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☞ Details: Legislative Audit Bureau limited-scope review of the use of outside legal counsel by Wisconsin Technical College System administration and colleges

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (November 2012)



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:
State Senator Carol Roessler
State Representative Suzanne Jeskewitz

November 30, 2004

Ms. Janice Mueller, State Auditor
Legislative Audit Bureau
22 East Mifflin Street, Suite 500
Madison, Wisconsin 53703

Dear Ms. Mueller:

This letter directs the Legislative Audit Bureau to conduct a limited-scope review of the use of outside legal counsel by the State's 16 technical colleges and the Wisconsin Technical College System office.

Recent media reports concerning various state contracts for services and the costs of outside legal counsel provided to the Milwaukee Area Technical College have led us to question the extent to which Wisconsin's technical colleges have entered into and monitored contracts for outside legal services.

In response to our request, we anticipate that Bureau staff will contact staff from each of the technical colleges and the system office in order to determine the costs incurred for outside legal services provided in recent years, describe the reasons for which these legal services were secured, and assess how effectively these contracts and their costs are monitored.

If you have any additional questions or concerns, please contact our offices.

Sincerely,

Senator Carol A. Roessler, Co-chair
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair
Joint Legislative Audit Committee

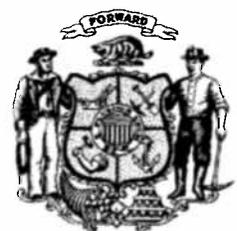
cc: Mr. Dan Clancy, Interim President
Wisconsin Technical College System

Presidents of the Wisconsin Technical Colleges





WISCONSIN STATE LEGISLATURE



Speaker's Task Force

WISCONSIN TECHNICAL COLLEGE SYSTEM

The task force will convene on the following date at the time and location specified below:

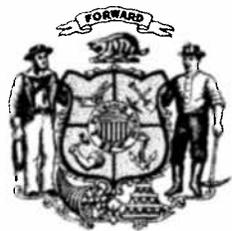
Thursday, October 14, 2004
9:30 AM (please note)
Legislative Council Conference Room

AGENDA:

1. Discussion of duplication concerns between WTCS and the UW System
2. Update on UW System/WTCS Joint Committee on Baccalaureate Expansion (COBE)
3. Discussion of transferability of credits between WTCS and the UW System
4. Update on transferability of credits within the UW System
5. Update on WTCS electives: elimination, streamlining, assessment
6. Update on WTCS District Boards
 - a. Funding
 - b. State Board Authority
 1. Role of the State Board
 2. Operations of the state board
5. Discussion on the future of the Task Force
6. Other business
7. Adjournment



WISCONSIN STATE LEGISLATURE





October 14, 2004

Representative Sue Jeskewitz and
Representative Garey Bies, Co-Chairs
Speaker's Task Force on the Wisconsin Technical College System
PO Box 8052
Madison, WI 53708

Dear Representatives Jeskewitz and Bies:

On behalf of the Wisconsin Technical College System (WTCS), this letter and the attached materials respond to the Speaker's Task Force recommendation that the WTCS State Board, with assistance from WTC System Office staff, complete a self-assessment of the Board's role and operations. The Task Force also requested that the Board address nine specific questions and provide a plan of action responding to Task Force concerns.

The attached paper assesses the role and authority of the WTCS State Board, including providing examples of how decisions made by the State Board affect local stakeholders, including taxpayers, students and the 16 colleges that make up the WTCS. Other attached materials include our response to the nine specific questions asked by the Task Force and two flowcharts that outline the decision-making processes for program approval and facilities development approval.

We would like to thank the Task Force for its commitment to learning about the wide variety of programs and services available through the WTCS and the challenges facing the System. The issues and concerns raised by the Task Force focused the Board's conversations about its role and operations and contributed to a wide-range of Board activities since the Task Force's inception in the summer of 2003, which are discussed in the attached paper.

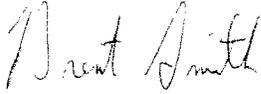
Based on the Board's discussion, we believe there are significant benefits for the WTCS and the State that result from our current authority and responsibilities and how those responsibilities reflect the long-history of balance and shared governance between the WTCS State Board and local WTCS colleges. At the same time, the Board will continue discussing its system leadership and coordination role as part of ongoing efforts to develop new strategic directions and priorities and complete a comprehensive review of WTCS policies and procedures.

Daniel Clancy, Interim President

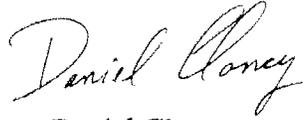
345 West Washington Ave. - 2nd Floor PO Box 7874 Madison, Wisconsin 53707-7874 608.266.1207
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www.wtcsystem.org www.witechcolleges.com

In conclusion, we believe that the WTCS has benefited from the issues discussed by the Task Force. It is with a renewed sense of purpose and leadership that the WTCS Board will continue its important role in ensuring access to the high-quality education and training provided by the WTCS.

Sincerely,



Brent Smith
President, WTCS Board



Daniel Clancy
Interim President, WTCS



**Response to Speaker's Task Force Recommendations
on WTCS State Board Role and Operations
October 2004**

In October 2003, the Speaker's Task Force on the Wisconsin Technical College System (WTCS) recommended that the WTCS State Board, with assistance from System Office staff, complete a self-assessment of its role and operations. According to the Task Force, the self-assessment "should identify changes that could be made to increase its responsibility and to increase the accountability of the Board and the technical college system to the taxpayers." The Task Force asked that the Board address topics related to both the State Board's role and its operations by responding to nine specific questions. The State Board's response to the nine questions is included as Attachment A.

Based on discussion and review, the State Board believes it is important to fully understand how the Board exercises its existing authority, as established in Chapter 38, Wis. Stats, before considering possible changes in authority. Chapter 38 also assigns duties to local district boards and specifies their local control over their college, except for those items otherwise provided by statute. It is important to note that, because Wisconsin statutes balance state and local responsibilities, any changes in the duties or responsibilities of either the State Board or district boards creates a need for statutory changes in the role and authority of the other.

The State Board exercises its statutory authority by making decisions in five basic areas:

- Instructional development and delivery;
- College and statewide policy development;
- Administration of state and federal aid;
- System quality and accountability; and
- System coordination and collaboration.

Attachment B is a full list of Board powers and responsibilities. This list was provided previously to the Task Force as part of its September 9, 2003 meeting.

It is important to understand how the relationship between the State Board and System Office staff helps the State Board exercise its authority. The State Board directs System Office staff to implement the Board's decisions and priorities for improving the quality and availability of WTCS programs and services. System Office staff respond to Board actions and subsequently report back to the Board about staff efforts that often involve working with local college staff. This cycle of Board action and System Office response ensures the Board has the information it needs for decision-making. The Board uses its interactions with System Office staff (and with local colleges through System Office staff) to balance its regulatory enforcement role and its proactive role in setting the strategic directions and priorities for the WTCS.

The following information provides examples of the Board's statutory responsibilities and the type of decisions the Board makes that affect local colleges, students and taxpayers. The information includes specific examples showing recent Board action in each of the five areas under which Board responsibilities exist.

Instructional Leadership

- Wisconsin Statutes require that the State Board:
 - Approve all educational programs offered in any WTCS college.
 - Certify the qualifications of educational personnel.

- How the Board's authority results in accountability for WTCS stakeholders:
 - The Board's authority over curriculum and staff certification ensures that local college programs:
 - provide education and training for jobs with demonstrated market demand;
 - meet industry standards, even as these standards change;
 - respond to workforce needs by offering high-demand, high-wage jobs;
 - are cost-effective by limiting unnecessary program duplication across districts;
 - benefit from cross-district sharing of information about best practices and industry demands; and
 - reflect high quality instruction provided by state-certified personnel.

- State Board instructional leadership example:
 - Every State Board meeting includes action items on discontinuing programs, modifying programs and creating new programs. The action items result from requests submitted by local colleges to the System Office. Board action includes requests for initial Board approval to investigate possible new programs and final Board approval to implement new programs based on detailed local district analysis of possible curriculum, anticipated job demand and potential wages.
 - Even before the Board acts on the initial program investigation request, System Office education directors help colleges ensure that key requirements for new program development, such as a needs assessment plan and analysis of local, state and national labor market data, are clearly documented, and that the program development is supported by business, industry and labor.
 - Attachment C is a flowchart of the program approval process that involves local colleges, System Office staff and the State Board.

System Policy Development

- Wisconsin Statutes require that the State Board:
 - Determine the organization of technical colleges.
 - Establish uniform reporting requirements for fiscal, enrollment, program and other information the State Board deems necessary.
 - Establish system policies, rules, and procedures that affect district operations.
 - Set uniform tuition rates.

- How the Board's authority results in accountability for WTCS stakeholders:
 - The Board requests periodic reports that System Office staff prepare based on uniform information submitted by districts. The Board uses reports from System Office staff to make decisions about the types of programs they approve, their priorities for awarding categorical grants, and the need for new policies that affect district operations and align with the WTCS strategic directions and priorities.
 - The Board uses college finance and student enrollment information in developing the System's biennial budget request. The Board's decisions about what to request for general aids and categorical aids affect state aid resources that will be available to colleges and thus, the amount of the local property tax levy.
 - Annual uniform student tuition and material fees benefit students by assuring high quality programs at the same cost at each of the 16 WTCS colleges. Uniform tuition allows statewide consistency in the portion of educational costs covered by tuition and fees.

