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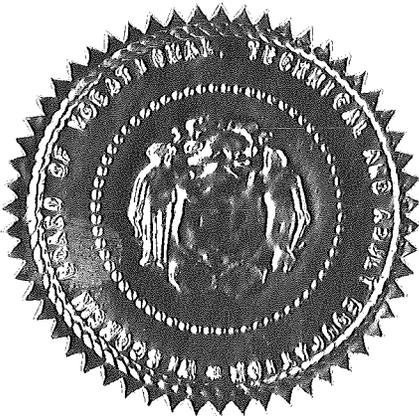
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STATE OF WISCONSIN )  
 ) SS  
BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert P. Sorensen, State Director of the Wisconsin Board of Vocational, Technical and Adult Education, and custodian of the official records of said Board do hereby certify that the annexed rules relating to Residency, Admission and Fee Refund for vocational, technical and adult education districts were duly approved and adopted by this Board on January 19, 1983

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at Hill Farms State Office Building in the city of Madison, this 17th day of March, 1983.

Robert P. Sorensen  
Robert P. Sorensen  
State Director

6-1-83

Order of the  
Board of Vocational, Technical and Adult Education  
Adopting Rules Relating to  
Residency, Admission and Fee Refund

To create chapter A-V 10 relating to rules concerning residency, admissions and fee refunds.

Analysis prepared by the Wisconsin Board of Vocational, Technical and Adult Education.

These rules are being proposed by the Board to enable vocational, technical and adult education districts to determine, for educational and tuition purposes, the legal residence of students attending district schools as required under s. 38.22 (4), Stats. These rules establish procedures and criteria to determine whether a student is a resident of the state and a resident of a specific district. Non-district residents and nonresidents who enter a district or the state primarily to obtain an education shall continue to be considered non-district residents and nonresidents respectively unless, as outlined in these rules, clear and convincing evidence is provided that would change the person's status. Provisions are also included for determining the residence of minors, incarcerated and involuntarily detained individuals, immigrants and refugees.

These rules also interpret ss. 38.24(1)(b), (2) and (3), Stats., relating to the exemption from fees for certain students, the establishment of contractual agreements, a uniform refund policy and the enrollment of non-district resident students.

Certain categories of students are exempted from the payment of program fees and tuition. Students in adult high school, adult basic education, English as a second language and resident students 62 years of age or older in vocational adult courses are exempt from program fees. Apprentices are exempt from interdistrict tuition and students under reciprocity agreements may be exempt from out-of-state tuition as provided for in the specific reciprocity agreements.

District apprentices may enroll for related instruction in a block apprentice program if the district of residence has entered into a contractual agreement with the district that is providing the training. Districts providing block apprenticeship training need not admit nonresident apprentices unless a contract between districts is in effect.

A uniform refund schedule for program, materials and nonresident fees is established for district or student initiated course changes. For courses that meet one semester or longer the refund

is a percentage of the fee based on the number of elapsed days from the first day of the term. For courses less than a semester in length the refund is a percentage of the student fees based on the percentage of the potential hours of instruction that have been completed by the student.

A student's vocational, technical and adult education district of residence is liable for interdistrict tuition for students enrolled in programs not offered in the district of residence. These rules apply to students enrolled in associate degree, vocational diploma and vocational adult programs.

These rules interpret s. 38.22(5), Stats. and require that each district shall reserve, for a specified length of time, student stations in programs that are not offered in every district. The percentage of reserved student stations is prorated based on the number of districts offering the program and the percentage of state and federal aid provided the districts.

Contained within these rules are definitions of specific terms. While many of these terms are also defined in ch. A-V 1, Wis. Adm. Code, it is the intention of the Board to repeal ch. A-V 1, Wis. Adm. Rule upon completion of chs. A-V 5, 7, 8, 9 and 10 and the revision of chs. A-V 2 and 6. Development and revision of these chapters is currently underway.

Pursuant to authority vested in the Board of Vocational,  
Technical and Adult Education by ss. 38.22(5), and 227.014(2)(a),  
the Board of Vocational, Technical and Adult Education hereby  
proposes to adopt rules interpreting ss. 38.22(4) and (5) and  
38.24(1)(b), (2) and (3), Stats. as follows:

1           SECTION 1. Chapter A-V 10 of the Wisconsin  
2 Administrative Code is created to read:

3  
4                           RESIDENCY, ADMISSIONS AND FEE REFUND

5  
6           A-V 10.01 PURPOSE AND APPLICATION. The purpose of this  
7 chapter is to establish policies, procedures and administratively  
8 interpret ss. 38.22(4) and (5) and 38.24(1)(b), (2) and (3),  
9 Stats., relating to determination of residency for persons  
10 attending district schools, exemptions from payment of program  
11 fees, district liability for payment of interdistrict tuition,  
12 apprentices enrolled in block apprentice programs, reservation of  
13 places for non-district resident students in programs not offered  
14 statewide, and fee refunds. These rules are adopted pursuant to  
15 ss. 38.22(5) and 227.014(2)(a), Stats.

