

CR 94-17

CERTIFICATE

STATE OF WISCONSIN

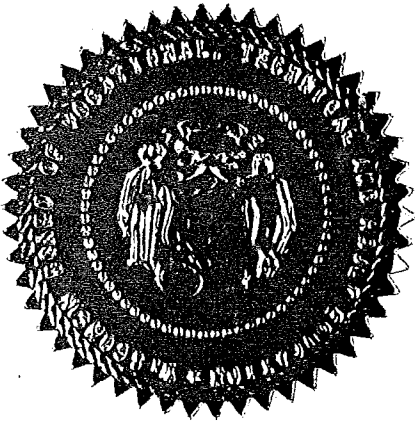
BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION

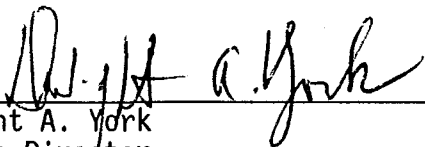
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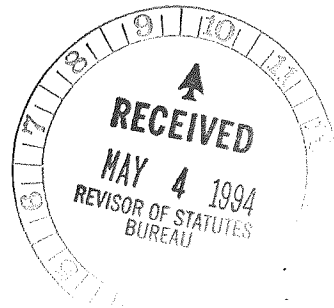
I, Dwight A. York, State Director of the Board of Vocational, Technical and Adult Education and custodian of its official records, certify that the annexed rules, Clearinghouse Rule 94-17, relating to residency, admissions and fee refunds were duly approved by this Board on March 24, 1994.

I further certify that this copy has been compared by me to the original on file with 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 2nd day of May, 1994.



  
\_\_\_\_\_  
Dwight A. York  
State Director



7-1-94

**PROPOSED ORDER OF THE  
WISCONSIN BOARD OF VOCATIONAL,  
TECHNICAL AND ADULT EDUCATION  
REPEALING, AND RECREATING  
RULES RELATING TO RESIDENCY, ADMISSIONS AND FEE REFUNDS  
(Clearinghouse Rule 94-17)**

The Wisconsin Board of Vocational, Technical and Adult Education proposes an order to repeal ss. VTAE 10.01 through 10.08, and to recreate ss. VTAE 10.01 through 10.08, relating to residency, admissions and fee refunds.

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

Statutory Authority: ss. 38.22(5), 38.24(3)(d) and 227.11(2)(a), Stats.

Statutes Interpreted: ss. 38.22(4) to (6), and 38.24(1m), (2) and (3), Stats.

1       The principal substantive changes in the re-created VTAE 10 concern the  
2       priority status attached to district residents, nondistrict state residents  
3       and nonstate residents for admission to the technical colleges. Specifically,  
4       the new rule establishes that district residents have an eight-month priority  
5       for admission to district programs. Expiration dates of the preference window  
6       are fixed for the fall, spring, and summer technical college terms.

7  
8       Following the eight-month district resident preference period, the new  
9       rule clarifies that district and nondistrict state residents are to be treated  
10      equally as applicants for admission to district programs. The rule further  
11      clarifies that nonstate residents are to be considered for admission following  
12      district and nondistrict state residents as spaces remain available.

1 The treatment of waiting list applicants is also addressed in the new  
2 rule. Waiting list applicants who are district or non-district state  
3 residents are given absolute priority to achieve admission in terms subsequent  
4 to one in which admission was denied due to program capacity limitations. The  
5 rule requires such applicants to request waiting-list status in writing. To  
6 ensure that waiting lists remain administratively manageable, districts may  
7 nondiscriminatorily limit the application period or number of applications  
8 accepted for each district program.

9  
10 The re-created rule also authorizes districts to reserve a reasonable  
11 number of spaces for special circumstance admissions to accommodate cases of  
12 hardship, school-to-work program participation, special need, and enrollment  
13 diversity. District special circumstance admission policies are subject to  
14 state board review and approval.

