

**School Board Member Improperly Obtained  
\$3,988 in Tuition Fee Discounts**

**Clarksville-Montgomery County School System**

**June 2001**

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STATE OF TENNESSEE  
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State Capitol  
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**John G. Morgan**  
Comptroller

June 4, 2001

The Honorable Don Sundquist, Governor  
and  
Members of the General Assembly  
State Capitol  
Nashville, Tennessee 37243  
and  
Dr. Richard G. Rhoda, Executive Director  
Tennessee Higher Education Commission  
Suite 1900 Parkway Towers  
404 James Robertson Parkway  
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is a special report on the review regarding the alleged falsification of documents by Ms. Nita Groves-Hill, a Clarksville-Montgomery County School Board member, and Mr. David Baker, then Director of Schools, Clarksville-Montgomery County School System. The review was conducted by Division of State Audit staff in conjunction with audit staff from the University of Tennessee, Knoxville, and the Division of County Audit, Comptroller of the Treasury.

Pursuant to the Family Records Privacy Act (FERPA) 20 U.S.C., Section 1232g, 34 CFR 99.1, et seq., the names of all students who received improper financial aid benefits through the improper actions of Ms. Groves-Hill and Mr. Baker have been redacted. FERPA generally prohibits the nonconsensual disclosure of personally identifiable information that would make a student's identity easily traceable. In redacting the names of the individual students, this office has made a good faith effort to attempt to shield these individuals from having their identity easily traced.

On December 5, 2000, Mr. Mark Paganelli, Executive Director of Audit and Management Services at the University of Tennessee, Knoxville, notified the Division of State Audit of the possible falsification of fee discount forms by Ms. Groves-Hill. Personnel from the university's Bursar's Office provided Mr. Paganelli a letter written by Mr. Baker alleging that Ms. Groves-Hill's relatives were improperly receiving fee discounts due to false information Ms. Groves-Hill had provided to the university.

The auditors determined that Ms. Groves-Hill prepared and submitted 13 fee discount forms to the University of Tennessee, Knoxville, and improperly received \$3,988 in fee discounts for her relatives. Her improper fee discounts covered the period from the fall semester 1996 through the fall semester 2000. State law specifies that an individual must be either a state employee or a currently licensed teacher employed full-time in a public school to be eligible for fee discounts at a public college or university in Tennessee. The fee discount allowed is 25% of the tuition.

In an interview with the auditors, Ms. Groves-Hill admitted signing the 13 forms that stated that she was a licensed public school teacher and also a state employee. However, the auditors determined that Ms. Groves-Hill was not a licensed public school teacher, much less a full-time licensed teacher employed in a public school, or a state employee when she signed the forms. Ms. Groves-Hill stated that she checked her employment status as a "Licensed Public School Teacher" on the fee discount forms because she had at one time been a licensed teacher and she did not interpret "Employment Status" to mean current employment. Thus, she stated that she did not intend to mark the form incorrectly. Further, Ms. Groves-Hill stated that she felt entitled to the fee discounts because the legislature mandated that each county shall have school board representatives, and she assumed that as a school board member, she was an employee of the State of Tennessee. However, according to Ms. Groves-Hill, no state payments were ever made to her in her capacity as a school board member. Ms. Groves-Hill also maintained that she presumed she was eligible because Mr. Baker approved her fee discounts. After she reviewed the definition for "teacher" and "state employee" on the back of the forms, which she had signed, she acknowledged that she had signed the forms in error. Upon conclusion of her interview on December 19, 2000, Ms. Groves-Hill made restitution of \$3,284 for 11 fee discounts to the University of Tennessee, Knoxville, by providing the university auditors a personal check for the full amount. The university negotiated her check. The fee discounts for the fall 2000 semester, totaling \$704, were reversed, and the \$704 was paid from her relatives' financial aid accounts.

The auditors also determined that Mr. Baker signed the 13 fee discount forms, which certified that Ms. Groves-Hill was eligible to receive the fee discounts for her relatives. In a December 19, 2000, interview, Mr. Baker told the auditors that he signed the forms knowing that Ms. Groves-Hill was not eligible to receive such benefits. He stated that he signed the fee discount forms because Ms. Groves-Hill told him that University of Tennessee, Knoxville, personnel had told her that she qualified for the fee discounts. Mr. Baker told the auditors that he did not question Ms. Groves-Hill about the basis for her eligibility, did not obtain the name of the university employee from Ms. Groves-Hill, did not obtain any information directly from the University of Tennessee, and did not conduct any other inquiries on his own part. He stated that since Ms. Groves-Hill was technically an individual to whom he reported because she was a

school board member, he felt intimidated by her, and thus he did not question her information. Mr. Baker reviewed the 13 forms and initialed and dated each form authenticating his signature.

On January 30, 2001, the matter was referred to the Office of the State Attorney General and the Office of the District Attorney General, Nineteenth Judicial District (Clarksville).

After we referred the matter to the District Attorney General for the Nineteenth Judicial District, the Division of State Audit received information that Ms. Groves-Hill had submitted an additional discount form for a relative. The form, signed by both Ms. Groves-Hill and Mr. Baker, resulted in a fee discount of \$48 at Pellissippi State Technical Community College for the summer 2000 term. As detailed above, Ms. Groves-Hill was not eligible for the \$48 fee discount. On April 8, 2001, a relative of Ms. Groves-Hill repaid the \$48 to Pellissippi State Technical Community College by personal check.

On May 7, 2001, the Clarksville Grand Jury indicted Ms. Groves-Hill on four counts of perjury and one count of theft of property over \$1,000. The Grand Jury also indicted Mr. Baker on four counts of perjury and 14 counts of official misconduct. Both Ms. Groves-Hill and Mr. Baker presented themselves for arrest processing at the Department of Criminal Warrants Office located in the Clarksville Criminal Justice Building on May 10, 2001.

Sincerely,

A handwritten signature in black ink that reads "John G. Morgan". The signature is written in a cursive style with a long horizontal flourish at the end.

