

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: 11-12-19
Notice ID(s): 3046
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.

Agency/Board/Commission:	Tennessee Student Assistance Corporation
Division:	Higher Education
Contact Person:	Shauna Jennings, Associate General Counsel
Address:	404 James Robertson Parkway, Suite 1900, Nashville, TN 37243
Phone:	615.253.7462
Email:	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:

ADA Contact:	Shauna Jennings, Associate General Counsel
Address:	404 James Robertson Parkway, Suite 1900, Nashville, TN 37243
Phone:	615.253.7462
Email:	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:	9:00 A.M. <u>X</u> CST/CDT <u> </u> EST/EDT

Additional Hearing Information:

[Redacted]

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
1640-01-19	Tennessee Education Lottery Scholarship Program
Rule Number	Rule Title
1640-01-19-.01	Definitions
1640-01-19-.02	Scholarship Award Amounts and Classifications
1640-01-19-.03	Application Process

1640-01-19-.04	General Eligibility
1640-01-19-.05	Eligibility – Tennessee Hope Scholarship
1640-01-19-.06	Eligibility – Tennessee ASPIRE Award
1640-01-19-.07	Eligibility – General Assembly Merit Scholarship
1640-01-19-.08	Eligibility – Tennessee HOPE Access Grant
1640-01-19-.09	Eligibility – Tennessee HOPE Foster Child Grant
1640-01-19-.10	Eligibility – Wilder-Naifeh Technical Skills Grant
1640-01-19-.11	Eligibility – Dual Enrollment Grant
1640-01-19-.12	Retention of Awards – General Requirements
1640-01-19-.13	Retention of Awards – Tennessee HOPE Access Grant
1640-01-19-.14	Retention of Awards – Dual Enrollment Grant
1640-01-19-.15	Tennessee Education Lottery Scholarship Award Process
1640-01-19-.16	Continuation of Tennessee Education Lottery Scholarship Award
1640-01-19-.17	Award Made in Error
1640-01-19-.18	Refund Policy
1640-01-19-.19	Converting from Full-time to Part-time Enrollment
1640-01-19-.20	Personal or Medical Leave of Absence
1640-01-19-.21	Military Mobilization of Eligible Students
1640-01-19-.22	Calculation of Postsecondary Cumulative Grade Point Average
1640-01-19-.23	Transfer Students
1640-01-19-.24	Transient Students
1640-01-19-.25	Denial of Initial Eligibility – Failure to Timely Enroll
1640-01-19-.26	Extension Of Five-Year Terminating Event Due To Medical Disability
1640-01-19-.27	Wilder-Naifeh Reconnect
1640-01-19-.28	Appeal and Exception Process

Chapter 1640-01-19
Tennessee Education Lottery Scholarship Program
Amendments

Rule 1640-01-19-.01 Definitions is amended by adding the following as a new paragraph (31) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraph shall read:

- (31) High-Need Course or Program: Courses or programs annually selected by the TSAC Board using the criteria outlined in T.C.A. § 49-4-930(h), for which the Dual Enrollment Grant may be used.

Authority: T.C.A. §§ 49-4-902, 49-4-903, and 49-4-924.

Rule 1640-01-19-.01 Definitions is amended by deleting new paragraph (48) and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 49-4-902, 49-4-903, and 49-4-924.

Rule 1640-01-19-.01 Definitions is amended by adding the following as a new paragraph (60) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraph shall read:

- (60) Tennessee Resident: A student classified as a resident of Tennessee pursuant to the provisions of §49-8-104.

Authority: T.C.A. §§ 49-4-902, 49-4-903, and 49-4-924.

Rule 1640-01-19-.01 Definitions is amended by adding the following as a new paragraph (66) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraph shall read:

- (66) Unofficial Withdrawal: The determination by an institution that a student has ceased to be academically engaged and otherwise failed to officially withdraw from a course prior to the institution's established deadline or other applicable institutional guidelines.

Authority: T.C.A. §§ 49-4-902, 49-4-903, and 49-4-924.

Rule 1640-01-19-.02 Scholarship Award Amounts and Classification is amended by substituting language in paragraph (3), so that as amended, the paragraph shall read:

- (3) The Dual Enrollment Grant award amounts shall be determined by TSAC, in accordance with guidelines in T.C.A. § 49-4-930 and the general appropriations act.
- (a) Students who receive the award amount of maintenance fees as described in T.C.A. § 49-4-930(h) during their junior year of high school shall continue to receive the award amount of maintenance fees in their senior year even if the course or program is no longer determined to be a high-need course or program by the TSAC Board.

