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Sequence Number: 01-19-09  
 Notice ID(s): 992  
 File Date: 01/21/09

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 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>	Division of Postsecondary School Authorization
<b>Contact Person:</b>	Julie M. Woodruff
<b>Address:</b>	404 James Robertson Parkway, Nashville, TN 37243-0830
<b>Phone:</b>	(615) 253-8857
<b>Email:</b>	julie.woodruff@state.tn.us

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>	Julie M. Woodruff, Director of Regulatory Affairs
<b>Address:</b>	404 James Robertson Parkway, Nashville, TN 37243-0830
<b>Phone:</b>	(615) 253-8857
<b>Email:</b>	julie.woodruff@state.tn.us

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

Address 1:	Tennessee Higher Education Commission		
Address 2:	404 James Robertson Parkway, Parkway Towers, THEC Boardroom 18 <sup>th</sup> Floor		
City:	Nashville		
Zip:	37243-0830		
Hearing Date :	03/19/09		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

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

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
1540-01-02	Authorization and Regulation of Postsecondary Education Institutions and Their Agents
Rule Number	Rule Title
1540-01-02-.25	Fees

Substance of Proposed Rules

Rule 1540-01-02-.25 Fees, paragraphs (3) and (4) are amended by deleting the present language in its entirety and replacing it with the following:

(3) The fees to be collected by the Commission hereunder shall accompany an application 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 schedule:

(a)	Late Renewal Fee (in addition to base renewal fee)	\$1,000
(b)	Renewal Extension Fee (in addition to base renewal fee)	\$500
(c)	Initial New School Application	\$3,000
	Each Proposed Program	\$500
(d)	Associate Degree Granting Institutions (in addition to base initial application and program fee)	\$1,000
(e)	Bachelor Degree Granting Institutions (in addition to base initial application and program fee)	\$2,000
(f)	Masters Degree Granting Institutions (in addition to base initial application and program fee)	\$3,000
(g)	Doctoral Degree Granting Institutions (in addition to base initial application and program fee)	\$4,000
(h)	Authority to Grant Degrees – Unaccredited Institutions (in addition to base initial application, program and degree level fees)	\$1,000
(i)	New Programs – Authorized Institutions	\$500
(j)	Degree Level Elevation – Authorized Institutions	\$1,000
(k)	Agent Fee In-State – Initial Application	\$500
(l)	Agent Fee In-State – Renewal Application	\$250
(m)	Agent Fee Out-of-State– Initial Application	\$600
(n)	Agent Fee Out-of-State– Renewal Application	\$300
(o)	Institutional Name Change	\$500
(p)	Change of Address	\$500
(q)	Non-compliance Fines (per day, per violation)	\$500

(4) Reauthorization fees for in-state institutions are based upon an institution's annual gross tuition revenue collected from July 1 to June 30 of the previous year. Reauthorization fees for out-of-state institutions are based on an institution's annual gross tuitions collected from Tennessee students from July 1 to June 30 of the previous year. In each instance the reauthorization fee shall be assessed according to the following schedule:

Minimum Tuition Collected	Maximum Tuition Collected	Reauthorization Fee
\$0	\$100,000	\$750
100,001	200,000	1,500

200,001	300,000	2,250
300,001	400,000	3,000
400,001	500,000	3,750
500,001	600,000	4,500
600,001	700,000	5,250
700,001	800,000	6,000
800,001	900,000	6,750
900,001	1,000,000	7,500
1,000,001	1,100,000	8,250
1,100,001	1,200,000	9,000
1,200,001	1,300,000	9,750
1,300,001	1,400,000	10,500
1,400,001	1,500,000	11,250
1,500,001	1,600,000	12,000
1,600,001	1,700,000	12,750
1,700,001	1,800,000	13,500
1,800,001	1,900,000	14,250
1,900,001	2,000,000	15,000
2,000,001	2,100,000	15,750
2,100,001	2,200,000	16,500
2,200,001	2,300,000	17,250
2,300,001	2,400,000	18,000
2,400,001	2,500,000	18,750
2,500,001	2,600,000	19,500
2,600,001	2,700,000	20,250
2,700,001	2,800,000	21,000
2,800,001	2,900,000	21,750
2,900,001	3,000,000	22,500
3,000,001	3,100,000	23,250
3,100,001	3,200,000	24,000
3,200,001	3,300,000	24,750
3,300,001	3,400,000	25,500
3,400,001	3,500,000	26,250
3,500,001	3,600,000	27,000
3,600,001	3,700,000	27,750
3,700,001	3,800,000	28,500
3,800,001	3,900,000	29,250
3,900,001	4,000,000	30,000
4,000,001	5,000,000	30,750
5,000,001	6,000,000	31,500
6,000,001	7,000,000	32,250
7,000,001	8,000,000	33,000
8,000,001	9,000,000	33,750
9,000,001	10,000,000	34,500
10,000,001	11,000,000	35,250
11,000,001	12,000,000	36,000
12,000,001	13,000,000	36,750
13,000,001	14,000,000	37,500
14,000,001	15,000,000	38,250
15,000,001	16,000,000	39,000
16,000,001	17,000,000	39,750
17,000,001	18,000,000	40,500
18,000,001	19,000,000	41,250
19,000,001	20,000,000	42,000
20,000,001	21,000,000	42,750

21,000,001	22,000,000	43,500
22,000,001	23,000,000	44,250
23,000,001	24,000,000	45,000
24,000,001	25,000,000	45,750
25,000,001	26,000,000	46,500
26,000,001	27,000,000	47,250
27,000,001	28,000,000	48,000
28,000,001	29,000,000	48,750
29,000,001	30,000,000	49,500
30,000,001	31,000,000	50,250
31,000,001	32,000,000	51,000
32,000,001	33,000,000	51,750
33,000,001	34,000,000	52,500
34,000,001	35,000,000	53,250
35,000,001	36,000,000	54,000
36,000,001	37,000,000	54,750
37,000,001	38,000,000	55,500
38,000,001	39,000,000	56,250
39,000,001	40,000,000	57,000
40,000,001	41,000,000	57,750
41,000,001	42,000,000	58,500
42,000,001	43,000,000	59,250
43,000,001	44,000,000	60,000
44,000,001	45,000,000	60,750
45,000,001	46,000,000	61,500
46,000,001	47,000,000	62,250
47,000,001	48,000,000	63,000
48,000,001	49,000,000	63,750
49,000,001	50,000,000	64,500
50,000,001	and up	65,250 + .001 of gross tuition over \$50,000,000

Authority: T.C.A. §49-7-2005, 49-7-2014 and 49-7-2017.

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: 1.20.09

Signature: *Richard G Rhoda*

Name of Officer: Dr. Richard G. Rhoda

Title of Officer: Executive Director

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

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Filed with the Department of State on: 1/21/09

*Tre Hargett*  
Tre Hargett  
Secretary of State

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