- State Board system policy development example:
 - In early 2004, the State Board created a tuition workgroup, which included four board members, to develop recommended 2004-05 tuition rates for consideration by the full Board. The workgroup reviewed data compiled from the districts on estimated enrollments, revenues and costs.
 - Discussion from the Speaker's Task Force about the role of tuition in supporting the WTCS led the tuition workgroup to develop three benchmarks for evaluating appropriate tuition levels: 1) property tax relief, 2) accessibility, and 3) market factors, such as cost comparisons with educational providers in neighboring states.
 - The State Board considered these benchmarks and the resulting recommended tuition levels and approved an historic annual increase of \$6 per credit, which represents an 8.6% increase per postsecondary and vocational adult credit and a 6.2% increase per liberal arts transfer credit. Tuition for a full-time student taking 15 credits a semester increased \$90 per semester under the approved rate.

Administration of State and Federal Aids

- Wisconsin Statutes require that the State Board:
 - Cooperate with the federal government in carrying out any federal act pertaining to technical education.
 - Determine appropriate aid payments to colleges, based on a statutory formula and grant funding priorities established by the Board.
 - Withhold or suspend payment of all or a portion of state aid to any district board that fails to comply with accounting, budget, audit, contracting, and reporting standards established by the Board or that violates statutory provisions governing the WTCS.

- How the Board's authority results in accountability for WTCS stakeholders:
 - The Board's authority for distributing state and federal aids affects resources available to local colleges.
 - The WTCS Board is the designated agency for receiving federal aids, which means the Board is responsible for preparing required federal plans and accountability measures.

- System Office staff enforce Board policy to ensure college compliance with federal reporting and monitoring, which creates accountability and protects Wisconsin's financial interests in qualifying for federal grants-in-aid.
 - The Board administers state career and technical education and adult and family literacy programs by allocating federal funding for these purposes to technical colleges, K12 consortia, the Department of Corrections, Governor's Work-Based Learning Board and community based organizations. In 2004-05, the Board will distribute \$25 million in federal Perkins funds and \$8 million in federal Adult Education and Family Literacy funds.
 - The Board ensures a base level of career and technical education programming statewide by distributing general state aid. In 2004-05, the Board will distribute \$118.4 million of general state aid, which accounts for approximately 16 to 17% of major college revenues.
 - The Board targets innovation and high need by awarding state categorical aids. In 2003-04, WTCS colleges received \$18.3 million in categorical aids under 15 distinct programs.
 - Because the colleges respond to criteria approved by the Board specifying priorities for grant funding, the Board ensures that colleges move toward state goals. System Office staff assist the Board by suggesting priorities for grant funding, reviewing applications submitted by colleges, recommending grant awards, and monitoring local grant spending and performance.
 - Financial and audit requirements established by the WTCS Board ensure compliance with recognized national accounting procedures and practices, which protects the investment by state and local taxpayers in WTCS colleges.
- State Board state and federal aid administration example:
 - Because the State Board recognized the urgent needs to increase health occupations enrollment and graduates, the Board in 2000-01 emphasized activities intended to increase health occupations program enrollments by allocating a portion of state categorical grants for a nursing training project.
 - The Board co-sponsored a Spring 2002 statewide conference that identified expansion of health care education capacity as one of three key recommendations for addressing health care worker shortages.
 - As a result of the Board's emphasis on health care workforce shortages, enrollment more than doubled from 1999-00 to 2003-04 in high-demand health care programs such as associate degree nursing, practical nursing, radiography, dental hygienist and surgical technician. The WTCS also graduated 52.6% more health occupations students in 2003-04 than in 2001-02. From 1999-00 to 2003-04, WTCS health care graduates increased 125.3%.
 - The Board's inclusion of their health care efforts as a centerpiece of their 2003-05 biennial budget request demonstrates the WTCS commitment to expanding health occupation workers, which resulted in allocation of additional health care education resources by the Governor and Legislature.

Quality and Accountability

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- Wisconsin Statutes require that the State Board:
 - Ensure equitable educational services for students of racial or ethnic minorities.
 - Review and approve annual district board appointments.
 - Review and approve facilities development programs, including land acquisition, new construction, additions and remodeling, and property rentals.
 - Oversee annual district financial audits, including single audits of state and federal financial assistance.
 - Ensure equitable educational services for students of racial or ethnic minorities and district compliance with federal and state equal employment opportunity and civil rights requirements.

- How the Board's authority results in accountability for WTCS stakeholders:
 - The Board ensures that local boards include broad representation of various WTCS stakeholders because candidates meet established statutory and administrative code requirements.
 - State and local representation that reflects the broad and diverse WTCS mission is the most fundamental basis for ensuring accountability to stakeholders throughout the state.
 - The Board determines the scope of college facility investments through review and approval of new construction, remodeling and rental space projects. Through its detailed facilities project review, which includes discussion with local staff, System Office staff help the Board ensure compliance with various state and federal laws and regulations and use of industry best practices.

- State Board quality and accountability examples:
 - In fall 2003, the State Board exercised its appointment authority by selecting a member to serve on the MATC-Madison district board. The State Board made this appointment because the local appointment committee selected a candidate who the Board determined did not meet statutory membership requirements. Local board membership requirements are intended to ensure broad representation of WTCS stakeholders, including employers, employees, K12 education, elected officials and the general public.
 - Subsequent to the Legislative Audit Bureau's March 2003 evaluation of MATC-Milwaukee, the State Board conducted an ongoing review of MATC-Milwaukee's progress in addressing the audit recommendations. The State Board has provided periodic updates on this review to the Joint Audit Committee during the last year.
 - During 2003, the Board established a special committee to consider improvements in the facilities development process. The Committee recommended changes to the three-year planning process that the Board adopted because the changes will result in better information about the status and cost of local projects. This new information will help the Board ensure the consistency of the final projects with the original project intent for scope and costs.
 - Attachment D is a flow chart that describes the facilities review process.

System Coordination and Leadership

- Wisconsin Statutes require that the State Board:
 - Determine the organization, plans, scope and development of technical colleges. An important component of fulfilling this responsibility is providing System coordination and leadership through the periodic creation of System Strategic Directions and Priorities.
 - Coordinate student services for special populations.
 - Collaborate and coordinate its efforts with other public and private educational, governmental, business and non-profit organizations.

- How the Board's authority results in accountability for WTCS stakeholders:
 - The Board reviews reports from System Office staff on local efforts to serve special populations, with the goal that students from these groups effectively transition to employment that supports Wisconsin's economic development. Special populations include students with disabilities, limited English speakers, economically and academically disadvantaged students, displaced homemakers and students who receive WTCS education and training while incarcerated.
 - On behalf of the Board, System Office staff initiates and coordinates statewide cost-saving efforts such as joint purchasing of insurance services and computer software.

- State Board system coordination and leadership examples:
 - The State Board has a leadership role in improving and simplifying credit transfer between the WTCS and UWS. In Fall 2003, the State Board and UWS Board of Regents both approved a new six-part plan to improve credit transfer and ensure that students know, when they register, what courses and credits will transfer from the WTCS to specific UWS institutions.
 - As part of the six-part plan, three WTCS Board members are serving on the Joint WTCS-UWS Committee on Baccalaureate Expansion, which is intended to make recommendations for changes that will increase the number of Wisconsin residents with a baccalaureate degree. Both the WTCS Board and UWS Board of Regents are expected to act on the Committee's recommendations by the end of the year.
 - The State Board also coordinates college improvement and cost-saving efforts through the participation of System Office staff. For example, System Office staff participated in the recent establishment of the WTCS Insurance Trust Consortium for property, casualty and worker's compensation insurance. This mutual insurance group is expected to save WTCS colleges over \$1 million annually. System Office staff also helped local colleges recently develop agreements for volume purchasing of software and hardware that generate significant annual cost savings.

WTCS State Board Future Plans

Recommendations from the Speaker's Task Force directed the State Board to report on a plan of action addressing the Task Force's concerns. Based on review and internal analysis stimulated by the Task Force's activities, the State Board will be addressing several important issues over the coming year:

- ***Renewing the Board's Strategic Priorities and Directions.*** One of the ways that the Board exercises its responsibilities for system coordination and leadership is by developing strategic directions and priorities. At its November 2004 meeting, the Board will begin updating its current directions and priorities, including changing its process for setting and reviewing strategic goals. The Board's current directions and priorities focus on:
 - Positioning the WTCS as the state's educational leader for workforce solutions.
 - Increasing access and success for all students to expand the state's resource of skilled workers.
 - Fostering effective economic development partnerships with education and training providers and business, industry, and labor to increase the skills of Wisconsin's labor force.
 - Extending technical college learning opportunities, improving administrative efficiencies, and empowering technical college instructors and students to adopt new teaching and learning strategies through the effective use of technology.

- ***Completing a comprehensive review of System policies and procedures.*** This project will help the Board ensure that current requirements for its operations, for the System Office and for local colleges statewide appropriately assign responsibility and authority and address current and future system needs. The last time there was a comprehensive system policy review was in the early 1990s. Another benefit of this activity is educating new board members about the wide range of System activities and Board authority and responsibility.

- ***Considering changes to meeting schedule and format.*** Based on initial Board discussion, changes are likely in both the meeting schedule and format. For example, one possibility is that the Board will maintain its bi-monthly schedule of regular business meetings but add three or four meetings per year that focus on specific topics pertinent to the WTCS. The Board also appears likely to continue its recent reliance upon special ad hoc committees or work groups formed for a specific length of time to develop recommendations for Board consideration. Within the last year alone, the Board established six different ad hoc committees or work groups that have each included at least 3 of the 13 State Board members. These groups resulted in action by the full Board on: 2004-05 tuition rates, the 2005-07 WTCS biennial budget request, the facilities development process, response to the Speaker's Task Force on the WTCS, the recruitment of a new WTCS system president, and in collaboration with UWS, ways to expand the number of bachelor degrees holders in Wisconsin.

