternatives that are consistent with the rules and the institution’s business model.

Subject of Comment: Rule 1540-01-02-.12(3)(a) – Basis of admission for certificate and diploma programs

Commenting Entities:

- Interfaith Education Center for Community Dental Care

Comment Summary: The institution suggests that it should be able to admit students in short certification courses based on the student having a current license in the field. The institution explained that the Board of Dentistry only requires verification of licensure to enroll in short certification courses.

Responses to the Comments Offered as Part of the Rulemaking Proceeding Initiated on August 15, 2016

Commission Staff Response: Staff accepted this suggestion by incorporating additional language at Rule 1540-01-02-.12(3)(a), which sets forth the basis of admission standards for certificate and diploma programs, and Rule 1540-01-02-.15(6)(c), which explains basis of admission documentation requirements.

Subject of Comment: Rule 1540-01-10-.06 – Revocation of OEA Status

Commenting Entities:

- Education Corporation of America (ECA) on behalf of Brightwood College and Virginia College (Knoxville and Chattanooga, Tennessee)
- National College – Locations in Bristol, Bartlett, Knoxville, Madison, Memphis, and Nashville, Tennessee and Salem, Virginia.

Comment Summary:

This rule does not contain a provision for the circumstance where an institutional accreditor loses its recognition by the U.S. Department of Education. Currently, if an accreditor loses its recognition, an OEA institution would lose its OEA status. At best, under the rule, an OEA institution would have 6 months to find a new accreditor; however, seeking accreditation takes 12 to 18 months.

Commission Staff Response: Staff accepted this suggestion by incorporating additional language at Rule 1540-01-10-.06(4) stating:

[N]o immediate action should be taken to revoke an institution's OEA when the institution's accreditor is removed from the U.S. Department of Education's list of recognized accreditors. The Executive Director shall set a time period in which institutions may continue to operate under OEA, assuming all other OEA requirements are met. The time period should coincide with the provisional time period set by the U.S. Department of Education for affected institutions to seek a new accreditor.

Staff believes this addition fully addresses the concerns raised by the comment and requires minimal intervention until the procedure at the U.S. Department of Education is concluded.

RULES OF THE TENNESSEE HIGHER EDUCATION COMMISSION
CHAPTER 1540-01-02
AUTHORIZATION AND REGULATION OF REGULARLY AUTHORIZED POSTSECONDARY
EDUCATIONAL AL INSTITUTIONS ~~AND THEIR AGENTS~~

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1540-01-02-.01 PREFACE.

- (1) The Commission invites continuous, constructive cooperation with institutions, civic organizations, governmental agencies, Better Business Bureaus, students and others to ensure the enforcement and improvement of these standards for better service to all consumers and will work to implement these rules as staffing allows. The observance of these rules is the responsibility of each institution for the inherent advantage to each institution and for the common good of all institutions.
- (2) These rules are complementary to the Tennessee ~~Postsecondary Education Authorization Act~~ Higher Education Authorization Act of 2016 at Title 49, Chapter 7, Part 20. Institutions and agents must comply with the current language of the Act and these rules ~~Many sections of the Act are so specific that the need for related rules is diminished or negated. Institutions or agents must comply with the current language of the Act and these rules as the total administrative reference.~~
- (3) ~~Unless otherwise noted, general statements shall be in reference to institutions, businesses, services or any entity seeking, holding or required to hold a certificate of authorization under the Act and these regulations.~~

Authority: T.C.A. § 49-7-2014.

1540-01-02-.02 ROLE OF THE COMMISSION, EXECUTIVE DIRECTOR, COMMITTEE, AND COMMISSION STAFF.

- (1) Role of the Tennessee Higher Education Commission (THEC or Commission):
- (a) The ~~Tennessee Higher Education~~ Commission at each quarterly meeting shall consider recommendations from ~~the Commission staff and/or Postsecondary Education Institution Committee~~ the Committee on Postsecondary Educational Institutions regarding all and the Division of Postsecondary State Authorization regarding authorizations, program approvals, ~~awarding educational credentials (including authority to grant degrees)~~ and any other matter at the request of the Commission's Executive Director.
- ~~(a) — No institution may solicit, recruit, award credentials or operate as a postsecondary educational institution until such authorization is granted by affirmative vote of the Commission.~~
- (2) Role of the Tennessee Higher Education Commission Executive Director:
- (a) The Executive Director is empowered to take any urgent action in furtherance of the Act, ~~based on these rules and Act, necessary to conduct this consumer protection regulatory function~~, during the periods between ~~authorization action meetings of the Commission~~ meetings, ~~subject to ratification by the Commission~~ provided that:
1. the Executive Director ~~shall give~~ gives written notice of such action to the affected party;
 2. the Executive Director ~~shall instruct~~ notifies the affected party that they may notify the Commission within ten (10) business days ~~ten (10) days~~ if the aggrieved party desires a hearing and review by the Commission, and that otherwise the action shall be deemed final; and
 3. at the same time the Executive Director ~~shall give~~ gives written notice of the action to members of the Commission.
- (b) Whenever ~~the Commission~~ ~~authorization~~ staff cannot resolve a complaint or a dispute involving the Act or ~~to the administration of~~ these rules, the Executive Director upon a written request from an aggrieved party ~~which~~ that in the view of the Executive Director is justifiable, will provide a review and/or hearing for parties involved prior to presentation of the unresolved complaint or dispute to the Commission.
- (c) On ~~the~~ ~~the~~ advice of Commission Staff ~~of the Committee on Postsecondary Education Institutions,~~ the Executive Director, in consultation with the Commission, ~~in consultation with the Commission,~~ is authorized to ~~recommend the waiving of deadlines or these rules~~ regulations developed pursuant to this Chapter, upon well- documented extraordinary cause, ~~where~~ necessary to protect ~~carry out the provisions of this part in~~ the public interest, and when re consistent with T.C.A. §§ 49-7-2001 et seq. the Act.

- (d) The Executive Director may exempt a program or activity from authorization or from compliance with a specific ~~regulation-rule~~ if such an exemption can be demonstrated to be in the public ~~good-or~~ interest. Such exemptions should be temporary and narrow in scope and be subject to annual review.
- (e) The Executive Director is empowered to act in the following matters, subject to a hearing and review by the Commission upon the request of the aggrieved party in the manner provided by T.C.A. § 49-7-2010(b):
1. ~~A~~ assess fines under ~~this Part~~ the Act and these rules;
 2. ~~I~~ntervene to alter, place conditions on, suspend, or revoke, in full or in part, an institution's or agent's authorization to operate; ~~and~~
 3. ~~I~~ssue temporary or, conditional, ~~limited, or probationary~~ authorization.
- ~~(f) Advise the Tennessee Student Assistance Corporation to notify the appropriate lending and guarantee agencies of the institution's closure.~~
- (3) Role of the ~~Postsecondary Education Institution Committee~~ Committee on Postsecondary Educational Institutions (Committee):
- (a) The ~~Postsecondary Education Institution Committee~~ Committee shall meet quarterly ~~or y or at other times on~~ at the call of the Chairman of ~~said the~~ Committee, at the call of a majority of the Committee or pursuant to the call of the majority of Committee members, ~~or at the call of the Chairman of the Commission~~ to serve as an advisory committee to the Commission, and make recommendations on:
- (b) At meetings, the Committee may take any action delegated to it by the Commission pursuant to T.C.A. § 49-7-207, including, but not limited to, making recommendations on:
1. ~~all initial~~ applications for ~~temporary~~ authorization;
 2. ~~all applications for regular authorization;~~
 - ~~3.~~ ~~all applications for reauthorization;~~
 - ~~4.~~ ~~the awarding of educational credentials~~ applications for program approvals;
 3. proposed rules; and
 4. consideration of such other matters relating to the ~~Postsecondary Education~~ Act at the request of the ~~Commission's~~ Executive Director;
- (c) The Committee, and, as needed, other experts appointed by the Executive Director, ~~shall~~ may participate in institutional site visits for purposes of evaluating compliance with ~~legislation and rules~~ the Act and these rules;
- (d) The Committee shall exercise such other powers and undertake such other obligations as are delegated to it by the Commission under the provisions of the Act ~~Part 20 of this chapter. Such delegations shall include the authority to initiate~~

~~and conduct on-site institutional reviews and investigations and the formulation of rules of procedure and performance standards for authorization and institutional performance, which actions shall be subject to review, approval and/or disapproval by the Commission.~~

- (e) The Chairman of the Committee may appoint sub-committees as needed.
- (4) Role of the Commission Sstaff:
- ~~(a) Designated Commission staff members shall oversee and administer for purposes of compliance TCA §§ 49-7-2001 et seq. and the related Postsecondary Regulations chapter 1540-01-02.~~
 - (ab) Beginning ~~July 1, 1997~~October 1, 2016, the office and Commission Sstaff responsible for oversight of ~~the Act~~TCA §§ 49-7-2001 et seq. and Rule Chapters 1540-01-02 and 1540-01-10 ~~the related Postsecondary Regulations chapter 1540-01-02~~ shall be officially referred to as the Tennessee Higher Education Commission, ~~Office of Postsecondary School Authorization (Professional, Business, Vocational and Career)~~Division of Postsecondary State Authorization (DPSA).
 - (eb) Commission Staff shall Pperform site visits and/or audits to review, inspect, and investigate locations as necessary to ensure compliance with the Act and these rules, ~~institutions seeking, holding or required to hold a certificate of authorization for verification of compliance. This includes but is not limited to~~Site visits or audits may be conducted at the discretion of Commission Staff for reasons including, but not limited to, to initial authorization determinations for new institutions, program approvals, new program reviews, authorization inspections for nonexempt Tennessee institutions, follow up to written and signed complaints, investigations, or adverse publicity compliance checks, or any situation that may adversely affect students or ~~consumers~~people at the institution.
 - (ec) Commission Staff shall Iinvestigate as necessary any activity believed to create a physical presence ~~all non-authorized postsecondary educational activities operating~~ in Tennessee to verify adherence to the Act and these rules ~~by all institutions to determine whether an exemption is appropriate~~ ~~s-not exempted by the Act.~~
 - (ed) Commission Staff shall Eestablish ~~a deadline~~due dates for submission of all fees, applications, initial authorization packages, new program applications and ~~any~~ other materials to be included on the agenda for each quarterly meetings of the ~~Postsecondary~~ Committee. ~~(Institutional Applications (1540-01-02-.07))~~.
 - (fe) Commission Staff may Sshare with state or federal agencies information ~~for~~on institutions seeking, holding, or required to ~~hold a certificate of authorization~~be authorized by the Commission as well as any and unauthorized educational operations. Commission Staff may P~~rovide state or federal agencies information pertaining to school closures under any condition.~~ Share with appropriate accrediting bodies any adverse action recommended or taken by Commission Staff, taken by the Executive Director, Committee, or Commission.
 - (f) Commission Staff may recommend that the Executive Director take adverse action as described in Rule .22 of these rules.

Authority: T.C.A. §§ 49-7-2004 and 49-7-2014.

1540-01-02-.03 DEFINITIONS.

- (1) ~~The following definitions are complementary to definitions in T.C.A. § 49-7-2003 and have the following meanings, unless the context clearly indicates otherwise:-~~
- (a1) “Ability-to-benefit” or “ATB” as ~~used in these regulations, in contrast to the use of that term for federal financial aid or other purposes, means~~ an adjective describes:
- (a) ~~a~~ students, regardless of financial condition, who do not possess ~~has not~~ provided proof of receiving a ~~a~~ high school diploma diploma or GED or equivalency, but who have ~~s~~ demonstrated by successfully passing an ability-to-benefit test that the student ~~can possess the cognitive or physical skills needed to benefit profit materially or personally from a course or certain course of study~~ certificate or diploma program; or
- (b) a test given by an authorized institution to determine whether a student possesses the cognitive or physical skills to benefit from a certificate or diploma program.-
- (b2) “Academic” ~~as an adjective describing a degree in description of a program or institution~~ means a degree that which ~~is~~ organized primarily for academic training or transfer. Academic degrees include: Associate of Arts, Associate of Science, Bachelor of Arts, Bachelor of Business Administration, Bachelor of Science, Bachelor of Fine Arts, Master of Arts, Master of Science, Master of Fine Arts, Master of Business Administration, Doctor of Philosophy, Doctor of Psychology, and Doctor of Education.
- (3) “Accreditation” is a non-governmental, peer evaluation of educational institutions and programs by private educational associations of regional and national scope that have adopted criteria for educational programs and have developed procedures for evaluating institutions or programs. These criteria determine whether or not institutions or programs are operating at basic levels of quality. The Commission only recognizes accrediting agencies that are recognized by the U.S. Department of Education.
- (e4) “Act” means the ~~Tennessee Postsecondary Education Authorization Act of 1974~~ Higher Education Authorization Act of 2016, ~~Tennessee Code Annotated~~ T.C.A. §§ 49-7-2001, et seq., as amended.
- (e5) “Adverse action” means action taken by the Executive Director or Commission to ~~penalize~~ fine, limit, change, suspend, or cause to cease activity that is ~~in non-~~ not ~~compliant~~ with the Act and these rules.- Such adverse action ~~may include but not be limited to~~ includes fines of five hundred dollars (\$500) per violation per day; suspension of activity; conditional authorization, or revocation of authorization or approval.
- (e6) “Agent” means ~~a person employed full- or part-time by the institution, whether the institution is located within or without the state of Tennessee, to act as representative, solicitor, broker, or independent contractor to directly procure or induce people to become students or enrollees for the institution at an off-campus location~~ any person representing a postsecondary educational institution for payment, who solicits in any form and enrolls, or seeks to enroll, a student for education offered by an authorized institution, or offers to award educational credentials, for remuneration, on behalf of any such institution. Persons owning an interest in an institution and the institution’s full-time employees and

directors shall not be considered agents under this part.

- (7) “Agent’s permit” means a nontransferable written authorization issued to a natural person by Commission Staff that allows that person to solicit, recruit, or enroll students for education in an authorized postsecondary educational institution.
- (8) “Articulation and transfer of credit agreement” means an arrangement between two (2) higher education institutions that is approved and signed by authorized institutional representatives and constructed by faculty in the discipline that (1) equates for transfer of a defined set or block of academic credits that will meet requirements of a specified program at a degree-awarding institution or (2) provides that a specific credential from one institution will meet the admission education requirement for a program leading to a higher credential at a second institution.
- (9) “Associate’s degree” means a credential issued to students who complete a vocational or academic program or curriculum consisting of at least ~~sixty (60)~~ sixty (60) semester credit hours, ~~or ninety (90) quarter credit hours-of instruction~~, or the equivalent.
- (10g) “Authorization to operate” means approval of the Commission to operate or to contract to operate a postsecondary educational institution in this state as described in T.C.A. § 49-7-2007(1) – (3) or (5). Authorization to operate is ~~permission or licensure to operate~~ for a specified time ~~at~~ in a specified ~~place(s)~~ location. Institutions shall not use ~~A~~ an authorization to operate ~~institution or agent awarded a letter or certificate of authorization in Tennessee shall not use terms to interpret the letter or certificate which specify or to~~ connote greater approval than simple permission to operate. Terms which may not be used include, but are not limited to, “accredited,” “supervised,” “endorsed,” and “recommended by the Commission.”
- (11h) “Authorization site visit” means an institutional site visit conducted by ~~Commission staff~~ Commission Staff or ~~Postsecondary a~~ Committee members to verify a location or program is ~~compliance~~ with ~~Postsecondary Education Authorization~~ the Act and these rules of 1974, Tennessee Code Annotated §§ 49-7-2001, et seq. as amended and the chapter 1540-01-02 of the Postsecondary Regulations. The authorization visit is commonly called a ‘site visit’.
- (12i) “Bachelor’s degree” means a credential issued to students who complete a vocational or academic program or curriculum consisting of at least one hundred and twenty (120) semester credit hours, ~~or one hundred and eighty (180)~~ 180 quarter hours, or the equivalent.
- (13j) “Certificate program” generally means one (1) or more technical courses usually completed in one (1) to twenty-six (26) weeks, or up to and including five hundred (500) ~~contact~~ contact hours normally with a single skill objective.
- ~~(k) “Certified” when used to modify audit refers to an audit in accordance with Generally Accepted Auditing Standards (GAAS) and in accordance with the auditing standards set forth in the book, “Government Auditing Standards” issued by the Comptroller of the United States (often referred to as the “yellow book” standards). If, However, the entity is required for other reasons to have conducted a certified audit in accordance with O.M.B., Circular A-133, such an audit shall be an acceptable substitute for the audit required pursuant to these regulations.~~
- (14) “Clock Hour” has the same meaning as contact hour.
- (15) “Closed enrollment” means instruction provided ~~between an educator or educational~~

~~service~~ to a group or business ~~on a private contractual bases~~ by a postsecondary educational institution, whereby public solicitation does not occur and the ~~instructional provider~~institution is given a list of enrollees to train at no cost to the students.

- (~~m~~16) "College" means (1) a unit of a university offering specialized degrees or (2) a postsecondary educational institution offering courses of study leading to a degree.~~- traditional undergraduate college degrees. Some examples of traditional degrees are: Associate of Arts, Associate of Science, Bachelor of Arts, Bachelor of Science, and Bachelor of Fine Arts.-~~
- (~~n~~17) "Commission" means the Tennessee Higher Education Commission.
- (18) "Committee" means the Committee on Postsecondary Educational Institutions.
- (19) "Completion rate" shall have the same meaning as "graduation rate," and shall mean the number of completions as a percentage of the number of students not currently enrolled minus the number of withdrawals due to special circumstances, that is, Completion Rate = Number of Completions/(Number Not Currently Enrolled - Special Circumstance Withdrawals) x 100.
- (~~e~~20) "Contact ~~h~~Hour" ~~means a sixty (60) minute period of time that contains at least fifty (50) minutes of actual directed or supervised instructional time. (clock hour) refers to actual directed or supervised instructional time, not to be less than 50 minutes for every 60 minutes of time.-~~
- (~~p~~) ~~"Credential" refers to educational credentials which include but are not limited to: certificates, diplomas, letters of designation, degrees, transcripts or any other papers generally taken to signify progress or completion of education / training at a postsecondary educational institution.-~~
- (~~q~~21) "Degree" means ~~letters of designation or an educational~~ credential ~~or a title~~ from a postsecondary educational institution ~~with level program acceptable to and so authorized by the Commission and/or an accrediting body recognized by the U.S. Department of Education. Typically used in some form is~~ the term 'associate', 'bachelor', 'masters', specialist, or 'doctor' in the credential designation.
- (22) "Degree-granting postsecondary educational institution" includes institutions offering education or training above the high school level and where the institution awards degrees, such as associate, bachelors, masters, specialist, or doctoral degrees.
- (~~r~~23) "Diploma program" means a program of instruction offering technical and some basic course work. ~~Some g~~General education ~~or peripheral~~ courses may be included. ~~The p~~Program requirements ~~shall~~ generally range ~~ferom~~ more than five hundred (500) contact ~~contact~~ hours ~~but to~~ less than the contact requirements for ~~the an~~ Associates degree.
- (24) "Distance learning" means a system and process that connects learners with distributed learning resources through delivery systems at a distance such as correspondence, video tape, audio tape, telecommunications, computer resources, computer network system or an electronic delivery system, where there is physical separation of the instructor and student.
- (25) "Division of Postsecondary State Authorization" or "DPSA" means the office and Commission staff responsible for oversight of the Act and Rule Chapters 1540-01-02

[and 1540-01-10.](#)

- (~~s~~26) "Doctoral degree" means a credential issued to students who complete a program consisting of a bachelor's degree plus at least [ninety \(90\)](#) semester hours [of graduate credit](#), ~~or one hundred and thirty-five (135) quarter hours of graduate credit,~~ or [the](#) equivalent.
- (~~t~~27) "Enrollment" refers to those students who ~~have completed the institution's application forms, submitted a financial deposit where required, and have actually~~ attended one [\(1\) or more](#) sessions of class, ~~es, or, turned in one (1) assignment, or received one (1) distance learning lesson in the case of home study programs, received one or more lessons.~~
- (28) ["Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers or words which signify, purport or are generally taken to signify enrollment, attendance, progress or satisfactory completion of the requirements or prerequisites for education at a postsecondary educational institution.](#)
- (~~u~~29) "Educational service" ~~means an individual or business established to provide services such as, but not limited to, a testing service, test preparation or a business that assists people in gaining academic credit for life experience, non-accredited courses or non-college training~~[means any class, course or program of training, instruction or study.](#)
- (30) ["Federal student financial aid programs" means any of the various loans or grants offered to students, parents, or institutions through Title IV of the Higher Education Opportunity Act, as amended.](#)
- (~~v~~31) "General education courses" ~~means~~[are general education core or](#) academic subjects intended to broaden communication/language skills, contribute to the intellectual growth of the student and give balance to the total program beyond the area of vocational or professional concentration.~~.~~
- (~~w~~32) "Independent certified public accountant" means a ~~CPA-certified public accountant~~ not associated with the institution, ~~or its owners, or its affiliated businesses, especially in such a way that a conflict of interest or appearance of conflict arises.~~
- (33) ["In-field placement rate" means the Number Placed In-Field as a percentage of number placeable, that is, In-Field Placement Rate = Number Placed In-Field/Number Placeable x 100.](#)
- (~~x~~) ~~"Institute" means a postsecondary institution offering courses of study and training not usually associated with traditional liberal arts degrees. Appropriate credentials awarded would include applied science degrees, certificates, and diplomas such as the Associate of Applied Science (A.A.S.)~~
- (~~y~~34) "Institutional director" means the ~~institutional executive~~[individual](#) designated by the institution to assume responsibility for [ensuring that](#) the conduct of the institution and its agents [are](#) within ~~these rules and the Act~~[the Act and these rules](#). ~~Further, the institutional director will serve as the official contact for all business conducted between the institution and the Commission and maintain complete authorization files.~~
- (35) ["License" or "Licensure" includes similar terms, such as registration and certification, and means a designation from a subject matter expert state agency, board, or commission indicating that the recipient has met certain requirements for obtaining the designation, for example, a licensed massage therapist or educator.](#)

- (36) "Location" means an address that is zoned for commercial purposes for use as a postsecondary educational institution.
- ~~(z) "Long Distance Learning" means a system and process that connects learners with distributed learning resources through delivery systems at a distance such as correspondence, video tape, audio tape, telecommunications, computer resources, computer network system or an electronic delivery system, where there is physical separation of the instructor and student.~~
- (~~aa~~37) "Master's degree" means a credential issued to students who complete a program consisting of a bachelor's degree plus at least thirty (30) semester credit hours, ~~or forty-five (45)~~ quarter credit hours, or the equivalent.
- (38) "Non-degree-granting postsecondary educational institution" includes all postsecondary educational institutions that do not meet the definition of a degree-granting postsecondary educational institution. Non-degree granting postsecondary institutions are frequently referred to as "career," "vocational," or "technical" schools. Non-degree granting postsecondary educational institutions are institutions offering programs designed primarily for job entry or upgrading of skills and usually measured in contact hours. These programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to affect outcomes.
- (39) "Other fees" means fees, other than tuition, paid to the institution or third parties for products or services, including, but not limited to, fees paid for tangible goods, laboratory fees, technology fees, student activity fees, graduation fees, or fees paid for housing, meals, or transportation.
- ~~(bb) "Non-exempt institution" means all postsecondary institutions not specifically exempted under provisions of T.C.A. §49-7-2004 of the Act or Section 1540-01-02-.05 of these rules and means all instructional sites which must have separate authorization unless, in the view of the Commission, the instructional locations are in sufficient proximity for facilitation of support services and administration.~~
- (~~ee~~40) "Out-of-state institution", ~~as applied to describe~~ means an authorized postsecondary educational institution, ~~means an institution~~ that maintains its primary campus in another state, but has a physical presence in Tennessee.
- (41) "Ownership" means ownership of a controlling interest in the institution or in the event the institution is owned or controlled by a corporation or other legal entity other than a natural person or persons, ownership of a controlling interest in the legal entity owning or controlling the institution.
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- (~~dd~~42) "Physical presence" means ~~actual~~ presence within the state of Tennessee for the purpose of conducting activity related to: a postsecondary educational institution as given in T.C.A. § 49-7-2007; an educational service; dissemination of educational credentials; enrollment; solicitation or advertising. Physical presence as further outlined for purposes of authorization shall include **but not be limited to:**
- 1.(a) operating Aan instructional site within the state;:-
- 2.(b) offering Iinstruction within or originating from Tennessee designed to impart knowledge with response utilizing teachers, trainers, counselors ~~etc.,~~ or

computer resources, ~~or computer linking (e.g. internet)~~, or any form of electronic ~~telecommunications~~ means;

- ~~3.(c)~~ Dissemination of granting an educational credential from a location within the state;
- ~~4.(d)~~ using A an agent, recruiter, institution, or business that solicits for enrollment or credits or for the award of an educational credential; or
- ~~5.(e)~~ A advertising, ~~disseminating~~, promotional material or conducting public solicitation in any form that targets Tennessee residents or uses local advertising markets in the state for institutions seeking, holding, or required to ~~hold a certificate of authorization~~ be authorized by the Commission.

(43) "Placement rate" means the number placed as a percentage of the number placeable, that is, Placement Rate = Number Placed/Number Placeable x 100.

~~(ee44)~~ "Postsecondary educational institution" includes, but is not limited to, an academic, vocational, technical, online/distance learning, business, professional, or other school, college, or university, or other organization or person, offering educational credentials, or offering instruction or educational services primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives. ~~means an entity which maintains a place of business within Tennessee, or solicits business in Tennessee, and which offers or maintains a course or courses of instruction or study, or at which place of business such a course or courses of instruction or study are available through field instruction, classroom instruction or by long distance learning or both to a person or persons for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, service or industrial occupation, for a vocation, or for the award of an educational credential, except as excluded by the provisions of these rules and the Act.~~

~~(ff45)~~ "Quarter" is a period of instruction into which the academic year ~~may be~~ is divided. A quarter must consist of at least ten (10) weeks.

~~(gg46)~~ "Quarter credit hour" means a measurement of scholastic attainment earned by receipt of instruction for one (1) quarter of one (1) classroom lecture hour per week ~~for one quarter, or two (2) hours of laboratory experience per week for one quarter,~~ or three (3) hours of intern/externship experience per week, or the equivalent number of hours.

(47) "Refundable fees" means any fees paid by or on behalf of the student to the institution but excluding fees paid for (1) tangible goods retained by the student or (2) services provided in full to the student.

~~(hh48)~~ "Residence-Residential course" means a course in which the student comes to an institution's ~~sal campus or instructional site~~ authorized location as opposed to a course where the student ~~stays at home (i.e. Long Distance Learning)~~ and the instructor are in different locations.

~~(ii) "SACS Commission on Colleges" means the Commission of the Southern Association of Colleges and Schools which accredits degree-granting postsecondary institutions.~~

~~(jj) "School" means (1) A unit within a college or university that offers specialized instruction (i.e., a school of engineering). (2) An institution that offers specialized instruction in areas (i.e., driving, modeling, basic travel training) not usually associated with college or~~

~~university education. Appropriate credentials awarded would include certificates and/or diplomas. Institutions using the name of "school" do not usually offer degrees.~~

- (~~kk~~49) "Semester" is a period of instruction into which the academic year ~~may be~~ divided. A semester must consist of at least fifteen (15) weeks.
- (~~H~~50) "Semester credit hour" means a measurement of scholastic attainment earned by receipt of instruction during one (1) semester of one (1) classroom lecture hour per week ~~for one semester or~~, two (2) hours of laboratory experience per week ~~for a semester~~, or three (3) hours of intern/externship experience per week or the equivalent number of hours.
- (~~mm~~51) "Solicitation" means contact, written or verbal, on behalf of an institution for the purpose of supplying information in an attempt to enroll Tennessee residents. ~~inducing or attempting to induce a resident of Tennessee to sign, at any off-campus location, an enrollment agreement to attend a postsecondary educational institution.~~
- (52) "Specialist Degree" means an advanced master's degree or post-master's degree with requirements less than those required for a doctoral degree.
- (53) "These rules" means all rules contained in Rule Chapter 1540-01-02.
- (54) "Time to completion" means the total number of days from a student's start date until the completion date.
- (~~nn~~55) "Tuition" ~~shall mean~~ but not be limited to, any ~~money or~~ fee involving the student, actually charged or tracked as a bookkeeping item for instruction ~~/training~~ provided. Pursuant to Rule .15(4) of these rules, all tuition charges must clearly indicate the period of enrollment for which the student is being charged, for example, if the program is a four (4) month program but the tuition charged is for one (1) month, the account statement might read "Tuition Charged for Month 1."
- (56) "Tuition guaranty fund" means the tuition guaranty fund created by T.C.A. § 49-7-2018 and the related rules in Rule Chapter 1710-01-02.
- (~~oo~~57) "Unearned tuition" means the dollar amount calculated pursuant to T.C.A. § 49-7-2018 and the related rules in Rule Chapter 1710-01-02 ~~means at any given time, the total of refunds due former students, all tuition and fees that have or will be collected from students prior to graduation and which would be refundable pursuant to 1540-01-02-.17 of these rules, and any tuition and fees collected in advance from prospective students.~~
- (~~pp~~58) "University" means a postsecondary educational institution that provides facilities for teaching and research, offers ~~traditional academic~~ undergraduate and graduate degrees at the baccalaureate and higher level, and is organized into largely independent colleges or schools offering undergraduate, graduate, and/or professional programs. ~~Some examples of traditional degrees are: Bachelor of Arts, Bachelor of Science, Bachelor of Fine Arts, Master of Arts, Master of Science, Master of Fine Arts, Master of Business Administration, Doctor of Philosophy, and Doctor of Education.~~
- (~~qq~~59) "Vocational" in the description of a program or institution means that which is organized primarily for job entry or upgrading of job skills that would result in a new job title or position and is not intended for academic transfer.

(60) "Withdrawal rate" means the number of withdrawals minus the number of withdrawals due to special circumstances as a percentage of program enrollment, that is, Withdrawal Rate = (Number of Withdrawals - Special Circumstance Withdrawals)/Program Enrollment x 100.

Authority: T.C.A. §§ 49-7-2003 and 49-7-2005

1540-01-02-.04 DETERMINATION FOR REQUIRED AUTHORIZATION.

- (1) No location of a postsecondary educational institution ~~entity~~ may create a physical presence ~~advertise, solicit, recruit, enroll or operate a postsecondary educational institution as given in the Act and these regulations until so authorized for operation in the state unless the location is authorized by an~~ affirmative vote of the ~~Tennessee Higher Education~~ Commission during a ~~scheduled~~ public meeting or is exempt. Authorization includes regular, temporary, and conditional authorization referred to in this Rule Chapter as well as optional expedited authorization referred to in Rule Chapter 1540-01-10.
- ~~(2) Depending upon the individual circumstance in reference to exemption categories, any of the following determining factors along with physical presence may qualify an operation for required authorization:~~
 - ~~(a) Operating under the definition of postsecondary educational institution as given in the Act and these regulations.~~
 - ~~(b) Issuance or award of any educational credential as given in TCA § 49-7-2003(7).~~
 - ~~(c) Fees and/or tuition charged, tracked or maintained on the books for instruction or training in a postsecondary educational institution or business operating as such.~~
- ~~(3) Businesses with vocational training programs that solicit or recruit students as 'employees' with phrases such as, but not limited to, "inexperience - will train" or "experience not required" must provide all training related to that job at no cost to the individual. Payroll deductions, minimum employment periods as a result of a company's 'investment' in the employee, or fees levied if an individual leaves that employment, or similar practices, shall constitute a fee and/or tuition for training which requires authorization for the operation as a postsecondary educational institution.~~
- ~~(4) Institutions with a physical presence in Tennessee providing postsecondary training / education, that forward student records to another school or any other source whether in this state or elsewhere for the award of an degree or any other educational credential shall be required to be authorized for operation.~~
- (52) Commission Staff may recommend that the Executive Director take adverse action against any unauthorized ~~individuals, businesses, or institutions~~ requiring authorization as a postsecondary educational institution ~~determined by Commission staff to be currently operating as a postsecondary educational institution pursuant to the Act and these regulations and not expressly exempted by complete conformance to TCA § 49-7-2004 and/or Postsecondary Regulation 1540-01-02-.05 shall be subject to review by Commission staff for recommendation to the Executive Director for action or referral.~~
 - ~~(a) U. Such entities~~ authorized schools ~~determined to be operating as a postsecondary educational institution~~ must make an immediate good faith efforts toward compliance by submitting an complete Initial Authorization Application or Optional Expedited

Authorization Application, as provided in Rule Chapter 1540-01-10, and the applicable fee by the due date provided by Commission Staff. ~~package with appropriate fees. Failure to comply may result in adverse action and/or referral to other state or federal agencies for review.~~

~~(6) Institutions seeking authorization should refer to Minimum Authorization Standards and Requirements 1540-01-02-.06.~~

Authority: T.C.A. §§ 49-7-2002, 49-7-2003, 49-7-2005, 49-7-2006, ~~and~~ 49-7-2011, and 2016 Public Acts Ch. 868.

1540-01-02-.05 ~~Exemption~~ EXEMPTIONS.

(1) T.C.A. § 49-7-2004 of the Act includes general descriptions of institutions and programs that are exempt from the provisions of the Act and these rules. Institutions and programs meeting the specific provisions below shall be considered exempt pursuant to the general exemption descriptions of T.C.A. § 49-7-2004. ~~In addition to institutions exempt by Tennessee Code Annotated, Chapter § 49-7-2004, the following institutions are exempt from the annual reporting and the provisions of these regulations:~~

(a) ~~any entities offering e~~ Subject to subparagraph (b) of this rule, education, instruction or training that are ~~is:~~

1. maintained or given by an employer or group of employers, for employees or for persons they anticipate employing at no cost to the individual ~~without charge, which shall include taking a payroll deduction or requiring a minimum length of employment; or-~~
2. maintained or given by a U.-S. Department of Labor or state recognized labor organization, ~~without charge, (1) to its membership or apprentices or (2) at no cost to the individual; or;~~
3. financed and/or subsidized by public funds, at no cost to the individual ~~without charge to the students, and~~ having a closed enrollment; ~~or-~~
4. given under a contract agreement, having a closed enrollment, ~~at no cost to the student~~ at no cost to the individual, and does not offer ~~degrees or~~ educational credentials ~~such as but not limited to diplomas or special certifications~~ that in the opinion of ~~the Commission~~ Commission Staff are specifically directed toward new or additional vocational, professional, or academic goals; ~~or-~~
5. given to a closed network of franchise owners and their employees at no cost to employees through a franchisor that does not advertise or provide its training to the general public and wherein such training is not the primary business of the franchisor.

(b) For purposes of subparagraph (a) of this rule, payroll deductions, minimum employment periods as a result of a company's investment in the employee, fees levied if an individual leaves that employment, or similar practices shall constitute cost to the individual, except that the employer may accept funds provided through a state or federal program that provides adequate institutional and/or programmatic review as determined by Commission Staff.

- (c) Programs, seminars, or workshops that are recreational or avocational, including, but not limited to, motivational or enrichment programs, as determined by Commission Staff shall be considered exempt from authorization requirements. Upon review by Commission Staff, a provider that presents the instruction in such a way as to suggest a vocational end may be required to become authorized or clarify through public advertising that the program, seminar, or workshop is in fact recreational or avocational.
- (d) Short-term programs, seminars, or workshops that are solely for professional enhancement as determined by Commission Staff shall be considered exempt from authorization requirements. Education resulting in specialized certifications clearly used to denote technical, professional, or vocational proficiency toward an additional vocational goal or new job title must be authorized for operation.
- (e) Intensive review courses designed solely to prepare students for graduate or professional school entrance exams and professional licensure exams shall be considered exempt from authorization requirements. This exemption applies only when the review course is not designed to provide the initial training in the subject area.
- (f) Training designed to prepare students for credit-by-examination tests may be considered exempt from authorization requirements. The exemption is contingent on the entity's agreement to indicate in all promotional materials that the training is for test preparation for credit-by-examination tests and refrain from any misleading representations. Such misleading representations include:
 - 1. suggesting in any way that the training results in receipt of an educational credential, such as a degree;
 - 2. listing anticipated salary amounts; and
 - 3. suggesting that the entity is accredited.
- (g) Businesses offering limited computer training in hardware, software, delivery systems or any related technology for clients or customers directly related to a sale of equipment or services are exempt from the provisions of authorization.
- (h) Businesses offering short-term computer courses in common software or basic computer hardware that is intended for enrichment or professional enhancement are exempt from the provisions of authorization unless in the opinion of Commission Staff the courses are offered concurrently toward a vocational goal.

~~(2) To operate within exemption status, the following guidelines shall be used:-~~

- ~~(a2) Any institutions or program that clearly qualify/qualifies as exemption under the Act and/or these regulations/these rules after Commission staff review shall be considered is exempt from authorization without a determination of the vote of the Commission. However, institutions can request that Commission Staff issue a written determination of exemption for the institution as a whole or for any program. Commission Staff can revoke or amend an exemption determination if the basis for the exemption changes or no longer exists~~

~~(b) Institutional exemption is subject to annual staff review and/or revocation any time the~~

~~activity deviates from the original determination factors for exemption.~~

- ~~(c) Exemptions secured under this section of the rules are effective for each authorization year beginning on July 1, except as individuals or groups of institutions are notified prior to June 15 preceding any authorization year by a letter from the Executive Director of the Commission which shall state the bases for removal of any exemption.~~
- ~~(d) Exemptions can be revoked or amended by the Commission as they pertain to individual institutions whenever it is determined by the Commission that an institution exempted by the Act or these regulations has not acted in accordance to the purpose of T.C.A. § 49-7-2002, 'Legislative intent'.~~
- (3) Except as provided in paragraph (4) of this rule, to request a determination of exemption, institutions shall submit an Exemption Application along with a descriptive narrative explaining how the institution or program qualifies for an exemption. The application shall require a citation to the exemption provision relied on in the Act and these rules and documentation supporting the requested exemption such as: Institutions or educational providers seeking an exemption status (or not wanting to pursue authorization) that in the opinion of Commission staff do not clearly qualify under the exemption categories given in the Act and these rules will be required to complete an Exemption Request Form. The form shall include but not be limited to: copies of all institutional materials; brochures; advertising; state charter or business license; or organizational ties and/or contracts with other educational providers and a descriptive narrative of how the organization qualifies for exemption specifically citing the Act and/or rules. Upon receipt of an Exemption Application, Commission Staff shall make a written determination and, if denied, provide a date by which an aggrieved institution may submit a request for further review by the Executive Director. Such date shall not be earlier than ten (10) business days after the date of the written determination.
- (4) Institutions that are exempt pursuant to T.C.A. § 49-7-2004(a)(6) shall submit the Information Request Form in order to obtain a determination of exemption.
- ~~(a) Based upon the submitted material Commission staff shall make a written determination of institutional status. If the institution is aggrieved by that determination, the party may appeal in the manner provided by Rule 1540-01-02-.02(2)(b) and T.C.A. § 49-7-2010(b).~~
- (5) If the institution is aggrieved by a determination concerning exemption status, the institution may seek review as provided for in Rule .02(2)(b) of these rules. Any request for review shall be in writing, signed, list each instance where Commission Staff erred, and provide a detailed explanation of each alleged error with references to specific statutes or rules. Requests for review shall be received through hand delivery, mail, electronic mail or facsimile. A request may be denied if it is not received in a timely manner as set forth in paragraph (3) of this rule.

Authority: T.C.A. §§ 49-7-2002, 49-7-2003, 49-7-2004, 49-7-2005, 49-7-2006 and 49-7-2008.

1540-01-02-.06 MINIMUM ~~AUTHORIZATION~~ STANDARDS FOR AUTHORIZATION AND REQUIREMENTS.

- ~~(1) (1) Institutions authorized to operate or seeking authorization to operate in Tennessee must meet the minimum requirements standards for authorization stated in the Act and these rules Tennessee Code Annotated § 49-7-2006 and as further defined in these regulations. Commission Staff shall verify that an institution meets minimum standards for authorization through review of applications, including, but not limited to,~~

Initial Authorization Applications, New Program Applications, Program Revision Notification, School Personnel Applications, and Reauthorization Applications.

- ~~(2) — Meet the definition of a postsecondary educational institution as given in the Act and/or these postsecondary regulations.~~
- ~~(3) — Have physical presence in the state as given in these regulations.~~
- ~~(4) — Establish a charter or business license in the state of Tennessee for the proposed institution.~~
- ~~(5) — Financial stability to start up and initially operate a postsecondary educational institution demonstrated through a certified audit or statement acceptable to the Commission of the resources to be utilized in the school.~~
- ~~(6) — Ability to secure an institutional surety bond or like security described in rule 1540-01-02-.07(7).~~
- ~~(7) — Have an educational program(s) consistent with standards in Tennessee for length, content and quality for the educational credential offered in compliance with the Act and these regulations.~~
- ~~(8) — All programs must include training and substantive content to attain outcomes stated as the program purpose and mission of the institution.~~
- ~~(9) — No principal party, owner or administrator involved with the proposed institution has ever been associated with a postsecondary educational institution that ceased operation with resulting loss of time or money for enrollees or had institutional authorization to operate in a state revoked or had a felony conviction involving moral turpitude, fraud or a capital crime.~~
- ~~(10) — Before an institution is granted temporary authorization, the following requirements and standards required of an approved school must be met in preauthorization and maintained operationally.~~
 - ~~(a) — Complete all required initial authorization materials in package provided by the Commission staff with payment of all corresponding fees.~~
 - ~~(b) — Verification of a stable physical presence and/or a physical site acceptable to the Commission and these rules.~~
 - ~~(c) — Establish and maintain all Operational and Administration Standards, such as educational, financial, admissions, enrollment, instructor, etc., as given in these rules.~~
 - ~~(d) — New or revised programs must conform with all requirements given in these rules under New Program or Change in Program.~~
 - ~~(e) — Compliance for each of the educational credential(s) offered by the applicant institution, with requirements as given under Non-Degree Granting Institutions or Degree Granting Institutions.~~
 - ~~(f) — Demonstrate compliance for branch sites or expansion of programs by prior approval or prior notification with the institution's accrediting body wherever necessary to be consistent with the requirements of the accrediting body and the federal regulations.~~

(42) No out-of-state institution will be considered for authorization if it is not authorized in the state where it is primarily located.

~~(12) Any institution based primarily outside of Tennessee which proposes to set up a branch in Tennessee and is not accredited by an agency recognized by the Commission must forward reasons why resources would not best be spent on accreditation at current site.~~ (3) In relation to the size and scope of the institution, it shall furnish adequate student services and resources to fulfill the mission and claims of the institution. Such services must have staff available to students with the knowledge and skills in areas such as: academic standing and satisfactory progress, admissions, employment opportunities or placement, intern/externships, library, and financial aid.

(4) Administrative capability must be demonstrated in the daily operational standards at the institution. Administrative capability is the ongoing effective operation of the institution such that the institution is able to comply with and, as applicable, coordinate federal, state and accreditation requirements in a positive and educationally enriching environment to the benefit of students. Indicators of a breakdown of administrative capability include: reoccurring violations in the same area, numerous student complaints during the year, failure to correct compliance issues, frequent or sudden turnover in faculty or staff, or multiple findings in several different areas.

~~(13) An exception to any part of the Minimum Authorization Standards must be reviewed on an individual basis by the Commission.~~

(45) School Institution Name:

(a) An institution's name may not duplicate another institution name or mislead potential students in violation of fair consumer practices or suggest guaranteed employment, completion, or other outcomes.

~~(b) No postsecondary educational institution under the Act and these rules may not use the word "university" in their name unless the school institution meets the definition of university in these rules and has been so approved by a regional accrediting body so recognized by the U.S. Department of Education.~~

~~(b) No postsecondary educational institution under the Act and these rules may use the word "college" in its name without a qualifier if the institution:~~

1. ~~their~~ meets the definition of college as set forth in these rules;

2. has been approved by an accrediting body recognized by the U.S. Department of Education to offer degree level programs; and

3. offers or is seeking approval to offer at least one (1) degree program.

~~(d) An unaccredited or non-degree granting postsecondary educational institution may use the word college in its name as long as the name contains name unless the school has been so approved by a regional accrediting body recognized by the U. S. Department of Education, or uses an appropriate qualifier along with the word "college", such as "career", "vocational", or Bible. For institutions authorized after October 1, 2016 "business", "technical", "art" etc., the qualifier shall precede the word college. or in the case of a religious institution, "Bible" or a denominational term.~~

- ~~(c) All institutions authorized after July 1, 1997 using "college" in accordance with item 14(b) above, must achieve regional or national accreditation from an accrediting body recognized by the U. S. Department of Education in a timely manner while demonstrating consistent good faith efforts toward achieving that goal.~~
- ~~1. New institutions authorized after July 1, 1997 that demonstrate in the application process, that the school is capable by program length, content, adequate physical site and administrative capability of achieving accreditation, may initially use "college" in the institutional title as outlined in 1540-01-02-.06(14)(b) above.~~
 - ~~2. Institutions may use "Junior College" as a qualifier in the name of the institution provided that the institution has a current articulation agreement with a regionally accredited college or university. Loss of the articulation agreement will require removal of "Junior" as a qualifier, to be replaced on a schedule agreeable to the Commission with an institutional name in compliance with these rules.~~
 - ~~3. Institutions that fail to make good faith efforts toward accreditation or achieve accreditation in a timely manner shall be required to remove "college" from the institutional title.~~
 - ~~4. The Executive Director may consider an exception to 1540-01-02-.06(14)(a), (b) given above for special or unique circumstances. Institutional waivers will be null and void with a change in ownership.~~

Authority: T.C.A. §§ 49-7-2002, 49-7-2004, 49-7-2005, 49-7-2006, 49-7-2007, 49-7-2008.

1540-01-02-.07 INSTITUTIONAL APPLICATIONS.

- (1) Application ~~deadline~~due dates and deferrals:
- (a) For each quarterly meeting of the Committee, Commission Staff shall establish a due date that is no more than ninety (90) days before the date of the meeting. Unless stated by Commission Staff, the established due date shall apply to Initial Authorization Applications, New Program Applications, and Reauthorization Applications. Applications shall be received at the Commission on the due date. Applications received after that date will be deemed late and may be deferred to the next due date.
 - (b) An application submitted without the appropriate fee will be considered incomplete and will not be reviewed until all applicable fees are received. In any event, Commission Staff may defer the application to the next due date.
 - (c) Further, an ~~incomplete submissions~~ application is an application that is missing any information or contains noncompliant information. Commission Staff ~~as given below in Authorization - What Constitutes a Complete Application, or applications submitted after the established deadline~~ may ~~be defer~~ consideration of the application ~~red~~ to the next quarterly meeting due date ~~at the discretion of staff.~~
 - (d) If an application is deferred, the institution shall have until the next established due date to complete the application.

