CHAPTER 38

TECHNICAL COLLEGE SYSTEM

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Cross-reference: See also TCS, Wis. adm. code.

38.001 Mission and purpose. (1) The legislature finds it in the public interest to provide a system of technical colleges which enables eligible persons to acquire the occupational skills training necessary for full participation in the work force; which stresses job training and retraining; which recognizes the rapidly changing educational needs of residents to keep current with the demands of the work place and through its course offerings and programs facilitates educational options for residents; which fosters economic development; which provides education through associate degree programs and other programs below the baccalaureate level; which functions cooperatively with other educational institutions and other governmental bodies; and which provides services to all members of the public.

(1m) The board shall be responsible for the initiation, development, maintenance and supervision of programs with specific occupational orientations below the baccalaureate level, including associate degrees, training of apprentices and adult education below the professional level.

(2) The principal purposes of the technical college system are to:

(a) Provide occupational education and training and retraining programs, including the training of apprentices, that enable residents to obtain the knowledge and skills necessary for employment at a technical, paraprofessional, skilled or semiskilled occupation. Such programs include general education courses to facilitate student achievement in occupational skills training. The district boards should maintain courses at standards acceptable to national, regional and professional accrediting agencies and associations.

(b) Provide customized training and technical assistance to business and industry in order to foster economic development and the expansion of employment opportunities.

(3) The additional purposes of the technical college system are to:

(a) 1. Contract with secondary schools, including tribal schools, to provide educational opportunities for high school age students in order to enhance their potential for benefiting from postsecondary education and for obtaining employment.

2. Coordinate and cooperate with secondary schools, including tribal schools, to facilitate the transition of secondary school students into postsecondary technical college education through curriculum articulation and collaboration.

(b) Provide a collegiate transfer program.

(c) Provide community services and avocational or self-enrichment activities.

(d) Provide education in basic skills to enable students to effectively function at a literate level in society.

(e) Provide education and services which address barriers created by stereotyping and discriminating and assist individuals with disabilities, minorities, women, and the disadvantaged to participate in the work force and the full range of technical college programs and activities.

History: 1971 c. 100, 125, 211; 1981 c. 269, 391; 1983 a. 379; 1991 a. 39; 1993 a. 399; 2009 a. 302; 2019 a. 9.

Section 118.15 permits vocational, technical, and adult education school [now technical college] instructors to teach a limited number of courses to public school students, under certain circumstances, without Department of Public Instruction certification. Green Bay Education Ass'n v. DPI, 154 Wis. 2d 655, 453 N.W.2d 915 (Ct. App. 1990).

38.01 Definitions. In this chapter:

(1) "Associate degree program" means a 2-year, post-high school program in an area designated and approved by the board for which the course requirements are established by the board.

(2) "Board" means the technical college system board.

(3) "Collegiate transfer program" means a statewide, full-time program, designated and approved by the board, in which the credits earned may be transferable to a 4-year institution of higher education.

(4) "Community service program" means an avocational or self-enrichment course that does not lead to a paying occupation or present essential skills needed in nonpaying occupations and that is established by a district board and approved by the state director under procedures established by the board.

(5) "District" means a technical college district established under this chapter.

(6) "District board" means the district board in charge of the technical colleges of a district.

(7) "School board" means the school board in charge of the public schools of a school district.

(8) "School district" means a school district operating high school grades.

(9) "School year" means the time commencing with July 1 and ending with the next succeeding June 30.

(9m) "Tribal school" has the meaning given in s. 115.001 (15m).

(10) "Vocational-adult program" means a part-time vocationally oriented program established by a district board which is ap-

proved by the state director under procedures established by the board.

(11) "Vocational diploma program" means a one- or 2-year, full-time program in an area designated and approved by the board for which the course requirements are established by the board.

History: 1971 c. 154, 211; 1975 c. 39; 1979 c. 34; 1983 a. 189; 1993 a. 213, 399; 2009 a. 302.

38.02 Establishment. There is established under this chapter a system of technical colleges to foster and maintain instruction in courses approved by the board in part-time and full-time day or evening classes.

History: 1971 c. 154; 1989 a. 359; 1991 a. 39; 1993 a. 399.

38.04 Technical college system board; powers and duties. (1) GENERAL. The board shall determine the organization, plans, scope and development of technical colleges. For state aid, credit determination and other purposes, the board shall establish criteria for the establishment of district schools and shall classify and name the district schools.

(1m) GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

1. The program receives funding from the state or federal government that is allocated through an appropriation under ch. 20.

2. The program provides financial assistance, tax benefits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The board, in consultation with the Wisconsin Economic Development Corporation, shall do all of the following for each economic development program administered by the board:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the board. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the board and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the board a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The board shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the board to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the board under the program and fails to provide to the satisfaction of the board an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a forfeiture on the recipient.

(2) DIRECTOR. The board shall appoint a director, outside the classified service, to serve at its pleasure.

(2m) EXECUTIVE ASSISTANT. The director may appoint an executive assistant, outside the classified service, to serve at his or her pleasure.

(3) STAFF. The board shall appoint such staff as is necessary under the classified service. Two division administrator positions shall be filled outside the classified service.

(4) TEACHER AND COURSE REQUIREMENTS. (a) The qualifications of educational personnel and the courses of study for each program offered in district schools shall be approved by the board. The board may charge the districts for the full costs associated with certification of educational personnel. Such certification expenses shall not be included in the district aidable cost.

(am) The board shall not consider any course of study for approval under par. (a) that has not first been approved by the district board.

(b) The board may authorize district boards to grant associate degrees to those students who successfully complete associate degree programs.

(c) Collegiate transfer programs shall not comprise more than 25 percent of the approved credit hours offered in any technical college district.

(cm) The board shall enter into the agreement required under s. 36.31 (2m) (b). The board shall submit an annual report to the governor and to the legislature under s. 13.172 (2) that describes the agreement entered into under s. 36.31 (2m) (b) and a summary of the board's implementation of the agreement.

(e) No driver education course may be approved by the board unless it does all of the following:

1. Acquaints each student with the hazards posed by machinery and animals on highways and provides instruction in safely dealing with such hazards.

2. Provides at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

3. Provides at least 30 minutes of instruction on motorcycle awareness, as approved by a recognized motorcycle safety and awareness organization, and pedestrian and bicycle awareness, as approved by a recognized pedestrian and bicycle safety and awareness organization.