Attachment A: Specific Questions from the Task Force's October 2003 Recommendations

Task Force Questions: Should the Board play a stronger role in developing statewide policies applicable to all technical colleges? Should the State Board exercise more control over activities and operations at technical colleges? Is Board using its current authority, including authority over state aid and program approval, to an appropriate extent?

- Please see the previous description of the State Board's statutory authority, how the Board exercises its authority, and how Board decisions affect local colleges and foster accountability.
- The Board's current authority maintains an appropriate balance between regulatory enforcement and system leadership and coordination.

Task Force Questions: Should faculty contracts, including health care coverage and other benefits, be negotiated statewide rather than individually by each WTCS district? Are salary comparisons between districts being used to artificially elevate WTCS faculty salaries statewide?

- It is unlikely that the State could centrally negotiate salaries and benefits at the local level without assuming responsibility as the employer of all WTCS local college staff. This could require adding approximately 20,000 full- and part-time WTCS faculty and staff, which equal about 10,000 full-time equivalent positions, as employees of the State of Wisconsin.
- Experiences in Minnesota reinforce the value of local bargaining for salary and benefits. Based on comments to the Task Force by an administrator involved in the merger of Minnesota state colleges and universities, converting local employees to state employees may actually increase salary and benefit costs. In Minnesota, the positive effects of regional wage differences were lost by converting local college employees to state employees because statewide wage and benefit standards were driven by higher-wage urban areas.
- Mediation-arbitration law determines the use of salary comparisons as part of the collective bargaining process. Neither the State Board nor local WTCS colleges determine which comparisons are used.

Task Force Questions: Does the Board meet often enough to enable Board members to develop sufficient expertise for informed decision making? Does the Board adequately review staff recommendations? Should Board members establish standing committees to focus on specific topics to enable Board members to develop expertise and familiarity with important topics?

- Please see the previous description of the State Board's statutory authority, how the Board exercises its authority, and how Board decisions affect local colleges and foster accountability.
- Full State Board meetings occur over a portion of two days every other month. If necessary, the Board will schedule special meetings.
- The Board frequently uses teleconferences to discuss emerging or urgent issues that occur between regularly scheduled meetings. These meetings follow state law regarding open meetings and public meeting notification.

- The Board generally receives agendas and materials at least one week prior to meetings, to allow for adequate review and provide opportunities for Board members to contact System Office staff prior to meetings for clarification or to request additional information for the upcoming meeting.
- The Board hears presentations and discussions on all agenda items prior to voting and always has the option of requesting additional information based on the presentations and discussions during the meetings.
- The State Board recently has relied on ad hoc committees that include at least three or four of the Board's 13 members and that meet for a pre-defined short timeframe to address specific issues and make recommendations to the full State Board. Recent ad hoc committees include:
 - A committee that reviewed the facilities approval process and recommended improvements.
 - A budget development committee that recommended the WTCS 2005-07 Biennial Budget request to the full board.
 - A committee that assisted in the development of recommended 2004-05 tuition rates.
 - A committee that discussed the Board's response to the recommendations of the Speaker's Task Force on the WTCS.
 - The Joint WTCS-UWS Committee on Baccalaureate Expansion that is expected to recommend changes that will increase the number of Wisconsin residents who earn a bachelor's degree.
 - A search and screen committee created to oversee the process of hiring the WTCS System president.
- An Executive Committee of the Board also exists. The Executive Committee is available to respond quickly to emerging issues or to requests from System Office staff for Board input and approval.
- The Board believes that ad hoc committees are more effective than standing committees, particularly considering the relatively small number of State Board members.
- The Board believes that standing committees tend to slow the decision-making process, because of time required for committee discussion prior to the full board meeting, and additional delays that result if issues are referred back to a standing committee. Slower decision-making is less responsive to stakeholders.

Task Force Questions: Is the Board Office staff configured in the best way possible? What is the proper role of the Office staff? Should the state consider eliminating the State Board and operate the WTCS with only a President and Office Staff?

- Please see the previous description of the State Board's statutory authority, how the Board exercises its authority, and how Board decisions affect local colleges and foster accountability.
- Wisconsin Statutes create the State Board membership to include representation from diverse stakeholders who benefit from high quality and accessible WTCS programs and services. Business, labor, agriculture, and the public would lose their State Board representation by eliminating the State Board.

- Board representation fosters cooperation between the WTCS and other educational and state partners that benefit from the WTCS success. Board membership includes representatives from the UWS Board of Regents, Wisconsin Department of Public Instruction and Wisconsin Department of Workforce Development.
- The State Board provides important checks and balances over the activities of the System Office and local colleges.
- The appropriate role of System Office staff is to:
 - Carry out the policies and strategic objectives set by the Board.
 - Respond to directives and questions from the Board.
 - Manage day-to-day activities that improve the effectiveness and efficiency of the System.
 - Provide technical assistance and expertise to local colleges to improve the quality of programs and operations.
 - Serve as a resource of information about the WTCS for state and federal legislators, the press and other stakeholders.

Attachment B: Powers and Duties of the WTCS (State) Board

The WTCS operates under a model of shared governance in which responsibility for the operation of the System is shared by a state board and sixteen local district boards.

The WTCS Board is the state-level coordinating agency for the System. Statutorily, the Board is charged with determining the organization, plans, scope and development of technical colleges in Wisconsin. The Board's powers and duties are set forth in Chapter 38 of the statutes. In addition, the Board has promulgated various administrative rules to implement and clarify its statutory authority.

The following provides a selective list of the powers and duties of the WTCS Board. It is not intended to be a comprehensive list, but rather identifies the major assigned functions.

Instructional Leadership

- Approve, review, evaluate, improve or discontinue educational programs.
- Authorize colleges to grant degrees, diplomas and certificates.
- Review and approve courses of study offered by districts.
- Provide consultation services on curriculum and staff development.
- Coordinate registered adult apprenticeship training.
- Oversee the certification of WTCS education personnel.
- Conduct fire training program and certification of firefighters.
- Conduct emergency medical technician certification program.

System Policy Development

- Establish district boundaries and resolve jurisdiction issues.
- Set uniform tuition rates and material fees for students.
- Establish systemwide policies such as program implementation and discontinuance, faculty and staff development, financial and staff accounting, economic development and international education.
- Review and approve district policies regarding travel and expenses, procurement, personnel and contracts for services.
- Set system budget priorities.
- Monitor, evaluate the impact, and develop policy recommendations regarding state and federal legislative and regulatory changes.

Administration of State and Federal Aids

- Distribution of state general aid formula (\$118.4 million)
- Manage 15 separate state categorical aid programs (totaling \$18.3 million)
- Manage federal aids for Perkins Vocational Education Act (\$11 million) and Adult Education and Family Literacy Act (\$7 million) including development of required federal plans.

Quality and Accountability

- Set goals and develop and oversee accountability measures for adult, career and technical education programs.
- Ensure the equitable provision of educational services for students of racial or ethnic minorities, students with disabilities, and students seeking non-traditional careers.
- Review and approve local district board appointments.
- Review and approve facilities development proposals (land acquisition, new construction, additions, remodeling and rentals of property).
- Establish uniform reporting methods for fiscal, enrollment and program data submitted by the districts.
- Establish standards for financial accounting, budget documentation, and contracting for services reporting.
- Oversee annual financial audits (including single audit of state and federal financial assistance) conducted for the districts.
- Ensure district compliance with federal and state equal employment opportunity and civil rights requirements.

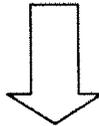
System Coordination

- Set systemwide vision, priorities and strategic directions.
- Coordinate student services for special populations.
- Collaborate and coordinate efforts with other public and private educational, governmental, business and non-profit organizations.
- Coordinate joint purchasing and telecommunications/distance education development.
- Provide assistance in student financial aid administration.

Attachment C: WTCS Program Approval Process Flowchart

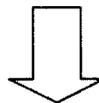
Step 1: Initial Program Request

- College submits an *Initial Program Request*
- System Office staff determine merit of the request.
- If approved, college works with System Office staff to complete *Needs Assessment Plan* plan within 6-months of Initial Program Request



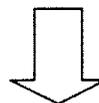
Step 2: Needs Assessment Plan

- College submits a *Needs Assessment Plan* showing how they will justify the need for a new program, such as conducting an employer survey about labor market demand and potential wages or using a focus group or other research methods to gather trend information.
- System Office staff approve or deny Needs Assessment Plan.
- If approved by System Office staff, college submits *Program Investigation* within one year.



Step 3: Program Investigation

- College submits *Program Investigation*, which reports the results of the needs assessment.
- System Office staff work with the college to verify and expand (as necessary) the information provided by the college and make a recommendation to the State Board to approve or deny.
- If approval recommended, System Office staff develop a program justification submitted to the State Board explaining why the program should be approved.
- If approved by State Board, the college completes *Program Implementation Plan* within one year.



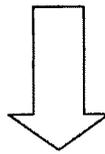
Step 4: Program Implementation Plan

- College submits *Program Implementation Plan* to show specific program operational details, such as curriculum scope and sequence, local board approval and program delivery costs.
- System Office staff review all submitted materials and recommend program approval or disapproval to the State Board.
- If System Office staff approval recommendation presented to the State Board, colleges implement the program.

Attachment D: Facilities Development Approval Process

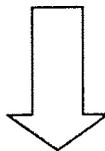
Step 1: Concept Review

- College submits a **Concept Review** for projects estimated to cost more than \$1 million. The concept review includes information about programmatic need, conceptual project plan, and project budget.
- System Office staff determine the merit of the request and present a project overview to the State Board.
- State Board comments on the project, including identifying additional issues that they expect to be addressed as project planning continues.