(b) An application can be deferred either by the institution or Commission Staff a total of two (2) times. After the second deferral, the application will be deemed withdrawn if the institution does not submit a completed application by the next due date. ~~s that voluntarily or involuntarily defer an application before the Committee will have two additional Committee/Commission meetings to complete, correct and/or submit the application by that established deadline date. Failure to complete the application process in the established time extension will require a new application and loss of all previously paid fees.~~

~~1. Exceptions must be requested in writing and granted by the Executive Director.~~

(2) Initial Authorization Application: ~~Authorization—What Constitutes a Complete Application:~~

(a) Institutions must demonstrate through the Initial Authorization Application that the institution meets minimum standards for authorization as provided for in the Act and these rules. ~~Prior to operation, which includes advertising, recruitment and solicitation, institutions seeking or required to hold an authorization must submit on forms provided by the Commission, a completed~~ The application which shall include ~~require~~ at least the following a minimum:

1. a ~~title or~~ name of the institution that complies in compliance with the Act and these rules;

~~2. a copy of the Tennessee state charter as filed with the Secretary of State (incorporated) or local business license (sole proprietorship);~~

2. evidence of a business account with a financial institution that is federally insured in said institution's name;

3. a description of the ownership of the institution, including names and contact information for owners or board of director members, percentage of ownership, and, when applicable, a corporate flowchart showing the institution's position in relationship to all affiliated corporate entities ~~ownership and/or controlling officers;~~

4. the address and general description of facilities such that a determination can be made that the institution has adequate space, equipment, and instructional material to provide education of good quality;

5. evidence demonstrating that the location is commercially zoned and that possession of the location is stable such that the institution will be able to use the location for a minimum of one (1) year from the date of application. Month-to-month leases are not acceptable;

~~5. list of instructional equipment for each program (owned or leased);~~

6. qualifications for instructional staff and supervisors;

7. designation of and contact information for an institutional director for each location and an affirmation from the director that he or she will conduct the institution in accordance with the Act and rules ~~site-responsible for authorization contracts and maintenance of records and all other duties as described under Personnel and Instructor Qualifications (1540-01-02-.16);~~

8. a description definition of any administrative structure above the institutional director with the signature of the official that will notify the Commission if the director is replaced;
- ~~9. a check or money order payable to the State Treasurer for Tennessee for such fees as prescribed under these rules;~~
- ~~409. a continuous~~ institutional surety bond ~~as described by rule 1540-01-02-.07 or as prescribed by T.C.A. §49-7-2013;~~
- ~~14~~10. a copy of the enrollment ~~contract or agreement described in these regulations~~the institution will use following receipt of authorization;
- ~~42~~11. a copy of the pre-enrollment checklist the institution will use following receipt of authorization~~Enrollment Disclosure Standards (1540-01-02-.13) checklist if not incorporated within the enrollment agreement (contract);~~
- ~~13. information pertaining to institutional facilities ownership, length of any lease and time in present quarters. Information must include total square feet, available floor space for conducting programs, and subtotals for classrooms, offices, and library space (with number of volumes held). Instructional equipment (specify owned or leased) must be listed and described. Current verification of fire and sanitation inspections of educational facilities (and student housing owned by institution) must be filed as described in 1540-01-02-.07 of these rules;~~
- ~~44~~12. a ~~draft or~~ copy of the institutional catalog the institution will use following receipt of authorization ~~(see 1540-01-02-.11);~~
13. a copy of the student transfer of credit disclosure statement required by T.C.A. § 49-7-144;
- ~~15. a complete description of the proposed educational programs in compliance with the Act and these rules;~~
- ~~16. a complete syllabus for each course proposed that demonstrates sufficient content and depth for the proposed level of the program and credential offered;~~
- ~~47~~14. any specific requirements as outlined under ~~degree granting and/or non-degree granting sections of these regulations~~Rule .08 of these rules;
15. affirmation that the institution is maintained and operated in compliance with all pertinent ordinances and laws, including, but not limited to, rules and regulations adopted pursuant to ordinances and laws relative to the safety and health of all persons upon the premises;
- ~~48~~16. if participating in Title IV federal student financial aid programs,
 - (i) the institution's Office of Postsecondary Education Identification (OPEID) number;

- (ii) the most recently calculated three-year official cohort default rate from the Office of Federal Student Aid of the U.S. Department of Education; and
- (iii) documentation demonstrating that the institution is currently maintaining financial standards and institutional stability deemed acceptable for eligibility in Title IV federal student financial aid programs. Documentation shall include at a minimum:
 - (I) the most recent independent audit completed, in part, for purposes of calculating the institution's federal financial composite score as described in 34 C.F.R. § 668.172; and
 - (II) any correspondence issued in the past twenty-four (24) months from the Federal Student Aid Office of the U.S. Department of Education concerning eligibility for financial aid, including, but not limited to, financial ratios, a letter of credit alternative, or a provisional certification alternative as well as any related correspondence from the institution;~~a copy of the most recent audits or program reviews of such programs by any applicable non-profit, state or federal agencies, including, but not limited to, any student guarantee agency and the United States Department of Education;~~

~~19. evidence of institutional financial stability as follows:~~

~~17. provide financial statements as follows:~~

- (i) as to institutions that are not currently operating a location,
 - (I) a year-to-date balance sheet that demonstrates resources adequate to fund facilities maintenance and overhead, staff and faculty payroll, books, supplies or equipment utilized by students, and general operating costs for a minimum of ninety (90) days and
 - (II) pro forma income statements demonstrating that the location for which authorization is being sought will within the first three (3) years following receipt of initial authorization meet the ratios described in Rule .14(6)(e) of these rules; or
- (ii) as to institutions that are operating a location,
 - (I) current financial statement with a balance sheet that demonstrates resources adequate to fund facilities maintenance and overhead, staff and faculty payroll, books, supplies or equipment utilized by students, and general operating costs for a minimum of ninety (90) days and
 - (II) pro forma income statements demonstrating that the location for which authorization is being sought will within the first three (3) years following receipt of initial

authorization meet the ratios described in Rule .14(6)(e) of these rules and financial statements of all owners; and

18. such other information or clarification deemed necessary by Commission Staff.

- ~~(i) sufficient finances to establish and conduct proposed operation;~~
- ~~(ii) audited financial statements consistent with generally accepted accounting principles and signed by a certified public accountant not associated with the institution or its owners;~~

~~20. the balance sheet in the financial statement must reflect owner's (proprietorship, partnership, corporation, other, etc.) assets and liabilities.~~

~~(3) Each application for a certificate of authorization or change of ownership must be signed by the applicant and signature(s) must correspond with required names on surety bonds. If the applicant is a partnership, all partners must sign. If the applicant is a corporation, it must be signed and certified by the president and secretary; all officers of the corporation must be listed.~~

~~(4b) A separate application for authorization, which is site specific, must be made for each location located outside of reasonable walking distance from a previously authorized location from the main site. The Commission staff Commission Staff may make reasonable exceptions for narrow purpose, highly structured programs at multiple locations where, in view of the Commission, administrative requirements are limited and precise.~~

~~(5) The applicant institutional director must sign and date, on forms provided by the Commission, the director's intention to:~~

- ~~(a) conduct the institution in accordance with the Act and rules established by the Commission;~~
- ~~(b) advertise or solicit using institutional employees familiar with these rules;~~
- ~~(c) advise the Commission within a reasonable time in advance if the controlling officers change or the school ceases operation;~~
- ~~(d) notify the Commission of staff changes by forwarding staff information forms for new staff and informational letter for staff terminations;~~
- ~~(e) advise the Commission of any application to operate in another state (Tennessee institutions only);~~
- ~~(f) sign significant operational documents (such as those vouching for accuracy of staff information, moral character, program revisions, etc.); and~~
- ~~(g) forward, if participating in federal financial aid programs, a copy of each audit of such programs by applicable state and federal agencies, applicable non-profit, state or federal agencies, including, but not limited to, the Tennessee Student Assistance Corporation and the United States Department of Education.~~

~~(6) Bond Requirements for Institutions:~~

- ~~(a) — Institutions not exempted from surety bond provisions, must on forms provided by the Commission, secure for student indemnification purposes, from an insurance company licensed in Tennessee, a surety bond for the penal sum of \$10,000 for in-state institution and \$20,000 for out-of-state education institution, including branch campuses as specified in T.C.A. 49-7-2013, except as follows:~~
- ~~1. — In-state institutions with substantially less unearned tuition or student exposure than \$10,000 may post a surety bond equal to 125% of the maximum unearned tuition or student exposure rounded upward to the nearest thousand dollars (prior written administrative agreement by the Commission staff is required).~~
- ~~(7) — Out of state institutions must, on forms provided by the Commission, secure a surety bond for agents in the penal sum of \$5,000 per agent from a surety company authorized to do business in Tennessee with the applicant institution as principal. Such applications must be accompanied by verification by the issuing agency that the individual seeking a permit is covered by a \$5,000 surety bond.~~
- ~~(8) — Bonds provided by institutions under Section 1540-01-02-.07(7) must be accompanied by the name, office address, and phone number of the issuing insurance company representative and the bond must be site specific.~~
- ~~(9) — Bonds provided by institutions under Section 1540-01-02-.07(7) must be identified on the top half of the first page by the name and the address of the institution. Bonds and verification of bonds should be forwarded to the Commission by institutional directors, and not directly from issuing companies.~~
- ~~(10) — Certificates of deposit or a cash deposit with a bank may be accepted in lieu of the bond with approval of the Commission staff. Such deposits are subject to the same terms and conditions provided for in the surety bond requirement under this regulation.~~
- ~~(11) — Fire and Sanitation Inspections:~~
- ~~(a) — Applicant institutions must secure, from appropriate local agencies, documentation that fire and sanitation codes are met by the proposed instructional facilities. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable.~~
- ~~(b) — Tennessee institutions seeking initial authorization and renewal must maintain documentation in their authorization records that a fire and sanitation inspection has been successfully passed during the past twelve months and, further, the institution must notify the Commission of the most recent inspection dates as part of the renewal application. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable.~~
- ~~(c) — Out-of-state institutions must forward to the Commission a copy of fire and sanitation inspection reports and these reports must be made at least every twelve months.~~
- ~~(d) — Commission staff may seek supplemental fire and/or sanitation reports from appropriate local or state agencies.~~

(3) Reauthorization Application:

- (a) Effective January 1, 2018, institutions with regular, temporary, or conditional authorization shall file a reauthorization application by the due date for the Committee meeting that is approximately one (1) year from the institution's initial authorization date. In order to efficiently transition to this process in 2017, Commission Staff will post on its website by October 3, 2016, a schedule for institutions to follow in 2017 to obtain reauthorization prior to the current authorization expiration date of June 30, 2017. If necessary to effectuate the transition, the Executive Director may extend an institution's authorization.
- (b) Institutions must demonstrate through the Reauthorization Application that the institution continues to meet the minimum standards for authorization as provided for in the Act and these rules. The application shall require at a minimum:
1. updates to information previously submitted as part of other applications;
 2. information related to required student enrollment documentation, such as enrollment agreements and disclosures;
 3. financial statements for the most recent institutional fiscal year as given under Rule .14 of these rules;
 4. a list of institutional personnel;
 5. funding data for students enrolled during the reporting year, including, but not limited to, the amount of self-pay and state or federal aid program funds;
 6. student data related to licensure examination passage rates as further explained in Rule .08(4) of these rules;
 7. statistical data as described in Rule .27 of these rules; and
 8. such other information or clarification deemed necessary by Commission Staff.

(124) ~~New Ownership~~ / Change in Ownership Application:

- (a) Authorization to operate cannot be transferred.
- (b) The sale or transfer of an ownership interest after the death of an owner of an institution to either an approved partner or current stockholder of the corporation is not considered a change in ownership. The Executive Director may determine that other similar transfers should also be excluded from these requirements.
- (c) In the event of a change of ownership, as defined in Rule .03(41) of these rules, the new owner or governing body must submit to Commission Staff within ten (10) business days after the change in ownership is finalized:
1. a Change of Ownership Application and

2. a request that the Executive Director grant the new owner or governing body conditional authorization to operate until the new owner or governing body obtains temporary authorization.

~~The following constitutes new ownership:~~

- ~~1. in the case of ownership by an individual, when more than 50% of the institution has been sold or transferred;~~
- ~~2. in the case of ownership by a partnership or a corporation, when more than 50% of the institution or of the owning partnership or corporation has been sold or transferred;~~
- ~~3. when the board of directors, officers, shareholders, or similar governing body has been changed to such an extent as to significantly alter the management and control of the institution.~~

~~(b)~~ A person or persons purchasing~~The new owner or governing body shall submit an Initial Authorization Application by the first quarterly filing due date after filing the Change of Ownership Application. an institution authorized to operate shall comply with all the requirements for securing an initial, new authorization including new program applications for each program.~~

(e) The Change of Ownership Application shall ~~In addition, a copy of the~~require that the new owner or governing body provide the sales contract(s), bill(s) of sale, deed(s), and all other instruments documents necessary to transfer ownership of the institution ~~shall be submitted to the Commission.~~

~~(c) In the event of a change of ownership, a new owner or governing body must notify the Commission within 10 days after the change in ownership and request from the Executive Director conditional authorization to operate until temporary authorization can be acquired under standard established procedure by recommendation of the Committee for Postsecondary Educational Institutions and affirmative vote of the Commission.~~

~~(d) The sale or transfer of ownership interest after the death of an owner of an institution to either a family member or a current stockholder of the corporation is not considered a change in ownership, and the executive director may determine that other transfers should also be excluded from these requirements.~~

~~(135)~~ New Program or Change in Program Application and Program Revision Notification:

~~(a) Vocational program names and objectives must generally coincide with or be equated with the Dictionary of Occupational Titles published by the U.S. Department of Labor and/or the Classification of Instructional Programs published by the U.S. Office of Education, National Center for Education Statistics.~~

~~(b) New institutions proposing to offer programs similar to those conducted by Tennessee institutions under the Tennessee desegregation plan must submit a description of the anticipated effect of the proposal on the racial composition of higher education institutions in Tennessee.~~

~~(ea)~~ In order to offer a program, an institution must submit a New Program Application either along with an Initial Authorization Application or, for previously authorized

institutions, as a stand-alone application. Program approval by the Commission is required prior to offering the program, which includes enrolling, advertising, recruiting or soliciting. Applications must be received by the quarterly due date established by Commission Staff.

~~New institutions must submit a rationale with supporting data to justify initiation of programs proposed.~~

(b) The New Program Application shall include at a minimum:

1. general program information, such as the program name, proposed start date, anticipated initial enrollment, itemized tuition and other fees, delivery mode, length, number of credits or contact hours, and accreditation status. When program lengths exceed standard times or program periods established by these rules, the institution must justify expansion of training in terms of exceptional student benefits;
2. designation of the credential awarded which conforms to the requirement that no institution may offer instruction leading to an academic degree unless the institution is approved by a regional accrediting body recognized by the U.S. Department of Education. An exception may be approved by the Executive Director upon recommendation of Commission Staff. Any request for exception shall be made in writing and include proof of the following:
 - (i) the institution is accredited by an U.S. Department of Education approved accreditor for the specific degree type; the program is accredited by the appropriate accrediting agency if such accreditation is necessary for employment in or licensure by the state; and the institution has articulation and transfer of credit agreements with two (2) regionally accredited institutions both having a physical location in the Southeast region; or
 - (ii) special or unique circumstances.
3. if applicable, evidence of approval from any subject matter expert state agency, board, or commission;
4. a program overview;
5. syllabi for courses or, for short programs, an outline and description of the training;
6. a job title and the associated Classification of Institutional Programs (CIP) code applicable to the job title;
7. the most currently available entry level salary or wage data for those CIP codes from a Tennessee or federal website;
8. admission criteria;
9. instructor qualifications and, when applicable, School Personnel Applications;
10. library holdings and in-house resources available to students related to the program;

11. a list of training equipment, indicating whether the equipment is owned or leased;
12. a description of how this program is consistent with the institution's mission;
13. a description of how the institution is structured (administration, staff and resources) to ensure educational quality;
14. if applicable, a list of all clinical or externships sites with a copy of an affiliation agreement with each site;
15. The maximum pupil to teacher ratio for each course. Acceptable ratios, without special permission from the Commission, are as follows:
 - (i) lecture: 40-1;
 - (ii) allied health and nursing labs: 20-1;
 - (iii) class A truck cab: 4:1; and
 - (iv) class B truck cab: 2:1.
16. if applicable, distance learning specific information, such as:
 - (i) a mock password so that Commission Staff can navigate through the online system used for instruction;
 - (ii) an explanation as to how educational goals and overall program goals are achievable through distance learning; and
 - (iii) an explanation as to how graduates of the program will exhibit skills and knowledge equivalent to similar residential programs; and
17. such other information or clarification deemed necessary by Commission Staff.

~~(d) — Authorized institutions must submit to the Commission a supplementary application if additional programs are proposed during any authorization year and the program must be authorized prior to operation, which includes advertising or solicitation. Applications must be received by the quarterly deadline established by Commission staff to be included on the ensuing Committee and Commission agenda.~~

~~(e_c)~~ When an Ongoing institutions that make changes revises to an existing program(s) an previously approved program by the Commission must file a , then the institution must seek approval from Commission Staff by submitting a Program Revision Notification at least thirty (30) days prior to implementing the revision. If New Program Application if the program changes revision amounts to change of more than exceed twenty-five percent (25%) in one calendar year the last twelve (12) months, or if in the opinion of staff Commission Staff determines a significant change revision has occurred, then the institution must submit a New Program Application prior to implementing the revision. Changes of less-

~~than 25% should be reported by letter as a file item to the Commission detailing changes made. All changes must be reflected in the institutional catalog.~~

~~(f)~~ Institutions shall not arbitrarily add a course ~~or courses~~ to an existing program in which a student would incur additional time ~~and/or~~ expense beyond the catalog requirements at the time of enrollment, unless the addition is in response to: ~~demonstrated-~~

1. demonstrated educational necessity;
2. a reasonable program completion period ~~had~~ elapsed;
3. state approval agencies requirements;-
4. U.S. Department of Education recognized accrediting accreditor agencies requirements; or ~~for~~
5. requirements of professional licensure requirements certifications or licenses.

~~Under approval conditions~~ In any event, the institution shall provide written notification to ~~the Commission~~ Commission Staff and give adequate notice to all students affected prior to any change.

~~(446)~~ New Location / Change of Address Location Application:

(a) Absent extraordinary circumstances, an authorized institution shall submit a Change of Location Application thirty (30) days prior to moving. An example of an extraordinary circumstance is the unexpected loss of a lease.

(b) The Change of Location Application shall include at a minimum:

- (i) the address and general description of facilities such that a determination can be made that the institution has adequate space, equipment, and instructional material to provide education of good quality;
- (ii) evidence demonstrating that the location is commercially zoned and that possession of the location is stable such that the institution will be able to use the location for a minimum of one (1) year from the date of application. Month-to-month leases are not acceptable;
- (iii) affirmation that the institution is maintained and operated in compliance with all pertinent ordinances and laws including, but not limited to, rules and regulations adopted pursuant to ordinances and laws, relative to the safety and health of all persons upon the premises; and
- (iv) such other information or clarification deemed necessary by Commission Staff.

~~An application from an authorized institution to reflect a new location shall be filed and include all documents designated by the Executive Director as being necessary with the appropriate fee. Documents shall include but not necessarily limited to: (1) evidence of satisfactory health inspection, (2) evidence of satisfactory fire inspection, (3) all physical material and building requirements given under Initial Authorization.~~

(c) Commission Staff shall approve the application after it determines that the application is complete and conducts a successful site visit.~~Approval may be issued after the new facilities have been inspected and the application is complete.~~

(d) If a move is beyond ten (10) miles and a student is prevented from completing the training at the new location~~as determined by the Executive Director~~, a full refund of all moneys paid and a release from all obligations will be given to the student or loan holder.

(7) School Personnel Application:

(a) Authorized Institutions must provide and maintain qualified faculty and staff in order to fulfill the mission of the institution and all obligations to the students. Qualifications must be submitted to Commission Staff on a School Personnel Application no later than ten (10) business days after the hire date.

1. Unaccredited institutions must submit to Commission Staff School Personnel Applications for all instructors and administrative personnel as that term is defined in subparagraph (7)(b) of this rule.

2. Institutions accredited by an accrediting body recognized by the U.S. Department of Education must submit to Commission Staff School Personnel Applications for all administrative personnel as that term is defined in subparagraph (7)(b) of this rule. For each instructor, an accredited institution shall maintain on-site documentation that demonstrates the minimum qualifications and must submit such documentation and a School Personnel Application at any time upon request from Commission Staff.

(b) Administrative personnel are individuals that oversee areas as outlined in operational and administrative standards. This includes by function, but is not limited to titles of an institutional director; financial aid administrator; director of admissions; director of education; business officer or manager; director of student services (including counseling and placement) and the registrar. Support and clerical staff is not included as administrative personnel.

(8) Agent Permit Application:

(a) Agents must submit an Agent Permit Application, as provided by Commission Staff, and must receive approval and an agent permit from Commission Staff prior to any solicitation. The application shall include at a minimum:

1. general contact information for the agent;

2. recommendations by two (2) reputable persons certifying that the applicant is of good character and reputation;

3. a surety bond as specified in Rule .09 of these rules; and

4. certification by the institution director that the applicant will be directed to act in accordance with the Act and these rules.

(b) Agent permits must be renewed every year. The expiration date of a permit is one (1) year from the date of issue or immediately upon termination of

employment whichever occurs first.

(c) Agents must have separate permits to represent separate institutions unless the institutions have common ownership such that the institutions present a common name to the public and have the same mission. Mutual agreement by institutions is required.

(d) All agents must verify by signature that they have read and are familiar with rules on advertising and solicitation and must verify intent to follow rules as set forth in Fair Consumer Practices.

(9) Institution Name Change Application:

(a) An authorized institution shall submit an Institution Name Change Application thirty (30) days prior to changing the institution's name unless the name change is the result of a change of ownership. In the case of a change of ownership, the authorized institution shall submit a Change of Ownership Application.

(b) The Institution Name Change Application shall include at a minimum:

1. updated contact information;

2. a proposed new name of the institution that is compliant with these rules;

3. updated surety bond information;

4. an updated copy of the pre-enrollment checklist, enrollment agreement, and catalog; and

5. such other information or clarification deemed necessary by Commission Staff.

Authority: T.C.A. §§ 49-7-2005, 49-7-2006, 49-7-2007, 49-7-2008 and 49-7-2013.

~~1540-01-02-.08~~ 1540-01-02-.08 REGULATIONS FOR SPECIFIC ~~School Types~~ INSTITUTIONS AND PROGRAMS.

~~(1) General:~~

~~(a) Institutions offering programs of legal interest to other state agencies must, if directed by the Commission, provide information necessary for the dual review of the program. (For example, any institution proposing a teacher education program for the purpose of teacher licensure must also be reviewed by the State Board of Education).~~

~~(b) Authorized institutions that promote, advertise or use prepared materials of any entity that offers vocational / professional certifications (that are not part of the school's authorized educational credential) or certification exams, (e.g. national certifying exam for Phlebotomy) must demonstrate to the Commission clear benefit to the students prior to usage. The Commission upon review may rule to:~~

~~1. allow promotion and usage because of benefits to the student;~~

~~2. allow promotion and usage but with clear disclosure to the students with language such as, 'this certification is voluntary and is not required for employment in the state of Tennessee' or 'this certification is voluntary and is not necessarily used as a standard of recognition for employment within the industry;~~

~~3. deny usage. (see Prohibitive Acts 1540-01-02 .18).~~

~~(c) Unauthorized institutions that promote, advertise or use prepared materials of any entity that offers vocational/professional certifications may be required to become authorized for such activity.~~

~~(d) Institutions must adhere to all copyright laws and observe intellectual property rights in conducting the school.~~

~~1. Using video tapes or other forms of telecommunication as a large portion of the contact hours in a program or on a per class basis for the purpose of granting educational credit, must have implied consent by purchase or the written consent of that instructor and/or the institution that produced the educational material, prior to incorporating them into the curriculum.~~

~~(2) Non-Degree Granting Institutions:~~

~~(a) Non-degree programs which are designed primarily for job entry or upgrading of skills must be described in clock (contact) hours.~~

~~(b) Non-degree programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to effect outcomes.~~

~~1. Institutions must provide a minimum program length that adequately prepares students for entry level employment.~~

~~2. Program lengths that exceed standard or currently acceptable times or program periods established by regulations and/or statues must justify expansion of training in terms of exceptional student benefits. Such programs may also be required to review curriculum to evaluate consolidation of classes and course material.~~

~~(3) Degree Granting Institutions:~~

~~(a) New institutions seeking authorization to offer degrees in the state of Tennessee or new program applications for a degree program must submit the application by the deadline date established by Commission staff, which shall be 45 to 60 days prior to the quarterly meeting of the Committee on Postsecondary Educational Institutions.~~

~~(b) All degrees offered must be approved by name and designation by the Commission. No institution may offer traditional liberal arts degrees or professional degree designations such as those given in the definitions under "college" and "university" unless previously approved by a recognized regional accrediting body.~~

~~1. An exception may be approved by the Executive Director upon recommendation of Commission staff.~~

- (ea) Authorization to offer any degree in the state will require either institutional accreditation by a U.S. Department of Education recognized accreditor ~~as defined in these regulations~~ or authority to grant degrees by affirmative vote of the Commission. ~~Accredited institutions shall be deemed during initial authorization to have met the minimum requirements to offer degrees.~~
- (eb) ~~Non-~~Unaccredited institutions seeking authority to grant degrees ~~in the state~~ must meet, in addition to the requirements in the Act and these regulations ~~these rules~~ for ~~temporary or regular~~initial authorization, at a minimum ~~the additional fee as given in these regulations and demonstrate compliance with, but not limited to the following standards:~~
1. the ~~operation~~institution shall incorporate instructional procedures, texts, and materials appropriate to the purpose, curriculum and standards of other postsecondary ~~degree granting postsecondary educational~~ institutions offering similar programs in the state;
 2. for undergraduate and degree granting programs and except as noted further in subparagraph (c) of this rule, twenty-five percent (25%) of the total program must be in general education courses and should be indicated separately in the curriculum presented;
 - ~~3. a syllabus for each course offered;~~
 43. library resources and holdings ~~that~~ shall contain up-to-date titles, be available and accessible to all enrolled students and commensurate with the proposed degree level;
 54. demonstration that the degree and the program has merit and value academically, professionally, or vocationally in Tennessee; and
 65. master and doctorate level degrees must demonstrate in the curriculum and outcomes increasing levels of critical, analytical, and interpretive thinking, use of primary documents or resources, and independent research skills.
- (ec) Undergraduate degree programs must include at least twenty-five percent (25%) of the program in general education courses unless the institution can demonstrate program accreditation requirements which are lesser or for a ~~non-~~unaccredited institution offering or proposing an associate degree level, demonstrate to the Commission that because of the occupational/technical nature of the program that a student would not benefit in the job from general education courses and demonstrate the need to use that twenty-five percent (25%) of the program for job skills courses.
- ~~All general education courses must be taught by holders of baccalaureate degrees with at least twenty-five percent of the general education staff with earned master's degrees or equivalent.~~
- (fd) Graduate degree programs, in addition to staffing and study time requirements in these rules, must provide experienced research staff to direct graduate research papers, provide a program of sufficient length and arrangement to facilitate student-to-student and student-to-staff exchange of ideas, provide

appropriately credentialed staff in collateral areas, and provide access to a wide range of current reference materials in the subject field.

~~(g) Degree program admission policies must be at least the following:~~

- ~~1. undergraduate degrees must require a high school diploma or equivalency, and~~
- ~~2. graduate degrees must require at least a baccalaureate degree from an institution judged to be appropriate by the Commission.~~

~~(4) Long Distance Learning:~~

~~(a) Required authorization of long distance learning institutions shall be reviewed based upon Commission staff evaluation of physical presence. Computer networks or other electronic delivery systems or other forms of long distance learning that might have institutional components in multiple locations outside of this state will be reviewed based upon origination of but not limited to any of the following from Tennessee: instruction, institutional administration or issuance of an educational credential.~~

- ~~1. No ruling by the Commission regarding authorization or exemption of a long distance learning provider will be interpreted to limit review by any other state agency concerning issues of consumer protection and disclosure.~~

~~(b) All authorized long distance learning institutions must provide a printed catalog, enrollment disclosure statement and a contract as required in these regulations. Institutions that enroll students by means such as computer network or telecommunications must provide evidence that the student has acknowledged receipt of the required information.~~

~~(c) Home study or long distance learning institutions must meet directly and indirectly all requirements of the Act and these regulations and must seek authorization for a specific location, assign specific administrative responsibilities at each separately authorized site to a director for adequate and appropriate staffing to serve the stated purpose and to make reports as directed by these rules, and as requested by the Commission staff.~~

~~(d) Long distance learning courses or programs must consist of at least the following:~~

- ~~1. a preliminary lesson or set of instructions on how to study by the home study method, or adequate study instructions per assignment;~~
- ~~2. current and accurate text or lesson materials; and~~
- ~~3. instructional service or individualized feedback on each unit assignment which must be based on examination questions or problem assignments which thoroughly stress the important phases of the subject presented.~~
- ~~4. demonstration that instruction in each course including general education courses is presented by a qualified instructor(s), and that required student evaluation or feedback for each course or lesson is also by a instructor qualified in that specific course or subject matter area.~~

~~5. evidence that adequate library or research resources are available to all students that may enroll appropriate to the type and level of the educational program and credential offered.~~

~~6. educational goals and overall program goals are achievable through long-distance learning and that graduates of distance education exhibit skills and knowledge equivalent to resident programs of a similar nature.~~

(52) Unaccredited institutions shall not accept funds for tuition prior to ten (10) business days of the scheduled start date of the course or program.

(3) Bartending institutions~~Schools:~~

(a) Pursuant to T.C.A. § 49-7-115, all schools involved in training in the areas of management, operation, procedures, or practice of dispensing alcoholic beverages or bartending shall include instruction in the problems of alcohol abuse and the effect of alcohol consumption on highway safety.

~~(6) Truck Driving (CDL) Schools:~~

~~(a) Authorized truck driving schools may advertise in the 'help wanted' section of the newspaper classifieds provided that the advertisement adheres to all other regulations given in 1540-01-02-.20 and within the advertisement it clearly indicates with specific language that this is a "school advertisement", "advertisement for training" or a "training opportunity with [school's name]".~~

~~(b) Advertisements may refer to truck lines or carriers by name with the written permission of that company and use language such as "training agreement with", "training contract with" or "exclusive training for [carrier's name] in Tennessee". If a school mentions or alludes to multiple training agreements with carriers, the advertisement must give a specific number and have prior approval from Commission staff. All claims related to carriers must be documented and on file at the school.~~
(4) Programs leading to licensure, certification, registration or similar recognition:

(a) Successful completion of an examination given by a private or public third-party cannot be part of an institution's program or be a completion requirement. For example, a truck driving program cannot include successful completion of the Commercial Driver's License examination.

(b) Institutions offering programs in fields that require a student to take an examination in order to be licensed or similarly recognized before the student can be employed in the field shall provide as part of the Reauthorization Application student-level data as to:

1. whether the student sat for the examination; and

2. whether the student passed the examination.

(c) Institutions may request a waiver from Commission Staff of subparagraph (4)(b) of this rule. Commission Staff shall grant the waiver upon receipt of documentation from the institution demonstrating that the examination provider or related state agency will not provide testing data to the institution.

(5) For programs of interest to other state agencies, such as dental programs, Commission Staff will endeavor to streamline processes when a subject matter expert state agency has a law that is contrary or duplicitous of the Act or these rules.

~~(7) Modeling Schools:~~

- ~~(a) Modeling schools that also operate a placement or talent agency must maintain clear separation in function and advertising the agency from the school.~~
- ~~(b) Talent seminars, interviews or 'talent searches' may not be used to enroll individuals in modeling schools or training.~~
- ~~(c) Schools that operate as a 'finishing school', exclusively for personal deportment or for enrichment may not advertise or conduct courses that implies or suggests vocational modeling or related goals.~~

~~(6)~~ (8) Computer Training:

- ~~(a) Businesses offering limited computer training in hardware, software, delivery systems or any related technology for clients or customers (closed enrollment) directly related to a sale of equipment or services are exempt from the provisions of authorization.~~
- ~~(b) Businesses offering short term computer training in common software or basic computer hardware that is intended for enrichment or professional enhancement are exempt from the provisions of authorization unless in the opinion of the Commission courses using various software are offered concurrently toward a vocational goal. (e.g. word processing software offered toward secretarial goals).~~
- (ae) Businesses offering specialized certifications clearly used to denote technical, professional or vocational proficiency toward an additional vocational goal or new job title must be authorized for operation of that training in the state.

~~(9) Teacher Training (K-12) or Licensing or Recertification:~~

- ~~(a) The Tennessee State Board of Education or the Commission may request a dual review of any institution or business with physical presence in Tennessee offering courses related to but not limited to teacher (K-12) licensing, recertification or career ladder. For accredited institutions with teacher education programs using long distance learning (but using targeted direct mail advertising), the Commission may grant a waiver for authorization if State Board of Education or a local public school district has accepted, endorsed or approved for graduate credit transfer any portion of the program. Such a waiver shall not be granted for any institution outside of the provisions stated above and may be individually retracted if in the opinion of the Commission the advertising is misleading regarding outcomes or credits earned.~~

~~(10) Seminars / Workshops:~~

- ~~(a) Seminars or workshops of short duration that are motivational, enrichment, recreational, avocational or solely for professional enhancement as determined by Commission staff shall be considered exempt from authorization requirements.~~
- ~~(b) Upon review by Commission staff a seminar/workshop provider regardless of length that presented the instruction in such a way to suggest a vocational end~~

~~may be required to become authorized in the state, or clarify through public advertising that the seminar/workshop is in fact enrichment or recreational.~~

Authority: T.C.A. §§ 49-7-2003, 49-7-2005, and 49-7-2008.

1540-01-02-.09 BONDS.

- (1) Institutions must, on forms provided by the Commission, secure for student indemnification purposes, from a surety company qualified and authorized to do business in Tennessee, a continuous surety bond in the amount of:
 - (a) ten thousand dollars (\$10,000) for in-state institutions, out-of-state public institutions and all institutions providing primarily religious instruction, and
 - (b) twenty thousand dollars (\$20,000) for all other institutions, including out-of-state private institutions.
- (2) Out-of-state institutions must, on forms provided by the Commission, secure a surety bond for agents in the amount of five thousand dollars (\$5,000) per agent from a surety company qualified and authorized to do business in Tennessee with the institution as principal.
- (3) Institutions must provide a bond for each authorized location.
- (4) Subject to Commission Staff approval, an irrevocable letter of credit secured by a certificate of deposit or a cash deposit with a bank may be accepted in lieu of the bond. Such deposits are subject to the same terms and conditions provided for in the surety bond form.

Authority: T.C.A. §§ 49-7-2005 and 49-7-2013.

1540-01-02-.09-10 AUDITS. ANNUAL RENEWAL FOR AUTHORIZATION.

- (1) Commission Staff may conduct audits to ensure compliance with the Act and these rules. Audits may be performed at the institution's authorized location or by requesting that the institution forward copies of student records to Commission Staff. In the case of the latter, the provided records will be retained by Commission Staff as working papers but will be destroyed when the audit is closed.
- (2) Commission Staff may audit an authorized institution at any time without notice to the institution. However, unless the circumstances mandate that no notice can or should be given, Commission Staff should provide at least seventy-two (72) hours' notice. Notice shall be given by email to the institutional director.
- (3) Failure to comply with any audit request may be an audit finding and result in adverse action against the institution.
- (4) Commission Staff will provide the institution with an audit report that lists any findings and the frequency. The report shall require the institution to propose corrective action for all findings or to show cause why the Executive Director or Commission should not take adverse action.

- (5) Tuition increases that in the opinion of the Commission are excessive, unreasonable or exceed initial disclosure to students may result in an in-depth audit of the institution's financial stability.
- ~~(1) All unaccredited authorized institutions and institutions under Temporary or Conditional Authorization must submit an annual report or renewal application on a form provided by Commission staff. The annual authorization year will be from July 1 through June 30 and annual application or reports submitted is due each October 15 and must be accompanied by an annual fee as prescribed by these rules.~~
- ~~(2) Accredited institutions under Regular Authorization will be granted upon affirmative vote of the Commission an authorization certificate for each site for a period of up to six years. The Commission, when possible will tie the authorization period to the accrediting body's granting of accreditation / reaffirmation cycle and require each October 15 (in lieu of the Commission's annual renewal package) the most recent annual reporting documents submitted to the accrediting agency along with any minimum forms required by the Commission.~~
- ~~(3) Annual reports or renewal applications postmarked after October 15 or other due date will be assessed a late renewal fee as described in Rule 1540-01-02-.25 FEES.~~
- ~~(4) For unaccredited institutions and institutions under Temporary or Conditional Authorization, the annual report or renewal application must be accompanied by the following:~~
- ~~(a) any changes or additions to information previously submitted as part of the basis for authorization;~~
 - ~~(b) copy of current catalog with major changes cited;~~
 - ~~(c) the latest financial statement for the most recent institutional fiscal year as given under Financial Standards, 1540-01-02-.14 and shall include:
 - ~~1. a balance sheet (statement of financial position);~~
 - ~~2. statement of the results of institutional operation including gross amount of tuition and fees earned and total refunds during the fiscal year;~~~~
 - ~~(d) a renewal fee (check or money order) made payable to the State of Tennessee for such fees as stated under these regulations.~~
 - ~~(e) an enrollment report for the first enrollment period on or after July 1 of previous year through and including the last enrollment on or before June 30 of the current year;~~
 - ~~(f) a list of all institutional personnel including staff, instructors and agents;~~
 - ~~(g) summary data for the most recent institutional fiscal year on students participating in state or federal aid programs;~~
 - ~~(h) such other information or clarification deemed necessary by Commission staff for determination of authorization recommendations and study of institutional and/or enrollees or former enrollees.~~

Authority: T.C.A. §§ 49-7-2005, 49-7-2006, and 49-7-2014.

~~1540-01-02-.10~~ ~~REQUIRED MINIMUM STANDARDS.~~

~~(1) — The institutional purpose and objectives must be stated in measurable potential outcomes in a catalog, bulletin, or brochure of the institution.~~

~~(2) — In relation to the size and scope of the institutions, it shall furnish adequate student services to fulfill the mission of the school and provide counseling and / or resources necessary to support programs and claims of the institution. Such services must have staff available to students with the knowledge and skills to effect counseling, guidance and coordination in areas such as; academic standing and satisfactory progress; admissions; employment opportunities or placement; intern/externships; library; financial aid.~~

~~(3) — Administrative capability must be demonstrated in the daily operational standards at the institution. Administrative capability is the ongoing effective coordination of federal, state and accreditation (where applicable) requirements in a positive and educationally enriching environment to the benefit of students. Indicators of the break down of administrative capability may include but not be limited to: reoccurring violations in the same area; numerous student complaints during the year; failure to correct compliance issues; frequent or sudden turnover in faculty or staff; multiple findings in several different areas during a institutional site visit.~~

~~(4) — Institutions must annually report program completion rates and placement rates in a format approved by the Commission which may include accreditation standards or an average of comparable rates from Tennessee public institutions. If program completion rates are less than 66%, or if average program withdrawal rates are in excess of 33%, or if average placement rates are less than 75%, those rates shall be monitored, reported on, compared with those of similar institutions, and explained to the extent that it can be determined whether or not the low rate is an indicator of poor educational quality.~~

~~(5) — Liberal arts schools or professional schools that typically do not report vocational placement data may be required to report to the Commission either by testimonial, survey or by some other means that program completers have benefited from the instruction.~~

~~(6) — The maximum pupil teacher ratios acceptable, without special permission from the Commission, are:~~

~~(a) — lecture: 40-1;~~

~~(b) — business laboratory: 50-1 (such as accounting, typing, shorthand);~~

~~(c) — technical and vocational theory: 40-1;~~

~~(d) — technical lab: 40-1 (such as computer programming, data processing) and;~~

~~(e) — vocational lab: 40-1 (such as auto mechanics, drafting, air conditioning).~~

~~Authority: T.C.A. §§ 49-7-2005 and 49-7-2006.~~

~~1540-01-02-.11~~ 11 ~~Institutional Catalog.~~ INSTITUTION CATALOG.

- (1) Each institution must publish a catalog ~~or brochure (a draft copy may be provided for original application) which must~~ that ~~includes~~ at a minimum ~~least the following information;~~

- (a) the name and address of the institution;
- (b) identifying data, such as catalog number and publication date;
- (c) table of contents;
- (d) names of owners and officers, including any governing boards, and faculty with credentials for position;
- (e) the institutional calendar, including holidays, enrollment periods and the beginning and ending dates of terms, courses, or programs;
- (f) the institutional enrollment procedures and entrance requirements, including late enrollment, if permitted;
- (g) the institutional attendance policy, including minimum attendance requirements, how attendance will be determined, ~~and~~ the circumstances under which a student will be interrupted for unsatisfactory attendance, and the conditions under which a student may be readmitted;
- (h) the institutional policy covering satisfactory progress, including ~~with~~ an explanation of any grading system used, ~~and~~ a description of any probation policy, and a description of the institutional system for making progress reports to students;
- (i) the institutional policy regarding student conduct, including causes for dismissal and conditions for readmission;
- (j) a description of each program offered including objectives, costs, length, program components or course requirements, or in the case of correspondence instruction, the number of lessons;
- (k) a description of the placement assistance available and, if none, so state;
- (l) a description of the facilities and equipment used for educational programs ~~and the address of training site~~;
- (m) the policy concerning credit granted for previous education, training, and experience and, if none, so state;
- (n) the refund and cancellation policy, including ~~which must describe~~ the procedure for determining the official date of termination, the time within which a refund will be provided, and how a refund must be requested;
- (o) ~~in catalogs (except for out-of-state degree-granting institutions which choose to make no reference to the Commission) which describe educational programs conducted in Tennessee and with enrollment contracts used by programs outside of Tennessee, a statement provided within the first four pages of the catalog and on the signature page of enrollment contracts,~~ which ~~must read~~ reads as follows: “

The (name of institution) is authorized by the Tennessee Higher Education Commission. This authorization must be renewed each year and is based on an evaluation ~~by~~ of minimum standards concerning quality of education, ethical business practices, ~~health and safety~~, and fiscal responsibility”;

- (p) a description of the student grievance procedure, including a listing of
1. the title, address, and telephone number of the institutional employee(s) designated to receive student complaints;
 2. if applicable, the process for escalating or appealing a complaint;
 3. if the institution ~~used a~~allows for nonbinding mediation or voluntary arbitration clause in its enrollment agreement, the catalog must describe the process in its entirety steps required of the student and/or the institution to initiate the mediation process; and
 4. The the address and telephone number of Commission Staff along with a statement that reads: "Any person claiming damage or loss as a result of any act or practice by this institution that may be a violation of the Title 49, Chapter 7, Part 20 or Rule Chapter 1520-01-02 may file a complaint with the Tennessee Higher Education Commission, Division of Postsecondary State Authorization." the licensure staff of the Commission must be in the catalog for grievances not settled at the institutional level;
- (q) a disclosure regarding the specific information pertaining to ability to transfer transferability of credit earned to another institution, with language sufficient to describe limitations on the transfer of credit. Institutions have a responsibility to advise potential enrollees that transfer of credit is controlled by the receiving institution and that accreditation does not guarantee transferability. Suggested language is as follows:
- "(name of institution) is a special purpose institution. That purpose is (~~fill in institution's~~ mission statement). ~~This purpose does not include preparing students for further college study.~~ Students should be aware that transfer of credit is always the responsibility of the receiving institution. Whether or not credits transfer is solely up to the receiving institution. Any student interested in transferring credit hours should check with the receiving institution directly to determine to what extent, if any, credit hours can be transferred."
- (r) the cash discount policy, if offered to students; and
- (s) the ATB testing policies, if any, along with the admissions policies.
- (2) Institutions may provide electronic catalogs to students as long as the institution provides the student a hard-copy upon the student's request.
- (3) Use of supplemental pages must be done in a way as to ascertain that supplemental pages become an effective part of the catalog and must show an effective date and be presented to students prior to enrollment or payment of fees;
- (34) Catalogs should be written in a way and at a level that allows which enables prospective enrollees to comprehend the information and make informed decisions; and
- (4) ~~Lesser information requirements may be included in the institutional catalog or brochure when the applicant can satisfactorily demonstrate to the Commission that some of the above are not applicable.~~
- (5) ~~Full time students should have a reasonable expectation to complete programs as printed~~

~~in the institutional catalog at the time of enrollment.~~

Authority: T.C.A. §§ 49-7-2002, 49-7-2005, 49-7-2006 and 49-7-2008.

1540-01-02-.122 ADMISSIONS STANDARDS.

(1) The admissions policy for students must be based on the institution's objectives and must be publicly stated and administered as written.

~~(2) An institution should not admit-enroll a student in a program leading to licensure when the institution knows or, by the exercise of reasonable care, should know the student is or, would be will be ineligible to obtain licensure in the occupation for which they are the student is being trained. For example, an institution should not admit a student if the institution knows the student has a (ex., certain prior legal convictions that will prevent the student from obtaining licensure render one ineligible to hold certain licenses). If a student who is ineligible or likely to be ineligible for licensure desires to enroll in such a program, regardless of license eligibility, the institution may admit such a the student after the student submits a signed, written, in writing for retention by the institution and review by Commission staff, a statement acknowledging the student is or is likely to be ineligible for licensure. The institution shall provide the student a copy of the statement and maintain the original in the student's file. such ineligibility. This provision, 1540-01-02-.12(1) is not intended to speak contrary to institutions' options to enroll students as non-credit students, auditing students or continuing education students.~~

(3) Basis of admission shall be at a minimum:

(a2) Students enrolling in a certificate or diploma program must possess a high school diploma, a high school diploma equivalency, a current Tennessee license in the field for which the training is intended, postsecondary credit in a degree program, or, subject to subparagraph (3)(d) of this rule, a passing score on an ATB test.

(b) Students enrolling in an associate or bachelor degree program must possess, at a minimum, a high school diploma, a high school diploma equivalency, or postsecondary credit in a degree program.

(c) Students enrolling in a post-baccalaureate program must possess, at a minimum, a baccalaureate degree from an institution judged to be appropriate by the Commission.

