

Public Necessity Rules  
of the  
Tennessee Student Assistance Corporation

Statement of Necessity Requiring Public Necessity Rules

Pursuant to T.C.A. § 49-4-924(d), the Tennessee Student Assistance Corporation (TSAC) is authorized to promulgate public necessity rules to implement the Tennessee Education Lottery Scholarship Program (TELS Program). These rules are being promulgated as public necessity rules to implement statutory changes to the TELS Program required by Public Chapter No. 1142 of the 2008 Tennessee Public Acts. Effective implementation of these rules precludes the use of other rulemaking procedures described in Tennessee Code Annotated, Title 4, Chapter 5 for the promulgation of permanent rules.

For complete copies of the text of the notice, please contact Peter Abernathy, Senior Associate Executive Director and Staff Attorney, Tennessee Student Assistance Corporation, Suite 1510, 404 James Robertson Parkway, Nashville, TN 37243-0820, 615-532-6065.

Richard G. Rhoda  
Interim Executive Director  
Tennessee Student Assistance Corporation

Public Necessity Rules  
of the  
Tennessee Student Assistance Corporation

Chapter 1640-01-19

Tennessee Education Lottery Scholarship Program

Amendments

Rule 1640-01-19-.01 Definitions is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule shall read:

- (1) Academic Requirement: The term is defined in T.C.A. § 49-4-902.
- (2) Academic Year: The term is defined in T.C.A. § 49-4-902.
- (3) ACT: The ACT Assessment administered by ACT, Inc., exclusive of the essay and optional subject area battery tests.
- (4) Adjusted gross income attributable to the student or student's adjusted gross income: The term is defined in T.C.A. § 49-4-902.
- (5) Alternative Study Program: Program of study including, but not limited to student exchange programs, practicum, co-op programs and internships that includes travel outside the State of Tennessee that is sponsored or offered by:
  - (a) an eligible postsecondary institution; or

(b) an eligible postsecondary institution in conjunction with either another eligible postsecondary or a postsecondary institution that is accredited by a regional accrediting association.

- (6) ASPIRE Award: An award to a student for study in pursuit of an associate or baccalaureate degree at an eligible postsecondary institution who qualifies for a Tennessee HOPE Scholarship and whose adjusted gross income attributable to the student does not exceed the amount as described in T.C.A. § 49-4-915(a)(2).
- (7) Award Year: A period of time, typically nine (9) months, in which a full-time student is expected to complete the equivalent of a minimum of two (2) semesters of academic study.
- (8) Board of Regents: The board of regents of the state university and community college system of Tennessee.
- (9) Certificate or Diploma: The term is defined in T.C.A. § 49-4-902.
- (10) Continuing Education: Courses and programs that do not lead to a certificate, diploma or degree that are designed for personal development and are an extension of the traditional on-campus learning process.
- (11) Continuous Enrollment: The term is defined in T.C.A. § 49-4-902.
- (12) Corporation: Tennessee Student Assistance Corporation.
- (13) Cost of Attendance: The term is defined in T.C.A. § 49-4-902.
- (14) Credit Hours Attempted: The number of semester hours for which a degree-seeking or diploma/ certificate-seeking student attending a postsecondary institution is enrolled as of the institutionally defined census date shall be considered credit hours attempted, regardless of whether a grade has been assigned. This standard shall apply to any change to a non-credit status, notwithstanding anything in Rule 1640-01-19-.22.
- (15) Degree: A two-year associate degree or four-year baccalaureate degree conferred on students by a postsecondary educational institution upon completion of a unified program of study at the undergraduate level.
- (16) Dependent Child of a Military Parent: A natural or adopted child or stepchild whom a military parent claims as a dependent for federal income tax purposes; who is under twenty-one (21) years of age; and who resides in another state or nation only while the military parent is engaged in active military service, on full-time national guard duty, or actively employed by the U.S. Department of Defense.
- (17) Dependent Child of a Full-time Religious Worker: A natural or adopted child or stepchild whom the parent, who is a religious worker, claims as a dependent for federal income tax purposes; who is under twenty-one (21) years of age; and who resides in another nation only while the parent is actively engaged in full-time religious work.
- (18) Distance Education: An educational process that is characterized by the separation, in time or place, between instructor and student. It may include credit hours offered principally through the use of television, audio, or computer transmission, such as open broadcast, closed circuit, cable, or satellite transmission; audio or computer conferencing; video cassettes or discs, or correspondence.