Step 2: Project Approval

- College submits a **Project Approval** package of project materials that includes preliminary design, cost estimates, fiscal impact, energy analysis, and environmental review.
- System Office staff review proposed project using design review criteria included in TCS 5, which include verifying programmatic need, student and business requirements for the new or remodeled facilities, and estimated project cost.
- System Office staff work with district staff and their consultants to ensure projects meet required criteria and statewide objectives, which helps ensure that projects qualify for Board approval.
- System Office staff prepare recommendation for State Board to approve or deny project.



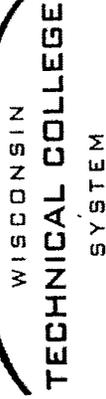
Step 3: Project Implementation

- After the State Board approves a project, college begins **Project Implementation**.
- System Office staff conduct periodic on-site visits to compare project implementation with project as approved by the State Board.
- System Office staff help colleges improve their facilities by providing information on comparative costs and collaborative best practices.
- If, during project implementation, project changes significantly from what State Board approved, project returns to the State Board for approval.





UW-WTCS Transfer Initiatives Implementation Chart



INITIATIVE

IMPLEMENTATION STEPS

TIMELINE

I	Transfer of Occupational/ Technical Courses	<ul style="list-style-type: none"> • Policy Change • Institutional course review 	<ul style="list-style-type: none"> • May 2004 • Fall 2004 • Ongoing
II	Transfer of General Education Core Courses	<ul style="list-style-type: none"> • Policy Change • Institutional course review 	<ul style="list-style-type: none"> • May 2004 • Phase 1, June 04 • Phase 2, Nov. 04 • Ongoing
III	Degree Completion Agreement Format Change	<ul style="list-style-type: none"> • UW/WTCS teams to develop new template 	<ul style="list-style-type: none"> • September 2004
IV	Credit Transfer Contract <u>TIS HOMEPAGE</u>	<ul style="list-style-type: none"> • TIS Report will serve as contract • TIS staff & advisory committees to develop language 	<ul style="list-style-type: none"> • September 2004
V	Liberal Arts Associate Degree	<ul style="list-style-type: none"> • Policy Change • Degree Alignment by WTCS & review by UW faculties 	<ul style="list-style-type: none"> • May 2004 • During 2004-2005
VI	Expansion of Baccalaureate Degree Holders in Wisconsin	<ul style="list-style-type: none"> • Joint WTCS/UW Committee on Baccalaureate Expansion 	<ul style="list-style-type: none"> • Report Due in Fall 2004



The Speaker's Task Force
on the Wisconsin Technical College System

Minutes of March 3, 2004 Meeting
10:00 a.m., Legislative Council Large Conference Room

Representative Sue Jeskewitz called the meeting to order and welcomed the members of the Task Force and those in attendance to observe the meeting.

Dr. Bill Messner, Chancellor of the University of Wisconsin (UW) Colleges, provided the Task Force with an update on efforts within the UW System (UWS) to develop a collaboration initiative on adult access. He explained that for the past 10 years, the UWS and the Board of Regents have been concerned that the UWS has not been serving adult students adequately. He said that because of this concern, UWS has made efforts to serve this demographic by providing online education and establishing collaborative programs between two- and four-year campuses. He said every two-year UW campus now offers a baccalaureate degree program. The UW Colleges and the UW-Extension are developing an adult access proposal which will focus on increasing access to associate and baccalaureate degrees in areas of the state in which those opportunities are not currently available. The proposal is described in a paper he distributed entitled "A Brain Gain Strategy for Wisconsin: The Center for Adult Access."

Chancellor Messner said that the UWS has met with the Wisconsin Technical College System (WTCS) regarding this issue and stated that WTCS brought up two concerns. First, WTCS feels it would be preferable for the UW to hold off on implementing its proposal until the UW/WTCS Committee to Expand Baccalaureate Degree Holders in Wisconsin, a joint committee established by the WTCS and the UW, has completed its work later this summer. However, he explained, President Katherine Lyall said the UW should push ahead and not wait for the results of any committee study. Second, WTCS has stated that the UW effort is misfocused on associate degrees and that the real need is at the baccalaureate level. Chancellor Messner said he agrees that the focus should be on the acquisition of baccalaureate degrees. However, he said there is a need to provide extensive offerings at the freshman and sophomore level for the large proportion of adults who return to college with deficiencies at this level. He said the end goal of the UW proposal is to increase the acquisition of baccalaureate degrees by adults.

In response to the comment made by Joan Jenstead, Chancellor Messner agreed that there is a shortage of high-paying jobs in the state but pointed out that you cannot bring jobs into the state without a sufficient number of college graduates to fill the jobs. He said that jobs tend to be created in an area where there is a sufficient number of educated people in the labor pool. He said the educational system alone cannot solve the brain drain problem but that it is an important part of the solution. He said that some jobs such as nursing positions are already in existence in Wisconsin and educated individuals are needed to fill them. He also pointed out that adults tend to stay in Wisconsin because of the ties they have developed to the state and are less likely to leave the state after attaining a baccalaureate degree than are traditional college students who begin college immediately after high school.

Rodney Pasch asked whether the proposal would involve converting two-year UW Colleges into baccalaureate awarding institutions. Chancellor Messner replied that this was not part of the proposal but instead it would provide enhanced access to associate degree and liberal arts programming for adults in areas of the state where there is currently no access and a collaborative effort to increase adult access to baccalaureate degree programs.

Representative Jeffrey Wood asked how the education would be delivered in areas of the state which are located far from UW campuses. Chancellor Messner replied that although there were some distance issues, programming could be provided online, in a hybrid form including some face-to-face and some online programming or through correspondence courses. Representative Wood asked why the proposal would not include using the WTCS to meet the demand for baccalaureate programming. Chancellor Messner replied that this would involve providing four-year degree programs at WTCS campuses which is an issue that the WTCS would have to tackle on its own. He also pointed out that there is the difference in culture between two- and four-year institutions. For example, he said that providing four-year programming at the WTCS may necessitate the use of Ph.D.'s to teach at WTCS schools and that this would create a different mindset at the WTCS.

Joe Davis said it is his impression that "turf" and "mission" issues are hindering the state's effort to meet the educational needs of its citizens. He said to be competitive Wisconsin needs to provide increased access to the entire post-secondary educational system. He said that it is hard to justify the multi-pronged efforts that are being discussed and this discussion highlights the need to establish improved collaboration and coordination within the higher educational system in Wisconsin.

Joan Nellen questioned how the UWS proposes to get the word out to adult students about its proposal. Chancellor Messner answered that a market analysis could be conducted and that advertising for the adult market would be appropriate.

Nino Amato, President of the WTCS, addressed the Task Force. Mr. Amato outlined the UWS/WTCS plan for enhancing credit transfer and expanding the number of baccalaureate degree holders in Wisconsin, which is set forth in a handout provided to the Task Force entitled "Progress Report on Credit Transfer-March 2004."

Mr. Amato stressed that the UWS should work through the UW/WTCS joint committee to address the need for increased access to baccalaureate degrees. He said the UWS should not work on this issue alone. He said that a major problem remains that credits earned at the WTCS do not adequately transfer to the UWS. Because of these issues critical to enhancing the acquisition of baccalaureate degrees, any proposal that is developed without utilizing the joint committee, as was agreed to by all parties, is not the best approach.

Dr. Richard Carpenter, President, WTCS, stated that the UWS going forth on its own initiative does not constitute collaboration. He provided a handout to the committee entitled "Educational Attainment by State 2000." Dr. Carpenter said the handout shows that Wisconsin ranks ninth among the 50 states in the percentage of its population 25 years and over who have an associate degree. He said Wisconsin does not need more associate degrees but needs collaboration between the UWS and WTCS to increase the number of baccalaureate degree holders.

Dr. Carpenter said that WTCS already is serving adult students. He said WTCS is the largest source of in-state transfers to the UWS. He said that the WTCS e-Tech program, which provides instruction online, currently has 50,000 students enrolled and has won a national award. He said the WTCS is successful in reaching the adult population but is not currently able to provide them with an opportunity to get their baccalaureate degree.

Dr. Carpenter said there is a need to expand associate degree access in high-demand areas as was done successfully in the health care field. He said there is also need to expand degree completion programs in high demand areas. He also pointed out that the working adult student is a different type of student and a different approach is required to meet the needs of those students. Many working adult students served by the WTCS need a level of services that is not provided by the UWS. He said WTCS has the expertise, experience, and infrastructure needed to successfully serve those students. He said the UWS should not spend resources to build that infrastructure from the ground up when the WTCS already has it in place and has proven its ability to serve adults. He said the WTCS's goal is to work collaboratively with the UWS to produce more baccalaureate degrees.

Mr. Amato commented that he will not support another UWS tuition increase. He said that the joint committee should be responsible to assess the potential financial impact of any proposal. He said that the joint committee is the first entity that has ever been in place to make this assessment.

Mr. Davis agreed that the WTCS is a key access point to the higher educational system for many adult students. However, he said the members of the joint committee are not in high enough positions of authority within their institutions to make the policy decisions necessary to implement needed changes.

Representative Wood said that the UW-Eau Claire recently turned away two out of three applicants after advertising for applicants. He pointed out that it does not help Wisconsin citizens to have UW-Eau Claire become the "Harvard of the Midwest" if they cannot gain access to that institution. He said the time for the Legislature to act is long overdue and that the state needs to open the doors of the WTCS, the most successful system in the state, to more of its citizens. He said he is confident that WTCS can fill the educational gaps in the state if it is allowed to do so.

Chancellor Messner commented that he does not perceive any fundamental differences in the goals of the UWS and the WTCS. Rather, there is a disagreement on timing. He said the UWS agrees that to address the brain drain problem, the focus should be on increasing the number of baccalaureate degrees held by state residents. He said the UWS has also heard, however, there is a need for greater access to associate degree programs in certain areas of the state and for enhanced access to general education coursework to supply an appropriate background for adults who need it to go on to earn their baccalaureate degree.