4. Includes instruction relating to passing stopped emergency vehicles, tow trucks, and highway machinery equipment.

5. Acquaints each student with the hazards posed by railroad highway grade crossings and provides at least 30 minutes of instruction in safely dealing with these hazards.

6. Acquaints each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the provisions of s. 346.89 (3).

7. Acquaints each student with the hazards posed by motor vehicles to vulnerable highway users, as defined in s. 340.01 (74p), and provides at least 30 minutes of instruction in safely dealing with these hazards.

8. For a driver education course providing instruction in the operation of commercial motor vehicles, provides instruction in the recognition and prevention of human trafficking.

9. Using materials determined under s. 84.01 (38), acquaints each student with the hazards posed by highway work zones and

provides at least 30 minutes of instruction in safely dealing with these hazards.

10. Includes instruction relating to student crossing, school bus lights, and when stops are required for a stopped school bus, including how requirements are affected by highway configuration.

(5) COOPERATE WITH FEDERAL GOVERNMENT. The board shall cooperate with the federal government in carrying out any federal act pertaining to technical education.

(6) GIFTS AND GRANTS. The board may accept gifts, grants, bequests and devises to be used in the execution of its functions.

(7) FUNDING SOURCES. The board shall develop policies for the purpose of specifically identifying the general purpose revenue and nongeneral purpose revenue funding sources used for noninstructional student activities and for the purpose of governing the allocation of funds to those noninstructional student activities supported by both general purpose and nongeneral purpose revenue.

(7m) FINANCIAL AIDS. By February 10 of each year, the board shall develop and submit to the higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the next fiscal year to students enrolled in the technical colleges.

(8) MINORITY STUDENT PARTICIPATION AND RETENTION PLAN. (a) In this subsection, "minority group member" has the meaning given in s. 16.287 (1) (f).

(b) Annually by January 1, the board shall develop a plan to increase minority group member participation and retention in the technical college system. The plan shall specify each district board's goals and objectives for minority group member participation and retention. The plan shall outline activities and programs that enhance minority group member participation and retention and shall review the progress made by the board and by district boards in the previous school year.

(9) TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to life and property, the board may establish and supervise training programs in fire prevention and protection. The programs shall include training in responding to acts of terrorism, as defined in s. 256.15 (1) (ag), and shall be available to members of volunteer and paid fire departments maintained by public and private agencies, including industrial plants. No training program required for participation in structural fire fighting that is offered to members of volunteer and paid fire departments maintained by public agencies may require more than 60 hours of training.

(9m) EMERGENCY MEDICAL SERVICES EDUCATION. (a) Subject to par. (b), the board shall provide grants to each technical college that provides an emergency medical services program that trains and prepares individuals for initial certification or initial licensure as an emergency medical responder, as defined in s. 256.01 (4p), or an emergency medical services practitioner, as defined in s. 256.01 (5).

(b) If there was a student enrollment waiting list for an emergency medical services program described under par. (a) at a technical college in the academic year preceding the board's provision of a grant to the technical college under par. (a), the technical college, or district board of the technical college, shall prioritize use of the grant toward one of the following:

1. The technical college's expansion of student enrollment access to the emergency medical services program.

2. The district board of the technical college entering into a contract for services under s. 38.14 (3) for the expansion of student enrollment access to the emergency medical services program. The board shall develop and make available to district boards for use or modification a standard contract template for a contract for services described under this subdivision.

(10) ADDITIONAL FACILITIES. (a) Except as provided under par. (b), the board shall review and approve any proposals by district boards for land acquisition, additional or new facilities, rentals and remodeling of existing facilities, prior to the letting of contracts to construct, remodel, rent or incur debt for such facilities or acquisition of land. The board shall encourage district boards to finance capital building proposals with long-term benefits through bonding or promissory note obligations.

(b) Proposals by district boards for minor rentals and minor remodeling projects are exempt from board review and approval under par. (a). The board shall promulgate rules defining "minor rental" and "minor remodeling" and establishing criteria and procedures for exempting such proposals under this paragraph.

(c) The board shall review and approve, disapprove or modify any proposal by a district board to lease facilities or property to others under s. 38.14 (2) (d).

(d) 1. In consultation with representatives of business and labor, the board shall develop a separate approval process for district board proposals to purchase or construct facilities to be used as applied technology centers under s. 38.15 (3) (c). The board may not approve a proposal unless the board determines that all of the following apply:

a. The applied technology center is likely to maintain or increase the number of jobs in the region served by the center that require a high level of skill and provide high wages.

b. The productivity of employees who would be served by the center is likely to increase.

c. One or more businesses in the region served by the center will pay for all of the direct operating costs of services provided at the center and at least 20 percent of the indirect operating costs of services provided at the center, pursuant to a contract under s. 38.14 (3) (a), and will fund, either in cash or in kind, at least 30 percent of the capital costs of the center.

d. The district board consulted with representatives of business and labor on the development of the center.

e. Either within the 12 months prior to submittal of the proposal or within the 12 months following submittal of the proposal, the district board has retired or will retire an amount of debt equal to or greater than the amount of debt that will be incurred for the purchase or construction of the applied technology center.

2. By December 1 of the year in which a center approved under subd. 1. begins operating, and annually thereafter by December 1, the district board shall report to the board the change, since the center began operating, in the wages, productivity and level of skill of the employees who have been directly served by the center.

Cross-reference: See also ch. TCS 5, Wis. adm. code.

(10m) ECONOMIC DEVELOPMENT ASSISTANCE COORDINATION AND REPORTING. (a) The board shall coordinate any economic development assistance with the Wisconsin Economic Development Corporation.

(b) Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (1m) (a), administered by the board. The report shall include all of the information required under s. 238.07 (2). The board shall collaborate with the Wisconsin Economic Development Corporation to make readily accessible to the public on an Internet-based system the information required under this subsection.

(11) DISTRICT REPORTING AND AUDIT REQUIREMENTS. (a)

Uniform format and reporting systems. 1. The board shall establish uniform reporting methods for fiscal, enrollment, program and other information which shall be provided by the district boards as the board deems necessary and shall require common use of the fiscal year for operations and data reporting. The board shall establish, by rule, uniform formats and reporting standards for district board contracts under s. 38.14 (3) and for budgets approved by district boards under s. 38.12 (5m). The board shall promulgate rules governing the financing of capital expenditures under s. 38.15 and the management of reserve funds.

