



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-137

AN ORDER to repeal TCS 10.08 (3) (d) and (4) and 16.05 (4); to amend TCS 10.08 (1) and (3) (b) (intro.) and 2., (c) (intro.), 1. and 2. and (g), 16.02 (9) and (11), 16.03, 16.04 (1), 16.05 (3) and 16.06 (intro.); to repeal and recreate TCS 16.02 (3) and 16.07; and to create TCS 10.08 (2m) and 16.02 (9m), relating to tuition and fee refunds, and grants to students.

Submitted by **TECHNICAL COLLEGE SYSTEM BOARD**

11-29-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-19-01 REPORT SENT TO AGENCY.

RS:RW;jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. Although useful for emphasis, use of italics in s. TCS 10.08 (2m) is not appropriate drafting style. The agency may wish to review the intended meaning of “simultaneously”; if it is intended to cover drop/adds done at the same time or in the same transaction, that could be clarified. Also, in the first sentence, it appears that the word “be” should be inserted before the word “charged.”

b. Use of the term “aforementioned” in s. TCS 16.07 (4) should be avoided. [See s. 1.01 (9) (b), Manual.] Replacing the term with “under this subsection” would appear appropriate.

c. In s. TCS 16.02 (9), the phrase “certificate as defined in s. TCS 16.02 (9m)” is unnecessary and should be deleted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The last sentence of s. TCS 16.07 (4) is unclear. Is it intended to deny eligibility for future grants for errors that are *not* attributable to the student?

b. The agency may wish to include an “initial applicability” section to clarify the grants and refunds that will be affected.

**PROPOSED ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
AMENDING RULES RELATING TO RESIDENCY, ADMISSIONS AND FEE
REFUNDS; AND GRANTS TO STUDENTS**

The Wisconsin Technical College System Board proposes an order to repeal TCS 10.08(3)(d) and 10.08(4) and 16.05(4); to amend TCS 10.08(1) and (3)(b)(intro) and (3)(b)2. and (3)(c)(intro) and (3)(c)1. and (3)(c)2. and (3)(g) and 16.02(9) and (11) and 16.03 and 16.04(1) and 16.05(3) and 16.06(intro) and; to repeal and recreate 16.02(3) and 16.07; to create TCS 10.08(2m) and 16.02(9m), relating to tuition and fee refunds, and grants to students.

ANALYSIS PREPARED BY THE TECHNICAL COLLEGE SYSTEM BOARD

Statutory authority: Wis. Stat. §§ 38.305(4) and 227.11(2).

Statutes interpreted: Wis. Stat. §§ 38.24(2) and 38.305.

Tuition and fee refunds. The Wisconsin Technical College System (WTCS) refund policies and procedures are promulgated as administrative rules and have remained essentially unchanged since they were established several decades ago. The last modification was made in 1994 to implement a change in federal regulations related to financial aids recipients. However, there has been a movement over the years from traditional semester length classroom based courses to alternate length classroom and distance education based courses. Also, the federal regulations related to financial aid recipients have again been modified prompting a review of the current rules. Based on these factors, a committee comprised of State Board and District staff reviewed the current WTCS refund policies and procedures to determine if they are relevant and appropriate and to recommend modifications the committee deems necessary to address current and future course offerings.

After a review of the current refund policies, the joint committee determined that, although appropriate, these policies needed updating both to conform to current federal law and to clarify (and consolidate) the method of calculating refunds since the two methods currently being used are intended to result in the same amount of refund.

Grants to Students (TOP Grants). The 2001-2003 biennial budget (2001 Wis. Act 16) contains two provisions that affect student eligibility for TOP grants. First, beginning July 2001, students who enroll full-time in a technical college occupational program

within three years of earning a certificate of general educational development (GED) from the Wisconsin State Superintendent of Public Instruction are now eligible for TOP grants. Second, the program has been reduced from \$1,000 to \$500 for all students receiving their first TOP grant in the 2001-2002 school year.

Wis. Admin. Code ch. TCS 16, implements Wis. Stat. § 38.305, and authorizes the State Board to establish rules to implement and administer grants to students, along with rules on refunding a grant if a student becomes ineligible for the grant award.

TEXT OF RULE

SECTION 1. TCS 10.08(1) is amended to read:

TCS 10.08(1) GENERAL PROVISION. In this section, all refund provisions may be superseded by state or federal law.

SECTION 2. TCS 10.08(2m) (title) and (2m) is created to read:

TCS 10.08(2m) ~~COURSE SECTION DROP/ADDS~~. A student who drops one section of a course and simultaneously enrolls in an equivalent section of the same course shall not receive a refund of course fees for the dropped section or ^{be} charged course fees for the added section. The student may be charged a processing fee as allowed under sub. (3)(g). For the purpose of this subsection, an equivalent section is one offered for the same credit value, is subject to the same dollar amount of student fees and is at substantially the same point in the course curriculum at the time of the drop/add.

SECTION 3. TCS 10.08(3)(b) (intro) is amended to read:

TCS 10.08(3)(b) A student who drops one or more courses and prior to the issuance of a refund for the dropped course or courses adds one or more courses shall have the program fees, material fees and tuition for the dropped course or courses applied to the tuition and fee charges of the added course or courses, subject to the following:

SECTION 4. TCS 10.08(3)(b)2. is amended to read:

TCS 10.08(3)(b)2. Where the fees for a dropped course or courses exceed applicable fees for an added course or courses, students will receive a refund pursuant to ~~pars. par.~~ (c) and (d).