15  
16 Nonsubstantive changes were also made throughout ch. VTAE 10. Obsolete  
17 references to "interdistrict tuition" were deleted, statutory references were  
18 updated, syntactical revisions were made, and a general reordering and  
19 restructuring of the rule language was undertaken.

20  
21 Because the number of textual changes made to VTAE 10 is substantial, its  
22 redrafting is accomplished by repeal and re-creation of the entire chapter  
23 VTAE 10.

1 SECTION 1. Chapter VTAE 10 is repealed and re-created to read:

2  
3 Chapter VTAE 10

4  
5 RESIDENCY, ADMISSIONS AND FEE REFUNDS

6  
7  
8 VTAE 10.01 PURPOSE AND APPLICATION. The purpose of this chapter is to  
9 establish policies, procedures and administratively interpret ss. 38.22(4) to  
10 (6), 38.24 (1m), (2) and (3), and 38.28 (6), Stats., relating to  
11 determinations of residency for persons attending district schools, exemptions  
12 from payment of program fees, priorities for admission of district residents,  
13 non-district state residents and non-state residents to district programs, and  
14 fee refunds. These rules are adopted pursuant to ss. 38.22(5), 38.24(3)(d),  
15 and 227.11(2)(a), Stats.

16  
17 VTAE 10.02 DEFINITIONS. In this chapter:

18  
19 (1) "Alien" means a person who is not a citizen of the United States.

20  
21 (2) "Board" means the board of vocational, technical and adult  
22 education.

23  
24 (3) "Director" means the person appointed by the board under s.  
25 38.04(2), Stats.

*technical college*

1 (4) "District" means a vocational, technical and adult education  
2 district.

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

6  
7 (6) "District resident" means a person whose permanent residence is  
8 within the district as determined under s. VTAE 10.04(2).

9  
10 (7) "Materials fees" means the fees for consumable materials established  
11 by the board pursuant to s. 38.24(1m)(c), Stats.

12  
13 (8) "Minor" means a person who has not attained the age of 18 years.

14  
15 (9) "Non-district state resident" means a person whose permanent  
16 residence is outside the district, but inside the state.

17  
18 (10) "Non-state resident" means a person whose permanent residence is  
19 outside Wisconsin.

20  
21 (11) "Out-of-state tuition" means the nonresident fee established by the  
22 board under s. 38.24(3), Stats.

23  
24 (12) "Program fee" means the fee established by the board pursuant to s.  
25 38.24(1m), Stats.

1 (13) "Refugee" means an alien who is outside his or her country of  
2 citizenship due to actual or well-founded fear of racial, ethnic, religious or  
3 political persecution as stated in 8 USC 1101(a)(42), and who is determined to  
4 be a refugee by the immigration and naturalization service.

5  
6 (14) "Registration" means the procedure by which students are assigned to  
7 class including approval of courses to be taken by the student, organization  
8 of sections, and assessment and collection of fees.

9  
10 **VTAE 10.03 WISCONSIN RESIDENCE. (1) GENERAL PROVISIONS.** In this  
11 section:

12  
13 (a) Any person who is a resident of the state at the beginning of any  
14 semester or session for which the person makes application, is a resident of  
15 the state for admission and fee purposes.

16  
17 (b) Notwithstanding par. (a), a person who enters and remains in this  
18 state principally to obtain an education is presumed to continue to reside  
19 outside this state and the presumption continues in effect until rebutted by  
20 clear and convincing evidence of residence in the state, which may be  
21 demonstrated by the verifications indicated in sub. (2)(b).

22  
23 (c) State residence and district residence, as determined in s. VTAE  
24 10.04(2), may be established concurrently.

1 (d) Aliens may establish residence in the state according to the  
2 provisions of this section.

3  
4 (2) DETERMINATION OF RESIDENCE.

5  
6 (a) In determining state residence for the semester or session of  
7 application, the intent of the applicant to establish and maintain a permanent  
8 residence in Wisconsin is determinative.