(d) A student may be admitted as an ATB student if the student has terminated secondary enrollment and is beyond the age of compulsory attendance.

~~An Students without high school diploma or GED may be admitted as an Ability to Benefit student into non-degree programs that are customarily not accepted for college credit if the student has terminated secondary enrollment and is beyond the age of compulsory attendance, subject to the following conditions:~~

~~(a) Applicants without a high school diploma or GED shall be tested.~~

~~(b) An exception to these testing provisions, However, may be created for:~~

~~1. individual applicants to non-degree programs where the following four conditions~~

are met:

- ~~(i) The student does not receive federal or state financial aid.~~
- ~~(ii) The student's high school transcript is unavailable.~~
- ~~(iii) The program is short term and the costs are low.~~
- ~~(iv) institutions or programs at an institution composed exclusively of subject matter that does not lend itself to an objective test, upon request, if approved by the Commission.~~
- ~~(c) institution may use either~~ Any test administered for purposes of determining admission shall be a standardized test ~~formerly or currently~~ recognized nationally or by the U.S. Department of Education ~~or, if with minimally acceptable scores as referenced in the test material or by the U.S. Department of Education or only in cases where a standardized~~ such a test is not applicable to the particular subject matter of the program available, a non-standardized test developed by ~~the institution, institutional officials~~ In either case, the institution shall request approval from Commission Staff before using the test and shall state the ~~and approved by the Commission staff with~~ minimally acceptable scores ~~and the maximum number of attempts allowable in a given period of time, for example, three(3) times in a six (6) month period~~ approved by the Commission staff. The following applies to all ability-to-benefit tests:
 - ~~1.(d)~~ Tests shall be administered in a secure environment, ~~for example, (e.g.,~~ monitors present).
 - ~~2.~~ Tests shall not be administered in a manner that is inconsistent with the recommendations of the ~~manner (e.g., frequency) recommended by~~ standardized test developers. ~~Testing policies shall be stated along with the admissions policy published in the institutional catalog.~~
 - ~~3.(e)~~ An agent is not allowed to administer the test, nor is anyone allowed to assist the applicant in answering the questions.
- ~~(f) If the admission test reveals the student to be ineligible as an ability-to-benefit student, the student may be enrolled as a remedial student and may be charged for the remedial program on an hourly pro-rata basis. The student is not obligated for the tuition and fees of the non-remedial regular program until the admission requirements are met.
—The minimum admission requirement for postsecondary education remain a high school diploma, GED, or a passing score on the admission exam.~~
- ~~(g) Tests administered for purposes other than the determination of admissibility are not governed by 1540-01-02-.12(2).~~
- ~~(3) Institutions which admit enrollees on an ability-to-benefit basis, must submit all documents related to such admission policies to the Commission.~~
 - ~~(4) Degree program admission policies must be at least the following:~~
 - ~~(a) undergraduate degrees must require a high school diploma or equivalency, and~~
 - ~~(b) graduate degrees must require at least a baccalaureate degree from an institution judged to be appropriate by the Commission.~~

- (4) Proof of the basis of admission shall be maintained in the student file in accordance with Rule .15 of these rules.

Authority: T.C.A. § 49-7-2008.

1540-01-02-.133 ENROLLMENT CHECKLISTS, ENROLLMENT AGREEMENTS, AND DISCLOSURES- AND DISCLOSURE STANDARDS.

- ~~(1) Accredited institutions that provide and administer a Title IV financial assistance program and grants will follow federal disclosure guidelines. Such institutions will not be required to duplicate any state disclosure item if that disclosure is part of federal or accreditation standards.~~
- (2) Pre-Enrollment Checklist: Institutions p~~rior to signing an enrollment agreement enrolling an individual, institutions~~ shall require an institution representative and the prospective student to sign and date a pre-enrollment checklist~~form to be placed in the student file, which is either part of the enrollment contract or a pre-enrollment check list verifying that the student. The document must clearly indicate that it is the pre-enrollment checklist, include the full and correct name and address of the authorized location of the institution, and, if multiple pages, be paginated using the format " of pages." The checklist shall include, at a minimum affirmations that the student:-~~
- (a) toured the institution (not applicable to institutions that deliver all instruction through distance learning);
 - (b) received an institutional~~a~~ catalog and if provided electronically understands that the student may request a hard-copy of the catalog at any time;
 - (c) was given the time and opportunity to review the institutional policies in the catalog;
 - (d) knows the length of the program for full-time and part-time students in academic terms and actual calendar time;
 - (e) has been informed of the total tuition and other fees~~cost~~ of the program;
 - (f) has been informed of the estimated cost of books and any required equipment purchases such as a stenography machine, computer, specialized tools, or art supplies~~etc.~~;
 - (g) has been given a copy of the institutional~~a~~ cancellation and refund policy;
 - (h) understands what 'transferability of credits' means~~has executed a Transfer of Credit Disclosure Statement in compliance with T.C.A. § 49-7-144 and understands the specific limitations (if any) should the institution have articulation agreements;-~~
 - (i) knows of their rights in a grievance situation including contacting the Tennessee Higher Education Commission by including on the form a statement in the following format~~has been given the address and telephone number of Commission Staff along with a statement that reads: "Any person claiming damage or loss as a result of any act or practice by this institution that is a violation of the Title 49, Chapter 7, Part 20 or Rule Chapter 1520-01-02 may file a complaint with the Tennessee Higher Education Commission, Division of~~

Postsecondary State Authorization.”; and-

- ~~1. A statement: "I realize that any grievances not resolved on the institutional level may be forwarded to the Tennessee Higher Education Commission, Nashville, TN 37243-0830, (615) 741-5293."~~
- ~~(3)~~ (j) has received the most recent withdrawal, completion, and placement data as calculated by the Commission by including in the checklist:
 1. the following statement: "For the program entitled, (program name), I have been informed that, for the July (year)/June (year) period, the withdrawal rate is (percent)%, the completion rate is (percent)%, and the in-field placement rate is (percent)%. Detailed statistical data for this program may be viewed by going to <http://www.tn.gov/thec/topic/authorized-institutions-data>."
 2. a chart listing all approved program names and the related percentage rates for withdrawal, completion, and in-field placement, identifying the July/June reporting period, and stating that "detailed statistical data for all approved programs may be viewed by going to <http://www.tn.gov/thec/topic/authorized-institutions-data>"; or
 3. a copy of the institution's most recent Annual Performance Report created by Commission Staff and posted on the Commission's website.
~~Also included, shall be documentation that the student received graduation-placement data exactly as presented to the Commission during the last reauthorization cycle in the following format:-~~
- ~~(a) A statement: "For the program entitled _____, I have been informed that the current withdrawal rate is __%, or in the past 12 months ___ students enrolled in this program and ___ completed this program."~~
- ~~(b) A statement: "For the program entitled _____, I have been informed that for the students who graduated, the job placement rate is __%, or in the past 12 months ___ were placed in their field of study out of ___ students who graduated from this program."~~
- ~~(k) _____ has received and understands the institution's cash discount policy (applicable only to those institutions that have a cash discount policy).~~
- ~~(4) Liberal arts schools or professional schools that typically do not report vocational placement data may request a waiver of 1540-01-02-.13(3) above.~~
- ~~(52)~~ Enrollment Agreement: An Institution enrolling an individual in a course or program shall require an institution representative and the prospective student to sign and date an enrollment ~~contract~~ agreement prior to the student attending one (1) session of class, turning in one (1) assignment, or receiving one (1) distance learning lesson, whichever occurs first. The document must clearly indicate that it is the enrollment agreement (not an application for admissions), and, if multiple pages, the pages of the enrollment agreement shall be paginated using the format " ___ of ___ pages."
 - (a) The enrollment agreement shall include, at a minimum:

~~shall include but not be limited to:-~~

- 1.~~(a)~~ the full and correct name and ~~address of the location~~ authorized location of the institution;
 - 2.~~(b)~~ the name, address, and social security number ~~or unique student identification number~~ of the student;
 - 3.~~(c)~~ the date training is to begin and program length;
 - 4.~~(d)~~ if students have the option to attend part-time, full-time or part-time status of the student;
 - 5.~~(e)~~ the projected date of ~~graduation/completion-as-a full-time or part-time student~~;
 - 6.~~(f)~~ the program ~~title~~ name as approved by the Commission;
 - 7.~~(g)~~ the total cost of the program, including itemized ~~separate~~ costs for tuition and ~~fees~~ the approximate costs for other fees, ~~books and any required equipment purchases~~;
 - 8.~~(h)~~ cancellation and refund policy;
 - 9.~~(i)~~ ~~verification-verification that that the student has received an exact signed copy of the agreement~~ by signing the agreement the student understands the student's right to receive an exact signed copy of the agreement,
 10. verification that by signing the agreement the institution understands its obligation to immediately provide the student an exact signed copy of the agreement;
 - 11.~~(6)~~ ~~a Institutions shall contractually~~ guarantee ~~of total cost of tuition cost~~ for ~~twelve hundred (1200) contact~~ ~~contact~~ hours or ~~one calendar year~~ ~~twelve (12) months~~ from the time of enrollment; ~~programs less than twelve hundred (1200) contact hours must have a set total tuition; and~~
 12. The following statement: "The (name of institution) is authorized by the Tennessee Higher Education Commission. This authorization must be renewed each year and is based on an evaluation of minimum standards concerning quality of education, ethical business practices, and fiscal responsibility." ~~for full and part time student.~~
- (b) Institutions that enroll students in individual courses may modify the pre-enrollment checklist or enrollment agreement as appropriate, but should strive to make as few modifications as necessary.
- (3) Transfer of Credit Disclosure Statement: Prior to signing an enrollment agreement and the pre-enrollment checklist, institutions shall require the student to complete a Transferability of Credit Disclosure Statement.
- (a) The written statement must be:
1. a stand-alone document containing no other disclosures;
 2. contain a space for the prospective student to initial and date; and

3. printed in type not less than sixteen (16) point font; and
4. contain the exact language in T.C.A. § 49-7-144(b)(2), except that institutions offering contact hours only may substitute the word contact for credit.

(b) Institutions shall post the disclosure on its website, but the language does not have to be in at least sixteen (16) point font.

~~(7) Programs less than 1200 clock (contact) hours must have a an enrollment contract with a set total tuition.~~

~~(8) Programs longer than 1200 clock (contact) hours that increase tuition cost after the initial 1200 hours or one year period, must provide counseling related to the tuition increase.~~

~~(9) Tuition increases that in the opinion of the Commission are excessive, unreasonable and exceeds initial disclosure to the student may result in an in depth audit of the institution at the school's expense to assure the Commission of financial stability.~~

Authority: T.C.A. §§ 49-7-2005, 49-7-2006, 49-7-2008, ~~and~~ 49-7-2019 and 49-7-144.

1540-01-02-.144 FINANCIAL STANDARDS.

~~(1) Institutions administering Title IV financial assistance programs will maintain all required guidelines and standards.~~

(21) The Commission and its staff may share information with the Tennessee Student Assistance Corporation and other state and federal agencies as appropriate.

(32) The institution shall maintain financial and business practices in line with common business procedures utilizing standard accounting practices.

(43) The institution shall maintain and be prepared to demonstrate at any time financial resources adequate to ~~meet~~ fund and maintain the following:

- (a) facility maintenance and overhead;
- (b) staff and faculty payroll;
- (c) books, supplies ~~and~~ or equipment utilized by students; and
- (d) general operating costs ~~including printing and advertising;~~

~~(5) Institutions shall be able to demonstrate annual financial planning through a budget. New degree granting program schools must establish financial planning that reflects at least a three year plan which includes anticipated income and expenses.~~

(64) As part of reauthorization, All authorized institutions must file ~~each year the most recent audited~~ financial statements for the most recently completed fiscal year, ~~certified by an independent certified public accountant as follows:~~

(a) Institutions with annual gross tuition revenue at the authorized location of one million dollars (\$1,000,000) or more shall submit audited financial statements prepared in accordance with the Generally Accepted Accounting Principles by an

independent certified public accountant.

- (b) Institutions with annual gross tuition revenue at the authorized location of less than one million dollars (\$1,000,000) but more than one hundred thousand dollars (\$100,000) shall submit a reviewed balance sheet and income statement prepared in accordance with the Generally Accepted Accounting Principles by an independent certified public accountant.
- (c) Institutions with annual gross tuition revenue at the authorized location of one hundred thousand dollars (\$100,000) or less shall submit a balance sheet and income statement using forms prepared by Commission Staff as long as those forms are completed by an independent certified public accountant or a bookkeeper certified by the National Association of Certified Public Bookkeepers.-
- (da) ~~For multi-campus institutions, or for i~~As an alternative to subparagraphs (5)(a) through (c) of this rule, institutions owned by ~~one~~ the same parent company may submit, an audited consolidated corporate financial statement ~~shall be routinely required.-~~ The audited consolidated statement shall be prepared in accordance with the Generally Accepted Accounting Principles by an independent certified public accountant. The staffCommission Staff, the Committee, or the Commission, ~~however,~~ may request additional campus or institution-~~specific,-~~ information where needed to better understand the financial stability of a single authorized location or to protect the public interest. ~~The audited income statement must be compiled for each institution, or group of institutions owned by the same company, authorized to operate under the Act;-~~

(5) The following is applicable to all financial statements:

- (a) The balance sheet must reflect the owner's (proprietorship, partnership, corporation, or other) assets and liabilities.
- (b) The institution shall report total revenue on the income statement; however, total tuition revenue must be delineated.~~In the preparation of these statements, it should be noted that goodwill is not generally considered a current asset unless it is being amortized;-~~
- (c) Related parties must be disclosed~~;-~~, ~~including~~including, but not limited to, related party footnotes, debt agreements with owners, and supplemental footnotes on separate campuses or branches are expected.
- (d) It should be noted whether or not tuition revenue is recognized up front or on a pro rata basis. ~~Current financial statements on each site separately authorized under the Act must be filed annually.—~~
- (ee) Within ~~five~~three (3) years from ~~initial temporary~~initially receiving authorization, neither the ratio of ~~current fund~~total revenues to ~~current fund~~total expenditures nor the ratio of current assets to current liabilities, ~~both site specific and corporate~~of either the authorized location or the parent company, where applicable, shall be less than 1:1, without ~~e~~convincing explanation.
- (f) An Institution shall elect during reauthorization whether it will rely on the financial statements of the authorized location or the parent company and must use the financial statements of the elected entity for at least three (3) consecutive years.

~~(f) — Institutions that have annual gross tuition revenue of \$100,000 or less may request a waiver of the audit contemplated by this section and provide the most recent financial information on forms provided by the Commission.~~

~~(7) — The institution must submit an operating statement and balance sheet to the Commission within four months of the end of the institutional fiscal year. In addition, if a regular or certified audit is available, it should be submitted within four months of the end of the institutional fiscal year as well.~~

~~(876) When there are questions about the institution's financial stability, At any time, the Commission may require the institution to file appropriate financial statements, which may include audited statements prepared in accordance with the Generally Accepted Accounting Principles by an independent certified public accountant, for the authorized location or the parent company, a certified audit of the institution when there are questions about the institution's financial stability.~~

~~(87) All institutions must maintain a business account with a financial institution that is federally insured in said institution's name.~~

Authority: T.C.A. §§ 49-7-2005, 49-7-2006 and 49-7-2015.

1540-01-02-.155 INSTITUTIONAL AND STUDENT RECORDS.

~~(1) — Records of enrollees, completers, and placements must be sufficient to provide annual auditable reports to the Commission from the master student registration list.~~

~~(21) Institutional directors must maintain on-site a current copy file of materials filed with the Commission as part of their current authorization which includes the application, documentation of appropriate bonding, financial reports, and agent permit documentation.~~

~~(2) Institutions shall retain for three (3) years a record of written student complaints that follow the institution grievance process, must be maintained, including a copy of the complaint, any investigatory documents, subsequent documents, and a statement of the matter's disposition.~~

~~(33) Student Financial records of the institution must be maintained and open for inspection and copying by DPSA Commission Staff in accordance with applicable confidentiality laws.~~

~~(44) For each student, the institution must maintain an up-to-date reconciled account statement as a separate document. The statement must:~~

~~(a) clearly reflect the balance due the institution or student;~~

~~(b) all charges and payments;~~

~~(c) the reason for the debit or credit, for example, student cash payment, loan payment, tuition waiver, technology fee, or tuition charged; and~~

~~(d) all tuition charges must clearly indicate the period of enrollment for which the student is being charged, for example, if the program is a four (4) month program but the tuition charged is for one (1) month, the account statement might read~~

"Tuition Charged for Month 1."

~~Institutions administering financial aid programs must maintain a ledger and a record of financial aid administered which includes a chronological record of debits and credits which is understandable to the enrollee.~~

~~(5) Each institution must maintain a master student registration list consisting of at least the following information for any person who signs an enrollment agreement financially obligating that person or makes a down payment to attend, or both:~~

~~(a) registration date;~~

~~(b) name of student;~~

~~(c) address of student;~~

~~(d) telephone number;~~

~~(e) social security number;~~

~~(f) name of course or program; and~~

~~(g) current student status or date of dropout or completion, date of employment, employment status (i.e., employed, unemployed, disabled, or deceased), where employed, including the name, address, and telephone number of the employer.~~

~~(65) Institutions must maintain a file for each student enrolled in a program or course for three (3) years after the student's withdrawal from or completion of the program or course of enrollment. The file shall contain at a minimum: the following documentation in each enrolled student file or folder and shall include but not be limited to:~~

~~(a) the executed transferability of credit disclosure statement required by T.C.A. § 49-7-144 and Rule .13(3) of these rules an admissions form that provides basic information such as student name, social security number, address, telephone number, program or area of application, projected entrance date, etc., and information relevant for determination that the student meets the minimum entrance requirements of the institution, (see 1540-01-02-.12). This information may be incorporated into the enrollment contract;~~

~~(b) documentation evidencing the student's basis for admission as provided for in paragraph (6) of this rule (e.g., name and address of high school); if a high school diploma or the equivalent is required, for high school graduates or those with high school equivalency, the institution shall have on file an official copy of the high school transcript, or the equivalency certificate with scores which meet the state's minimum for passing; if an ability to benefit basis, the institution shall have on file official records of such; or if on an exception basis, documentation of such;~~

~~(c) the executed pre-enrollment checklist disclosure statement or checklist as given in these regulations (unless incorporated in the enrollment agreement);~~

~~(d) the executed a complete enrollment agreement as given in these regulations;~~

~~(e) an exhibit of the institution's enforcement of standards acceptable to the Commission related to attendance, academic satisfactory progress, and proper documentation of any leave of absence (LOA) that may affect progress; and~~

- (f) written records of the previous training and education of the applicant student which clearly indicates the appropriate credit which has been given by the institution for previous training and education.
- (6) Sufficient basis of admission documentation for purposes of the student file is as follows:
- (a) If the basis of admission is successful completion of an ATB test, then the student file shall contain a copy of the scored test or a graded score sheet.
- (b) If the basis of admission is a high school diploma or equivalency, then the student file shall contain:
1. an official transcript from the high school or other government body, such as a county school board;
 2. an official high school equivalency transcript or GED score sheet from the appropriate issuing entity; or
 3. an official military document indicating that the student completed high school such as an Enlisted Record Brief.
- (c) If the basis of admission is a Tennessee license in the field for which the training is intended, then the student file shall contain verification of current licensure from the issuing Tennessee subject matter expert agency, such as a current screenshot from the agency's website.
- (d) If the basis of admission is postsecondary credit in a degree program, then the student file shall contain an official transcript from a postsecondary educational institution indicating that credit in a degree program was awarded to the student.
- (e) If the basis of admission is a bachelor's degree or higher credential, the student file shall contain an official copy of the transcript from the postsecondary educational institution indicating that the student received the credential.
- (f) If a transcript is from an institution outside the United States, documentation from a transcript translation service indicating that the education obtained is the equivalent of the applicable United States credential and, if necessary, a translated transcript.
- (e7) Official documentation is a statement of the student's academic record received directly from the issuing institution or agency such as a transcript or score sheet. Paper transcripts printed on security sensitive paper that contains the issuing institution's seal or signature of an official from the institution is acceptable admission documentation. Electronic transcripts or scores sheets not printed on security sensitive paper must include indicia that the transcript or score sheet was received directly from the issuing institution or agency such as accompanying email correspondence or the envelope.
- (8) Institutions shall maintain for the life of the institution ~~an up-to-date educational a~~ transcript or a certificate for each student previously or currently enrolled in a program offered by the institution. Institutions ~~may~~ only use certificates with well-defined short term programs, such as bartending and truck driving, where there is no separation of courses by subject content. Institutions offering programs where a subject matter expert agency requires that the institution maintain a transcript must do so.

(a) Transcripts shall be in a ~~enrollee in a~~ form that permits easy and accurate review by the student, transfer ~~school~~institutions, potential employers, and ~~authorized~~other state or federal agencies. The transcript shall ~~be a permanent record of the student's progress and academic performance, which shall~~ include ~~at a minimum the, but not be limited to:~~

1. ~~full and~~ complete ~~name~~ name and address of the authorized location of the institution;
2. full name of student;
3. last four digits of the student's social security number;
4. program ~~or department of enrollment~~ name as approved by the Commission;
5. status of student, ~~(e.g. for example,~~ active; ~~withdrawal;~~ probation; ~~leave of absence;~~ or graduate ~~etc.);~~
6. ~~an~~ official date recorded for all student withdrawals and graduations;
7. beginning date or academic term with the year for each course attempted, ~~with an grade posted at the completion of the term or discrete contact hours for that course;~~
8. as applicable to the type of ~~school~~institution, credit ~~hours earned or contact~~ contact hours ~~completed~~ attempted and earned;
9. ~~actual~~ name of each course ~~and, if (subject) with any, the~~ code ~~course numbers as given listed in the~~ institutional catalog along with the corresponding grade received;
10. indication of credits given by transfer from another institution or credit by exam;
11. cumulative Grade Point Average (GPA);
12. date the transcript was last updated and/or printed; and
13. signature of an institution official.

(b) Certificates shall be in a form that permits easy and accurate review by the student, transfer institutions, potential employers, and other state or federal agencies. The certificate shall include at a minimum the:

1. complete name and address of the institution;
2. full name of student;
3. program or department of enrollment;
4. a certificate award date; and
5. the signature of an institution official.

- (f) ~~an exhibit of the institution's enforcement of standards acceptable to the Commission related to attendance, academic satisfactory progress, and proper documentation of any leave of absence (LOA) that may affect progress.~~
- (79) In lieu of hard copy ~~ies of educational transcripts~~ transcripts and certificates, ~~an~~ the institution may maintain ~~the above information~~ transcripts and certificates by electronic storage provided that ~~the institution has a process for maintaining an up-to-date backup of the information in a separate system~~ there is at least one complete updated 'backup' ~~copy in a separate system or at a different location~~ location. ~~Commission Staff must have complete. Commission staff and other authorized groups have complete~~ and easy access to review student transcripts ~~and certificates~~ during site visits ~~and audits such that the institution can print any requested records and the institution can print out any or all transcripts~~ upon request.
- (8) ~~For institutions with well defined short term programs such as bartending and truck driving, with no separation of courses by subject content, an exact copy of the certificate of completion may be placed in the student file in lieu of an academic transcript.~~
- (9) ~~Institutions must maintain a written record of the previous training and education of the applicant student which clearly indicates the appropriate credit which has been given by the institution for previous training and education.~~

Authority: T.C.A. §§ 49-7-2006, 49-7-2016.

1540-01-02-.166 PERSONNEL AND INSTRUCTOR QUALIFICATIONS.

- (1) ~~Institutions must provide and maintain qualified faculty and staff in order to fulfill the mission of the institution and all obligations to the students.~~ (1) Administrative personnel and instructors shall meet all qualifications listed in this rule. Evidence of education, experience, or training, such as official transcripts, for each personnel must be maintained on-site at the authorized location. Institutions must submit a copy of this evidence at any time upon receiving a request from Commission Staff.
- (2) The method of administration and procedure for staff selection must be defined in a way that each employee has specific duties and responsibilities.
- (3) ~~Administrative personnel generally encompasses individuals that oversee areas as outlined in operational and administrative standards. This includes by function, but is not limited to titles of an institutional director; financial aid administrator; director of admissions; director of education; business officer or manager; director of student services (including counseling and placement) and the registrar. Support and clerical staff is not included as administrative personnel, but shall be included for reporting purposes on re-authorization forms annually.~~
- (43) Administrative personnel at an authorized institutions must be graduates of an accredited college or university or have sufficient background and training in the administrator's his/her area of responsibility. If the institution employs a director of education, that director shall possess a post-baccalaureate degree or the highest educational credential offered by the institution, whichever is higher.
- (54) Institutional Directors:

- (a) Each institution must designate one person as the institutional director. The institutional director is responsible for ensuring that the conduct of the institution and its agents is in compliance with the Act and these rules. The institutional director shall serve as the official contact for all correspondence and business conducted between the institution and the Commission, the Committee, or Commission Staff. ~~Each institution must designate one person as the institutional director, who is responsible for the institution's program, the organization of classes, maintenance of the institutional facilities, maintenance of proper administrative records, signing documents pertaining to authorization and all other administrative matters related to authorization.~~
- (6b) Institutional owners or the controlling board must ensure that each authorized ~~location~~ site has an institutional director ~~on~~ at the ~~at location~~ authorized location for at least fifty percent (50%) of the operational time each week the school has students present unless other provisions have been approved by ~~the~~ Commission staff Commission Staff.
- (7c) The institutional director implicitly accepts knowledge of and responsibility for compliance with the Act and ~~these regulations~~ these rules including, but not limited to, advertising, records, contracts, required benchmarks, annual ~~deadline~~ due dates, and fee payments.
- (8d) The institutional director at an authorized institutions must:
1. _____ be a graduate of an accredited college or university with at least one (1) year experience in administration or, institutional management; or
 2. _____ the total years of administration / or institutional management experience in postsecondary /higher education shall equal at least five (5) years.
- ~~(9) — Directors of authorized institutions must maintain on site a separate current copy file of materials filed with the Commission as part of their current authorization which includes the application, documentation of appropriate bonding, financial reports, agent permit documentation, and fire and safety reports.~~
- ~~(10) — If the institution employs a director of education, that director shall meet the same requirements as an instructor as specified in these rules and shall also have either one-year supervisory experience or a relevant post-bachelor's degree.~~
- (115) Instructors:
- (a) Instructional staff for all institutions must be selected at a minimum on the basis of ~~credentials demonstrably higher, on the basis of experience and training, than the level to be taught~~ these rules.
 - (b) Instructors in a trades ~~s~~ related or specific skill areas ~~s~~ must have documented proficiency and practical applied experience in that trade or skill.
 - (c) An instructor must hold the appropriate ~~certificate, license, or rating~~ license if the subject is a ~~trade vocation~~ requiring certificate, license, or rating licensure.
 - (d) An instructor must be qualified by education and experience/background ~~demonstrably higher than the level to be taught~~ and must meet at a minimum the

following qualifications ~~as minimum requirements~~:

1. ~~Minimum for a d~~ Doctorate level courses:

- (i) Hold a doctorate degree from a college or university judged to be appropriate by the Commission and either:
 - (I) a doctorate degree with a major or concentration in the subject area to be taught; or
 - (II) a doctorate not in the subject area but with a minimum of one (1) year of practical experience within the last five (5) years in the subject area to be taught and completion of nine (9) semester hours or twelve (12) quarter hours of doctoral level courses in the subject.

2. ~~Minimum for masters~~ level courses:

- (i) Hold a masters or higher degree from a college or university judged to be appropriate by the Commission and either:
 - (I) a masters or higher degree with a major or concentration in the subject area to be taught; or
 - (II) a masters or higher degree not in the subject area but with a minimum of one (1) year of demonstrated practical experience within the last five (5) years in the subject area to be taught and completion of nine (9) semester hours or twelve (12) quarter hours in graduate level courses in the subject.

3. ~~Minimum for a b~~ Baccalaureate level courses:

- (i) Hold a baccalaureate or higher degree from a college or university judged to be appropriate by the Commission and either:
 - (I) a baccalaureate or higher degree with a major or concentration in the subject area to be taught; or
 - (II) a baccalaureate or higher degree not in the subject area but with a minimum of one (1) year of demonstrated practical experience within the last five (5) years in the subject area to be taught and completion of nine (9) semester hours or twelve (12) quarter hours in the subject. Additional years of documented experience in the subject area may be substituted for semester ~~-/~~ quarter hour requirements.

4. ~~Minimum for an a~~ Associate level courses:

- (i) Meet the minimum requirements for doctorate, masters or baccalaureate level; or
- (ii) _____ Hold an associate degree from a postsecondary institution

judged to be appropriate by the Commission and either:

- (I) an associate degree with a concentration in the subject to be taught and one (1) year of practical experience; or
- (II) an associate degree not in the subject area but with a minimum of two (2) years of practical experience within the last five (5) years in the subject area to be taught and satisfactory completion in a postsecondary educational institution of nine (9) semester hours or twelve (12) quarter credit hours in the subject area to be taught. Additional years of documented experience in the subject area may be substituted for semester-/- quarter hour requirements.

5. ~~Minimum for d~~ Diploma and certificate level courses or programs:

- (i) Meet the minimum requirements for doctorate, masters or baccalaureate or associate level; or
- (ii) Hold a high school diploma or GED and a certificate of completion from a postsecondary institution judged to be appropriate by the Commission in a relevant subject area and a minimum of three (3) years of practical experience within the last seven (7) years in the subject area to be taught. Additional years of documented experience in the subject area may be substituted for the postsecondary educational requirements.

6. General education courses: All general education courses must be taught by holders of baccalaureate degrees with at least twenty-five percent (25%) of the general education staff with, at a minimum, earned masters degrees.

~~(12) Evidence of qualifiable education, experience, or training (including official transcripts) for each instructor must be maintained on-site at the location.~~

~~(136)~~ The Executive Director may approve a variance from the ~~se~~ specific qualifications in paragraph (5) of this rule with sufficient justification and an assurance that the program quality will not be lessened. In such a situation, the institutional director must submit written justification and documentation with the ~~personnel form~~ School Personnel Application submission. ~~In addition the instructor must be institutionally evaluated at the close of the first instructional period for effectiveness and quality. This evaluation shall be made available to the Commission staff~~ Commission Staff upon request.

~~(147)~~ Instructors shall be evaluated at least annually by students, as well as the director or chief academic/instructional officer, and the institution shall have on file at the campus evidence of such evaluations.

~~(158)~~ Agents and Recruiters:

~~(a) Institutional agents as defined by the Act and these regulations must submit an application, on forms provided by the Commission have authorization and an agent permit and secure the appropriate bond prior to any solicitation. The~~

~~applicant must be accompanied by the following:-~~

- ~~1. — new applicants must forward recommendations by two reputable persons certifying that the applicant is of good character and reputation;-~~
- ~~2. — a check payable to the State Treasurer of Tennessee as required under these regulations;-~~
- ~~3. — a surety bond of \$5,000 per agent of an out-of-state institution or as specified in 1540-01-02-.07 of these rules; and-~~
- ~~4. — certification by the institutional director that the applicant will be directed to act in accordance with these regulations.-~~

~~(b) — Agent permits must be renewed every year. The expiration date of a permit is one year from the date of issue or termination of employment whichever occurs first.-~~

~~(c) — Agents must have separate permits to represent separate institutions unless they are commonly held. Mutual agreement by institutions is required.-~~

~~(d) — All agents must verify by signature that they have read and are familiar with rules on advertising and solicitation and must verify intent to follow rules as set forth in Fair Consumer Practices.-~~

~~(e) — Institutional directors, not marketing offices, are responsible for actions of agents.-~~

~~(fa) The agent shall be under the control of the institution, and the An -institution is responsible for any representations or misrepresentations, expressed ed or implied, made by the agent.~~

~~(gb) Any student solicited or enrolled by a non-~~licensed~~ permitted agent is entitled to a refund of all moneys paid and a release of all obligations by the institution.- Any contract signed by a prospective student as a result of solicitation or enrollment by a non-licensed agent shall be may be null and void and unenforceable at the option of the student. In cases where the institution is willing to honor the contract and the student wishes the contract enforced, it can be. -However, in cases where the contract has been fully executed between the institution and the student, the student would not be entitled to a refund solely because he or she was solicited by a non-~~licensed~~ permitted agent.~~

~~(hc) An agent is prohibited from inappropriate activities in procuring enrollees including including, but not limited to, , -but not limited to the following:~~

1. administering the admission test;
2. advising students about financial aid other than informing the student of the general availability of financial assistance;
3. giving false, misleading, or deceptive information about any aspect of the institution's operation, job placement, or salary potential;
4. representing that a program has sponsorship, approval, characteristics, uses, benefits, or qualities which it does not have; or

5. soliciting enrollments in a program which has not been approved by the Commission.

(id) An agent must display the current permit to all prospective students and other interested parties.

Authority: T.C.A. §§ 49-7-2002, 49-7-2005, 49-7-2006, 49-7-2009 and 49-7-2011.

1540-01-02-.177 ~~CANCELLATION AND REFUND POLICY~~ CANCELLATION AND REFUND POLICY.

(1) All authorized institutions must comply with the ~~laws and regulations~~ laws of the local, state, and federal government concerning cancellations and refunds and must revise all policies and practices if laws ~~and regulations~~ are revised.

~~(2) For purposes of this section, the period of enrollment is defined not to exceed one year.~~

~~(3)~~(2) Each authorized institution ~~institution authorized by the Commission to operate or to solicit students in Tennessee~~ shall have a fair and equitable refund policy which governs ~~credits or the repayments of unearned tuition, fees, and other~~ of institutional charges assessed a student when:

(a) ~~The student does not register or fails to~~ begin classes for the period of enrollment for which he or she was charged; or

(b) ~~The student~~ withdrawals, drops out, is expelled from the institution, or otherwise fails to complete the ~~program on or after his or her first day of class of the~~ period of enrollment for which he or she was charged.

~~(4)~~(3) An authorized institution may use the following refund policies:

(a) the default refund policy contained in paragraph (4) of this rule;

(b) an institution policy, as long as the refund due a student pursuant to that policy is equal to or greater than the refund due according to the default refund policy; or

(c) a refund policy mandated as a condition for students of the institution to participate in a governmental student assistance program, such as Veterans Benefits. The institution's refund policy shall be deemed by the Commission to be fair and equitable if:

(4) The default refund policy is as follows:

~~(a) All or a portion of the tuition, fees, and other institutional charges assessed the student were paid or to be paid by student assistance programs sponsored by one or more governmental or private agencies or organization, including employer provided financial assistance, and the institution, as a condition of establishing eligibility for its students to participate in such programs, is required to adhere to a refund policy prescribed by the sponsor of the student assistance; or~~

~~(b) For students not affected by subparagraph (4a), the institution's refund policy produces a refund which equals or exceeds the amount which would be calculated by application of the following procedures:~~

- ~~1.~~(a) If a student withdraws from the institution on or before the first day of classes, or fails to begin classes, the refund shall equal the sum of all amounts-refundable fees paid ~~or~~ and, if the student has institutional loans, forgiveness of the amounts owed by the student ~~to be paid by or on behalf of the student~~ for the period of enrollment for which the student was charged, less an administrative fee of one hundred dollars (\$100.00);
- (b) A student who withdraws at any time is entitled to a full refund of any fee, regardless of whether the fee is included in tuition, paid to the institution for tangible goods or services not delivered to or fully provided to the student;
- ~~2.~~(c) In addition to subparagraph (4)(b) of this rule, ~~if~~ after classes have commenced and before expiration of ten percent (10%) of the period of enrollment for which the student ~~he or she~~ was charged, a student withdraws, drops out, is expelled, or otherwise fails to attend classes, the refund shall equal seventy-five percent (75%) of all refundable fees ~~amounts~~ paid ~~or~~ and, if the student has institutional loans, forgiveness of the loan amount in excess of the twenty-five percent (25%) the student owes the institution ~~to be paid by or on behalf of the student for the period~~, less administrative fee of one hundred dollars (\$100.00);
- ~~3.~~(d) In addition to subparagraph (4)(b) of this rule, ~~if~~ after expiration ~~of the~~ of ten percent (10%) of the period of enrollment for which the student ~~he or she~~ was charged, and before expiration of twenty-five percent (25%) of the period, a student withdraws, drops out, is expelled, or otherwise fails to attend classes, the refund shall equal twenty-five percent (25%) of all refundable fees ~~amounts~~ paid ~~and, if the student has institutional loans, forgiveness of the loan amount in excess of the seventy-five percent (75%) the student owes the institution~~ ~~or to be paid by or on behalf of the student for the period~~, less administrative fee of one hundred dollars (\$100.00); or
- ~~4.~~(e) In addition to subparagraph (4)(b) of this rule, ~~if~~ after expiration of twenty-five percent (25%) ~~(25%)~~ of the period of enrollment for which the student ~~he or she~~ was charged, a student withdraws, drops out, is expelled, or otherwise fails to attend classes, the student may be deemed obligated for one hundred percent (100%) of the tuition and other ~~fees and other charges assessed~~ charged by the institution; ~~or~~
- ~~(c) For students not affected by subparagraph (4a), the institution may adopt and utilize the federal statutory pro-rata refund method for a student whose last day of attendance occurs prior to sixty percent (60%) of the period of enrollment, or such later point in time as the institution may select and be published in the institutional catalog. After completion of 60% of the period of enrollment the student may be deemed obligated for one hundred (100%) of the tuition, fees and other charges assessed by the institution; or~~
- ~~(d) For students not affected by subparagraph (4a), the institution may propose a refund policy for approval by the Executive Director, if the policy can be demonstrated as a whole more favorable than subparagraph (b); or~~
- (ef) For a student who cannot complete one or more classes because the institution discontinued such a class ~~(es)~~ during a period of enrollment for which the student was charged, the institution shall ~~refund~~ the sum of all refundable fees ~~amounts~~ paid and, if the student has institutional loans, forgive the amounts owed by the student ~~or to be paid by or on behalf of the student for such class(es)~~.

- (5) When computing refunds pursuant to the ~~policies contained in subparagraph 2-(b)(c)(d)~~ default refund policy, the last day of attendance for a student shall be one of the following:
- (a) ~~The date on the expulsion notice if a student is expelled from the institution; or~~
 - (b) ~~The date the institution receives a written notice (including a signed drop form) of withdrawal from a student; or~~
 - (c) ~~When no written notice of withdrawal is given, the institution shall use the last day of attendance as the date of withdrawal; or~~
 - (d) ~~the date the student fails to return from an approved Leave of Absence (LOA)~~ leave of absence.
- (6) Pursuant to Rule .15(4) of these rules, the reconciled account statement must indicate the period of enrollment for which the student is being charged for each tuition charge. If the institution does not maintain the requisite account statement or the reconciled account statement does not clearly indicate the period of enrollment for which the student is being charged, the institution shall be liable for all refundable fees paid by or on behalf of the student.

Authority: T.C.A. §§ 49-7-2006, 49-7-2007, 49-7-2008, and 49-7-2013.

~~1540-01-02-.18 PROHIBITED ACTS:~~

- ~~(1) Grant or offer to grant or infer through advertising, promotions or other representations that educational credentials or credits may be obtained through any postsecondary institution, business, person or educational service unless so authorized in the state.~~
- ~~(2) No school seeking, holding or required to hold authorization under the Act may call itself a university or use university in its name, unless prior to authorization in Tennessee such an institution has been so approved by a regional accrediting body recognized by the U. S. Secretary of Education and the U. S. Department of Education.~~
- ~~(3) No entity may publicize, promote or imply an accreditation that is not recognized by the U. S. Department of Education.~~
- ~~(4) No school seeking, holding or required to hold authorization under the Act or these regulations may publicize, promote or imply an academic, vocational, professional or educational certification from any entity without the approval of the Commission.~~
- ~~(a) Certifications held out to students that imply a special status, licensing or credential beyond the authorized award by the institution whether offered within the school or by an independent entity, where such certifications are not recognized or required by the state and its laws or for employment purposes within the industry / profession, will require the approval of the Commission.~~
- ~~(5) For consumer disclosure and truth in advertising to all Tennessee citizens, an educational service, business or person must clearly identify the nature of the educational service offered and may not use broad language or phrases to imply that the service is a school, can award credits, degrees or other educational credentials.~~

Authority: ~~T.C.A. §§ 49-7-2006, 49-7-2007, 49-7-2008 and 49-7-2013.~~

1540-01-02-.18 STATISTICAL DATA COLLECTIONS.

- (1) All authorized institutions shall provide student-level statistical data on a Commission Staff data form that will allow Commission Staff to calculate the following statistical information by institution and program:
 - (a) the enrollment count;
 - (b) demographic statistics;
 - (c) withdrawal rates;
 - (d) completion rates;
 - (e) number of credentials awarded;
 - (f) categories of credentials awarded;
 - (g) placement rates;
 - (h) in-field placement rates; and
 - (i) average time to completion.
- (2) THEC shall publish the results of its calculations on its website except that withdrawal, completion, placement, and in-field placement rates shall not be reported for programs with ten (10) or fewer students.
- (3) Data shall include all students enrolled at the institution between the twelve (12) months beginning July 1 and ending June 30 of the year prior to the report.
- (4) Data form:
 - (a) Commission Staff will provide institutions either a blank data form or a spreadsheet that is prepopulated with continuing student data.
 - (b) At a minimum, the data form shall include:
 1. student's first name, middle initial, and last name;
 2. student's social security number or unique student identification number;
 3. demographic information, such as race, gender, and date of birth;
 4. program name;
 5. Commission Staff assigned program code;
 6. date started;
 7. date completed or date withdrawn; and

8. placed or placed in-field along with employer contact information.

- (5) All authorized Institutions shall maintain in the student's file evidence of placement sufficient for Commission Staff to verify placement. Depending on the field, sufficient evidence includes a written record of an employee of the institution, correspondence from the student, or evidence from a social media site or post indicating that the student is working independently.
- (6) If annual average institutional or individual program withdrawal rates exceed twenty-five percent (25%) or if annual average institutional or individual program in-field placement rates are less than seventy percent (70%), institutions shall explain the circumstances contributing to these rates, demonstrate how these rates are not an indicator of poor educational quality, and describe what actions the institution will take to lower the withdrawal rates and/or increase the in-field placement rates. Additionally, Commission Staff may compare an institution's rates to the state average for that type of institution and/or program. Institution types are unaccredited, accredited non-degree granting, and accredited degree granting; program type is based on CIP codes and length. When an institution-level or program-level rate fails to meet the state average for two (2) consecutive years Commission Staff may recommend to the Commission that adverse action be taken against the institution.

Authority: T.C.A. §§ 49-7-2005, 49-7-2006 and 49-7-2022.

1540-01-02-.199 FAIR CONSUMER PRACTICES AND ~~STUDENT~~ COMPLAINTS.

- (1) All institutions ~~authorized by the Commission~~ and their representatives shall ~~be required to operate~~ act in accordance with fair consumer practices to ensure current and prospective students that nothing is hidden and verbal and written representations by the ~~school-institution~~ are accurate, such that students can make ~~appropriate~~ informed decisions concerning their investment of time ~~and or~~ money.
- (2) Fair consumer practices means honesty, fairness, and disclosure to students in ~~the areas of: including, but not limited to,~~ recruitment, admissions, contractual agreements, student financial assistance, obligations to repay student loans, placement assistance, ~~and~~ job placement rates, advertising, refund policies, the meaning and recognition of different types of accreditation, the transferability of the institution's credits to other postsecondary ~~schools-institutions,~~ and ~~also includes misrepresentation concerning competitor~~ schools. Fair consumer practices require an institution to apply its policies as written.
- (3) Students should have a reasonable expectation to complete programs as printed in the institutional catalog at the time of enrollment.
- (4) Institutions may not use mandatory arbitration provisions.
- ~~(a) Information regarding fair consumer practices shall be included in the institution's usual publications such as the catalog and school brochures and must always be provided by institutional recruiters and agents.~~
- ~~(b) Accredited institutions may apply accreditation standards of fair consumer practices.~~
- (53) Findings by ~~Commission staff~~ Commission Staff and/or ongoing complaints by current or prospective students that show a pattern of misinformation, misrepresentation, lack of disclosure, or discrepancies between verbal and written information, intimidation, or

coercion may require corrective public announcements in addition to adverse action as set forth in Rule .22 of these rules.~~or in the opinion of the Commission significant deviation from fair consumer practices may result in penal fines and/or conditional authorization or revocation of agent or institutional authorization.~~

- (64) ~~An Institutions authorized under these rules~~ must report to ~~the Commission~~Commission Staff in writing within thirty (30) working days any unresolved written complaints filed in a Tennessee court about ~~their operation~~the institution of which ~~the institution is~~they are knowledgeable ~~(including media accounts of complaints). Such complaints shall be resolved or determined to be irresolvable by the institution within 30 working days of the receipt of the written complaint at the Commission offices. Complaints shall be considered as a factor in the decision when authorization to operate or continue in operation is sought.~~
- (7) Institutions may provide a discount for cash payments provided:
- (a) the institution has a written policy in the catalog that includes the definition of cash and details the qualifications for receiving and the amount of a cash discount; and
 - (b) the student verifies receipt and understanding of the policy in the pre-enrollment checklist.
- (8) An institution may award a scholarship, tuition waiver, or other similar award provided:
- (a) the eligibility requirements for the offering, including terms, conditions, application procedures, due dates, basis for selection, and amount to be awarded, are clearly defined in writing;
 - (b) the institution has a form and procedure to verify eligibility; and
 - (c) the amount of the award is a flat dollar amount or subject to calculation using a defined formula or scale.
- (9) The investigation and further review of written complaints will occur in accordance with the following provisions:
- (a) Complaints shall be signed and submitted through hand delivery, mail, or electronic mail as provided for in Rule .27 of these rules.
 - (b) Commission Staff shall investigate all written complaints.
 - (c) Any named institution or agent will receive a copy of the complaint and be provided an opportunity to respond to all allegations contained in the complaint.
 - (d) Any named institution or agent shall provide all information requested by Commission Staff as part of the investigation.
 - (e) As part of the investigation process, Commission Staff may work with the complainant and the named institution or agent to effectuate a settlement.
 - (f) Following completion of the investigation, Commission Staff shall provide to all parties written determinations and proposed recommendations and provide a date by which an aggrieved party may submit a request for further review by the Executive Director as provided for in Rule.02(2)(b) of these rules. Such date shall

not be earlier than ten (10) business days after the date of the determinations and proposed recommendations.

(g) Any request for review shall be in writing, signed, list each instance where Commission Staff erred, and provide a detailed explanation of each alleged error with references to specific statutes or rules. A request may be denied if it is not received in a timely manner as set forth in subparagraph (8)(f) of this rule.

