

## Clearinghouse Rule 09-066

### ORDER OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD AMENDING RULE RELATED TO RESIDENCY, ADMISSIONS AND FEE REFUND

The Wisconsin Technical College System Board proposes an order to amend TCS 10.03 (3) relating to statutory residents.

#### ANALYSIS PREPARED BY THE WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD

- 1. Statutes interpreted:** § 38.22 (6), Wisconsin Statutes
- 2. Statutory authority:** § 15.64, § 38.22 (4), and § 38.22 (6) Wisconsin Statutes
- 3. Explanation of agency authority:** Pursuant to § 38.22 (4), Wis. Stats., the Technical College System Board shall establish procedures to determine the residence of students attending district schools.
- 4. Related statute or rule:** 2009 Wisconsin Act 28 and § 38.22 (6).
- 5. Plain language analysis:** The 2009-11 state budget bill, 2009 Wisconsin Act 28 added new state residency provisions for tuition purposes for persons who are not residents of the state, but who are enrolled in a technical college district and who meet three eligibility requirements: they graduated from a Wisconsin high school or received a Wisconsin HSED; they have been continuously present in the state for the three years following their enrollment in a Wisconsin high school or preceding receipt of a Wisconsin HSED; and upon enrollment in a technical college, they demonstrate proof of filing (or intent to file) for a permanent U.S. resident visa as soon as they are eligible. In addition, previous legislation added § 38.22 (6) (f) relating to the residency status for tuition purposes for certain veterans, which was never codified into administrative rule.
- 6. Summary of, and comparison with, existing or proposed federal regulations:** not applicable
- 7. Comparison with rules in adjacent states:** not applicable
- 8. Summary of factual data and analytical methodologies:** not applicable
- 9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** not applicable

**10. Effect on small business:** none

**11. Agency contact person:** Morna Foy, Executive Assistant, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874; telephone (608) 266-2449, e-mail [morna.foy@wtcsystem.edu](mailto:morna.foy@wtcsystem.edu).

**12. Place where comments are to be submitted and deadline for submission:** Public hearing and notice are not required under s.227.16 (2) (b) Stats., as the proposed rule amendment brings the existing rule into conformity with s. 38.22 (6).

## **TEXT OF RULE**

Section TCS 10.03 (3) relating to Statutory Residents is amended to include:

- (e) any person who is a citizen of a country other than the United States if that person meets all of the following requirements:
  1. The person graduated from a high school in this state or received declaration of equivalency of high school graduation from this state.
  2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.
  3. The person enrolls in a district school and provides the district board with proof that the person has filed or will file an application for a permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.
- (f) Any person verified by the department of veterans affairs as being a resident of this state under s. 38.24 (8) (a).

## **FINAL REGULATORY FLEXIBILITY ANALYSIS**

Not applicable

## **FISCAL ESTIMATE**

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

## **CONTACT PERSON**

Questions concerning this rule may be directed to Morna Foy, Executive Assistant, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874; telephone (608) 266-2449, e-mail [morna.foy@wtcsystem.edu](mailto:morna.foy@wtcsystem.edu).

Dated this 14<sup>th</sup> day of August, 2009.

Wisconsin Technical College System Board

A handwritten signature in cursive script that reads "Daniel Clancy". The signature is written in black ink and is positioned above a horizontal line.

Daniel Clancy, President

Wisconsin Technical College System