9  
10 (b) In addition to representations by the applicant, state residence and  
11 intent to remain in Wisconsin may be demonstrated or disproved by factors  
12 including, but not limited to, filing of Wisconsin income tax returns,  
13 eligibility to vote in the state, motor vehicle registration in the state,  
14 possession of a Wisconsin motor vehicle operator's license, place of  
15 employment, and self-support.

16  
17 (3) STATUTORY RESIDENTS. Pursuant to s. 38.22(6), Stats., the following  
18 persons, in addition to persons determined state residents under subs. (1) and  
19 (2), are state residents for purposes of admission and fees:

20  
21 (a) Any person who was employed, or whose parent or legal guardian was  
22 employed as a migrant worker for at least 2 months each year for 3 of the 5  
23 years preceding the semester of application for admission, or at least 3  
24 months each year for 2 of the 5 years preceding the semester of application  
25 for admission . In this paragraph, migrant worker status is determined by s.  
26 103.90(5), Stats.

1 (b) Any minor or adult who, under 26 USC 152(a), is a dependent of a  
2 parent or legal guardian, and whose natural parents are legally separated or  
3 divorced, if one parent was a bona fide state resident for at least 12 months  
4 preceding the beginning of the semester for which application is made.

5  
6 (c) Any person continuously employed full time in Wisconsin, who was  
7 relocated by his or her current employer or moved to the state for employment,  
8 and who accepted current employment before moving and before applying for  
9 admission to a district school, if the person demonstrates an intent to make  
10 Wisconsin a permanent home as set forth in sub. (2). State residence  
11 admission under this paragraph extends to the spouse and dependents, as  
12 specified in 26 USC 152(a), of persons determined eligible.

13  
14 (d) Any refugee, as defined in s. VTAE 10.02<sup>13</sup>(~~M~~), who moved to this state <sup>s. 13.93 (2m)</sup>  
15 immediately upon arrival in the United States, and who has resided in the <sub>(b) 7</sub>  
16 state continuously, and who demonstrates an intent to make Wisconsin a  
17 permanent home as set forth in sub. (2).

18  
19 **VTAE 10.04 DISTRICT RESIDENCE. (1) GENERAL PROVISIONS.** In this section:  
20 (a) Any resident of the state who has maintained a permanent residence within  
21 the district prior to application at a district school is a district resident  
22 for admission priority as determined under s. VTAE 10.07, tuition and fees  
23 determinations under s. 38.24, Stats., and the determination of district  
24 supplemental aid payments under s. 38.28(6), Stats.



1 (b) Notwithstanding par (a), a person who enters and remains in a  
2 district principally to obtain an education is presumed to continue to reside  
3 outside the district, and the presumption continues in effect until rebutted  
4 by clear and convincing evidence of residence in the district, which may be  
5 demonstrated by the verifications indicated in sub. (2)(b).

6  
7 (c) District residence, and state residence under s. VTAE 10.03, may be  
8 established concurrently.

9  
10 (2) DETERMINATION OF DISTRICT RESIDENCE. (a) In determining district  
11 residence for the semester or session of application, the person's current  
12 address and a written declaration by the applicant of intent to establish and  
13 maintain a permanent residence in the district are determinative.

14  
15 (b) In addition to representations of the applicant, district residence  
16 prior to application may be documented by address verifications from, but not  
17 limited to, the most recently filed Wisconsin income tax return, motor vehicle  
18 registration, motor vehicle operator's license, bank accounts, and voter  
19 registration.

20  
21 (3) MINORS. Any minor whose parents or custodial guardian have  
22 maintained a permanent residence in a district immediately preceding the  
23 beginning of any semester or session for which the person makes application at  
24 a district is considered a resident of that district for fee purposes.

1           **VTAE 10.05 APPEAL OF STATE OR DISTRICT RESIDENCE DETERMINATION. (1)**

2 Applicants for admission and students attending a district technical college  
3 shall cooperate with district officials and supply requested residence  
4 verification and information as deemed necessary by a district to make the  
5 determinations required under ss. VTAE 10.03 and 10.04.

