

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) and 38.24 (1) (b), (2) and (3), Stats., relating to determination of residency for persons attending district schools, exemptions from payment of program fees, district liability for payment of interdistrict tuition, apprentices enrolled in block apprentice programs, reservation of places for non-district resident students in programs not offered statewide, and fee refunds. These rules are adopted pursuant to ss. 38.22 (5) and 227.014 (2) (a), Stats.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

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 a 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) "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.

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

(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 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.

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) **INCARCERATED AND INVOLUNTARY DETAINED INDIVIDUALS.** Residence of a person incarcerated, involuntarily detained by a court or committed in a hospital shall continue to be the district in which the person was a legal resident prior to incarceration, involuntary detention or commitment.

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

(6) **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.

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(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.

VTAE 10.04 District residency requirements. (1) GENERAL PROVISIONS. Any resident of the state who has maintained a permanent residence within the district next preceding the beginning of a semester or session for which such person makes application is a district resident 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 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, filing of Wisconsin income tax returns, eligibility to vote in the state, motor vehicle registration in the state, possession of a Wisconsin operator's license, 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) INCARCERATED AND INVOLUNTARILY DETAINED INDIVIDUALS. Permanent residence of persons incarcerated, involuntarily detained by the courts or committed in hospitals remains in the location from which the person was a legal resident prior to involuntary detention.

(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 non-district resident to district resident status if residence in the district can be established under the requirements of this section. Within 30 days of receipt of the petition the district director shall issue a written decision.

(6) 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 within 30 days of the 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; am. (6) (b), Register, September, 1985, No. 357, eff. 10-1-85.

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

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

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

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

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

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

VTAE 10.055 Hardship determination and jointly offered programs. (1) HARDSHIP DETERMINATION. (a) A person who is a resident of a district and who desires to take a program in another district that is offered in his or her district of residence may be permitted to take that program in another district without the payment of nonresident fees if:

1. The person is determined by his or her district of residence to possess a hardship under par. (b);

2. The district of residence and district of proposed enrollment have entered into a contractual agreement to waive or establish interdistrict payments under s. 38.24 (3) (c), Stats.; and

3. The district of proposed enrollment has accepted the person for enrollment subject to a finding of hardship being made by the district of residence.

(b) A person may be considered to possess a hardship under this section if the district of residence determines that the person meets one of the following provisions:

1. The person has a handicap or other special need, as determined by the district of residence, that could be better served by a district other than that person's district of residence.

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2. There exists a method of transportation, including public transportation or a car pool that would enable a person to attend a district other than his or her district of residence, and where non-availability of similar or other alternative methods of transportation would prevent attendance at the district of residence.

3. The distance, based upon travel by the state or federal highway systems, from the person's residence or place of employment to the closest location where the program is offered in the district of residence exceeds by 50% the distance to be traveled to the closest location where the program is offered in the district of proposed enrollment. Where a district offers a program at more than one location, the comparison of mileage shall be based upon travel from the person's residence or place of employment to the closest location in each district where the program is offered.

(c) In determining whether a program offered in the person's district of residence is the same as the program in the district of proposed enrollment, the program code as assigned by the board shall be determinative. If the person's district of residence does not offer a program with the same program code for the academic year in which hardship approval is sought, or the district of residence has not received approval from the board to offer the program for which approval from the board to offer the program for which approval is sought, the district of residence shall be liable for interdistrict tuition under s. VTAE 10.06.

(d) The number of students for whom nonresident tuition charges may be waived by a district in any school year under this section is limited to 5 students or 2% of the district's nonresident and non-district resident postsecondary student enrollment for the previous year, whichever is greater. Headcount enrollment shall be used in computing nonresident and non-district resident postsecondary student enrollment.

(2) **JOINTLY OFFERED PROGRAMS.** (a) "Jointly offered program" means a program approved by the board and offered jointly by 2 or more districts.

(b) For a program to be eligible for designation as a jointly offered program, at least one district participating in the jointly offered program shall have previously received board approval to offer the the program, all districts participating in the jointly offered program shall offer at least one required course of the program and all districts participating in the jointly offered program shall have entered into a contractual agreement under s. 38.24 (3) (c), Stats.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction in (1) (a) 1., made under s. 13.93 (2m) (b) 7, Stats., Register, December, 1984, No. 348; am. (1) (c), Register, September, 1985, No. 357, eff. 10-1-85.

VTAE 10.06 District liability for payment of interdistrict tuition. (1) DEFINITIONS. In this section:

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

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

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

(2) **GENERAL PROVISIONS.** If a person submits an application and credentials and receives permission to register in a program in a district other than that person's district of residence, and the program is not offered by the person's district of residence, the district of residence shall be liable for the payment of interdistrict tuition, provided written notice of enrollment under s. 38.22 (2), Stats., is sent to the district of residence by the district of enrollment. The program code designated by the board shall be determinative of the district of resident's liability. If the person's district of residence has not been approved by the board to offer the designated program, the district of residence is liable for payment of interdistrict tuition for as long as the person maintains nonresident status and pursues the program. A person may transfer from one eligible program not offered in the district of residence to another eligible program not offered in the district of residence prior to the beginning of the second semester of attendance and the district of residence shall continue to be liable for payment of interdistrict tuition.

(3) **ASSOCIATE DEGREE AND VOCATIONAL DIPLOMA PROGRAMS: FILLED.** A person who submits application and credentials for an associate degree or vocational diploma program in the district of residence and does not receive permission to register or is placed in a waiting list, may apply to another district offering the same program assigned the same program code. If a person who submits application and credentials does not receive permission to register in the district of residence 30 days prior to the start of the semester or session for which the person applied, and the person submits application and credentials and receives permission to register in the same program in another district, the district of residence is liable for payment of interdistrict tuition, provided written notice of enrollment under s. 38.22 (2), Stats., is sent to the district of residence by the district of enrollment.

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

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

1. The residence of the person affected in accordance with s. VTAE 10.04 (2); and

2. Whether, as provided under subs. (2) to (4), interdistrict tuition is due the district of enrollment from the district of residence.

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

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.

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VTAE 10.07 Apprentices enrolled in block apprentice programs. (1) **DEFINITION.** "Block apprentice program" means the provision of related instruction provided pursuant to ch. 106, Stats., in a continuous sequence of classes during a specified block of time.

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

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

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

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

VTAE 10.08 Reservation of places in programs not offered statewide. (1) In programs not offered statewide the percentage of nonfederal operating costs of postsecondary and vocational adult programs funded under s. 20.292 (1) (d), Stats., shall determine the minimum number of student stations to be reserved for non-district residents.

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

1. One district offering program = 35.0% of the student stations
2. Two districts offering programs = 17.5% of the student stations
3. Three districts offering programs = 11.6% of the student stations
4. Four districts offering programs = 8.75% of the student stations
5. Five districts offering programs = 7.0% of the student stations
6. Six districts offering programs = 5.8% of the student stations
7. Seven districts offering programs = 5.0% of the student stations
8. Eight districts offering programs = 4.3% of the student stations
9. Nine districts offering programs = 3.9% of the student stations
10. Ten districts offering programs = 3.5% of the student stations
11. Eleven districts offering programs = 3.1% of the student stations
12. Twelve districts offering programs = 2.9% of the student stations
13. Thirteen districts offering programs = 2.7% of the student stations

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

(2) The percentage of student stations for non-district residents shall be reserved until 6 months prior to the beginning of the semester or session for which the non-district resident student is seeking admission.

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

History: Cr. Register, May, 1988, No. 329, eff. 6-1-88.

VTAE 10.09 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.

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(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.