- (19) Dual Enrollment: the term is defined in T.C.A. § 49-4-902.
- (20) Eligible High School: The term is defined in T.C.A. § 49-4-902.
- (21) Eligible Independent Postsecondary Institution: The term is defined in T.C.A. § 49-4-902.
- (22) Eligible Postsecondary Institution: The term is defined in T.C.A. § 49-4-902.
- (23) Eligible Public Postsecondary Institution: The term is defined in T.C.A. § 49-4-902.
- (24) Entering Freshman: The term is defined in T.C.A. § 49-4-902.
- (25) FAFSA: Free Application for Federal Student Aid or the Renewal FAFSA as authorized by the U. S. Department of Education to indicate eligibility for federal and state financial aid programs.
- (26) Foster Child: A child who was in the custody of the Tennessee Department of Children’s Services as described in T.C.A. § 49-4-933(b).
- (27) Full-Time Student: The term is defined in T.C.A. § 49-4-902.
- (28) GED: The term is defined in T.C.A. § 49-4-902.
- (29) General Assembly Merit Scholarship: The term is defined in T.C.A. § 49-4-902.
- (30) Gift Aid: The term is defined in T.C.A. § 49-4-902.
- (31) Grade Point Average: The numbered grade average calculated using a 4.0 scale, calculated to the hundredth decimal.
- (32) Home School Student: The term is defined in T.C.A. § 49-4-902.
- (33) Home Institution: The eligible postsecondary institution in which the student is enrolled and is in a matriculating status working toward a degree, diploma, or certificate.
- (34) Host Institution: The eligible postsecondary institution the student is temporarily attending as a transient student.
- (35) Immediate Family Member: Spouse, parents, children or siblings.
- (36) Incarcerated: Currently confined to a local, state, or federal correctional institution, as well as work release or educational release facilities.
- (37) Joint Enrollment: An arrangement between a high school and a postsecondary institution wherein a student enrolls in postsecondary classes while attending high school, but for which the student will receive credit from only one of the two institutions.
- (38) Junior: The term is defined in T.C.A. § 49-4-902.
- (39) Matriculated Status: The student is a recognized candidate for an appropriate degree, diploma, or certificate at an eligible postsecondary educational institution.
- (40) Military Parent: The term is defined in T.C.A. § 49-4-926(b)(2).