John G. Morgan  
Comptroller of the Treasury

JGM/msc  
01-13

State of Tennessee

# **A u d i t   H i g h l i g h t s**

Comptroller of the Treasury

Division of State Audit

Special Report

**School Board Member Improperly Obtained \$3,988  
in Tuition Fee Discounts  
Clarksville-Montgomery County School System**

June 2001

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## **REVIEW OBJECTIVES**

The objectives of our review were to determine the nature and extent of any impropriety relating to fee discounts obtained by Ms. Nita Groves-Hill from the University of Tennessee, Knoxville; to determine if Ms. Groves-Hill was eligible for her claimed fee discounts as a school board member, a state employee, or a licensed teacher employed full-time in a public school; to determine Mr. David Baker's role in signing and approving the fee discount forms; to report our findings to the Tennessee Higher Education Commission, the Tennessee Department of Education, and the University of Tennessee, Knoxville, and recommend appropriate actions to correct deficiencies; and to refer the results of our review, if appropriate, to the Office of the State Attorney General and the Office of the District Attorney General, Nineteenth Judicial District (Clarksville).

## **RESULTS OF THE REVIEW**

Pursuant to the Family Records Privacy Act (FERPA) 20 U.S.C., Section 1232g, 34 CFR 99.1, et seq., the names of all students who received improper financial aid benefits through the improper actions of Ms. Groves-Hill, a Clarksville-Montgomery County School Board member, and Mr. David Baker, then Director of Schools, Clarksville-Montgomery County School System, have been redacted. FERPA generally prohibits the nonconsensual disclosure of personally identifiable information that would make a student's identity easily traceable. In redacting the names of the individual students, this office has made a good faith effort to attempt to shield these individuals from having their identity easily traced.

Our review concluded that between September 1996 and August 2000, Ms. Groves-Hill signed, and Mr. Baker approved, 13 improper fee discount forms to effectuate Ms. Groves-Hill's receipt

of improper fee discounts for her relatives, totaling \$3,988, from the University of Tennessee, Knoxville.

According to the definitions on the reverse side of the fee discount form, to qualify for the fee discount, an eligible person must either be a full-time certified public school teacher in Tennessee or an employee of the State of Tennessee. The definitions for “full-time teachers” and “full-time employees of the State of Tennessee” are listed on the back of each form signed by Ms. Groves-Hill.

Documentation provided by the Tennessee Department of Education showed that Ms. Groves-Hill was licensed as an apprentice teacher in Health Occupations and taught Health Occupations in 1985 and 1986, but her license expired in 1991, five years before she signed the first fee discount form claiming to be a licensed public school teacher. Since her apprentice license expired in 1991, Ms. Groves-Hill has not been licensed to teach in any public school.

Furthermore, according to the Rules of the *Tennessee Higher Education Commission*, Chapter 1540-1-4-.02, full-time employees of the State of Tennessee are defined as employees of the executive, judicial, or legislative branches of Tennessee state government scheduled to work 1,950 hours or more per year. Based on information provided by the State Employee Information System (SEIS), Ms. Groves-Hill is not now an employee of the State of Tennessee and was not an employee when she submitted the fee discount forms to the University of Tennessee, Knoxville. No record of Ms. Groves-Hill exists in the SEIS database, which contains state employee information from 1992.

In a December 19, 2000, interview, Ms. Groves-Hill stated that she checked her employment status as a “Licensed Public School Teacher” on the fee discount forms because she had at one time been a licensed teacher and she did not interpret the category, “Employment Status,” to mean current employment. Thus, she stated that she did not intend to mark the form incorrectly. Further, Ms. Groves-Hill stated that she felt entitled to the fee discounts because the legislature mandated that each county shall have school board representatives, and she assumed that as a school board member, she was an employee of the State of Tennessee. However, according to Ms. Groves-Hill, no state payments were ever made to her in her capacity as a school board member. Ms. Groves-Hill also maintained that she presumed she was eligible because Mr. Baker approved her fee discounts. After she reviewed the definitions for “teachers” and “state employees” on the back of the forms, which she had signed, she acknowledged that she signed the forms in error. Upon conclusion of her interview on December 19, 2000, Ms. Groves-Hill made restitution of \$3,284 for 11 fee discounts to the University of Tennessee, Knoxville, by providing the university auditors a personal check for the full amount. The university negotiated her check. The two fee discounts for the fall 2000 semester, totaling \$704, were reversed, and the \$704 was paid from her relatives’ financial aid accounts.

Mr. Baker signed the fee discount forms, which certified that Ms. Groves-Hill was eligible to receive the fee discounts. In a December 19, 2000, interview, Mr. Baker told the auditors that he signed the 13 forms knowing that Ms. Groves-Hill was not eligible to receive such benefits for her relatives. He said that he signed the fee discount forms because Ms. Groves-Hill told him

someone from the University of Tennessee, Knoxville, had told her that she qualified for the fee discounts. Mr. Baker stated that since Ms. Groves-Hill was technically an individual to whom he reported because she was a school board member, he felt intimidated by her, and thus he did not question her information. Mr. Baker reviewed the 13 forms and initialed and dated each form authenticating his signature. Mr. Baker acknowledged that he did not question Ms. Groves-Hill about the basis for her eligibility, did not obtain the name of the university employee from Ms. Groves-Hill, did not obtain any information directly from the University of Tennessee, Knoxville, and did not conduct any other inquiries on his own part.

Further, Mr. Baker acknowledged that he had instructed Ms. Elaine Best, a Teacher Certification Specialist, to stamp the forms as approved. Ms. Best told the auditors that she knew that Ms. Groves-Hill did not qualify for the fee discounts but had stamped the forms for approval pursuant to Mr. Baker's orders. Ms. Best stated that she did not question Mr. Baker because he was the Director of Schools.

On January 30, 2001, the matter was referred to the Office of the State Attorney General and the Office of the District Attorney General, Nineteenth Judicial District (Clarksville).

