

**Administrative Rule Promulgation
Chapters TCS 10 and TCS 16
Residency, Admissions, and Fee
Refunds, and TOP Grants to
Students.**

RESOLUTION:

Resolved, That upon the recommendation of the State Director of the Wisconsin Technical College System Board, the Board adopts and approves Clearinghouse Rule 01-137 relating to residency, admissions, fee refunds and TOP grants to students, modifying Wis. Admin. Code chs. TCS 10 and TCS 16, and the “Report to the Legislature” required by Wis. Stats. §227.19(2).

Ordered, That staff submit these documents to the presiding officers of each house of the Legislature for review, and upon completion of this review, to cause this rule to be published in the *Wisconsin Administrative Registrar*.

ITEM: Administrative Rule Promulgation - Chapters TCS 10 and 16 Residency, Admissions and Fee Refunds; and Grants to Students (TOP Grants)

At its September 2001 meeting, the State Board approved an omnibus Scope Statement describing various changes to certain chapters in the administrative code. The omnibus Scope Statement was published in the mid-October 2001 *Wisconsin Administrative Register* pursuant to state statute.

At its November 2001 meeting, the State Board approved proposed revisions to administrative rules on Residency, Admissions and Fee Refunds; and Grants to Students (TOP grants) for submission to the Wisconsin Legislative Council Administrative Rules Clearinghouse. The Legislative Council completed its review of these proposed rules and provided comments to the agency. Legislative Council comments were limited to form, style, placement, and grammar issues. The state agency staff has accepted all of the Legislative Council comments and made the suggested changes. In particular, the final draft rules contain an "initial eligibility period" to clarify the grants and refunds that will be affected and the last sentence of s. TCS 16.07(4) has been clarified to indicate that a student will not be required to refund a TOP grant if that grant was awarded due to error not attributable to the student.

At its January 2002 meeting, the State Board adopted a Notice of Public Hearing to receive public comment on the proposed rule changes. The public hearing was held on February 27, 2002 but no one registered a position on the rule changes and no one registered in attendance for information purposes only. The public comment period for the proposed rule changes ended March 7, 2002. No written testimony or comments from the public were submitted regarding the rule changes. As a result, no changes were made to the proposed rules as a result of public comment.

The next step in the administrative rule-making process would be to submit a final draft of the proposed rule changes and a Justification Report for the Legislature that includes the Legislative Council's comments and the Board's response, and a summary of the comments received from the public.

TEXT OF RULE

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

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

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

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

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

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

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

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

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

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

SECTION 6. TCS 10.08(3)(c)1. is amended to read:

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

SECTION 7. TCS 10.08(3)(c)2. is amended to read:

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

SECTION 8. TCS 10.08(3)(d) is repealed.

SECTION 9. TCS 10.08(3)(e) is amended to read:

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

SECTION 10. TCS 10.08(4) is repealed.

SECTION 11. TCS 16.02(3) is repealed and recreated to read:

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

SECTION 12. TCS 16.02(9) is amended to read:

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

SECTION 13. TCS 16.02(9m) is created to read:

TCS 16.02(9m) "GED" means a general educational development certificate issued by the state superintendent of public instruction under s. 115.29(4).

SECTION 14. TCS 16.02(11) is amended to read:

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

SECTION 15. TCS 16.02(19) is repealed.

SECTION 16. TCS 16.03 is amended to read:

TCS 16.03 **Period of initial eligibility.** The eligibility period for an initial TOP grant begins on the date a person graduates from high school or receives a GED and ends on his or her initial eligibility end date.

SECTION 17. TCS 16.04(1) is amended to read:

TCS 16.04(1) The student has graduated from high school or received a GED as verified by the district.

SECTION 18. TCS 16.05(3) is amended to read:

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

SECTION 19. TCS 16.05(4) is repealed.

SECTION 20. TCS 16.06(intro) is amended to read:

TCS 16.06 Continuation of TOP grant eligibility. To receive a TOP grant for a 2nd, 3rd, or 4th semester after receiving an initial grant award, a student shall meet all of the following eligibility requirements on the date of record:

SECTION 21. TCS 16.07 is repealed and recreated to read:

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

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

(3) A student may apply for one exemption under sub. (2).

(4) The district director or designee shall seek a full refund of all TOP grant monies from any student awarded such funds if the district director or designee finds, after giving written notice and an opportunity to be heard, that the student received a grant as a result of deception, fraud, misinformation, or error in providing his or her registration information for an initial or continued TOP grant award. A student who is found to have received a grant award ~~based upon of the aforementioned reasons~~ under this subsection forfeits any remaining eligibility for subsequent TOP grant awards. No student may be required to refund any grant award if the findings result in a determination that the award was due to error not attributable to the student. ~~In such a case, the student is no longer eligible for any remaining TOP grant awards.~~

SECTION 22. This rule shall take effect on the first day following the date of publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

SECTION 23. The provisions of this rule first apply to course enrollments under TCS 10 and grant applications under TCS 16 received on the effective date.

Date: _____

Wisconsin Technical College System Board

Richard Carpenter, Director