- (41) Nonacademic requirement: The term is defined in T.C.A. § 49-4-902.
- (42) Non-Traditional student: The term is defined in T.C.A. § 49-4-902.
- (43) Parent: The term is defined in T.C.A. § 49-4-902.
- (44) Part-time Student: The term is defined in T.C.A. § 49-4-902.
- (45) Regional Accrediting Association: The term is defined in T.C.A. § 49-4-902.
- (46) Religious Worker: The term is defined in T.C.A. § 49-4-934(b)(2).
- (47) SAT: The SAT administered by the College Board, exclusive of the essay and optional subject area battery tests.
- (48) Satisfactory Academic Progress: Progress in a course of study in accordance with the standards and practices used for Title IV programs by the postsecondary institution at which the student is currently enrolled.
- (49) Semester: The term is defined in T.C.A. § 49-4-902.
- (50) Semester Hour: The term is defined in T.C.A. § 49-4-902.
- (51) Study Abroad Program: Programs of study for which college credit is earned that include travel outside the United States.
- (52) TELS (Tennessee Education Lottery Scholarship) Award: Any scholarship and/or grant provided for by these rules that a student is eligible to receive, excluding the Dual Enrollment Grant.
- (53) Tennessee Dual Enrollment Grant: A grant in addition to the Tennessee HOPE Scholarship to a foster child to only be used towards the costs of tuition, maintenance fees, student activity fees and required registration or matriculation fees at the eligible postsecondary institution the student attends.
- (54) Tennessee HOPE Access Grant: The term is defined in T.C.A. § 49-4-902.
- (55) Tennessee HOPE Foster Child Tuition Grant: A grant in addition to the Tennessee HOPE Scholarship to a foster child to only be used towards the costs of tuition, maintenance fees, student activity fees and required registration or matriculation fees at the eligible postsecondary institution the student attends.
- (56) Tennessee HOPE Scholarship: The term is defined in T.C.A. § 49-4-902.
- (57) Tennessee National Guard: The term is defined in T.C.A. § 49-4-926(b)(3).
- (58) Test Date: The date designated for the ACT test administered by ACT, Inc., or the date designated for the SAT test administered by the College Board at national test centers. This shall also include the administration of either test on other dates as approved by the respective testing entities to accommodate an individual student's documented disability or other hardship.
- (59) Title IV: The term is defined in T.C.A. § 49-4-902.

- (60) Transient Student: A visiting student enrolled in another institution who is granted temporary admission for the purpose of completing work to transfer back to the home institution and who expects to return to the institution in which he or she was previously enrolled.
- (61) Undergraduate Student: A student attending an eligible postsecondary institution and enrolled in a program leading to a diploma/certificate, an associate degree, or a bachelor's degree.
- (62) Unweighted Grade Point Average: The term is defined in T.C.A. § 49-4-902.
- (63) Weighted Grade Point Average: The term is defined in T.C.A. § 49-4-902.
- (64) Wilder-Naifeh Technical Skills Grant: The term is defined in T.C.A. § 49-4-902.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-201, 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, 49-4-926, 49-4-930, 49-4-933, 49-4-934, and 49-4-935.

Paragraph (7) of Rule 1640-01-19-.05 Eligibility – Tennessee HOPE Scholarship is amended by deleting the current language in its entirety and substituting the following language so that as amended the paragraph shall read:

- (7) To be eligible for a Tennessee HOPE Scholarship, a non-traditional student shall meet the requirements of T.C.A. § 49-4-931.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-201, 49-4-905, 49-4-907, 49-4-908, 49-4-909, 49-4-910, 49-4-918, 49-4-924, 49-4-926, 49-4-930, 49-4-931, 49-4-934, and 49-4-935.

Rule 1640-01-19-.09 Eligibility – Tennessee HOPE Foster Child Grant is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule shall read:

- (1) In addition to the general eligibility requirements in Rule 1640-01-19-.04, to be eligible for the Tennessee HOPE Foster Child Grant a student shall meet the requirements of T.C.A. § 49-4-933.
- (2) The Tennessee HOPE Foster Child Tuition Grant shall be the cost of attendance less any gift aid, with the total HOPE Foster Child Tuition Grant amount not to exceed the cost of tuition and mandatory fees at the eligible postsecondary institution attended. Additionally, at an eligible independent postsecondary institution, the Tennessee HOPE Foster Child Tuition Grant shall not exceed the statewide average public tuition and mandatory fee rate for the type of institution (two-year or four-year) attended.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-201, 49-4-924, and 49-4-933.

Rule 1640-01-19-.12 Retention of Awards – General Requirements is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule shall read:

- (1) To retain a TELS award authorized by this chapter, a student at an eligible postsecondary institution shall continue to meet all applicable requirements for the scholarship and shall reapply by completing the FAFSA or Renewal FAFSA pursuant to Rule 1640-01-19-.03 for the applicable award for each academic year.