After we referred the matter to the District Attorney General for the Nineteenth Judicial District, the Division of State Audit received information that Ms. Groves-Hill had submitted an additional discount form for a relative. The form, signed by both Ms. Groves-Hill and Mr. Baker, resulted in a fee discount of \$48 at Pellissippi State Technical Community College for the summer 2000 term. As detailed above, Ms. Groves-Hill was not eligible for the \$48 fee discount. On April 8, 2001, a relative of Ms. Groves-Hill repaid the \$48 to Pellissippi State Technical Community College by personal check.

On May 7, 2001, the Clarksville Grand Jury indicted Ms. Groves-Hill on four counts of perjury and one count of theft of property over \$1,000. The Grand Jury also indicted Mr. Baker on four counts of perjury and 14 counts of official misconduct. Both Ms. Groves-Hill and Mr. Baker presented themselves for arrest processing at the Department of Criminal Warrants Office located in the Clarksville Criminal Justice Building on May 10, 2001.

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"Audit Highlights" is a summary of the special report. To obtain the complete special report, please contact

Comptroller of the Treasury, Division of State Audit  
1500 James K. Polk Building, Nashville, TN 37243-0264  
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**INTRODUCTION**

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**ORIGIN OF THE REVIEW**

On December 5, 2000, Mr. Mark Paganelli, Executive Director, Audit and Management Services, University of Tennessee, Knoxville (UTK), notified our office of the possible falsification of fee discount forms by Ms. Nita Groves-Hill, a Clarksville-Montgomery County School Board member. Personnel from UTK's Bursar's Office provided Mr. Paganelli a letter written by Mr. David Baker, then Director of Schools, Clarksville-Montgomery County School System. The letter, faxed to UTK's Bursar's Office, alleged that Ms. Groves-Hill's relatives were improperly receiving tuition discounts due to false information Ms. Groves-Hill had provided UTK.

On December 5, 2000, Division of State Audit staff began a review of the matter in conjunction with audit staff from UTK and the Division of County Audit.

**OBJECTIVES OF THE REVIEW**

The objectives of the review were

1. to determine the nature and extent of any impropriety relating to fee discount documents submitted by Ms. Nita Groves-Hill to obtain fee discounts from UTK;
2. to determine if Ms. Groves-Hill was eligible for her claimed fee discounts as a school board member, a state employee, or a licensed teacher;
3. to determine Mr. David Baker's role in signing and approving the fee discount forms;
4. to report our findings to the Tennessee Higher Education Commission, the Tennessee Department of Education, and UTK, and recommend appropriate actions to correct deficiencies; and
5. to refer the results of our review, if appropriate, to the Office of the State Attorney General and the Office of the District Attorney General, Nineteenth Judicial District (Clarksville).

## **SCOPE OF THE REVIEW**

Pursuant to the Family Records Privacy Act (FERPA) 20 U.S.C., Section 1232g, 34 CFR 99.1, et seq., the names of all students who received improper financial aid benefits through the improper actions of Ms. Groves-Hill and Mr. Baker have been redacted. FERPA generally prohibits the nonconsensual disclosure of personally identifiable information that would make a student's identity easily traceable. In redacting the names of the individual students, this office has made a good faith effort to attempt to shield these individuals from having their identity easily traced.

Our review included an examination of documents provided by the Tennessee Department of Education and the University of Tennessee, Knoxville. We interviewed Mr. Baker, then Director of Schools, Clarksville-Montgomery County School System; Ms. Elaine Best, a Teacher Certification Specialist, Clarksville-Montgomery School System; Ms. Groves-Hill, a Clarksville-Montgomery County School Board member; and Mr. Ross Hicks, an attorney for the Clarksville-Montgomery County School Board.

## **BACKGROUND**

Ms. Groves-Hill was elected to the Clarksville-Montgomery County School Board in 1990 and is currently a school board member. Ms. Groves-Hill also owns and operates a day care center located in Cunningham, Tennessee.

At the time the matters discussed in this report occurred, Mr. Baker was employed by the Clarksville-Montgomery County School System as its Director of Schools. The Clarksville-Montgomery County School Board appointed Mr. Baker as Director of Schools in 1994. His employment was terminated by the school board effective January 10, 2001. Before his appointment as the Director of Schools in 1994, Mr. Baker served as the Personnel Director for the same school system from 1981 to 1994. Mr. Baker's tenure with the school system totaled 34 years.

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## **DETAILS OF THE REVIEW**

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Based on presently available information, we determined that Ms. Groves-Hill prepared and submitted 13 fee discount forms to the University of Tennessee, Knoxville, and improperly received \$3,988 in fee discounts for her relatives. (See Exhibit 1.) Her improper fee discounts covered the period from the fall semester 1996 through the fall semester 2000. State law specifies that an individual must be either a state employee or a currently licensed teacher employed full-time in a public school to be eligible for fee discounts at a public college or university in Tennessee.

## **FEE DISCOUNTS AS A CERTIFIED PUBLIC SCHOOL TEACHER**

*Tennessee Code Annotated*, Section 49-7-119, states that “every child in Tennessee under 24 years of age whose parent is employed as a full-time certified teacher in any public school in Tennessee, shall receive a twenty-five percent (25%) discount on tuition to any state-operated institution of higher learning.” (See Exhibit 2.)

The definition on the back of the fee discount forms Ms. Groves-Hill signed, and Mr. Baker approved, states that a “certified teacher in any public school in Tennessee” refers to teachers, supervisors, principals, superintendents and other personnel who are licensed by the Tennessee Department of Education and employed by any local board of education, for service in public, elementary, and secondary schools in Tennessee supported in whole or in part by state funds. (See Exhibit 3.)

Based on our review of documentation provided by the Tennessee Department of Education, Ms. Groves-Hill had at one time been licensed as an apprentice teacher in Health Occupations, but her license expired in 1991, five years before she signed the first fee discount form on which she claimed to be a licensed public school teacher. Since her apprentice teacher license expired in 1991, Ms. Groves-Hill has not been licensed to teach in any public school.

According to Mr. Will Burns, Associate Executive Director, Tennessee Higher Education Commission, Ms. Groves-Hill would have qualified for the fee discount if she had been licensed as an apprentice teacher at the time she completed the fee discount forms. However, as stated above, Ms. Groves-Hill’s license had expired five years before she signed the first fee discount form in 1996.