6  
7           (2) A residence determination reached by an admissions official under ss.  
8 VTAE 10.03 and 10.04 may be appealed, in writing, to the district director, or  
9 his or her designee, within 30 days after the student has received the  
10 determination. After review of available documentation, the director or  
11 designee shall issue a written decision within 30 days after the date a  
12 written appeal is received.

13  
14           (3) Prior to the beginning of any semester or session for which admission  
15 is applied, a person may petition the district admissions office for a  
16 reconsideration of a residence determination based on changed circumstances.  
17 Upon receipt of such petition, the district official charged with residence  
18 determinations shall issue a written decision. The written decision may be  
19 appealed to the district director or designee as provided in sub. (2).

20  
21           (4) A decision made by a director or designee shall be subject to review  
22 pursuant to ch. VTAE 4; and ch. 227, Stats.

1 VTAE 10.06 EXEMPTIONS FROM PAYMENT OF FEES AND TUITION. (1) DEFINITIONS.

2 In this section:

3  
4 (a) "Adult basic education" means instruction providing basic skills in  
5 the language arts, science, math and exploratory experiences for adults.

6  
7 (b) "Adult high school" means an instructional program for adults to  
8 complete their education leading to a high school diploma.

9  
10 (c) "English as a 2nd language" means a course designed for persons who  
11 speak a primary language other than the English language.

12  
13 (d) A "needy and worthy" student means a student who:

14  
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  
19 2. In the case of a U.S. citizen, has financial need under 20 USC 1087kk;  
20 or, in the case of a non-U.S. citizen, lacks the financial means to pay out-  
21 of-state tuition as determined by a district board based on documentation that  
22 available assets and income are insufficient to fund educational expenses  
23 including out-of-state tuition.

1 (2) EXEMPTIONS: (a) Students enrolled in adult high school, adult basic  
2 education or English as a second language courses are exempt from program fees  
3 under s. 38.24 (1m), Stats.  
4

5 (b) Students 62 years old and older are exempt from program fees under s.  
6 38.24 (1m), Stats., in vocational adult education courses.  
7

8 (c) Students admitted under interstate reciprocity agreements approved  
9 under s. 39.42, Stats., are exempt from non-state resident fees as provided in  
10 the reciprocity agreement.  
11

12 (3) REMISSION OF NON-STATE RESIDENT TUITION. The director may authorize  
13 a district board to remit fees under s. 38.24(3)(a), Stats., but not fees  
14 under s. 38.24(1)(m), Stats., for needy and worthy students. The total number  
15 of students for which out-of-state tuition may be remitted shall not exceed  
16 0.5% of the full-time equivalent statewide enrollment of the vocational,  
17 technical and adult education system in the fiscal year prior to the year  
18 which remissions are authorized.  
19

20 (4) EXCHANGE AGREEMENTS. The director may authorize a district board to  
21 remit fees under s.38.24(3)(a), Stats., but not fees under s. 38.24(1m),  
22 Stats., for students enrolling under agreements with foreign educational  
23 institutions that provide for the exchange of an equal number of students.

1           **10.07 PROGRAM ADMISSION PRIORITIES.**

2           (1) APPLICATIONS. (a) Each district shall have a single application process  
3 which applies to all residence categories.

4  
5           (b) For each district program, districts may limit the number of  
6 applications accepted or limit the time period during which applications are  
7 accepted, provided that limits are applied equally to all applicants.

8  
9           (2) DISTRICT RESIDENTS. (a) Except as provided in sub. <sup>(5)(c)</sup> ~~(4)(b)~~, district <sup>S. 13.93</sup> ~~(2m)(b)~~ <sub>7, state</sub>  
10 residents who apply on or before the following dates shall have admission  
11 priority:

12  
13           1. For programs commencing any time during the fall semester, the  
14 preceding January 1.

15  
16           2. For programs commencing any time during the spring semester, the  
17 preceding May 1.