- (2) Eligibility for the HOPE Scholarship shall be reviewed in accordance with T.C.A. § 49-4-911.
- (3) Except as provided in Rules 1640-01-19-.20 and 1640-01-19-.21, a student may receive a Tennessee HOPE Scholarship until a terminating event as described in T.C.A. § 49-4-913 occurs.
- (4) The attempted credit hours include remedial and developmental studies and all regular college credit courses attempted after high school graduation.
- (5) A student who meets all other requirements for fourth or fifth year eligibility except that he or she is classified at the professional level rather than as an undergraduate, and has not been awarded a baccalaureate degree, is eligible if he or she was accepted into the professional level program of study that is an extension of the student's bachelor's degree program.
- (6) If a student ceases to be eligible for any TELS award, except the General Assembly Merit Scholarship, due to failure to achieve the cumulative grade point average required at the end of the semester in which the student has attempted twenty-four (24), forty-eight (48), seventy-two (72), ninety-six (96), or any subsequent multiple of twenty-four (24) semester hours thereafter, the student may regain the applicable award or awards by:
  - (a) Continuing to meet all applicable non-academic requirements for the applicable award or awards,
  - (b) Maintaining continuous enrollment at an eligible postsecondary institution without the applicable award or awards,
  - (c) Achieving a cumulative grade point average as described in T.C.A. § 49-4-911 at the end of any semester in which eligibility would have been reviewed, had the student not lost the award or awards,
  - (d) Reapplying for the scholarship as provided in Rule 1640-01-19-.03.
- (7) The provisions of paragraph (6) of this rule shall also apply to any student who:
  - (a) Completed high school requirements after December 1, 2003, who, for whatever reason, did not receive a TELS award, notwithstanding the fact that the student met the applicable initial eligibility requirements of Rule 1640-01-19-.05(1); or
  - (b) Completed high school requirements after January 1, 2003 and prior to December 1, 2003, who completed at least twenty-four (24) semester hours during the 2003-2004 academic year with a cumulative grade point average under 2.75, but met all other applicable initial eligibility requirements of Rule 1640-01-19-.05(3), and is otherwise eligible for the award.
- (8) No retroactive awards shall be made for semester hours attempted in order to regain the scholarship.
- (9) A student can utilize the option outlined in paragraph (6) of this rule only one time. A student who, after regaining the award or awards pursuant to paragraph (6) of this rule, subsequently fails to retain any TELS award due to failure to achieve the cumulative grade point average at a regular credit hour checkpoint shall not be eligible to regain the TELS award or become eligible for another TELS award.

- (10) Except as provided by Rule 1640-01-19-.20 or 1640-01-19-.21, a student receiving a TELS award provided by this chapter shall maintain continuous enrollment at an eligible postsecondary institution and maintain satisfactory progress in a course of study in accordance with the standards and practices used for Title IV programs by the postsecondary institution in which the student is currently enrolled.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-201, 49-4-909, 49-4-911, 49-4-912, 49-4-913, 49-4-920, 49-4-921, and 49-4-924.

1640-01-19-.14 Retention of Awards – Tennessee Dual Enrollment Grant is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule shall read:

- (1) To be eligible for a dual enrollment grant, the student must meet the minimum requirements pursuant to T.C.A. § 49-4-930.
- (2) The dual enrollment cumulative grade point average used to determine eligibility for a renewal of a dual enrollment grant must be calculated by the institution the student is attending, utilizing its institutional grading policy and must be based on all dual enrollment credit hours attempted, except as otherwise provided in this rule.
- (3) Distance education courses and independent studies courses are eligible for payment with a Tennessee Dual Enrollment Grant and shall be included in the calculation of the postsecondary cumulative grade point average.
- (4) Courses in which a student enrolls as an audit student for which no college credit will be received cannot be paid with a dual enrollment grant.
- (5) Students who obtain a grade change shall notify the financial aid office within thirty (30) calendar days of the grade change and request reinstatement of his/her award on a form developed by the institution for this purpose. If the grade change makes the student eligible for a dual enrollment grant, the student can be awarded retroactively in the current award year. If the grade change affects the student's eligibility from the previous award year, the award may be adjusted in the current award year.
- (6) A student enrolled in a matriculating status at an eligible postsecondary institution shall qualify for award payment for distance education courses.
- (7) The grant will pay only for lower division (courses numbered 100-200 or 1000-2000) postsecondary credit for general education courses and courses in the disciplines. The grant will not pay for upper division courses (numbered 300-400 or 3000-4000).