(10) Notwithstanding the provisions of paragraph (9) of this rule, Commission Staff may take appropriate action to investigate any complaint or suspected non-compliance in order to protect the public interest.

Authority: T.C.A. §§ 49-7-2005, 49-7-2006, 49-7-2007, 49-7-2008 and 49-7-~~2013~~2011.

1540-01-02-~~2020~~ REPRESENTATIONS, ADVERTISING, AND SOLICITATIONS.

(1) Institutions ~~authorized by the Tennessee Higher Education Commission~~ may use ~~the~~ reference having authorization in advertising, promotional material, and on letterhead stationary using the following language: "(name of ~~school~~ institution) is authorized for operation by the Tennessee Higher Education Commission." The entire statement must be used, ~~have~~ with the same size font, and ~~font~~ type of print.

(2) Entities or individuals that own an authorized institution as well as a related business, for example, truck driver training and trucking company, must maintain clear separation in function and advertising of the business and the institution.

~~(3)~~ The ~~Tennessee Higher Education~~ Commission logo may not be used by an institution in any school advertising, brochures, telecommunications or institutional material without written approval.

~~(3)~~ ~~(4)~~ Institutions authorized by the Commission that have ~~presence~~ a website on, advertise through, or offer instruction via the internet, ~~world wide web or other electronic telecommunication means~~ must state on the institution's home page ~~first 'page' (as registered with standard web/internet search engines) viewed by the consumer, or~~ Tennessee specific webpage: "[name of ~~school~~ institution] is authorized for operation as a postsecondary educational institution by the Tennessee Higher Education Commission." The entire statement must be used, have the same size font, and type of print.

~~(a)~~ ~~In the case of an internet site, within the required statement given above, The reference to the~~ "Tennessee Higher Education Commission" must be an electronic link ~~a hyperlink to~~ www.tn.gov/thec. ~~to the agency's web site at <www.state.tn.us/thec> or a picture/button link using a standardized approved Commission logo for school web sites.~~

~~(4)~~ ~~5~~ No statement shall be made that the institution or its courses of instruction have been accredited unless the accreditation is identified and ~~that of an appropriate~~ is an accreditor ~~nationally~~ recognized ~~accrediting agency listed~~ by the United States U.S. Department of Education.

~~(5)~~ ~~6~~ No statement shall be made that the institution or its courses of instruction have been approved by a state or the federal government ~~approved~~ unless the approval can be substantiated by an appropriate certificate or letter of approval issued by the approving agency of the state or federal government.

- (67) All advertisements ~~placed by the institution or its representatives~~ seeking prospective students must include and clearly indicate the full and correct name of the institution, ~~its address, and the~~ authorized location city, ~~and, if out-of-state, the~~ authorized location state ~~where the institution is located.~~
- ~~(7) — Institutions that advertise in formats that will be in the public domain for long periods (such as the telephone book directory), where such advertising, if in noncompliance, cannot be rewritten or retracted may be fined in accordance with the Act for each day, week or month the advertisement is in active circulation. Such fines shall not exceed \$10,000.~~
- ~~(8) — Printed bulletins or other promotional information must emphasize training available rather than amount and kinds of aid available.~~
- (98) Any ~~P~~promotion of the institution must primarily be based on the institution's educational ~~education~~ programs, not student aid promotion, ~~or the~~ number of jobs available, ~~must not guarantee employment, and must comply with fair consumer practices as described in Rule .19 of these rules or educational credentials.~~
- ~~(109) — Other than entry level salary data available on a Tennessee or federal government website, No dollar amount or amounts will be quoted in any advertisement as representative or indicative of the earning potential of graduates without prior approval by Commission staff~~ Commission Staff.
- ~~(11) — Institutions authorized to offer specialized courses or subjects not available to other institutions shall not advertise such courses in such manner to diminish the value and scope of courses offered by other institutions.~~
- (120) Institutions ~~or representatives~~ shall not use images of any kind ~~a photograph, cut- engraving, or illustration in bulletins, sales literature, or otherwise,~~ in such a manner as to convey a false impression as to size, importance, or location of the institution, its equipment, or its ~~and facilities associated with that institution.~~
- ~~(13) — Institutions or representatives shall not use endorsements, commendations, or recommendations by students in favor of an institution except with the consent of the writer and without any offer of financial compensation, and such material shall be kept on file and made a permanent record for the institution, and such endorsements shall bear the actual name or professional name of the student.~~
- (141) Institutions or representatives shall not make deceptive statements concerning other ~~institutional activities~~ institutions when in attempting to enroll students.
- ~~(15) — Every display type newspaper advertisement, or other advertisement placed by the institution or its representatives, through direct mail, radio, television, or directories seeking prospective students, must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought.~~
- ~~(16) — Classified advertising seeking prospective students must appear under "instruction," "education," "training," or a similarly titled classification and shall not be published under any "help wanted" or "employment" classification. (See special school section 1540-01-02-.08(19) for truck driving)~~

- ~~(17) No advertisements of any type shall use the word "wanted," "help wanted," or the word "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate in any manner that the institution has or knows of jobs or employment of any nature available to prospective students; only "placement assistance," if offered, may be advertised.~~
- ~~(18) No statement or representation shall be made that students will be guaranteed employment while enrolled in the institution or that employment will be guaranteed for students after graduation, nor shall any institution or representative thereof falsely represent opportunities for employment upon completion of any course of study.~~
- (19) 2) Other than referencing the most recent rates calculated by Commission Staff, No school/institution shall use job placement percentages or statistics in advertisements or recruitment materials except by written permission of the Commission/Commission Staff.
- ~~(20) Should a placement service be advertised, adequate records shall be maintained by those institutions advertising such placement service which will reflect employment data. However, no institution shall advertise as an employment agency under the same or a confusingly similar name or at the same location of the school. No representative shall solicit students for an institution through an employment agency.~~
- ~~(21) The Commission staff at any time may require that an institution furnish proof to the Commission of any of its advertising claims. If proof acceptable to the Executive Director of the Commission cannot be furnished, a retraction of such advertising claims published in the same manner as the claims themselves, must be published by the institution and continuation of such advertising shall constitute cause for suspension or revocation of its certificate of authorization.~~
- (22) 13) If student tuition loans are available at the institution, the school may advertise them only with the language "student tuition loans available" in type no larger than that used for the name of the school. This does not preclude disclosure of the institution's eligibility under the various state and federal loan programs.
- (23) 14) Promotional materials or agent solicitation practices must not state or infer that programs are available on a free tuition basis unless the tuition and other fee amount reported to Commission Staff is zero (0).
- (24) 15) No statement shall be made by an institution or its representatives that the programs and/or courses or tests are transferable to another institution without a current documentation by an authorized official of the receiving institution articulation agreement or transfer of credit agreement.
- ~~(25) Claims by institutions in advertisements must be substantiated in Commission files prior to such claim.~~
- (26) 16) Claims must not be vague. For example, "award winning" institution should include the full name of the award in advertisement/advertisement, and specify year of any such attainment, and the source of the award.
- (17) No institution may publicize, promote or imply an accreditation that is not recognized by the U.S. Department of Education.
- (18) If an institution represents that it has an educational certification from any entity, other than those given by other Tennessee agencies, the institution must produce at the request of Commission staff proof of such certification.

Authority: T.C.A. §§ 49-7-2006, 49-7-2007, 49-7-2008 and 49-7-2013.

1540-01-02-~~24~~1 AUTHORIZATION STATUS.

(1) Temporary Authorization:

(a) Commission Staff will recommend temporary authorization to the Committee after determining that the institution has demonstrated through the Initial Authorization Application and a site visit that it is compliant with the Act and these rules.~~At~~

(b) An institution will receive temporary authorization~~_may be issued following:~~

- ~~1. staff review of the completed application for authorization based on these rules;~~
- ~~2. site visitation of the proposed institutional facilities as deemed necessary and feasible by the Commission staff;~~
- ~~3. recommendation from the Committee on Postsecondary Education Institutions; and;~~
- ~~4. after~~ favorable Commission action.

(b) ~~Institutions satisfactorily, as deemed by the Commission, completing the pre-operation requirements will be notified by letter of temporary authorization. Temporary authorization must be maintained for at least twenty-four (24) months prior to eligibility for regular authorization.~~on the basis of public Commission action.

~~(c) Institutions accredited through an accrediting agency recognized by the United States Department of Education which have satisfactorily completed the specified time as an institution with temporary authorization will be considered for an authorization certificate for a period of six years. The Commission may select a shorter period, and in no case, is such school exempt from the annual reporting requirements given in these rules. (See Annual Renewal for Authorization).~~

~~(d) The temporary authorization allows ninety days for initiation of actual operation and enrollment of students and unless satisfactory reasons are forwarded by letter from the applicant for not beginning operation and enrolling students, the temporary authorization may be withdrawn. All new institutions must submit a status report ninety days after receipt of temporary authorization and submit annual reports on the annual reporting schedule which requires annual fees and reports due October 15 each year.~~

(2) Regular Authorization:

~~(a) Institutions that complete the mandatory period of temporary authorization may cancel all bonds required at initial authorization.~~

~~(b) Institutions accredited through an accrediting agency recognized by the United~~

~~States Department of Education completing temporary authorization will be considered for an authorization certificate for each site for a period of up to six years. The Commission, when possible will tie the authorization period to the accrediting body's granting of accreditation / reaffirmation cycle.~~

~~1. Such accredited institutions eligible for regular authorization will be allowed to submit for annual reauthorization each October 15, the most recent annual reporting documents submitted to the accrediting agency along with the minimum forms required by the Commission.~~

~~(c) Schools with no accreditation (or schools with an affiliation under an accrediting Commission Staff shall recommend for regular authorization any institution authorized for more than twenty-four (24) months that demonstrates all minimum standards for authorization through the Reauthorization Application-agency not recognized by the United States Department of Education) must be reauthorized annually on forms supplied by the Commission staff.~~

~~(d) Nothing in this section shall be construed to absolve institutions of annual fee requirements, response to complaints, site visits or any Commission request for additional information or materials.~~

(3) Conditional Authorization:

~~(a) A Conditional authorization is the issuance of authorization to operate, but with additional conditions, such as e.g., reporting requirements, on the meeting of certain performance standard requirements, securing new or additional bonds, authorization to operate for a limited period of time to operate such as during change of ownership, or for the purpose of teaching out existing students. Institutions with conditional authorization may also be required to suspend or cease any part of institutional activity, such as enrolling students, advertising, or conducting specific classes or programs. Such suspension or cessation shall remain in effect until activities precipitating the condition are corrected and Commission Staff has completed all related reviews and investigations. Such Conditional authorization may be issued when deemed necessary to protect the public interest.~~

~~(b) As an alternative to revocation of authorization (c.f. TCA §49-7-2010 as amended), by making conditional its authorization to operate, the Executive Director may suspend or cause to cease any part of institutional activity such as enrolling additional students, advertising, or conducting specific classes or programs. Such cessation shall remain in effect until conditions precipitating the suspension of the activity are corrected with preventive measures in place and Commission staff have completed all related reviews and investigations.~~

~~(c) At the discretion of the Executive Director, the institution may be afforded the opportunity to "show cause" why a conditional authorization should not be imposed.~~

~~(d) An institution may voluntarily request conditional authorization, including including, but not limited to, suspension of the operation, rather than expose the institution to adverse action or loss of authorization, for situations such as unexpected loss of lease, and training site; extended travel inactivity, or reorganization sabbatical. Voluntary suspension and the time period involved must be approved by Commission staff.~~

(ec) Nothing in this section shall be construed to absolve institutions of their educational and financial obligations to currently enrolled students.

(4) Revocation of Authorization:

(a) Revocation of authorization is the immediate and complete withdrawal of the institution's authorization to enroll, advertise, or operate a postsecondary educational ~~school~~ institution in the state.

(b) Possible Grounds for immediate revocation of authorization to operate shall include but are not be limited to:

1. loss of right to use the authorized instructional site location without immediate notification to the Commission;
2. instances where a principal party, ~~or owner or administrator~~ has been or is involved with ~~the institution who has ever been associated with~~ a postsecondary educational institution that ceased or ceases operation ~~with~~ resulting in a loss of time or money for enrollees, ~~or that~~ had or has its institutional authorization to operate in a state revoked or had or has a felony conviction involving moral turpitude, fraud or a capital crime;
3. a pattern of deceptive practices ~~which include: hiding of any institutional records or documents; manipulation, alteration or falsification of materials required under the Act and these regulations which impugns administrative capability, fair consumer practices or operational standards;~~
4. failure to correct any situation that resulted in ~~a show cause or~~ conditional authorization within a reasonable time period to be determined by the Executive Director;
5. disregard for any specific directive issued by the Commission, ~~or the~~ Executive Director, or Commission Staff;
6. failure to pay assessed ~~required fees, penalties or~~ fines; and
7. closing an institution without proper notification to the Commission.

~~8. ——— knowledgeable or demonstrated pattern of deceptive solicitation.~~

(c) Revocation of authorization shall not relieve ~~a school~~ an institution of complete compliance with the requirements in ~~these regulations~~ these rules applicable to ~~an institution~~ school closing ~~or ceasing operation, including~~ including, but not limited to, but not limited to refunds to students, arranging instructional teach-outs, and securing the disposition of student records.

Authority: T.C.A. §§ 49-7-2004, 49-7-2005, 49-7-2008 and 49-7-2010.

1540-01-02-~~2222~~ CAUSES FOR ADVERSE ACTION.

(1) The Commission or Executive Director in the interest of the public welfare, consumer protection and statutory responsibility, may assess fines ~~under this Part~~ of five hundred

dollars (\$500) per day per violation ~~or~~; revoke or make conditional; ~~deny or change~~ the authorization of an institution or approval of an agent permit ~~status of any permit or certificate of authorization~~ under the process as given in subparagraph 1540-01-02.02(2)(e) of these rules for reasons including, but not limited to ~~for any one or combination of the following causes:~~

- (a) disregard of provisions in of the Act and/or ~~these regulations~~ these rules;
- (b) willful violation of any commitment made in an application for ~~a certificate of authorization or reauthorization~~;
- (c) presenting to the general public or students or prospective students information that violates Fair Consumer Practices (~~1540-01-02-19~~) as outlined in ~~these regulations~~ these rules;
- (d) advertising, recruiting, or operating a group of classes or a program that has not been ~~authorized~~ approved by the Commission;
- (e) failure to provide or maintain premises or equipment in a safe and sanitary condition as required by laws, regulations, or ordinances applicable at the authorized location of the institution;
- (f) failure to provide and maintain adequate faculty and/or staff;
- (g) failure to maintain financial resources adequate for the satisfactory conduct of the courses of instruction offered ~~or to retain a sufficient and qualified instructional and administrative staff~~;
- (h) ~~conducting instruction~~ operating a postsecondary educational institution at a site location that ~~which~~ has not been authorized by the Commission;
- (i) failure to correct findings resulting from a site visit or audit ~~an on-site inspection or review of institutional materials~~;
- (j) ~~demonstrable~~ a pattern of coercion, threats, or intimidation by institutional personnel to students or other school personnel;
- (k) failure to advise the Commission about significant factors, such as:
 - 1. financial difficulties ~~sufficient to affecting~~ program quality, including, but not limited to, when applicable, receipt of Title IV funds;
 - 2. significant staff changes in a short period of time;
 - 3. change of ownership;
 - 4. outcomes of audits by other government agencies;
 - 5. any factor or clearly developing factor that could alter the basis for authorization;
 - 6. loss or lowering of accreditation status; and
 - 7. legal action against the Tennessee authorized school; and

- (l) activities described in Rule .21 of these rules.
- (2) Repeated and/or consistent violations of the Act or ~~these regulations~~these rules, particularly in the same areas such as advertising, fair consumer practices or operational standards may be grounds for conditional or revocation of authorization in addition to fines.
- (3) Institutions that advertise in formats that will be in the public domain for long periods and where such advertising cannot be rewritten or retracted may be fined in accordance with the Act and these rules for each day, week, or month the advertisement is in active circulation.
- (4) Commission Staff at any time may require that an institution furnish proof to the Commission of any of its advertising claims. If proof acceptable to Commission Staff cannot be furnished, Commission Staff may recommend to the Executive Director that the institution publish a retraction of such advertising claims in the same manner as the claims themselves. Continuation of such advertising shall constitute cause for further adverse action.
- (5) Any action by the Commission under this rule shall be in conformance with T.C.A. § 49-7-2010(c). All Commission actions are subject to due process provisions of the ~~Tennessee~~ Uniform Administrative Procedures Act (~~T.C.A. §§ 4-5-101 – §§ 4-5-311~~).

Authority: T.C.A. §§ 49-7-2005 and 49-7-2010.

1540-01-02-~~233~~ -INSTITUTIONAL CLOSURE.

- (1) When an authorized postsecondary educational institution proposes to discontinue its operation, such institution shall notify ~~the Commission staff~~Commission Staff within ~~seventy-two (72)~~72 hours of that decision.
- (2) Commission Staff will provide the institution a list of items that must be provided to Commission Staff to close the institution in good-standing and a due date by which to provide the items.~~and shall submit to Commission staff within 10 days (or other deadline established by Commission staff) a plan to fulfill all obligations given below. Such plan shall.~~ The list may include~~but not be limited to:~~
- (a) aAnticipated date to terminate teaching activity;
- (b) eEnding date of present term;
- (c) a listing by name of all students in all programs. Such list shall include student's social security number, unique student identification number,~~ocial security number,~~ address, ~~and~~ phone number, program of enrollment~~enrolled in,~~ and estimated graduation completion dates;
- (d) ~~t~~The status of all current refunds due or the amount of~~rent refunds due (the amount of~~ unearned tuition paid by each student and for which the school is obligated);
- (e) A verified agreement with one or more local institutions able to provide sound education to all students in all programs;

- (f) ~~d~~Disposition and servicing of all student records as required by T.C.A. §49-7-2016;
 - (g) ~~a~~A request for conditional authorization to operate where required;
 - (h) ~~updated statistical data; Completion of obligations as designated by Commission staff by established deadlines.~~
 - (i) ~~official transcripts and certificates; and Submission of any information or materials related to the closure requested by staff.~~
 - (j) ~~d~~Demonstration that current educational obligations by the institution will be met on behalf of the presently enrolled students.
- (23) ~~The~~ ~~An~~ institution ~~which proposes to~~ ~~that~~ ceases operations shall maintain sufficient and qualified faculty, staff, and equipment to teach all subjects to all currently enrolled students, regardless of the size of the class, until such time as the institution closes.
- (34) Should the institution fail to make arrangements satisfactory to the ~~e~~Executive ~~d~~Director for the completion of the programs in which the currently enrolled students are enrolled and/or for the reimbursement of unearned tuition and fees, the institution shall be subject to fines ~~as stipulated in T.C.A. 49-7-2017.~~
- (45) Institutions that close without proper notification to the Commission or that fail to comply with closure obligations given in this ~~rule section (1540-01-02-.23)~~ may be deemed retroactively by the Executive Director to have had the institutional authorization officially revoked. Such a revocation status shall be maintained as part of the Commission closure file on that institution and any individual(s) directly involved, including, but not limited to, the director, owner(s), and/or the board chair.
- (56) Student Completion of Education ("Teachouts"):
- (a) The ~~e~~Executive ~~d~~Director may approve other ~~authorized or exempt institutions which are authorized under T.C.A. 49-7-2001 et seq. or exempt institutions~~ to teachout students who were currently enrolled in an institution which ceases operation. An approved teachout institution shall:
 1. offer the course of study or similar course of study as those offered at the closed institution;
 2. ~~exist or be provided be~~ in the same geographic area as that in which the closed institution existed or provide necessary transportation expenses;
 3. provide the student the opportunity to complete ~~his/her~~ ~~the~~ program at no ~~additional~~ cost ~~in excess of that~~ ~~than~~ for which the student originally contracted at the closed institution;
 4. accept any and all credits earned at the closed institution; ~~and~~
 5. not reduce total course hours required for the student to ~~graduate~~ ~~complete~~.
 - (b) If the closed or closing institution fails to provide an acceptable plan to the executive director, ~~the Commission staff~~ Commission Staff may work toward

effecting teachout arrangements or transfer agreements with other authorized institutions.

(c) Teachout plans may involve other institutions or be carried out by the terminating institution as circumstances may dictate.

~~(d) The teachout plan requirement is intended to supplement, not supplant, the provisions concerning the disposition of records when an institution closes, as indicated in T.C.A. 49-7-2016.~~

~~(6) Disposition of Records:~~

~~(a) Any institution ceasing operation must secure student educational transcripts by an arrangement with an authorized institution or make them available to the Commission.~~

~~(b) When financial aid and academic transcripts from closed institutions are prepared for delivery to the Tennessee Student Assistance Corporation and the Tennessee Higher Education Commission, such academic and financial records, each, shall be sorted and separated by year, in alphabetical order, and physically contained in boxes 15 inches long, 12 inches wide, 10 inches high with tops and with handles, consistent with State of Tennessee Archives regulations.~~

~~(c) Financial aid transcripts must be organized, marked and boxed separately from academic transcripts.~~

Authority: T.C.A. §§ 49-7-2002, 49-7-2005 and 49-7-2016.

1540-01-02-.244 [Filing Methods and Requirements.](#)

(1) Unless otherwise provided in an application, all filings must be received via hand delivery, mail, electronic mail, or facsimile. Current addresses and fax numbers will be posted on the THEC webpage.

(2) As to any filing requiring the payment of a fee, the fee must be submitted along with the filing or else the filing will be considered incomplete pursuant to Rule .07(1)(b).

(3) Filings shall be received at DPSA on the due date. Items postmarked on the due date but not received at DPSA will be deemed late-filed and, if applicable, may be deferred pursuant to Rule 07(1)(a).

~~TUITION GUARANTEE FUND (TGF).~~

~~(1) Tuition guaranty fund' or 'TGF' or 'fund' means the tuition guaranty fund created by TCA 49-7-2018.~~

~~(2) No institution organized as an in-state private postsecondary vocational education institution covered under the Act is exempt from the Tuition Guaranty Fund as described in TCA 49-7-2018.~~

Authority: T.C.A. §§ 49-7-2005 ~~and 49-7-2018.~~

1540-01-02-.255 [FEES.](#)

(1) All fees collected pursuant to the provisions of this part shall be deposited in the state treasury as a special agency account to administer the provisions of this part.

~~(2) The Commission is authorized to adjust fees annually hereafter based on the intent to collect revenues sufficient to cover the cost of this regulatory function (e.g. travel, employee costs, legal costs, expert fees).~~

(23) Annual reauthorization fees shall be paid with the Reauthorization Application as follows:

(a) Annual Reauthorization Fee:

1. a fee of five hundred dollars (\$500) if enrollment is zero (0) to three hundred (300) students;
2. a fee of one thousand five hundred dollars (\$1,500) if enrollment is three hundred and one (301) to six hundred (600) students; and
3. a fee of three thousand five hundred dollars (\$3,500) if enrollment is six hundred and one (601) or more students.

(b) Reauthorization Extension Fee..... \$500

(c) Late Reauthorization Fee..... \$500

(3) The following fees apply to the filing of ~~The fees to be collected by the Commission hereunder shall accompany an applications~~ for authorization to operate an institution or an application for an agent's permit, or other application required by these rules in accordance with the following and other services schedule:

~~(a) Late Renewal Fee (in addition to base renewal fee)..... \$1,000~~

~~(b) Renewal Extension Fee (in addition to base renewal fee)..... \$500~~

~~(ea) Initial New School Authorization Application \$3,000~~

(b) New Programs Application..... \$500

~~..... Each Proposed Program \$500~~

~~(d) Associate Degree Granting Institutions (in addition to base initial \$1000~~

~~..... application and program fee)~~

~~(e) Bachelor Degree Granting Institutions (in addition to base initial \$2,000~~

~~..... application and program fee)~~

~~(f) Masters Degree Granting Institutions (in addition to base initial \$3,000~~

~~..... application and program fee)~~

~~(g) Doctoral Degree Granting Institutions (in addition to base initial \$4,000~~

~~..... application and program fee)~~

~~(ch) Authority for Unaccredited Institutions to Grant Degrees — Unaccredited Institutions (in addition to~~

~~..... \$1000~~

(paid in addition to base initial application, program and degree level

New Program Application fee fees)

~~(i) New Programs — Authorized Institutions \$500~~

~~(dj) Degree Credential Level Elevation for — Authorized Institutions \$21,000~~

(paid in addition to the New Program Application fee)

(ek)	Agent <u>Permit Application Fee In-State</u> — Initial <u>Application</u>	\$\$\$ 500
(fl)	<u>Agent Permit Application Agent Fee In-State</u> — Renewal <u>Application</u>	\$250
(m)	Agent Fee Out-of-State — Initial <u>Application</u>	\$600
(n)	Agent Fee Out-of-State — Renewal <u>Application</u>	\$300
(eg)	Institution <u>al-Name Change Application</u>	\$500
(hp)	Change of <u>Address Location Application</u>	\$500
(ej)	Non-compliance Fines (<u>assesses at a maximum of</u> per day, per violation).....	\$500
(j)	<u>Exemption Determination Application</u>	\$100
(k)	<u>Closed Institution Transcript Request</u>	\$10
(l)	<u>Convenience Charge for Electronic Payments</u>	amount charged by vendor
(4)	Reauthorization fees for in-state institutions are based upon an institution's annual gross tuition revenue collected during the previous fiscal year (July 1 to June 30). Reauthorization fees for out of state institutions are based on an institution's annual gross tuition revenue collected from Tennessee students during the previous fiscal year (July 1 to June 30). In each instance the reauthorization fee shall equal point seventy five percent (.75%) of the annual gross tuition collected with a minimum fee of five hundred dollars (\$500) and maximum fee of twenty five thousand dollars (\$25,000).	

Authority: T.C.A. §§ 49-7-2005, 49-7-2014 and 49-7-2017.

1540-01-02-.26 REFUND OF REGULATORY FEES.

- (1) At the request of an institution a refund will be made as follows:
 - (a) If an institution withdraws a pending application within three (3) working days from receipt or prior to the start of Commission Staff's review, then all fees assessed shall be refunded.
 - (b) If an institution withdraws a pending application more than three (3) working days from receipt and once Commission Staff review begins, the Commission may retain fifty percent (50%) of the assessed fees.
 - (c) Once Commission Staff's review of a pending application is complete or a site visit has been conducted, the Commission may retain one hundred percent (100%) of the assessed fees.
 - (d) Institutions that fail to complete the application process described in Rule 1540-01-02-.07(1)(b) shall forfeit all fees paid.
 - (e) Any other fee collected is nonrefundable once Commission Staff has performed the associated review or work related to that fee.

Authority: T.C.A. §§ 49-7-2005 and 49-7-2014.

RULES OF THE TENNESSEE HIGHER EDUCATION COMMISSION
CHAPTER 1540-01-10
REGULATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS WITH OPTIONAL EXPEDITED
AUTHORIZATION (OEA)

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1540-01-10-.01 INCORPORATION OF RULES.

- (1) Rules 1540-01-02-.01, .02, .04, .18 and .26 shall be incorporated into this Rule Chapter as if fully written herein.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.02 DEFINITIONS

- (1) “Accreditation” is a non-governmental, peer evaluation of educational institutions and programs. Private educational associations of regional and national scope that have adopted criteria for educational programs and have developed procedures for evaluating institutions or programs. These criteria determine whether or not institutions or programs are operating at basic levels of quality. The Commission only recognizes accrediting agencies that are recognized by the U.S. Department of Education.
- (2) “Act” means the Tennessee Higher Education Authorization Act of 2016, T.C.A. §§ 49-7-2001, et seq., as amended.
- (3) “Articulation and transfer of credit agreement” means an arrangement between two (2) higher education institutions that is approved and signed by authorized institutional representatives and constructed by faculty in the discipline that (1) equates for transfer of a defined set or block of academic credits that will meet requirements of a specified program at a degree-awarding institution or (2) provides that a specific credential from one institution will meet the admission education requirement for a program leading to a higher credential at a second institution.
- (4) “Authorization to operate” means approval of the Commission to operate or to contract to operate a postsecondary educational institution in this state as described in T.C.A. § 49-7-2007(1) – (3) or (5). Authorization to operate is for a specified time at a specified location. Institutions shall not use an authorization to operate to connote greater approval than simple permission to operate. Terms which may not be used include, but are not limited to, “accredited,” “supervised,” “endorsed,” and “recommended by the Commission.”
- (5) “Commission” means the Tennessee Higher Education Commission.

- (6) "Committee" means the Committee on Postsecondary Educational Institutions.
- (7) "Degree-granting postsecondary educational institution" includes institutions offering education or training above the high school level and where the institution awards degrees, such as associate, bachelors, masters, specialist, or doctoral degrees.
- (8) "Division of Postsecondary State Authorization" or "DPSA" means the division within the Tennessee Higher Education Commission tasked with overseeing the implementation and enforcement of the Act and these rules.
- (9) "Federal student financial aid programs" means any of the various loans or grants offered to students, parents, or institutions through Title IV of the Higher Education Opportunity Act, as amended.
- (10) "License" or "Licensure" includes similar terms, such as registration and certification, and means a designation from a subject matter expert state agency, board, or commission indicating that the recipient has met certain requirements for obtaining the designation, for example, a licensed massage therapist or educator.
- (11) "Location" means an address that is zoned for commercial purposes for use as a postsecondary educational institution.
- (12) "Optional expedited authorization" or "OEA" means the optional expedited authorization available pursuant to [T.C.A. § 49-7-2022](#) and these rules to certain accredited degree-granting institutions.
- (13) "Other fees" means fees, other than tuition, paid to the institution or third parties for products or services, including, but not limited to, fees paid for tangible goods, laboratory fees, technology fees, student activity fees, graduation fees, or fees paid for housing, meals, or transportation.
- (14) "Postsecondary educational institution" includes, but is not limited to, an academic, vocational, technical, online/distance learning, business, professional, or other school, college, or university, or other organization or person, offering educational credentials, or offering instruction or educational services primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives.
- (15) "These rules" means all rules contained in Rule Chapter 1540-01-10.
- (16) "Tuition" means any fee involving the student, actually charged or tracked as a bookkeeping item for instruction provided.

Authority: [T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023](#).

1540-01-10-.03 ELIGIBILITY AND APPLICATION REQUIREMENTS.

- (1) In order to receive OEA, a postsecondary educational institution must meet the following eligibility requirements:
- (a) Meet the definition of degree-granting postsecondary educational institution;
- (b) Be accredited by a regional or national institutional accrediting agency recognized by the U.S. Department of Education; and

(c) Provide the following information and documentation as part of a signed and notarized OEA Application created by Commission Staff:

1. evidence of good-standing and valid institutional accreditation from a regional or national institutional accrediting agency recognized by the U.S. Department of Education;
2. documentation evidencing an established, clearly articulated, and comprehensive process for the resolution of student complaints. In order to be a comprehensive process, the process must contain:
 - (i) a detailed explanation as to how a student escalates a grievance to the highest level at the authorized institution location;
 - (ii) an opportunity for all persons involved in the complaint to be heard at any final step at the institutional location level, including, but not limited to, an appeal;
 - (iii) an explanation as to how the institution will notify students that complaints not resolved at the institutional location level may be filed with the Commission; and
 - (iv) an explanation as to how students will be notified of the institution's comprehensive process;
3. documentation demonstrating the institution is operating lawfully in Tennessee;
4. documentation demonstrating that the institution is currently maintaining financial standards and institutional stability deemed acceptable for eligibility in Title IV federal student financial aid programs. Documentation shall include at a minimum:
 - (i) the most recent independent audit completed, in part, for purposes of calculating the institution's federal financial composite score as described in 34 C.F.R. § 668.172; and
 - (ii) any correspondence issued in the past twenty-four (24) months from the Federal Student Aid Office of the U.S. Department of Education concerning eligibility for financial aid, including, but not limited to, financial ratios, a letter of credit alternative, or a provisional certification alternative as well as any related correspondence from the institution;
5. a comprehensive list or verification of all programs offered at the institution along with, when applicable, documentation evidencing receipt of all requisite program approvals from subject matter expert state licensing agencies, boards, or commissions. Evidence shall be provided for any program designed to train a student for employment in a field where a license is required in order to be employed in that field. The evidence shall clearly demonstrate that the state agency, board, or commission has determined that the program meets the educational requirements necessary to receive a license or sit for a required exam. The comprehensive list or verification shall include, at a minimum, the

following information:

- (i) program name;
- (ii) DPSA assigned program code;
- (iii) credential awarded;
- (iv) credit hours or contact hours to be awarded;
- (v) length of time expected to complete the program;
- (vi) cost of program tuition;
- (vii) cost of other fees;
- (viii) program status;
- (ix) a Classification of Instructional Programs (CIP) code;
- (x) whether programmatic accreditation is required for the program and the name of the accreditor that has reviewed and accredited the program; and

6. the website address to the gainful employment data for **gainful employment programs**. The address should provide a reasonable person easy access to this information;

7. a report of any illegal or unethical conduct by employees, agents, contractors, or third-party service providers related to the delivery of educational programs and services to students with any corrective action and remedies taken by the institution;

8. a description of the ownership of the institution and when applicable, a corporate flowchart showing the institution's position in relationship to all affiliated corporate entities;

9. copies of all executed articulation and transfer of credit agreements with other institutions operating in Tennessee;

10. the most recently calculated three-year (3) official cohort default rate from the Office of Federal Student Aid of the U.S. Department of Education. Institutions with official cohort default rates for the three most recent years equal to or greater than thirty percent (30%) or a current official cohort default rate greater than forty percent (40%) are not eligible for OEA; and

11. statistical data as described in Rule 1540-01-02-.18.

(2) After receipt of an institution's application, Commission Staff shall conduct a detailed review and verification of the application. OEA applications will be processed as follows:

(a) Upon satisfactory examination of all submitted documentation, Commission Staff will recommend the application for recommendation of approval by the Committee to the Commission. Thereafter, the Committee's recommendation will

be submitted to the Commission and upon approval by the Commission, Commission Staff shall issue notification of the OEA status noting that it is valid for one (1) year.

- (b) If the Commission upon review and consideration of the application determines the applicant is not eligible and fails to meet the OEA criteria established in this section, the Commission shall notify the applicant of its decision to deny the application and set forth the reasons for the denial in writing. Such denial can be reviewed as further described in Rule .05 of these rules.
- (c) In order to continue OEA for an additional year, an institution must complete an application as described in Rule .03(1)(c) of these rules and file it with Commission Staff by the due date immediately preceding the expiration date of the institution's current OEA. In the event that an application is timely filed but is not considered by the Commission prior to the current OEA expiration date, Commission Staff may continue an institution's OEA for not more than six (6) months.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.04 REQUIRED NOTIFICATIONS TO COMMISSION STAFF.

- (1) OEA institutions shall notify Commission Staff, within five (5) business days, of the following:
 - (a) action by an accrediting agency in regard to the institution's accreditation status, such as revocation, suspension, probation, warning, or similar action;
 - (b) notice of legal action involving the institution, or its parent entity if applicable, and Tennessee students, related to the delivery of educational programming or student consumer practices, including, but not limited to, class action lawsuits;
 - (c) utilization by the institution of a letter of credit or a cash management agreement with the U.S. Department of Education; or
 - (d) public announcement of investigation by any governmental agency. The institution shall notify Commission Staff whether the investigation is related to the institution's academic quality, financial stability, or student or consumer practices.
- (2) Institutions shall submit a New Program Notification Form on the Committee meeting due dates for any programs implemented since the last due date. Once processed, Commission Staff will issue the institution a program code for use when submitting statistical data.
- (3) At the request of Commission Staff, the Executive Director, the Committee, or the Commission, OEA institutions shall provide any information deemed necessary to monitor the institution's eligibility for OEA.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.05 DENIAL OF OEA STATUS.

- (1) A decision of the Commission to deny OEA status shall be provided to the institution in writing through the Executive Director, provide the basis for denial, and be effective as of the date of the decision.

- (2) Any person aggrieved by a decision of the Commission respecting denial of OEA status shall have the right to a hearing and review of the decision by the Commission as provided in T.C.A. § 49-7-2022(q) and these rules. An aggrieved party for purposes of this rule is any postsecondary educational institution denied OEA status.
- (3) If an aggrieved party desires a hearing and review, the party shall file a written notice within ten (10) business days after the date of the Commission's written notice of denial. If written notice is not provided by an aggrieved party, then the action shall be deemed final.
- (4) Upon receiving notice from an aggrieved party, the Commission shall fix the time and place for a hearing and shall notify the aggrieved party of the time and place of the hearing. The Commission may vote to have an administrative law judge from the Administrative Procedures Division of the Tennessee Secretary of State's Office conduct a contested case proceeding and issue an initial order pursuant to the Uniform Administrative Procedures Act.
- (5) At the hearing, the aggrieved party may employ counsel, shall have the right to hear the evidence upon which the action is based, and present evidence in opposition or in extenuation. If an administrative judge is not appointed, then any member of the Commission may preside except when a clear conflict of interest may be demonstrated.
- (6) Any decision by the Commission or an initial order by an administrative law judge shall include a statement of findings and conclusions upon all material issues of fact, law or discretion presented at the hearing and the appropriate rule, order, sanction, relief, or denial thereof.
- (7) Any final decision of the Commission shall be subject to the right of judicial review provided in T.C.A. § 49-7-2012.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.06 REVOCATION OF OEA STATUS.

- (1) OEA may be revoked for just cause. Revocation can occur as a result of:

 - (a) a vote of the Commission on its own motion or on the recommendation of the Committee or the Commission Staff; or
 - (b) a determination of the Executive Director pursuant to Rule 1540-01-02-.02(e).
- (2) Just cause includes activities where the institution acted contrary to the public interest, exhibits questionable financial strength, or is not operating educational programs with acceptable outcomes and includes, but is not limited to:

 - (a) Loss or failure to meet any of the listed criteria for eligibility in Rule .03(1) of these rules;
 - (b) Failure to fulfill the requirements in Rule .03 of these rules;
 - (c) A finding resulting from a signed student complaint that:

1. the institution did not follow its policies as presented to the student; or
 2. the institution hid a fact or made a verbal or written inaccurate representation to the student that affected the student's ability to make an appropriate decision concerning the student's investment of time and money.
- (d) Having an institution-level or program-level withdrawal, completion, placement, or in-field placement rate that is less than the state average rate for other OEA institutions or a program type for more than two (2) consecutive years;
 - (e) Providing false or misleading statistical data;
 - (f) Failure to comply with the requirements of the tuition guaranty fund under § 49-7-2018 and the related rules;
 - (g) A three-year federal financial aid cohort default rate as calculated by the U.S. Department of Education of thirty percent (30%) or higher for three (3) consecutive years or over forty percent (40%) for any single year; or
 - (h) Allowing OEA to expire without timely filing an OEA Application or Initial Authorization Application.
- (3) Upon revocation of any institution's OEA, the following shall occur:
- (a) The institution shall immediately be subject to all provisions of the Act and Rule Chapter 1540-01-02.
 - (b) The institution shall apply for Commission authorization under T.C.A. § 49-7-2008 and Rule Chapter 1540-01-02 by the next due date which is more than ten (10) business days from the date of revocation.
 - (c) The Executive Director may grant the institution conditional authorization to continue its operation as a non-OEA institution. Such conditional authorization shall not be for more than six (6) months. Failure to fulfill all conditions of authorization within six (6) months may lead to revocation of authorization.
 - (d) Any institution whose OEA is revoked by the Commission shall be ineligible to reapply for OEA for no less than twenty-four (24) months from the date of revocation.
- (4) Notwithstanding paragraphs (1) through (3) of this rule, no immediate action should be taken to revoke an institution's OEA when the institution's accreditor is removed from the U.S. Department of Education's list of recognized accreditors. The Executive Director shall set a time period in which institutions may continue to operate under OEA, assuming all other OEA requirements are met. The time period should coincide with the provisional time period set by the U.S. Department of Education for affected institutions to seek a new accreditor.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.07 COMPLAINTS.

- (1) Commission Staff shall investigate any signed student complaint involving an OEA institution after verifying that the student has escalated the complaint to the institutional

director and the institutional director has had an opportunity to investigate and resolve the complaint yet the complainant contends it remains unresolved.

(2) Commission Staff's investigation shall determine:

(a) whether the institution followed its policies as represented to the student; and

(b) whether the institution failed to disclose a fact or made a verbal or written inaccurate representation to the student that affected the student's ability to make an appropriate decision concerning the student's investment of time and money.

(3) When determining whether a finding is appropriate, Commission Staff shall take into consideration any reasonable offers the institution made to resolve the student's complaint at the institutional level.

(4) The investigation will proceed as follows:

(a) Complaints shall be signed and submitted through hand delivery, mail, or electronic mail as provided for in Rule .08 of these rules.

(b) Any named institution will receive a copy of the complaint and be provided an opportunity to respond to all allegations contained in the complaint.

(c) Any named institution shall provide all information requested by Commission Staff as part of the investigation.

(d) As part of the investigation process, Commission Staff may work with the complainant and the named institution to effectuate a settlement.

(e) If there are no findings, the complaint will be closed and the written determination shall include a date by which an aggrieved party may submit a request for further review by the Executive Director as provided for in Rule 1540-01-02-.02(2)(b). Such date shall not be earlier than ten (10) business days after the date of the written determinations. If no request for review is received, the complaint will be closed.

(f) If there are findings and proposed recommendations, the following process will be used:

1. Commission Staff shall provide in the written determinations and proposed recommendations a date by which either party may respond to the findings or recommendations. Such date shall not be earlier than ten (10) business days after the date of the written determinations.

2. Following review of the responses, if any, Commission Staff may:

(i) determine that the complaint is closed by providing written notice to the parties. The written notice shall include a date by which an aggrieved party may submit a request for further review by the Executive Director as provided for in Rule 1540-01-02-.02(2)(b). Such date shall not be earlier than ten (10) business days after the date of the written determinations; or

(ii) recommend that the Executive Director take some action that is within the scope of the proposed recommendations. Any decision of the Executive Director to take action will be provided to the parties by letter and shall include a date by which an aggrieved party may submit a request for further review by the Executive Director as provided for in Rule 1540-01-02-.02(2)(b). Such date shall not be earlier than ten (10) business days after the date of the written determinations.

(g) Any request for review shall be in writing, signed, list each instance where Commission Staff erred, and provide a detailed explanation of each alleged error with references to specific statutes or rules. Requests for review shall be received through hand delivery, mail, electronic mail or facsimile. A request may be denied if it is not received in a timely manner as set forth in subparagraph (f).

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.08 FILING METHODS AND REQUIREMENTS.

(1) Application due dates and deferrals:

(a) For each quarterly meeting of the Committee, Commission Staff shall establish a due date that is no more than ninety (90) days before the date of the meeting. Unless stated by Commission Staff, the established due date shall apply to Optional Expedited Authorization Applications. Applications shall be received at DPSA on or before the due date. Applications received after that date will be deemed late and may be deferred to the next due date.

(b) An application submitted without the appropriate fee will be considered incomplete and will not be reviewed until all applicable fees are received. In any event, Commission Staff may defer the application to the next due date.

(c) Further, an incomplete application is an application that is missing any information or contains noncompliant information. Commission Staff may defer consideration of the application to the next due date.

(d) If an application is deferred, the institution shall have until the next established due date to complete the application.

(e) An application can be deferred either by the institution or Commission Staff a total of two (2) times. After the second deferral, the application will be deemed withdrawn if the institution does not submit a completed application by the next due date.

(2) Unless otherwise provided in an application, all filings must be received via hand delivery, mail, electronic mail, or facsimile. Current addresses and fax numbers will be posted on the THEC webpage.

(3) Filings shall be received on the due date. Items postmarked on the due date but not received at DPSA will be deemed late.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

1540-01-10-.09 FEES.

(1) An institution shall pay a fee of nine thousand dollars (\$9,000) to the Commission with the Optional Expedited Authorization Application.

Authority: T.C.A. §§ 49-7-2005, 49-7-2022 and 49-7-2023.

In The Matter Of:
Tennessee Higher Education Commission
Division of Postsecondary State Authorization

Transcript of Rulemaking Hearing
October 6, 2016

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Transcript of Rulemaking Hearing - October 6, 2016

BEFORE THE TENNESSEE HIGHER EDUCATION COMMISSION
DIVISION OF POSTSECONDARY STATE AUTHORIZATION

TRANSCRIPT OF RULEMAKING HEARING
Thursday, October 6, 2016

Reported By:
Christina A. Meza, LCR, RPR, CCR

Nashville Court Reporters 615.885.5798
Christina A. Meza, LCR, RPR, CCR

Transcript of Rulemaking Hearing - October 6, 2016

1 APPEARANCES:

2 For THEC: Dr. Stephanie Bellard Chase
3 Ms. Julie M. Woodruff
4 Ms. Latonya Todd
5 Ms. Shauna Jennings
6 Ms. Teresa Warren
7 Mr. Mike Sloan

8 For National College: Mr. Chuck Steenburgh

9 For DeVry University: Mr. Peter Powell

10 For Univ. of Phoenix: Mr. Jeremy Nagoshiner

11 For Brightwood College: Ms. Haley B. Johnson

12 For Remington College: Mr. James Saulsbury

13 Interfaith Education Ctr.: Ms. Andrea Stilwell

14 Nashville Software School: Ms. Laura Buchanan

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Transcript of Rulemaking Hearing - October 6, 2016

1 (The aforementioned
2 rulemaking hearing came on to be heard on Thursday,
3 October 6, 2016, beginning at 1:02 P.M., before
4 Ms. Julie M. Woodruff, Director of Postsecondary State
5 Authorization and Lead Attorney, when the following
6 proceedings were had, to-wit:)

7 MS. WOODRUFF: Good afternoon,
8 everyone. We'll go ahead and get started.

9 Thank you-all for coming this
10 afternoon. I'm Julie Woodruff, and I will conduct
11 today's hearing. I will also note for the record that
12 Dr. Stephanie Bellard Chase, the associate executive
13 director of the division of postsecondary state
14 authorization is with me as well. We have several
15 members of commission staff here, and so I would like
16 for them to introduce themselves.

17 Latonya, can you start?

18 MS. TODD: Hi, everyone. I'm Latonya
19 Todd.

20 MS. WARREN: Teresa Warren.

21 MS. JENNINGS: Shauna Jennings.

22 MS. BUCHANAN: Laura Buchanan.

23 MS. WOODRUFF: Do you-all want to
24 introduce yourself?

25 MR. SLOAN: Scott Sloan, general

1 counsel.