### *Ms. Groves-Hill’s Explanation Regarding “Licensed Public School Teacher”*

We asked Ms. Groves-Hill why she claimed to be a licensed public school teacher on the fee discount forms. Ms. Groves-Hill stated that because she was at one time a licensed teacher and taught health occupations at a vocational center, she thought she could claim herself as a licensed public school teacher. However, she acknowledged that she was not a licensed public school teacher at the time she completed the fee discount forms. Ms. Groves-Hill stated that she checked her employment status as “Licensed Public School Teacher” because she had at one time been a licensed teacher and she did not interpret “Employment Status” to mean current employment. Thus, she stated that she did not intentionally mark the form incorrectly.

We pointed out to Ms. Groves-Hill that she was not now a currently licensed teacher, and was not a licensed teacher at the time she completed and submitted the fee discount forms. The only license ever granted to Ms. Groves-Hill by the Tennessee Department of Education was an apprentice trade shop teacher license, which expired in 1991, five years before she submitted her first fee discount form. Ms. Groves-Hill repeated that she completed the form the way she did because she had at one time been a licensed teacher. She acknowledged that she now recognized that the information she had provided was incorrect. We showed Ms. Groves-Hill the definition for “licensed public school teacher” (quoted above) located on the back of the forms she signed.

She stated that she did not read the definition on the back of the forms, and that after reading the definition, she acknowledged that she had made an error.

Ms. Groves-Hill stated that she learned about the fee discount through a conversation with a licensed public school teacher who works with the Clarksville-Montgomery County School System. She stated that after learning about the fee discounts, she asked Mr. Ross Hicks, the attorney for the Clarksville-Montgomery School System, whether she qualified for the fee discounts. She stated that Mr. Hicks told her that she “probably” qualified for the fee discounts as a school board member, but that he was not positive. Ms. Groves-Hill stated that she asked Mr. Baker to sign her completed forms and he did. She stated that when she submitted the forms to UTK personnel, she told them that she was a school board member and they accepted the forms. Ms. Groves-Hill stated that she presumed she was eligible for the fee discounts because Mr. Baker signed the forms. Ms. Groves-Hill stated that Mr. Baker told her to complete the forms before he signed them and she had done so before she submitted them to him for his signature.

#### **FEE DISCOUNTS AS A STATE OF TENNESSEE EMPLOYEE**

*Tennessee Code Annotated*, Section 8-50-115, states that “every child in Tennessee under 24 years of age whose parent is employed as a full-time employee of the state of Tennessee . . . shall receive a twenty-five percent (25%) reduction in the tuition at any state-operated area technical vocational school or institution of higher learning.” (See Exhibit 4.)

The *Rules of the Tennessee Higher Education Commission*, Chapter 1540-1-4-.02(1)(a), state that full-time employees of the State of Tennessee are defined as employees of the executive, judicial, or legislative branches of Tennessee state government scheduled to work 1,950 hours or more per year. (See Exhibit 5.)

The definition on back of the fee discount forms Ms. Groves-Hill signed, and Mr. Baker approved, states that “full-time employees of the State of Tennessee” refers to employees of the executive, judicial, or legislative branches of Tennessee state government scheduled to work 1,950 hours or more per year. (See Exhibit 2.)

Based on information provided by the State Employee Information System (SEIS), Ms. Groves-Hill is not now an employee of the State of Tennessee and was not an employee when she submitted the fee discount forms to UTK. No record of Ms. Groves-Hill exists in the SEIS database, which contains state employee information from 1992.

#### *Ms. Groves-Hill’s Explanation Regarding “State Employee”*

We showed Ms. Groves-Hill the definition for “full-time employees of the State of Tennessee” (quoted above) located on the back of the forms she signed. She stated that she did not read the definition on the back of the forms, and that after reading the definition, she acknowledged that she had made an error.

We asked Ms. Groves-Hill why she claimed to be a state employee on the fee discount forms. She stated that since the State Legislature mandated that each county maintain a county school board, she considered herself a state employee. However, according to Ms. Groves-Hill, no state payments were ever made to her in her capacity as a school board member. Further, she stated that in her mind, if she did not qualify for the fee discounts, then Mr. Baker, as Director of Schools, would not have signed her fee discount forms.

Although local school board members are elected, they do not become state employees once they are elected to their position.

In addition to the definitions on the back of the fee discount forms, the 13 fee discount forms Ms. Groves-Hill completed and signed state that “under penalties of perjury, . . . we hereby acknowledge receipt of a copy of the rules of this fee discount program, and that to the full extent to our knowledge and information . . . are fully qualified for this fee discount under the rules.” (See Exhibit 1.)

#### **THE ROLE OF MS. ELAINE BEST, TEACHER CERTIFICATION SPECIALIST**

Ms. Best, a Teacher Certification Specialist with the Clarksville-Montgomery County School System, stated that when a fee discount form is presented, she searches a computer database of licensed teachers to verify that the person requesting the fee discount form is a current licensed school teacher. The Tennessee Department of Education maintains the database. Ms. Best stated that she is also responsible for signing and authenticating the fee discount forms by affixing a special embossed stamp on the forms.

Ms. Best stated that she did not check the computer database when Ms. Groves-Hill presented the first fee discount form to her because the form had already been signed by Mr. Baker. Ms. Best stated that she knew at the time she stamped the form as approved that Ms. Groves-Hill did not hold a current teacher’s license, but she stamped the form as approved because Mr. Baker had instructed her to. Ms. Best stated that she would not have stamped the forms without Mr. Baker’s instructions to stamp them.

Ms. Best also stated that she typically signed the form on the “Employer/Division” signature line. However, for Ms. Groves-Hill’s fee discount forms, Mr. Baker personally signed the forms on that signature line instead. Ms. Best further stated that his signing the forms for Ms. Groves-Hill was the only time an individual other than her had signed the forms on that signature line. Ms. Best admitted that she did not point out to Mr. Baker that Ms. Groves-Hill was not a currently licensed teacher, nor did she raise any other issues with Mr. Baker regarding Ms. Groves-Hill’s fee discounts. Ms. Best explained that she did not question Mr. Baker because he was the Director of Schools.

