

DATE: July 27, 2017
SUBJECT: Fee Discount Rules Revision
ACTION RECOMMENDED: Adoption

BACKGROUND INFORMATION

The Higher Education Commission has rule promulgation authority for the state's higher education fee discount programs, available to the children of licensed public school teachers and state employees. Recent legislative enactments and an opinion from the Office of the Attorney General, have necessitated revisions to the Administrative Rules for these programs.

PROPOSED RULE REVISIONS

Chapter 1540-01-05: Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees

- Adds language clarifying that the children of teachers employed by public charter schools are eligible for the discount under T.C.A. § 49-7-119, consistent with Tennessee Attorney General Opinion No. 17-09.
- Includes language adding the six state university boards as governing bodies operating institutions at which employees may use a fee discount.
- Clarifies that appeals regarding the determination of eligibility of applicants for a discount will be handled by the institutions subject to institutional procedures in place for admissions decisions.

RECOMMENDATION

- 1) That the Commission adopt the amended Chapter 1540-01-05 as proposed rules; and,
- 2) That the Commission authorize the Executive Director to make any necessary technical corrections to these rules including changes suggested by the Tennessee Attorney General.

**RULES
OF
TENNESSEE HIGHER EDUCATION COMMISSION**

**CHAPTER 1540-01-05
PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN
OF LICENSED PUBLIC SCHOOL TEACHERS AND STATE EMPLOYEES**

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1540-01-05-.01 DEFINITIONS.

- (1) Children under the age of twenty-four (24): Dependent children, twenty-three (23) years of age or younger, of certified public school teachers or employees of the State of Tennessee who are:
 - (a) The natural children or legally adopted children of the teacher or state employee.
 - (b) The stepchildren of the teacher or state employee living with the teacher or state employee in a parent/children relationship.
 - (c) Otherwise eligible and living in a parent/children relationship with the teacher or state employee, such as children of deceased parents who are being raised by a grandparent who is employed as a teacher or state employee.
 - (d) Children, as described in (a) through (c) above, of a teacher who died while employed as a public school teacher, and who are utilizing the benefit at the time of the parent/teacher's death.

- (2) Deceased state employee: Person who at the time of their death was a full-time employee of the State of Tennessee.

- (23) Full-time Certified teacher in any public school in Tennessee or Teacher: Teacher, supervisor, principal, superintendent and other personnel who is licensed by the Tennessee Department of Education or by a branch of the U.S. Armed Forces to teach Reserve Officer Training Corps, and employed by any ~~public local~~ school system or public charter school for service in public, elementary and secondary schools in Tennessee supported in whole or in part by state funds whose position requires them to be on the job on school days throughout the school year at least the number of hours during which schools in the local board of education are in session. This term shall also include full-time technology coordinators employed by any ~~public local~~ school system, for service in public secondary schools in Tennessee supported in whole or in part by state funds.

- ~~(3) Deceased state employee: Person who at the time of their death was a full-time employee of the State of Tennessee.~~

- ~~(4) Full-time teacher or Teacher: School employee whose position requires them to be on the job on school days throughout the school year at least the number of hours during which schools in the local board of education are in session.~~

(Rule 1540-01-05-.01, continued)

- (45) Full-time supervisors principal, superintendent, and other personnel: School employee who is licensed by the Tennessee Department of Education whose current assignments, regardless of their classification, requires his or her services each working day at least a number of hours equal to a regular working day.
- (56) Full-time employee of the State of Tennessee: Employee of the executive, judicial or legislative branches of Tennessee state government:
 - (a) classified as “full-time” and scheduled to work one thousand nine hundred and fifty (1,950) hours or more per fiscal year; or
 - (b) employees, regardless of classification, and scheduled to work one thousand six hundred (1600) hours per fiscal year and who receive employment benefits provided to all full-time employees.
- (67) Maintenance fee: A fee charged to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls. Alternatively, at colleges of applied technology this term refers to program fees. Tuition does not include application for admission fees, student activity fees, debt service fees, lab fees, applied music fees, the cost of books or other course materials, dormitory charges, or meal plans.
- (78) Retired state employee: Employee of the State of Tennessee who retires after a minimum of twenty-five (25) years of full-time creditable service, although he or she may be deceased at the time the children seeks the benefit provided by this chapter.
- (89) Retired teacher: A certified teacher as defined in this chapter who retires after a minimum of thirty (30) years of full-time creditable service in Tennessee public schools or who receives disability retirement after a minimum of twenty-five (25) years of full-time creditable service in Tennessee public schools.
- (940) State operated institution of higher learning or Institution: Any institution operated by the [Board of Trustees of the University of Tennessee](#), ~~or~~ the Tennessee Board of Regents, [or a state university board](#) which offers courses of instruction beyond the high school level.