2 MS. TYLER: Crystal Tyler, Goodwill
3 Industries of Middle Tennessee.

4 MR. BENTON: Grant Benton, Goodwill
5 Industries of Middle Tennessee.

6 (Not audible.)

7 MS. WOODRUFF: My intention was just
8 the commission staff. I apologize because I kind of
9 went that way thinking that Scott and some of our other
10 folks might want to, but mainly let me just point out
11 Latonya Todd is specifically division of postsecondary
12 state authorization, Teresa Warren and Shauna Jennings,
13 and I think that's all from DPSA, and then we have some
14 folks also from other areas of Tennessee Higher
15 Education Commission. Okay.

16 so let's see. Before we get too far
17 into the substance of the rules. Let me just remind
18 everyone that the rest rooms are down the center hall
19 out this door, just past the elevators. Please feel
20 free to come and go as necessary but please be
21 respectful of the speakers.

22 we have a sign-up sheet at the table
23 right here. If you wish to speak and have not signed
24 up, please do so.

25 Also we have a court reporter with us

1 today. If you present, please provide her with your
2 card at the conclusion of the hearing so that she
3 transcribes your name and affiliation correctly.

4 Also please try to speak clearly and
5 into the microphones. I've reserved a couple seats up
6 here for speakers. If you come to the table, that way
7 you can use the microphone.

8 Okay. So now we'll talk a little bit
9 about the substance of the rulemaking.

10 Public Chapter 868, referred to as the
11 Higher Education Authorization Act of 2016, HEAA,
12 passed the general assembly earlier this year. The
13 bill was effective for rulemaking purposes when signed
14 on April 19th, 2016; however, the substantive
15 provisions of the bill were effective October 1st.

16 The bill updated the Postsecondary
17 Authorization Act of 1974 by adding an optional
18 expedited authorization, OEA, alternative degree
19 granting accredited institutions, and revised statutes
20 that were applicable to all institutions.

21 Following the passage of the HEAA,
22 THEC determined there was not adequate time to complete
23 the traditional rulemaking process set forth in the
24 Uniform Administrative Procedures Act, and set out on a
25 two-track path, one being promulgated emergency rules

Transcript of Rulemaking Hearing - October 6, 2016

1 and the other being a rulemaking hearing process.

2 On May 5th and 6th of 2016, we held
3 workshops with authorized institutions and other
4 interested parties to receive feedback before drafting
5 the emergency rules.

6 Given the expansiveness of the HEAA,
7 THEC proposed a leading rule Chapter 1540-01-02 in its
8 entirety promulgating new rules for this rule chapter
9 and promulgating a new rule chapter to implement OEA.

10 On July 20th, 2016, the commission
11 approved a set of rule revisions as emergency rules and
12 as rulemaking hearing rules to send to the attorney
13 general's office for review and to move forward with
14 the rulemaking hearing process. Thereafter, the rules
15 were approved by the attorney general and were filed
16 with the secretary of state on August 5th, 2016, both
17 as emergency rules and as a notice of rulemaking
18 hearing. The emergency rules were effective on
19 October 3rd, 2016.

20 THEC emailed all authorized
21 institutions and known interested parties the notice of
22 rulemaking hearing on September 7th, 2016. Pursuant to
23 this notice, any written comments are due today and
24 should be directed to my attention.

25 If you have comments you wish to file,

1 you can either bring them to us after this hearing, you
2 can give them to Teresa Warren, or you can go up on the
3 19th floor and file them with our office.

4 Ms. Stevenson will stamp them and enter them into our
5 system.

6 Following this meeting, we will
7 compile and review -- I'm sorry. Let me back up.

8 The notice also provided for today's
9 hearing to be in this room starting at 1:00 P.M.,
10 Central. Following this meeting, we will compile and
11 review all comments. Thereafter, commission staff will
12 provide recommendations to the committee on
13 postsecondary educational institutions for its
14 consideration at its November 2nd, 2016, meeting. I
15 will present the recommendations of the committee to
16 the commission. The intention is at the commission
17 meeting scheduled for November 16, 2016.

18 As I noted earlier, the revisions
19 contained in the notice are extensive. Although the
20 current version of Rule Chapter 1540-01-02 is dated
21 December 2014, with one exception, the rules are
22 identical to the rules dated June 2000.

23 Additionally, the HEAA directed our
24 executive director, Mr. Mike Krause, to reexamine the
25 regulatory function of THEC and its structure.

1 Specifically, he was directed to take into
2 consideration the efficiency, adequacy, and overall
3 effectiveness of the regulatory function. Thus, Rule
4 Chapter 1540-01-02 was rewritten. Through the
5 revisions, we hope to clarify requirements, improve the
6 organization, conform to the statutory language and
7 current practices and fill gaps.

8 I'll list just a few examples in Rule
9 Chapter 1540-01-02. Revisions were made to Rule .13 to
10 clarify the order in which institutions must present
11 students with pre-enrollment checklists,
12 transferability of credit disclosure statement, and
13 enrollment agreement. Previously, exemptions appeared
14 in two rules. Now under Rule .05 all exemptions appear
15 in one place.

16 we revised the rule language related
17 to bonds to ensure conformity with the statute and to
18 improve the organization of the rules by moving the
19 language to a stand-alone section.

20 we revised the section in Rule .07
21 related to school personnel applications to align with
22 our current filing and record retention requirements.

23 Lastly, we added language to fill the
24 gap in our rules related to the refund of fees.

25 As to the new rule chapter, we

1 recognize the many different requirements for
2 institutions with traditional authorization status and
3 those with optional expedited authorization status. We
4 decided it was best to create a new rule chapter
5 specifically applicable to OEA institutions. This
6 chapter is numbered 1540-01-10.

7 The rules unique to OEA institutions
8 are definitions, eligibility and application
9 requirements, required notification to commission
10 staff, denial of OEA status, revocation of OEA status,
11 complaints, filing methods and requirements, and fees.
12 Every effort was made to track the language of the
13 HEAA, only providing guidance when necessary to ensure
14 full implementation of the OEA statutory provisions.

15 Examples of additional guidance are in
16 Rule .02. It provides definitions to help the reader
17 better understand terminology used in the statutes and
18 rules.

19 Rule .03. Language was included
20 explaining the statutory requirements including, for
21 example, what is a, quote, "Clearly articulated and
22 comprehensive process for the resolution of student
23 complaints," end quote. The documentation required to
24 demonstrate that the institution is operating lawfully
25 in the state and is eligible for Title IV, federal

1 student financial aid programs.

2 Rule .04. Language was included to
3 require the filing of a new program notification form
4 so that program codes can be assigned and that subject
5 matter expert agency approval is obtained, if required.

6 Rule .05. The rules allow for the
7 commission to appoint an administrative law judge from
8 the secretary of state's office to consider a denial
9 determination.

10 Rule .06. This rule details the
11 revocation process and defines just cause with
12 examples.

13 Rule .07. This rule sets forth the
14 parameters of a complaint investigation, specifically
15 whether the institution followed its own policies and
16 whether the institution failed to disclose a fact or
17 made a representation that affected the student's
18 ability to make decisions concerning the student's
19 investment of time and money.

20 Rule .08. This rule is administrative
21 and provides application dates, filing requirements,
22 and terms of deferral.

23 Rule .09. This rule establishes the
24 flat annual fee for OEA institutions.

25 So at this point I would ask, is there

1 anybody else who hasn't signed in that would like to
2 make comments?

3 (No response.)

4 MS. WOODRUFF: Okay. So we have -- we
5 have seven -- seven folks that have signed. With that,
6 we will go ahead and begin the comments. At this point
7 let's limit comments to about 10 minutes, and then
8 we'll see how much time we have left after that point.

9 With those comments, I believe we're
10 ready to begin with Jeremy Nagoshiner from the
11 University of Phoenix.

12 MR. NAGOSHINER: I will be really
13 brief. It seems like not that long ago we were sitting
14 in here talking about draft rules, and here we have the
15 new rules in front of us. I'm here on behalf of Apollo
16 Group/University of Phoenix, and we don't have
17 necessarily comments to put on the record, but we
18 thought it was important to put on the record that we
19 appreciate THEC leadership, THEC staff and their
20 willingness to work with us throughout this process
21 from start to finish.

22 We think the commission has come a
23 long way to address concerns that various institutions
24 have had over the years. We think this will go a long
25 way to streamline the process and make it better for

1 schools like us and ultimately easier for students as
2 well.

3 So with that being said, I'll yield my
4 nine minutes remaining to somebody else, but thank you
5 to THEC.

6 MS. WOODRUFF: Thank you very much.

7 So next I have Peter -- I can't read
8 your last name. I know I should know it. DeVry
9 University.

10 MR. POWELL: Powell.

11 MS. WOODRUFF: Campus director.

12 MR. POWELL: I'll challenge for
13 shortness here with Jeremy as well. I have more of a
14 question than a comment that we have. In looking at
15 the new OEA, what would happen if OEA is revoked at any
16 time and the school has to reapply under standard
17 school authorization? would new program applications
18 and fees be required at that time?

19 MS. WOODRUFF: They would be required
20 at the time of application.

21 MR. POWELL: So if you have OEA and
22 it's revoked at any time, would you -- to get something
23 reapproved, would you have to go back through standard
24 application process and pay the fee again to that
25 process for the program?

1 MS. WOODRUFF: Yes. You would have to
2 go through the standard initial authorization process.

3 MR. POWELL: Okay. Great. Thank you
4 very much.

5 MS. WOODRUFF: You're welcome.

6 Haley Johnson from Brightwood College.

7 MS. JOHNSON: John usually does the
8 speaking, so I'm going to read what he asked me to
9 read.

10 After reviewing the THEC emergency
11 rules, ECA has concerns that there's no provision to
12 account for an institutional creditor losing its
13 recognition by the U.S. Department of Education. As
14 you know, we're accredited by ACICS. So we're facing
15 that now.

16 In the emergency rules, no provision
17 is made. If an accreditor loses recognition in an OEA
18 school, by default, would have its OEA status revoked.
19 The THEC director were to grant a conditional
20 authorization to operate for that period. However,
21 seeking new accreditation takes 12 to 18 months,
22 especially if an accreditor were to lose its
23 accreditation.

24 we're asking for a provisional. If an
25 institution accreditor loses recognition, the executive

1 director or commission staff as delegated shall set a
2 provisional time period within which institutions may
3 continue to operate that coincides with the provisional
4 time periods set by the U.S. Department of Education
5 for affected institutions to seek a new accreditor.
6 Once that provisional time period expires, Subsections
7 A, B, and D shall apply to such institutions.

8 MS. WOODRUFF: Thank you. And I will
9 note, you-all filed written comments as well.

10 MS. JOHNSON: We did, absolutely.
11 Thank you.

12 MS. WOODRUFF: You're welcome.
13 Andrea Stilwell from Interfaith
14 Education Center for Community Dental Care.

15 MS. STILWELL: Our name is longer than
16 my remarks probably will be. Likewise, I'll keep it
17 very brief, but I want to thank the commission for all
18 their hard work in coming together with this.

19 In the section of the new rules that
20 pertains to regulations for specific institutions and
21 programs where it references programs of interest to
22 other state agencies, we would just like the commission
23 to consider looking at the language, specifically for
24 those in the dental field as it pertains to admitting
25 students to single-day or two-day certification courses

1 only, which according to the rules with the Board of
2 Dentistry calls for minimum standards for admissions to
3 admit students who have been verified by the course as
4 having a current registration.

5 So consideration of streamlining that
6 documentation that's needed for those students only
7 taking those single-day or two-day courses.

8 MS. WOODRUFF: Would you mind giving
9 me an example of a course you offer where there would
10 be a change to your admission requirement.

11 MS. STILWELL: Sure. So in this
12 example -- and, again, it's a very small example, but
13 for the course that we offer in sealant application,
14 which is a single-day course, it is open to students
15 currently enrolled in our full-time, eight-month
16 comprehensive dental assistant training program but
17 also open to students who are currently licensed,
18 registered dental assistants. So for them it's a
19 six-hour course.

20 So they have the same documentation
21 standards as a student in the eight-month program,
22 meaning an official copy of the high school transcript
23 or a GED or HiSET documentation. Whereas the Board of
24 Dentistry says for those certification courses, it's
25 verification of a current license with the Board of

1 Dentistry.

2 So for students enrolled in the
3 comprehensive program, you know, not cumbersome at all,
4 but for students just coming for that single-day or
5 two-day course, then the burden is a little bit more
6 challenging.

7 MS. WOODRUFF: Okay. Thank you very
8 much.

9 I've got Laura Buchanan from Nashville
10 Software School.

11 MS. BUCHANAN: Hi again. Laura
12 Buchanan.

13 So we had a question about two things.
14 One, in section .08 (2), is that a new provision that's
15 being introduced? That's administratively cumbersome
16 for us, so we were curious.

17 MS. WOODRUFF: Can you explain? It is
18 a provision that used to be in the rules and in the
19 2008 version of the rules that was deemed void for
20 procedural reasons that had nothing to do with the
21 substance of the rules, so it was removed from the
22 rules, but it was actually in place for a very long
23 time.

24 The reasoning behind it is in the case
25 of institutions that may be closed that have taken

1 funds -- have taken money in advance and not able to
2 return that. So I'm curious, how is it that it's
3 cumbersome or what would your comment be?

4 MS. BUCHANAN: It compromises the
5 flexibility of the students, especially those that are
6 seeking financing, those who are reserving their place
7 in the class. They want to do deposits in a million
8 different ways. For us currently it would be -- we
9 have a long prework assignment for folks that is at
10 least 30 days out from the start of class that they
11 need to be prepared with so that they can begin writing
12 code day one.

13 So it causes difficulty if they
14 haven't been able to kind of get some skin in the game,
15 put down some of their tuition payment. We send them
16 prework packets that they can work on, somewhere
17 between 80 and 120 hours of prework that they begin
18 before actual enrollment, which is day one in our
19 program.

20 So 10 days is just short for us and
21 the students, and it gives us only 10 days to process
22 all of their payment prior to the code work beginning
23 date.

24 MS. WOODRUFF: So when students get
25 this prework, are they required to complete that before

1 actually attending a class?

2 MS. BUCHANAN: They are. Well,
3 they're strongly encouraged. Of course, we can't make
4 anyone do anything, but it's strongly encouraged or you
5 will begin class way behind the rest. So it's
6 absolutely recommended. It does require the
7 purchase of a book on their own. It's like \$17. So we
8 can't make them do it until they enroll. It's not a
9 standard that they have to meet, but if they don't, and
10 in our experience, they will be behind and not be able
11 to catch up.

12 MS. WOODRUFF: So you do not -- or let
13 me word this differently. At what point in time do you
14 consider them to be enrolled?

15 MS. BUCHANAN: Day one.

16 MS. WOODRUFF: When they actually
17 attend the class?

18 MS. BUCHANAN: Yes, when they show up.

19 MS. WOODRUFF: So the prework is not
20 an assignment?

21 MS. BUCHANAN: No, it's not an
22 assignment. We establish a tracking relationship with
23 them through Treehouse where we can look at their
24 portfolio and check the status of their work as they're
25 preparing for class so that we can help anybody who's

1 derailed or doesn't know how to begin their studies.
2 So it's assistive, but we can't require it prior to
3 enrollment, but they are certainly encouraged to work
4 on it and do so.

5 MS. WOODRUFF: Is there an alternative
6 time period that you would recommend? We have 10 days
7 in here currently.

8 MS. BUCHANAN: We would love 60 days.
9 That would be awesome. That would get everybody into
10 the fold.

11 MS. WOODRUFF: Anything else?

12 MS. BUCHANAN: One more thing. In
13 Section .18 on the statistical data collections, the
14 commission staff data form and I see further down on
15 number (4) -- that begins on number (1), and on number
16 (4), "Commission staff will provide institutions either
17 a blank data form or a spreadsheet that is repopulated
18 with continuing student data."

19 Is that available currently? Is it to
20 become available, and when are we accountable for
21 beginning that data collection in the format of this
22 form?

23 MS. WOODRUFF: Okay. A blank form is
24 available now. If you would like to see that, we can
25 certainly, you know, show you what that looks like. So

1 generally what happens -- many of you are familiar with
2 appendix (3), but your institution hasn't submitted an
3 appendix (3) yet, have they?

4 MS. BUCHANAN: Right.

5 MS. WOODRUFF: Okay. So what was
6 previously referred to as appendix (3), we're now
7 calling the student data form. I don't know that there
8 have been really many changes to it substantively. The
9 form was always due at reauthorization.

10 So when your institution has to submit
11 their first reauthorization, you will have to complete
12 this form. For your institution, because this is your
13 first time doing it, it will not be prepopulated. So
14 what happens is after it's completed the first time,
15 any students that were still enrolled by the end of the
16 recording period, meaning they neither completed nor
17 withdrew, will be prepopulated into your form for the
18 next reporting period when you file your next
19 reauthorization so that we continuously track each
20 student until they either complete or withdraw.

21 Does that make sense?

22 MS. BUCHANAN: Sure. And what format
23 is that?

24 MS. WOODRUFF: It is an Excel form
25 right now, and Teresa can email you a copy of the blank

1 form.

2 MS. BUCHANAN: Awesome. Thank you.

3 MS. WOODRUFF: You're welcome.

4 Anything else?

5 MS. BUCHANAN: Not from me. Thank
6 you.

7 MS. WOODRUFF: James Saulsbury,
8 Remington College.

9 MR. SAULSBURY: I apologize. I
10 thought I was signing in. No comment.

11 MS. WOODRUFF: Okay. I was trying to
12 catch folks as we went through.

13 I'm sorry. I missed Chuck Steenburgh
14 from National College. Did I pronounce that correctly?

15 MR. STEENBURGH: Steenburgh.

16 My comments likewise will be short. I
17 would like to echo the comments earlier made, the
18 thanks by my colleague from the University of Phoenix
19 and -- I'm sorry -- but the dentistry lady -- that is a
20 long name. That is hard to remember. And also my
21 colleague from Brightwood.

22 As you know, National College is also
23 ACICS accredited. There are 17 ACICS campuses of
24 various institutions here in Tennessee, and like almost
25 every other state, none of the state regulatory

1 language anticipated really the loss of recognition by
2 an accreditor. And so some of the states we operate
3 in, notably Virginia and Ohio, have adopted new
4 language or regulatory provisions that echo the
5 expected provisional operating authority that the
6 Department of Education may or may not grant, and we
7 would just encourage the State of Tennessee to do the
8 same.

9 MS. WOODRUFF: Great. Thank you very
10 much.

11 MR. STEENBURGH: Thank you.

12 MS. WOODRUFF: I think that is
13 everyone we have on our list. Are there -- having
14 heard everything, does anyone have anything else they
15 want to add?

16 (No response.)

17 MS. WOODRUFF: So I will just remind
18 you again. We're going to take all of the comments --
19 this is being transcribed. We'll take all the
20 comments. There's still an opportunity to provide
21 written comments through the end of today. If you
22 wanted to file those, you may. We'll take all the
23 comments under consideration and make our
24 recommendations to our committee who will hear those on
25 November 2nd or will get the recommendations and make a

1 determination as to what they will recommend then to
2 the commission.

3 Hopefully, it will be presented to the
4 commission on November 16th. Those will then go to the
5 attorney general's office for a final review. Mind
6 you, the attorney general has already looked at these
7 once though the emergency rulemaking process. They
8 will go back to the office for a final review before
9 they go to the secretary of state's office.

10 Are there any other questions or
11 comments?

12 (No response.)

13 MS. WOODRUFF: I appreciate it. Thank
14 you-all for coming today.

15 (Proceedings concluded at
16 1:28 P.M.)

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REPORTER'S CERTIFICATE

I, Christina A. Meza, Licensed Court Reporter, Registered Professional Reporter, Certified Court Reporter, and Notary Public for the State of Tennessee, hereby certify that I reported the foregoing proceedings at the time and place set forth in the caption thereof; that the proceedings were stenographically reported by me; and that the foregoing proceedings constitute a true and correct transcript of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of office this 20th day of October, 2016.

CHRISTINA A. MEZA, LCR, RPR, CCR
AND NOTARY PUBLIC FOR THE STATE
OF TENNESSEE

LCR No. 164 Expires 6/30/2018

Notary Commission Expires 6/15/2019



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October 3, 2016

Julie Woodruff
Assistant Executive Director and Lead Attorney
Tennessee Higher Education Commission
Parkway Towers, Suite 1900
404 James Robertson Parkway
Nashville, TN 37243-0830

Re: Permanent THEC OEA Rules

Dear Ms. Woodruff:

Education Corporation of America (ECA), on behalf of its Tennessee – Brightwood College and Virginia College -- submits the following comments for consideration by the Tennessee Higher Education Commission (THEC) at its October 6, 2016 hearing on permanent rulemaking on OEA. After reviewing the THEC Emergency Rules, ECA has concerns that there is no provision to account for an institutional accreditor losing its recognition by the U.S. Department of Education.

Under Section 1540-01-10-.06 REVOCATION OF OEA STATUS in the Emergency Rules, no provision is made for the circumstance where an institutional accreditor loses its recognition by the U.S. Department of Education. If an accreditor loses its recognition, an OEA school by default would have its OEA status revoked. Section 1540-01-10-.06(3)(a)-(d) would immediately come into effect and, at best, an OEA institution would have 6 months to find a new accreditor if the THEC Executive Director were to grant it conditional authorization to operate for that period. However, seeking new accreditation takes 12-18 months especially if an accreditor were to lose its recognition.

Additions should be made to Section 1540-01-10-.06 REVOCATION OF OEA STATUS in the permanent rules to take into account if an accreditor loses its recognition. A sub (c) should be added to section (1) as follows:

(c) If an institution's accreditor is removed from the U.S. Department of Education's list of recognized accreditors.

To provide OEA institutions an accommodation to find a new accreditor should its current accreditor lose recognition, a sub (e) should added to section (3) of 1540-01-10-.06

Julie Woodruff
October 3, 2016
Page 2 of 2

(e) However, none of the above subsections (a) through (d) shall apply if an institution's accreditor is removed from the U.S. Department of Education's list of recognized accreditors. If an institution's accreditor loses recognition, the Executive Director, or Commission staff as delegated, shall set a provisional time period within which institutions may continue to operate, that coincides with the provisional time period set by the U.S. Department of Education for affected institutions to seek a new accreditor. Once that provisional time period expires, subsections (a), (b) and (d) shall apply to such institutions.

Please consider these revisions to make it clear that a revocation will not proceed so long as an institution is within the provisional time period set forth by THEC.

Thank you for your consideration. Please contact me at john.carreon@ecacolleges.com or 312.638.5807 if you have questions or would like additional explanation.

Sincerely,

A handwritten signature in cursive script that reads "John P. Carreon". The signature is written in black ink and is positioned above the typed name and title.

John P. Carreon
Senior Vice President, Regulatory Affairs and Associate General Counsel

October 6, 2016

Julie Woodruff, Esq.
Assistant Executive Director & Lead Attorney
Division of Postsecondary State Authorization
Tennessee Higher Education Commission
Parkway Towers - Suite 1900
404 James Robertson Parkway
Nashville, Tennessee 37243-0830

Received

OCT 06 2016

THEC
DPSA

Re: Exemption from Authorization of Franchising Training Programs Under the Division of Postsecondary State Authorization's Proposed Rules Pertaining to Authorization and Regulation of Postsecondary Education Institutions and Their Agents

Dear Ms. Woodruff:

We appreciate the opportunity to provide these comments on behalf of several Tennessee-based franchisors.

We understand that a rulemaking hearing is scheduled to be conducted by the Division of Postsecondary State Authorization ("DPSA") of the Tennessee Higher Education Commission ("THEC") on Thursday, October 6, 2016. The public notice indicates that this hearing will consider proposed rules pertaining to "Authorization and Regulation of Postsecondary Education Institutions and Their Agents," which are identical to "emergency" rules filed with the Tennessee Department of State, Division of Publications on August 15, 2016, with an effective date of October 3, 2016. We respectfully submit these comments to the proposed rules in support of our request that DPSA explicitly exempt from the postsecondary authorization requirement the training programs which are operated and provided by franchisors in Tennessee for the benefit of their franchisees. We have taken the liberty of suggesting proposed exemption language to the applicable rule.

Franchisors and franchisees are a dynamic and essential part of the Tennessee economy. Franchising is a unique business model which has been successfully applied in many industries and sectors. Franchisees are independently owned and operated, and provide opportunities for businesses both small and large to adopt an established business model and to offer goods and services under a brand. The franchising business model has created tens of thousands of business owners and opportunities for millions of workers. We believe that there are more than 17,000 independently owned and operated franchising businesses in Tennessee, which provide approximately 200,400 jobs, with a \$16.9 billion contribution to the state's economy.

Many of the Tennessee-based franchisors, as well as some franchisors with headquarters outside of Tennessee, provide training programs to their franchisees through training facilities and classes operated for this purpose in Tennessee. While franchisee training programs are an important hallmark of the franchisor business model, educational and training services are not the primary purpose of the franchisor's business. Thus, a franchisor training program should not be considered to be within the purview of the authorization rules of the DPSA. Moreover, most franchisor businesses are regulated by other Tennessee state departments and agencies. Importantly, franchisors are required to give very detailed pre-sale disclosures by the Federal Trade Commission (*see* 16 Code of Federal Regulations 436). Therefore, if DPSA inserts itself to assert jurisdiction over franchisor businesses, its authorization requirements would pose an unnecessary and additional burden on these businesses.

We respectfully request that DPSA incorporate into its final proposed rules an explicit rule provision that training programs operated by franchisors in Tennessee for the exclusive benefit of their franchisees and their employees are exempted from having to be authorized by DPSA as a postsecondary education institution. This provision would fall in Rule 1540-01-02-.05(1)(a). Respectfully, we submit the DPSA rules on Authorization and Regulation of Postsecondary Education Institutions and their agents pertain to businesses which are primarily established to provide educational services, such as those businesses that advertise such educational services as their primary business purpose, and which offer such services to the general public.

Specifically, a franchisor's primary business is not that of educating the general public. Instead, a franchisor furthers a business model that creates multiple, local business owners. Although most franchisors offer some type of training as part of the support provided to franchisees, that tangential training is typically focused on confidential and proprietary methods to ensure that franchisees can implement the franchisor's business model. The training and related materials typically also focus on proprietary software used by that specific franchisor. Additionally, the franchisor's operations manuals and other training materials are confidential and exclusive to the franchising business. A franchisor's training programs are not intended or designed to prepare an individual for a field of endeavor. Finally, and most important, the franchisor's franchise system is a closed network. Initially, before any training can take place, the franchisee must enter into a franchise agreement with the franchisor. While the franchisor dictates specifics of the business model, the franchisor does not provide day-to-day supervision or control over the franchisee's business or the franchisee's employees. With respect to training, that training is offered through the franchisor to a closed group consisting of the franchisee and, in some instances, certain of the franchisee's employees. A franchisor does not provide training to the general public or to persons who do not have an existing employment relationship with a franchisee. Moreover, franchise employees are not required to pay for training. If there is a cost for training, it is borne by the franchise business owners who are parties to the franchise license agreement.

Julie Woodruff, Esq.
October 6, 2016
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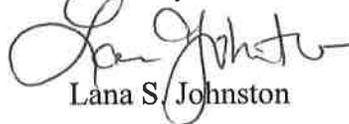
The DPSA rules for postsecondary authorization contemplate regulation of institutions in the business of educating the general public, with a focus on preparing the individual, through courses of instruction or study, for test preparation. We respectfully submit that the rules are simply unnecessary in the context of application to franchise training programs provided and operated by franchisors in Tennessee. In fact, the rules are overreaching and burdensome to franchisors which are attempting to ensure that their franchisees have the specific tools to operate a method of doing business unique to each particular franchisor.

Last, we respectfully request that DPSA incorporate into its final proposed rules an explicit rule provision, under Rule 1540-01-02-.05(1)(a), that takes into account the franchising business model, wherein the business does not advertise as a school, and sponsors or conducts courses of instruction or study to a closed network of franchise owners and employees. To qualify, the training or instruction shall not be the primary activity of the franchisor business. Therefore, we propose a new subsection (a)(5) be added to Rule 1540-01-02-.05(1) pertaining to exemptions from authorization, that reads as follows:

5. Given to a closed network of franchise owners and their employees, through a franchisor that does not advertise or provide its training to the general public, and wherein such training is not the primary business of the franchisor.

If you have any further questions, please do not hesitate to contact me at (615) 850-8478. We appreciate your time and consideration of our comments and suggestions.

Sincerely,



Lana S. Johnston

cc: Latonya Todd, Esq., Director of DPSA and Managing Attorney

DATE: November 16, 2016

SUBJECT: New Academic Program
Middle Tennessee State University
Religious Studies, BA/BS

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: The proposed baccalaureate program in Religious Studies at Middle Tennessee State University seeks to expand the Religious Studies minor that has been in existence for over 30 years. MTSU identified Religious Studies as an institutional priority with the hiring of two tenure-track faculty members in 2012-13. These faculty members were awarded a year-long 2015 fellowship at the Wabash Center for Teaching and Learning in Theology and Religion. Recently, they were awarded a \$30,000 collaborative grant (in conjunction with University of North Florida and Clemson University) from the Wabash Center. This grant is awarded primarily to institutions to develop or expand Religious Studies programs to assist with curriculum development and assessment.

The proposed Religious Studies program seeks to prepare students to become well-informed, independent, and creative thinkers equipped with the methods and theories necessary to study religious phenomena in a systematic way, to synthesize findings, and to analyze critically what one finds. Religious Studies offers students an invaluable foundation for a wide range of careers in which reading, writing, understanding, and analysis are essential.

PROPOSED IMPLEMENTATION DATE: Fall 2017

1.1.20A MISSION: The proposed Religious Studies program supports Middle Tennessee State University's mission of "preparing students to thrive in their chosen professions and a changing global society. Given the distinctive role religion has played and continues to play in global culture, the major in Religious Studies will provide students with a cultural literacy that is invaluable in our increasingly diverse and multicultural society.

1.1.20B CURRICULUM: The proposed program will prepare students to become well-informed, independent, and creative thinkers equipped with the methods and theories necessary to study religious phenomena in a systematic way, to synthesize findings, and to analyze critically what one finds. The curriculum is designed around a major field course and a selection of electives within three broad competency categories: description, analysis, and critique.

The curriculum is based on methodological and theoretical approaches to the study of religion and society, both locally and globally, historically and today. The program will require completion of 120 credit hours and the electives and foreign language requirement will vary based on the Bachelor of Arts or Bachelor of Science degree option.

	Bachelor of Arts	Bachelor of Science
General Education	41	41
Major Field Core	18	18
Guided Electives	12	12
General Electives	19 – 22	31 – 34
Minor	15 – 18	15 – 18
Foreign Language	12	--

1.1.20C ACADEMIC STANDARDS: The admission, readmission, retention, and graduation requirements are the same as those described in the MTSU *Undergraduate Catalog*.

Projected Program Enrollment and Productivity

Enrollment projections were developed based on student interest surveys and students who had declared a Religious Studies minor.

Year	Headcount	Graduates
2017	11	--
2018	19	--
2019	31	4
2020	43	7
2021	52	10

1.1.20D FACULTY: The instructional workload for this program will be continued by the two full-time, tenure-track faculty. For early program implementation, adjunct faculty members will be hired. One additional faculty member will be hired in year three to broaden the focus of the program to include a more Eastern (Asian) views of religion as a complement to the existing faculty expertise.

1.1.20E LIBRARY RESOURCES: The University has significant library holdings for the proposed Religious Studies program. The Walker Library has a robust collection of monographs and databases on the subject of religion. Additionally, the instructional services provided by the library include a liaison that has an extensive background in South Asian religious culture and history.

1.1.20F ADMINISTRATION/ORGANIZATION: No new organizational unit will be required. The proposed Religious Studies BA/BS program will be housed in the Department of Philosophy within the College of Liberal Arts.

1.1.20G SUPPORT RESOURCES: The proposed Religious Studies BA/BS program will utilize faculty and the college-wide advising coordinators to advise students on curricular and career issues.

1.1.20H FACILITIES AND EQUIPMENT: Instructional facilities and equipment are adequate to support the proposed program.

1.1.20I NEED AND DEMAND: Like other liberal arts programs, the proposed Religious Studies program offers students an invaluable foundation for a wide range of careers in which reading, writing, communication, critical thinking, and team-work are essential. According to the 2014-15 national survey conducted by the American Academy of Religion, recent graduates were employed by religious organizations, higher education, non-profit organizations, and business. The report also found that a bachelor's degree in Religious Studies prepares students exceptionally well for graduate studies which would be necessary for many of the varied career options.

The proposed Religious Studies BA/BS program is structured to provide graduates with the essential tools (description, analysis and critique) in learning about the world's religions. This unique approach provides a practical utility of the degree while engaging students in the academic study of religion.

1.1.20J NO UNNECESSARY DUPLICATION: Program duplication among traditional liberal arts majors is common in higher education. In Tennessee, most Religious Studies programs are offered at private institutions (Vanderbilt University, Rhodes College and Sewanee: The University of the South). The University of Tennessee, Knoxville is the only public institution that offers a Religious Studies program.

1.1.20K COOPERATING INSTITUTIONS: None at this time.

1.1.20L DIVERSITY AND ACCESS: Middle Tennessee State University embraces diversity as a core value and the proposed Religious Studies BA/BS program is consistent with the institution's Diversity Statement with a focus on student success, faculty recruitment, curricular content, and co-curriculum programmatic events and activities. Religious Studies as a discipline is committed to fostering an appreciation for and greater understanding of diversity.

1.1.20M ASSESSMENT/EVALUATION AND ACCREDITATION: The Religious Studies program will be evaluated on student success indicators such as their senior seminar, other courses and faculty evaluations. Additionally, the program will be evaluated externally every seven years in accordance with the Quality Assurance Funding Program. Assessment results from both internal and external evaluations will be used for program improvements.

1.1.20O EXTERNAL JUDGEMENT: External review of the proposed program was conducted during an institution site visit on May 5, 2016. Dr. Stephen Berkwitz, Professor and Chairperson of the Department of Religious Studies at Missouri State University served as the external reviewer. He recommended approval of the proposed Religious Studies program. He stated that "additional resources required to initiate the BA/BS major are minimal, and the benefits to the university and its students are significant. The two faculty in charge of this program are tremendous assets to the university and they are committed to the work of starting and maintaining the major program. All of the required pieces are in place to establish a distinctive and productive program in Religious Studies."

1.1.20P COST/BENEFIT: The proposed Religious Studies program will be funded through additional tuition revenues generated by the program and no institutional reallocation of funds is necessary for program implementation.

1.1.30 POST APPROVAL MONITORING: An annual performance review of the proposed program will be conducted for the first five years following program approval. The review will be based on benchmarks established in the approved proposal. At the end of this period, the campus, governing board, and Commission staff will perform a summative evaluation. The benchmarks include, but are not limited to, enrollment and graduation, program cost, progress toward accreditation, and other metrics set by the institution and agreed upon by governing board and Commission staff. If benchmarks are not met during the monitoring period, the Commission may recommend that the institutional governing board terminate the program. If additional time is needed and requested by the institutional governing board, the Commission may choose to extend the monitoring period.

DATE: November 16, 2016

SUBJECT: Drive to 55 Capacity Building Fund Recommendations

ACTION RECOMMENDED: Approval

BACKGROUND

On June 28, THEC staff released the Drive to 55 Project Capacity Fund grant request for proposals (RFP). Funded through a \$24.25 million non-recurring appropriation included in the 2016-17 budget, this grant is intended to help public universities, community colleges, colleges of applied technology, and other entities—such as the agricultural units and medical schools—increase program capacity to better meet Drive to 55 objectives. Successful proposals will develop plans to increase academic or technical program capacities in a manner that increases postsecondary credentials that align with the state’s workforce needs.

Projects were classified in one of two categories: *Program Expansion*—the purchase of new equipment or renovation of an existing facility to expand the capacity of an existing program—or *New Capital Construction/Major Renovation (NCC/MR)*—the construction of a new facility or the major renovation of existing facilities to expand or create programs.

Proposals were due October 7. In total, 44 proposals were submitted, requesting a cumulative \$120.9 million. Twenty-two of the 27 TCATs, all of the community colleges, eight of the nine universities, and the University of Tennessee Institute of Agriculture submitted a proposal. Sixteen proposals were submitted from the East Grand Division, 15 from the Middle, and 13 from the West. Twenty-five proposals were classified as *NCC/MR* and 19 as *Program Expansion*.

ACTION

Representatives from across state government, including the Department of Economic and Community Development and the Department of Labor and Workforce Development, and both higher education systems reviewed and scored the proposals, as determined by the scoring rubrics outlined in the RFP. On October 26, the group of representatives convened and certified the rank order based on composite scores (see Appendix A).

The Commission selects projects for funding and, per the RFP, may deviate from the ranked order of scores based on other criteria (e.g., geographic distribution, type of program, etc.) as determined by the Commission.

In addition to showing the ranked order of composite scores, Appendix A provides brief details of the proposal and the applying institution. Appendix B provides the

proposal abstracts for all proposals that score an 80.0 or above (in total, over \$65 million in requests).

THEC staff will be prepared to address questions related to all proposals during the Commission meeting.

Appendix A: Drive to 55 Project Capacity Fund Grant Composite Scores

Institution	Sector	Grand Division	Classification*	Abbr. Project Title	Composite Score	Comp. Score Range	Funding Requested	Total Funding	\$/Student Served
TCAT - Memphis	TCAT	West	NCC/MR	Drive to 55 Project Capacity Fund Grant	95.0	8	\$4,000,000	\$4,000,000	\$ 16,667
TCAT - Harriman	TCAT	East	Program Expansion	Loudon County Instructional Service Center Allied Health Academy	93.3	11	\$264,000	\$4,264,000	\$ 3,300
Motlow State Community College	CC	Middle	NCC/MR	Advanced Robotics Training Center	93.3	8	\$5,500,000	\$9,764,000	\$ 13,750
Tennessee Technological University	Univ	Middle	NCC/MR	Tennessee Center for Poultry Science Excellence	92.0	17	\$2,070,000	\$11,834,000	\$ 1,656
TCAT - Knoxville	TCAT	East	NCC/MR	Construct a New TCAT Training Facility in Anderson County	90.0	23	\$5,700,000	\$17,534,000	\$ 12,667
TCAT - Pulaski	TCAT	Middle	NCC/MR	Constructing Capacity - Creating Credentials	89.0	15	\$3,171,350	\$20,705,350	\$ 19,821
Volunteer State Community College	CC	Middle	NCC/MR	VSCC Warf Science Building Addition	88.3	23	\$1,560,000	\$22,265,350	\$ 32,500
TCAT - Shelbyville	TCAT	Middle	NCC/MR	Franklin County Training Facility	87.3	14	\$4,990,000	\$27,255,350	\$ 41,583
TCAT - Crump	TCAT	West	Program Expansion	Chester County Welding Program Expansion	87.0	5	\$114,380	\$27,369,730	\$ 2,288
Dyersburg State Community College	CC	West	Program Expansion	Building Capacity for the DSCC Nursing Program	86.7	21	\$1,075,000	\$28,444,730	\$ 3,839
East Tennessee State University	Univ	East	Program Expansion	ETSU at Sevierville Program Expansion	84.7	9	\$818,000	\$29,262,730	\$ 8,611
University of Memphis	Univ	West	Program Expansion	Infrastructure to Address Advanced Manufacturing Needs	83.7	25	\$2,100,000	\$31,362,730	\$ 21,000
Jackson State Community College	CC	West	Program Expansion	Respiratory Care Technology and Radiography Programs	83.3	7	\$575,293	\$31,938,023	\$ 12,506
Northeast State Community College	CC	East	Program Expansion	Expanding Academic and Career Pathways in Northeast Tennessee	83.0	22	\$922,040	\$32,860,063	\$ 7,684
Middle Tennessee State University	Univ	Middle	NCC/MR	Building Excellence for Concrete and Construction Education	83.0	4	\$5,000,000	\$37,860,063	\$ 10,000
TCAT - Covington	TCAT	West	NCC/MR	Healthcare Training Facility	82.7	34	\$3,260,000	\$41,120,063	\$ 5,433
Nashville State Community College	CC	Middle	NCC/MR	NSCC Southeast Campus Program/Enrollment Expansion Project	82.0	20	\$4,875,000	\$45,995,063	\$ 2,438
TCAT - Jacksboro	TCAT	East	Program Expansion	Dual Enrollment Welding Program	81.7	22	\$84,925	\$46,079,988	\$ 2,831
University of Tennessee at Martin	Univ	West	NCC/MR	Innovation and Product Realization Facility	81.0	22	\$1,000,000	\$47,079,988	\$ 3,333
Pellissippi State Community College	CC	East	NCC/MR	Blount Works	80.7	15	\$11,000,000	\$58,079,988	\$ 9,565
Austin Peay State University	Univ	Middle	NCC/MR	Increasing the Workforce Development in Advanced Manufacturing	80.3	14	\$2,685,000	\$60,764,988	\$ 2,441
TCAT - Livingston	TCAT	Middle	NCC/MR	Transportation Building	80.3	22	\$2,000,000	\$62,764,988	\$ 40,000
TCAT - Ripley	TCAT	West	Program Expansion	Industrial Electricity Program Expansion	80.3	30	\$380,154	\$63,145,142	\$ 5,069
Roane State Community College	CC	East	NCC/MR	Center for Innovation and Training Excellence (CITE)	80.0	32	\$4,800,000	\$67,945,142	\$ 9,600
TCAT - Hartsville	TCAT	Middle	Program Expansion	Work-Ready Tennessee	77.7	9	\$774,600	\$68,719,742	\$ 3,873
TCAT - Athens	TCAT	East	NCC/MR	Center for Advanced Manufacturing & Business Innovation	77.0	46	\$3,558,000	\$72,277,742	\$ 12,985
TCAT - Jackson	TCAT	West	Program Expansion	Driving to Meet Trucking Industry Needs	76.7	23	\$811,000	\$73,088,742	\$ 16,896
TCAT - Nashville	TCAT	Middle	Program Expansion	Aviation Maintenance Technology Expansion Project	74.7	42	\$301,650	\$73,390,392	\$ 4,022
TCAT - Newbern	TCAT	West	NCC/MR	Transportation Building, Welding Renovation, CDL Training Area	74.0	11	\$3,392,840	\$76,783,232	\$ 13,792
Walters State Community College	CC	East	Program Expansion	Greeneville/Greene County Campus Expansion Project	74.0	40	\$2,050,253	\$78,833,485	\$ 1,777
TCAT - Dickson	TCAT	Middle	Program Expansion	HVAC/R Careers: Hot Opportunities for Cool Careers	73.7	2	\$410,000	\$79,243,485	\$ 6,833
TCAT - Whiteville	TCAT	West	NCC/MR	Brownsville Extension Campus -- Classroom and Shop Addition	71.0	33	\$1,231,000	\$80,474,485	\$ 11,951
TCAT - Morristown	TCAT	East	Program Expansion	Sevierville Instructional Service Center Expansion	70.3	37	\$161,000	\$80,635,485	\$ 5,367
TCAT - McMinnville	TCAT	Middle	Program Expansion	Drive to 55 Capacity Grant	69.0	40	\$389,347	\$81,024,832	\$ 5,191
Columbia State Community College	CC	Middle	NCC/MR	Lawrence County Higher Education Center	66.7	34	\$4,506,904	\$85,531,736	\$ 2,253
University of Tennessee Institute of Agriculture	Univ	West	NCC/MR	Increasing Postsecondary STEM Enrollment in West Tennessee	66.3	48	\$1,550,000	\$87,081,736	\$ 155
Chattanooga State Community College	CC	East	NCC/MR	Expanding Regional STEM & Advanced Manufacturing Skills	65.7	26	\$5,000,000	\$92,081,736	\$ 3,165
Southwest Tennessee Community College	CC	West	Program Expansion	Train and Equip A Career in Health (TEACH)	62.3	23	\$575,921	\$92,657,657	\$ 192
University of Tennessee, Chattanooga	Univ	East	NCC/MR	MacLellan Student Success Center	58.0	23	\$8,150,000	\$100,807,657	\$ 780
TCAT - Crossville	TCAT	East	Program Expansion	Increased Certification through Training Consolidation	56.7	69	\$183,367	\$100,991,024	\$ 815
Cleveland State Community College	CC	East	NCC/MR	Career Education Expansion and Renovation	56.0	8	\$4,500,000	\$105,491,024	\$ 1,286
TCAT - Hohenwald	TCAT	Middle	NCC/MR	Health Care Careers Building	56.0	28	\$3,750,000	\$109,241,024	\$ 18,750
University of Tennessee, Knoxville	Univ	East	Program Expansion	Retail, Hospitality, and Tourism Management: Culinary Institute	55.3	16	\$3,341,000	\$112,582,024	\$ 11,137
TCAT - Elizabethton	TCAT	East	NCC/MR	Johnson County Extension Campus	48.0	24	\$8,336,000	\$120,918,024	\$ 55,573

* NCC/MR: New Capital Construction / Major Renovation

Appendix B: Drive to 55 Project Capacity Fund Grant Proposal Abstracts¹

Institution: TCAT - Memphis

Program Classification: New Capital Construction / Major Renovation

Title: Drive to 55 Project Capacity Fund Grant

Request: \$4,000,000

Composite Score: 95.0

The Tennessee Higher Education Commission has identified an annual deficit of 4,557 qualified Tennesseans to fill jobs within the precision production sector. This *new construction/major renovation* project seeks to align the supply deficit of qualified Tennesseans with the demand requirement of industry, by creating an industry-driven training institute in Bartlett, TN. This proposal includes \$1 million of guaranteed in-kind matching funds provided by the City of Bartlett. This facility will train approximately 240 Tennesseans annually in three high demand programs with a focus on the medical device sector. This proposal also offers Tennessee the opportunity to establish the first Haas designated training center in the Mid-South, which will result in an additional \$1 million donation from the Gene Haas Foundation. The proposed facility supports the Drive to 55 initiative by adding approximately 1,600 post-secondary credentials by 2025.

* * * * *

Institution: TCAT - Harriman

Program Classification: Program Expansion

Title: Loudon County Instructional Service Center Allied Health Academy

Request: \$264,000

Composite Score: 93.3

TCAT-Harriman will increase capacity and postsecondary credentialing at its Loudon County Instructional Service Center through a program expansion. The mission will be accomplished using existing space to create a sustainable Allied Health Academy with state-of-the-art training equipment.

