

**DATE:** January 31, 2020

**SUBJECT:** New Administrative Rule- Fee Discounts for Children of Licensed  
Public School Teachers

**ACTION RECOMMENDED:** Adoption

---

### **BACKGROUND INFORMATION**

The Higher Education Commission has rule promulgation authority for two statutory higher education fee discount programs: one available to the children of licensed public school teachers and one for the children of state employees. In the past, the Commission has maintained one set of Rules for the administration of these two programs.

A recent legislative enactment required a revision to the Rules in relation to the eligibility requirements for teachers' children. In recognition that these are two separate statutory discounts with different eligibility requirements, staff has taken this opportunity to re-write the rules for both programs. We worked with the Attorney General's Office to create two separate rules, clarifying and updating some outdated language in the process.

### **NEW RULE**

*Chapter 1540-01-12: Public Higher Education Fee Discounts for Children of Licensed Public School Teachers*

This new rule includes one substantive change to the eligibility requirements from existing rule. 2019 Public Chapter 402 extended the discount to the child of a licensed teacher who died while working full-time in a public school.

A properly noticed public Rulemaking Hearing was held at the THEC offices on January 8, 2020. No members of the public attended, and no comments were submitted. No modifications have been made to the draft rules since the hearing.

### **RECOMMENDATION**

Staff recommends that the Commission:

1. Adopt Chapter 1540-01-12 as Rulemaking Hearing Rules; and,
2. Authorize the Executive Director to make any necessary technical corrections to these rules including changes suggested by the Tennessee Attorney General.

**Department of State  
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: publications.information@tn.gov

**For Department of State Use Only**

Sequence Number: 11-13-19  
Notice ID(s): 3047-3049  
File Date: 11/18/19

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Tennessee Higher Education Commission
<b>Division:</b>	Higher Education
<b>Contact Person:</b>	Shauna Jennings, Associate General Counsel
<b>Address:</b>	404 James Robertson Pkwy, Suite 1900, Nashville, TN 37243
<b>Phone:</b>	615.253.7462
<b>Email:</b>	shauna.jennings@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Shauna Jennings, Associate General Counsel
<b>Address:</b>	404 James Robertson Pkwy, Suite 1900, Nashville, TN 37243
<b>Phone:</b>	615.253.7462
<b>Email:</b>	shauna.jennings@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	404 James Robertson Pkwy, Suite 1803		
Address 2:			
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	01/08/20		
Hearing Time:	10:00 A.M.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

--

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1540-01-05	Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees
Rule Number	Rule Title
1540-01-05-.01	Definitions
1540-01-05-.02	Eligibility

1540-01-05-.03	Limitations
1540-01-05-.04	Appeal Procedures
1540-01-05-.05	Repealed
<b>Chapter Number</b>	<b>Chapter Title</b>
1540-01-12	Public Higher Education Fee Discounts for Children of Licensed Public School Teachers
<b>Rule Number</b>	<b>Rule Title</b>
1540-01-12-.01	Definitions
1540-01-12-.02	Eligibility
1540-01-12-.03	Limitations
1540-01-12-.04	Appeal Procedures
<b>Chapter Number</b>	<b>Chapter Title</b>
1540-01-13	Public Higher Education Fee Discounts For Children of State Employees
<b>Rule Number</b>	<b>Rule Title</b>
1540-01-13-.01	Definitions
1540-01-13-.02	Eligibility
1540-01-13-.03	Limitations
1540-01-13-.04	Appeal Procedures

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

NEW RULES  
RULES  
OF  
TENNESSEE HIGHER EDUCATION COMMISSION

CHAPTER 1540-01-12  
PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN  
OF LICENSED PUBLIC SCHOOL TEACHERS

TABLE OF CONTENTS

1540-01-12-.01	Definitions
1540-01-12-.02	Eligibility
1540-01-12-.03	Limitations
1540-01-12-.04	Appeal Procedures

1540-01-12-.01 DEFINITIONS.