2. In consultation with the state superintendent of public instruction, the board shall establish, by rule, a uniform format for district boards to use in reporting the number of pupils attending district schools under ss. 38.12 (14) and 118.15 (1) (b), (cm), and (d) and in reporting pupil participation in technical preparation programs under s. 118.34, including the number of courses taken for advanced standing in the district's associate degree program and for technical college credit.

(b) *Annual audit.* The board shall promulgate rules governing the annual district audit under s. 38.12 (5). The rules shall provide for a standard audit contract and shall specify the minimum disclosures to be made by the firm conducting the audit and the persons authorized to have access to and obtain the working papers of the firm conducting the audit. The board may conduct or contract for an audit of any district.

(bm) *Uniform financial fund accounting system.* The board shall prescribe a detailed uniform financial fund accounting system, applicable to all district boards, which provides for the recording of all financial transactions inherent in the management of the districts and the administration of the district aid programs. The system shall be in operation by July 1, 1987.

(c) *Withholding of state aid.* The board shall withhold or suspend payment of all or a portion of state aid to any district board which fails to comply with accounting, budget, audit, contracting and reporting standards established by the board under this subsection.

Cross-reference: See also chs. TCS 7, 8, and 9, Wis. adm. code.

(12) PRISON INMATE EDUCATIONAL PROGRAM. The board may establish vocational educational programs for inmates within the state correctional system and contract with the departments of corrections and health services for reimbursement of that portion of the district program costs which exceeds amounts received as state and federal aid.

(13) DISPLACED HOMEMAKERS' PROGRAM. (a) 1. The board shall accept and process applications from district boards and local community organizations to provide services, which may include but are not limited to personal counseling and outreach, to or on behalf of displaced homemakers. The board may make grants for these purposes. Amounts awarded shall be paid from the appropriation under s. 20.292 (1) (f). Grants under this subsection may be distributed on a statewide basis and shall supplement rather than replace funds received under any other law to provide services to displaced homemakers. To the extent possible while maintaining statewide distribution, except as provided in subd. 2., in awarding grants preference shall be given to district boards. If a particular district board does not apply for a grant under this subsection, the board may award a grant to a local community organization located in that district which submits an application. No grant may equal more than 90 percent of approved expenditures. Any cost to the board of administering this subsection shall be paid from the appropriation under s. 20.292 (1) (a).

2. If the board receives an application from a local community organization offering a displaced homemakers' program in the 1981-83 biennium and from a district board, the board may not give preference to the district board's application.

3. If the board determines that a district board or local community organization awarded a grant under subd. 1. will not fully expend the grant before the end of a fiscal year, the board may reduce the amount of the grant awarded to the district board or local community organization and award the funds to another applicant.

(b) No person may, on the ground of sex, age, race, color, religion or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subsection.

(c) In this subsection, "displaced homemaker" means an individual who:

1. Has worked in the home for a substantial number of years providing unpaid household services for family members;

2. Is not gainfully employed;

3. Has had, or would have, difficulty in securing employment; and

4. Has been dependent on the income of another family member but is no longer supported by such income, has been dependent on public assistance but is no longer eligible for such assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within 2 years of reaching their majority.

(14) GENERAL DISTRICT POLICIES. (a) The board shall promulgate rules, applicable to all district boards, establishing general district policies and procedures on all of the following:

1. Employee and district board member travel and expenses. The policies and procedures established under this subdivision shall be similar to the provisions of ss. 16.53 (12) and 20.916, insofar as applicable.

2. Procurement.

3. Personnel, including the district director.

4. Contracts to provide services.

(b) Subject to s. 38.12 (7) (b), the board may direct the district boards to establish written policies relating to any matter not enumerated under par. (a).

Cross-reference: See also chs. TCS 6 and 8, Wis. adm. code.

(15) REVIEW OF DISTRICT BOARD APPOINTMENTS. The board shall, by rule, establish criteria and procedures for the review of district board member appointments by the board.

Cross-reference: See also ch. TCS 2, Wis. adm. code.

(16) ACCOMMODATION OF RELIGIOUS BELIEFS. The board shall promulgate rules, applicable to all district boards, providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements.

Cross-reference: See also ch. TCS 14, Wis. adm. code.

(17) INFORMATION FOR TAX BILLS. By October 1, the board shall provide to the department of revenue the information about aids distributed under ss. 38.28 and 38.32 to each technical college district that will enable the department of revenue to furnish to taxation districts the information required under s. 73.03 (31).

(18) STATEWIDE GUIDE. Annually, the board shall produce, and distribute to students, parents, high school personnel and others, a guide containing information on all of the technical colleges and their programs.

(19) COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall enter into a written agreement with the department of public instruction, the board of regents of the University of Wisconsin System, and the Wisconsin Association of Independent Colleges and Universities to cooperatively conduct research on preschool through postsecondary education programs under s. 115.297, except as provided in s. 115.297 (5) (b).

(20) BASIC SKILLS INSTRUCTION IN JAILS AND PRISONS. From the appropriation under s. 20.292 (1) (f), the board may award grants to district boards for providing basic skills instruction in jails and prisons.

(21) PUPILS ATTENDING TECHNICAL COLLEGES; BOARD REPORT. Annually by the 3rd Monday in February the board shall submit a report to the department of administration, department of children and families, department of public instruction, and department of workforce development, and to the legislature under s. 13.172 (2). The report shall specify all of the following by school district:

(a) The number of pupils who attended district schools under ss. 38.12 (14) and 118.15 (1) (b), (cm), and (d) in the previous school year.

(b) The type and number of credits earned by the pupils.

(c) The number of persons who applied for admission to a technical college in the previous school year, who previously earned technical college credit under s. 38.12 (14) and who applied for admission within one year of graduating from high school.

(d) The courses given in high schools for which a pupil may receive technical college credit and the number of pupils enrolled in the courses for technical college credit in the previous school year.

(e) Any other information considered relevant by the board.

(22) TECHNICAL COLLEGE STUDENT ORGANIZATIONS. The board shall assist district boards to operate technical college student organizations for students pursuing related instruction.

(23) WORKPLACE LITERACY RESOURCE CENTER. The board shall operate a workplace literacy resource center. The workplace literacy resource center shall do all of the following:

(a) Develop, purchase, review and evaluate materials on workplace literacy, including needs assessment instruments, and disseminate those materials to persons interested in supporting workplace literacy.