Ms. Best stated that since Mr. Baker instructed her to stamp the first fee discount form as approved for Ms. Groves-Hill, and he had signed all the forms that followed, she presumed that he wanted her to stamp all the forms as approved for Ms. Groves-Hill.

## **MR. BAKER'S EXPLANATION REGARDING HIS SIGNATURES ON THE FEE DISCOUNT FORMS**

Mr. Baker stated that he had known Ms. Groves-Hill for approximately 15 years through his employment with the Clarksville-Montgomery School System. He stated that he knew that she had at one time been an apprentice teacher at the vocational school in Clarksville. Mr. Baker stated that Ms. Hill came to his office in 1996 and asked him to sign a fee discount form for her relative. He stated that he told her that he did not think she qualified for the fee discount. He said that she told him that she had spoken to someone at UTK who told her that she qualified for the fee discount. Mr. Baker acknowledged that he did not question Ms. Groves-Hill further about the basis for her eligibility, did not obtain the name of the UTK employee from Ms. Groves-Hill, did not obtain any information directly from UTK, and did not conduct any other inquiries on his own part. Mr. Baker stated that since Ms. Groves-Hill was technically an individual to whom he reported because she was a school board member, he felt intimidated by her, and thus he did not question her information.

Mr. Baker stated that all the fee discount forms Ms. Groves-Hill gave him were blank when he signed them. We specifically asked Mr. Baker why he signed the forms if they were blank. He repeated that Ms. Groves-Hill told him that someone from UTK had told her that she qualified for the fee discounts, and he felt that because she was a school board member he should not question her information.

Mr. Baker stated that he knew that at the time he signed the fee discount forms that Ms. Hill was not a licensed public school teacher or a state employee. He stated that he signed the forms with the knowledge that Ms. Groves-Hill did not qualify for the fee discount.

## **MR. BAKER'S LETTER TO THE UNIVERSITY OF TENNESSEE, KNOXVILLE**

### *The Summer 2000 School Board Race*

In a letter, faxed to the UTK's Bursar's Office, addressed "To Whom It May Concern" and signed by Mr. Baker, he alleged that Ms. Groves-Hill's relatives were improperly receiving fee discounts due to false information Ms. Groves-Hill had provided to UTK. (See Exhibit 6.) Mr. Baker's letter was dated September 13, 2000.

We asked Mr. Baker why he notified the University of Tennessee regarding Ms. Groves-Hill's alleged improper actions. Mr. Baker stated that during the summer 2000 school board race, it appeared that Ms. Groves-Hill might lose her seat as a school board member. He stated that before the elections were final, Ms. Groves-Hill came to his office with approximately 10 to 12

blank fee discount forms and asked him to sign them. He stated that he asked her why she needed so many blank forms signed and that she had replied that UTK often lost them, which caused her relatives' registration to be delayed. Mr. Baker stated that Ms. Groves-Hill told him that the extra forms were to be used in case UTK lost them again. Mr. Baker stated that he signed all of the blank forms. He stated that he notified the University of Tennessee because he believed that Ms. Groves-Hill acted inappropriately in asking him to sign blank fee discount forms.

#### *Ms. Groves-Hill's Statements*

We asked Ms. Groves-Hill about the 10 to 12 blank fee discount forms that Mr. Baker claimed that she submitted to him for his signature during the summer 2000 school board race. Ms. Groves-Hill stated that she did take approximately four or five completed forms to Mr. Baker, not 10 to 12 blank forms, as Mr. Baker had stated. She stated that she needed the extra fee discount forms signed because UTK often lost them and she wanted to have extra forms so her relatives' registration would not be delayed.

#### *Ms. Best's Statements*

Ms. Best stated that Ms. Groves-Hill came to her in the summer of 2000 needing several fee discount forms stamped. She stated that she could not remember if the forms were completed when she stamped them, but she did remember that the forms had been signed by Mr. Baker. She stated that although she was reluctant to stamp the forms as approved, she so did because Mr. Baker had signed them.

As noted above, Ms. Best stated that since Mr. Baker instructed her to stamp the first fee discount form as approved for Ms. Groves-Hill, and he had signed all the forms that followed, she presumed that he wanted her to stamp all the forms as approved for Ms. Groves-Hill.

#### *University of Tennessee Records*

According to Mark Paganelli, the Executive Director of Audit and Management Services at the University of Tennessee, Knoxville, Ms. Groves-Hill submitted two fee discount forms for her relatives, which totaled \$704, to UTK for the fall 2000 semester. However, Mr. Baker's letter to UTK, dated September 13, 2000, prompted university personnel to question her eligibility for the fee discounts. The two fee discount forms for the fall 2000 semester, totaling \$704, were reversed, and the \$704 was paid from her relatives' financial aid accounts.

### **MS. NITA GROVES-HILL'S REPAYMENT OF IMPROPER FEE DISCOUNTS**

Upon conclusion of her interview on December 19, 2000, Ms. Groves-Hill made restitution of \$3,284 for 11 fee discounts to the University of Tennessee, Knoxville, by providing university auditors a personal check for the full amount. The university negotiated her check. As noted above, the two fee discounts for the fall 2000 semester, totaling \$704, were reversed, and the \$704 was paid from her relatives' financial aid accounts.

## **REFERRAL**

On January 30, 2001, the matter was referred to the Office of the State Attorney General and the Office of the District Attorney General, Nineteenth Judicial District (Clarksville).

## **SUBSEQUENT EVENTS**

After we referred the matter to the District Attorney General for the Nineteenth Judicial District, the Division of State Audit received information that Ms. Groves-Hill had submitted an additional discount form for a relative. The form, signed by both Ms. Groves-Hill and Mr. Baker, resulted in a fee discount of \$48 at Pellissippi State Technical Community College for the summer 2000 term. As detailed above, Ms. Groves-Hill was not eligible for the \$48 fee discount. On April 8, 2001, a relative of Ms. Groves-Hill repaid the \$48 to Pellissippi State Technical Community College by personal check.