Dr. Carpenter and Deborah Mahaffey, WTCS Vice President for Instruction, Student Services, and Economic Development, presented a paper entitled "Progress Report on Credit Transfer," dated March 2004. Ms. Mahaffey said that the WTCS and the UWS together developed a Joint UWS/WTCS Plan for Enhancing Credit Transfer and Expanding the Number of Baccalaureate Degree Holders in Wisconsin. The six-part plan consists of the following elements:

- Transfer to the UWS of credits earned in WTCS occupational-technical courses on a case-by-case basis.

- Transfer to the UWS of up to 30 credits from WTCS general education core courses.
- Development of degree completion program agreements under which WTCS students will be able to transfer additional courses toward a UW four-year degree.
- Development of credit transfer contracts for WTCS students.
- Transfer of up to 72 credits earned by students who graduate from WTCS college parallel programs.
- Establishment of the joint committee to explore additional options for expanding the number of baccalaureate degree holders in Wisconsin.

Mr. Amato added that in response to the Task Force's concern over whether the WTCS state board exercises sufficient authority over the WTCS, the board is now meeting more often. Mr. Amato also stated that the board has adopted a three-year plan that gives the board more planning information and a greater role in systemwide planning, especially with regard to prioritizing finances statewide. The board has also developed an ad hoc committee to study tuition levels. The state board is also meeting with the administration of the Milwaukee Area Technical College to review issues raised by the recent Legislative Audit Bureau audit of that institution. Mr. Amato said that maintaining the current system of local district boards is important because those board members get immediate feedback regarding issues related to their technical college.

Dan Clancy, WTCS Vice President for Finance and Policy, presented a paper to the Task Force entitled "Analysis of Speaker's Task Force Funding Recommendations." He stated that in order to implement the Task Force's proposal that WTCS be funded in equal proportion by tuition, state funds, and local property taxes, tuition would have to nearly double. Mr. Clancy pointed out that historically, state aid absorbed a greater share of WTCS costs, which relieved pressure on property tax revenues. He pointed out that the proportion of costs covered by state aid has been in steady decline for the last 10 years. In addition, throughout that time, state actions have been taken that shifted the property tax burden to residential property owners, such as exempting manufacturing equipment and agricultural land from the property tax base.

In response to questions, Mr. Clancy said that the annual cost to educate a full-time equivalent (FTE) student at WTCS is between \$11,000 and \$12,000, while the annual cost to educate a FTE student in the UW Colleges is approximately \$7,000. Dr. Carpenter pointed out that the higher cost is based on the high cost of the equipment and supplies needed to train students in technical fields.

Dr. Carpenter said he would like the WTCS to have authority to package existing liberal arts classes as a degree program. He said this would enable students to be eligible for financial aid. Chancellor Messner questioned the appropriateness of the technical colleges offering a full array of liberal arts courses beyond what is needed to provide a foundation for the technical courses taken by WTCS students. Dr. Carpenter responded that employers consistently state that WTCS graduates need more general education courses. Ms. Mahaffey explained that for accreditation purposes, an associate degree program must include 20 to 30 credits of general education courses.

Representative Jeskewitz stressed the importance of avoiding duplication between the UWS and WTCS. She stated that the audit regarding duplication between systems which was requested by the

Task Force has for the time being been put on hold but may be revived if it appears that there is inappropriate duplication between the systems.

Dr. Carpenter responded that there is a lot of collaboration going on between WTCS and the UWS, and it is happening at a rapid pace. He also stated that Wisconsin is one of the last states to have a dual system of two-year post-secondary higher education. Representative Jeskewitz reiterated that the public wants duplication between the systems eliminated to reduce the cost of higher education.

Dr. William Ihlenfeldt said it is important to create options for students who already have an associate degree to obtain their baccalaureate degree without repeating courses they have already taken.

Representative Jeskewitz asked the Task Force members whether the audit should go forward at this time. Chancellor Messner suggested holding another meeting of the Task Force in the fall to review developments within the UWS and WTCS on credit transfer and other issues which are expected over the summer. He said after reviewing the progress made during that time, the Task Force could make a decision regarding the audit. There was general agreement among Task Force members to proceed in this manner.

Representative Steinbrink stated that he is impressed by the progress made so far with credit transfer issues but stressed that efforts must continue to make the system more seamless. Representative Jeskewitz stated that she also appreciates the efforts that have been made rather quickly to improve credit transfer and other issues. She stated that she is very pleased with how responsive WTCS and UWS have been to the Task Force's recommendations. She emphasized, however, that she would pursue legislation mandating smoother, more comprehensive credit transfer between WTCS and UW Systems if it becomes apparent that this end will not be achieved by the two systems themselves working in a cooperative manner.

Representative Jeskewitz told Task Force members they would be informed of the time and date of the next meeting of the Task Force, to be held in the fall. She also asked that the state board self-assessment and report requested in the Task Force recommendations be provided to the Task Force at that time, rather than in April, as originally requested.

MM:rv:tlu



Mark Sommer - absent
Bies - absent

Accountability
of financial
aid

Speaker's Task Force

WISCONSIN TECHNICAL COLLEGE SYSTEM

The task force will convene on the following date at the time and location specified below:

Thursday, October 14, 2004
9:30 AM (please note)
Legislative Council Conference Room

Core Courses
Transfer

AGENDA:

1. Discussion of duplication concerns between WTCS and the UW System ✓
Clancy / Bent Smith / RUBIN
2. Update on UW System/WTCS Joint Committee on Baccalaureate Expansion (COBE)
BEENT SMITH
3. Discussion of transferability of credits between WTCS and the UW System ✓
CLANCY
4. Update on transferability of credits within the UW System ✓
kw: RUBIN
5. Update on WTCS electives: elimination, streamlining, assessment ✓
6. Update on WTCS District Boards ✓
CLANCY (GABRIEL?)
 - a. Funding
 - b. State Board Authority
 1. Role of the State Board
 2. Operations of the state board
5. Discussion on the future of the Task Force — *Letter to Grad?*
6. Other business
7. Adjournment



***Recommendations of the Speaker's Task Force
on the Wisconsin Technical College System***

October 29, 2003

CREDIT TRANSFER

1. Require by statute that up to 25 credits of general education courses shall automatically transfer between WTCS and UWS institutions.
2. Require the UWS and the WTCS to accelerate development of their own systemwide uniform curricula.
3. Require that the UWS and WTCS continue and accelerate the negotiation of articulation agreements. Require establishment of an articulation agreement for each program that exists in both systems. Utilize the Joint Administrative Committee on Academic Programs (JACAP) to identify which programs exist in both systems. Agreements should be developed at the department level.
4. Prioritize the programs for which articulation agreements will be developed based on "student flow" and economic development needs.
5. Establish a timeline for the development of articulation agreements.
6. In articulation agreements, include the option for students to "test out" of courses.
7. Direct the UWS and WTCS to promulgate rules establishing a procedure to appeal a decision of the receiving institution denying credit for a course taken at the other institution. The rules shall provide that decisions made pursuant to the process are final, notwithstanding s. 36.09 (4), Stats., the UWS faculty governance statute.

DUPLICATION

Request a performance audit by the Legislative Audit Bureau, examining whether there is duplication between the UWS and the WTCS in physical facilities or programs, in accordance with the attached scope statement.

DISTRICT BOARDS

1. Maintain the current method of appointing members of technical college district boards.
2. Amend s. 38.08 (1) (a) 1. and 2., Stats., relating to the composition of technical college district boards, as follows:

38.08 (1) (a) 1. A district board shall administer the district, shall reflect the diverse makeup of the district, and shall be composed of 9 members who are residents of the district, including ~~2~~ employers, ~~2~~ employees, ~~3~~

additional members, a school district administrator, as defined under s. 115.001 (8), and one elected official who holds a state or local office, as defined in s. 5.02. The board shall by rule define "employer" and "employee" for the purpose of this subdivision.

2. The employer and employee members of the district board shall be representative of the various businesses and industries in the district. The school district administrator shall be employed by the school board of a school district located in the district. ~~Of the 3 additional members, no more than 2 may be employers, no more than 2 may be employees, no more than 3 may be school district administrators and no more than 3 may be elected officials.~~ No 2 members of the district board may be officials of the same governmental unit nor may any district board member be a member of the school board that employs the school district administrator member.

3. Require the president of each technical college to make an annual presentation on the technical college district budget to each county board in the technical college district.

FUNDING

1. The Legislature and WTCS should work towards establishing a funding formula for the WTCS under which an equal share of funding is derived from each of the three funding sources: student tuition; property taxes levied by the local technical college districts; and state aid. The Legislature should ensure that as tuition levels increase, financial aid is made available to ensure access to the WTCS by needy students. The Legislature should also consider whether the exemption from program fees for vocational adult courses for persons aged 62 years and older is appropriate. [s. 38.24 (1m) (b), Stats.]

2. The Legislature and the WTCS should strive to maintain: (a) the current high level of flexibility and local control within the WTCS which enables local technical college districts to respond quickly to local needs; and (b) general parity of programs offered by technical college districts throughout the state.

3. The WTCS should make greater efforts to ensure that technical colleges recover 100% of costs for contract courses they provide and should consider whether all technical colleges should be required to recover 100% or more of instructional costs for community service courses.

STATE BOARD AUTHORITY

The WTCS Board, with the assistance of the WTCS Office staff, should undertake a self-assessment of its role and operations. The Board should identify changes that could be made to increase its responsibility and to increase accountability of the Board and the technical college system to the taxpayers. The analysis should also address the specific topics and questions set forth below. The Board should submit a report of its self-assessment and a plan of action addressing the Task Force's concerns to the Legislature within six months.