(b) Refer any person that is interested in supporting workplace literacy, such as an employer, an employee, a labor organization or a community organization, to literacy service providers located in the person's community and other workplace literacy resources.

(24) TRAINING OF HEALTH PROFESSIONALS. The board shall promote public awareness of, access to and training of health professionals for rural and underserved urban areas.

(26) TECHNICAL PREPARATION PROGRAMS. In consultation with the state superintendent of public instruction, the board shall approve courses for technical preparation programs under s. 118.34. By July 1, 1994, and annually thereafter by July 1, the board shall publish a list of the approved courses that indicates the schools in which each course is taught and the credit equivalency available in each district for each course.

(27) SCHOOL SAFETY. The board shall work with school districts, private schools, tribal schools, and the department of public instruction to present to school districts, private schools, and tribal schools the results of research on models for and approaches to improving school safety and reducing discipline problems in schools and at school activities.

(28) HEALTH CARE EDUCATION PROGRAMS. From the appropriation under s. 20.292 (1) (f), the board may award grants to district boards to expand health care education programs.

(29) MASTER LOGGER APPRENTICESHIP GRANTS. The board shall use the moneys appropriated under s. 20.292 (1) (km) to award grants to businesses that provide technical college students with forest product internships for the purpose of placing eligible apprentices with loggers who are certified by the Great Lakes Timber Professionals Association as master loggers.

(31) TRUCK DRIVER TRAINING. From the appropriation under s. 20.292 (1) (hm), subject to 2001 Wisconsin Act 16, section 9148 (1f), the board shall award grants to the district boards governing Chippewa Valley Technical College, Fox Valley Technical College, and Waukesha County Technical College for truck driver training.

(32) GRANTS; REPORT. (a) The board may award grants to district boards for the development of apprenticeship curricula and for activities the board determines are related to the performance criteria specified in s. 38.28 (2) (be) 1. To the extent practicable, the board shall ensure that such grants are awarded annually to all districts. Amounts awarded shall be paid from the appropriation under s. 20.292 (1) (f).

(b) Annually, the board shall submit a report to the department of administration, the joint committee on finance, and the appropriate standing committees of the legislature under s. 13.172 (3) that describes how the moneys appropriated under s. 20.292 (1) (f) will be distributed to the district boards in the current fiscal year and the programs that the moneys will fund.

History: 1971 c. 154, 211; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1981 c. 20; 1981 c. 93 ss. 19m, 30m, 30o; 1981 c. 269, 314; 1983 a. 27, 379; 1985 a. 12, 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31, 107, 125, 169, 299, 335, 336; 1991 a. 39, 227, 250; 1993 a. 16, 223, 377, 399, 455, 491; 1995 a. 27 ss. 1800n to 1803, 9126 (19) and 9145 (1); 1995 a. 342; 1997 a. 27; 1999 a. 9, 124; 2001 a. 16, 109; 2003 a. 33, 62; 2005 a. 25, 466; 2007 a. 20 ss. 737, 9121 (6) (a); 2007 a. 68, 125, 130; 2009 a. 28, 59, 64, 181, 220, 302; 2011 a. 32, 173; 2013 a. 20, 253; 2015 a. 55; 2017 a. 59, 366; 2019 a. 27, 46; 2023 a. 160; 2025 a. 35, 209.

Vocational, technical, and adult education [now technical college] districts are subject to city equal employment opportunity ordinances but only within the geographic boundaries of the city. 70 Atty. Gen. 226.

A vocational, technical, and adult education [now technical college] district is a "school district" under s. 19.21 (7) [now s. 19.21 (6)], governing destruction of obsolete school records. 71 Atty. Gen. 9.

The state board may by rule require that the record concerning appointment of district board members show compliance with statutory procedural requirements, and the state board may disapprove appointments because of procedural irregularities except those involving the Open Meetings Law. 73 Atty. Gen. 108.

38.06 District boundaries. (1) Each district shall include one or more counties, municipalities or school districts in any contiguous combination.

(2) In this section, "reorganization" means any alteration, dissolution, creation or merger of any district.

(3) (a) Upon its own motion or upon approval of a petition filed under sub. (4), the board may issue a district reorganization order. Prior to issuing an order under this subsection, the board shall conduct such studies, investigations and hearings as it deems necessary.

(b) Any reorganization order issued by the board shall take effect on the July 1 next succeeding the date of the order.

(c) Three months prior to the effective date of any reorganization order, the board shall report to the joint committee on finance the fiscal and educational impact of the reorganization order upon the affected districts.

(4) (a) The governing body of a county, municipality or school district may file a petition with the board requesting that its territory be detached from the district in which it lies and attached to a district to which such territory is contiguous, or if portions of its territory lie in more than one district, by requesting that all such portions be placed within one of such districts.

(b) Immediately upon receipt of the petition, the board shall notify each district board affected of the receipt of the petition and the boundary reorganization requested therein. Such district boards shall within 45 days notify the board of their recommendations on the petition.

(c) Within 90 days of the receipt of the petition, the board shall notify the governing body filing the petition and the district

boards affected of its approval or disapproval of the proposed detachment and attachment of territory.

(5) If school district boundaries are changed in accordance with chs. 115 to 121, the board may act to change district boundaries to coincide with school district boundaries without holding a public hearing.

History: 1971 c. 154; 1973 c. 333; 1989 a. 56.
Cross-reference: See also ch. TCS 1, Wis. adm. code.

38.08 Composition and organization of district board. **(1)** (a) 1. A district board shall administer the district and, except as provided in subd. 1g., shall be composed of 9 members who are residents of the district, consisting of the following:

a. Two employers.

b. Two employees.

c. Three additional members.

d. One school district administrator, as defined under s. 115.001 (8).

e. One elected official who holds a state or local office, as defined in s. 5.02.

1g. The district board governing the Milwaukee area technical college shall be composed of 9 members who are residents of the district, 7 of whom are residents of Milwaukee County, consisting of the following:

a. Five persons representing employers. Three of the members shall represent employers with 15 or more employees, 2 of the members shall represent employers with 100 or more employees, and at least 2 of the members shall represent employers who are manufacturing businesses. A person representing an employer shall have at least 2 years of experience managing a business entity, nonprofit organization, credit union, or cooperative association with at least 15 employees or at least 2 years of experience managing the finances or the hiring of personnel of a business entity, nonprofit organization, credit union, or cooperative association with at least 100 employees.

b. One school district administrator, as defined in s. 115.001 (8).

c. One elected official who holds a state or local office, as defined in s. 5.02.

d. Two additional members.