Authority: T.C.A. §§ 8-50-115, 49-7-119, 2013 Public Acts, Chapter 345, 2005 Public Acts, Chapter 447, and 2003 Public Acts, Chapter 136. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Amendment filed October 27, 1992; effective January 28, 1993. Amendment filed October 20, 1993; effective March 1, 1994. Amendment filed February 3, 2000; effective June 28, 2000. Repeal and new rule filed August 31, 2004; effective December 29, 2004. Public necessity rule filed June 3, 2005; effective through November 15, 2005. Amendment filed June 3, 2005; effective October 28, 2005. Public necessity rule filed September 1, 2005; effective through February 13, 2006. Amendment filed September 1, 2005; effective January 27, 2006. Amendment filed September 1, 2005; effective January 27, 2006. Amendments filed October 17, 2013; effective March 31, 2014.

1540-01-05-.02 ELIGIBILITY.

- (1) The successful applicant for a student fee discount must meet all of the following:
 - (a) Be twenty-three (23) years of age or under;
 - (b) Be a child of a teacher or state employee or deceased state employee in Tennessee as defined in this chapter;

(Rule 1540-01-05-.02, continued)

- (c) Be eligible according to the regulations in this chapter; and
 - (d) Be eligible for enrollment at the institution for which a student fee discount is sought according to the academic rules and regulations of the institution.
- (2) Eligible children may enroll in any number of courses up to and including full-time study.
 - (3) Fee discounts are only available for courses classified as undergraduate as defined by the institutions.
 - (4) Eligibility for the discount will be based on the employment status of the teacher or state employee and the age of the child on the first day of classes for the term as determined by the institution. A change in employment status or the child's age after the first day of classes will affect eligibility for the discount only for subsequent terms.
 - (5) At the time of enrollment, the student must present a completed form for children of teachers or state employees certifying eligibility to receive a tuition discount. This form must be signed by the teacher or state employee, his or her employer, and the student. Forms are available at the public higher education institutions or at the Commission's website <www.state.tn.us/thec>. Children of retired state employees and retired teachers must have this form signed by a designated official of the State Treasury Department, Division of Retirement to verify that the identified state employee or teacher has retired with the required number of years of creditable service. For children of state employees killed on the job or in the line of duty, the form must be signed by a designated official of the state agency at which the employee was last employed.

Authority: T.C.A. §§ 8-50-115, 49-7-119, and 2013 Public Acts, Chapter 345. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Amendment filed October 27, 1992; effective January 28, 1993. Amendment filed October 20, 1993; effective March 1, 1994. Amendment filed April 4, 1994; effective August 28, 1994. Repeal and new rule filed August 31, 2004; effective December 29, 2004. Amendment filed October 17, 2013; effective March 31, 2014.

1540-01-05-.03 LIMITATIONS.

- (1) Fee discounts will not be retroactive for prior terms. Fee discounts are available only by application and should be approved prior to the beginning of the term for which a discount is being sought.
- (2) The fee discount described by this chapter may not be used in conjunction with any other fee waiver or discount program. No eligible child shall receive a discount greater than twenty-five percent (25%) for any one term under the provisions of the programs described by this chapter.
- (3) The Higher Education Commission shall develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts provided pursuant to this program.

Authority: T.C.A. §§ 8-50-115 and 49-7-119. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Amendment filed October 27, 1992; effective January 28, 1993. Amendment filed April 4, 1994; effective August 28, 1994. Repeal and new rule filed August 31, 2004; effective December 29, 2004.

1540-01-05-.04 APPEAL PROCEDURES.

(Rule 1540-01-05-.05, continued)

Appeals regarding the determination of eligibility of the applicant will be available [through the respective institution](#) in a manner consistent with institutional procedures now in place for admissions decisions.

Authority: T.C.A. §§ 8-50-115 and 49-7-119. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Repeal and new rule filed August 31, 2004; effective December 29, 2004.

1540-01-05-.05 REPEALED.

Authority: T.C.A. §§ 8-50-115 and 49-7-119. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Repeal and new rule filed August 31, 2004; effective December 29, 2004.