

Chapter VTAE 10

RESIDENCY, ADMISSIONS AND FEE REFUND

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Note: Chapter A-V 10 was renumbered chapter VTAE 10, Register, September, 1985, No. 357, eff. 10-1-85.

VTAE 10.01 Purpose and application. The purpose of this chapter is to establish policies, procedures and administratively interpret ss. 38.22 (4) and (5), 38.24 (1) (b), (2) and (3), and 38.28 (6), Stats., relating to determination of residency for persons attending district schools, exemptions from payment of program fees, priorities for admission of district residents, non-district state residents and nonresidents to programs, reservation of places for non-district state resident students in programs not offered statewide, and fee refunds. These rules are adopted pursuant to ss. 38.22 (5) and 227.11 (2) (a), Stats.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; emerg. am. eff. 5-21-90; am. Register, November, 1990, No. 419, eff. 12-1-90.

VTAE 10.02 Definitions. In this chapter:

- (1) "Alien" means a person who is not a citizen or national of the United States.
- (2) "Board" means the board of vocational, technical and adult education.
- (3) "Director" means the person appointed by the board under s. 38.04 (2), Stats.
- (4) "District" means a vocational, technical and adult education 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. VTAE 10.04 (2).
- (7) "Immigrant" means an alien who has been lawfully admitted to the United States as a permanent resident and possesses an alien registration card issued by the United States department of justice, immigration and naturalization service.
- (8) "Materials fees" means the fees for consumable materials established by the board pursuant to s. 38.24 (1) (c), Stats.
- (9) "Minor" means a person who has not attained the age of 18 years.
- (10) "Non-district state resident" means a person whose permanent residence is outside the district, but inside the state.

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

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

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

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

(15) "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, May, 1983, No. 329, eff. 6-1-83; emerg. am. (3) and (10), r. (7), renum. (6) to be (7), cr. (6), eff. 5-21-90; am. (3) and (10), r. (7), renum. (6) to be (7), cr. (6), Register, November, 1990, No. 419, eff. 12-1-90.

VTAE 10.03 Wisconsin residency requirements. (1) General provision. Any person who is a resident of the state at the beginning of any semester or session for which such person makes application, is a resident of the state for fee purposes.

(2) DETERMINATION OF RESIDENCE. In determining residence at the time of the beginning of any semester or session, the intent of the person to establish and maintain a permanent residence in the state is determinative. In addition to representations by the person, intent 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. Notwithstanding sub. (1), a person who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and such presumption continues in effect until rebutted by clear and convincing evidence of residence in the state.

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

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

(4m) REFUGEES WHO ARE STATE RESIDENTS. Any refugee, as defined under 9 USC 1101 (a) (42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously since then, if he or she demonstrates an intent to establish and maintain a permanent home in Wisconsin, is a resident of the state for purposes of admission, fees and tuition. Intent to establish and maintain a permanent home in Wisconsin may be demonstrated by the factors contained in sub (2).

Note: Appeals of decisions under sub. (4m) may be made to the state director under the procedures of sub. (7).

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(5) **PETITION FOR CHANGE OF RESIDENT STATUS.** Prior to the beginning of any semester or session, a person may petition the district director of the district of attendance for a change from out-of-state to district resident status if residence in the state can be established under the requirements of this section and s. VTAE 10.04. Within 30 days of receipt of the petition the district director shall issue a written decision.

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

(b) The decision of the director shall be subject to review pursuant to ch. 227, Stats., and ch. VTAE 4.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; reprinted to correct error in (1), Register, December, 1984, No. 348; am. (6) and (7) (b), Register, September, 1985, No. 357, eff. 10-1-85; emerg. r. (4), renum. (5) and (6) to be (4) and (5), eff. 5-21-90; r. (4), renum. (5) and (6) to be (4) and (5), Register, November, 1990, No. 419, eff. 12-1-90; cr. (4m) Register, December, 1992, No. 444, eff. 1-1-93.

VTAE 10.04 District residency determination. (1) GENERAL PROVISIONS. To compute supplemental aid payments under s. 38.28 (6), Stats., and to determine whether a person is a district resident or non-district state resident for admission priorities under ss. VTAE 10.06 and 10.07 any resident of the state who has maintained a permanent residence within the district next preceding the date such person makes application is a district resident for fee purposes.

(2) **DETERMINATION OF RESIDENCE.** In determining residence at the time of application, the intent of the person to establish and maintain a permanent residence in the district is determinative. A person who enters and remains in the district principally to obtain an education is presumed to continue to reside outside the district, and such presumption continues in effect until rebutted by clear and convincing evidence of permanent residence in the district. In addition to representations by the person, intent may be demonstrated or disproved by factors including, but not limited to, the residence indicated on the most recent Wisconsin income tax return, eligibility to vote in the district, motor vehicle registration in the district, possession of a Wisconsin motor vehicle operator's license with a district address, place of employment, and self-support. State and district residency may be established concurrently.

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

(4) **APPLICANT AND STUDENT COOPERATION.** Applicants for admission and students attending a district shall cooperate with officials of a district and supply requested documentation, information, and statements as deemed necessary by said officials to make the determination required under sub. (2).

(5) **APPEAL.** (a) Persons or districts adversely affected by a decision of an official of a district made under this section may appeal that decision to the district director within 30 days of the official's decision. The district director shall issue a written decision within 30 days of receipt of a written request of the person or district adversely affected.

(b) Persons or districts dissatisfied with the decision of the district director under par. (a) may appeal that decision in writing to the director. The director shall issue a written decision within 30 days of the receipt of the written appeal.