Classroom and lab space combination in existing spaced will be used to deliver postsecondary educational opportunities in Practical Nursing, Nurse Aide (CNA), Phlebotomy, and Medical Office Assisting through program expansions at an existing TCAT-Harriman Instructional Service Center. Dual enrolled high school students and adult postsecondary students will gain from access from this program expansion. All students will have the opportunity to gain portable credentials using the equipment requested in this proposal. Students will be able to carry competencies to all TBR institutions for continuation of postsecondary education or they will be able to enter the workforce in the

¹ In declining ranked composite score order. All abstracts for proposals that score 80.0 or above are included.

medical field. The overall objective is to meet or exceed the benchmarks set forth in the Drive to 55 initiatives with sustainable, technical education offerings to benefit the student and the allied health related employers.

* * * * *

Institution: Motlow State Community College
Program Classification: New Capital Construction / Major Renovation
Title: Advanced Robotics Training Center
Request: \$5,500,000
Composite Score: 93.3

Motlow State Community College requests \$5,500,000 for a new capital construction project to add an Advanced Robotics Training Center (ARTC) to the McMinnville campus. The 12,425 square-foot facility will house robots and training equipment by the top three national robot manufacturers —ABB, Fanuc, and Yaskawa/Motoman—to instruct students in design, operation, and maintenance of industrial robots. Responding to the local manufacturing need for a workforce trained in robotics, the ARTC will serve both traditional and nontraditional students in Tennessee’s Upper Cumberland region through a new Associate Degree program in Mechatronics with a Robotics concentration, as well as non-credit certification courses in industrial robot operations. Manufacturing businesses in Tennessee and the entire southeast United States will be able to send their employees to the ARTC for valuable robotics skills training, which is currently in high demand. This project perfectly aligns with Drive to 55 goals of increasing post-secondary credentials, serving traditional and non-traditional students, and preparing students with in-demand skills for careers that are projected to have employment deficits in the coming years. Knowledge and skills in the field of robotics is an industry need that continues to grow locally, regionally, and nationally. Motlow State Community College is poised to meet the need for a trained workforce, which will mutually benefit Tennessee residents and industry, preparing our workforce and state for the future.

Institution: Tennessee Technological University
Program Classification: New Capital Construction / Major Renovation
Title: Tennessee Center for Poultry Science Excellence: Addressing Tennessee Workforce Needs & Promoting Rural Economic Development
Request: \$2,070,000
Composite Score: 92.0

Tennessee Technological University (TTU) requests \$2,070,000 for the new capital construction project, *Tennessee Center for Poultry Science Excellence: Addressing Tennessee Workforce Needs & Promoting Rural Economic Development*. This facility will impact the higher education attainment rate across the state through expanded course offerings and certifications. In addition, it will be the only university poultry center in Tennessee and will provide both educational and research opportunities for undergraduate and graduate students within the College of Agriculture and Human Ecology (CAHE) and in other colleges across campus. It is expected that this facility will provide hands-on educational activities related to both live production and processing. The buildings used in live production will include two barns, a litter shed, and a feed mill. Processing education will be provided by a single, multi-purpose building. This building will have an office and a classroom as well as a USDA-compliant processing plant and commercial kitchen. In the live production center, students will learn about management, lighting programs, feeding, the importance of water, ventilation, brooding, litter management, composting, growth, mortality, research techniques, and other day-to-day activities associated with a poultry growing operation. The multi-purpose building will provide education in food science, processing, handling and food security. Food science, and its associated fields, serves to increase the course offerings and workshops available through the College of Agriculture and Human Ecology and expand access to and participation in post-secondary education for all Tennesseans. This is important as the world population continues to expand and demand more and healthier food options. This facility will be conveniently located at Shipley Farm, which is two miles from the edge of campus on a well-maintained, two-lane paved highway and has provided TTU and its students with educational opportunities since 1965.

* * * * *

Institution: TCAT - Knoxville
Program Classification: New Capital Construction / Major Renovation
Title: Construct a New TCAT Training Facility in Anderson County, Tennessee
Request: \$5,700,000
Composite Score: 90.0

The "Drive to 55" Project Capacity Grant submitted by the Tennessee College of Applied Technology Knoxville will be used for new capital construction for a new 30,000 square foot facility in Anderson County, Tennessee. The facility will be located in the I-75 Industrial Park

on eight (8) acres of land donated by SL Tennessee. The new campus will offer the following programs: Welding, Diesel Powered Equipment Technology, Truck Driving, Machine Tool Technology, Industrial Maintenance/ Mechatronics Technology, Automotive Technology, and Special Industry Training. The campus will have a day capacity of 130 post-secondary students and night capacity of 120 students.

The expansion of the new campus will allow the Tennessee College of Applied Technology Knoxville (TCAT) to dual enroll approximately 150 high school juniors and seniors from Anderson County Career and Technical Center and Oak Ridge High School. The programs offered at the Clinton, Tennessee, location are the high-demand programs that TCAT Knoxville presently offers on the main campus but has long waiting lists. The expansion will provide space for the College to better serve the Special Industry training needs for the companies located in Anderson, Blount, and Knox Counties.

Moving Truck Driving to the new campus will allow the main campus on Liberty Street in Knoxville to add up to 200 new parking spaces that are so desperately needed. The Tennessee College of Applied Technology Knoxville is seeking \$5,700,000 in capacity funds and can provide the required matching funds.

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Institution: TCAT - Pulaski
Program Classification: New Capital Construction / Major Renovation
Title: Constructing Capacity – Creating Credentials
Request: \$3,171,350
Composite Score: 89.0

The Tennessee College of Applied Technology – Pulaski (TCAT-P) will purchase a building adjacent to its main campus and equip both that building and vacated space in our main building in order to introduce, expand, or upgrade several programs that are in demand and contribute to Drive to 55.

BUILDING	PROGRAMS
New Building	<ul style="list-style-type: none"> • Expand and upgrade Advanced Manufacturing Education • Separate Industrial Maintenance Technology into its own self-contained program, rather than the current situation where IMT students attend classes designed for other programs • Introduce a Special Industry Training program to serve the specialized training needs of employers
Existing Building	<ul style="list-style-type: none"> • Utilize vacated space to expand Computer Operating Systems and Network Technology (COSNT) program • Introduce a new program in Dental Assisting • Expand current enrollment capacity in HVACR, Welding, and Industrial Electricity
Entire Campus	<ul style="list-style-type: none"> • Expand Dual Enrollment programs with Giles County High School and Richland High School by 5 FTEs (30 students per term)

We are requesting \$3,171,350 for this major capacity and programmatic expansion, including acquisition and renovation of the property, additional equipment, and operating expenses for the ramp-up. The building can be purchased and renovated far less expensively than new construction, and the 3.02 acres of land that comes with the building will provide our campus with expansion land for the future. This is a unique opportunity for TCAT-Pulaski to expand in property contiguous to its main campus.

The last expansion of the campus was over 20 years ago, and our programs and current facility are at capacity. The Master Planner has approved this expansion as part of our long-term plan.

The overall project will be under the direction of Mr. Mike Whitehead, Assistant Director of TCAT- Pulaski. TCAT-Pulaski is under the direction of Mr. Tony Creecy.

Institution: Volunteer State Community College
Program Classification: New Capital Construction / Major Renovation
Title: VSCC Warf Science Building Addition
Request: \$1,560,000
Composite Score: 88.3

Volunteer State Community College proposes a new capital construction/major renovation project to build a 6,054 square foot addition to our existing Warf Science Building on the Gallatin campus. The addition will provide instructional and laboratory space for the Certificate in Mechatronics and Associate of Applied Science in Mechatronics Programs. The space includes a classroom, large open laboratory which will house equipment allowing students to gain hands-on experience, and two faculty offices. The addition will be a showcase element for our Gallatin campus and the planned location facing Nashville Pike will enhance the college's image in the community.

This project directly supports the two core components of the Drive to 55 in that it will both increase the number of post-secondary degrees and certificates and will make those awards responsive to the needs of the state-wide, regional, and local economies. A report prepared by Workforce Essentials projects an 18.7% increase in mechatronics related occupations in Sumner, Robertson, Wilson, Trousdale and Macon counties during the next 10 years. The educational pathway of the Mechatronics program will provide students with hands-on training in desired industry skills while offering options (high school dual enrollment, TCAT diploma programs and articulation to a community college, community college AAS degrees, and articulation to a university 4-year BS degree) that will benefit the region's economy by increasing productivity and putting upward pressure on employee wages.

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Institution: TCAT - Shelbyville
Program Classification: New Capital Construction / Major Renovation
Title: Franklin County Training Facility
Request: \$4,990,000
Composite Score: 87.3

The proposed project is requesting funds for a new capital construction of a 29,003 square foot off-campus training facility to be located in Winchester, Tennessee (Franklin County) and the implementation of six technical programs to support the workforce needs for business and industry in Franklin and surrounding counties. The new facility will house six high tech, high demand, high skilled programs offered by the Tennessee College of Applied Technology-Shelbyville (TCAT-S). The six programs are Industrial Maintenance, Machine

Tool Technology, Welding Technology, Computer Information Technology, Licensed Practical Nursing and Certified Nursing Assistant.

The new capital construction will be located at the previous site of Franklin County High School located on 925 Dinah Shore Blvd. There is 8.5 acres of land available for the site. The land offers adequate space for parking and space for expansion in the future. The land will be donated by the Franklin County Board of Education for the construction of the facility pending, approval of this proposed project. The site is currently ready for construction. The Franklin County Government has agreed to donate \$1 million dollars in support of this project.

The new facility is in support of the Governor's Drive to 55 goals with new certifications and diplomas achieved.

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Institution: TCAT - Crump
Program Classification: Program Expansion
Title: Chester County Welding Program Expansion
Request: \$114,380
Composite Score: 87.0

This Drive to 55 Project Capacity Fund Grant proposal, "Chester County Welding Program Expansion," is a partnership between the Chester County School System and the Tennessee College of Applied Technology (TCAT) Crump to provide dual enrollment educational opportunities in Welding Technology to students at Chester County High School. The aim of the program is to link high school students with high- wage, high skill, high demand welding related jobs in the Southwest Tennessee region.

A significant number of young adults do not have the skills and credentials needed for success in today's demanding economy. Governor Haslam's "Drive to 55" initiative hopes to change this by setting the goal for 55 percent of Tennesseans to hold a college degree, diploma or industry recognized credential by the year 2025. Students participating in the Chester County High School Welding Technology Program will have the opportunity to earn TCAT certificates, an industry recognized American Welding Society credential, and dual-enrollment credits that will account for up to one-third of the hours necessary to earn the Combination Welder Diploma at TCAT Crump.

This project is classified as a *program expansion*. The requested funding for this project is \$114,380.

Institution: Dyersburg State Community College
Program Classification: Program Expansion
Title: Building Capacity for the DSCC Nursing Program
Request: \$1,075,000
Composite Score: 86.7

Dyersburg State Community College (DSCC) requests \$1,075,000 for program expansion. The proposed project will expand capacity of DSCC's nursing program by providing additional equipment, an additional laboratory, and renovating existing laboratory space to increase the number of students these rooms can accommodate. By renovating these spaces, DSCC will be able increase the number of degrees it awards in support of the state's Drive to 55 initiative by offering its Paramedic to RN program at the Dyersburg campus (it is currently only offered at the DSCC Jimmy Naifeh Center at Tipton County), which will double the capacity of the fast-track program to 48 students.

In addition to providing more space to offer the Paramedic to RN program in Dyersburg, the project will help DSCC attract an increased number of applicants to its traditional RN and Licensed Practical Nurse (LPN) to RN programs by providing provide state-of-the-art equipment for students in the nursing laboratories. It will also allow DSCC to meet accreditation requirements for the renovation of laboratory space to more closely simulate a hospital environment and will increase the number of RNs in rural West Tennessee, which is currently experiencing an extreme shortage of employees in this field.

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Institution: East Tennessee State University
Program Classification: Program Expansion
Title: ETSU at Sevierville Program Expansion
Request: \$818,000
Composite Score: 84.7

The ETSU at Sevierville Program Expansion project seeks funds to equip and renovate unused space at ETSU's site at 2025 Red Bank Road, in Sevierville, Tennessee. In addition to strengthening current programs in applied science, business, education, human services, professional studies, psychology, radiography, nursing (online), and social work; the project will enable delivery of a new, on- ground nursing program. The two-part project, which closely aligns with area workforce needs, will increase program access, student success, and educational attainment in the area.

The first part is the installation of a Nursing Skills/Simulation Laboratory. With the Laboratory, ETSU will be able to offer the Accelerated BSN program and, with additional

courses, the Licensed Practical Nurse (LPN) to BSN program. The accelerated program will allow students to earn the degree in five consecutive terms and enter the workforce more quickly than the traditional program. The Lab will also enhance the current online Registered Nurse (RN) to BSN program. The Accelerated BSN is designed for traditional students and for *working adults*. ETSU plans to staff the Accelerated BSN with three faculty, an advisor/recruiter, and an executive aide.

The second part is the installation of a student Collaborative Learning Lab (CLL) that will assist not only the new Nursing program, but also those students in other programs at the site. The CLL will give students a comfortable, modern work space where they can study, work in groups, and use the latest technology. It will improve student success and retention and will assist traditional students and adult students, especially *adults with limited access to computers*.

The requested funding for the project is \$818,000.

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Institution: University of Memphis

Program Classification: Program Expansion

Title: Infrastructure Development to Address Advanced Manufacturing Workforce Needs in West

Tennessee: A Program Expansion Proposal

Request: \$2,100,000

Composite Score: 83.7

The University of Memphis requests \$2.1 million for a program expansion project that includes funds to acquire a suite of Advanced Manufacturing machines and laboratory renovations to allow existing facilities to accommodate these instruments. The University of Memphis will leverage these resources to infuse advanced manufacturing training into 10 existing courses and develop and implement 2 new trans-engineering courses. Together, these courses will form a new undergraduate minor and a new graduate certificate in Quality Assurance in Advanced Manufacturing (TnAdvM). In addition, the University will package two courses into an Intensive Industry Training Institute for individuals with Associates, Bachelors, or Masters Degrees; the completion credentials from these Institutes can then be used towards the University's undergraduate minor or graduate certificate in TnAdvM.

Specific advanced manufacturing capacity to be added falls into the descriptive category of 3D metal Additive Manufacturing, an advanced manufacturing technique to fabricate functional metal parts directly from computer files via layer-by-layer scanning of fine metal powders using a high-energy laser at a prescribed scan pattern. This technique allows for

significant and cost- effective component customization, effective complex design realization, and more responsive quality control. Industries including biomedical device, aerospace, automotive, consumer electronics and durable goods are adopting this technology to manufacture their products with impacts on hiring plans in all branches of production and design engineering, quality assurance/control, and machining fields. At present, there are no other similar training or academic programs in west Tennessee (or elsewhere in Tennessee) that address this need.

We expect to annually credential 55 undergraduate and 5 graduate students through these AM programs and to provide industry training to 40 individuals annually, with 10% of these individuals electing to pursue a baccalaureate degree following this training.

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Institution: Jackson State Community College
Program Classification: Program Expansion
Title: Health Science Building – Respiratory Care Technology and Radiography Programs
Request: \$575,293
Composite Score: 83.3

The purpose of this proposal is to seek funding for program expansion of the Allied Health Programs at Jackson State Community College. Specifically, this proposal focuses on the expansion of the Allied Health Programs in Radiography and Respiratory Care Technology. Jackson State Community College is the only education provider of Radiography and Respiratory Care Technology in the 20 county rural West Tennessee Region. Jackson State has begun construction of a new 44,000 square foot Health Sciences Building that will house the allied health programs offered by Jackson State Community College. The new Health Sciences

Building is scheduled for completion in March-April 2017. The new building will provide ample space for classrooms, offices, laboratories, and student study space.

Jackson State Community College requests funding to expand the current Radiography Program with the purchase of specific equipment that will allow the program to admit more students on an annual basis increasing from 24 to 31. The more modern new equipment purchase will also provide for the most current student training that promotes learning and their employability. The College also requests funding to purchase laboratory equipment to allow the reinstatement of the Respiratory Care Technology Program that was discontinued some years ago. The College anticipates the Respiratory Care Technology Program will admit 15 students a year. Both the Radiography and Respiratory Care

Technology Programs are five (5) semesters in length. The proposed allied health expansion of the radiography and respiratory care technology programs support the Tennessee and rural West Tennessee efforts to meet Drive to 55 goals of increasing higher education attainment and meeting the needs of local employers. An amount of \$575,293 is requested for this project.

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Institution: Northeast State Community College
Program Classification: Program Expansion
Title: Expanding Academic and Career Pathways in Northeast Tennessee
Request: \$922,040
Composite Score: 83.0

Northeast State Community College, with its primary campus in Blountville, will expand course offerings in academic and career pathways by offering technical degree and certificate programs for students in four "off-campus" locations. This project, *Expanding Academic and Career Pathways in Northeast Tennessee*, will build on current articulations and partnerships to create career pathway for students as they pursue dual-enrollment credits and industry certifications in selected Business and Advanced Technology areas - information technology and HVAC, CAD and Aviation. Developing these pathways will result in a stronger pipeline of employees for these areas. This program expansion will provide access to a technical program within 20 miles of most citizens in the College's five-county service area (Carter, Johnson, Sullivan, Unicoi and Washington counties).

The proposed project is fully aligned with and supports the tenets of the Drive to 55 initiative by providing new educational opportunities in designated communities and increasing the number of dual- enrollment and postsecondary training options for students in the region. By following expanded career pathways, students will be able to complete a certificate or an AAS degree and/or complete credits applicable to another technical education program. By providing additional seats in four emerging programs, Northeast State will enhance access to academic and career pathways in Northeast Tennessee where barriers to training and employment abound.

Institution: Middle Tennessee State University

Program Classification: New Capital Construction / Major Renovation

Title: Building Excellence for Concrete and Construction Education and Workforce in TN

Request: \$5,000,000

Composite Score: 83.0

Skilled labor shortages, at all talent levels, continue to plague the \$700 billion a year construction industry. Multiple efforts are taking place in Tennessee to direct high school graduates, veterans and non-traditional students into the construction trades. The School of Concrete and Construction Management (SCCM) at Middle Tennessee State University are serving vital roles across the state as advisory board members to high schools, as ACE mentors, internship contacts, curriculum developers, lab collaborators, guest lecturers and contributing options for awarding credentials through dual credit and 1 and 2 year programs.

This proposal is a request for new construction of a \$15M facility to house the Center of Building Excellence for Concrete and Construction Education in TN, with \$5M from industry,

\$5M from MTSU and \$5M from the Drive to 55 capacity building fund. SCCM has been a beacon of light for recruiting and retaining talent and attracting a diverse population of TN residents into the building science industry despite the economic downturn. A growth plan of increasing our current number of graduates from 78 per year to 125 per year by 2025 will be strengthened by having the space and physical representation of what this industry truly has to offer in the various sectors of construction. In addition, this building would serve as a Center of Excellence for the K-12 and post-secondary programs focused in Concrete and Construction for dual credit, continuing education, virtual lectures and industry demonstrations. The Drive to 55 award to MTSU is the right move for the State of TN to leverage industry resources and mutually increase the workforce base in the concrete construction industry while receiving a high return on State investment.

Institution: TCAT - Covington

Program Classification: New Capital Construction / Major Renovation

Title: Healthcare Training Facility

Request: \$3,260,000

Composite Score: 82.7

The Tennessee College of Applied Technology (TCAT) - Covington is pursuing \$3,260,000 through the Drive to 55 Capacity Grant to expand technical training to meet the needs of our surrounding community, which includes Tipton, Lauderdale, Dyer, Crockett, Haywood, Fayette, and Shelby counties. The proposed new capital construction is estimated to cost \$3,749,000.00. Tipton County Government has agreed to contribute a 15% match to any funding received from the grant, which quantifies the commitment from Tipton County and the need for the healthcare training facility.

TCAT Covington is proposing a New Capital Construction project to build a state of the art healthcare training facility that will provide healthcare related training that is greatly needed in the surrounding areas. With the extraordinary potential that the Memphis Regional Megasite will bring to our area, this healthcare facility will be an excellent extension to the manufacturing/industrial related fields, which are all requiring highly skilled workers to meet industry demands. In addition to healthcare, the new project will allow expansion opportunities to add an additional program in Computer Aided Drafting Technology which will support all existing technical programs at the Tennessee College of Applied Technology Covington campus.

These workforce needs align directly with the governor's goals for the State of Tennessee. Tipton County currently falls below state and national educational attainment levels. In order to increase these numbers, and meet the governor's goal of 55% by 2025, Tipton County and surrounding areas must increase the capacity of a highly skilled workforce. It is expected that the Memphis Regional Megasite will exert a pull on approximately 70% of its workforce from Shelby and other surrounding counties including Tipton County. This new healthcare facility will ensure that we continue to meet the needs that the market dictates and the industry demands to support the communities in West Tennessee.

Institution: Nashville State Community College
Program Classification: New Capital Construction / Major Renovation
Title: NSCC Southeast Campus Program/Enrollment Expansion Project
Request: \$4,875,000
Composite Score: 82.0

As one of Nashville State Community College's five satellite campus's, the Southeast Campus is situated in Southeast Nashville/Davidson County off 1-24, providing specialty degree programs in Culinary Arts and Law Enforcement, including general education learning opportunities that serves a student population of approximately 2,000. Classified as MAJOR RENOVATION, the project proposes build out of the remaining second floor of the Southeast Campus facility, converting 50,000 square feet into class rooms, common areas, offices, labs, conference rooms and bathrooms, including with new equipment purchases, at an estimated project cost of \$4.875 million dollars. Ideally, the project would be funded in full. However, the project is well-suited for partial funding as the full narrative witnesses. Since establishment, the Southeast Campus continues to outpace NSCC's main campus, outgrowing its initial facility footprint due to increasing student enrollment annually, while also exceeding growth at other Tennessee Bureau of Regents (TBR) community colleges and universities. Proposed build out of Southeast Campus's remaining second floor essentially mirrors the blueprint completing the first half of the second floor in January 2016, which included construction of both staircase and elevator access. Expansion of existing building capacity, by adding 13 extra classrooms, 3 more faculty offices replacing the utility room, further addresses annual increases in student enrollment as well as expanded program development and classroom needs. This project supports the State's Drive to 55 initiative and related goals of increasing higher education access as well as educational attainment levels, particularly among populations defined as first-generation college, adult learners, low-socioeconomic and underrepresented minority students. Currently, adult learners comprise 40 percent of the students attending Southeast Campus, with African Americans making up 43 percent, and Hispanics representing nearly 12 percent of campus enrollment numbers; over a 100 percent higher than just four years ago. As such, the proposed build out of the Southeast Campus is necessary to facilitate a growing student population including annual student enrollment increases in adult learners, as well as underrepresented low-income and minority student populations. Greater building capacity also provides opportunities for expanded degree program development that supports a thriving Hospitality and Healthcare industry sector, further aligning students with area workforce demands and appropriate skill sets for an ever changing Nashville/Davidson County and middle Tennessee regional economy of the future.

Institution: TCAT - Jacksboro
Program Classification: Program Expansion
Title: Dual Enrollment Welding Program
Request: \$84,925
Composite Score: 81.7

This proposal requests funding to purchase welding equipment to be housed at the Campbell County High School welding laboratory. TCAT Jacksboro and Campbell County have committed to serving more dual enrolled students by implementing welding technology on the high school campus. TCAT Jacksboro will be able to serve more students by expanding the welding program. By expanding the welding program, many students will be ready to enter the workforce upon graduation from high school. This will meet Drive to 55 goals.

A total of \$84,925 is being requested as a program expansion. All funds will be used to purchase welding equipment as outlined in the proposal. Sustainability is addressed within the TCAT Jacksboro annual budget.

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Institution: University of Tennessee at Martin
Program Classification: New Capital Construction / Major Renovation
Title: Innovation and Product Realization Facility
Request: \$1,000,000
Composite Score: 81.0

The University of Tennessee at Martin proposes to apply funds obtained from this grant to the construction of an Innovation and Product Realization Facility. As the name implies, this new facility will support several tenants each of which are concerned with promoting innovation and turning ideas into real world products. The facility will contain equipment and support staff required to create prototypes of products developed by students or start-up companies. Having students working side by side with companies developing new and innovative products will serve as a catalyst for the students who see how new products are developed. This same equipment will also be used to support manufacturing related laboratories and to provide adult certificate programs. This facility will be different from the traditional classroom/laboratory building which are designed for "clean" activities. The facility will be designed for manufacturing/fabricating processes that are more "dirty" by nature.

Institution: Pellissippi State Community College
Program Classification: New Capital Construction / Major Renovation
Title: Blount Works
Request: \$11,000,000
Composite Score: 80.7

Blount County has had an explosion of new jobs (2,145 in 16 months). The unemployment rate is 4.4% (2,760 individuals). U.S. economists identify 5% as full employment. Baby Boomers are retiring. The result is Blount County has a jobs surplus.

Blount County leaders; such as Bryan T. Daniels, the president and CEO of the Blount Partnership; are asking THEC, TBR, and PSCC to provide space to train workers in advanced manufacturing, computer-based, and health care service firms.

The Blount County Campus does not have the space needed to add the necessary Engineering Technology and Computer Science and Information Technology. Current Nursing space cannot accommodate a complete Simulation Laboratory.

Blount County leaders; including management at Alcoa, Inc. and DENSO North America, Tennessee; are requesting THEC award PSCC \$11 million toward the \$16.5 million cost of a second building on the Blount County Campus. Community leaders and PSCC are pledging to raise \$5.5 million for the building and equipment from private donations. Rather than contributing the customary 10%, PSCC and local donors will provide 33% of the cost of construction and equipment.

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Institution: Austin Peay State University
Program Classification: New Capital Construction / Major Renovation
Title: Increasing the Workforce Development Capacity at APSU to Meet the Needs of Tennessee as the Growing Leader in Advanced Manufacturing
Request: \$2,685,000
Composite Score: 80.3

“Increasing the Workforce Development Capacity at APSU to Meet the Needs of Tennessee as the Growing Leader in Advanced Manufacturing” is an initiative designed to expand the field of skilled applicants in the rapidly growing industrial sector in Tennessee by improving while also increasing the capacity of the current and future degree programs at APSU that emphasize advanced manufacturing.

This *New Capital Construction/Major Renovation* project will expand the academic capacity of APSU's Engineering Technology and Computer Science programs through the addition of a 48-seat computer classroom and a 24-seat lecture space. This will come through the addition of a second floor in 2/3rds of the former Hemlock Semiconductor (HSC) Laboratory.

Currently, APSU has an expansive set of degree programs related to advanced manufacturing. Among these is one of the only degree programs in engineering technology that has associate, bachelor, and master degree tracks. This proposal will establish a manufacturing and mechatronics training facility on the first floor of the former HSC Laboratory. The addition of a 48-seat computer classroom will increase the capacity of our computer-aided design (CAD) course, the entry point into these degrees, along with our mechanical and mechatronics design, and electronic simulation courses.

The secondary benefit of the renovation will be increasing APSU's capacity to produce job ready graduates from our Computer Science programs, most importantly graduates with an expertise in Information Assurance and Security (Cyber Security). The presence of Fort Campbell in our market, gives our community a steady stream of students who possess the requisite skills and acumen to be successful students in APSU's new Cyber Security program. Graduates of this program will aid in the fight against cyber-terrorism, potentially the most critical issue facing our national security and defense infrastructure.

The requested funding for this project is \$2.685 million.

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Institution: TCAT - Livingston
Program Classification: New Capital Construction / Major Renovation
Title: Transportation Building
Request: \$2,000,000
Composite Score: 80.3

The Tennessee College of Applied Technology – Livingston (TCAT Livingston) is requesting funding to construct a new Transportation Building on the campus of TCAT Livingston located at 740 Hi Tech Drive in Livingston. The building will contain 12,000 gross square feet and will house a new Diesel Technology program and a new Transportation, Distribution, and Logistics program. The project would classify as a new capital construction project and the College is requesting \$2,000,000 to build the facility. The project would not require the acquisition of any land.

With the success of the Governor's Drive to 55 Initiatives, the TCAT Livingston has seen an increase in enrollment over the past two years and continues to see the demand for technical training growing in the Upper Cumberland. The current facility, originally built in 1966, does not have the infrastructure or capacity to meet the demands for enrollment needed to increase the number of postsecondary credentials awarded by the College and the workforce training provided by the College. The Transportation Building would provide training to approximately 30 adult students and 20 dual enrolled secondary students during the first year. A Diesel Technology program would train individuals to enter the job market as ASE Diesel Mechanics. The Transportation, Distribution, and Logistics program would allow graduate to obtain jobs in logistics, shipping, receiving, material handling, and inventory management.

Both of these programs align with the regional and state workforce needs and funding for this project would provide the College with the ability to have a major impact on the availability of skilled workers in the Transportation, Distribution, and Logistics Cluster. The grant proposal aligns with the goals of the Governor's Drive to 55 and will increase the number of post-secondary credentials the College can award.

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Institution: TCAT - Ripley
Program Classification: Program Expansion
Title: Industrial Electricity Program Expansion
Request: \$380,154
Composite Score: 80.3

The Tennessee College of Applied Technology (TCAT) Ripley is pursuing \$380,154.00 through the Drive to 55 Capacity Grant to expand newly reallocated space in an effort to better align our training capabilities to meet current industry demands in Lauderdale, Tipton, Haywood, Madison, and Shelby counties. Our workforce needs align with the governor's goals for the state of Tennessee. Lauderdale County currently falls below state and national educational attainment levels. IN order to increase these numbers, and meet the governor's goal of 55% by 2025, Lauderdale County must increase the capacity for skilled training.

It is expected that the Memphis Regional Mega Site will exert a pull on approximately 70% of its workforce from Shelby and other surrounding counties including Lauderdale County. This is ample opportunity for topnotch industries to make their mark on this site, but our local communities have to be prepared to provide a diverse and well-trained workforce to meet the needs of such industries.

In support of this sector and the anticipation of the Memphis Regional Mega Site and governor's Drive to 55 initiative, TCAT Ripley plans to facilitate and encourage continued alignment of the education capacity and local workforce requirements within the career path in Industrial Electricity by leveraging TN Reconnect and TN Promise programs. In cooperation with local industry, TCAT Ripley seeks to enhance the training abilities in the areas of mechatronics, PLCs, and robotics training to better prepare students entering the workforce.

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Institution: Roane State Community College
Program Classification: New Capital Construction / Major Renovation
Title: Center for Innovation and Training Excellence (CITE)
Request: \$4,800,000
Composite Score: 80.0

Roane State Community College (RSCC), in partnership with Anderson County Schools, proposes to use *Drive to 55 Project Capacity* funds to build a 29,340 square foot facility to house Plastics Technology and other manufacturing programs. Funding is requested in the amount of \$4,800,000 for this new capital construction project. There is a critical need to develop training programs that will allow Tennessee residents to gain employment in Plastics Technology and similar occupations. Although there are over 130 Plastics Manufacturers in Anderson and nearby counties who employ over 4,500 employees, only two programs (both at the TCAT level) offer training in Plastics Technology throughout the state of Tennessee. Roane State is prepared to develop certificate and degree programs for skilled manufacturing workers, but the college is unable to do so until it has an adequate facility in which to offer them. The new Center for Innovation and Training Excellence (CITE) will allow Roane State to offer its eight-county service area the credentials most needed by local employers to fill manufacturing positions that are in high demand. In doing so, the college will support the state's *Drive to 55* initiative.

DATE: November 16, 2016

SUBJECT: 2017-18 Operating State Appropriation Recommendations

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION

Grounded in the outcomes-based funding formula, a product of the Complete College Tennessee Act of 2010 (CCTA), the following recommendations for operating state appropriations are presented for consideration. After a thorough review of the funding formula, the 2015-2020 outcomes-based funding formula was approved by the Commission in July 2015. The 2017-18 operating state appropriations represent the second year of utilizing this revised version of the model to make funding recommendations. Funds continue to be allocated on an equitable basis as academic formula unit campuses are recommended to receive the same percentage of their formula calculation.

Since 2012-13 THEC has made state appropriations recommendations in lump sum fashion for the community college sector as a whole, per a provision of the CCTA. The CCTA transferred responsibility for determining individual community college allocations to the Tennessee Board of Regents (TBR). Outcomes-based formula calculations for individual community colleges are presented for informational purposes only.

RECOMMENDATION SUMMARY

Institutions showed improvement in funding formula outcomes in 2015-16, the most recent year of data that is utilized for the 2017-18 budget cycle. Most progression metrics are up across the universities and community colleges. Undergraduate awards in both sectors also are increasing. Universities awarded more bachelor's degrees in 2015-16 than the previous three years. Community colleges awarded more associate degrees and provided more dual enrollment opportunities to high school students this year than last. Additionally, reverse articulated associate degrees awarded to students who transferred to a university before completing the degree requirements at the community college are being counted in the formula for

the first time. These partnerships between two- and four-year institutions resulted in 905 additional awards in 2015-16. Finally, the effects of the Tennessee Promise, a statewide program providing tuition free community college to recent high school graduates, are beginning to trigger outcomes at the community colleges.

Students continue to be responsible for the majority of costs at community colleges and universities. On average, tuition and fees account for nearly 60 percent of revenue at the formula units. A decade ago, these fees were responsible for less than half. Staff recommendations presented today for operating appropriations, student fees and need-based financial aid work together to address this divestment trend and improve affordability for students in Tennessee.

For the 2017-18 fiscal year, THEC staff are recommending an increase of \$48 million in state appropriations for formula units, increasing the percent funded of the formula to 67.6 percent. As recently as 2007-08, formula units were funded at an average of 86 percent of their formula calculations. This recommended increase in state funding, along with the increases in fiscal years 2015-16 and 2016-17, have begun to shift the funding responsibilities from students and their families back to the state.

Along with the formula unit funding recommendation, THEC is requesting an increase in funding for operations at the non-formula units equivalent to the estimated increase in salaries as reported by the Higher Education Price Index (HEPI). This 2.7 percent increase in state appropriations will fund \$9.7 million in new operating dollars spread across all non-formula units. THEC is also requesting \$10.3 million in recurring and non-recurring funds for strategic program initiatives in both systems. The THEC staff recommendations for 2017-18 operating funds for the formula and non-formula units are detailed in Attachment II. Additional information on the non-formula strategic initiatives can be found in Attachment IV.

The staff recommendations include other components of note. First is an improvement to the state's need-based grant, the Tennessee Student Assistance Award (TSAA). In 2016-17, this program will fund approximately 48,600 students across public, private and proprietary institutions in Tennessee with total funding of \$81 million in state appropriations and \$6.8 million in lottery funds. In September, the TSAC Board recommended that funding

increase in 2017-18 by \$18.1 million, which would fund approximately 10,000 additional students or 15 percent of the estimated 76,000 students that are eligible for the award — based on financial need — but currently do not receive the grant due to limited funds being exhausted. THEC staff concur with this recommendation and believe that this improvement, coupled with the student fee recommendations presented in Item V, represent continued advancement in college affordability for Tennesseans.

Additionally, THEC staff are recommending \$1 million in non-recurring funds to pilot a new Student Retention Grant program at the universities, community colleges and the colleges of applied technology. Supported by research and a national dialogue around student affordability and success, these grants will improve completion by addressing unforeseen emergency expenses that impede student retention. While the parameters of the program are not yet finalized, it is envisioned that the grants would be used to fund emergency transportation needs, unforeseen medical expenses, and other needs as they arise that could jeopardize a student's enrollment and persistence. THEC will develop and implement protocols for institutions that choose to participate, addressing student award eligibility, approved expenses and program procedures.

The grand total recurring and non-recurring recommendation for all higher education operating appropriations for 2017-18 is \$1.46 billion. This includes \$48 million to fund the formula units, \$9.7 million for institutional operating costs and \$10.3 million for strategic program investments at non-formula units, \$18.1 million for expansion of the need-based financial aid program, \$1 million in non-recurring funds to pilot a new Student Retention Grant program and additional funds for the Governor's Drive to 55 Initiative. These recurring and non-recurring recommendations total \$87.8 million, or an increase of 6.3 percent.

Finally, the Department of Finance & Administration has requested that state agencies prepare the 2017-18 budget with a two percent reduction in state appropriations. Financial aid funding provided by TSAC — primarily through the need-based grant award — and recurring funds for the Governor's Drive to 55 Initiatives are exempted from these reduction scenarios. For higher education this would result in a reduction in state appropriations of \$25.7 million. This distribution is detailed in Attachment IV.

ATTACHMENT I

State Appropriations History

Academic Formula Units	2011-12	2012-13 *	2013-14 *	2014-15 *	2015-16*	2016-17*
TBR Universities						
Austin Peay	\$26,107,600	\$28,537,600	\$32,995,000	\$34,239,800	\$36,983,700	\$40,378,500
East Tennessee	44,000,700	45,772,200	48,685,000	48,048,900	51,428,100	55,362,800
Middle Tennessee	73,423,800	77,193,600	81,024,600	82,830,300	85,856,700	90,753,200
Tennessee State	29,335,100	30,810,900	32,610,800	32,088,900	32,892,000	33,717,900
Tennessee Tech	35,086,300	37,288,600	39,559,500	38,394,000	39,297,400	42,671,100
University of Memphis	85,464,300	87,346,700	89,106,400	89,331,900	95,139,600	102,440,600
Subtotal	\$293,417,800	\$306,949,600	\$323,981,300	\$324,933,800	\$341,597,500	\$365,324,100
Community Colleges						
Chattanooga	\$19,970,200	\$21,902,500	\$26,624,800	\$26,008,100	\$27,449,400	\$29,315,200
Cleveland	8,421,200	8,672,000	8,997,100	8,843,700	9,336,300	9,751,700
Columbia	11,121,800	11,294,400	12,339,500	12,349,500	12,842,400	13,970,500
Dyersburg	6,484,500	6,867,800	7,238,900	7,317,900	7,841,700	8,622,500
Jackson	10,518,500	10,821,400	11,510,200	11,095,700	11,401,100	12,395,800
Motlow	9,662,900	10,310,000	11,017,200	10,656,700	11,007,400	11,739,900
Nashville	13,794,900	14,516,500	15,983,500	15,861,200	16,935,900	17,756,500
Northeast	11,924,900	12,920,300	13,648,200	13,224,100	14,594,100	16,059,900
Pellissippi	18,692,600	20,819,800	22,913,400	23,429,800	25,599,300	27,349,000
Roane	14,750,900	15,244,700	16,619,800	17,399,500	18,011,800	19,093,300
Southwest	28,648,100	27,953,000	25,739,300	24,677,200	25,278,600	26,115,800
Volunteer	15,281,400	15,614,700	16,075,400	16,216,000	17,198,100	18,698,700
Walters	15,745,100	17,043,300	19,866,900	20,350,200	20,967,800	21,912,500
Subtotal	\$185,017,000	\$193,980,400	\$208,574,200	\$207,429,600	\$218,463,900	\$232,781,300
UT Universities						
UT Chattanooga	\$33,294,400	\$34,601,800	\$36,128,500	\$37,501,400	\$41,674,700	\$45,835,300
UT Knoxville	144,150,000	153,343,900	174,335,300	179,044,900	187,890,300	199,911,900
UT Martin	23,636,300	24,609,100	25,243,000	26,249,700	27,892,100	29,922,900
Subtotal	\$201,080,700	\$212,554,800	\$235,706,800	\$242,796,000	\$257,457,100	\$275,670,100
Total Colleges and Universities	\$679,515,500	\$713,484,800	\$768,262,300	\$775,159,400	\$817,518,500	\$873,775,500
TN Colleges of Applied Technology	\$52,260,300	\$53,848,800	\$57,400,500	\$55,346,600	\$56,343,900	\$60,790,600
Total Academic Formula Units	\$731,775,800	\$767,333,600	\$825,662,800	\$830,506,000	\$873,862,400	\$934,566,100

Note: All years of appropriations are recurring funds only.

*Detail for the community colleges was estimated by THEC based on information from the Tennessee Board of Regents. Beginning in 2012-13, funds are allocated to the community colleges as a system.

ATTACHMENT I

State Appropriations History

Specialized Units	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Medical Education						
ETSU College of Medicine	\$25,859,200	\$27,321,000	\$28,893,900	\$28,948,800	\$30,166,900	\$31,268,700
ETSU Family Practice	5,322,000	5,731,700	6,117,800	6,130,800	6,447,000	6,687,600
UT College of Vet Medicine	14,416,600	15,385,200	16,453,000	16,530,900	17,379,800	18,124,700
UT Health Science Center ¹	115,223,000	121,623,200	128,887,400	129,382,100	134,984,800	140,534,000
Subtotal	\$160,820,800	\$170,061,100	\$180,352,100	\$180,992,600	\$188,978,500	\$196,615,000
Research and Public Service						
UT Agricultural Experiment Station	\$23,111,900	\$24,342,600	\$25,438,800	\$25,557,800	\$26,380,600	\$27,625,600
UT Agricultural Extension Service	27,825,100	29,431,800	30,836,900	31,044,400	32,384,200	33,831,200
TSU McMinnville Center	527,300	543,300	560,400	560,400	575,500	594,500
TSU Institute of Ag. and Environmental Research	2,145,000	2,208,900	2,280,500	2,278,500	2,340,600	3,456,300
TSU Cooperative Extension	2,918,200	3,010,500	3,110,400	3,108,900	3,207,300	3,318,500
TSU McIntire-Stennis Forestry Research	170,600	174,100	179,400	179,400	183,400	189,400
UT Space Institute	7,276,600	7,603,400	7,896,700	7,916,500	8,187,700	8,490,500
UT Institute for Public Service	4,341,200	4,541,300	5,232,400	5,247,800	5,420,500	5,628,900
UT County Technical Assistance Service	1,521,800	1,646,200	1,753,200	1,763,100	1,858,100	2,236,600
UT Municipal Technical Advisory Service	2,554,300	2,732,200	2,886,200	2,897,500	3,033,400	3,157,300
Subtotal	\$72,392,000	\$76,234,300	\$80,174,900	\$80,554,300	\$83,571,300	\$88,528,800
Other Specialized Units						
UT University-Wide Administration	\$4,209,000	\$4,440,900	\$4,589,300	\$4,661,800	\$4,859,900	\$5,202,100
TN Board of Regents Administration	4,563,400	4,881,800	5,104,200	5,133,100	5,465,400	5,720,200
TN Student Assistance Corporation	48,579,200	55,205,400	61,586,800	61,566,800	70,459,600	83,568,600
Tennessee Student Assistance Awards	46,162,500	52,762,500	57,762,500	57,762,500	67,762,500	80,962,500
Tennessee Student Assistance Corporation Loan/Scholarships Program	1,225,700	1,251,900	1,353,500	1,333,500	1,476,300	1,627,900
Endowment Scholarships	1,191,000	1,191,000	1,220,800	1,220,800	1,220,800	978,200
-	-	-	1,250,000	1,250,000	-	-
TN Foreign Language Institute	352,800	378,600	410,300	414,100	426,500	516,700
Contract Education	2,198,200	2,178,400	2,232,900	2,180,800	2,110,800	2,176,000
TN Higher Education Commission	2,224,500	2,292,100	2,479,200	2,438,800	2,921,000	3,619,300
THEC Administration	2,224,500	2,292,100	2,479,200	2,438,800	2,921,000	3,202,900
FOCUS Act	-	-	-	-	-	416,400
College Advisor Corps	-	-	-	-	-	-
Adult Learner Initiatives	-	-	-	-	-	-
Labor Education Alignment Program	-	-	-	-	-	-
Subtotal	\$62,127,100	\$69,377,200	\$76,402,700	\$76,395,400	\$86,243,200	\$100,802,900
Total Specialized Units	\$295,339,900	\$315,672,600	\$336,929,700	\$337,942,300	\$358,793,000	\$385,946,700
Total Formula and Specialized Units	\$1,027,115,700	\$1,083,006,200	\$1,162,592,500	\$1,168,448,300	\$1,232,655,400	\$1,320,512,800
Program Initiatives						
Campus Centers of Excellence	\$17,328,000	\$17,538,300	\$18,193,700	\$17,769,000	\$17,414,600	\$17,133,600
Campus Centers of Emphasis	1,247,600	1,265,900	1,313,300	1,282,600	1,257,000	1,236,600
Academic Scholars Program	401,800	401,800	411,800	411,800	411,800	711,800
UT Access and Diversity Initiative	5,600,600	5,550,100	5,688,900	5,688,900	5,806,700	5,806,700
TBR Access and Diversity Initiative	9,892,900	9,803,700	10,048,800	10,048,800	10,256,900	10,256,900
Research Initiatives - UT	5,645,200	5,594,300	5,734,200	5,734,200	5,852,900	5,852,900
THEC Grants	2,339,200	2,318,100	2,403,300	2,353,900	5,778,400	5,778,400
Subtotal	\$42,455,300	\$42,472,200	\$43,794,000	\$43,289,200	\$46,778,300	\$46,776,900
Total Operating	\$1,069,571,000	\$1,125,478,400	\$1,206,386,500	\$1,211,737,500	\$1,279,433,700	\$1,367,289,700

Note: All years of appropriations are recurring funds only.

1 - UT Health Science Center includes funding for UT College of Medicine, UT Family Practice and UT Memphis.