1r. The board shall by rule define "employer" and "employee" for the purpose of subd. 1. a. and b. For purposes of subd. 1g. a., "employer" means a business entity, as defined in s. 13.62 (5), nonprofit organization that provides health care services, credit union, or cooperative association.

2. The employer and employee members of the district board shall be representative of the various businesses and industries in the district. The school district administrator shall be employed by the school board of a school district located in the district. Of the 3 additional members, no more than 2 may be employers, no more than 2 may be employees, no more than 3 may be school district administrators and no more than 3 may be elected officials. No 2 members of the district board may be officials of the same governmental unit nor may any district board member be a member of the school board that employs the school district administrator member.

(b) District board members shall take office on July 1 and shall serve staggered 3-year terms.

(2) Members of a district board shall serve until their successors are appointed and qualified. A vacancy shall be filled for any unexpired term of more than 90 days in the manner provided for the making of original appointments in s. 38.10, except that if a vacancy occurs within 120 days preceding a spring election, the vacancy need not be filled until 60 days after the spring election, in the manner provided in s. 38.10.

(2m) Any member of a district board serving as an elected official under sub. (1) (a) 1. e. or 1g. c. shall cease to be a member upon vacating his or her office as an elected official.

(3) The district board shall hold its annual organizational meeting on the 2nd Monday in July at which it shall elect from among its members a chairperson, vice chairperson, secretary and treasurer. If a vacancy occurs in any of the district board officer positions after the annual organizational meeting, the district board may elect an officer to fill the vacancy at any subsequent district board meeting. No person may serve as chairperson for more than 2 successive annual terms.

(4) District board members shall receive their actual and necessary expenses incurred in the performance of their duties.

(5) Where a function is assigned to the clerk of a governmental unit and a district is one of such governmental units, the function shall be performed by the district board secretary.

History: 1971 c. 154; 1977 c. 29; 1981 c. 269; 1983 a. 189 s. 329 (17); 1985 a. 29; 1987 a. 94; 1989 a. 31, 359; 1999 a. 182; 2011 a. 286; 2015 a. 55.

The office of commissioner on a policy board of a consortium of counties under the federal Comprehensive Employment and Training Act and the office of president of a district vocational, technical, and adult education [now technical college] board, which would be an applicant and competitor for funds allocated, are incompatible. 63 Atty. Gen. 453.

The state board may by rule require that the record concerning appointment of district board members show compliance with statutory procedural requirements, and the state board may disapprove appointments because of procedural irregularities except those involving the Open Meetings Law. 73 Atty. Gen. 108.

Discussing the criteria for appointment to district vocational, technical, and adult education [now technical college] boards, including changes in status of "employer," "employee," and "elected official" representatives and the incompatibility of board membership and the offices of sheriff and circuit judge. 77 Atty. Gen. 256.

38.10 Appointment of district board members. **(1)** District board members shall be appointed by an appointment committee constituted as follows:

(a) If the petition for creation of a district was filed by the governing bodies of school districts or municipalities, the school board presidents of school districts having territory within the district shall constitute the appointment committee.

(b) If the petition for creation of a district was filed by the governing bodies of counties or any combination of school districts, counties and municipalities, the county board chairpersons of counties having territory within the district shall constitute the appointment committee.

(c) If the board created a district, the heads of the governing bodies designated by the board shall constitute the appointment committee. The designation shall be made in accordance with par. (a) or (b) depending upon which governmental units comprise the district.

(d) Notwithstanding pars. (a) to (c), the county executive of Milwaukee County and the chairpersons of the Milwaukee, Ozaukee, and Washington County boards of supervisors shall constitute the appointment committee for the district board governing the Milwaukee area technical college.

(1m) An appointment committee member may designate another officer of his or her governmental unit to represent the member at appointment committee meetings.

(2) (a) 1. On or before the first Monday in March, or within 30 days of the date on which a vacancy on the district board occurs, the district board secretary shall notify each member of the appointment committee, each governing body having a member on the appointment committee and the board of the vacancy or of terms of office which will expire during the year.

2. The chairperson of the appointment committee shall fix a date, to be no later than 60 days after receipt of notification of the vacancy or term expiration, or 60 days after a spring election if a vacancy occurs within 120 days preceding a spring election, and a time and place for a public hearing and meeting of the appointment committee to approve a representation plan required under

par. (c) 1. and to appoint district board members, and shall send written notice of the public hearing and meeting to each district board member, each governing body having a member on the appointment committee, each member of the appointment committee and the board.

(b) The appointment committee member from the appropriate governmental unit specified under sub. (1) (a), (b) or (c) having the largest population in the district shall act as chairperson of the appointment committee. The county executive of Milwaukee County shall act as the chairperson of the appointment committee for the district board governing the Milwaukee area technical college.

(c) 1. At the meeting and prior to the appointment of district board members, the appointment committee shall formulate a plan of representation for the membership of the district board. The plan shall give equal consideration to the general population distribution within the district and the distribution of women and minorities within the district. The plan of representation for the membership of the district board that governs a district encompassing a 1st class city shall also give equal consideration to the distribution of minorities within the 1st class city. The plan shall form the basis upon which membership of the district board is determined.

2. The board shall review district board appointments to determine whether they comply with the provisions of the plan of representation required under subd. 1. and the requirements of s. 38.08 (1) (a).

(d) 1. Upon receiving notice of the vacancy or term expiration under par. (a) 1. and at least 14 days before publication of the notice required under subd. 3., the appointment committee shall publish a notice announcing the intent to appoint district board members, including the criteria for selection, and soliciting the submission of names and qualifications of candidates.

2. In order to be eligible for consideration for appointment to the district board, a candidate shall submit his or her name and qualifications to the appointment committee within 14 days of the date of publication of the notice under subd. 1.

3. Notwithstanding s. 19.84 (3), the appointment committee shall publish a notice of any meeting or public hearing at which the appointment committee will consider the filling of any vacancy on the district board or any other matter pertaining to the appointment of district board members at least 14 days before the meeting or public hearing. The subject matter of the meeting or public hearing as specified in the notice shall contain the names of individuals being considered for appointment. Prior to the meeting at which an appointment is made, the appointment committee shall hold a public hearing at which the names and qualifications of individuals being considered for appointment to the district board shall be discussed. No person may be appointed to a district board by an appointment committee unless his or her name appeared in at least one notice of a public hearing or meeting of the committee and he or she provided references to the committee, was interviewed by the committee and attended the public hearing at which his or her appointment to the district board was discussed.

