

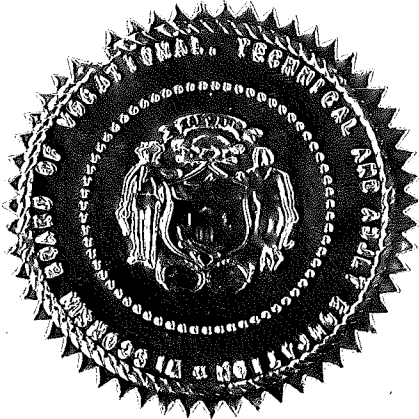
CR 92-69

CERTIFICATE

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

I, Dwight A. York, State Director of the Board of Vocational, Technical and Adult Education and custodian of the official records, certify that the annexed rules, Clearinghouse Rule 92-69 relating to the remission of out-of-state tuition and the residency status of refugees, were duly approved by this Board on

I further certify that this copy has been compared by me with the original on file in this Board and that it is a true copy of the original, and of the whole of the original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at 310 Price Place, in the City of Madison, this 27th day of October, 1992.

Dwight A. York

Dwight A. York
State Director

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**ORDER OF THE
WISCONSIN BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION
ADOPTING RULES RELATING TO REMISSION OF
OUT-OF-STATE TUITION AND THE RESIDENCY
STATUS OF REFUGEES
(Clearinghouse Rule 92-69)**

1 The Wisconsin Board of Vocational, Technical and Adult Education proposes an
2 order to create VTAE 10.03(4m), VTAE 10.05(1)(d), and 10.05(3) and (4)
3 relating to the remission of out-of-state tuition and the residency status of
4 refugees.

**PLAIN LANGUAGE ANALYSIS BY THE WISCONSIN BOARD
OF
VOCATIONAL, TECHNICAL AND ADULT EDUCATION**

Statutory authority: ss. 38.22(4) and 38.24(3)(d), Stats.

Statutes interpreted: ss. 38.22(6)(d) and 38.24(3)(c). Stats.

1991 Wisconsin Act 39 created s. 38.24(3)(d), Stats, which empowers the State Director of the Wisconsin VTAE System to authorize district boards to remit out-of-state tuition, but not resident tuition, under two circumstances: (1) for a number of worthy and needy nonresident students equal to 0.5% of statewide enrollment; and (2) for students enrolling under exchange agreements with foreign educational institutions where equal numbers of students are exchanged.

The same legislation created s. 38.24(3)(d), Stats., which requires the Wisconsin Board of Vocational Technical and Adult Education to promulgate rules relating to the remission of out-of-state tuition including a definition

of "needy and worthy."

The proposed rule specifies that the State Director may authorize a district board to remit out-of-state tuition for "needy and worthy" students and for students enrolled under exchange agreements with foreign educational institutions where equal numbers of students are exchanged. The number of tuition remissions to "needy and worthy" students that the State Director may authorize is limited to 0.5% of statewide enrollment in the Technical College System.

A "worthy and needy" student is defined as one who meets the normal admissions requirements of a district board and maintains satisfactory academic progress, and who has financial need under federal standards. Provision is made for non-U.S. students to demonstrate financial need.

1991 Wisconsin Act 184 created s. 38.22(6)(d), Stats., defining refugees as residents for tuition and admission purposes. The proposed rule includes this provision in the administrative code.

1 SECTION 1. VTAE 10.03(4m) is created to read:

2 VTAE 10.03(4m) REFUGEES WHO ARE STATE RESIDENTS. Any refugee, as
3 defined under 9 USC 1101(a)(42), who moved to this state immediately upon
4 arrival in the United States and who has resided in this state continuously
5 since then, if he or she demonstrates an intent to establish and maintain a
6 permanent home in Wisconsin, is a resident of the state for purposes of
7 admission, fees and tuition. Intent to establish and maintain a permanent
8 home in Wisconsin may be demonstrated by the factors contained in sub (2).

9
10 NOTE: Appeals of decisions under VTAE 10.03(4m) may be made to the
11 state director under the procedures of VTAE 10.03(7).

12
13 SECTION 2. VTAE 10.05(1)(d) is created to read:

14 VTAE 10.05(1)(d) A "worthy and needy" student means a student who:

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

18 (2) In the case of a U.S. citizen, has financial need under 20 U.S.C.
19 1087kk; or, in the case of a non-U.S. citizen, lacks the financial means to
20 pay out-of-state tuition as determined by a district board based on
21 documentation that available assets and income are insufficient to fund
22 educational expenses including out-of-state tuition.

23 SECTION 3. VTAE 10.05(3) and (4) are created to read:

24 VTAE 10.05(3) REMISSION OF NONRESIDENT TUITION. The director may
25 authorize a district board to remit fees under s. 38.24(3)(a), Stats., but not
26 fees under s. 38.24(1), Stats., for worthy and needy students. The total

1 number of students for which out-of-state tuition may be remitted shall not
2 exceed 0.5% of the full-time equivalent statewide enrollment of the
3 vocational, technical and adult education system in the fiscal year prior to
4 the year for which remissions are authorized.

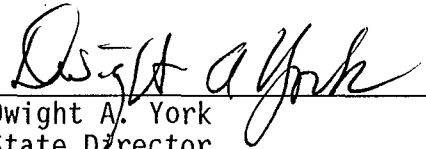
5 VTAE 10.05(4) EXCHANGE AGREEMENTS. The director may authorize a
6 district board to remit fees under s. 38.24(3)(a), Stats., but not fees under
7 s. 38.24(1), Stats., for students enrolling under agreements with foreign
8 educational institutions that provide for the exchange of an equal number of
9 students.

10 SECTION 4. The rules contained in this order shall first apply to all
11 applicants enrolled after [the effective date of this rule to be inserted by
12 the Revisor].

13 The rules contained in this order shall take effect on the first day of the
14 month following publication in the Wisconsin Administrative Register as
15 provided in s. 227.22(2)(intro.), Stats.

Dated: July 22, 1992

WISCONSIN BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION


Dwight A. York
State Director

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