

## Chapter TCS 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; chapter VTAE 10 was renumbered chapter TCS 10 under s. 13.93 (2m) (b) 1., Stats., Register, June, 1994, No. 462.

**TCS 10.01 Purpose and application.** The purpose of this chapter is to establish policies, procedures and administratively interpret ss. 38.22 (4) to (6) and 38.24 (1m), (2) and (3), Stats., relating to determinations of residency for persons attending district schools, exemptions from payment of program fees, priorities for admission of district residents, non–district state residents and non–state residents to district programs, and fee refunds. These rules are adopted pursuant to ss. 38.22 (5), 38.24 (3) (d), and 227.11 (2) (a), Stats.

**History:** Cr. Register, June, 1994, No. 462, eff. 7–1–94; **correction under s. 13.92 (4) (b) 7., Stats., Register July 2015 No. 715.**

**TCS 10.02 Definitions.** In this chapter:

- (1) “Alien” means a person who is not a citizen of the United States.
- (2) “Board” means the technical college system board.
- (3) “Director” means the person appointed by the board under s. 38.04 (2), Stats.
- (4) “District” means a technical college 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. TCS 10.04 (2).
- (7) “Materials fees” means the fees for consumable materials established by the board pursuant to s. 38.24 (1m) (c), Stats.
- (8) “Minor” means a person who has not attained the age of 18 years.
- (9) “Non–district state resident” means a person whose permanent residence is outside the district, but inside the state.
- (10) “Non–state resident” means a person whose permanent residence is outside Wisconsin.
- (11) “Out–of–state tuition” means the nonresident fee established by the board under s. 38.24 (3), Stats.
- (12) “Program fee” means the fee established by the board pursuant to s. 38.24 (1m), Stats.
- (13) “Refugee” means an alien who is outside his or her country of citizenship due to actual or well–founded fear of racial, ethnic, religious or political persecution as stated in 8 USC 1101 (a) (42), and who is determined to be a refugee by the immigration and naturalization service.
- (14) “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, June, 1994, No. 462, eff. 7–1–94.

**TCS 10.03 Wisconsin residence. (1) GENERAL PROVISIONS.** In this section:

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

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

(c) State residence and district residence, as determined in s. TCS 10.04 (2), may be established concurrently.

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

**(2) DETERMINATION OF RESIDENCE.** (a) In determining state residence for the semester or session of application, the intent of the applicant to establish and maintain a permanent residence in Wisconsin is determinative.

(b) In addition to representations by the applicant, state residence and intent to remain in Wisconsin 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.

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

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

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

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

(d) Any refugee, as defined in s. TCS 10.02 (13), who moved to this state immediately upon arrival in the United States, and who has resided in the state continuously, and who demonstrates an intent to make Wisconsin a permanent home as set forth in sub. (2).

**History:** Cr. Register, June, 1994, No. 462, eff. 7–1–94.

**TCS 10.04 District residence. (1) GENERAL PROVISIONS.** In this section:

- (a) Any resident of the state who has maintained a permanent residence within the district prior to application at a district school is a district resident for admission priority as determined under s.

TCS 10.07, tuition and fees determinations under s. 38.24, Stats., and the determination of district supplemental aid payments under s. 38.28 (6), Stats.

**Note:** Section 38.28 (6), Stats., was repealed by 2013 Wis. Act 20.

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

(c) District residence, and state residence under s. TCS 10.03, may be established concurrently.

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

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

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

**History:** Cr. Register, June, 1994, No. 462, eff. 7-1-94.

**TCS 10.05 Appeal of state or district residence determination.** **(1)** Applicants for admission and students attending a district technical college shall cooperate with district officials and supply requested residence verification and information as deemed necessary by a district to make the determinations required under ss. TCS 10.03 and 10.04.

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

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

**(4)** A decision made by a director or designee shall be subject to review pursuant to ch. TCS 4, and ch. 227, Stats.

**History:** Cr. Register, June, 1994, No. 462, eff. 7-1-94.

**TCS 10.06 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, 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 "needy and worthy" 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, adult basic education or English as a second language courses are exempt from program fees under s. 38.24 (1m), Stats.

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

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

**(3) REMISSION OF NON-STATE RESIDENT 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 (1m), Stats., for needy and worthy 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 technical college system in the fiscal year prior to the year 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 (1m), Stats., for students enrolling under agreements with foreign educational institutions that provide for the exchange of an equal number of students.

**History:** Cr. Register, June, 1994, No. 462, eff. 7-1-94; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.

**TCS 10.07 Program admission priorities.** **(1) APPLICATIONS.** (a) Each district shall have a single application process which applies to all residence categories.

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

**(2) DISTRICT RESIDENTS.** (a) Except as provided in sub. (5) (c), district residents who apply on or before the following dates shall have admission priority:

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

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

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

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

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

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

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

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

(c) Waiting list applicants shall have priority over all other applicants for admission in subsequent terms and shall be admitted in the order of their original application for admission. Appli-

cants not exercising the option to be placed on a waiting list at the time they are first informed of the option, who later apply for admission, shall be placed on a waiting list with admission priority determined by the date of such placement.

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

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

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

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

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

**Note:** It is the intent of the board that the provisions of s. TCS 10.07 apply initially for fall admissions in 1995.

**History:** Cr. Register, June, 1994, No. 462, eff. 7-1-94.

**TCS 10.08 Tuition and fee refunds. (1) GENERAL PROVISION.** In this section, all refund provisions may be superseded by federal law.

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

**(2m) COURSE SECTION DROP/ADDS.** A student who drops one section of a course and, at the same time, enrolls in an equivalent section of the same course shall not receive a refund of course fees for the dropped section or be charged course fees for the added section. The student may be charged a processing fee as allowed under sub. (3) (g). For the purpose of this subsection, an equivalent

section is one offered for the same credit value, is subject to the same dollar amount of student fees and is at substantially the same point in the course curriculum at the time of the drop/add.

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

(b) A student who drops one or more courses and prior to the issuance of a refund for the dropped course or courses adds one or more courses shall have the program fees, material fees and tuition for the dropped course or courses applied to the tuition and fee charges of the added course or courses, subject to the following:

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

2. Where the fees for a dropped course or courses exceed applicable fees for an added course or courses, students will receive a refund pursuant to par. (c).

(c) Except as provided under pars. (a) and (b), refunds shall be:

1. 80% of program fees, material fees and out-of-state tuition if application for refund is made before or at the time 10% of the course's total hours of instruction have been completed.

2. 60% of program fees, materials fees and out-of-state tuition if application for refund is made after 10% but before more than 20% of the course's potential hours of instruction have been completed.

(e) No refund shall be granted if application is made after 20% of the course's total potential hours of instruction have been completed.

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

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

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

**(5) Districts shall establish procedures for students to appeal refund decisions.**

**History:** Cr. Register, June, 1994, No. 462, eff. 7-1-94; CR 01-137: am. (1), (3) (b) (intro.), 2., (c) (intro.), 1. 2., and (3), cr. (2m), r. (3) (d) and (4).