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-201, 49-4-924, and 49-4-930.

1640-01-19-.16 Continuation of Tennessee Education Lottery Scholarship Award is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule shall read:

- (1) All students receiving a TELS award shall reapply for the award by filing a FAFSA or Renewal FAFSA as provided in Rule 1640-01-19-.03 for each subsequent year.
- (2) During the certification process, all eligible postsecondary institutions shall certify the number of credit hours attempted and the cumulative grade point average of all students receiving a TELS award at the end of the semester at which the student has

attempted twenty-four (24), forty-eight (48), seventy-two (72), ninety-six (96), or any subsequent multiple of twenty-four (24) semester hours thereafter or as described in T.C.A. § 49-4-911(a)(2).

- (3) In order to remain eligible for the HOPE Scholarship, the student must meet the minimum requirements pursuant to T.C.A. § 49-4-911.

Rule 1640-01-19-.19 Converting from Full-time to Part-time Enrollment is amended by adding new paragraph (7) so that as amended the rule shall read:

- (7) In the event the student is eligible for the HOPE Scholarship as defined in T.C.A § 49-4-911(a)(2) then the student shall maintain full-time enrollment on a semester-by-semester basis.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-911, 49-4-912, and 49-4-924.

Rule 1640-01-19-.22 Calculation of Postsecondary Cumulative Grade Point Average Award is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule 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, except as otherwise provided in this rule and as described in T.C.A. § 49-4-911.
- (2) All credit hours attempted at all postsecondary institutions the student has attended after graduating from high school and their corresponding grades must be included in the calculation of the postsecondary cumulative grade point average, regardless of whether the receiving institution will apply the credit hours toward the student's degree requirements. Except as provided in subparagraph (a) of this paragraph, credit hours that were repeated shall be included in the postsecondary cumulative grade point average calculation.
  - (a) A student shall have a one-time option to repeat one course and utilize only the higher of the two grades in the calculation of their postsecondary grade point average for purposes of determining continued eligibility for a TELS award. The semester hours for both attempted courses, however, will be included in the overall number of attempted hours for determining HOPE Scholarship eligibility.
  - (b) It shall be the responsibility of the student to advise the appropriate official of the eligible postsecondary institution when this option is being exercised.
- (3) Grades received for courses attempted prior to high school graduation, completion of a home school program in Tennessee or GED attainment, including those attempted with the Tennessee dual enrollment grant, do not count in the postsecondary cumulative grade point average or in the attempted hours for determining HOPE Scholarship eligibility.
- (4) Credit hours earned by examination are not eligible for payment with TELS awards and shall not be included in the postsecondary cumulative grade point average or in the attempted hours for determining HOPE Scholarship eligibility.
- (5) Credit hours attempted as part of a diploma or certificate program of study are not considered to be college credit hours and therefore shall not be included in the

postsecondary cumulative grade point average or in the attempted hours for determining HOPE Scholarship eligibility unless those hours are accepted toward a degree.