## **PROSECUTION STATUS**

On May 7, 2001, the Clarksville Grand Jury indicted Ms. Groves-Hill on four counts of perjury and one count of theft of property over \$1,000. The Grand Jury also indicted Mr. Baker on four counts of perjury and 14 counts of official misconduct. Both Ms. Groves-Hill and Mr. Baker presented themselves for arrest processing at the Department of Criminal Warrants Office located in the Clarksville Criminal Justice Building on May 10, 2001.

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## **RECOMMENDATIONS**

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The review resulted in the following recommendations:

1. The Tennessee Department of Education should consider making teacher-licensing information available to all state-supported colleges and universities so that those institutions could determine an applicant's eligibility for a fee discount when a fee discount form is presented. Permitting access to the department's database would enable college and university personnel to view current teacher license information, determine the status of each applicant, and complete the fee discount process.
2. The Tennessee Higher Education Commission should formally communicate to all Directors of Schools throughout the State of Tennessee the requirements for receiving fee discounts. The formal written communication should reemphasize that under no circumstances should a fee discount be approved without confirmation that the

applicant either holds a current teacher's license and is a full-time employed teacher or is a state employee.

3. All Directors of Schools should formally communicate to all personnel and staff who are responsible for approving and stamping fee discount forms that under no circumstances should a fee discount be stamped without confirmation that the individual submitting the fee discount form for approval has met all requirements for receiving the fee discount.

EXHIBIT 1  
Blank Fee Discount Form

**PUBLIC HIGHER EDUCATION FEE DISCOUNT  
FOR CHILDREN OF LICENSED PUBLIC SCHOOL TEACHERS  
AND CHILDREN OF STATE EMPLOYEES**

Higher Education Institution _____	
Term:	<input type="checkbox"/> Fall <input type="checkbox"/> Spring <input type="checkbox"/> Summer <input type="checkbox"/> Other                      Year 199 _____
<b>STUDENT INFORMATION</b>	
Full Name of Student _____	
Social Security No. _____	Date of Birth _____
Address _____	
Relationship to Employee	<input type="checkbox"/> Natural or Legally Adopted Child <input type="checkbox"/> Employee's Stepchild Living with Employee in a Parent/Child Relationship <input type="checkbox"/> Other Individual Living in a Parent/Child Relationship with the Employee Explain: _____
<b>TEACHER/EMPLOYEE INFORMATION (If currently employed, must be employed full-time).</b>	
Employment Status (check one)	
<input type="checkbox"/> Licensed Public School Teacher <input type="checkbox"/> State Employee <input type="checkbox"/> Retired State Employee <input type="checkbox"/> Deceased State Employee	
Full Name _____	
Social Security No. _____	Phone No. _____
Address _____	
Employer _____	Phone No. _____
<b>TEACHERS ONLY (If applying as a public school teacher, you must be licensed by the Tennessee Department of Education and provide your current license number in the space below).</b>	
Current License Number: _____	

We individually do hereby certify, under penalties of perjury, that all of the information contained above is true, correct, and complete to the best of our knowledge, that we hereby acknowledge receipt of a copy of the rules of this fee discount programs, and that to the full extent of our knowledge and information both the "employee" and the "student" are fully qualified for this fee discount under the rules. If following enrollment the student is found to be ineligible for this benefit, the student will be responsible for payment of all previously waived fees plus any other applicable charges.

Employee Signature	Employer/Division of Retirement Signature	Student Signature
Date	Title	Date
Date		

<b>FOR INSTITUTIONAL USE</b>	
Institution _____	Discount _____
Accepted By: _____	Date: _____

Source: Department of Audit and Management Services, University of Tennessee, Knoxville.

EXHIBIT 2  
Fee Discounts for Children of Public School Teachers

**49-7-119. Children of public school teachers - Tuition discount.**

(a) Every child in Tennessee under twenty-four (24) years of age whose parent is employed as a full-time certified teacher in any public school in Tennessee, shall receive a twenty-five percent (25%) discount on tuition to any state operated institution of higher learning.

(b) The Tennessee higher education commission is hereby directed, authorized and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this section, including rules and regulations for the allocation of appropriations specifically appropriated for the implementation of the provisions of this section.

(c) Any reimbursements to a state operated institution of higher learning for the tuition discounts provided by this section shall be limited to those funds specifically appropriated for that purpose in the general appropriations act. Such reimbursement shall be limited to providing for the discount on tuition provided for in this section.

EXHIBIT 3  
Definitions on Back of Fee Discount Form

**PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN  
OF LICENSED PUBLIC SCHOOL TEACHERS AND CHILDREN OF STATE  
EMPLOYEES**

**15-40-1-5.01 INTRODUCTION**

These rules Implement the provision of the Tennessee Code Annotated, Title 49, Chapter 1095 of the 1990 Public Acts and Title 8, Chapter 50, Part 1 in Public Chapter 939 of the 1992 Public Acts and Public Chapters 125 and 267 of the 1993 Public Acts (hereinafter called "the Act"). The Act enables children under the age of twenty-four (24) whose parent is employed as a full-time licensed teacher in a public school in Tennessee or as a full-time employee of the State of Tennessee to receive a twenty-five percent (25%) discount on tuition at any state operated institution of higher learning. Children of retired state employees or whose parent was killed on the job in the line of duty as full-time state employee are also eligible for a twenty-five percent (25%) discount.