18  
19           3. For programs commencing any time during the summer semester, the  
20 preceding October 1.

21  
22           (b) After the dates provided in par. (a), district residents shall have  
23 priority equal to non-district state residents for program admission.

1 (3) NON-DISTRICT STATE RESIDENTS. After the dates specified in  
sub. <sup>(2)</sup>~~(1)~~(a) 1 to 3 for district residents, non-district state residents shall  
have priority equal to district residents for program admission.

2  
3  
4  
5 (4) NON-STATE RESIDENTS. Non-state residents shall be admitted to  
6 district programs, after district and non-district state residents, as spaces  
7 remain available.

8  
9 (5) WAITING LISTS. (a) Waiting lists shall be maintained by districts  
10 for admission to all district programs.

11  
12 (b) District and non-district state residents who are not admitted  
13 because of program capacity limitations shall be notified of their non-  
14 admission in writing and of the option to be included on a waiting list if  
15 they inform the district, in writing, that they wish to exercise the option.  
16 Those exercising the option shall be placed on a waiting list for the next  
17 available program admission.

18  
19 (c) Waiting list applicants shall have priority over all other applicants  
20 for admission in subsequent terms and shall be admitted in the order of their  
21 original application for admission. Applicants not exercising the option to  
22 be placed on a waiting list at the time they are first informed of the option,  
23 who later apply for admission, shall be placed on a waiting list with  
24 admission priority determined by the date of such placement.

1 (d) Waiting list applicants may renew their waiting list status for each  
2 subsequent term until admission is achieved.

3  
4 (5) SPECIAL CIRCUMSTANCES. Each district board may adopt a policy to  
5 reserve a reasonable number of program spaces to accommodate admission for  
6 students in special circumstances. Factors which may be considered for  
7 special circumstance admissions include, but are not limited to, hardship,  
8 school-to-work program participation, special need, and enrollment diversity.  
9 District special circumstances' policies are subject to state board review and  
10 approval.

11  
12 (6) JOINT PROGRAMS. If a program is jointly sponsored by two or more  
13 districts, the participating districts may agree on the number of students  
14 from each sponsoring district who are to be treated as district residents of  
15 the district at which the program is offered.

16  
17 (7) COLLEGIATE TRANSFER PROGRAMS. Applicants for collegiate transfer  
18 programs, as defined in s. 38.01(3), Stats., shall be considered for admission  
19 without respect to their residence category.

20  
21 (8) RECIPROCITY AGREEMENTS. Students who apply for district admission  
22 under s. 39.42, Stats., interstate reciprocity agreements shall be considered  
23 for program admission based on the residence category established for students  
24 by the terms of the reciprocity agreement.

1 VTAE 10.08 TUITION AND FEE REFUNDS. (1) GENERAL PROVISION. In this  
2 section, all refund provisions may be superseded by federal law.

3  
4 (2) COURSE CANCELLATION REFUNDS. A student shall receive 100% refund of  
5 program fees, material fees and out-of-state tuition for courses which are  
6 canceled by a district.

7  
8 (3) STUDENT-INITIATED REFUNDS. (a) A student shall receive 100% refund  
9 of program fees, material fees and out-of-state tuition for a course, if  
10 application for refund is made by the student prior to the first scheduled  
11 meeting of the course and the student does not add another course.

12  
13 (b) A student who drops one or more courses and adds one or more courses  
14 shall have the program fees, material fees and tuition for the course or  
15 courses dropped, applied to the tuition and fee charges of the course or  
16 courses added subject to the following:

17  
18 1. Where the fees for an added course or courses exceed applicable  
19 fees for the dropped course or courses, students will be assessed the  
20 additional amount.

21  
22 2. Where the fees for a dropped course or courses exceed applicable  
23 fees for an added course or courses, students will receive refund  
24 pursuant to pars. (c) and (d).



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

3  
4 1. 80% of program fees, materials fees and out-of-state tuition if  
5 application for refund is made during the first 14 calendar days of the term's  
6 beginning date.