16  
17           A-V 10.02 DEFINITIONS. In this chapter: (1) "Alien"  
18 means a person who is not a citizen or national of the United

1 States.

2 (2) "Board" means the board of vocational, technical and  
3 adult education.

4 (3) "Director" means a person appointed by the board  
5 under s. 38.04(2), Stats.

6 (4) "District" means a vocational, technical and adult  
7 education district.

8 (5) "District director" means a person employed by a  
9 district pursuant to s. 38.12(3), Stats.

10 (6) "Immigrant" means an alien who has been lawfully  
11 admitted to the United States as a permanent resident and  
12 possesses an alien registration card issued by the United States  
13 department of justice, immigration and naturalization service.

14 (7) "Interdistrict tuition" means the fee established by  
15 the board pursuant to s. 38.24(3)(a)1., Stats.

16 (8) "Materials fees" means the fees for consumable  
17 materials established by the board pursuant to s. 38.24(1)(c),  
18 Stats.

19 (9) "Minor" means a person who has not attained the age  
20 of 18 years.

21 (10) "Non-district resident" means a person whose  
22 permanent residence is outside the district, but inside the  
23 state.

24 (11) "Nonresident" means a person whose permanent  
25 residence is outside the state.

1 (12) "Out-of-state tuition" means the nonresident fee  
2 established by the board under s. 38.24(3)(a)2., Stats.

3 (13) "Program fee" means the fee established by the board  
4 pursuant to s. 38.24(1)(b), Stats.

5 (14) "Refugee" means an alien who has abandoned his or  
6 her country of citizenship, has been admitted to the United  
7 States and granted refugee status by the United States department  
8 of justice, immigration and naturalization service.

9 (15) "Registration" means the procedure by which students  
10 are assigned to class including approval of courses to be taken  
11 by the student, organization of sections, and assessment and  
12 collection of fees.

13  
14 A-V 10.03 WISCONSIN RESIDENCY REQUIREMENTS. (1)

15 GENERAL PROVISION. Any person who is a resident of the state at  
16 the beginning of any semester or session for which such person  
17 makes application, is a resident of the state for fee purposes.

18 (2) DETERMINATION OF RESIDENCE. In determining  
19 residence at the time of the beginning of any semester or  
20 session, the intent of the person to establish and maintain a  
21 permanent residence in the state is determinative. In addition  
22 to representations by the person, intent may be demonstrated or  
23 disproved by factors including, but not limited to, filing of  
24 Wisconsin income tax returns, eligibility to vote in the state,  
25 motor vehicle registration in the state, possession of a

1 Wisconsin motor vehicle operator's license, place of employment,  
2 and self-support. Notwithstanding sub. (1), a person who enters  
3 and remains in this state principally to obtain an education is  
4 presumed to continue to reside outside this state and such  
5 presumption continues in effect until rebutted by clear and  
6 convincing evidence of residence in the state.

7 (3) MINORS. Any minor whose parents or custodial  
8 guardian have maintained a permanent residence in the state next  
9 preceeding the beginning of any semester or session for which  
10 such person makes application at a district is considered a  
11 resident of the state for fee purposes.

12 (4) INCARCERATED AND INVOLUNTARILY DETAINED  
13 INDIVIDUALS. Residence of a person incarcerated, involuntarily  
14 detained by a court or committed in a hospital shall continue to  
15 be the district in which the person was a legal resident prior to  
16 incarceration, involuntary detention or commitment.

17 (5) IMMIGRANTS AND REFUGEES. Immigrants and refugees  
18 may establish residence in the state under the terms of this  
19 section.

20 (6) PETITION FOR CHANGE OF RESIDENT STATUS. Prior to  
21 the beginning of any semester or session, a person may petition  
22 the district director of the district of attendance for a change  
23 from out-of-state to district resident status if residence in the  
24 state can be established under the requirements of this section  
25 and s. A-V 10.04. Within 30 days of receipt of the petition the

1 district director shall issue a written decision.

2 (7) APPEAL. (a) Persons adversely affected by a  
3 district director's residency determination may appeal that  
4 decision, in writing, to the director within 30 days of issuance  
5 of the decision. The director shall issue a written decision  
6 within 30 days of filing of the appeal.