4. All notices under this paragraph are class 1 notices under ch. 985, except that they shall be 8-point type or larger.

(e) Within 5 days of the appointment of district board members, the chairperson of the appointment committee shall send written notice of the appointments and lengths of terms to the board, to the members appointed to the district board and to the district board secretary.

(f) Selection of district board members and approval of a representation plan required under par. (c) 1. by the appointment committee shall be by majority vote of a quorum under par. (g). If the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after their first meeting, the board shall formulate the plan of representation and appoint the district board members in accordance with the plan.

(fm) If the board determines under par. (c) 2. that district board appointments do not comply with the plan of representation required under par. (c) 1. or do not comply with s. 38.08 (1) (a), the board shall notify the appointment committee that the district board appointments are in noncompliance. Within 45 days after receipt of the board's determination that the district board appointments are in noncompliance, the appointment committee shall make district board appointments that comply with the provisions of the plan of representation required under par. (c) 1. and with s. 38.08 (1) (a). The board shall review any appointments made under this paragraph. If the board determines that the appointments made under this paragraph do not comply with a plan of representation required under par. (c) 1. or do not comply with s. 38.08 (1) (a), the board shall formulate a plan of representation that conforms with par. (c) 1. and the board shall appoint the district board members in accordance with the plan of representation and with s. 38.08 (1) (a).

(g) 1. County board chairpersons from counties having a combined population exceeding 50 percent of the population of the district constitute a quorum to do business for appointment committees composed of county board chairpersons under sub. (1) (b). School board presidents from school districts having a combined population exceeding 50 percent of the population of the district constitute a quorum to do business for appointment committees composed of school board presidents under sub. (1) (a). In no case may fewer than 2 people constitute a quorum.

2. Three members shall constitute a quorum for the appointment committee for the district board governing the Milwaukee area technical college.

History: 1971 c. 154; 1977 c. 29; 1981 c. 269; 1983 a. 192; 1987 a. 94; 1989 a. 31; 2011 a. 286.

Cross-reference: See also ch. TCS 2, Wis. adm. code.

The county board chair acts for the county on special groups that appoint members of district boards of vocational, technical, and adult education [now technical colleges], even if there is a county administrator or executive. 60 Atty. Gen. 257.

38.12 District board duties. (1) CONTROL OF DISTRICT SCHOOLS. Except as otherwise provided by statute, the district board shall have exclusive control of the district schools established by it and of property acquired for the use of such schools.

(2) DISTRICT FUNDS AND TREASURER. The district board shall deposit all moneys received by it with the district board treasurer who shall be accountable for such funds. All expenditures exceeding $2,500 shall be approved by the district board. Disbursement of such funds shall be made in accordance with s. 66.0607 (6).

(3) DISTRICT DIRECTOR AND OTHER EMPLOYEES. (a) The district board shall employ and fix the compensation of:

1. A district director who shall have general supervision and management of the development and work of the district schools.

2. Such supervisors, coordinators, teachers and technical advisers and experts as are necessary.

3. Such clerical assistants, custodians and other employees as are necessary.

(b) Employees under par. (a) 1. and 2. shall meet the requirements established by the board and, where applicable, the qualifications determined under s. 38.04 (4) (a).

(d) Employment of the district director under par. (a) 1. shall be by written contract which shall be filed with the district board secretary. The contract shall set forth all of the terms and conditions of employment.

(4) PUBLICATION OF PROCEEDINGS; OPEN RECORDS. The proceedings of the district board meetings shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the district. If no newspaper is published in the district, the proceedings may be publicized as the district board directs. The publication of the proceedings shall include a statement of receipts and expenditures in the aggregate. The district board shall make a detailed record of all receipts and expenditures available to the public for inspection at each district board meeting and upon request.

(5) ANNUAL AUDIT. The district board shall annually authorize an audit of the district in accordance with rules promulgated by the board under s. 38.04 (11) (b). The district board shall submit the audit report to the board no later than 6 months following the end of each fiscal year.

(5m) ANNUAL BUDGET. The district board shall prepare its annual budget in compliance with rules promulgated by the board under s. 38.04 (11) (a). The district board shall submit an approved copy of its budget to the board by July 1 of each year and shall report any subsequent budget modification to the board within 30 days of approval of the modification by the district board.

(6) TRANSPORTATION PLANNING. The district board shall work with the regional planning commissions and the local authorities of the community in which the district school is located to evaluate the transportation needs of the district school population. The district board shall develop a transportation plan for the district school to effect energy resource conservation and efficient use of transportation resources. The plan shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools, and to the extent feasible, improved mass transit services. The transportation plans shall detail parking management strategies and parking fee policies which provide incentives for the use of mass transit and high occupancy vehicles.

(7) DISTRICT POLICIES. (a) The district boards shall establish specific written policies on district matters, including all of the matters enumerated under s. 38.04 (14), which are consistent with the rules promulgated under s. 38.04 (14). The policies may not conflict with any collective bargaining agreement and are subject to review and approval by the board.

(b) 1m. Except as provided in subd. 2m., upon receiving from the federal department of defense a student's official joint services transcript or Community College of the Air Force transcript, the technical college in which the student is enrolled shall do the following:

a. Accept all American Council on Education credit recommendations included in the official joint services transcript and award academic credit to the student in accordance with these recommendations.

b. Accept all credits included in the Community College of the Air Force transcript and award academic credit to the student accordingly.

2m. A technical college may not award academic credit to a student under subd. 1m. for each course for which the student, upon consultation with the technical college's staff, objects to the awarding of credit for that course.

Cross-reference: See also ch. TCS 6, Wis. adm. code.

(8) COOPERATION WITH OTHER STATE AGENCIES. (a) The district boards shall actively coordinate, with the department of public instruction and the school boards, the responsibility for providing vocational training to pupils attending high school and for providing education to persons who have dropped out of high school.

(b) The district boards shall actively coordinate, with the institutions within the University of Wisconsin System, the sharing of programs and facilities, including the collegiate transfer program, adult education and evening courses and part-time student and associate degree programs, in order to reduce the duplication of such programs and facilities.

