

Chapter A-V 6

**COST CONTROL APPEALS PROCESS**

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**Note:** Chapter A-V 6 was created as an emergency rule effective June 13, 1978.

**A-V 6.01 Purpose and application of rules.** These rules shall apply in all proceedings and hearings before the board of vocational, technical and adult education on matters pertaining to appeals from district budget limitations (cost control), except as otherwise provided by statute.

**History:** Cr. Register, March, 1979, No. 279, eff. 4-1-79.

**A-V 6.02 Definitions.** In addition to definitions listed in chapter A-V 1, the following apply to this chapter:

(1) **APPEAL.** Appeal means a request, signed by the district board chairman, that the board conduct a hearing to hear and consider arguments, receive testimony, admit exhibits, and inquire into the necessity of exceeding cost control limitations as specified in s. 38.29, Stats.

(2) **DEVELOPMENT.** Development means the direct costs associated with conducting a course (s) during the fiscal year in which students are first enrolled and attending the course (s).

(3) **NEW.** New means that the course (s) has never been offered by the district in the past.

(4) **EXPANDED.** Expanded means one or more additional sections of a currently offered course which is designed so the majority of enrollments are members of one of the specified target groups.

(5) **PROGRAM.** Program means one or more integrated courses which supply the student with knowledge, skill or competencies needed to achieve occupational goals. Successful completion usually provides the student with a certificate, degree or diploma.

(6) **PRIMARILY.** Primarily means that the majority of students enrolled are members of one of the specified target groups.

(7) **TARGET GROUPS.** Target groups means the specified categories under s. 38.29 (3) (a), Stats.

**History:** Cr. Register, March, 1979, No. 279, eff. 4-1-79.

**A-V 6.03 Submission of appeals.** (1) Any district may file an appeal with the board provided the district board has passed a resolution to that effect, and the requirements and deadlines listed in (2) to (4) are met.

(2) Appeals must be received by the board prior to July 1, together with a printed or duplicated copy of its approved annual budget document for the upcoming fiscal year, and a copy of the projected cost allocation schedule series for the same fiscal year.

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(3) The appeal shall stipulate the specific item(s) being appealed under s. 38.29 (3), Stats., together with dollar amounts and documentation for each. Such substantiating justification shall include evidence as to why and how the budget limitations would prevent support for the item(s) specified under s. 38.29 (3).

(4) Appeal hearings will be scheduled following receipt, prior to September 1, of the previous year's actual cost allocation schedules.

**History:** Cr. Register, March, 1979, No. 279, eff. 4-1-79.

**A-V 6.04 General provisions.** (1) Terms, definitions and procedures shall be as specified in the current VTAE uniform financial accounting manual (see s. 38.04 (11) unless otherwise specified by statute or administrative rule under this section).

(2) Current year adjustments, including the reduction of net aidable cost by any nonfederal operational expenditures in excess of those authorized under s. 38.29 (3), shall be made under the general provisions of s. 38.28 (2) (b) 4.

(3) The board shall determine, as an integral part of its appeal hearing decision, specific dollar amounts by which a district may exceed its otherwise allowable budget for s. 38.29 (3) (a) through s. 38.29 (3) (d).

(4) Heat and utility cost increases, appealable under s. 38.29 (3) (b), shall be expressed as a comparison between prior year and budgeted year cost stated as a percentage increase in total dollars. Anticipated cost increases may be used only if an official announcement has been made by the vendor, including the effective date and specific price change.

(5) Cost increases which may be appealed under s. 38.29 (3) (c) are limited to additional cost for operation and maintenance of a new or remodeled facility. Only Function 7 (Physical Plant) costs will be considered; exclusions include debt retirement, interest and telephone services.

(6) Appeals under s. 38.29 (3) (d) shall be limited to costs resulting from decisions of judicial or quasi-judicial authorities, or an order of a federal or state agency, except that of the WBVTAE. Eligibility-for-funding requirements shall not constitute grounds for appeals under this section.

(7) Decisions made by WBVTAE on appeal hearings conducted under s. 38.29 shall be communicated to local districts by October 15.

**History:** Cr. Register, March, 1979, No. 279, eff. 4-1-79.

**A-V 6.05 Appeal hearings.** (1) The state director shall appoint a hearing examiner for each hearing scheduled.

(2) The hearing examiner shall open the hearing and make a concise statement of its scope and purpose.

(3) Any person desiring to participate in a hearing shall enter an appearance in person by giving his or her name and address and the name of any party he or she represents, together with a statement as to the capacity in which that party is being represented. Appearances may be in support of, in opposition to, or for information relative to the appeal under consideration.

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(4) The hearing examiner may issue subpoenas to compel the attendance of witnesses whose appearances, in the hearing examiner's opinion, would facilitate the proceedings.

(5) The order of appearances shall be as follows:

(a) Witnesses supporting the appeal;

(b) Witnesses in opposition;

(c) Informational witnesses and other interested parties.

(6) The hearing shall be conducted under the terms and conditions of s. 227.07 through s. 227.10, Stats.

**History:** Cr. Register, March, 1979, No. 279, eff. 4-1-79.