- (1) Certified teacher: A classroom teacher or other educator who is:
  - (a) Licensed by the Tennessee State Board of Education pursuant to its policy;
  - (b) Certified by a branch of the U.S. Armed Forces to teach Junior Reserve Officer Training Corps; or
  - (c) Employed as a full-time technology coordinator by any local education agency in Tennessee.
- (2) Deceased teacher: A person who at the time of their death was a teacher, as defined in this chapter.
- (3) Eligible student: A child of a teacher, retired teacher, or deceased teacher, as defined in this chapter, under the age of twenty-four (24) who is:
  - (a) The natural child or legally adopted child of the teacher;
  - (b) The stepchild of the teacher living with the teacher in a parent/child relationship, or did so prior to the teacher's death; or
  - (c) Otherwise eligible and living in a parent/child relationship with the teacher, or did so prior to the teacher's death, such as a child of deceased parents raised by a grandparent who is, or was, a teacher.
- (4) Local education agency or LEA: Any county school system, city school system, special school district, or any other local public school system or school district in Tennessee created or authorized by the general assembly.
- (5) Retired teacher: A teacher, as defined in this chapter, who retired after a minimum of thirty (30) years of full-time creditable service as a teacher in Tennessee public schools, or who received disability retirement after a minimum of twenty-five (25) years of full-time creditable service as a teacher in Tennessee public schools.

- (6) State institution of higher education or Institution: Any institution operated by the Board of Trustees of the University of Tennessee, the Tennessee Board of Regents, or one of the six (6) state university boards in Tennessee which offers courses of instruction beyond the high school level.
- (7) Teacher: A certified teacher, as defined in this chapter, who is employed by any LEA or public charter school for service in public elementary or secondary schools in Tennessee on a full-time basis, meaning the teacher's 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 LEA are in session.
- (8) Tuition: A fee charged to students enrolled in courses for credit which is calculated based on the number of credit hours for which the student enrolls. Tuition does not include the cost of books or other course materials, dormitory or housing charges, meal plans, application fees, student activity fees, debt service fees, off-campus facilities fees, parking fees, traffic fines, or fees assessed by an institution that directly support the department offering the course such as applied music fees, lab fees, or other course fees.

*Authority: T.C.A. § 49-7-119.*

#### 1540-01-12-.02 ELIGIBILITY.

- (1) For a student to be eligible for a fee discount under this chapter, the student must meet all of the following criteria:
  - (a) Be under twenty-four (24) years of age;
  - (b) Be the child of a teacher, retired teacher, or deceased teacher as defined in this chapter;
  - (c) Be eligible according to the provisions of 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) An eligible student may enroll in any number of courses up to and including full-time study.
- (3) Eligibility for a discount will be based on the employment status of the teacher 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.
- (4) At the time of enrollment, the eligible student must complete a Public Higher Education Fee Discount form, published by the Commission, certifying eligibility to receive a tuition discount. Forms are available at the institutions or at the Commission's website <[www.tn.gov/thec](http://www.tn.gov/thec)>. Completed forms must be submitted directly to the enrolling institution for processing and approval. The Commission does not accept, process, or approve Public Higher Education Fee Discount forms. Institutions may develop appropriate procedures to facilitate the efficient processing of forms submitted by students.
- (5) Public Higher Education Fee Discount forms must be signed by the eligible student and:
  - (a) For currently employed teachers, the form must be signed by the teacher and a designated official of the employing LEA or public charter school verifying that the teacher is eligible under this chapter;

- (b) For retired teachers, the form must be signed by the retired teacher and a designated official of the State Treasury Department, Division of Retirement to verify that the teacher retired with the required number of years of full-time creditable service; or
- (c) For deceased teachers, the form must be signed by a designated official of the LEA or public charter school at which the teacher was last employed.

*Authority: T.C.A. § 49-7-119.*

1540-01-12-.03 LIMITATIONS.

- (1) Fee discounts are only available for undergraduate courses, as defined by the institutions.
- (2) Fee discounts will not be retroactively applied to prior terms. Fee discounts are available only by submitting the required form and should be approved prior to the beginning of the term for which a discount is being sought.
- (3) No eligible student shall receive a discount greater than twenty-five percent (25%) for any one (1) term using the fee discount described by this chapter. The fee discount described in this chapter may not be used in conjunction with the public higher education fee discount for children of state employees authorized by T.C.A. § 8-50-115.
- (4) The Commission shall develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts provided pursuant to the program described by this chapter.

*Authority: T.C.A. § 49-7-119.*

1540-01-12-.04 APPEAL PROCEDURES.