(c) Annually by July 1, the district board shall report to the school boards of every school district located in whole or in part within the boundaries of the district on the steps the district board has taken in the previous year to satisfy its responsibility under par. (a).

(9) FIRE FIGHTER TRAINING PROGRAMS. The district board shall make available to members of volunteer and paid fire departments maintained by cities, villages and towns located in the district a fire fighter training program approved by the board and funded under s. 20.292 (1) (gr). No district board may charge a fee for training provided under this subsection.

(10) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE. Each district board shall adopt rules providing nonacademic misconduct disciplinary sanctions for any student who engages in an activity, on district premises or at a district-sponsored event, that constitutes a violation of ch. 961. In determining the appropriate sanction, the district board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a school environment free from controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).

(11) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT. The district board shall:

(a) Incorporate in its orientation program for newly entering students oral and written information on sexual assault and sexual harassment, as defined in s. 111.32 (13), including information on sexual assault by acquaintances of the victims and on all of the following:

1. The legal definitions of, and penalties for, sexual assault under ss. 940.225, 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22 and harassment under s. 947.013.

2. Generally available national and state statistics on sexual assaults and on sexual assaults by acquaintances of the victims.

3. The rights of victims under ch. 950 and the services available at the district school and in the community to assist a student who is the victim of sexual assault or sexual harassment.

4. Protective behaviors, including methods of recognizing and avoiding sexual assault and sexual harassment and locations in the community where courses on protective behaviors are provided.

(b) Annually supply all students enrolled in the district printed material that includes all of the information under par. (a).

(c) Annually, submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall indicate the methods the district board used to comply with pars. (a) and (b).

(12) SERVICE MEMBERS; PRIORITY REGISTRATION. (a) In this subsection, "service member" has the meaning given in s. 36.11 (47m) (a).

(b) Each district board shall ensure that a student who is a service member is given priority in registering for courses at any technical college in the district.

(13) ARMED FORCES. If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty or into active service with

the U.S. armed forces, the district board shall do all of the following:

(am) Reenroll the student beginning in the semester in which he or she is discharged, demobilized, or deactivated from active duty or the next succeeding semester, whichever the student prefers.

(bm) Give the student the same priority in registering for courses that the student would have had if he or she had registered for courses at the beginning of the registration period.

(c) At the student's request, do one of the following for all courses from which the student had to withdraw:

1. Reimburse the student all tuition and fees paid for all the courses.

2. Grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

(d) Ensure that the student is provided a reasonable opportunity to complete final projects and final examinations for all courses in which the scheduled end date of the course is not more than 30 days after the date of the order calling the student into active duty or service unless such an accommodation cannot be reasonably made.

(14) ATTENDANCE AT TECHNICAL COLLEGE. (a) Upon the pupil's request and with the written approval of the pupil's parent or guardian, any public school pupil who satisfies the following criteria may apply to attend a technical college for the purpose of taking one or more courses:

1. The pupil has completed the 10th grade.

2. The pupil is in good academic standing.

3. The pupil notifies the school board of the school district in which the pupil resides of his or her intent to attend a technical college under this subsection by March 1 if the pupil intends to enroll in the fall semester and by October 1 if the pupil intends to enroll in the spring semester.

4. The pupil is not a child at risk, as defined in s. 118.153 (1) (a).

5. The pupil is not ineligible under s. 118.55 (7t) (c) to participate in the program under this section.

(am) A school board may refuse to permit a pupil to attend a technical college under this subsection if the pupil is a child with a disability, as defined in s. 115.76 (5), and the school board determines that the cost to the school district under par. (dm) would impose an undue financial burden on the school district.

(b) The technical college district board shall admit the pupil to the technical college if he or she meets the requirements and prerequisites of the course or courses for which he or she applied, except as follows:

1. The district board may admit a pupil to a course under this subsection only if there is space available in the course after admitting to the course all individuals applying for admission to the course who are not attending the technical college under this subsection.

2. The district board may reject an application from a pupil who has a record of disciplinary problems, as determined by the district board.

(c) If a child attends a technical college under this subsection, the technical college shall ensure that the child's educational program meets the high school graduation requirements under s. 118.33. At least 30 days before the beginning of the technical college semester in which the pupil will be enrolled, the school board of the school district in which the pupil resides shall notify the pupil, in writing, if a course in which the pupil will be enrolled does not meet the high school graduation requirements and whether the course is comparable to a course offered in the school district. If the pupil disagrees with the school board's decision regarding comparability of courses or satisfaction of high school graduation requirements, the pupil may appeal the school board's decision to the state superintendent within 30 days after the decision. The state superintendent's decision is final and is not subject to review under subch. III of ch. 227. The pupil is eligible to receive both high school and technical college credit for courses successfully completed at the technical college.

(d) Subject to s. 118.55 (7t), for each pupil attending a technical college under this subsection, the school board shall pay to the technical college district board, in 2 installments payable upon initial enrollment and at the end of the semester, for those courses taken for high school credit, an amount equal to the cost of tuition, course fees, and books that a pupil who is attending the technical college and who is a resident of this state would be charged, except that the school board is not responsible for payment for any courses that are comparable to courses offered in the school district.

(dm) If a pupil who is attending a technical college under this subsection is a child with a disability, as defined in s. 115.76 (5), the payment under par. (d) shall be adjusted to reflect the cost of any special services required for the pupil.

(e) The school board of the school district in which the pupil resides is not responsible for transporting a pupil attending a technical college under this subsection to or from the technical college that the pupil is attending.

(f) A pupil taking a course at a technical college for high school credit under this subsection is not responsible for any portion of the tuition and fees for the course if the school board is required to pay the technical college for the course under par. (d).

Cross-reference: See also ch. TCS 9, Wis. adm. code.

History: 1971 c. 154; 1975 c. 198 s. 65; 1977 c. 29; 1979 c. 221; 1981 c. 20, 269; 1981 c. 391 s. 210; 1983 a. 27, 192; 1983 a. 379 ss. 2, 5, 6, 7; 1983 a. 391; 1985 a. 332 s. 251 (1), (3); 1987 a. 399; 1989 a. 56, 121, 177, 359; 1993 a. 227; 1995 a. 27 s. 9145 (1); 1995 a. 448; 1997 a. 27, 237; 1999 a. 150 s. 672; 2001 a. 22; 2003 a. 69; 2005 a. 324, 470; 2013 a. 56; 2017 a. 59 ss. 632f, 632h, 1570b to 1570y; 2019 a. 75, 147.