7 (b) The decision of the director shall be subject to  
8 review pursuant to ch. 227, Stats., and ch. A-V 4.

9

10 A-V 10.04 DISTRICT RESIDENCY REOUIREMENTS. (1) GENERAL  
11 PROVISIONS. Any resident of the state who has maintained a  
12 permanent residence within the district next preceding the  
13 beginning of a semester or session for which such person makes  
14 application is a district resident for fee purposes.

15 (2) DETERMINATION OF RESIDENCE. In determining  
16 residence at the time of the beginning of any semester or  
17 session, the intent of the person to establish and maintain a  
18 permanent residence in the district is determinative. A person  
19 who enters and remains in the district principally to obtain an  
20 education is presumed to continue to reside outside the district,  
21 and such presumption continues in effect until rebutted by clear  
22 and convincing evidence of permanent residence in the district.  
23 In addition to representations by the person, intent may be  
24 demonstrated or disproved by factors including, but not limited  
25 to, filing of Wisconsin income tax returns, eligibility to vote

1 in the state, motor vehicle registration in the state, possession  
2 of a Wisconsin operator's license, place of employment, and self-  
3 support. State and district residency may be established  
4 concurrently.

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

10 (4) INCARCERATED AND INVOLUNTARILY DETAINED  
11 INDIVIDUALS. Permanent residence of persons incarcerated,  
12 involuntarily detained by the courts or committed in hospitals  
13 remains in the location from which the person was a legal  
14 resident prior to involuntary detention.

15 (5) PETITION FOR CHANGE OF RESIDENT STATUS. Prior to  
16 the beginning of any semester or session, a person may petition  
17 the district director of the district of attendance for a change  
18 from non-district resident to district resident status if  
19 residence in the district can be established under the  
20 requirements of this section. Within 30 days of receipt of the  
21 petition the district director shall issue a written decision.

22 (6) APPEAL. (a) Persons adversely affected by a  
23 district director's residency determination may appeal that  
24 decision, in writing, to the director within 30 days of issuance  
25 of the decision. The director shall issue a written decision

1 within 30 days of the filing of the appeal.

2 (b) The decision of the director shall be subject to  
3 review pursuant to ch. 227, Stats., and ch. A-V 4.

4  
5 A-V 10.05 EXEMPTIONS FROM PAYMENT OF FEES AND TUITION.

6 (1) DEFINITIONS. In this section: (a) "Adult basic education"  
7 means instruction providing basic skills in the language arts,  
8 science and math and exploratory experiences for adults.

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

12 (c) "Apprentice" means any person, 16 years of age or  
13 over, who enters into any contract of service, known as an  
14 indenture, whereby the person is to receive from or through the  
15 employer, in consideration for services in whole or in part,  
16 instruction in any trade, craft, business or occupation eligible  
17 to be indentured under Ch. 106 Stats.

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

21 (2) EXEMPTIONS. (a) Students enrolled in adult high  
22 school, or adult basic education or English as a second language  
23 courses shall be exempt from program fees under s. 38.24(1)(b),  
24 Stats.

25 (b) Students 62 years old and older shall be exempt from

1 program fees under s. 38.24 (1)(b), Stats., in vocational adult  
2 courses.

3 (c) Nonresidents of the district shall pay nonresident  
4 tuition except where reciprocal or interdistrict contractual  
5 agreements exist.

6 (d) Wisconsin residents in approved apprenticeship  
7 programs are exempt from payment of interdistrict tuition under  
8 s. 38.24(3)(a)1, Stats.

9 (e) Students under approved interstate reciprocity  
10 agreements are exempt from out-of-state tuition as provided in  
11 the agreement.

12  
13 A-V 10.06 DISTRICT LIABILITY FOR PAYMENT OF  
14 INTERDISTRICT TUITION. (1) DEFINITIONS. In this section:

15 (a) "Academic year" means the period beginning with the summer  
16 session and succeeding semesters or sessions extending to the  
17 following summer session.

18 (b) "Eligible program" means a program not offered in a  
19 student's district of residence.

20 (c) "Program code" means the program number designated  
21 by the board for a program.