7  
8 2. 60% of program fees, materials fees and out-of-state tuition if  
9 application for refund is made during the 15th through 28th calendar day of  
10 the term's beginning date.

11  
12 (d) Except as provided in pars. (a) and (b), refunds for courses which are  
13 scheduled to meet less than one semester shall be:

14  
15 1. 80% of all program fees, materials fees and out-of-state tuition if  
16 application for refund is made before 11% of the course's total potential  
17 hours of instruction have been completed.

18  
19 2. 60% of all applicable program fees, materials fees and out-of-state  
20 tuition if application for refund is made before 11 to 20% of the course's  
21 total potential hours of instruction have been completed.

22  
23 (e) No refund shall be granted if application is made after the 28th  
24 calendar day for courses scheduled to meet a semester or longer, or after 20%  
25 of the courses total potential hours of instruction have been completed in  
26 courses scheduled to meet less than a semester.

1 (f) Districts may adopt policies to waive the time limitations of this  
2 section for special circumstances involving unforeseen student hardship.

3  
4 (g) Districts may adopt policies to establish a reasonable charge to  
5 defray processing costs which may be deducted from the refund otherwise due  
6 under this section.

7  
8 (4) FIRST-TIME ENROLLED STUDENTS. Students who are enrolled at a district  
9 school for the first time, and who have received financial aid under Title IV,  
10 and who withdraw from all courses before 60% of the enrollment period has  
11 lapsed shall receive a pro rata refund as determined under federal law.

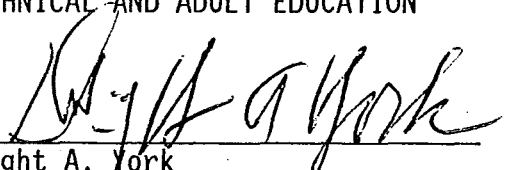
12  
13 [Note: Higher Education Amendments of 1992, Pub. L. 102-325, Title IV, Sec.  
14 485(a), July 28, 1992, 106 Stat. 619, codified at 20 USC 1091b(a)-(c) (1993).]

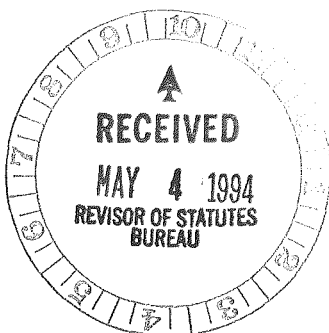
15  
16 (5) Districts shall establish procedures for students to appeal refund  
17 decisions.

18  
19 The proposed rule contained in this order shall take effect on the first  
20 day of the month commencing after the date of publication in the Wisconsin  
21 Administrative Register, as provided in s. 227.22 (2) (intro.), Stats., except  
22 that s. VTAE 10.07 shall first be effective for Fall, 1995 admissions.

Dated this 24 day of MARCH, 1994.

WISCONSIN BOARD OF VOCATIONAL,  
TECHNICAL AND ADULT EDUCATION

  
Dwight A. York  
State Director



# Wisconsin Board of Vocational, Technical and Adult Education

310 Price Place P.O. Box 7874 Madison, WI 53707 608-266-1207



Dwight A. York  
State Director

May 3, 1994

Mr. Bruce Munson  
Revisor of Statutes  
131 E. Wilson Street  
Madison, Wisconsin 53702

Dear Mr. Munson:

Enclosed for filing and publication is a certified copy of an Order of the Board of Vocational, Technical and Adult Education (Clearinghouse Rule 94-17) repealing and recreating ch. VTAE 10, Wis. Admin. Code, relating to residency, admissions and fee refunds. Also enclosed is a disk with the order.

Should you have any questions, please do not hesitate to contact me at 267-9514.

Sincerely,

Patricia H. Collins  
General Counsel

PC:SKC  
LTR:74

Attachment

cc: Dwight York, State Director  
Linda Stewart, WTCS  
Edward Chin, WTCS  
Betty Brunelle, WTCS