Role of the State Board

- Should the Board play a stronger role in developing statewide policies applicable to all technical colleges in the state?
- Should the Board exercise more control over activities and operations at technical colleges?
- Is the Board using its current authority, including authority over state aid and program approval, to an appropriate extent?
- Should faculty employment contracts, including the provision of health care coverage and other benefits, be negotiated on a statewide basis rather than individually by each technical college district? Are salary comparisons between technical college districts being used to artificially elevate WTCS faculty salaries statewide?

Operations of the State Board

- Does the Board meet often enough to enable Board members to develop sufficient expertise for informed decision making?
- Does the Board adequately review staff recommendations?
- Should the Board establish standing committees to focus on specific topics to enable Board members to develop expertise and familiarity with important topics?
- Is the Board Office staff configured in the best way possible? What is the proper role of the Office staff?
- Should the state consider eliminating the State Board, and operate the WTCS with only a President and Office staff?

MM:rv:tl;ksm



Appointed and Elected College Boards

The Value and Importance of Wisconsin's Appointed Technical College District Boards

Paul Gabriel, Wisconsin Technical College District Boards Association
Updated November 2004

Wisconsin's Technical College Board Model is Designed for Excellence in Local Representation and College Governance

A Proud Legacy -- Wisconsin's district board governance and locally-appointed board model was crafted by the 1911 Progressive-Era legislature that created both the nation's first vocational, technical, and adult education system, and the nation's first unemployment compensation program.

"Local boards are an integral part of the 1911 legislation. The rationale for them was to ensure that the course of vocational education would be guided by lay people who were knowledgeable about the world of work. The boards were to be appointed by existing governing bodies to ensure equal representation of management and labor and to ensure that the board positions would be filled with people genuinely interested in nurturing quality vocational educational programs."¹

In 1956, then Governor Walter Kohler, Jr. wrote:

"We in Wisconsin feel that certain aspects of our vocational education program are unique. We are proud of its development because it is a product of the people. It was initiated through a series of studies made by lay people, legislators and educators. It has continued to function with leadership from the same groups of people. The result is that it reflects the character of our state."¹

A Copied and Proven National Model – The heart of community and technical colleges nationally is that they are community-governed by non-political boards. The majority of states with community and technical college boards appoint their board members. Fifty-three percent of states (19 of 36) appoint all board members.² Four states appoint a portion of board members.² Only thirteen states elect all board members,² and three of these are state-level only boards. States with elected college boards tend to organize college districts by county or municipality and not by regional district across multiple communities and counties.

Wisconsin Technical College Boards are as Representative as Elected Boards

Geographically -- Appointment assures that the entire district, including smaller communities and rural areas, is well-represented. With district-wide elections, a large community or county will dominate voting and likely be over-represented at the expense of outlying areas. For example, Madison Area Technical College includes all or parts of twelve counties, each of which participates in appointing board members consistent with a statutorily required plan of representation assuring the entire district has a voice in governing the college. This is the case despite the fact that the majority of the population resides in Madison and Dane County.

By Profession, Experience and Background -- Appointment assures that each board has representatives including employers, employees, **an elected local official** and a school district administrator. Appointment rules also assure that no such group dominates board membership. Local official and school administrator positions on each board have helped the technical colleges become leaders in inter-governmental cooperation/efficiency.

By Gender and Minority Group Status -- Appointment following locally-tailored plans of representation assures there is broad representation by gender and racial/ethnic background. These statutorily required plans are reviewed and approved at the state level, and specific appointments are reviewed to assure appointments are consistent with local plans.

Because They are Volunteers Insulated from Partisan Politics and Its Funding -- Appointed boards are volunteer-based and community-focused and are not compensated like elected local officials such as town, village, county and municipal officials. The board appointment model was designed to (and helps assure that) board members are not representing individual political agendas or the agendas of those who fund political races or campaigns. Anecdotal information from states with elected college boards suggests that elected board members are more likely to pursue board seats to fulfill a specific personal or political agenda, and are less likely to represent the diverse universe of top business and industry leadership, educators, and local officials.

Because Vacancies Can Be Filled More Quickly and Cheaply than with Elected Boards -- Vacancies can be filled quickly and inexpensively by public hearing rather than by a multi-county special election. Quickly filling vacancies helps assure full community representation rather than waiting for the next regular election cycle or incurring the cost of a special election.

Locally Appointed Boards Are Part of a Balanced and Accountable State-Local Governance Structure

The Best of Combined State and Local Governance -- The Wisconsin Technical College System (WTCS) is governed through a balance of locally-controlled and accountable boards working under the WTCS Board, which provides state-level strategic direction, accountability, and leadership, across the system. The result is a locally responsive system of colleges that meet overall statewide needs and priorities as efficiently as possible.

The WTCS Board monitors and approves key local decisions, such as program offerings and building projects, to provide statewide coordination and oversight. The WTCS Board assures local district appointments meet the local appointing authority's own rules through plans of representation.

Local Boards Are Only a Part of Community Input in College Governance -- Appointed college boards represent only a portion of community involvement and representation in technical colleges. Every program at every college has a community-based advisory committee making recommendations to the board. Every college has a community advisory committee to monitor public-private competition. Each college has active faculty, staff, student, and profession-specific groups that add to the value of services provided in the community.

Wisconsin Technical College Boards Operate as Openly, Publicly, and With as Much Opportunity for Public Input as Any Form of Local Government

Board Appointment is a Democratic Process -- Appointment processes take place in public hearings with broad, public, community notice and opportunity for community participation. The appointment process includes review and public access to written candidate background materials, access to in-person candidate interviews, public comment ability at appointment hearings, and access to the candidates themselves. No person may be considered for board service unless he/she was announced in pre-appointment public notices and participates in-person in appointment activities.

Appointment is based on locally-controlled "plans of representation" that are created locally and that are reviewed each year in public hearings, prior to appointments being made, to assure each district's local needs are best met in the appointment process.

Appointment Does Not Create Professional Politicians -- Even though no college appointment authority has a "term limit" for board service, appointed boards have regular turnover and a healthy mix of veteran and new members. The median appointment date for Wisconsin Technical College board members is mid-2000.³ That is, one-half of all district board members were first appointed in fall, 2000 or later. By law, no person may

serve as the chairperson of a board for more than two consecutive one-year terms. The average length of board service as of Fall, 2004, is 5.5 years.³

Appointed Board Members Follow the Same Ethics Laws as Elected Officials --

Appointed college board members already follow the same ethics and financial reporting requirements as elected public officials. Appointed board members file economic interest statements available to the public through the Ethics Board. Appointed board members follow all ethics and conflict of interest rules that apply to other public officials.

Appointed Boards Operate Openly and Publicly -- Technical college boards operate in the light of open and accessible government and follow all of the Wisconsin open meetings and records rules applicable to other forms of local government. College boards provide broad opportunity for public comment and input and assure that public input is sought on budgeting, programming, and other issues.

Appointment Brings a Wide Cross Section of Community Leadership to Boards --

Wisconsin's appointed college boards include top business, labor, and government leaders. Current board members include CEO's and top executives of businesses ranging from some of the state's largest corporations, to small high-tech businesses. Members represent the wide variety of trades and professions that represent technical college programs such as nurses, electricians, tool makers, dairy farmers, auto dealers, bankers, engineers, and economic development professionals. Local appointment under plans of representation brings a unique mix of these professionals to boards in a variety and at a level that matches community needs and college programming.

Board Leaders Include Elected Officials -- By statute, each technical college board includes an elected official such as town, county, village, municipal, or school board member, former and or current state legislator, or a mayor or county sheriff. Also by statute, every board includes a K-12 school district administrator. Both of these board positions promote collaboration and efficiencies between the colleges and local schools and governments.

Wisconsin Technical College Boards Are the State's Key Economic Engine and Return More to the Economy than Any Other Publicly Funded Activity

Technical Colleges Create a Huge Economic Return on the Public Investment Made --

Technical colleges return \$2 in tax revenue for every \$1 of total public investment.⁴ This 2-to-1 payback is fully realized in just 2.2 years.⁴ This impact does not include pre-existing economic activity, only new economic activity and tax revenues created by technical college training itself. Socio-economic research also demonstrates that technical colleges help reduce public outlays for taxpayer-funded social services, healthcare, and corrections costs.⁴ These economic returns are greater than the known benefits demonstrated by any other form of public service or government in Wisconsin.

Technical Colleges Meet the Ever-Changing Variety of Training Needs for All Wisconsin Residents -- Wisconsin technical colleges enroll almost one-half million persons in at least one course each year; year-in and year-out.⁵ This is approximately one in every nine adults each year. Graduates overwhelmingly stay and work in the state - a brain "gain," not "drain," - for the state. Services and programs cover everything from basic literacy and English as a Second Language training, to the very latest in emerging technology.

Custom Business Support -- Colleges also meet specific local community needs through thousands of customized training programs with business and industry, programming offered at district-wide sites in hundreds of locations statewide, and offered flexibly at the time, place, and pace learners require, including by electronic delivery.

Cutting Edge Technology and Offerings -- Wisconsin technical colleges are national and world leaders in providing excellent, accessible, affordable education. Programs are regularly and rapidly tailored to meet changing technology and equipment needs, changing skills, and changing local and regional economies and industry mixes. Colleges have started, ended, or modified more than 500 programs in the past decade or so; an unprecedented rate of change. Every program is created, modified, or ended with ongoing direct involvement of community advisory boards that make recommendations to the college board.