22 (2) GENERAL PROVISIONS. If a person submits an  
23 application and credentials and receives permission to register  
24 in a program in a district other than that person's district of  
25 residence, and the program is not offered by the person's

1 district of residence, the district of residence shall be liable  
2 for the payment of interdistrict tuition, provided written notice  
3 of enrollment under s. 38.22(a), Stats. is sent to the district  
4 of residence by the district of enrollment. The program code  
5 designated by the board shall be determinative of the district of  
6 residence's liability. If the person's district of residence has  
7 not been approved by the board to offer the designated program,  
8 the district of residence is liable for payment of interdistrict  
9 tuition for as long as the person maintains nonresident status  
10 and pursues the program. A person may transfer from one eligible  
11 program not offered in the district of residence to another  
12 eligible program not offered in the district of residence prior  
13 to the beginning of the second semester of attendance and the  
14 district of residence shall continue to be liable for payment of  
15 interdistrict tuition.

16 (3) ASSOCIATE DEGREE AND VOCATIONAL DIPLOMA PROGRAMS:  
17 FILLED. A person who submits application and credentials for an  
18 associate degree or vocational diploma program in the district of  
19 residence and does not receive permission to register or is  
20 placed on a waiting list, may apply to another district offering  
21 the same program assigned the same program code. If a person who  
22 submits application and credentials does not receive permission  
23 to register in the district of residence 30 days prior to the  
24 start of the semester or session for which the person applied,  
25 and the person submits application and credentials and receives

1 permission to register in the same program in another district,  
2 the district of residence is liable for payment of interdistrict  
3 tuition, provided written notice of enrollment under s. 38.22(2),  
4 Stats., is sent to the district of residence by the district of  
5 enrollment.

6 (4) VOCATIONAL PROGRAMS LESS THAN ONE YEAR: FILLED. If  
7 a person submits application and credentials to the district of  
8 residence for a vocational program less than one year in duration  
9 and the district of residence cannot register the person in the  
10 current semester or session, and the person applies and can be  
11 enrolled in the program in another district 60 days prior to the  
12 district of residence's ability to enroll that person, the  
13 district of residence shall be liable for payment of the  
14 interdistrict tuition, provided written notice of enrollment  
15 under s. 38.22(2), Stats., is sent to the district of residence  
16 by the district of enrollment.

17 (5) APPEAL. (a) In the case of disagreement between  
18 the district of residence and the district of enrollment  
19 concerning liability for payment of interdistrict tuition under  
20 this section the district of enrollment or district of residence  
21 may appeal to the board. The board shall hold a hearing and, as  
22 necessary, determine:

23 1. The residence of the person affected in accordance  
24 with s. A-V 10.04(2); and

25 2. Whether, as provided under subs (2) to (4),

1 interdistrict tuition is due the district of enrollment from the  
2 district of residence.

3 (b) Hearings pursuant to this subsection shall be held  
4 in accordance with ch. 227, Stats. and A-V 4.

5

6 A-V 10.07 APPRENTICES ENROLLED IN BLOCK APPRENTICE  
7 PROGRAMS. (1) DEFINITION. "Block apprentice program" means the  
8 provision of related instruction provided pursuant to ch. 106,  
9 Stats., in a continuous sequence of classes during a specified  
10 block of time.

11 (2) GENERAL PROVISIONS. (a) A district participating  
12 in a block apprenticeship program shall enter into a contractual  
13 agreement with the district providing the block apprenticeship  
14 program.

15 (b) A district providing a block apprenticeship program  
16 shall not be required to admit non-district resident apprentices  
17 not covered under contractual agreements.

18 (c) A district providing a block apprenticeship program  
19 shall charge the district of residence for the cost of  
20 instruction, less estimated state aid, program and materials.  
21 fees, and any other income generated by the program.

22

23 A-V 10.08 RESERVATION OF PLACES IN PROGRAMS NOT OFFERED  
24 STATEWIDE. (1) In programs not offered statewide the percentage  
25 of nonfederal operating costs of postsecondary and vocational

1 adult programs funded under s. 20.292 (1)(d), Stats., shall  
2 determine the minimum number of students stations to be reserved  
3 for non-district residents.

4 (a) The percentage of student stations reserved per  
5 district shall be prorated based on the number of districts  
6 offering the specific program as determined by the board.

7 1. One district offering program = 35.0% of the  
8 student stations

9 2. Two districts offering programs = 17.5% of the  
10 student stations

11 3. Three districts offering programs = 11.6% of the  
12 student stations

13 4. Four districts offering programs = 8.75% of the  
14 student stations

15 5. Five districts offering programs = 7.0% of the  
16 student stations

17 6. Six districts offering programs = 5.8% of the  
18 student stations

19 7. Seven districts offering programs = 5.0% of the  
20 student stations

21 8. Eight districts offering programs = 4.3% of the  
22 student stations

23 9. Nine districts offering programs = 3.9% of the  
24 student stations

25 10. Ten districts offering programs = 3.5% of the

1 student stations

2 11. Eleven districts offering programs = 3.1% of the  
3 student stations

4 12. Twelve districts offering programs = 2.9% of the  
5 student stations

6 13. Thirteen districts offering programs = 2.7% of the  
7 student stations

8 (b) Non-district resident students are eligible for  
9 enrollment under this section only if their district of residence  
10 does not offer the program.