ATTACHMENT II

2017-18 State Appropriations Distribution Recommendation

	A	B	C	D	E = C + D	F = E + A	G = E / A	H = F / B
			Breakdown of 2017-18 Changes					
Academic Formula Units	2016-17 Appropriation ¹	2017-18 Formula Calculation	Outcomes Formula Adjustments	Share of New Funding	2017-18 Changes	2017-18 Recommendation	Percent Change	Percent Funded
TBR Universities								
Austin Peay	\$40,378,500	\$63,626,500	\$545,900	\$2,110,500	\$2,656,400	\$43,034,900	6.6%	67.6%
East Tennessee ²	55,012,800	85,772,800	156,000	2,845,100	3,001,100	58,013,900	5.5%	67.6%
Middle Tennessee	90,753,200	138,131,800	(1,907,300)	4,581,900	2,674,600	93,427,800	2.9%	67.6%
Tennessee State	33,717,900	51,923,500	(320,900)	1,722,400	1,401,500	35,119,400	4.2%	67.6%
Tennessee Tech	42,671,100	66,008,700	(214,500)	2,189,500	1,975,000	44,646,100	4.6%	67.6%
University of Memphis	102,440,600	158,122,400	(736,800)	5,244,900	4,508,100	106,948,700	4.4%	67.6%
Subtotal	\$364,974,100	\$563,585,700	(\$2,477,600)	\$18,694,300	\$16,216,700	\$381,190,800	4.4%	67.6%
Community Colleges³								
Chattanooga	\$29,315,200	\$44,487,900	(\$700,700)	\$1,475,600	\$774,900	\$30,090,100	2.6%	67.6%
Cleveland	9,751,700	15,738,100	371,000	522,000	893,000	10,644,700	9.2%	67.6%
Columbia	13,970,500	21,580,700	(89,900)	715,900	626,000	14,596,500	4.5%	67.6%
Dyersburg	8,622,500	13,325,500	(51,600)	442,000	390,400	9,012,900	4.5%	67.6%
Jackson	12,395,800	19,330,000	37,200	641,100	678,300	13,074,100	5.5%	67.6%
Motlow	11,739,900	18,942,900	444,100	628,300	1,072,400	12,812,300	9.1%	67.6%
Nashville	17,756,500	28,887,800	824,000	958,300	1,782,300	19,538,800	10.0%	67.6%
Northeast	16,059,900	25,733,000	491,500	853,500	1,345,000	17,404,900	8.4%	67.6%
Pellissippi	27,349,000	43,553,900	664,700	1,444,700	2,109,400	29,458,400	7.7%	67.6%
Roane	19,093,300	30,132,000	287,500	999,500	1,287,000	20,380,300	6.7%	67.6%
Southwest	26,115,800	38,854,400	(1,124,800)	1,288,800	164,000	26,279,800	0.6%	67.6%
Volunteer	18,698,700	29,615,300	349,800	982,300	1,332,100	20,030,800	7.1%	67.6%
Walters	21,912,500	33,660,400	(262,200)	1,116,500	854,300	22,766,800	3.9%	67.6%
Community College Subtotal	\$232,781,300	\$363,841,900	\$1,240,600	\$12,068,500	\$13,309,100	\$246,090,400	5.7%	67.6%
UT Universities								
UT Chattanooga	\$45,835,300	\$72,351,100	\$700,700	\$2,399,900	\$3,100,600	\$48,935,900	6.8%	67.6%
UT Knoxville ²	196,911,900	305,713,700	(277,800)	10,140,500	9,862,700	206,774,600	5.0%	67.6%
UT Martin ²	29,472,900	45,443,900	(243,500)	1,507,300	1,263,800	30,736,700	4.3%	67.6%
Subtotal	\$272,220,100	\$423,508,700	\$179,400	\$14,047,700	\$14,227,100	\$286,447,200	5.2%	67.6%
Total Colleges and Universities	\$869,975,500	\$1,350,936,300	(\$1,057,600)	\$44,810,500	\$43,752,900	\$913,728,400	5.0%	67.6%
TN Colleges of Applied Technology	\$60,790,600	\$96,157,400	\$1,057,600	\$3,189,500	\$4,247,100	\$65,037,700	7.0%	67.6%
Total Academic Formula Units	\$930,766,100	\$1,447,093,700	\$0	\$48,000,000	\$48,000,000	\$978,766,100	5.2%	67.6%

1 - Recurring funding. Includes historical funding of \$2.81M for legislative initiatives. A breakdown of these initiatives by campus is included in Appendix A.

2 - Does not include recurring funds appropriated to the ETSU Gray Fossil Site (\$350K), UT Knoxville for the engineering college (\$3M), UT Martin Parsons Center (\$200K), or to UT Martin Somerville Center (\$250K). These appropriations are included as Program Initiatives.

3 - THEC's community college recommendation is only for the sector as a whole. Institutional detail displayed here is for informational purposes only.

ATTACHMENT II

2017-18 State Appropriations Share of Total Calculation

	A	B	C	D	E = D + A	F = D / A
Academic Formula Units	2016-17 Appropriation ¹	2016-17 Appropriation Share	2017-18 Appropriation Share	2017-18 Funding Changes	2017-18 Recommendation	Percent Change
TBR Universities						
Austin Peay	\$40,378,500	4.64%	4.71%	\$2,656,400	\$43,034,900	6.6%
East Tennessee ²	55,012,800	6.32%	6.35%	3,001,100	58,013,900	5.5%
Middle Tennessee	90,753,200	10.43%	10.22%	2,674,600	93,427,800	2.9%
Tennessee State	33,717,900	3.88%	3.84%	1,401,500	35,119,400	4.2%
Tennessee Tech	42,671,100	4.90%	4.89%	1,975,000	44,646,100	4.6%
University of Memphis	102,440,600	11.78%	11.70%	4,508,100	106,948,700	4.4%
Subtotal	\$364,974,100	41.95%	41.72%	\$16,216,700	\$381,190,800	4.4%
Community Colleges³						
Chattanooga	\$29,315,200	3.37%	3.29%	\$774,900	\$30,090,100	2.6%
Cleveland	9,751,700	1.12%	1.16%	893,000	10,644,700	9.2%
Columbia	13,970,500	1.61%	1.60%	626,000	14,596,500	4.5%
Dyersburg	8,622,500	0.99%	0.99%	390,400	9,012,900	4.5%
Jackson	12,395,800	1.42%	1.43%	678,300	13,074,100	5.5%
Motlow	11,739,900	1.35%	1.40%	1,072,400	12,812,300	9.1%
Nashville	17,756,500	2.04%	2.14%	1,782,300	19,538,800	10.0%
Northeast	16,059,900	1.85%	1.90%	1,345,000	17,404,900	8.4%
Pellissippi	27,349,000	3.14%	3.22%	2,109,400	29,458,400	7.7%
Roane	19,093,300	2.19%	2.23%	1,287,000	20,380,300	6.7%
Southwest	26,115,800	3.00%	2.88%	164,000	26,279,800	0.6%
Volunteer	18,698,700	2.15%	2.19%	1,332,100	20,030,800	7.1%
Walters	21,912,500	2.52%	2.49%	854,300	22,766,800	3.9%
Community College Subtotal	\$232,781,300	26.76%	26.93%	\$13,309,100	\$246,090,400	5.7%
UT Universities						
UT Chattanooga	\$45,835,300	5.27%	5.36%	\$3,100,600	\$48,935,900	6.8%
UT Knoxville ²	196,911,900	22.63%	22.63%	9,862,700	206,774,600	5.0%
UT Martin ²	29,472,900	3.39%	3.36%	1,263,800	30,736,700	4.3%
Subtotal	\$272,220,100	31.29%	31.35%	\$14,227,100	\$286,447,200	5.2%
Total Colleges and Universities	\$869,975,500	100.00%	100.00%	\$43,752,900	\$913,728,400	5.0%

1 - Recurring funding. Includes historical funding of \$2.81M for legislative initiatives. A breakdown of these initiatives by campus is included in Appendix A.

2 - Does not include recurring funds appropriated to the ETSU Gray Fossil Site (\$350K), UT Knoxville for the engineering college (\$3M), UT Martin Parsons Center (\$200K), or to UT Martin Somerville Center (\$250K). These appropriations are included as Program Initiatives.

3 - THEC's community college recommendation is only for the sector as a whole. Institutional detail displayed here is for informational purposes only.

ATTACHMENT II

2017-18 State Appropriations Distribution Recommendation

	A	B	C = B - A	D = C / A
Specialized Units	2016-17 Appropriation ¹	2017-18 Recommendation ¹	Total Change	Percent Change
Medical Education				
ETSU College of Medicine	\$31,268,700	\$32,113,000	\$844,300	2.7%
ETSU Family Practice	6,687,600	6,868,200	180,600	2.7%
UT College of Vet Medicine	18,124,700	18,614,100	489,400	2.7%
UT Health Science Center	140,534,000	144,328,500	3,794,500	2.7%
UT College of Medicine	50,646,244	52,013,700	1,367,456	2.7%
UT Family Practice	11,379,226	11,686,500	307,274	2.7%
UT Memphis Other Specialized Units	78,508,529	80,628,300	2,119,771	2.7%
Subtotal	\$196,615,000	\$201,923,800	\$5,308,800	2.7%
Research and Public Service				
UT Agricultural Experiment Station	\$27,625,600	\$28,371,500	\$745,900	2.7%
UT Agricultural Extension Service	33,831,200	34,744,600	913,400	2.7%
TSU McMinnville Center	594,500	610,600	16,100	2.7%
TSU Institute of Ag. and Environmental Research	3,456,300	3,549,600	93,300	2.7%
TSU Cooperative Extension	3,318,500	3,408,100	89,600	2.7%
TSU McIntire-Stennis Forestry Research	189,400	194,500	5,100	2.7%
UT Space Institute	8,490,500	8,719,700	229,200	2.7%
UT Institute for Public Service	5,628,900	5,780,900	152,000	2.7%
UT County Technical Assistance Service	2,236,600	2,297,000	60,400	2.7%
UT Municipal Technical Advisory Service	3,157,300	3,242,500	85,200	2.7%
Subtotal	\$88,528,800	\$90,919,000	\$2,390,200	2.7%
Other Specialized Units				
UT University-Wide Administration	\$5,202,100	\$5,342,600	\$140,500	2.7%
TN Board of Regents Administration	5,720,200	6,070,400	350,200	6.1%
TN Student Assistance Corporation	83,568,600	101,739,000	18,170,400	21.7%
Tennessee Student Assistance Awards	80,962,500	99,062,500	18,100,000	22.4%
Tennessee Students Assistance Corporation Loan/Scholarships Program	1,627,900	1,671,900	44,000	2.7%
	978,200	1,004,600	26,400	2.7%
TN Foreign Language Institute	516,700	530,700	14,000	2.7%
Contract Education	2,176,000	2,234,800	58,800	2.7%
TN Higher Education Commission	3,619,300	3,717,000	97,700	2.7%
Subtotal	\$100,802,900	\$119,634,500	\$18,831,600	18.7%
Program Initiatives				
Campus Centers of Excellence	\$17,133,600	\$17,596,200	\$462,600	2.7%
Campus Centers of Emphasis	1,236,600	1,270,000	33,400	2.7%
Academic Scholars Program	711,800	731,000	19,200	2.7%
UT Access and Diversity Initiative	5,806,700	5,963,500	156,800	2.7%
TBR Access and Diversity Initiative	10,256,900	10,533,800	276,900	2.7%
THEC Grants	5,778,400	5,934,400	156,000	2.7%
Research Initiatives - UT	5,852,900	6,010,900	158,000	2.7%
ETSU Gray Fossil Site ²	350,000	350,000	-	NA
UT Knoxville College of Engineering ²	3,000,000	3,000,000	-	NA
UT Martin Parsons Center ²	450,000	450,000	-	NA
Governor's Drive to 55 Initiative ³	15,979,700	6,251,800	(9,727,900)	NA
Student Retention Grants ⁴	-	1,000,000	1,000,000	NA
Strategic Program Initiatives ⁵	-	10,300,000	10,300,000	NA
TTU Carnegie Classification Recognition ⁶	-	700,000	700,000	NA
Subtotal	\$50,576,900	\$51,839,800	\$1,962,900	3.9%
Total Recurring	\$1,367,289,700	\$1,443,083,200	\$76,493,500	5.6%
Total with Non-Recurring Request	\$1,383,269,400	\$1,461,335,000	\$78,765,600	5.7%

1 - Recurring funds unless otherwise footnoted.

2 - Recurring funds appropriated to ETSU (\$350K), UT Knoxville (\$3M) and UT Martin (\$450K).

3 - Non-recurring funds for the D55 Operating Fund, LEAP program, Adult Learner program, Institutional Outcome Improvement Fund grants, Veteran Reconnect grants, TN Promise Forward grants, Advise TN, and the SAILS program.

4 - Non-recurring funding for a grant program offering emergency funds to students enrolled at universities, community colleges and colleges of applied technology.

5 - Recurring and non-recurring funding for strategic investments at non-formula units. See Attachment III for further detail.

6 - Year 1 of 3 of recurring funds to recognize a 2015 Carnegie classification change at Tennessee Tech.

ATTACHMENT III
2017-18 Non-Formula Units Strategic Initiatives

System Priority	System	Institution	Project Name	Total Cost	Project Description
1	TBR	TBR-System	Security Task Force Recommendations	\$8,900,000	In December 2015, the Tennessee Board of Regents heard testimony about the level of security services provided across the System. Services appeared to vary greatly, with concern raised about the adequacy of security at various locations. Early in 2016, the TBR created a Task Force to review the status of security provided across the TBR System and report its observations and recommendations. This request represents the highest priority recommendations of the report. (\$6.3M recurring; \$2.6M non-recurring)
1	UT	UT Institute of Agriculture	Governor's Rural Task Force: AgLaunch	\$400,000	AgLaunch is focused on ventures that increase farmer efficiency, create new supply chains, establish niche value-added processing, and bolster the region's agricultural distribution capabilities. AgLaunch targets new companies that build upon the supply chains between producers and Tennessee's 1,000 existing commercial food companies located throughout the state. AgriTech startups will increase producer efficiency and yield higher profits. AgLaunch provides accountable leadership across the state for generating, developing, and scaling new agricultural enterprises and addresses: (1) Seed and Early Stage capital (see Gov RTF – AG TREP SB, Action Items); (2) an agricultural technology incubator and research farm network, and (3) entrepreneur development and business growth focused on the agricultural vertical. This program has been developed jointly between Tennessee Department of Agriculture, Memphis Bioworks Foundation, and UT's Center for Profitable Agriculture with support from USDA Rural Development. This proposal optimizes an already existing industry (vertical agriculture) which directly touches all rural counties in Tennessee; builds on investment that has already been made by TNDA and USDA; and leverages rural assets including university research farms and extension. The statewide program will focus on pilot programs in designated distressed counties to establish replicable models and generate near term impact.
2	UT	UT-System Administration	Expand and Enhance the Tennessee Governor's Chair Program	\$1,000,000	The University is requesting additional recurring support to allow for the recruitment of fifteen additional Governor's Chair faculty over the next five years. This investment request would ramp up over time and will be matched by the Oak Ridge National Laboratory (ORNL) or other private sector funding. The investment in top research talent in Tennessee will have a profound, lasting impact on our state. These individuals will greatly enhance our ability to grow our research enterprise and bring outside funding into the state of Tennessee. Their connections and expertise will also improve our ability to recruit and retain the rapidly growing number of companies in Tennessee's knowledge economy. The total new funding would be \$1M per year through year five when it would be capped at \$5M per year. The total Governor's Chair funding would then be \$10,852,900 per year. This request is only for Year One and does not guarantee any future year's funding.

ATTACHMENT IV

2017-18 State Appropriations Distribution With a 2.0% Reduction

	A	B	C	D	E = C + D	F = E + A	G = E / A	H = F / B
	Breakdown of 2017-18 Changes							
Academic Formula Units	2016-17 Appropriation ¹	2017-18 Formula Calculation	Outcomes Formula Adjustments	2.0% Reduction to Higher Education	2017-18 Change	2017-18 Recommendation	Percent Change	Percent Funded
TBR Universities								
Austin Peay	\$40,378,500	\$63,626,500	\$545,900	(\$935,800)	(\$389,900)	\$39,988,600	-1.0%	62.8%
East Tennessee ²	55,012,800	85,772,800	156,000	(1,261,500)	(1,105,500)	53,907,300	-2.0%	62.8%
Middle Tennessee	90,753,200	138,131,800	(1,907,300)	(2,031,600)	(3,938,900)	86,814,300	-4.3%	62.8%
Tennessee State	33,717,900	51,923,500	(320,900)	(763,700)	(1,084,600)	32,633,300	-3.2%	62.8%
Tennessee Tech	42,671,100	66,008,700	(214,500)	(970,800)	(1,185,300)	41,485,800	-2.8%	62.8%
University of Memphis	102,440,600	158,122,400	(736,800)	(2,325,600)	(3,062,400)	99,378,200	-3.0%	62.8%
Subtotal	\$364,974,100	\$563,585,700	(\$2,477,600)	(\$8,289,000)	(\$10,766,600)	\$354,207,500	-2.9%	62.8%
Community Colleges³								
Chattanooga	\$29,315,200	\$44,487,900	(\$700,700)	(\$654,300)	(\$1,355,000)	\$27,960,200	-4.6%	62.8%
Cleveland	9,751,700	15,738,100	371,000	(231,500)	139,500	9,891,200	1.4%	62.8%
Columbia	13,970,500	21,580,700	(89,900)	(317,400)	(407,300)	13,563,200	-2.9%	62.8%
Dyersburg	8,622,500	13,325,500	(51,600)	(196,000)	(247,600)	8,374,900	-2.9%	62.8%
Jackson	12,395,800	19,330,000	37,200	(284,300)	(247,100)	12,148,700	-2.0%	62.8%
Motlow	11,739,900	18,942,900	444,100	(278,600)	165,500	11,905,400	1.4%	62.8%
Nashville	17,756,500	28,887,800	824,000	(424,900)	399,100	18,155,600	2.2%	62.8%
Northeast	16,059,900	25,733,000	491,500	(378,500)	113,000	16,172,900	0.7%	62.8%
Pellissippi	27,349,000	43,553,900	664,700	(640,600)	24,100	27,373,100	0.1%	62.8%
Roane	19,093,300	30,132,000	287,500	(443,200)	(155,700)	18,937,600	-0.8%	62.8%
Southwest	26,115,800	38,854,400	(1,124,800)	(571,200)	(1,696,000)	24,419,800	-6.5%	62.8%
Volunteer	18,698,700	29,615,300	349,800	(435,600)	(85,800)	18,612,900	-0.5%	62.8%
Walters	21,912,500	33,660,400	(262,200)	(495,100)	(757,300)	21,155,200	-3.5%	62.8%
Community College Subtotal	\$232,781,300	\$363,841,900	\$1,240,600	(\$5,351,200)	(\$4,110,600)	\$228,670,700	-1.8%	62.8%
UT Universities								
UT Chattanooga	\$45,835,300	\$72,351,100	\$700,700	(\$1,064,100)	(\$363,400)	\$45,471,900	-0.8%	62.8%
UT Knoxville ²	196,911,900	305,713,700	(277,800)	(4,496,300)	(4,774,100)	192,137,800	-2.4%	62.8%
UT Martin ²	29,472,900	45,443,900	(243,500)	(668,400)	(911,900)	28,561,000	-3.1%	62.8%
Subtotal	\$272,220,100	\$423,508,700	\$179,400	(\$6,228,800)	(\$6,049,400)	\$266,170,700	-2.2%	62.8%
Total Colleges and Universities	\$869,975,500	\$1,350,936,300	(\$1,057,600)	(\$19,869,000)	(\$20,926,600)	\$849,048,900	-2.4%	62.8%
TN Colleges of Applied Technology	\$60,790,600	\$96,157,400	\$1,057,600	(\$1,414,200)	(\$356,600)	\$60,434,000	-0.6%	62.8%
Total Academic Formula Units	\$930,766,100	\$1,447,093,700	\$0	(\$21,283,200)	(\$21,283,200)	\$909,482,900	-2.3%	62.8%

1 - Recurring funding. Includes historical funding of \$2.81M for legislative initiatives. A breakdown of these initiatives by campus is included in Appendix A.

2 - Does not include recurring funds appropriated to the ETSU Gray Fossil Site (\$350K), UT Knoxville for the engineering college (\$3M), UT Martin Parsons Center (\$200K), or to UT Martin Somerville Center (\$250K). These appropriations are included as Program Initiatives.

3 - THEC's community college recommendation is only for the sector as a whole. Institutional detail displayed here is for informational purposes only.

ATTACHMENT IV

2017-18 State Appropriations Distribution With a 2.0% Reduction

	A	B	C = B - A	D = C / A
Specialized Units	2016-17 Appropriation ¹	2017-18 Recommendation ¹	Total Change	Percent Change
Medical Education				
ETSU College of Medicine	\$31,268,700	\$30,874,000	(\$394,700)	-1.3%
ETSU Family Practice	6,687,600	6,622,300	(65,300)	-1.0%
UT College of Vet Medicine	18,124,700	17,826,700	(298,000)	-1.6%
UT Health Science Center	140,534,000	138,391,500	(2,142,500)	-1.5%
UT College of Medicine	50,646,244	49,874,121	(772,123)	-1.5%
UT Family Practice	11,379,226	11,205,745	(173,481)	-1.5%
UT Memphis Other Specialized Units	78,508,529	77,311,634	(1,196,896)	-1.5%
Subtotal	\$196,615,000	\$193,714,500	(\$2,900,500)	-1.5%
Research and Public Service				
UT Agricultural Experiment Station	\$27,625,600	\$27,355,800	(\$269,800)	-1.0%
UT Agricultural Extension Service	33,831,200	33,500,700	(330,500)	-1.0%
TSU McMinnville Center	594,500	588,700	(5,800)	-1.0%
TSU Institute of Ag. and Environmental Research	3,456,300	3,422,500	(33,800)	-1.0%
TSU Cooperative Extension	3,318,500	3,286,100	(32,400)	-1.0%
TSU McIntire-Stennis Forestry Research	189,400	187,500	(1,900)	-1.0%
UT Space Institute	8,490,500	8,397,500	(93,000)	-1.1%
UT Institute for Public Service	5,628,900	5,573,900	(55,000)	-1.0%
UT County Technical Assistance Service	2,236,600	2,214,800	(21,800)	-1.0%
UT Municipal Technical Advisory Service	3,157,300	3,126,500	(30,800)	-1.0%
Subtotal	\$88,528,800	\$87,654,000	(\$874,800)	-1.0%
Other Specialized Units				
UT University-Wide Administration	\$5,202,100	\$5,151,300	(\$50,800)	-1.0%
TN Board of Regents Administration	5,720,200	5,664,300	(55,900)	-1.0%
TN Student Assistance Corporation	83,568,600	83,552,700	(15,900)	0.0%
Tennessee Student Assistance Awards	80,962,500	80,962,500	-	0.0%
Tennessee Students Assistance Corporation	1,627,900	1,612,000	(15,900)	-1.0%
Loan/Scholarships Program	978,200	978,200	-	0.0%
TN Foreign Language Institute	516,700	511,700	(5,000)	-1.0%
Contract Education	2,176,000	2,154,700	(21,300)	-1.0%
TN Higher Education Commission	3,619,300	3,583,900	(35,400)	-1.0%
Subtotal	\$100,802,900	\$100,618,600	(\$184,300)	-0.2%
Program Initiatives				
Campus Centers of Excellence	\$17,133,600	\$16,966,200	(\$167,400)	-1.0%
Campus Centers of Emphasis	1,236,600	1,224,500	(12,100)	-1.0%
Academic Scholars Program	711,800	711,800	-	0.0%
UT Access and Diversity Initiative	5,806,700	5,750,000	(56,700)	-1.0%
TBR Access and Diversity Initiative	10,256,900	10,156,700	(100,200)	-1.0%
THEC Grants	5,778,400	5,722,000	(56,400)	-1.0%
Research Initiatives - UT	5,852,900	5,795,700	(57,200)	-1.0%
ETSU Gray Fossil Site ²	350,000	350,000	-	0.0%
UT Knoxville College of Engineering ²	3,000,000	3,000,000	-	0.0%
UT Martin Parsons Center ²	450,000	450,000	-	0.0%
Subtotal	\$50,576,900	\$50,126,900	(\$450,000)	-0.9%
Total	\$1,367,289,700	\$1,341,596,900	(\$25,692,800)	-1.9%

1 - Recurring funds unless otherwise footnoted.

2 - Recurring funds appropriated to ETSU (\$350K), UT Knoxville (\$3M) and UT Martin (\$450K).

NOTE: TSAA Awards, Loan/Scholarship Program, Academic Scholars Program and Endowment Scholarships are exempt from 2017-18 reductions per F&A budget instructions.

ATTACHMENT V

2017-18 State Appropriations Funding Scenarios

	A	B	C	D		E
				Alternative Funding Scenarios		
	Outcomes Formula Calculation	Share of Total Formula Calculation	\$48,000,000 THEC Recommendation	0.0% Flat Funding Scenario	2.0% Reduction Scenario	
Academic Formula Units						
TBR Universities						
Austin Peay	\$63,626,500	4.71%	\$43,034,900	\$40,924,400	\$39,988,600	
East Tennessee	85,772,800	6.35%	58,013,900	55,168,800	53,907,300	
Middle Tennessee	138,131,800	10.22%	93,427,800	88,845,900	86,814,300	
Tennessee State	51,923,500	3.84%	35,119,400	33,397,000	32,633,300	
Tennessee Tech	66,008,700	4.89%	44,646,100	42,456,600	41,485,800	
University of Memphis	158,122,400	11.70%	106,948,700	101,703,800	99,378,200	
Subtotal	\$563,585,700	41.72%	\$381,190,800	\$362,496,500	\$354,207,500	
Community Colleges						
Chattanooga	\$44,487,900	3.29%	\$30,090,100	\$28,614,500	\$27,960,200	
Cleveland	15,738,100	1.16%	10,644,700	10,122,700	9,891,200	
Columbia	21,580,700	1.60%	14,596,500	13,880,600	13,563,200	
Dyersburg	13,325,500	0.99%	9,012,900	8,570,900	8,374,900	
Jackson	19,330,000	1.43%	13,074,100	12,433,000	12,148,700	
Motlow	18,942,900	1.40%	12,812,300	12,184,000	11,905,400	
Nashville	28,887,800	2.14%	19,538,800	18,580,500	18,155,600	
Northeast	25,733,000	1.90%	17,404,900	16,551,400	16,172,900	
Pellissippi	43,553,900	3.22%	29,458,400	28,013,700	27,373,100	
Roane	30,132,000	2.23%	20,380,300	19,380,800	18,937,600	
Southwest	38,854,400	2.88%	26,279,800	24,991,000	24,419,800	
Volunteer	29,615,300	2.19%	20,030,800	19,048,500	18,612,900	
Walters	33,660,400	2.49%	22,766,800	21,650,300	21,155,200	
Community College Subtotal	\$363,841,900	26.93%	\$246,090,400	\$234,021,900	\$228,670,700	
UT Universities						
UT Chattanooga	\$72,351,100	5.36%	\$48,935,900	\$46,536,000	\$45,471,900	
UT Knoxville	305,713,700	22.63%	206,774,600	196,634,100	192,137,800	
UT Martin	45,443,900	3.36%	30,736,700	29,229,400	28,561,000	
Subtotal	\$423,508,700	31.35%	\$286,447,200	\$272,399,500	\$266,170,700	
Total Colleges and Universities	\$1,350,936,300	100.00%	\$913,728,400	\$868,917,900	\$849,048,900	
TN Colleges of Applied Technology	\$96,157,400	NA	\$65,037,700	\$61,848,200	\$60,434,000	
Total Academic Formula Units	\$1,447,093,700	100.00%	\$978,766,100	\$930,766,100	\$909,482,900	

ATTACHMENT VI

Three-Year Average Changes in Formula Outcomes

Community Colleges

Total Outcomes	2016-17 Formula	2017-18 Formula	Change	
Students Accumulating 12 hrs	23,485	23,775	291	1.2%
Students Accumulating 24 hrs	17,907	18,052	146	0.8%
Students Accumulating 36 hrs	14,907	14,522	(385)	-2.6%
Dual Enrollment	15,635	17,134	1,499	9.6%
Associates ¹	9,306	9,659	353	3.8%
Certificates 1-2 Year	781	753	(29)	-3.7%
Certificates <1 Year	2,583	2,604	21	0.8%
Job Placements	3,564	3,726	162	4.5%
Student Transfers	6,120	6,088	(32)	-0.5%
Workforce Training (Contact Hours)	704,207	620,374	(83,833)	-11.9%
Awards per 100 FTE	19.17	20.08	0.90	4.7%
Adult Focus Population				
Students Accumulating 12 hrs	5,213	4,453	(760)	-14.6%
Students Accumulating 24 hrs	5,296	4,570	(725)	-13.7%
Students Accumulating 36 hrs	5,209	4,507	(701)	-13.5%
Associates ¹	5,044	4,884	(160)	-3.2%
Certificates 1-2 Year	512	468	(44)	-8.7%
Certificates <1 Year	1,595	1,509	(85)	-5.4%
Low-Income Focus Population				
Students Accumulating 12 hrs	13,583	14,348	764	5.6%
Students Accumulating 24 hrs	11,384	11,534	151	1.3%
Students Accumulating 36 hrs	9,812	9,599	(213)	-2.2%
Associates ¹	6,316	6,635	319	5.1%
Certificates 1-2 Year	484	486	2	0.3%
Certificates <1 Year	1,490	1,543	53	3.6%
Academically Underprepared Focus Population				
Students Accumulating 12 hrs	14,591	14,529	(62)	-0.4%
Students Accumulating 24 hrs	11,850	11,647	(204)	-1.7%
Students Accumulating 36 hrs	9,871	9,306	(564)	-5.7%
Associates ¹	5,933	6,013	80	1.3%
Certificates 1-2 Year	458	433	(25)	-5.4%
Certificates <1 Year	1,376	1,398	22	1.6%
One Focus Population Only				
Students Accumulating 12 hrs	7,558	8,087	529	7.0%
Students Accumulating 24 hrs	5,523	5,894	371	6.7%
Students Accumulating 36 hrs	4,391	4,465	74	1.7%
Associates ¹	2,496	2,683	187	7.5%
Certificates 1-2 Year	230	219	(11)	-4.8%
Certificates <1 Year	881	879	(2)	-0.2%
Two Focus Populations Only				
Students Accumulating 12 hrs	8,410	8,877	467	5.6%
Students Accumulating 24 hrs	6,657	6,824	167	2.5%
Students Accumulating 36 hrs	5,412	5,356	(55)	-1.0%
Associates ¹	3,196	3,356	160	5.0%
Certificates 1-2 Year	292	283	(10)	-3.3%
Certificates <1 Year	925	927	2	0.2%
All Three Focus Populations				
Students Accumulating 12 hrs	3,003	2,496	(507)	-16.9%
Students Accumulating 24 hrs	3,231	2,736	(494)	-15.3%
Students Accumulating 36 hrs	3,226	2,745	(481)	-14.9%
Associates ¹	2,802	2,713	(89)	-3.2%
Certificates 1-2 Year	213	201	(12)	-5.8%
Certificates <1 Year	577	573	(4)	-0.7%

1 - Includes raw counts for reverse transfer associate degrees. In the funding formula, these degrees count as 0.5 each for the community college and the university.

ATTACHMENT VI

Three-Year Average Changes in Formula Outcomes

Universities

Total Outcomes	2016-17	2017-18	Change	
Students Accumulating 30 hrs	17,727	17,806	79	0.4%
Students Accumulating 60 hrs	18,211	18,426	215	1.2%
Students Accumulating 90 hrs	20,008	20,249	241	1.2%
Bachelors and Associates ¹	21,244	21,744	501	2.4%
Masters / Ed Specialists	5,767	5,598	(169)	-2.9%
Doctoral / Law Degree	1,107	1,129	22	2.0%
Research, Service and Sponsored Programs	\$268,261,906	\$259,053,113	(\$9,208,793)	-3.4%
Degrees per 100 FTE	20.99	21.58	0.59	2.8%
Six-Year Graduation Rate	54.6%	54.6%	0.00	0.0%
Adult Focus Population				
Students Accumulating 30 hrs	967	890	(77)	-8.0%
Students Accumulating 60 hrs	1,846	1,707	(139)	-7.5%
Students Accumulating 90 hrs	3,692	3,526	(167)	-4.5%
Bachelors and Associates ¹	7,343	7,288	(55)	-0.7%
Low-Income Focus Population				
Students Accumulating 30 hrs	7,987	8,175	188	2.4%
Students Accumulating 60 hrs	8,859	9,116	257	2.9%
Students Accumulating 90 hrs	10,461	10,832	371	3.5%
Bachelors and Associates ¹	11,113	11,589	475	4.3%
One Focus Population Only				
Students Accumulating 30 hrs	7,670	7,887	217	2.8%
Students Accumulating 60 hrs	7,942	8,282	340	4.3%
Students Accumulating 90 hrs	8,458	8,855	396	4.7%
Bachelors and Associates ¹	8,203	8,536	333	4.1%
Two Focus Populations Only				
Students Accumulating 30 hrs	642	589	(53)	-8.2%
Students Accumulating 60 hrs	1,382	1,270	(111)	-8.1%
Students Accumulating 90 hrs	2,848	2,752	(96)	-3.4%
Bachelors and Associates ¹	5,127	5,170	44	0.9%

¹ - Includes raw counts for reverse transfer associate degrees. In the funding formula, these degrees count as 0.5 each for the community college and the university.

ATTACHMENT VII

2017-18 Total Formula Revenue Analysis

Academic Formula Units	State Appropriation Recommendation ¹	Tuition Revenue ²	Out-of-State Tuition Revenue ²	Total Revenue	Total Formula Revenue Need	Difference (Short)	Percent Funded
TBR Universities							
Austin Peay	\$43,034,900	\$62,370,600	\$4,236,300	\$109,641,800	\$117,683,900	(\$8,042,100)	93.2%
East Tennessee ³	58,013,900	98,821,500	19,526,900	176,362,300	168,287,200	8,075,100	104.8%
Middle Tennessee	93,427,800	150,930,200	21,792,100	266,150,100	256,391,500	9,758,600	103.8%
Tennessee State	35,119,400	55,853,400	27,043,800	118,016,600	105,609,400	12,407,200	111.7%
Tennessee Tech	44,646,100	76,481,100	15,330,400	136,457,600	125,035,400	11,422,200	109.1%
University of Memphis	106,948,700	154,690,200	8,407,200	270,046,100	302,432,000	(32,385,900)	89.3%
Subtotal	\$381,190,800	\$599,147,000	\$96,336,700	\$1,076,674,500	\$1,075,439,400	\$1,235,100	100.1%
Community Colleges							
Chattanooga	\$30,090,100	\$31,383,400	\$744,100	\$62,217,600	\$67,970,200	(\$5,752,600)	91.5%
Cleveland	10,644,700	10,450,100	260,600	21,355,400	23,684,100	(2,328,700)	90.2%
Columbia	14,596,500	16,041,400	295,300	30,933,200	32,531,200	(1,598,000)	95.1%
Dyersburg	9,012,900	8,296,300	70,300	17,379,500	20,060,700	(2,681,200)	86.6%
Jackson	13,074,100	14,939,200	117,000	28,130,300	29,086,700	(956,400)	96.7%
Motlow	12,812,300	17,316,100	406,800	30,535,200	28,564,300	1,970,900	106.9%
Nashville	19,538,800	28,389,700	867,600	48,796,100	43,702,000	5,094,100	111.7%
Northeast	17,404,900	21,281,700	69,000	38,755,600	38,612,500	143,100	100.4%
Pellissippi	29,458,400	32,166,800	2,179,400	63,804,600	65,878,900	(2,074,300)	96.9%
Roane	20,380,300	18,620,000	428,700	39,429,000	45,449,200	(6,020,200)	86.8%
Southwest	26,279,800	28,896,900	3,183,700	58,360,400	58,512,200	(151,800)	99.7%
Volunteer	20,030,800	30,221,200	717,400	50,969,400	44,799,000	6,170,400	113.8%
Walters	22,766,800	20,387,100	470,900	43,624,800	50,671,300	(7,046,500)	86.1%
Community College Subtotal	\$246,090,400	\$278,389,900	\$9,810,800	\$534,291,100	\$549,522,300	(\$15,231,200)	97.2%
UT Universities							
UT Chattanooga	\$48,935,900	\$77,761,100	\$6,829,100	\$133,526,100	\$135,071,600	(\$1,545,500)	98.9%
UT Knoxville ³	206,774,600	292,321,000	41,895,300	540,990,900	576,362,200	(35,371,300)	93.9%
UT Martin ³	30,736,700	50,529,200	5,327,600	86,593,500	84,977,000	1,616,500	101.9%
Subtotal	\$286,447,200	\$420,611,300	\$54,052,000	\$761,110,500	\$796,410,800	(\$35,300,300)	95.6%
TN Colleges of Applied Technology	\$65,037,700	\$34,634,500	\$0	\$99,672,200	\$119,880,000	(\$20,207,800)	83.1%
Total Academic Formula Units	\$978,766,100	\$1,332,782,700	\$160,199,500	\$2,471,748,300	\$2,541,252,500	(\$69,504,200)	97.3%

1 - Recurring; accounts for recommended \$48M in additional funding for formula units.

2 - Assumes 4% tuition increases, 0% enrollment increase at Universities, and 4% enrollment increases at Community Colleges and TN Colleges of Applied Technology in 2017-18.

3 - Does not include recurring funds appropriated to the ETSU Gray Fossil Site (\$350K), UT Knoxville for the engineering college (\$3M), UT Martin Parsons Center (\$200K), or to UT Martin Somerville Center (\$250K). These appropriations are included as Program Initiatives.

Appendix A

Legislative Initiatives Included in Funding Formula

This appendix presents legislative initiatives that historically have been distributed through the funding formula. Projects identified for distribution outside the funding formula or those appropriated to non-formula units are excluded.

	Initiative	Funding
TBR Universities		
Middle Tennessee	Small Business Development Center	\$ 270,800
	Center for Dyslexic Studies	218,700
Tennessee State	Cooperative Agriculture	\$ 50,000
	Center on Aging	37,000
	Upward Bound	31,800
	Intracampus Transportation	75,500
	Academically-Talented Student Scholarships	832,000
Tennessee Tech	Horticultural Research	\$ 92,300
	Joe L. Evins Center	608,600
University of Memphis	Seismic Safety Commission	\$ 65,000
Subtotal		\$ 2,281,700
Community Colleges		
Columbia	Collegiate Center	\$ 72,700
Roane	Oak Ridge Campus Operations	\$ 150,000
Subtotal		\$ 222,700
UT Universities		
UT Martin	Ripley Center	\$ 310,000
Subtotal		\$ 310,000
Total Funding		\$ 2,814,400

DATE: November 16, 2016

SUBJECT: 2017-18 Student Fee Guidance

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION

The Complete College Tennessee Act requires THEC to make student fee and state appropriation recommendations concurrently. Numerous factors impact the tuition recommendation, including affordability and financial aid, the income profile of students attending Tennessee public institutions, and institutional revenues and cost inflation. The FOCUS Act has expanded THEC’s authority on student fee levels, requiring that THEC issue binding tuition ranges each year. These ranges apply only to resident, undergraduate students on the tuition (maintenance fee) rate, as well as the total maintenance and mandatory fee charge.

Average full-time, annual tuition and mandatory fees for 2016-17 is \$8,977 at public universities, \$4,224 at community colleges, and \$3,647 at the Tennessee Colleges of Applied Technology (TCATs). Tennessee’s public higher education tuition and fee levels are considered average compared to peers across the states in the Southern Regional Education Board. Over the last five years, tuition and mandatory fees have increased an average of four to five percent across the sectors, while state appropriations have increased an average of nearly four percent per year.

Tennessee’s financial aid resources are among the highest in the US, according to data provided by the National Association of State Student Grant Aid Programs (NASSGAP). Tennessee had the fifth largest financial aid program in the nation, and the fourth largest per capita. Funding for the lottery scholarship and the Tennessee Student Assistance Award comprise the majority of financial aid. In part due to these funding levels, Tennessee college graduates had the 14th lowest debt level in the nation, according to data published by the Project on Student Debt. It should be noted, however, that no data is available for debt among students who do not graduate.

Taking into account an appropriations request for formula units of \$48 million, THEC staff recommend a tuition (commonly referred to as maintenance fees at Tennessee public higher education institutions)

guidance range of zero to four percent at universities, community colleges, and the TCATs. Scenarios for tuition increases in 2017-18 of zero, two, and four percent are presented and summarized in Attachment I. Attachment II presents estimated tuition levels under flat and reduction funding scenarios as well.

At this time, the staff recommendations are that the Commission considers the tuition range as guidance only, with flexibility to approve final binding tuition ranges later in the fiscal year once clarity around the state budget and overall impact on higher education funding is determined.

ATTACHMENT I

2017-18 Tuition Recommendation

THEC Recommendation Summary

Universities	0% to 4% Tuition Increase
CCs	0% to 4% Tuition Increase
TCATs	0% to 4% Tuition Increase

Tuition and Fee Levels

	2016-17		2017-18 Scenarios		
	Mandatory Fees	Tuition	Tuition Increase ¹		
			= 0.0%	= 2.0%	= 4.0%
APSU	\$1,473	\$6,522	\$7,995	\$8,125	\$8,256
ETSU²	1,597	7,002	8,599	8,739	8,879
MTSU	1,660	6,930	8,590	8,729	8,867
TSU	1,039	6,528	7,567	7,698	7,828
TTU	1,171	7,380	8,551	8,699	8,846
UM	1,637	7,860	9,497	9,654	9,811
UTC	1,776	6,768	8,544	8,679	8,815
UTK³	1,810	10,858	12,668	12,885	13,102
UTM⁴	1,408	7,375	8,783	8,931	9,078
CC Avg	294	3,930	4,224	4,303	4,381
TCATs	230	3,417	3,647	3,715	3,784

1 - Percent increase applied to tuition and not to the mandatory fees.

2 - ETSU is phasing in mandatory fees approved for the renovation of the DP Culp Center. Freshman and Sophomores are paying an additional debt service fee of \$240 and an additional Student Activity fee of \$50 in FY16. As these classes progress, the additional fees will remain part of the mandatory fees.

3 - UTK tuition rates for students admitted in the Fall of 2013 and later are flat rates for 15 semester credit hours, regardless of the number of credit hours taken by the student. This policy ("Fifteen in Four") was approved in 2012 by the UT Board for introduction in Fall 2013. The tuition rate presented here is a weighted average.

4 - The 2016-17 UTM tuition rate for full-time students who have completed fewer than 60 credit hours is a flat rate for 15 hours a semester regardless of how many hours the student is enrolled in. Part-time students and full-time students who have completed more than 60 credit hours are charged a flat rate for 12 hours regardless how many hours the student is enrolled in. The tuition presented here is an average of those two tuition rates.

Note: Tuition is used here for ease of understanding though UT and TBR use the term maintenance fee.

ATTACHMENT II

2017-18 Tuition Model Analysis Scenarios

The following scenarios utilize the THEC Tuition Model to estimate the tuition increase required to maintain the 2016-17 estimated total revenue per FTE. The scenarios assume a 0% enrollment growth at universities, a 4% enrollment growth at community colleges and colleges of applied technology, and a 2.7% increase in costs inflation at all institutions. This analysis is presented for information and is meant to provide guidance on the tuition recommendation analysis. Binding tuition recommendations will be made in the Spring.

Average Increase Needed With a \$48.0M (5.2%) Increase in State Appropriations

Model Assumptions	Universities	CCs	TCATs
Costs Inflation	2.7%	2.7%	2.7%
Enrollment	0.0%	4.0%	4.0%
State Appropriations	4.8%	5.7%	7.0%
Average Tuition Rate Increase	1.7%	3.8%	2.5%

Average Increase Needed With Overall Flat Appropriations

Model Assumptions	Universities	CCs	TCATs
Costs Inflation	2.7%	2.7%	2.7%
Enrollment	0.0%	4.0%	4.0%
State Appropriations	-0.4%	0.5%	1.7%
Average Tuition Rate Increase	5.1%	8.5%	12.7%

Average Increase Needed With a \$21.3M (2.3%) Reduction in State Appropriations

Model Assumptions	Universities	CCs	TCATs
Costs Inflation	2.7%	2.7%	2.7%
Enrollment	0.0%	4.0%	4.0%
State Appropriations	-2.6%	-1.8%	-0.6%
Average Tuition Rate Increase	6.6%	10.5%	17.2%

Note: The recommendation is based on an assumed costs inflation rate of 2.7% as determined by the faculty salary portion of the Higher Education Price Index (HEPI). HEPI, a traditionally referenced inflation index produced by Commonfund, an institutional investment firm, measures changes in costs in higher education by tracking eight categories of operational expenses, including salaries for employees, fringe benefits, utilities, and supplies and materials.

ATTACHMENT III

Tuition and Mandatory Fees History

Tuition and Mandatory Fees History

	2011-12	2015-16	2016-17	1 Year Change	5 Year Change
APSU	\$6,690	\$7,801	\$7,995	2.5%	19.5%
ETSU¹	6,529	8,332	8,599	3.2%	31.7%
MTSU	7,018	8,404	8,590	2.2%	22.4%
TSU	6,346	7,417	7,567	2.0%	19.2%
TTU	6,698	8,353	8,551	2.4%	27.7%
UM	7,696	9,269	9,497	2.5%	23.4%
UTC	6,718	8,356	8,544	2.2%	27.2%
UTK²	8,396	11,948	12,668	6.0%	50.9%
UTM³	6,718	8,326	8,783	5.5%	30.7%
CC Avg	3,532	4,121	4,224	2.5%	19.6%
TCATs	2,975	3,554	3,647	2.6%	22.6%

Mandatory Fees Only History

	2011-12	2015-16	2016-17	1 Year Change	5 Year Change
APSU	\$1,224	\$1,453	\$1,473	1.4%	20.3%
ETSU¹	1,063	1,504	1,597	6.2%	50.2%
MTSU	1,498	1,648	1,660	0.7%	10.8%
TSU	880	1,039	1,039	0.0%	18.1%
TTU	1,178	1,171	1,171	0.0%	-0.6%
UM	1,246	1,583	1,637	3.4%	31.4%
UTC	1,320	1,732	1,776	2.5%	34.5%
UTK	1,172	1,758	1,810	3.0%	54.4%
UTM	1,078	1,408	1,408	0.0%	30.6%
CC Avg	280	293	294	0.3%	5.0%
TCATs	200	230	230	0.0%	15.0%

1 - ETSU is phasing in mandatory fees approved for the renovation of the DP Culp Center. Freshman and Sophomores are paying an additional debt service fee of \$240 and an additional Student Activity fee of \$50 in FY16. As these classes progress, the additional fees will remain part of the mandatory fees.

2 - The tuition rates for students admitted in the Fall of 2013 and later are flat rates for 15 semester credit hours, regardless of the number of credit hours taken by the student. This policy ("Fifteen in Four") was approved in 2012 by the UT Board for introduction in Fall 2013. The tuition rate presented here is a weighted average.

3 - The 2016-17 UTM tuition rate for full-time students who have completed fewer than 60 credit hours is a flat rate for 15 hours a semester regardless of how many hours the student is enrolled in. Part-time students and full-time students who have completed more than 60 credit hours are charged a flat rate for 12 hours regardless how many hours the student is enrolled in. The tuition presented here is an average of those two tuition rates.

DATE: November 16, 2016

SUBJECT: 2017-18 Capital Project Recommendations

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION

Capital projects are broadly categorized according to the scope of the project and funding source. State appropriations fund capital outlay projects, which consist of new construction or significant renovation of existing facilities, as well as capital maintenance projects which repair and replace systems and structures on existing facilities, such as new roofs or HVAC systems. The third type of capital project, referred to as a disclosed project, is distinguished by its funding source, which does not include state funding. These are typically projects related to various auxiliary functions on a campus, such as dorms, parking, or athletics. Since the project must be funded without direct state appropriations, the institution signals its intent to initiate the project and present it for approval at the State Building Commission. This declaration of intent is disclosed to the Governor and the General Assembly, even though no state funding is requested.