Where Would Wisconsin be Without its Technical College Graduates? -- Technical colleges produce the workers who make and grow Wisconsin's quality of life. No Wisconsinite likely goes through a single day without interacting with or counting on WTCS graduates for their quality of life and for their personal and community safety. We train Wisconsin's firefighters, EMT's, police officers, nurses, utility operators and repair professionals, computer and information technology professionals, aviation mechanics, and dozens of other key professionals meeting today's and tomorrow's needs.

Wisconsin's Appointed Technical College District Boards are Recognized as National Leaders and Role Models

Volunteer Board Members Offer Thousands of Hours of Service Beyond Official Duties -
- Volunteer technical college board members dedicate thousands of hours to trustee development and education each year. Annually, Wisconsin's 144 college board members complete an estimated 5,000 hours of professional growth and development activities; an average of more than 30 hours per board member annually statewide.⁶ This service is in addition to official board duties and participation in college and community events (estimated at 18,000 – 20,000 volunteer hours annually). Many past and current board members have reported using personal vacation/leave time from their regular jobs to participate in board development activities.

This is a greater collective volunteer commitment than any known cohort of elected local or state officials, and is believed to be as great as the commitment made by any group of technical or community college boards in North America.

Wisconsin's Technical Colleges and Governance Model are Positive National Role Models -- Other states have modeled their college governance model on Wisconsin; the nation's oldest technical education system. For example, North Carolina sent officials to study Wisconsin's technical college system and intentionally modeled its own highly regarded system - including appointed local boards - on Wisconsin. Wisconsin trustees are regularly sought to present at professional growth and education sessions to national and regional colleagues. In 2003, the number of presentations made by Wisconsin board members at the Association of Community College Trustees annual national conference was six times greater than Wisconsin's attendance compared to total national attendance.

Wisconsin Technical Colleges are Recognized and Honored as Leaders in Quality Improvement and in Promoting Partnership and Collaboration

Recognizing Quality in Public Service -- Wisconsin technical colleges, under appointed board leadership, have been awarded more top "quality" awards than any other form of Wisconsin government. The Wisconsin Forward Award is the competitive process paralleling the prestigious national Malcolm Baldrige Awards. Since public entities became eligible for Wisconsin Forward Awards, Wisconsin Technical Colleges have received more top awards than any other industry or service sector, public or private (9 of 70 total awards made at all levels between 1998 and 2003). Technical colleges also account for the majority of all public sector awards at all award levels.⁷

Leaders in Partnership and Collaboration -- Wisconsin's appointed boards are widely regarded as national leaders in promoting partnership and cooperation across local and regional governments, between school and college and university systems, and with business and industry. Partnership, shared services, and collaboration are emerging as the new measurements of excellence in public stewardship. Wisconsin technical colleges already lead the efforts that are emerging as a measure of good government and that will be promoted as a method of making local governments better.

A Thorough Legislative Review Recommended Maintaining Appointed Boards

The Assembly Speaker's Taskforce to Review the WTCS, comprised of legislators and citizens from around the state, completed a thorough year-long review of the WTCS including college governance, funding, mission, service, and accountability to taxpayers. The Taskforce's final recommendations included: "Maintain the current method of appointing members of technical college district boards."⁸

This paper was written by Paul Gabriel, Executive Director, Wisconsin Technical College District Boards Association, who is responsible for its content.

Updated November 2004

End Notes:

1. Kathleen A. Paris, *A Political History of Vocational, Technical and Adult Education in Wisconsin*, WVTAE, Madison, WI, 1985, p.181, 184.
2. Association of Community College Trustees.
3. Wisconsin Technical College District Boards Association data.
4. Kjell Christopherson and M. Henry Robison, *The Socioeconomic Benefits Generated by the Wisconsin Technical College System* (executive summary), December 20, 2001.
5. Wisconsin Technical College System Board.
6. Wisconsin Technical College District Boards Association data.
7. Wisconsin Forward Award data, www.forwardaward.org.
8. Final Recommendations to the Assembly Speaker, Taskforce to Review the WTCS, Wisconsin State Assembly, November, 2003.

Appointed and Elected College Boards

The Value and Importance of Wisconsin's Appointed Technical College District Boards

Paul Gabriel

Wisconsin Technical College District Boards Association

Summary

Technical College District Boards: Excellence in Representation and Governance – *A proud legacy since 1911; A copied and proven national model (page 1).*

Technical College Boards are as Representative as Elected Boards – *Geographically, by profession, background, gender, and minority status; As non-political/non-partisan volunteers; Because vacancies can be filled without special elections (page 2).*

Locally Appointed Boards - Part of Balanced and Accountable State-Local Governance Structure – *Local boards are part of effective shared state and local governance; Local boards are only one part of colleges' community input (page 3).*

Boards Operate as Openly, Publicly, and With as Much Opportunity for Public Input as Any Form of Local Government – *Board appointment is a democratic process; Boards operate openly and publicly under the same laws as all local governments; Board members follow the same ethics laws as elected officials (pages 3-4).*

Wisconsin Technical Colleges are a Key Economic Engine and Return More to the Economy than Any Other Publicly Funded Activity – *Technical colleges' return on investment and responsiveness is related to local board governance (pages 4-5).*

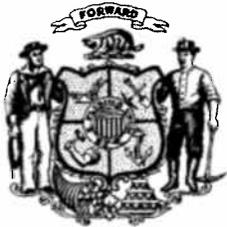
Wisconsin's Appointed Technical College District Boards are Recognized as National Leaders and Role Models -- *Volunteer board members are well-known nationally for commitment and leadership; Are leaders in quality improvement and in promoting partnership and collaboration (pages 5-6).*

A Comprehensive Legislative Taskforce Review Recommended Maintaining the Current Appointed Boards Model (page 6).

(November 2004)



WISCONSIN STATE LEGISLATURE



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Chapter TCS 10

RESIDENCY, ADMISSIONS AND FEE REFUND

TCS 10.01 Purpose and application.
 TCS 10.02 Definitions.
 TCS 10.03 Wisconsin residence.
 TCS 10.04 District residence.

TCS 10.05 Appeal of state or district residence determination.
 TCS 10.06 Exemptions from payment of fees and tuition.
 TCS 10.07 Program admission priorities.
 TCS 10.08 Tuition and fee refunds.

Note: Chapter A-V 10 was renumbered chapter VTAE 10, Register, September, 1985, No. 357, eff. 10-1-85; chapter VTAE 10 was renumbered chapter TCS 10 under s. 13.93 (2m) (b) 1., Stats., Register, June, 1994, No. 462.

TCS 10.01 Purpose and application. The purpose of this chapter is to establish policies, procedures and administratively interpret ss. 38.22 (4) to (6), 38.24 (1m), (2) and (3), and 38.28 (6), Stats., relating to determinations of residency for persons attending district schools, exemptions from payment of program fees, priorities for admission of district residents, non-district state residents and non-state residents to district programs, and fee refunds. These rules are adopted pursuant to ss. 38.22 (5), 38.24 (3) (d), and 227.11 (2) (a), Stats.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

TCS 10.02 Definitions. In this chapter:

- (1) "Alien" means a person who is not a citizen of the United States.
- (2) "Board" means the technical college system board.
- (3) "Director" means the person appointed by the board under s. 38.04 (2), Stats.
- (4) "District" means a technical college district.
- (5) "District director" means a person employed by a district pursuant to s. 38.12 (3), Stats.
- (6) "District resident" means a person whose permanent residence is within the district as determined under s. TCS 10.04 (2).
- (7) "Materials fees" means the fees for consumable materials established by the board pursuant to s. 38.24 (1m) (c), Stats.
- (8) "Minor" means a person who has not attained the age of 18 years.
- (9) "Non-district state resident" means a person whose permanent residence is outside the district, but inside the state.
- (10) "Non-state resident" means a person whose permanent residence is outside Wisconsin.
- (11) "Out-of-state tuition" means the nonresident fee established by the board under s. 38.24 (3), Stats.
- (12) "Program fee" means the fee established by the board pursuant to s. 38.24 (1m), Stats.
- (13) "Refugee" means an alien who is outside his or her country of citizenship due to actual or well-founded fear of racial, ethnic, religious or political persecution as stated in 8 USC 1101 (a) (42), and who is determined to be a refugee by the immigration and naturalization service.
- (14) "Registration" means the procedure by which students are assigned to class including approval of courses to be taken by the student, organization of sections, and assessment and collection of fees.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

TCS 10.03 Wisconsin residence. (1) GENERAL PROVISIONS. In this section:

(a) Any person who is a resident of the state at the beginning of any semester or session for which the person makes application, is a resident of the state for admission and fee purposes.

(b) Notwithstanding par. (a), a person who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and the presumption continues in effect until rebutted by clear and convincing evidence of residence in the state, which may be demonstrated by the verifications indicated in sub. (2) (b).

(c) State residence and district residence, as determined in s. TCS 10.04 (2), may be established concurrently.

(d) Aliens may establish residence in the state according to the provisions of this section.

(2) DETERMINATION OF RESIDENCE. (a) In determining state residence for the semester or session of application, the intent of the applicant to establish and maintain a permanent residence in Wisconsin is determinative.

(b) In addition to representations by the applicant, state residence and intent to remain in Wisconsin may be demonstrated or disproved by factors including, but not limited to, filing of Wisconsin income tax returns, eligibility to vote in the state, motor vehicle registration in the state, possession of a Wisconsin motor vehicle operator's license, place of employment, and self-support.

(3) STATUTORY RESIDENTS. Pursuant to s. 38.22 (6), Stats., the following persons, in addition to persons determined state residents under subs. (1) and (2), are state residents for purposes of admission and fees:

(a) Any person who was employed, or whose parent or legal guardian was employed as a migrant worker for at least 2 months each year for 3 of the 5 years preceding the semester of application for admission, or at least 3 months each year for 2 of the 5 years preceding the semester of application for admission. In this paragraph, migrant worker status is determined by s. 103.90 (5), Stats.