Authority: T.C.A. §§ 49-4-201, 49-4-204, 49-4-903, 49-4-912, 49-4-914, 49-4-915, 49-4-916, 49-4-919, 49-4-920, 49-4-921, 49-4-922, 49-4-924, 49-4-930, and 49-4-933.

Rule 1640-01-19-.03 Application Process is amended by adding language to paragraph (2), so that as amended, the paragraph shall read:

- (2) Students applying for a TELS award must have a FAFSA received by the U.S. Department of Education on or before September 1 for fall enrollment and February 1 for spring and summer enrollment in determining awards for that academic year. Students enrolling in a TCAT shall have a FAFSA received by the U.S. Department of Education on or before July 1 for the summer trimester, November 1 for the fall trimester and March 1 for the spring trimester. It shall be the responsibility of the student to ensure that the FAFSA is timely submitted to ensure it is received by the above deadlines.

Authority: T.C.A. §§ 49-4-201, 49-4-204, 49-4-903, 49-4-924, and 49-4-930.

Rule 1640-01-19-.11 Eligibility – Dual Enrollment Grant is amended by adding the following as new paragraphs (5), (6), and (7) and renumbering the remaining paragraph, so that as amended, the rule shall read:

- (1) To be eligible for a Dual Enrollment Grant a student shall meet the requirements of T.C.A. § 49-4-930.
- (2) The student must have completed all of the academic requirements of the 10th grade (high school sophomore) and be classified as an 11th grader (high school junior) or 12th grader (high school senior) by the student's high school or home school program.
- (3) The student must not have already received a high school diploma or GED or HiSET diploma.
- (4) A student's participation in the Dual Enrollment Grant program is limited to the remaining amount of time normally required to complete the high school diploma, from the time of initial participation in the program. The grant is available for the regular fall and spring semester, and for summer semesters prior to graduation from high school for those students who did not exceed the maximum award during the regular school year.
- (5) The TSAC Board of Directors shall annually determine the high-need courses or programs for the subsequent academic year based on a recommendation by TSAC staff using available information as outlined in T.C.A. § 49-4-930.
- (6) TSAC staff shall disseminate the list of high-need programs to eligible postsecondary institutions as soon as practicable upon approval by the TSAC Board.
- (7) An eligible postsecondary institution shall be paid the maintenance fee on behalf of a student for courses taken in a high-need program. A general education course is not considered a high-need course even if the course is listed in the high-need program of study.
- (8) Any deduction to a student's HOPE Scholarship as a result of taking additional Dual Enrollment Grant courses provided for under T.C.A. § 49-4-930 shall be applied in full against the amount of the student's HOPE Scholarship in the first semester of enrollment at an eligible postsecondary institution.

If the student's HOPE award in the first semester is less than the amount of the total deduction, then the remaining deduction amount will be applied against the second semester, and subsequent semesters if necessary, until the deduction is eliminated.

Authority: T.C.A. §§ 49-4-201, 49-4-204, 49-4-902, 49-4-903, 49-4-924, and 49-4-930.

Rule 1640-01-19-.22 Calculation of Postsecondary Cumulative Grade Point Average is amended by adding language to paragraph (1), so that as amended, the paragraph shall read:

- (1) The postsecondary cumulative grade point average used to determine eligibility for a renewal of a TELS award, must be calculated by the institution the student is attending, utilizing its institutional grading policy and must be based on all credit hours attempted after high school graduation and calculated on an A through F grading scale, except as otherwise provided in this rule and as described in T.C.A. § 49-4-911. Unique grades associated with the failure of a class due to an unofficial withdrawal must also be included in calculations of attempted credits and grade point average.

Authority: T.C.A. §§ 49-4-201, 49-4-204, 49-4-902, 49-4-903, 49-4-911, 49-4-913, 49-4-919, 49-4-924, and 49-4-931.

