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Sequence Number: 16-13-15  
Rule ID(s): Ce059  
File Date: 10-20-15  
Effective Date: 1-18-16

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Board of Trustees of the Baccalaureate Education System Trust Fund Program
<b>Division:</b>	
<b>Contact Person:</b>	LaKesha Page
<b>Address:</b>	502 Deaderick Street; 15 <sup>th</sup> Floor Andrew Jackson Building; Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 532-5888
<b>Email:</b>	LaKesha.page@tn.gov

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

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
1700-05-01	Tennessee Baccalaureate Education System Trust
Rule Number	Rule Title
1700-05-01-.05	Purchase of Tuition Units

Chapter Number	Chapter Title
Rule Number	Rule Title

Paragraph (1) in Rule 1700-05-01-.05 Purchase of Tuition Units is amended by deleting the paragraph in its entirety and replacing it with the following so that, as amended, it shall read:

(1) Purchase Price.

(a) The Board shall set the purchase price of a tuition unit pursuant to T.C.A. §49-7-807.

(b) For those four-year public universities that have differential tuition, the annual undergraduate tuition for that university used to calculate the weighted average tuition shall be the lowest tuition amount that is paid by any portion of the student population in the university in each academic year. Using the lowest tuition amount, the weighted average tuition shall be calculated in accordance with T.C.A. §49-7-807.

Authority: T.C.A. §49-7-805(16) and §49-7-807.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Peter Abernathy	X				
Shiri Anderson	X				
Keith Boring	X				
Steve Curry	X				
Russ Deaton	X				
Ron Maples	X				
Betty Sue McGarvey	X				
John Morgan	X				
Greg Turner	X				

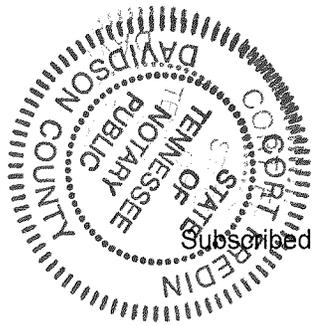
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board of Trustees of the Baccalaureate Education System Trust Fund Program on 07/16/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 6/5/15

Signature: Alicia Cleaves

Name of Officer: Alicia Cleaves

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 6.5.15

Notary Public Signature: [Signature]

My commission expires on: 11.3.15

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III  
 Herbert H. Slatery III  
 Attorney General and Reporter  
7/8/2015 Date

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Filed with the Department of State on: 10-20-15

Effective on: 1-18-16

Tre Hargett  
 Tre Hargett  
 Secretary of State

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

None.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule amends the current rule to establish how the Board will calculate the weighted average tuition for those four-year public universities that have differential tuition.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tenn. Code Ann. §49-7-805 contains the Board of Trustees of the Baccalaureate Education System Trust Fund Program's ("Board") general rulemaking authority to promulgate rules to implement the Board's purpose and authority. Tenn. Code Ann. §49-7-807 contains the Board's authority to determine the weighted average tuition annually for four-year public universities.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The persons most directly affected by this rule are those who currently have a pre-paid tuition plan account.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

To the best of the Board's knowledge, there are no Attorney General opinions or any judicial ruling that directly relates to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed rules will not result in an increase or decrease in state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

LaKesha Page; Board Administrator, Board of Trustees of the Baccalaureate Education System Trust Fund Program; Department of Treasury; 502 Deaderick Street, Andrew Jackson Building, 15<sup>th</sup> Floor; Nashville, Tennessee 37243 and Alison Cleaves, Assistant General Counsel; Department of Treasury; 502 Deaderick Street, Andrew Jackson Building, 13<sup>th</sup> Floor; Nashville, Tennessee 37243.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

LaKesha Page; Board Administrator, Board of Trustees of the Baccalaureate Education System Trust Fund Program; Department of Treasury; 502 Deaderick Street, Andrew Jackson Building, 15<sup>th</sup> Floor; Nashville, Tennessee 37243 and Alison Cleaves, Assistant General Counsel; Department of Treasury; 502 Deaderick Street, Andrew Jackson Building, 13<sup>th</sup> Floor; Nashville, Tennessee 37243.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

LaKesha Page; Board Administrator, Board of Trustees of the Baccalaureate Education System Trust Fund  
SS-7038 (July 2014)

Program; Department of Treasury; 502 Deaderick Street, Andrew Jackson Building, 15<sup>th</sup> Floor; Nashville, Tennessee 37243 and Alison Cleaves, Assistant General Counsel; Department of Treasury; 502 Deaderick Street, Andrew Jackson Building, 13<sup>th</sup> Floor; Nashville, Tennessee 37243.

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

Any additional information requested by committee relevant to the proposed rules will be submitted promptly upon request.