11 (2) The percentage of student stations for non-district  
12 residents shall be reserved until six months prior to the  
13 beginning of the semester or session for which the non-district  
14 resident student is seeking admission.

15 (3) Districts are not required to admit non-district  
16 resident applicants unless covered by either interdistrict  
17 tuition or a vocational-adult contractual agreement.

18

19 A-V 10.09 REFUND POLICY. (1) CANCELED OR DISCONTINUED  
20 COURSES. If a district cancels a course, the refund shall be 100  
21 percent of all applicable program fees, materials fees,  
22 interdistrict tuition and out-of-state tuition.

23 (2) STUDENT INITIATED REFUNDS. (a) If a student makes  
24 application for a refund before the first class meeting which the  
25 student is scheduled to attend, the refund shall be 100 percent

1 of all applicable program fees, materials fees, interdistrict  
2 tuition and out-of-state tuition.

3 (b) A student who drops from one course and adds another  
4 during the first 14 calendar days of the term shall receive  
5 credit for of all applicable program fees, materials fees,  
6 interdistrict tuition and out-of-state tuition for the course  
7 dropped which must be applied to the course added.

8 1. If the applicable program fees, materials fees,  
9 interdistrict tuition and out-of-state tuition for the course  
10 added exceed the fees for the course dropped, the student will be  
11 assessed the additional amount.

12 2. If the applicable program fees, materials fees,  
13 interdistrict tuition and out-of-state tuition for the course  
14 dropped exceed the fees for the course added, refunds will be  
15 made pursuant to subs. (c) or (d).

16 (c) Except as provided under pars. (a) and (b) the  
17 refund for all courses which are scheduled to meet a semester or  
18 longer, shall be:

19 1. 80% of all applicable program fees, materials fees,  
20 interdistrict tuition and out-of-state tuition if application for  
21 refund is made during the first 14 calendar days from the first  
22 instructional day of the term.

23 2. 60% of all applicable program fees, materials fees,  
24 interdistrict tuition and out-of-state tuition if application for  
25 refund is made during the 15th through the 28th calendar days

1 from the first instructional day of the term.

2 (d) Except as provided under pars. (a) and (b) the  
3 refund for all courses which are scheduled to meet less than a  
4 semester, shall be:

5 1. 80% of all applicable program fees, materials fees,  
6 interdistrict tuition and out-of-state tuition if application for  
7 refund is made before 11 percent of the course's total potential  
8 hours of instruction have been completed.

9 2. 60% of all applicable program fees, materials fees,  
10 interdistrict tuition and out-of-state tuition if application is  
11 made before 11 to 20 percent of the course's total potential  
12 hours of instruction have been completed.

13 (e) No refund shall be granted if application is made  
14 after the 28th calendar day for courses scheduled to meet a  
15 semester or longer, or after 20 percent of the courses total  
16 potential hours of instruction have been completed in courses  
17 scheduled to meet less than a semester.

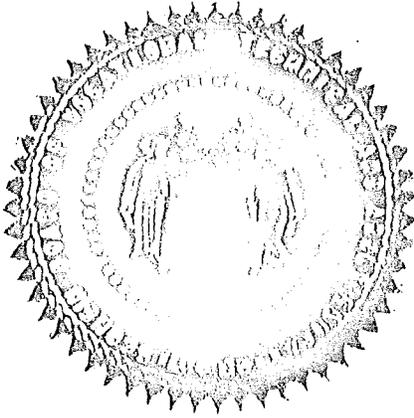
18 (f) The district of residence shall be charged for  
19 interdistrict tuition for a student who withdraws during the  
20 refund period for the percentage not refunded.

21 (g) The district may establish a charge through written  
22 policy to defray processing costs which may be deducted from the  
23 refund otherwise due under this section.

24 (h) Districts shall establish a procedure for students  
25 to appeal refund decisions.

The rules contained in this order shall take effect as provided  
in s. 227.026 (1)(intro.), Stats.

Dated: March 17, 1983.



Wisconsin Board of Vocational,  
Technical and Adult Education

*Robert P. Sorensen*

Robert P. Sorensen, Ph.D.

State Director