Rule 1640-01-19.28 Appeal and Exception Process is amended by revising language, so that as amended, the rule shall read:

- (1) Each eligible postsecondary institution shall establish an Institutional Review Panel (IRP) which shall review student appeals for the loss of TELS eligibility, as set forth in T.C.A. § 49-4-924 and these rules. Each eligible postsecondary institution shall establish written procedures for the

submission of an appeal to the IRP following the denial or revocation of a TELS award. These procedures shall include, but not be limited to, the establishment and composition of the IRP and the process and timelines for appeals to the IRP. Each eligible postsecondary institution shall also ensure students are notified of the procedures for submitting an appeal to the TSAC Appeals Panel (Appeals Panel) following a decision made by the IRP. No eligible postsecondary institution official rendering a decision to deny or revoke a TELS award shall participate as a voting member in the appeal process for the same award. If the IRP determines that an appeal shall be reviewed, a hearing shall be held no later than fourteen (14) calendar days after the appeal is properly filed. The IRP shall notify the appellant in writing of its decision no later than five (5) business days after ruling on the appeal. The notification shall include the date of the decision and pertinent facts and issues of the IRP's decision.

- (2) The TSAC Appeals Panel shall be appointed by TSAC's Executive Director for the purpose of meeting to consider appeals from decisions rendered by the IRPs and appeals submitted directly to the Appeals Panel without first being submitted to an IRP.
- (3) A student may appeal the loss of a TELS award to TSAC under the following circumstances:
 - (a) Appealing the decision rendered by an IRP. Such appeals shall be properly submitted to the Appeals Panel within forty-five (45) calendar days from the date of the IRP decision letter and shall include the following information:
 1. TSAC Appeal Form;
 2. Written statement outlining the basis for the appeal;
 3. Denial letter from the IRP;
 4. Official college transcripts;
 5. Proof of current enrollment; and
 6. Any other documentation that supports the student's appeal; or
 - (b) Appealing directly to the Appeals Panel without first appealing to the IRP. Such appeals shall be properly submitted to the Appeals Panel within forty-five (45) calendar days from the date of notification from TSAC to the student regarding the requirements of the appeal. Appeals directly to TSAC shall include the same documentation outlined in subdivision (3)(a) and may be reviewed by the Appeals Panel under the following circumstances:
 1. Where the circumstances leading to the loss of eligibility occurred at a regionally-accredited out-of-state postsecondary institution prior to the student being enrolled, or attempting to enroll, in an eligible postsecondary institution;
 2. Where the circumstances leading to the loss of eligibility occurred at one eligible postsecondary institution prior to the student transferring to another eligible postsecondary institution;
 3. Where a student first enrolled beyond sixteen (16) months after high school graduation;
 4. Where a student withdraws from an eligible postsecondary institution while seeking eligibility as a non-traditional student;
 5. Where a student is enrolled part-time and is seeking an extension to the five-year terminating event due to a documented medical disability as certified by a licensed physician; or
 6. At TSAC's discretion where the loss of eligibility was due to extraordinary circumstances.

- (4) A student who is unable to properly submit an appeal to the Appeals Panel prior to the forty-five (45) day deadline due to circumstances beyond his or her control, may request an extension of the forty-five (45) day deadline. Such a request shall be made in writing to the Appeals Panel prior to the expiration of the forty-five (45) day deadline and shall include an explanation of the circumstances requiring the extension. The appeal of a student who does not meet the forty-five (45) day deadline and does not timely request an extension shall be denied. A denial of an untimely appeal may be set aside by the Executive Director of TSAC only in extraordinary circumstances in the interest of fairness. In such cases, the Appeals Panel will consider the appeal on its merits.
- (5) The Appeals Panel shall consider each appeal no later than forty-five (45) calendar days after the appeal is properly submitted, unless an extension to the forty-five (45) day deadline is approved by the Appeals Panel. The Appeals Panel shall notify the appellant in writing of a decision no later than fourteen (14) calendar days after ruling on an appeal. The notification shall include a summary of the pertinent facts and issues leading to the decision and a copy of the notification shall be sent to the appellant's home institution. A decision of the Appeals Panel made on the merits of the appeal is the final administrative remedy available to the student.
- (6) The authority of an IRP shall be strictly limited to consideration of appeals based on determinations of eligibility arising from its respective postsecondary institution. The authority of the Appeals Panel shall be strictly limited to consideration of appeals arising from an IRP or those made directly to TSAC, as authorized by these rules. Neither the IRP nor the Appeals Panel shall have the authority to rule on the validity of, or make exceptions to, high school grade point average, postsecondary grade point average, ACT or SAT scores, or any other academic eligibility requirements.

Authority: T.C.A. §§ 49-4-201, 49-4-204, and 49-4-924.

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 22

Name of Officer: KRAUSE, MICHAEL T.

Title of Officer: Exec. Director

Subscribed and sworn to before me on:

Notary Public Signature: 11/18-19

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

2019 NOV 18 PM 4:30
SECRETARY OF STATE
PUBLICATIONS