

**RULES
OF
THE TENNESSEE HIGHER EDUCATION COMMISSION**

**CHAPTER 1540-01-04
PUBLIC HIGHER EDUCATION FEE WAIVERS FOR STATE EMPLOYEES**

TABLE OF CONTENTS

1540-01-04-.01	Definitions	1540-01-04-.04	Appeal Procedures
1540-01-04-.02	Eligibility	1540-01-04-.05	Repealed
1540-01-04-.03	Limitations		

1540-01-04-.01 DEFINITIONS.

- (1) Course: Undergraduate or graduate credit courses at a state supported college or university, certificate or diploma credit courses at the TCATs, or any course offered by the TFLI.
- (2) 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, scheduled to work a minimum of one thousand six hundred (1,600) hours per fiscal year and who receive employment benefits provided to all full-time employees.
- (3) Member of the General Assembly: Individual currently holding office as a member of either the House of Representatives or Senate and elected pursuant to Article II of the Tennessee Constitution.
- (4) Institution: Any state supported community college, university, or college of applied technology operated by the Board of Trustees of the University of Tennessee, the Tennessee Board of Regents, or a state university board that offers courses of instruction beyond the high school level, and the TFLI, as established by Tennessee Code Annotated Title 49, Chapter 50, Part 13.
- (5) TCAT: Tennessee College of Applied Technology.
- (6) TFLI: Tennessee Foreign Language Institute.
- (7) Term: The time frame in which a course is offered as defined by the institution.
- (8) Fees that are waived by this program are defined as follows:
 - (a) Debt Service Fee: A fee charged to students for the retirement of indebtedness that may be included in the maintenance fee charges.
 - (b) Maintenance Fee: A fee charged to students enrolled in credit courses as an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls.
 - (c) Registration Fee: Maintenance fee as described above.

(Rule 1540-01-04-.01 continued)

- (d) Student Activity Fee: A fee charged to students in addition to tuition and maintenance fees that is based on the credit hour enrollment of the student. Some institutions include the student activity fee in the maintenance fee rather than as a separate charge. The student activity fee supports health services, athletics, student newspapers and social and cultural events.
- (e) Tuition Charge: A fee charged to students classified as non-residents in addition to the maintenance fee.

Authority: T.C.A. § 8-50-114. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. 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. Amendments filed March 7, 2018; effective June 5, 2018.

1540-01-04-.02 ELIGIBILITY.

- (1) A full-time employee of the State of Tennessee or a member of the General Assembly shall be eligible to enroll in one (1) course at a time at any state supported institution without paying the tuition charge, maintenance fee, student activity fee, or registration fee.
- (2) Eligibility for the fee waiver shall be determined as of the first day of classes for the term at the institutions. To receive the fee waiver, the employee or the member of the General Assembly must be eligible for enrollment at the institution for which a fee waiver is sought according to the academic rules and regulations of the institution. The employee must also have six (6) months or more of continuous service as a full-time employee to receive the fee waiver. A change in employment status after the first day of classes will affect eligibility for the fee waiver only for subsequent terms.
- (3) A full-time employee of the State of Tennessee or a member of the General Assembly who is otherwise eligible for a waiver of tuition and fees pursuant to T.C.A. § 8-50-114 who is required to work more hours each week than typically required of full-time employment for at least four (4) weeks per year shall be exempt from the requirement that the waiver be used for only one (1) course at a time. Certification of eligibility for this exemption shall be completed by the applicant's employer at the time of application for the waiver. Nothing in this section shall allow an employee to exceed enrollment in more than four (4) courses per academic year.

Authority: T.C.A. § 8-50-114. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Repeal and new rule filed August 31, 2004; effective December 29, 2004. Amendments filed March 7, 2018; effective June 5, 2018.

1540-01-04-.03 LIMITATIONS.

- (1) Fee waivers not certified as exempt under Rule 1540-01-04-.02(3) are limited to one (1) course at a time. Fees will not be waived for non-credit or correspondence courses. Employees are not eligible for fee waivers at more than one (1) institution at a time.
- (2) Fees and charges that will not be waived include the cost of books or other course materials that are retained by the student, application fees, off-campus facilities fees, parking fees, traffic fines, and fees assessed that are applied to the cost of the course or that directly support the department offering the course such as applied music fees, lab fees, fees assessed to offset the cost of offering distance education courses or courses offered in a particular discipline.

(Rule 1540-01-04-.03, continued)

- (3) Fees will not be waived for programs for which part-time or course by course enrollment is prohibited as determined by the institutions. Examples include, but are not limited to, programs of law, medicine, dentistry, pharmacy, and veterinary medicine.
- (4) The fee waiver program described in this Rule 1540-01-04 may not be used in conjunction with any other fee waiver or discount program.
- (5) At the time of enrollment, the employee must have a completed state employee fee waiver form signed by the employer certifying that the applicant is a full-time employee with at least six (6) months of continuous service. Forms are available at the institutions or on the Commission's website <https://www.tn.gov/thec/bureaus/legal-and-external-affairs/redirect-legal-and-external-affairs/fee-waiver-and-fee-discount-programs/fee-waiver.html>.
- (6) Enrollment may be limited or denied by the institution on an individual basis according to space availability.
- (7) No tuition paying student shall be denied enrollment in a course because of state employee enrollments pursuant to this fee waiver program.
- (8) Rights and privileges provided to full-time employees of the institutions pursuant to T.C.A. § 49-7-116 shall not be affected or diminished by the provisions of this fee waiver program.
- (9) The Tennessee Higher Education Commission shall develop a methodology for allocating appropriations to reimburse institutions for fees waived pursuant to this program.

Authority: T.C.A. § 8-50-114. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Repeal and new rule filed August 31, 2004; effective December 29, 2004. Amendments filed March 7, 2018; effective June 5, 2018.

1540-01-04-.04 APPEAL PROCEDURES.

- (1) 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. § 8-50-114. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Repeal and new rule filed August 31, 2004; effective December 29, 2004. Amendments filed March 7, 2018; effective June 5, 2018.

1540-01-04-.05 REPEALED.

Authority: T.C.A. § 8-50-114. **Administrative History:** Original rule filed September 6, 1990; effective December 29, 1990. Repeal filed August 31, 2004; effective December 29, 2004. Amendments filed March 7, 2018; effective June 5, 2018.