**15-40-1.5-.02 GENERAL**

1. Definitions. As used in these regulations (Chapter 15-40-1-5):

- a. "*child . . . under the age of twenty-four*" for purposes of this Act refers to dependent children of certified public school teachers or employees of the State of Tennessee, as herein defined, using the following criteria:
  - i. The teacher's or state employee's natural children or legally adopted children who are twenty-three of age or under.
  - ii The teacher's or state employee's stepchildren who are twenty-three years of age or under and living with the teacher or state employee in a parent/child relationship.
  - iii Any other individuals who are twenty-three years of age or under and living in a parent/child relationship with the teacher or state employee, such as children of deceased parents who are being raised by a grandparent who is employed as a teacher or state employee.
- b. "*certified teacher in any public school in Tennessee*" refers to teachers, supervisors, principals, superintendents and other personnel who are licensed by the Tennessee Department of Education and employed by any local board of education, for service in public, elementary and secondary schools in Tennessee supported in whole or in part by state funds (hereinafter called "teacher").
- c. "*full-time teachers*" are school employees whose position requires them to be on the job on school days throughout the school year, at least the number of hours the schools in the Local Education Agency in session.  
"full-time" supervisors, principals superintendents and other personnel who are licensed by the Tennessee Department of Education are those whose current assignments, regardless of their classification, require his or her services each working day at least a number of hours equal to the number of hours of a regular working day.
- d. "*full-time employees of the State of Tennessee*" are employees of the executive, judicial or legislative branches of Tennessee state government scheduled to work one thousand nine hundred and fifty (1,950) hours more per year.
- e. "*retired state employee*" for purposes of this Act refers to employees of the State of Tennessee who retire after a minimum of twenty-five (25) years of full-time creditable service.
- f. "*tuition*" for purposes of this Act refers to undergraduate maintenance fees or area school program fees. "Maintenance fees" refers to a fee charge to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls.

Source: Department of Audit and Management Services, University of Tennessee, Knoxville.

Tuition does not include application for admission fees, student activity fees, debt service fees, lab fees, the cost of books or other course materials, dormitory charges, or meal plans.

- g. "state operated institution of higher learning" means any institution operated by the University of Tennessee or the Tennessee Board of Regents which offers courses of instruction beyond the high school level (hereinafter called "institution").
2. Eligible children may enroll in any number of courses up to and including full-time study.
  3. Fee discounts are only available for courses classified as undergraduate as defined by the institutions.
  4. The employment status of the teacher or state employee and the child on the first day of classes will be used to determine eligibility for student fee discount for that term. A change in employment status or the child's age after the first day of classes will affect eligibility for the discount only for subsequent terms.
  5. Fee discounts will not be retroactive for prior terms. Fee discounts are available only by application and should be approved prior to the beginning of the term for which a discount is being sought.
  6. The fee discount described herein may not be used in conjunction with any other fee waiver or discount program. No eligible child shall receive a discount greater than twenty-five (25%) for any one term under the provisions of the programs described herein.
  7. Fee discount described herein will be available beginning with the Fall 1990 term for children of teachers and with the Fall 1992 term as defined by the institutions for children of state employees. Fee discounts for children of retired state employees or of state employees killed on the job or in the line of duty will be available beginning with the Fall 1993 term.
  8. At the time of enrollment, the student must present a completed form for children of teachers or state employees certifying eligibility to receive a tuition discount. This form must be signed by the teacher or state employee, his or her employer, and the student. Forms are available at the public higher education institutions. Children of retired state employees must have this form signed by a designated official of the State Treasury Department Division of Retirement to verify that the identified state employee has retired with a minimum of twenty-five (25) years of creditable service. For children of state employee killed on the job or in the line of duty, the form must be signed by a designated official of the state agency at which the employee was last employed.
  9. The Higher Education Commission will have the authority to develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts under the provision of the Act.

#### **15-40-1-5-.03 ELIGIBILITY**

The successful applicant for a student fee discount must meet all of the following:

1. Be twenty-three years of age or under
2. Be a child of a teacher or state employee in Tennessee as defined herein;
3. Be eligible according to the regulations as described herein; and
4. Be eligible for enrollments at the institutions for which a student fee discounts is sought according to the academic rules and regulations of the institutions.

#### **15-40-1-5-.04 APPEALS PROCEDURES**

Appeals regarding the determination of eligibility of the applicant will be available in a manner consistent with institutional procedures now in place for admission decision.

#### **15-4-1-5-.05 PRECEDENCE OF THE ACT**

These rules are subordinate to the Act and are intended to facilitate to implementation. Any portion of these regulations which are adjudicated as contrary to law are to be considered null and void. All other portions of these rules shall be severed therefrom and considered in full force

**Statutory Authority: T.C.A. 49-7-119 and 8-50-115**

EXHIBIT 4  
Fee Discounts for Children of State Employees

**8-50-115. Education tuition reduction for children of state employees.**

(a) (1) Every child in Tennessee under twenty-four (24) years of age whose parent is a full-time employee of the state of Tennessee or whose parent died while employed full-time or was killed on the job or in the line of duty while a full-time employee of the state of Tennessee shall receive a twenty-five percent (25%) reduction in the tuition at any state-operated area technical vocational school or institution of higher learning.

(2) Every child in Tennessee under twenty-four (24) years of age whose parent is a retired employee of the state of Tennessee who retired after a minimum of twenty-five (25) years of full-time creditable service shall receive a twenty-five percent (25%) reduction in the tuition at any state-operated area technical vocational school or institution of higher learning.

(b) The Tennessee higher education commission is hereby directed, authorized and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this subsection. Such rules and regulations are subject to approval by the department of personnel.

(c) Any reimbursements to a state-operated institution of higher learning for the tuition discounts provided by this section shall be limited to those funds specifically appropriated for that purpose in the general appropriations act. Such reimbursement shall be limited to providing for the discount on tuition provided for in this section.

EXHIBIT 5  
Public Higher Education Fee Waivers for State Employees

**RULES  
OF  
THE TENNESSEE HIGHER EDUCATION COMMISSION  
CHAPTER 1540-1-4  
PUBLIC HIGHER EDUCATION FEE WAIVERS FOR STATE EMPLOYEE**

**NEW RULES  
TABLES OF CONTENTS**

1540-1-4.01	Introduction
1540-1-4.02	General
1540-1-4.03	Eligibility
1540-1-4.04	Appeals Procedures
1540-1-4.05	Precedence of the Act

**1540-1-4-01 INTRODUCTION**

These rules implement the provisions of the Tennessee Code Annotated, Title 8, Chapter 50, Part 1 in Public Chapter 1047 of the 1990 Public Acts (hereinafter called "the Act"). The Act enables full-time employees of the State of Tennessee to be eligible for enrollment in one course per term at any state supported college or university or area vocational-technical school without paying tuition charges, maintenance fees, debt service fees, student activity fees, or registration fees.