- (1) Appeals regarding the determination of eligibility of a child applying for the discount under this chapter will be available through the respective institution in a manner consistent with institutional procedures in place for admissions decisions.

*Authority: T.C.A. § 49-7-119.*

NEW RULES  
 RULES  
 OF  
 TENNESSEE HIGHER EDUCATION COMMISSION  
 CHAPTER 1540-01-13  
 PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN  
 OF STATE EMPLOYEES

TABLE OF CONTENTS

1540-01-13-.01	Definitions
1540-01-13-.02	Eligibility
1540-01-13-.03	Limitations
1540-01-13-.04	Appeal Procedures

1540-01-13-.01 DEFINITIONS.

- (1) Deceased state employee: A person who at the time of their death was a state employee, as defined in this chapter.
- (2) Eligible student: A child of a state employee, retired state employee, or deceased state employee, as defined in this chapter, under the age of twenty-four (24) who is:
  - (a) The natural child or legally adopted child of the employee;
  - (b) The stepchild of the employee living with the employee in a parent/child relationship, or did so prior to the employee's death; or
  - (c) Otherwise eligible and living in a parent/child relationship with the employee, or did so prior to the employee's death, such as a child of deceased parents raised by a grandparent who is, or was, a state employee.
- (3) Full-time employee: An employee who is:
  - (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) Regardless of classification, scheduled to work one thousand six hundred (1600) hours per fiscal year and receives employment benefits provided to all full-time employees.
- (4) Retired state employee: A state employee, as defined in this chapter, who retired after a minimum of twenty-five (25) years of full-time creditable service to the state.
- (5) State Employee: A full-time employee, as defined in this chapter, of the various departments, agencies, boards, and commissions of Tennessee state government, including those in the executive, judicial, and legislative branches, but excluding non-state government entities that contract to perform a responsibility that would otherwise be the duty of state government, local boards of education, quasi-governmental entities, local public bodies, arms or instrumentalities of the counties and municipalities, or political subdivisions of the state.
- (6) State institution of higher education or Institution: Any institution operated by the Board of Trustees of the University of Tennessee, the Tennessee Board of Regents, or one of the six (6) state university boards in Tennessee which offers courses of instruction beyond the high school level.
- (7) Tuition: A fee charged to students enrolled in courses for credit which is calculated based on the number of credit hours for which the student enrolls. Tuition does not include the cost of books or other course materials, dormitory or housing charges, meal plans, application fees, student activity fees, debt service fees, off-campus facilities fees, parking fees, traffic fines, or fees assessed by an institution that directly support the department offering the course such as applied music fees, lab fees, or other course fees.

*Authority: T.C.A. § 8-50-115.*

1540-01-13-.02 ELIGIBILITY.

- (1) For a student to be eligible for a fee discount under this chapter, the student must meet all of the following criteria:
  - (a) Be under twenty-four (24) years of age;
  - (b) Be the child of a state employee, retired state employee, or deceased state employee as defined in this chapter;
  - (c) Be eligible according to the provisions of 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) An eligible student may enroll in any number of courses up to and including full-time study.
- (3) Eligibility for a discount will be based on the employment status of the 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.
- (4) At the time of enrollment, the eligible student must complete a Public Higher Education Fee Discount form, published by the Commission, certifying eligibility to receive a tuition discount. Forms are available at the institutions or at the Commission's website <www.tn.gov/thec>. Completed forms must be submitted directly to the enrolling institution for processing and approval. The Commission does not accept, process, or approve Public Higher Education Fee Discount forms. Institutions may develop appropriate procedures to facilitate the efficient processing of forms submitted by students.
- (5) Public Higher Education Fee Discount forms must be signed by the eligible student and:
  - (a) For current state employees, the form must be signed by the employee and a designated official of the employing state agency verifying that the employee is eligible under this chapter;
  - (b) For retired state employees, the form must be signed by the retired state employee and a designated official of the State Treasury Department, Division of Retirement to verify that the employee retired with the required number of years of full-time creditable service; or
  - (c) For deceased state employees, the form must be signed by a designated official of the state agency at which the state employee was last employed.