- (6) Remedial and developmental studies and independent studies courses are eligible for payment with TELS awards and shall be included in the calculation of the postsecondary cumulative grade point average and in the attempted hours for determining HOPE Scholarship eligibility.
- (7) Courses in which a student enrolls as an audit student for which no college credit will be received cannot be paid with a TELS award or included in the attempted hours for determining HOPE Scholarship eligibility.
- (8) Continuing education courses are not eligible for payment with TELS awards and shall not be included in the postsecondary cumulative grade point average or in the attempted hours for determining HOPE Scholarship eligibility.
- (9) Students who obtain a grade change shall notify the financial aid office within thirty (30) calendar days of the grade change and request reinstatement of his/her award on a form developed by the institution for this purpose. If the grade change makes the student eligible for a TELS award, the student can be awarded retroactively in the current award year. If the grade change affects the student's eligibility from the previous award year, the TELS award may be adjusted in the current award year. The eligible postsecondary institution shall make necessary reductions in the student's financial aid package if the reinstatement of a TELS award results in either an over award of need based aid or exceeds the institution's cost of attendance for any semester. If the student's application for reinstatement is denied, he/she may appeal the decision in accordance with Rule 1640-01-19-.26.
- (10) A student enrolled in a matriculating status at an eligible postsecondary institution shall qualify for TELS award payment for distance education courses if all other eligibility requirements are met. Students may take courses through more than one eligible postsecondary institution during the same semester. Payment for the distance education courses shall be made in the same manner as transient students as provided in Rule 1640-01-19-.24.
- (11) A student enrolled in a matriculating status at an eligible postsecondary institution may qualify for TELS award payment while participating in an internship or co-op program if the student receives college credit from the internship or co-op experience and must pay tuition and fees. The semester hours shall be included in the postsecondary cumulative grade point average.
- (12) A student enrolled in a matriculating status at an eligible postsecondary institution may qualify for TELS award payment while participating in an alternative study or study abroad program if all other eligibility requirements are met. The eligible postsecondary institution that is the student's home institution must approve the alternative study or study abroad program for credit toward the student's degree and the number of hours that will be applied toward the degree prior to the student's departure.
- (13) Courses that appear on a student's transcript as an "incomplete" shall be considered credit hours attempted. The student's TELS award eligibility, however, shall be determined by excluding the credit hours attributable to the course for which an "incomplete" has been assigned from the cumulative grade point average calculation.

- (a) If the student fails to retain eligibility for a TELS award as a result of the calculation of an “incomplete” course, but later becomes eligible when the grade for the “incomplete” course is reported, the student is eligible to receive a TELS award retroactively within the award year and shall retain eligibility. Retroactive TELS awards for previous award years shall be added to the current award year. The eligible postsecondary institution shall, however, make necessary reductions in the student’s financial aid package if the reinstatement of a TELS award results in either an over award of need based aid or exceeds the institution’s cost of attendance for any semester. It shall be the responsibility of the student to notify the financial aid office at the eligible postsecondary institution that a grade has been awarded and request that the TELS award be reinstated. Each eligible postsecondary institution shall develop a standard form for use by students to comply with this provision. If the student’s application for reinstatement is denied, he/she may appeal the decision in accordance with Rule 1640-01-19-.26.
- (b) If the student retains eligibility for a TELS award as a result of the calculation, but later becomes ineligible when the grade for the “incomplete” course is reported, then the student shall be ineligible for all TELS awards. Additionally, the student shall reimburse the institution for TELS awards received in the interim.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, and T.C.A. §§ 49-4-201, 49-4-903, 49-4-913, 49-4-919, and 49-4-924.

Rule 1640-01-19-.23 Transfer Students is amended by deleting Paragraph 3 in its entirety so that as amended the rule shall read:

- (1) To be eligible for a Tennessee HOPE scholarship as a transfer student from a regionally accredited postsecondary institution located outside of Tennessee, a student shall meet the requirements of T.C.A. § 49-4-929.
- (2) Any student who was initially eligible for a Tennessee HOPE Scholarship or HOPE Access Grant but who instead of enrolling at either an eligible 2-year or 4-year postsecondary institution enrolled at a Tennessee Technology Center and obtained the Wilder-Naifeh Technical Skills Grant and completed a diploma program is eligible for a HOPE Scholarship at either an eligible 2-year or 4-year postsecondary institution. The student must apply for a HOPE Scholarship within three (3) years of completing the diploma program.