**1540-1-4-02 GENERAL**

(1) Definitions. As used in these regulations (Chapter 1540-1-4):

- (a) "full-time employees of the State of Tennessee" are employees of the executive, judicial or legislative branches of Tennessee state government scheduled to work one thousand nine hundred and fifty (1,950) hours or more per year (hereinafter called "employee").
- (b) "course" refers to undergraduate or graduate credit courses at a state supported college or university and to certificate or diploma credit courses at the area vocational-technical school.
- (c) "state supported college or university or area vocational-technical school" means any institution operated by the University of Tennessee or the

Source: Rules of Higher Education Commission, Chapter 1540-1-4.

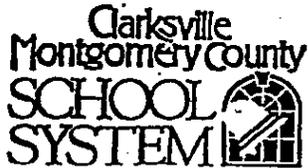
Tennessee Board of Regents which offers courses of instruction beyond the high school level (hereinafter called "institution").

- (d) "term refers to the timeframe in which a course is offered by the institution and for purposes of these rules and includes Fall, Spring, Summer and special session terms as defined by the individual universities and colleges. For the area vocational – technical schools, "term" refers to a three month reporting period. The four terms are:

July 1 – September 30  
October 1 – December 31  
January 1 – March 31  
April 1 – June 30

- (e) "tuition charges, maintenance fees, debt service fees, student activity fees or registration fees" are fees to be waived for eligible employees. "Tuition charges" refers to an additional fee charged to students classified as non-residents and in addition to the maintenance fee. "Maintenance fees" refers to a fee charge to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls. "Debt service fees" refers to an additional charge to students for the retirement of indebtedness and may be included in maintenance fees charges. "Student activity fees" refers to the student charges in addition to tuition and maintenance fees and based on the credit hour enrollment of the student. Some institutions include student activity fees in the maintenance fees rather than as a separate charge. Student activity fees support health services, athletics, student newspapers and social and cultural events. "Registration fees" refers to maintenance fees as described above. Fees and charges which will not be waived included the cost of books or other course materials which are retained by the student, application fees, applied music fees, lab fees, off-campus facilities fees, parking and traffic fines.

EXHIBIT 6  
Mr. Baker's Letter to the University of Tennessee, Knoxville



David E. Baker  
Director of Schools  
Board of Education 621 Gracey Avenue Clarksville, TN 37040  
931-648-5600 Fax: 931-648-5612 email: david.baker@cmcs.net

September 13, 2000

University of Tennessee  
Sent Via Facsimile # 865-974-1945

Re: XXX

To Whom It May Concern:

You should examine tuition discount forms for these students. It is possible XXX (Nita Groves-Hill) has falsified the paperwork. She most likely presented herself as a teacher with the Clarksville-Montgomery County School System. Actually, she is a school board member, not an employee. Perhaps she is eligible as a board member but the law doesn't read that way.

Sincerely,

A handwritten signature in cursive script that reads "David E. Baker".

David E. Baker

DB:mg  
XXX: Pursuant to the Family Records Privacy Act 20 U.S.C., Section 1232g, 34 CFR 99.1, et seq., the names of the students involved or other identifying information has been redacted.

Source: Department of Audit and Management Services, University of Tennessee, Knoxville.

**EXHIBIT 7**  
**Schedule of Fee Discounts to Nita Groves-Hill's Relatives**

Based on information provided by the University of Tennessee in Knoxville, Ms. Groves-Hill's relatives received fee discounts totaling \$3,988. Below is a summary of the discounts each relative received.

	<u>96F</u>	<u>97SP</u>	<u>97F</u>	<u>98SP</u>	<u>98F</u>	<u>99SP</u>	<u>99F</u>	<u>00SU</u>	<u>00SP</u>	<u>F00</u>	<u>TOTAL</u>
<b>Relative A</b>	\$243	\$243	\$262	\$262	\$283	\$283	\$326	\$164		\$352	\$2,418
<b>Relative B</b>					\$283	\$283	\$326		\$326	\$352	\$1,570
<b>TOTAL</b>	<u>\$243</u>	<u>\$243</u>	<u>\$262</u>	<u>\$262</u>	<u>\$566</u>	<u>\$566</u>	<u>\$652</u>	<u>\$164</u>	<u>\$326</u>	<u>\$704</u>	<u>\$3,988</u>

Source: Fee Discount Forms, Ms. Nita Groves-Hill, and University of Tennessee, Knoxville.

**EXHIBIT 8**

**Schedule of Ms. Groves-Hill's Employment Status as Listed on Her Fee Discount Forms**

Based on information provided by the University of Tennessee, Knoxville, Ms. Groves-Hill claimed to be a licensed public school teacher and/or a state employee on her fee discount forms. Below is a summary of employment status Ms. Groves-Hill listed on the fee discount forms.

<b>#</b>	<b>Date</b>	<b>Fee Discount Relative A?</b>	<b>Fee Discount Relative B?</b>	<b>Licensed Public School Teacher?</b>	<b>State Employee?</b>
1	9/5/96	Yes		Yes	No
2	1/10/97	Yes		Yes	Yes
3	8/28/97	Yes		Yes	Yes
4	12/16/97	Yes		Yes	No
5	6/30/98	Yes		Yes	Yes
6	8/11/99	Yes		Yes	Yes
7	7/6/00	Yes		Yes	Yes
8	8/18/00	Yes		Yes	No
9	6/30/98		Yes	Yes	Yes
10	1/8/99		Yes	Yes	No
11	8/11/99		Yes	Yes	Yes
12	1/3/00		Yes	Yes	Yes
13	8/18/00		Yes	Yes	Yes
		<b><u>8(A)</u></b>	<b><u>5(B)</u></b>	<b><u>13(Y)</u></b>	<b><u>9(Y)</u> <u>4(N)</u></b>

Source: Fee Discount Forms, Ms. Nita Groves-Hill, and the University of Tennessee, Knoxville.