



State of Tennessee

PUBLIC CHAPTER NO. 1116

SENATE BILL NO. 2405

By Johnson, Crowe, Watson, Yager, Akbari, Rose, Stevens, Walley, White

Substituted for: House Bill No. 2152

By Lamberth, Gant, Tim Hicks, Griffey, Hardaway, Sherrell, Chism, Stewart, Parkinson, Calfee, Towns, Dixie, Hazlewood, White, Cochran, Camper, Ragan, Alexander, Miller, Cepicky, Todd, Helton, Littleton, Williams, Howell, McKenzie, Thompson

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 9, relative to Tennessee education lottery scholarship programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-902(30), is amended by deleting the subdivision and substituting instead the following:

(30) "Nontraditional student" means a student who:

(A) Is an independent student, as determined by the FAFSA, and who meets the qualifications under § 49-4-931; or

(B) Enrolls in a baccalaureate degree program at an eligible four-year postsecondary institution while maintaining continuous enrollment following completion of an associate degree through the Tennessee reconnect grant, established under § 49-4-944;

SECTION 2. Tennessee Code Annotated, Section 49-4-914, is amended by deleting the section and substituting instead the following:

(a) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, the amount of a Tennessee HOPE scholarship and Tennessee HOPE scholarship for nontraditional students awarded to a student attending an eligible four-year postsecondary institution is two thousand two hundred fifty dollars (\$2,250) for full-time attendance for each semester. This award amount applies to each entering freshman in the fall term of 2022, and thereafter, and continues through the final semester of the student's sophomore year. The determination of a student's status as a freshman or sophomore must be made by the postsecondary institution attended.

(b) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, for a student described in subsection (a) the award amount increases to two thousand eight hundred fifty dollars (\$2,850) per semester beginning in the student's junior year, as determined by the postsecondary institution attended, and must continue until the student is no longer eligible for a Tennessee HOPE scholarship.

(c) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible two-year postsecondary institution is one thousand six hundred dollars (\$1,600) for full-time attendance for each semester.

(d) The amount of a Tennessee HOPE scholarship awarded to a student attending an eligible two-year postsecondary institution that provides on-campus housing is the same as the amount provided in subsection (a).

SECTION 3. Tennessee Code Annotated, Section 49-4-930, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Certificate" or "diploma" means a credential, other than a degree, the receipt of which indicates satisfactory completion of training in a technical education program of study offered by an eligible postsecondary institution;

(2) "Course" includes a course taken at an eligible postsecondary institution, or the equivalent at a Tennessee college of applied technology;

(3) "Eligible postsecondary institution" has the same meaning as defined in § 49-4-902. "Eligible postsecondary institution" also means a private, nonprofit technical school that:

(A) Has had its primary campus domiciled in this state for at least seventy-five (75) consecutive years;

(B) Is accredited by the Council on Occupational Education; and

(C) In addition to offering diploma, certificate, and associate degree programs, offers a baccalaureate degree through an articulation agreement with a regionally accredited postsecondary institution;

(4) "Semester" has the same meaning as defined in § 49-4-902;

(5) "TCAT" means a Tennessee college of applied technology operated by the board of regents; and

(6) "Tuition," also referred to as "in-state tuition" or "maintenance fees," means the enrollment or registration fee charged for instruction in a course, which is calculated by multiplying a dollar amount by the number of semester credit hours in which a student enrolls, or the equivalent fee for a course measured by clock hours. "Tuition" does not include any other fees assessed by an institution to its students, including, but not limited to, mandatory fees, online or technology fees, application fees, book or material fees, access fees, course fees, or other fees charged to students for a specific purpose, activity, facility, or service, whether calculated on the number of credit hours or clock hours or whether charged as a flat rate.

(b) It is the intent of the general assembly that the purposes of the dual enrollment grant are:

(1) To provide an opportunity for Tennessee high school students to earn an initial technical credential or a semester of college credit by high school graduation, free of tuition and fees; and

(2) To encourage TCATs to establish technical middle college programs, in partnership with local education agencies, that permit students to earn an advanced technical certificate or diploma by their high school graduation.

(c) A high school student is eligible for a dual enrollment grant if the student:

(1) Is a resident of this state, as classified pursuant to § 49-8-104;

(2) Is admitted to an eligible postsecondary institution as a dual enrollment student, and if the student:

(A) Is a junior or senior in high school; or

(B) Has completed the eighth grade and is enrolled in a TCAT; and

(3) Submits an application, as required by TSAC.