SECTION 5. TCS 10.08(3)(c) is amended to read:

TCS 10.08(3)(c) Except as provided under pars. (a) and (b), refunds ~~for courses which are scheduled to meet for one semester or longer,~~ shall be:

SECTION 6. TCS 10.08(3)(c)1. is amended to read:
TCS 10.08(3)(c)1. 80% of program fees, material fees and out-of-state tuition if application for refund is made during the first 14 calendar days of the term's beginning date before or at the time 10% of the course's total hours of instruction have been completed.

SECTION 7. TCS 10.08(3)(c)2. is amended to read:
TCS 10.08(3)(c)2. 60% of program fees, materials fees and out-of-state tuition if application for refund is made during the 15th through 28th calendar day of the term's beginning date after 10% but before more than 20% of the course's potential hours of instruction have been completed.

SECTION 8. TCS 10.08(3)(e) is amended to read:
TCS 10.08(3)(e) No refund shall be granted if application is made after the 28th calendar day for courses scheduled to meet a semester or longer, or after 20% of the course's total potential hours of instruction have been completed in courses scheduled to meet less than a semester.

SECTION 9. TCS 10.08(4) is repealed.

SECTION 10. TCS 16.02(3) is repealed and recreated to read:
TCS 16.02(3) (3) "Date of record" means the day when 10% of the potential hours of instruction of the course have been completed based on when the student is first scheduled to attend the course.

SECTION 11. TCS 16.02(9) is amended to read:
TCS 16.02(9) "First-year student" means any technical college student who has earned, completed, or received no more than 18 postsecondary credits after graduating from high school or receiving a GED certificate as defined in s. TCS 16.02(9m). Any postsecondary credit earned while serving on active duty in the U.S. armed forces may not be counted against this credit limitation.

SECTION 12. TCS 16.02(9m) is created to read:
TCS 16.02(9m) "GED" means a general educational development certificate issued by the state superintendent of public instruction under s. 115.29(4).

SECTION 13. TCS 16.02(11) is amended to read:

TCS 16.02(11) (11) "Graduated from high school" means having received a high school diploma in satisfaction of school board requirements under s. 118.33 PI 5.02(8), or a high school equivalency diploma under s. 115.29(4), Stats.

SECTION 14. TCS 16.03 is amended to read:
TCS 16.03 Period of initial eligibility. The eligibility period for an initial TOP grant begins on the date a person graduates from high school or receives a GED and ends on his or her initial eligibility end date.

SECTION 15. TCS 16.04(1) is amended to read:
TCS 16.04(1) The student has graduated from high school or received a GED as verified by the district.

SECTION 16. TCS 16.05(3) is amended to read:
TCS 16.05(3) A grant recipient is eligible to receive up to 2 TOP grants totaling no more than \$500 per school year within a 12-month period from the date of receipt of the first TOP grant. ~~In no case shall a grant recipient be awarded more than 4 TOP grants in total.~~

SECTION 17. TCS 16.05(4) is repealed.

SECTION 18. TCS 16.06(intro) is amended to read:
TCS 16.06 Continuation of TOP grant eligibility. To receive a TOP grant for a 2nd, ~~3rd,~~ or 4th semester after receiving an initial grant award, a student shall meet all of the following eligibility requirements on the date of record:

SECTION 19. TCS 16.07 is repealed and recreated to read:
TCS 16.07 Refunding policy. (1) A student who either fails to attain a 2.0 GPA or who is not enrolled full-time during the semester in which he or she was awarded a TOP grant shall forfeit any remaining eligibility for subsequent TOP grant awards.

(2) A student who has received a TOP grant under s. TCS 16.05 or 16.06 may request an exemption for reasons owing to personal hardship during the semester in which he or she received the grant. The district director or designee shall approve or deny an exemption request before the end of the semester in which the request was made. A student who has received approval for an exemption is not subject to the provisions of sub. (1) for the subsequent semester in which he or she is eligible for a TOP grant, following the approval of the exemption.

(3) A student may apply for one exemption under sub. (4).

(4) The district director or designee shall seek a full refund of all TOP grant monies from any student awarded such funds if the district director or designee finds, after giving written notice and an opportunity to be heard, that the student received a grant

as a result of deception, fraud, misinformation, or error in providing his or her registration information for an initial or continued TOP grant award. A student who is found to have received a grant award based upon any of the forementioned reasons forfeits any remaining eligibility for subsequent TOP grant awards. No student may be required to refund any grant award if the findings result in a determination that the award was due to error not attributable to the student. In such a case, the student is no longer eligible for any remaining TOP grant awards.

EFFECTIVE DATE

This rule shall take effect on the first day following the date of publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

FISCAL ESTIMATE

The functions required by these rules can be absorbed within existing staff. Therefore, there is no fiscal effect on the agency.

CONTACT PERSON

Questions concerning these rules may be directed to Morna Foy, Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 266-2449.

Date: November 28, 2001

Wisconsin Technical College System Board



Edward Chin, Director