*Authority: T.C.A. § 8-50-115.*

#### 1540-01-13-.03 LIMITATIONS.

- (1) Fee discounts are only available for undergraduate courses, as defined by the institutions.
- (2) Fee discounts will not be retroactively applied to prior terms. Fee discounts are available only by submitting the required form and should be approved prior to the beginning of the term for which a discount is being sought.
- (3) No eligible student shall receive a discount greater than twenty-five percent (25%) for any one (1) term using the fee discount described by this chapter. The fee discount described in this chapter may not be used in conjunction with the public higher education fee discount for children of public school teachers authorized by T.C.A. § 49-7-119.
- (4) The Commission shall develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts provided pursuant to the program described by this chapter.

*Authority: T.C.A. § 8-50-115.*

#### 1540-01-13-.04 APPEAL PROCEDURES.

- (1) Appeals regarding the determination of eligibility of a child applying for the discount under this chapter will be available through the respective institution in a manner consistent with institutional procedures in place for admissions decisions.

*Authority: T.C.A. § 8-50-115.*



**REPEALED RULES**

**Chapter 1540-01-05**

**Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees  
Repeal**

Rule 1540-01-05 is amended by deleting the text of the rule in its entirety and substituting instead language, so that, as amended, Rule 1540-01-05 shall read:

**1540-01-05 REPEALED.**

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: 11-18-19

Signature: M T W

Name of Officer: KRAUSE, MICHAEL T.

Title of Officer: EXEC. DIRECTOR

Subscribed and sworn to before me on: 11-18-19

Notary Public Signature: Corsina Dickson-Wiley

My commission expires on: 08-04-2020

**Department of State Use Only**

Filed with the Department of State on: 11/18/19

Tre Hargett

Tre Hargett  
Secretary of State

RECEIVED  
2019 NOV 18 PM 4:29  
SECRETARY OF STATE  
PUBLICATIONS

**DATE:** January 31, 2020

**SUBJECT:** New Administrative Rule- Fee Discounts for Children of State  
Employees

**ACTION RECOMMENDED:** Adoption

---

**BACKGROUND INFORMATION**

The Higher Education Commission has rule promulgation authority for two statutory higher education fee discount programs: one available to the children of licensed public school teachers and one for the children of state employees. In the past, the Commission has maintained one set of Rules for the administration of these two programs.

A recent legislative enactment required a revision to the Rules in relation to the eligibility requirements for teachers’ children. In recognition that these are two separate statutory discounts with different eligibility requirements, staff has taken this opportunity to re-write the rules for both programs. We worked with the Attorney General’s Office to create two separate rules, clarifying and updating some outdated language in the process.

**NEW RULE**

*Chapter 1540-01-13: Public Higher Education Fee Discounts for Children of State Employees*

This new rule makes no substantive changes to the eligibility requirements in the existing rule.

A properly noticed public Rulemaking Hearing was held at the THEC offices on January 8, 2020. No members of the public attended, and no comments were submitted. No modifications have been made to the draft rules since the hearing.

**RECOMMENDATION**

Staff recommends that the Commission:

1. Adopt Chapter 1540-01-13 as Rulemaking Hearing Rules; and,
2. Authorize the Executive Director to make any necessary technical corrections to these rules including changes suggested by the Tennessee Attorney General.

**DATE:** January 31, 2020

**SUBJECT:** Repeal of Administrative Rule- Fee Discounts for Children of Licensed  
Public School Teachers and State Employees

**ACTION RECOMMENDED:** Repeal

---

**BACKGROUND INFORMATION**

The Higher Education Commission has rule promulgation authority for two statutory higher education fee discount programs: one available to the children of licensed public school teachers and one for the children of state employees. In the past, the Commission has maintained one set of Rules for the administration of these two programs.

A recent legislative enactment required a revision to the Rules in relation to the eligibility requirements for teachers’ children. In recognition that these are two separate statutory discounts with different eligibility requirements, staff has taken this opportunity to re-write the rules for both programs. We worked with the Attorney General’s Office to create two separate rules, clarifying and updating some outdated language in the process.

**RULE REPEAL**

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

The provisions of Chapter 1540-01-12 and Chapter 1540-01-13 will replace those of Chapter 1540-01-05.

A properly noticed public Rulemaking Hearing was held at the THEC offices on January 8, 2020. No members of the public attended, and no comments were submitted. No modifications have been made to the draft rules since the hearing.

**RECOMMENDATION**

Staff recommends that the Commission repeal Chapter 1540-01-05 in its entirety.