(b) Any minor or adult who, under 26 USC 152 (a), is a dependent of a parent or legal guardian, and whose natural parents are legally separated or divorced, if one parent was a bona fide state resident for at least 12 months preceding the beginning of the semester for which application is made.

(c) Any person continuously employed full time in Wisconsin, who was relocated by his or her current employer or moved to the state for employment, and who accepted current employment before moving and before applying for admission to a district school, if the person demonstrates an intent to make Wisconsin a permanent home as set forth in sub. (2). State residence admission under this paragraph extends to the spouse and dependents, as specified in 26 USC 152 (a), of persons determined eligible.

(d) Any refugee, as defined in s. TCS 10.02 (13), who moved to this state immediately upon arrival in the United States, and who has resided in the state continuously, and who demonstrates an intent to make Wisconsin a permanent home as set forth in sub. (2).

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

TCS 10.04 District residence. (1) GENERAL PROVISIONS. In this section:

(a) Any resident of the state who has maintained a permanent residence within the district prior to application at a district school

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is a district resident for admission priority as determined under s. TCS 10.07, tuition and fees determinations under s. 38.24, Stats., and the determination of district supplemental aid payments under s. 38.28 (6), Stats.

(b) Notwithstanding par (a), a person who enters and remains in a district principally to obtain an education is presumed to continue to reside outside the district, and the presumption continues in effect until rebutted by clear and convincing evidence of residence in the district, which may be demonstrated by the verifications indicated in sub. (2) (b).

(c) District residence, and state residence under s. TCS 10.03, may be established concurrently.

(2) DETERMINATION OF DISTRICT RESIDENCE. (a) In determining district residence for the semester or session of application, the person's current address and a written declaration by the applicant of intent to establish and maintain a permanent residence in the district are determinative.

(b) In addition to representations of the applicant, district residence prior to application may be documented by address verifications from, but not limited to, the most recently filed Wisconsin income tax return, motor vehicle registration, motor vehicle operator's license, bank accounts, and voter registration.

(3) MINORS. Any minor whose parents or custodial guardian have maintained a permanent residence in a district immediately preceding the beginning of any semester or session for which the person makes application at a district is considered a resident of that district for fee purposes.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

TCS 10.05 Appeal of state or district residence determination. **(1)** Applicants for admission and students attending a district technical college shall cooperate with district officials and supply requested residence verification and information as deemed necessary by a district to make the determinations required under ss. TCS 10.03 and 10.04.

(2) A residence determination reached by an admissions official under ss. TCS 10.03 and 10.04 may be appealed, in writing, to the district director, or his or her designee, within 30 days after the student has received the determination. After review of available documentation, the director or designee shall issue a written decision within 30 days after the date a written appeal is received.

(3) Prior to the beginning of any semester or session for which admission is applied, a person may petition the district admissions office for a reconsideration of a residence determination based on changed circumstances. Upon receipt of such petition, the district official charged with residence determinations shall issue a written decision. The written decision may be appealed to the district director or designee as provided in sub. (2).

(4) A decision made by a director or designee shall be subject to review pursuant to ch. TCS 4, and ch. 227, Stats.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

TCS 10.06 Exemptions from payment of fees and tuition. **(1) DEFINITIONS.** In this section:

(a) "Adult basic education" means instruction providing basic skills in the language arts, science, math and exploratory experiences for adults.

(b) "Adult high school" means an instructional program for adults to complete their education leading to a high school diploma.

(c) "English as a 2nd language" means a course designed for persons who speak a primary language other than the English language.

(d) A "needy and worthy" student means a student who:

1. Meets the normal admissions requirements of a district board for enrollment and who maintains satisfactory academic progress according to the district's standards; and,

2. In the case of a U.S. citizen, has financial need under 20 USC 1087kk; or, in the case of a non-U.S. citizen, lacks the financial means to pay out-of-state tuition as determined by a district board based on documentation that available assets and income are insufficient to fund educational expenses including out-of-state tuition.

(2) EXEMPTIONS: (a) Students enrolled in adult high school, adult basic education or English as a second language courses are exempt from program fees under s. 38.24 (1m), Stats.

(b) Students 62 years old and older are exempt from program fees under s. 38.24 (1m), Stats., in vocational adult education courses.

(c) Students admitted under interstate reciprocity agreements approved under s. 39.42, Stats., are exempt from non-state resident fees as provided in the reciprocity agreement.

(3) REMISSION OF NON-STATE RESIDENT TUITION. The director may authorize a district board to remit fees under s. 38.24 (3) (a), Stats., but not fees under s. 38.24 (1m), Stats., for needy and worthy students. The total number of students for which out-of-state tuition may be remitted shall not exceed 0.5% of the full-time equivalent statewide enrollment of the technical college system in the fiscal year prior to the year which remissions are authorized.

(4) EXCHANGE AGREEMENTS. The director may authorize a district board to remit fees under s. 38.24 (3) (a), Stats., but not fees under s. 38.24 (1m), Stats., for students enrolling under agreements with foreign educational institutions that provide for the exchange of an equal number of students.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.

TCS 10.07 Program admission priorities.

(1) APPLICATIONS. (a) Each district shall have a single application process which applies to all residence categories.

(b) For each district program, districts may limit the number of applications accepted or limit the time period during which applications are accepted, provided that limits are applied equally to all applicants.

(2) DISTRICT RESIDENTS. (a) Except as provided in sub. (5) (c), district residents who apply on or before the following dates shall have admission priority:

1. For programs commencing any time during the fall semester, the preceding January 1.

2. For programs commencing any time during the spring semester, the preceding May 1.

3. For programs commencing any time during the summer semester, the preceding October 1.

(b) After the dates provided in par. (a), district residents shall have priority equal to non-district state residents for program admission.

(3) NON-DISTRICT STATE RESIDENTS. After the dates specified in sub. (2) (a) 1. to 3. for district residents, non-district state residents shall have priority equal to district residents for program admission.

(4) NON-STATE RESIDENTS. Non-state residents shall be admitted to district programs, after district and non-district state residents, as spaces remain available.

(5) WAITING LISTS. (a) Waiting lists shall be maintained by districts for admission to all district programs.

(b) District and non-district state residents who are not admitted because of program capacity limitations shall be notified of their non-admission in writing and of the option to be included on a waiting list if they inform the district, in writing, that they wish to exercise the option. Those exercising the option shall be placed on a waiting list for the next available program admission.

(c) Waiting list applicants shall have priority over all other applicants for admission in subsequent terms and shall be

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wait list people CANNOT BE BUMPED

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admitted in the order of their original application for admission. Applicants not exercising the option to be placed on a waiting list at the time they are first informed of the option, who later apply for admission, shall be placed on a waiting list with admission priority determined by the date of such placement.

(d) Waiting list applicants may renew their waiting list status for each subsequent term until admission is achieved.

(5m) SPECIAL CIRCUMSTANCES. Each district board may adopt a policy to reserve a reasonable number of program spaces to accommodate admission for students in special circumstances. Factors which may be considered for special circumstance admissions include, but are not limited to, hardship, school-to-work program participation, special need, and enrollment diversity. District special circumstances' policies are subject to state board review and approval.

(6) JOINT PROGRAMS. If a program is jointly sponsored by two or more districts, the participating districts may agree on the number of students from each sponsoring district who are to be treated as district residents of the district at which the program is offered.

(7) COLLEGIATE TRANSFER PROGRAMS. Applicants for collegiate transfer programs, as defined in s. 38.01 (3), Stats., shall be considered for admission without respect to their residence category.

(8) RECIPROcity AGREEMENTS. Students who apply for district admission under s. 39.42, Stats., interstate reciprocity agreements shall be considered for program admission based on the residence category established for students by the terms of the reciprocity agreement.

Note: It is the intent of the board that the provisions of s. TCS 10.07 apply initially for fall admissions in 1995.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

TCS 10.08 Tuition and fee refunds. (1) GENERAL PROVISION. In this section, all refund provisions may be superseded by federal law.

(2) COURSE CANCELLATION REFUNDS. A student shall receive 100% refund of program fees, material fees and out-of-state tuition for courses which are canceled by a district.

(2m) COURSE SECTION DROP/ADDS. A student who drops one section of a course and, at the same time, 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.

(3) STUDENT-INITIATED REFUNDS. (a) A student shall receive 100% refund of program fees, material fees and out-of-state tuition for a course, if application for refund is made by the student prior to the first scheduled meeting of the course and the student does not add another course.

(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:

1. Where the fees for an added course or courses exceed applicable fees for the dropped course or courses, students will be assessed the additional amount.

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 par. (c).

(c) Except as provided under pars. (a) and (b), refunds shall be:

1. 80% of program fees, material fees and out-of-state tuition if application for refund is made before or at the time 10% of the course's total hours of instruction have been completed.

2. 60% of program fees, materials fees and out-of-state tuition if application for refund is made after 10% but before more than 20% of the course's potential hours of instruction have been completed.

(c) No refund shall be granted if application is made after 20% of the course's total potential hours of instruction have been completed.

(f) Districts may adopt policies to waive the time limitations of this section for special circumstances involving unforeseen student hardship.

(g) Districts may adopt policies to establish a reasonable charge to defray processing costs which may be deducted from the refund otherwise due under this section.

Note: Higher Education Amendments of 1992, Pub. L. 102-325, Title IV, Sec. 485 (a), July 28, 1992, 106 Stat. 619, codified at 20 USC 1091b (a)-(c) (1993).

(5) Districts shall establish procedures for students to appeal refund decisions.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; CR 01-137: am. (1), (3) (b) (intro.), 2., (c) (intro.), 1. 2., and (3), cr. (2m), r. (3) (d) and (4).