(c) The decision of the director shall be subject to review pursuant to ch. 227, Stats., and ch. VTAE 4.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; am. (6) (b), Register, September, 1985, No. 357, eff. 10-1-85; emerg. am. (1) and (2), r. and recr. (4) and (5), r. (6), eff. 5-21-90; am. (1) and (2), r. and recr. (4) and (5), r. (6), Register, November, 1990, No. 419, eff. 12-1-90.

VTAE 10.05 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 and 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 "worthy and needy" 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, or adult basic education or English as a second language courses shall be exempt from program fees under s. 38.24 (1) (b), Stats.

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

(c) Students under approved interstate reciprocity agreements are exempt from nonresident fees as provided in the agreement.

(3) **REMISSION OF NONRESIDENT 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 (1), Stats., for worthy and needy 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 vocational, technical and adult education system in the fiscal year prior to the year for 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 (1), Stats., for students enrolling under agreements with foreign Register, December, 1992, No. 444

educational institutions that provide for the exchange of an equal number of students.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; emerg. r. (1) (c), (2) (c) and (d), renum. (1) (d) and (2) (e) to be (1) (c) and (2) (c) and am. (2) (c) eff. 5-21-90; r. (1) (c), (2) (c) and (d), renum. (1) (d) and (2) (e) to be (1) (c) and (2) (c) and am. (2) (c), Register November, 1990, No. 419, eff. 12-1-90; cr. (1) (d), (3) and (4), Register, December, 1992, No. 444, eff. 1-1-93.

VTAE 10.06 Enrollment priorities for programs not offered statewide. (1) DEFINITION. In this section, "program not offered statewide" means an associate degree or vocational program offered in 5 or fewer districts.

(2) **PRIORITIES.** In programs not offered statewide, the percentage of student stations reserved for non-district state residents shall be based on the number of districts offering the specific program as determined by the board. Based upon the board's determination the following percentage of student stations shall be reserved:

- (a) One district offering program = 35.0% of the student stations.
- (b) Two districts offering program = 17.5% of the student stations per district.
- (c) Three districts offering program = 11.6% of the student stations per district.
- (d) Four districts offering program = 8.75% of the student stations per district.
- (e) Five districts offering program = 7.0% of the student stations per district.

(3) **DURATION OF PRIORITY.** The percentage of student stations for non-district state residents shall be reserved until 6 months prior to the beginning of the semester or session for which the non-district state resident is seeking admission. Thereafter all district residents, non-district state residents, and non-residents seeking admission shall be considered in accord with the procedures for enrollment priorities for programs offered statewide under s. VTAE 10.07.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; am. (5) (a) 1. and (b), Register, September, 1985, No. 357, eff. 10-1-85; emerg. r. and recr. eff. 5-21-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90.

VTAE 10.07 Enrollment priorities for programs offered statewide. (1) DEFINITION. In this section, "programs offered statewide" means an associate degree or vocational program offered in more than 5 districts, or a program offered in 5 or fewer districts where the priorities established under s. VTAE 10.06 have expired.

(2) **PRIORITIES FOR ADMISSION.** In programs offered statewide:

(a) District residents who have submitted an application shall have priority for admission until 8 months prior to commencement of the semester or session for which admission is sought.

(b) District residents and non-district state residents shall be equally considered for spaces remaining available in the program for which application is made from the expiration of the period specified in par. (a) until 6 months prior to the semester or session for which admission is sought.

(c) District residents, non-district state residents and nonresidents shall be equally considered for spaces remaining available in the program for which application is made from the expiration of the period specified in par. (b) until commencement of the session or semester for which admission is sought.

(3) SPECIAL PRIORITIES. Notwithstanding the priorities established in sub. (2) a district shall reserve a number of spaces equal to 5% of the total spaces available in a program, rounded up to the next whole number, for individuals with special needs or hardships, as defined by the district, until 3 months prior to the start of any semester or session. Thereafter any places remaining in this priority shall be filled in the following order:

(a) By district residents who previously made application but were not admitted due to spaces in the program being unavailable.

(b) By non-district state residents who previously made application but were not admitted due to spaces in the program being unavailable.

(c) By nonresidents who previously made application but were not admitted due to spaces in the program being unavailable.

(d) By individuals regardless of residency who make application within 3 months of the start of a semester or session.

(4) COLLEGIATE TRANSFER PROGRAMS. Notwithstanding subs. (2) and (3) persons seeking enrollment in collegiate transfer programs shall be considered for admission without respect to their residence.

(5) RECIPROCITY STUDENTS. Students seeking admission to a program who are subject to an interstate reciprocity agreement shall be considered for enrollment based upon the residency category established in the reciprocity agreement.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; emerg. r. and recr. eff. 5-21-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90.

VTAE 10.08 Refund policy. (1) CANCELED COURSES. If a district cancels a course, the refund shall be 100% of all applicable program fees, materials fees, interdistrict tuition and out-of-state tuition.

(2) STUDENT INITIATED REFUNDS. (a) If a student makes application for a refund before the first class meeting which the student is scheduled to attend, the refund shall be 100% of all applicable program fees, materials fees, interdistrict tuition and out-of-state tuition.

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

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

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

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

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

2. 60% of all applicable program fees, materials fees, interdistrict tuition and out-of-state tuition if application for refund is made during the 15th through the 28th calendar days from the first instructional day of the term.

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

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

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

(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 courses total potential hours of instruction have been completed in courses scheduled to meet less than a semester.

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

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

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

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; emerg. renum. from VTAE 10.09, eff. 5-21-90; renum. from VTAE 10.09, Register, November, 1990, No. 419, eff. 12-1-90.