RECOMMENDATION SUMMARY

Capital Outlay

The capital outlay recommendation for 2017-18 totals \$339.7 million. As shown in Attachment I, this includes ten projects for the Tennessee Board of Regents (TBR) totaling \$191 million (56 percent of the total), two projects for the University of Tennessee (UT) system totaling \$148.8 million (44 percent of the total).

System-level Capital Outlay Projects

All capital outlay projects include an institutional matching component. The match is applicable to the first \$75 million of the total project cost, for all projects except the UT Martin STEM building, which has a match of 10 percent per a provision in the 2016-17 appropriations bill. Is the intention of THEC that TBR and UT have flexibility to craft the specific parameters of the

matching component, though matching funds should largely consist of private gifts, grants, and institutional funds.

In 2016-17, five capital outlay projects recommended by THEC were funded, totaling \$187.7 million in state funds. Six additional projects, totaling \$12.9 million, were funded outside of the THEC recommendation.

Capital Maintenance

Tennessee has consistently provided funding for maintenance projects across higher education. Over the last five fiscal years, capital maintenance funding has averaged \$65.1 million per year. In 2016-17, \$74.9 million of the \$153.8 million recommended by THEC in capital maintenance was funded by the General Assembly. A consistent theme discussed within the Capital Task Force—a working group convened by Governor Haslam to develop long-term strategies to address higher education capital and facilities issues—was the critical level of deferred maintenance. Estimates from TBR and UT suggest that nearly \$500 million of deferred maintenance exist in each system. The Capital Task Force agreed, therefore, that Tennessee should continue to appropriately fund capital maintenance.

The 2017-18 recommendation for capital maintenance for TBR and UT is \$163.9 million. As shown in Attachment IV, this includes 72 projects for TBR totaling \$101.7 million — or 62 percent of the total — and 12 projects for UT totaling \$62.2 million — or 38 percent of the total. Meeting this request will allow each system to limit increases in deferred maintenance.

Disclosure of Revenue-Funded Projects

Projects of this nature are funded through institutional funds, the Tennessee State School Bond Authority (TSSBA), auxiliary funds, or sources other than state appropriations. For 2017-18, TBR and UT are disclosing 36 revenue- and TSSBA-funded projects totaling \$175.5 million. As shown in Attachment V, the disclosure list includes 20 revenue-funded projects totaling \$13.5 million for TBR and 11 revenue-funded projects totaling \$16.5 million for UT. UT is also disclosing planning funds for the UTM New Classroom Building (STEM) project totaling \$1.1 million. UT is also disclosing four TSSBA-funded projects, totaling \$144.4 million.

ATTACHMENT I

THEC 2017-18 Capital Projects Recommendation Summary

THEC Priority	Capital Outlay			Total Project Cost	Match Percentage	Total Match Funds ¹	Previous Years Match Funds ²	2017-18 Match Funds	Other Institutional Funds	State Appropriation Request ³
1	TBR	Motlow	Rutherford County Teaching Addition III	\$ 27,190,000	10%	\$ 2,719,000	\$ 1,392,500	\$ 1,326,500	\$ -	\$ 24,471,000
2	TBR	ETSU	Lamb Hall Renovation	23,000,000	25%	5,750,000	-	5,750,000	-	17,250,000
3	UT	UTM	New Classroom Building (STEM) ⁴	65,000,000	10%	6,500,000	-	6,500,000	-	58,500,000
4	TBR	Walters	Sevier County Campus Addition	12,500,000	10%	1,250,000	460,000	790,000	-	11,250,000
5	TBR	Volunteer	Warf Building Renovation	4,640,000	10%	464,000	-	464,000	-	4,176,000
6	UT	UTK	Engineering Services Facility	129,000,000	25%	18,750,000	3,000,000	15,750,000	20,000,000	90,250,000
7	TBR	UoM	Music Facility	44,000,000	25%	11,000,000	-	11,000,000	4,001,200	28,998,800
8	TBR	Columbia	Finney Library Renovation	6,100,000	10%	610,000	-	610,000	-	5,490,000
9	TBR	TCAT Knoxville	Satellite Campus	13,500,000	5%	675,000	-	675,000	-	12,825,000
10	TBR	TCAT Memphis	Satellite Campus	11,500,000	5%	575,000	-	575,000	-	10,925,000
11	TBR	Pellissippi	Multi-Purpose Building and Renovations	27,000,000	10%	2,700,000	-	2,700,000	-	24,300,000
12	TBR	Statewide	TCAT Improvements Phase II	54,000,000	5%	2,700,000	-	2,700,000	-	51,300,000
TBR Total				\$ 223,430,000	5%-25%	\$ 28,443,000	\$ 1,852,500	\$ 26,590,500	\$ 4,001,200	\$ 190,985,800
UT Total				\$ 194,000,000	10%-25%	\$ 25,250,000	\$ 3,000,000	\$ 22,250,000	\$ 20,000,000	\$ 148,750,000

Capital Outlay Planning Funds			Total Project Cost	Match	Total Match Funds ¹	Institutional Planning Funds ⁴	Remaining Match Funds	Other Institutional Funds	State Funds Request
UT	UTM	New Classroom Building (STEM) ⁴	\$ 65,000,000	10%	\$ 6,500,000	\$ 1,100,000	\$ 5,400,000	NA	NA
UT Total			\$ 65,000,000	10%	\$ 6,500,000	\$ 1,100,000	\$ 5,400,000	NA	NA

Capital Maintenance			Total	Projects	State Funds Request
TBR Total			\$ 101,650,000	72	\$ 101,650,000
UT Total			\$ 62,240,000	12	\$ 62,240,000

Total	Total	Total Match Funds ¹	Total Projects	State Appropriation Request ³
Total Capital Outlay	\$ 417,430,000	\$ 53,693,000	12	\$ 339,735,800
Total Capital Maintenance	\$ 163,890,000	NA	84	\$ 163,890,000
Total Capital Investment⁶	\$ 581,320,000	\$ 53,693,000	96	\$ 503,625,800

1 - Match is required only on the first \$75 million of each capital outlay project. Total Match Funds consist of previous years match funds and 2017-18 match funds.

2 - Institutional funding expended since 2012-13 for project planning.

3 - Reflects total state appropriation request after all other funding sources — including previous years funding, total match funds and other institutional funds — are taken into account.

4 - The 2016-17 General Appropriations Bill included a provision that reduced the match required on UT Martin's STEM building from 25 percent to 10 percent.

5 - Funds disclosed in 2017-18 that will be used to meet the requirements of the match.

6 - Planning funds included in the capital outlay total match funds.

ATTACHMENT II

2017-18 THEC Capital Outlay Projects Recommendation

THEC Priority	System Priority	Institution	Project Name	A	B	C = A * B	D + E = C		F	G = A - C - F
				2017-18 Project Cost	Match Percentage	Total Match Funds ¹	Previous Years Match Funds ²	2017-18 Match Funds	Other Institutional Funds	State Appropriation Request ³
1	1	Motlow	Rutherford County Teaching Addition III	\$ 27,190,000	10%	\$ 2,719,000	\$ 1,392,500	\$ 1,326,500	\$ -	\$ 24,471,000
2	1	ETSU	Lamb Hall Renovation	\$ 23,000,000	25%	\$ 5,750,000	\$ -	\$ 5,750,000	\$ -	\$ 17,250,000
3	1	UTM	New Classroom Building (STEM) ⁴	\$ 65,000,000	10%	\$ 6,500,000	\$ -	\$ 6,500,000	\$ -	\$ 58,500,000
4	2	Walters	Sevier County Campus Addition	\$ 12,500,000	10%	\$ 1,250,000	\$ 460,000	\$ 790,000	\$ -	\$ 11,250,000
5	3	Volunteer	Warf Building Renovation	\$ 4,640,000	10%	\$ 464,000	\$ -	\$ 464,000	\$ -	\$ 4,176,000
6	2	UTK	Engineering Services Facility	\$ 129,000,000	25%	\$ 18,750,000	\$ 3,000,000	\$ 15,750,000	\$ 20,000,000	\$ 90,250,000
7	2	UoM	Music Facility	\$ 44,000,000	25%	\$ 11,000,000	\$ -	\$ 11,000,000	\$ 4,001,200	\$ 28,998,800
8	4	Columbia	Finney Library Renovation	\$ 6,100,000	10%	\$ 610,000	\$ -	\$ 610,000	\$ -	\$ 5,490,000
9	5	TCAT Knoxville	Satellite Campus	\$ 13,500,000	5%	\$ 675,000	\$ -	\$ 675,000	\$ -	\$ 12,825,000
10	6	TCAT Memphis	Satellite Campus	\$ 11,500,000	5%	\$ 575,000	\$ -	\$ 575,000	\$ -	\$ 10,925,000
11	7	Pellissippi	Multi-Purpose Building and Renovations	\$ 27,000,000	10%	\$ 2,700,000	\$ -	\$ 2,700,000	\$ -	\$ 24,300,000
12	8	Statewide	TCAT Improvements Phase II	\$ 54,000,000	5%	\$ 2,700,000	\$ -	\$ 2,700,000	\$ -	\$ 51,300,000
2017-18 TBR Total				\$ 223,430,000	5%-25%	\$ 28,443,000	\$ 1,852,500	\$ 26,590,500	\$ 4,001,200	\$ 190,985,800
2017-18 UT Total				\$ 194,000,000	10%-25%	\$ 25,250,000	\$ 3,000,000	\$ 22,250,000	\$ 20,000,000	\$ 148,750,000
2017-18 THEC Capital Outlay Projects Recommendation				\$ 417,430,000	5%-25%	\$ 53,693,000	\$ 4,852,500	\$ 48,840,500	\$ 24,001,200	\$ 339,735,800

1 - Match is required only on the first \$75 million of each capital outlay project. Total Match Funds consists of previous years match funds and 2017-18 match funds.

2 - Institutional funding expended since 2012-13 for project planning.

3 - Reflects total state appropriation request after all other funding sources — including previous years funding, total match funds and other funds — are taken into account.

4 - The 2016-17 General Appropriations Bill included a provision that reduced the match required on UT Martin's STEM building from 25 percent to 10 percent.

ATTACHMENT III
THEC 2017-18 Capital Outlay Projects Descriptions

THEC Priority	System Priority	System	Institution	Project Name	Total Project Cost	State Request	Project Description
1	1	TBR	Motlow	Rutherford County Teaching Addition III	\$ 27,190,000	\$ 24,471,000	Construct a third building at the Rutherford County (Smyrna) center. Project to include parking and renovations of existing facilities.
2	1	TBR	ETSU	Lamb Hall Renovation	\$ 23,000,000	\$ 17,250,000	To renovate the facility for changing academic program needs. The project is needed to accommodate academic programs in the College of Public and Allied Health. The renovation will include classrooms, multi-media classrooms, class laboratories and research.
3	1	UT	UTM	New Classroom Building (STEM)	\$ 65,000,000	\$ 58,500,000	This project will provide for the construction of a new 120,000 square foot classroom/lab building. The new building will serve as the home to the Engineering, Chemistry, Computer Science, Math & Statistics and Physics departments. Also included is the demolition of the ITV Communications Building.
4	2	TBR	Walters	Sevier County Campus Addition	\$ 12,500,000	\$ 11,250,000	Construct a new building for Allied Health Labs, additional classrooms and professional entertainment labs. Construct additional buildings or make renovations to accommodate mechanical systems. Renovate areas relocated due to new construction.
5	3	TBR	Volunteer	Warf Building Renovation	\$ 4,640,000	\$ 4,176,000	Modernize Warf Building and update infrastructure.
6	2	UT	UTK	Engineering Services Facility	\$ 129,000,000	\$ 90,250,000	This project will provide spaces for student services for the College of Engineering and research and instructional space for the Nuclear Engineering Department. The building location will be in the vicinity of Berry Hall, Estabrook Hall and Pasqua buildings and require the demolition and/or repurposing of these buildings.
7	2	TBR	UoM	Music Facility	\$ 44,000,000	\$ 28,998,800	The Music Center will accommodate the Rudi E. Scheidt School of Music. The project will provide music majors the exposure and contacts to world class performers. The project is being jointly funded from state and private / community gifts. A 1,000 to 1,100 seat main hall with excellent acoustics will be capable of various functions including opera, ballet, symphonic and other performances.
8	4	TBR	Columbia	Finney Library Renovation	\$ 6,100,000	\$ 5,490,000	Renovate Library to become the hub of learning activity by better serving the needs of today's technology-driven students. This project will also include updates and replacements of key building components including HVAC, roof, elevator, restrooms, electrical distribution, life safety systems and exterior lighting to ensure building is in compliance with all current codes.
9	5	TBR	TCAT Knoxville	Satellite Campus	\$ 13,500,000	\$ 12,825,000	Build a satellite campus, offering programs in Welding, Machine Tool, Diesel, Truck Driving, Automotive, Industrial Maintenance and Special Industry training.
10	6	TBR	TCAT Memphis	Satellite Campus	\$ 11,500,000	\$ 10,925,000	Build a new satellite campus for programs focusing on the medical device manufacturing industry. Programs will include Machining, Welding and Industrial Maintenance.
11	7	TBR	Pellissippi	Multi-Purpose Building and Renovations	\$ 27,000,000	\$ 24,300,000	Construct Multi-Purpose Building for academic classrooms, science and other class labs, and faculty offices. All modular buildings will be removed. Art space now in Bagwell will be relocated to vacated science lab space in the Alexander building, with the vacated Art space converted to Media Technology. Some space in Alexander will be renovated for Theatre support.
12	8	TBR	Statewide	TCAT Improvements Phase II	\$ 54,000,000	\$ 51,300,000	Provide program expansion and improvements at TCATs statewide, including minor enhancements in accordance with the TCAT Master Plan.

ATTACHMENT IV

THEC 2017-18 Capital Maintenance Projects Recommendation

TENNESSEE BOARD OF REGENTS		Total
Statewide	TCAT Building System Updates Phase I	\$ 850,000
ETSU	Safety and Structural Repairs	2,500,000
UoM	Roof Replacements	3,500,000
Walters	Several Buildings Re-roofing	650,000
Statewide	TCAT Roof Replacements Phase I	1,050,000
APSU	Roof Replacements	1,800,000
Northeast	Library Roof Replacement	390,000
Chattanooga	CETAS Building Roof Replacement	1,430,000
Southwest	Roof Replacements and Envelope Repairs	1,550,000
Volunteer	Campus Underground Utility Upgrade	250,000
MTSU	Alarm System Updates	2,820,000
Roane	Electrical and Fire Suppression Upgrades	530,000
ETSU	CoM Building 178 HVAC and Controls Upgrade	1,600,000
Pellissippi	HVAC Updates	850,000
Jackson	Nelms Classroom Building HVAC Updates	610,000
Columbia	Several Buildings Infrastructure Updates	750,000
Statewide	TCAT MPE and Infrastructure Updates Phase I	2,660,000
Motlow	Underground Utility Lines Replacement	1,160,000
Cleveland	Parking Lot Improvements	380,000
Dyersburg	Door and Hardware Updates	320,000
TTU	Waterproof & Exterior Repairs	3,120,000
Nashville	Sidewalk and Lighting Improvements	750,000
Statewide	TCAT Parking and Paving Repairs Phase II	2,790,000
TSU	Migration Implementation 17.1	2,620,000
Volunteer	Annex Complex Envelope Repairs	260,000
Walters	Mechanical and Electrical Updates	900,000
Jackson	Science Building Roof Replacement	390,000
Northeast	General Studies Roof Replacement	600,000
UoM	Jones and Browning HVAC Updates	3,500,000
MTSU	Piping and Manhole Replacement	1,900,000
Pellissippi	Chiller Replacement	520,000
Dyersburg	Elevator Updates	360,000
Southwest	Mechanical System Updates	1,550,000
Roane	Campus-wide Paving	550,000
Volunteer	Parking, Road and Site Upgrades	730,000
Columbia	Exterior Repairs	270,000
TSU	Migration Implementation 17.2	2,610,000
Volunteer	Woods Building Restroom Renovations	370,000
TTU	Roof Replacements	3,120,000
MTSU	Roof Replacements	1,790,000
Statewide	TCAT Roof Replacements Phase II	1,150,000
UoM	Mitchell and Clement HVAC Updates	3,500,000
MTSU	Keathley University Center Mechanical and HVAC Upgrades	1,750,000
ETSU	Valleybrook Building Systems Replacement	3,000,000
UoM	Ellington and Ball HVAC Updates	3,500,000
APSU	Central Chiller Plant Repairs	1,800,000
Cleveland	Central Plant Modernization	750,000
ETSU	Com Several Buildings HVAC System Upgrades	1,600,000
MTSU	Elevator Modernizations	700,000
Nashville	Access Control and Locking Updates	750,000

ATTACHMENT IV

THEC 2017-18 Capital Maintenance Projects Recommendation

TENNESSEE BOARD OF REGENTS (CONTINUED)		Total
MTSU	Domestic Water-Sewer System Updates	\$ 900,000
Walters	Greeneville Campus Mechanical Corrections	950,000
Columbia	Powerhouse System Repairs	380,000
Jackson	Fire Alarm Updates	600,000
Statewide	TCAT MPE and Infrastructure Updates Phase II	860,000
Pellissippi	Window Replacements	300,000
TSU	Entrance Colonnade Repairs 17.1	2,500,000
Roane	Building Envelope Repairs	760,000
Dyersburg	Pavement Repairs	100,000
Chattanooga	CETAS Interior Modifications	2,500,000
Statewide	TCAT Building System Updates Phase II	850,000
ETSU	Roof Replacements	2,750,000
MTSU	Miller Education Center Roof Replacement	800,000
Volunteer	Pickel Roof Replacement	470,000
MTSU	Stark AG Mechanical Updates	1,560,000
UoM	Boiler and Piping Updates	3,500,000
APSU	Fire Alarm Replacement	1,800,000
ETSU	Com Clinical Education Building HVAC Upgrades	2,000,000
ETSU	Shelbridge Updates	500,000
Motlow	Power Plant Boiler Update	1,020,000
UoM	Building Envelope Repairs	3,500,000
Columbia	Exterior Lighting Updates	200,000
2017-18 TBR Total		\$ 101,650,000

UNIVERSITY OF TENNESSEE		Total
UTK	HVAC Improvements	\$ 5,500,000
UTC	West Campus Utility Connections	5,630,000
UTM	Fine Arts AHU Replacement & Theater Safety Upgrade	3,260,000
UTHSC	GEB Improvements - Phase II	8,300,000
UTIA	Ridley 4-H Center Improvements	4,950,000
UTC	Fine Arts Mechanical & Electrical Improvements	8,400,000
UTK/UTSI	UTSI Building Improvements Phase II	3,000,000
UTM	Upgrade Steam Lines Phase II	5,300,000
UTIA	Clyde York 4-H Center Improvements	1,100,000
UTHSC	Campus Restroom Upgrades	6,500,000
UTK	Utilities Improvements	5,000,000
UTC	Building Envelope Repairs	5,300,000
2017-18 UT Total		\$ 62,240,000

	Projects	Total
TBR	72	\$ 101,650,000
UT	12	\$ 62,240,000
Total	84	\$ 163,890,000

ATTACHMENT V

THEC 2017-18 Disclosure of Revenue-Funded Capital Projects

TENNESSEE BOARD OF REGENTS

Institution	Project	Funding Source	Project Cost	New Sq.Ft.	Gifts	Auxiliary	Operating
APSU	Farm Residence	Plant Funds - Non-Auxiliary	\$ 340,000	2,600	\$ -	\$ -	\$ 340,000
APSU	Jenkins & Wynn Property Improvements	Plant Funds - Non-Auxiliary	\$ 2,500,000	0	\$ -	\$ -	\$ 2,500,000
TSU	Research Administration Facility	Plant Funds - Non-Auxiliary	\$ 430,000	3,000	\$ -	\$ -	\$ 430,000
UoM	Baseball Addition	Gifts	\$ 450,000	5,000	\$ 450,000	\$ -	\$ -
UoM	Engineering Student Service Improvements	Gifts	\$ 1,000,000	0	\$ 1,000,000	\$ -	\$ -
UoM	Fieldhouse Gym Improvements	Plant Funds - Non-Auxiliary	\$ 800,000	0	\$ -	\$ -	\$ 800,000
UoM	Research Start-up Improvements	Plant Funds - Non-Auxiliary	\$ 1,500,000	0	\$ -	\$ -	\$ 1,500,000
Motlow	Athletic Field Upgrades	Plant Funds - Non-Auxiliary and Gifts	\$ 480,000	0	\$ 180,000	\$ -	\$ 300,000
Northeast	Student Services Addition	Plant Funds - Non-Auxiliary	\$ 450,000	2,500	\$ -	\$ -	\$ 450,000
Pellissippi	Drainage and Landscaping Repairs	Plant Funds - Non-Auxiliary	\$ 250,000	0	\$ -	\$ -	\$ 250,000
Pellissippi	Hardin Valley Space Utilization Renovations	Plant Funds - Non-Auxiliary	\$ 320,000	0	\$ -	\$ -	\$ 320,000
Pellissippi	Magnolia Print Shop Renovation	Plant Funds - Non-Auxiliary	\$ 150,000	0	\$ -	\$ -	\$ 150,000
Pellissippi	Strawberry Plains Campus Build-out	Plant Funds - Non-Auxiliary	\$ 2,000,000	0	\$ -	\$ -	\$ 2,000,000
Pellissippi	Strawberry Plains Fitness Trail	Plant Funds - Non-Auxiliary	\$ 490,000	0	\$ -	\$ -	\$ 490,000
Pellissippi	Strawberry Plains Roadway	Plant Funds - Non-Auxiliary	\$ 320,000	0	\$ -	\$ -	\$ 320,000
Roane	Baseball and Softball Complex Improvements	Plant Funds - Non-Auxiliary	\$ 590,000	6,000	\$ -	\$ -	\$ 590,000
Roane	Maintenance Equipment Building	Plant Funds - Non-Auxiliary	\$ 110,000	2,000	\$ -	\$ -	\$ 110,000
Volunteer	Ramer Renovations Phase I	Plant Funds - Non-Auxiliary	\$ 500,000	0	\$ -	\$ -	\$ 500,000
Volunteer	Ramer Renovations Phase II	Plant Funds - Non-Auxiliary	\$ 480,000	0	\$ -	\$ -	\$ 480,000
Volunteer	ADA Accessibility Enhancements	Plant Funds - Non-Auxiliary	\$ 310,000	0	\$ -	\$ -	\$ 310,000
20 Projects	TOTAL TBR REVENUE-FUNDED PROJECTS DISCLOSED		\$ 13,470,000	21,100	\$ 1,630,000	\$ -	\$ 11,840,000

ATTACHMENT V

THEC 2017-18 Disclosure of Revenue-Funded Capital Projects

UNIVERSITY OF TENNESSEE

Institution	Project	Funding Source	Project Cost	New Sq.Ft.	Gifts	Auxiliary	Operating
UTK	Campus Beautification Projects (2017-2018)	Plant Funds - Non-Auxiliary (Student Fees)	\$ 2,000,000	0	\$ -	\$ -	\$ 2,000,000
UTK	Concord Campus Renovations	Plant Funds - Non-Auxiliary	\$ 1,000,000	0	\$ -	\$ -	\$ 1,000,000
UTK	Dining Services Improvements (2017-2018)	Plant Funds - Auxiliary (Dining)	\$ 500,000	0	\$ -	\$ 500,000	\$ -
UTK	Housing Facilities Improvements (2017-2018)	Plant Funds - Auxiliary (Housing)	\$ 2,000,000	0	\$ -	\$ 2,000,000	\$ -
UTK	Neyland Thompson North End Plaza	Plant Funds - Auxiliary (Athletics)	\$ 1,000,000	0	\$ -	\$ 1,000,000	\$ -
UTK	Parking System Repairs	Plant Funds - Auxiliary (Parking)	\$ 1,000,000	0	\$ -	\$ 1,000,000	\$ -
UTK	Thornton Student Life Center Renovations	Plant Funds - Auxiliary (Athletics)	\$ 1,000,000	0	\$ -	\$ 1,000,000	\$ -
UTM	Beef Cattle Teaching & Demonstration Facility	Plant Funds - Non-Auxiliary	\$ 860,000	10,000	\$ -	\$ -	\$ 860,000
UTM	Innovation & Product Realization Facility	Gifts	\$ 5,320,000	25,000	\$ 5,320,000	\$ -	\$ -
UTM	Storm & Sewer Line Upgrades	Plant Funds - Non-Auxiliary	\$ 1,000,000	0	\$ -	\$ -	\$ 1,000,000
UT System	Facilities Assessment Survey	Plant Funds - Non-Auxiliary	\$ 850,000	0	\$ -	\$ -	\$ 850,000

11 Projects	TOTAL UT REVENUE-FUNDED PROJECTS DISCLOSED		\$ 16,530,000	35,000	\$ 5,320,000	\$ 5,500,000	\$ 5,710,000
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CAPITAL OUTLAY MATCH FUNDS

Institution	Project	Funding Source	Project Cost	New Sq.Ft.	Gifts	Auxiliary	Operating
UTM	New Classroom Building (STEM) - Planning	Gifts	\$ 1,100,000	120,000	\$ 1,100,000	\$ -	\$ -

1 Project	TOTAL REVENUE-FUNDED CAPITAL OUTLAY MATCH FUNDS DISCLOSED		\$ 1,100,000	120,000	\$ 1,100,000	\$ -	\$ -
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ATTACHMENT V
THEC 2017-18 Disclosure of Tennessee State School Bond Authority Funded Capital Projects

UNIVERSITY OF TENNESSEE									
Institution	Project	Funding Source	Project Cost	New Sq.Ft.	TSSBA	Gifts	Auxiliary	Operating	
UTHSC	Parking Garage - UT Medical Center	TSSBA (Student Fees and Lease Revenue)	\$ 22,000,000	450,000	\$ 22,000,000	\$ -	\$ -	\$ -	
UTK	Arena Renovations and System Improvements	TSSBA (Athletics) and Gifts	\$ 7,440,000	0	\$ 6,640,000	\$ 800,000	\$ -	\$ -	
UTK	Campus Beautification (JW Mall Ext. & West Campus)	TSSBA (Facilities Fees)	\$ 9,000,000	0	\$ 9,000,000	\$ -	\$ -	\$ -	
UTK	Neyland Stadium South Renovations	TSSBA (Athletics), Plant Funds - Auxiliary (Athletics) and Gifts	\$ 106,000,000	0	\$ 81,000,000	\$ 10,000,000	\$ 15,000,000	\$ -	
4 Projects	TOTAL UT TSSBA-FUNDED PROJECTS DISCLOSED		\$ 144,440,000	450,000	\$ 118,640,000	\$ 10,800,000	\$ 15,000,000	\$ -	
36 Projects	TOTAL REVENUE- & TSSBA-FUNDED PROJECTS DISCLOSED		\$ 175,540,000	626,100	\$ 118,640,000	\$ 18,850,000	\$ 20,500,000	\$ 17,550,000	

ATTACHMENT VI
THEC Five-Year Plan for Capital Projects - Out Years Summary
2018-19 through 2021-22

		A	B	C	D = (A * B) - C	E = A - C - D
		Total	Target	Planning	Match Funds	State Funds
TBR Capital Outlay Out Years		Project Cost	Match	Funds ¹	Less Planning ²	Request
MTSU	Academic Classroom Building	\$ 30,500,000	25%	\$ 1,600,000	\$ 6,025,000	\$ 22,875,000
Cleveland	Campus Building Renovations/Replacement	48,750,000	10%	TBD from Match	\$ 4,875,000	\$ 43,875,000
TBR Total		\$ 79,250,000	10%-25%	TBD from Match	\$ 10,900,000	\$ 66,750,000

		Total	Target	Planning	Match Funds	State Funds
UT Capital Outlay Out Years		Total	Match	Funds ¹	Less Planning ²	Request
UTIA	Energy & Environmental Science Research Center (Ellington)	\$ 82,430,000	10%	\$ 2,000,000	\$ 5,500,000	\$ 74,930,000
UTK	Academic & Instructional Support Facility (Melrose Hall Site)	97,500,000	25%	2,000,000	16,750,000	78,750,000
UTIA	Vet Med. Teaching and Learning Center	8,750,000	10%	TBD from Match	875,000	7,875,000
UTK	Nursing Building Renovation and Addition	55,000,000	25%	TBD from Match	13,750,000	41,250,000
UTC	Health Sciences Building (UTC/UTHSC)	95,000,000	25%	TBD from Match	18,750,000	76,250,000
UTM	Fine Arts Music Hall & Theater Renovation	20,040,000	25%	TBD from Match	5,010,000	15,030,000
UTIA	Interdisciplinary Research & Education Greenhouses	4,650,000	10%	TBD from Match	465,000	4,185,000
UTK	Lab Building Renovations (Buehler & Austin Peay)	55,000,000	25%	TBD from Match	13,750,000	41,250,000
UTC	Maclellan Renovation	25,200,000	25%	TBD from Match	6,300,000	18,900,000
UTHSC	Medicine/Administration Building	99,000,000	10%	TBD from Match	7,500,000	91,500,000
UTIA	ETREC-Organic Crops & Beneficial Insect Unit Improvements	3,700,000	10%	TBD from Match	370,000	3,330,000
UTK	Academic Support Facility Renovation (Hoskins Library)	60,000,000	25%	TBD from Match	15,000,000	45,000,000
UTC	Hunter Hall Renovations	15,100,000	25%	TBD from Match	3,775,000	11,325,000
UTK	Classroom & Laboratory Facility (Harris Building)	49,000,000	25%	TBD from Match	12,250,000	36,750,000
UTHSC	Health Science Center Building - St Thomas Campus	56,500,000	10%	TBD from Match	5,650,000	50,850,000
UTIA	4-H Center STEM Education and Staff Housing Facilities	13,250,000	10%	TBD from Match	1,325,000	11,925,000
UT Total		\$ 740,120,000	10% - 25%	TBD from Match	\$ 127,020,000	\$ 609,100,000

		Total	Target	Planning	Match Funds	State Funds
Capital Maintenance Out Years		Total	Match	Funds ¹	Less Planning ²	Request
TBR Total		\$ 109,230,000	NA	NA	NA	\$ 109,230,000
UT Total		\$ 341,960,000	NA	NA	NA	\$ 341,960,000

		Total	Target	Institution Funds		State Funds
Total Out Years		Total	Match	Planning	Match Funds	Request
				Funds ¹	Less Planning ²	
Total Capital Outlay Out Years 2018-19 through 2021-22		\$ 819,370,000	10%-25%	TBD from Match	\$ 137,920,000	\$ 675,850,000
Total Capital Maintenance Out Years 2018-19 through 2021-22		\$ 451,190,000	NA	NA	NA	\$ 451,190,000
Total Capital Investment 2018-19 through 2021-22		\$ 1,270,560,000	10% - 25%	TBD from Match	\$ 137,920,000	\$ 1,127,040,000

1 - Full planning funds come from the institutional match. Some planning funds have not yet been broken out from total match funds.

2 - Match is required only on the first \$75 million of each capital outlay project.

ATTACHMENT VII

THEC Five-Year Plan for Capital Maintenance Projects - Out Years 2018-19 through 2021-22

Tennessee Board of Regents			Total
2018-19	TSU	Entrance Colonnade Repairs 17.2	\$ 2,500,000
2018-19	TTU	Several Buildings Upgrades Phase II.a.	3,120,000
2018-19	UoM	Building Code and Safety Updates	3,500,000
2018-19	Cleveland	Campus Safety Update	750,000
2018-19	MTSU	Plumbing and Restroom Updates	1,500,000
2018-19	Roane	Dunbar Elevator Replacement	480,000
2018-19	TSU	HVAC Updates	1,750,000
2018-19	Chattanooga	Computer Center Emergency Generator	1,200,000
2018-19	APSU	Dunn Center HVAC Replacement	4,800,000
2018-19	ETSU	ComBuildings #2 and #4 Window Replacements	1,250,000
2018-19	Walters	Claiborne County Exterior Remediation	950,000
2018-19	Statewide	TCAT Parking and Paving Repairs Phase III	1,240,000
2018-19	Columbia	Restroom Updates	110,000
2018-19	TTU	Several Buildings Upgrades Phase II.b.	3,120,000
2018-19	ETSU	Accessibility and Code Corrections	2,000,000
2018-19	TSU	Life Safety/ADA Updates	1,000,000
2018-19	TCAT Hartsville	Security System Updates	200,000
2018-19	MTSU	Alarm System Updates Phase II	2,000,000
2018-19	ETSU	Dome Code Updates	2,500,000
2018-19	UoM	Asbestos Abatement	1,000,000
2018-19	MTSU	Maintenance Complex Roof Replacements	850,000
2018-19	Walters	Sevier County Roof Replacement	730,000
2018-19	TSU	McMinnville Campus Roof and Envelope Repairs	2,500,000
2018-19	MTSU	Tower Mechanical Updates	250,000
2018-19	UoM	Lambuth Maintenance Updates	3,000,000
2018-19	UoM	Dunn and Fieldhouse HVAC Updates	4,550,000
2018-19	Statewide	TCAT MPE and Infrastructure Updates 17.3	850,000
2018-19	MTSU	Campus Stormwater Plan	880,000
2018-19	TTU	Roadeen Center Mechanical and Interior Updates	3,120,000
2018-19	ETSU	Water Line Repairs	2,200,000
2018-19	TCAT Memphis	Energy Management Updates	170,000
2018-19	TCAT Whiteville	Building Access and Security Updates	120,000
2018-19	ETSU	Mechanical Repair & Replacement	2,200,000
2019-20	TTU	Derryberry Hall Systems Updates	3,120,000
2019-20	ETSU	Electrical Repair & Replacement	2,500,000
2019-20	Motlow	Fayetteville Campus Geothermal Modernization	610,000
2019-20	ETSU	Several Buildings Systems Repair	1,000,000
2019-20	TSU	Plumbing Updates	2,500,000
2019-20	APSU	Kimbrough HVAC Replacement	2,250,000
2019-20	TTU	Health & P.E. Bldg. Mech. Replacement	3,120,000
2019-20	TSU	Tunnel Utility Piping Repairs	2,500,000
2019-20	Motlow	McMinnville Campus Geothermal Modernization	730,000
2019-20	TSU	Underground Utility Updates	2,500,000

Tennessee Board of Regents (continued)			Total
2020-21	TSU	Electrical Distribution Updates	\$ 2,500,000
2020-21	TSU	IT Infrastructure Updates	2,500,000
2020-21	TSU	HVAC Updates	2,500,000
2020-21	TSU	Plumbing Corrections	2,500,000
2020-21	MTSU	Sidewalk Repair/Replacement	620,000
2020-21	TSU	Campus Window Replacements	1,500,000
2020-21	Statewide	TCAT Parking and Paving Repairs Phase IV	1,100,000
2020-21	TCAT Oneida	Oneida Parking Lot Updates	120,000
2020-21	TCAT Paris	Parking Lots Resurfacing	260,000
2020-21	TCAT Whiteville	Masonry Repairs	100,000
2021-22	TCAT Memphis	Landscaping Updates	80,000
2021-22	TSU	Access Control and Locking Updates	3,000,000
2021-22	TSU	Campus Center Updates	2,500,000
2021-22	Motlow	Parking and Roadway Repairs	1,010,000
2021-22	TSU	Street and Parking Updates	2,500,000
2021-22	TSU	Exterior Repairs	2,500,000
2021-22	MTSU	Peck Hall Stairwell & Flooring Restoration	450,000
2021-22	UoM	Wilder Tower Completion	4,900,000
2021-22	Statewide	TCAT Maintenance Repairs and Corrections	800,000
2021-22	Motlow	Interior Updates	570,000
TBR Out Years Total			\$ 109,230,000

ATTACHMENT VII

THEC Five-Year Plan for Capital Maintenance Projects - Out Years 2018-19 through 2021-22

University of Tennessee			Total
2018-19	UTIA	College of Vet. Medicine Bldg. & Cherokee Lab Improvements	\$ 4,100,000
2018-19	UTM	EPS Improvements - Phase II	3,660,000
2018-19	UTHSC	Elevator Upgrades	5,130,000
2018-19	UTK	Fire Safety Upgrades - Phase II	7,500,000
2018-19	UTC	Elevator Upgrades	3,500,000
2018-19	UTIA	CRC/MAST Building Improvements	650,000
2018-19	UTM	Paul Meek Library HVAC Improvements	4,380,000
2018-19	UTHSC	Roof Replacements	7,600,000
2018-19	UTK	Window Replacements and Masonry Repairs	4,500,000
2018-19	UTC	Pfeiffer Hall Improvements	4,900,000
2018-19	UTM	Sociology Building System Upgrades	4,420,000
2018-19	UTIA	REC - Livestock Housing Improvements	10,000,000
2018-19	UTHSC	Campus Sidewalk Repairs	2,200,000
2019-20	UTC	Mapp Building Improvements	2,300,000
2019-20	UTM	Clement Building System Improvements Phase II	7,660,000
2019-20	UTK	Steam Plant Improvements	6,000,000
2019-20	UTIA	REC - Paving & Fencing Improvements	8,000,000
2019-20	UTC	Cadek Hall Improvements	4,500,000
2019-20	UTK	HVAC Improvements	8,000,000
2019-20	UTM	McCombs Systems Upgrades	4,740,000
2019-20	UTIA	REC - Infrastructure Improvements	8,350,000
2019-20	UTK	Water Distribution Systems Improvements	10,000,000
2019-20	UTC	Roof Replacements	4,500,000
2019-20	UTM	EPS Improvements - Phase III	8,810,000
2019-20	UTIA	REC - Livestock Waste Handling Improvements	1,400,000
2019-20	UTK	Utility and Energy Conservation Measures	10,000,000
2019-20	UTC	Brock Hall Improvements	4,500,000
2020-21	UTM	Hall Moody Systems Upgrade	9,120,000
2020-21	UTIA	REC - Feed Storage and Livestock Feeding System Improvements	1,150,000
2020-21	UTK	Asbestos Removal	8,000,000
2020-21	UTC	801 McCallie Improvements	2,500,000
2020-21	UTM	Campus Restroom Upgrades	2,510,000
2020-21	UTIA	REC & 4-H Employee Residence Improvements	4,000,000
2020-21	UTK	Window Replacements and Masonry Repair	8,000,000
2020-21	UTC	Electrical Improvements	1,800,000
2020-21	UTM	Ag Teaching Facilities Upgrade	2,640,000
2020-21	UTK	HVAC Improvements	6,500,000
2020-21	UTM	Tom and Kathleen Elam Center HVAC Upgrade Phase II	6,050,000
2020-21	UTC	Patten & Danforth Chapels Interior Improvements	3,400,000

University of Tennessee (continued)			Total
2020-21	UTK	HVAC Controls Systems Consolidation	\$ 9,000,000
2020-21	UTM	West TN Ag Pavilion-Stalling Facility HVAC Upgrade	3,760,000
2020-21	UTK	Electrical Distribution Improvements	14,000,000
2020-21	UTM	Campus Wide Energy Management System Upgrades	2,760,000
2020-21	UTK	Elevator Upgrades	6,000,000
2021-22	UTM	EPS Improvements - Ph IV	10,650,000
2021-22	UTK	Steam Distribution System Improvements Ph V	6,000,000
2021-22	UTM	Elam Center Arena Lighting Upgrade	1,370,000
2021-22	UTK	Flooring Replacement	5,000,000
2021-22	UTM	Elam Center Pool Repair	2,360,000
2021-22	UTK	HVAC Improvements	13,000,000
2021-22	UTM	Storm & Sewer Line Upgrades	5,090,000
2021-22	UTK	Andy Holt Tower Systems Upgrade	6,000,000
2021-22	UTK	Communications & Student Services Systems Upgrades	12,000,000
2021-22	UTK	Conference Center Systems Improvements	12,000,000
2021-22	UTK	Dunford Hall Systems Upgrade	6,000,000
2021-22	UTK	Health Physical Education and Recreation Systems Upgrades	8,000,000
2021-22	UTK	McClung Museum Systems Upgrade	6,000,000
2021-22	UTK	Nielsen Physics Systems Upgrades	6,000,000
UT Out Years Total		58 Projects	\$ 341,960,000

Projects		Total
63	TBR Total Capital Maintenance Projects Out Years	\$ 109,230,000
58	UT Total Capital Maintenance Projects Out Years	\$ 341,960,000
121	Total Capital Maintenance Projects Out Years	\$ 451,190,000

ATTACHMENT VIII

THEC Five-Year Capital Plan

2017-18 through 2021-22

2017-18 (See Detailed Summary in Attachment I)

	Total Project		Total	State Funds
	Cost	Projects	Match Funds ¹	Request
Capital Maintenance				
TBR	\$ 101,650,000	72	NA	\$ 101,650,000
UT	\$ 62,240,000	12	NA	\$ 62,240,000
Total	\$ 163,890,000	84	NA	\$ 163,890,000
Capital Outlay				
Statewide	\$ -	-	\$ -	\$ -
TBR	\$ 223,430,000	10	\$ 28,443,000	\$ 190,985,800
UT	\$ 194,000,000	2	\$ 25,250,000	\$ 148,750,000
Total	\$ 417,430,000	12	\$ 53,693,000	\$ 339,735,800
Full Planning				
TBR	\$ -	-	\$ -	NA
UT	\$ 65,000,000	1	\$ 1,100,000	NA
Total	\$ 65,000,000	1	\$ 1,100,000	NA
Total Capital Investment²				
	\$ 581,320,000	96	\$ 53,693,000	\$ 503,625,800

2018-19

	Total Project		Total	State Funds
	Cost	Projects	Match Funds ¹	Request
Capital Maintenance				
TBR	\$ 56,390,000	33	NA	\$ 56,390,000
UT	\$ 62,540,000	13	NA	\$ 62,540,000
Total	\$ 118,930,000	46	NA	\$ 118,930,000
Capital Outlay				
Statewide	\$ -	-	\$ -	\$ -
TBR	\$ 79,250,000	2	\$ 12,500,000	\$ 66,750,000
UT	\$ 358,720,000	6	\$ 64,635,000	\$ 294,085,000
Total	\$ 437,970,000	8	\$ 77,135,000	\$ 360,835,000
Full Planning				
TBR	TBD	-	TBD	NA
UT	TBD	-	TBD	NA
Total	TBD	-	TBD	NA
Total Capital Investment				
	\$ 556,900,000	54	\$ 77,135,000	\$ 479,765,000

2019-20

	Total Project		Total	State Funds
	Cost	Projects	Match Funds ¹	Request
Capital Maintenance				
TBR	\$ 20,830,000	10	NA	\$ 20,830,000
UT	\$ 88,760,000	14	NA	\$ 88,760,000
Total	\$ 109,590,000	24	NA	\$ 109,590,000
Capital Outlay				
Statewide	\$ -	-	\$ -	\$ -
TBR	\$ -	-	\$ -	\$ -
UT	\$ 183,850,000	4	\$ 28,015,000	\$ 155,835,000
Total	\$ 183,850,000	4	\$ 28,015,000	\$ 155,835,000
Full Planning				
TBR	TBD	-	TBD	NA
UT	TBD	-	TBD	NA
Total	TBD	-	TBD	NA
Total Capital Investment				
	\$ 293,440,000	28	\$ 28,015,000	\$ 265,425,000

2020-21

	Total Project		Total	State Funds
	Cost	Projects	Match Funds ¹	Request
Capital Maintenance				
TBR	\$ 13,700,000	10	NA	\$ 13,700,000
UT	\$ 91,190,000	17	NA	\$ 91,190,000
Total	\$ 104,890,000	27	NA	\$ 104,890,000
Capital Outlay				
Statewide	\$ -	-	\$ -	\$ -
TBR	\$ -	-	\$ -	\$ -
UT	\$ 78,800,000	3	\$ 19,145,000	\$ 59,655,000
Total	\$ 78,800,000	3	\$ 19,145,000	\$ 59,655,000
Full Planning				
TBR	TBD	-	TBD	NA
UT	TBD	-	TBD	NA
Total	TBD	-	TBD	NA
Total Capital Investment				
	\$ 183,690,000	30	\$ 19,145,000	\$ 164,545,000

2021-22

	Total Project		Total	State Funds
	Cost	Projects	Match Funds ¹	Request
Capital Maintenance				
TBR	\$ 18,310,000	10	NA	\$ 18,310,000
UT	\$ 99,470,000	14	NA	\$ 99,470,000
Total	\$ 117,780,000	24	NA	\$ 117,780,000
Capital Outlay				
Statewide	\$ -	-	\$ -	\$ -
TBR	\$ -	-	\$ -	\$ -
UT	\$ 118,750,000	3	\$ 19,225,000	\$ 99,525,000
Total	\$ 118,750,000	3	\$ 19,225,000	\$ 99,525,000
Full Planning				
TBR	TBD	-	TBD	NA
UT	TBD	-	TBD	NA
Total	TBD	-	TBD	NA
Total Capital Investment				
	\$ 236,530,000	27	\$ 19,225,000	\$ 217,305,000

Five-Year Total

	Total Project		Total	State Funds
	Cost	Projects	Match Funds ¹	Request
Capital Maintenance				
TBR	\$ 210,880,000	135	NA	\$ 210,880,000
UT	\$ 404,200,000	70	NA	\$ 404,200,000
Total	\$ 615,080,000	205	NA	\$ 615,080,000
Capital Outlay				
Statewide	\$ -	-	NA	\$ -
TBR	\$ 302,680,000	12	\$ 40,943,000	\$ 257,735,800
UT	\$ 934,120,000	18	\$ 156,270,000	\$ 757,850,000
Total	\$ 1,236,800,000	30	\$ 197,213,000	\$ 1,015,585,800
Full Planning				
TBR	\$ -	-	\$ -	NA
UT	\$ 65,000,000	1	\$ 1,100,000	NA
Total	\$ 65,000,000	1	\$ 1,100,000	NA
Total Capital Investment²				
	\$ 1,916,880,000	236	\$ 197,213,000	\$ 1,630,665,800

1- Match is required only on the first \$75 million of capital outlay projects.

2 - Planning funds included in the capital outlay total match funds.

DATE: November 16, 2016

SUBJECT: 2017 Commission Meeting Schedule

ACTION RECOMMENDED: Information

BACKGROUND INFORMATION:

Thursday, January 26, 2017	10:00am-3:00pm CST Meeting
Thursday, May 11, 2017	10:00am-3:00pm CST Meeting
Summer-TBD	10:00am-3:00pm CST Meeting
Wednesday, November 16, 2017	10:00am-3:00pm CST Meeting