Authority: 2008 Tenn. Pub. Acts, Ch. 1142, T.C.A. §§ 49-4-201, 49-4-910, 49-4-911, 49-4-924, 49-4-929, and 49-4-937.

Rule 1640-01-19-.26 Appeal and Exception Process is amended by deleting the current language in its entirety and substituting the following language so that as amended the rule shall read:

- (1) Each eligible postsecondary institution shall establish an Institutional Review Panel (IRP) for the purposes of rendering a decision in order to deny or revoke an applicant’s TELS award. Each eligible postsecondary institution shall establish written procedures for an applicant or recipient to appeal a decision of an eligible postsecondary institution to deny or revoke 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 establish a process to ensure students applying for or receiving a TELS award are notified of the procedures to appeal the denial or revocation of a TELS award including the timeframe within which an appeal must be filed with the TELS

Award Appeals Panel. No eligible postsecondary institution official rendering a decision to deny or revoke a TELS award shall participate in the appeal process for the same applicant or recipient. The IRP may award or reinstate the student's TELS award without a meeting and shall make such determination no later than fourteen (14) calendar days after an applicant or recipient properly files an appeal. If the IRP determines that a meeting is required, the IRP shall hear the appeal no later than fourteen (14) calendar days after an applicant or recipient properly files an appeal. Except where exigent circumstances exist, the IRP shall render a decision no later than seven calendar days after meeting to consider an appeal. Such decision shall be reduced to writing and shall include a summary of the pertinent facts and issues and the panel's decision and reasons for the decision. The IRP shall provide a copy of the written decision to the appellant as soon as practicable. For the purposes of this rule, it will be presumed that the decision was delivered to the appellant two (2) calendar days after the decision was placed in the U.S. Postal Service addressed to the appellant's official mailing address according to the eligible postsecondary institution's records.

- (2) The Appeals Panel shall be appointed by the Corporation's Executive Director for the purpose of meeting to consider appeals from decisions rendered by the IRPs. No official of an eligible postsecondary institution shall sit as a member of the Appeals Panel where the denial or revocation being appealed involves such official's eligible postsecondary institution. A student seeking an appeal of a decision rendered by an IRP shall request an appeal, to include a written statement outlining the basis for the appeal as well as all pertinent information related to the appeal, with the Corporation within forty-five (45) calendar days from the date that the decision was delivered to the student. A complete record of the institutional IRP ruling shall be provided to the Corporation by the student. The Appeals Panel may award or reinstate the student's TELS award without a meeting. This decision shall be made no later than thirty (30) calendar days after an appeal is properly filed and the record from the IRP hearing is received. If the Appeals Panel determines that a meeting is required, the Appeals Panel shall consider the appeal no later than forty-five (45) calendar days after the appeal is properly filed, unless an extension is requested by the appellant and granted by the Appeals Panel. Except where exigent circumstances exist, the Appeals Panel shall render a decision no later than fourteen (14) calendar days after ruling on an appeal. Such decision shall be reduced to writing and shall include a summary of the pertinent facts and issues and the panel's decision. The Appeals Panel shall provide a copy of the written decision to the appellant and the appellant's home institution as soon as practicable. The Appeals Panel is the final administrative appeal.
- (3) The authority of the IRPs and the TELS Award Appeals Panel shall be strictly limited to consideration of appeals arising from eligibility determinations made by an eligible postsecondary institution or the Corporation. Neither appeals panel shall have the authority to rule on the validity of any information provided to the eligible postsecondary institution or Corporation by another entity on which its decision to deny or revoke a TELS award was based, including, but not limited to high school grade point average, ACT or SAT scores, or grades from another eligible postsecondary institution. Additionally, neither appeals panel shall have the authority to consider requests for exceptions to the high school or collegiate grade point average.

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

The public necessity rules set out herein were properly filed in the Department of State on the 23rd day of October, 2008, and will be effective from the date of filing for a period of 165 days.

These public necessity rules will remain in effect through the 6th day of April, 2009 (10-12-19, DBID 3543).