(d)(1) A student may receive a dual enrollment grant for one (1) or more courses per semester at one (1) or more eligible postsecondary institutions.

(2) To be eligible for a dual enrollment grant for a semester beyond the first semester of the student's receipt of a dual enrollment grant, the student must continue to meet all eligibility requirements for the grant and must achieve a minimum

cumulative grade point average of 2.0 for all postsecondary courses attempted under a dual enrollment grant.

(3) Notwithstanding subdivision (d)(2), a student enrolled in a clock hour course that is not completed within one (1) semester maintains eligibility for the grant in the subsequent semester if the student attends the number of clock hours required for grant disbursement for the course and continues to meet all eligibility requirements. Continuing eligibility under this subdivision (d)(3) is applicable to a student previously enrolled in a clock hour course who transfers to another eligible postsecondary institution in the subsequent semester.

(e) A course attempted by a dual enrollment student does not count toward the limitation on receiving a Tennessee HOPE scholarship under § 49-4-913.

(f) If a dual enrollment student enrolls in an eligible public postsecondary institution after graduation from high school, then the eligible public postsecondary institution shall not deny credit toward an associate or baccalaureate degree for a college course taken as a dual enrollment student if the student successfully completed the course. If the dual enrollment course was not taken at the institution in which the student enrolls after graduation from high school, then the course must qualify for transfer credit.

(g) Subject to the amounts appropriated by the general assembly and any law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery:

(1) A student who is eligible to receive a dual enrollment grant pursuant to this section is eligible to receive a dual enrollment grant for no more than:

(A) One thousand two hundred ninety-six (1,296) clock hours at a TCAT; or

(B) Ten (10) courses measured by semester hours at an eligible postsecondary institution that offers degrees;

(2) The award for a dual enrollment course taken at a TCAT is the average tuition established annually by the board of regents for regular in-state students at Tennessee colleges of applied technology, plus an additional dual enrollment access fee of five percent (5%) of the average tuition;

(3) For the first five (5) dual enrollment semester-hour courses taken at an eligible postsecondary institution, the award for a dual enrollment grant is the average tuition established annually by the board of regents for regular in-state students at community colleges, plus an additional dual enrollment access fee of five percent (5%) of the average tuition;

(4) Notwithstanding subdivision (g)(3), the award for a course taken at an eligible postsecondary institution, as described in subdivisions (a)(3)(A) - (C), that is one (1) of a student's first five (5) dual enrollment courses, is the award described in subdivision (g)(2) if the course satisfies the requirements of a certificate or diploma program;

(5) An eligible postsecondary institution shall not charge a student receiving a dual enrollment grant under subdivisions (g)(2) - (4) tuition or fees in excess of the student's dual enrollment grant award, as established in the respective subdivision. However, an eligible postsecondary institution may charge a student receiving a dual enrollment grant costs actually incurred by the eligible postsecondary institution on the student's behalf, including, but not limited to, book and material costs, digital book and material costs, special examination fees, industry certification fees, and board examination fees;

(6) For a student's sixth through tenth dual enrollment semester-hour courses taken at an eligible postsecondary institution, TSAC shall determine the award per semester credit hour; and

(7) Any increase in the tuition rate upon which the dual enrollment grant award is established pursuant to subdivisions (g)(2) and (g)(3) is subject to the binding range of allowable percentage adjustment for tuition as annually approved by THEC pursuant to § 49-7-202(n)(3)(A).

(h) TSAC may promulgate rules to establish award amounts at eligible postsecondary institutions and to otherwise effectuate the intent and purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. Tennessee Code Annotated, Section 49-4-933(b), is amended by deleting the subsection and substituting instead the following:

(b) This section applies to a student who:

(1) Was in state custody at any time after the student reached thirteen (13) years of age;

(2) Was in state custody at any time after the student reached thirteen (13) years of age and was placed for adoption by the department of children's services or one of its adoption contract agencies, and the adoption was finalized; or

(3) Was in state custody and placed in permanent guardianship by the department of children's services after reaching thirteen (13) years of age.

SECTION 5. Tennessee Code Annotated, Section 49-4-944(c)(5), is amended by deleting the subdivision and substituting instead the following:

(5) Be at least twenty-three (23) years of age by January 1 of the academic year in which the student enrolls in courses leading to completion of an eligible program of study, or be an independent student as determined by the FAFSA;

SECTION 6. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it.

SENATE BILL NO. 2405

PASSED: April 28, 2022


RANDY MCNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of June 2022



BILL LEE, GOVERNOR