Cross-reference: See also ch. TCS 7, Wis. adm. code.

38.125 Public broadcasting stations. If the district board governing the Milwaukee area technical college determines to relinquish its public broadcasting licenses, it shall offer to assign the licenses to the educational communications board, subject to approval of the federal communications commission.

History: 1985 a. 29; 1987 a. 399.

38.14 District board powers. (1) LEGAL PROCEEDINGS. The district board may sue and be sued in the name of the district and may prosecute or defend all suits brought by or against the district.

(2) BUILDINGS AND EQUIPMENT. (a) For the use of the district schools, the district board may:

1. Purchase or lease materials, supplies and equipment.

2. Purchase or lease suitable land and buildings and rent to others any portion of such land and buildings not needed for school purposes.

3. Construct, enlarge and improve buildings. Existing school buildings and equipment shall be used as far as practicable.

(b) If there is a county teachers college in the district which is no longer in operation, the district board shall utilize the existing buildings and equipment of the college to the extent possible.

(bm) With the approval of the director under s. 38.04 (2), the district board may sell any property which it finds to be no longer needed by the district.

(c) All conveyances, leases and contracts under this subsection shall be in the name of the district.

(d) With the approval of the board under s. 38.04 (10) (c), the district board may:

1. Lease facilities to others for school purposes. The district board may not enter into a lease under this subdivision after June 30, 1999.

2. Lease land to others for the construction of a building for school purposes if any future acquisition of the building by the district board will not expose the district board to an expenditure exceeding $500,000, excluding moneys received from gifts, grants or federal funds. The district board may not enter into a lease under this subdivision after June 30, 1991.

(3) CONTRACTS FOR SERVICES. (a) The district board may enter into contracts to provide educational services to public and private educational institutions, tribal schools, federal and state agencies, local governmental bodies, industries, and businesses.

(am) If a district board contracts with a school board to provide youth apprenticeship instruction to pupils enrolled in the school district, the district board may not charge the school board an amount that is greater than the technical college district's direct instructional costs associated with providing the instruction.

(b) The district board may enter into contracts with local community-based organizations for basic skills instruction.

(bm) The district board may enter into contracts to provide fiscal and management services to public and private educational institutions, tribal schools, federal and state agencies, and local governmental units.

(c) A district board may contract with a foreign government or any business which is not operating in this state, if a district board demonstrates that the district will receive a direct and measurable benefit from the contract and that the contract will not result in a reduction in the quality of education at district schools and if all of the following conditions are met:

1. The contract meets all of the requirements for a district board contract under this subsection.

2. The contract provides for full cost recovery so that no direct or indirect costs under the contract will be funded by the district.

3. The district board reviews all cost allocation and record-keeping systems for all services provided under the contract, which shall be subject to audit by the district board, and provides guidelines which conform with the requirements of this paragraph.

4. The district board agrees to conduct an audit, on at least an annual basis, to determine that no state aids or district tax funds are spent in the execution of the contract.

(d) No district employee may receive compensation from a contract under par. (c) in excess of the compensation that he or she receives as compensation as a district employee, and any compensation that a district employee receives from a contract under par. (c) shall be paid in proportion to the percentage of an employee's workload that represents the amount of time that an employee is assigned to work under a contract.

(e) The district board shall establish and file with the board policies governing contracting under this subsection. By December 1, 1990, and annually by December 1 thereafter, the district board shall submit to the board, in a form determined by the board, a report identifying all contracts under which the district board provided services under this subsection in the preceding fiscal year, and any other information requested by the board.

Cross-reference: See also ch. TCS 8, Wis. adm. code.

(4) GIFTS AND GRANTS. The district board may accept gifts, grants and bequests to be used in the execution of its functions.

(5) ADVISORY COMMITTEES. The district board may establish advisory committees representing every occupation in the district. Each advisory committee shall consist of equal numbers of employers and employees selected by the district board from recommendations submitted by representative organizations and associations of each occupation. The district board and the district director may request the advice and assistance of these advisory committees in selecting, purchasing and installing equipment, in preparing course materials, in developing instructional methods and vocational guidance programs and for such other purposes as the district board desires.

(6) TRANSPORTATION. The district board may provide transportation for students within the district, but no state aid may be paid for this service.

(7) SALE OF ARTICLES. The district board may sell at market value articles manufactured in district schools. The proceeds from such sales shall be paid to the district treasurer.

(9) ACTIVITY, INCIDENTAL AND VOCATIONAL-ADULT SEMINAR AND WORKSHOP FEES. Subject to s. 38.24 (1v), the district board may establish student activity and incidental fees to fund, in whole or in part, the cost of services and activities offered as support services for regular instruction. With the approval of the state director, the district board may establish fees for vocational-adult seminars and workshops, not to exceed the full cost of the seminar or workshop less the fee charged under s. 38.24 (1m).

(10) BONDS FOR OFFICERS AND EMPLOYEES. The district board may require an officer or employee of the district board to give security for the faithful performance of his or her duties in such form and amount as the district board determines, and may require at any time additional bonds and sureties of any officer or employee.

(11) DISPLACED HOMEMAKERS' PROGRAM. The district board may apply for and spend grant funds from the board for displaced homemakers' programs. The district board may spend those grant funds for contracts with local community organizations.

(12) INITIATIVES TO PROVIDE COORDINATED SERVICES. If the county board of supervisors establishes an initiative to provide coordinated services under s. 59.53 (7), the district board may participate in the initiative and may enter into written interagency agreements or contracts under the initiative.

(13) PARKING REGULATIONS AND FEES. The district board may adopt resolutions regulating the parking of motor vehicles on property under its jurisdiction. The resolutions may establish a fee for the parking of motor vehicles by students, faculty, staff and visitors and fines for the violation of any parking regulation. Nothing in this subsection requires that all users of the parking facilities be charged a parking fee.

(14) STUDENT IDENTIFICATION NUMBERS. The district board may assign to each student enrolled in the district a unique identification number. The district board shall not assign to any student an identification number that is identical to or incorporates the student's social security number. This subsection does not prohibit a district board from requiring a student to disclose his or her social security number, nor from using a student's social security number if such use is required by a federal or state agency or private organization in order for the district board or the student to participate in a particular program.

(15) SCHOLARSHIPS. The district board may use funds received from participation in an auction of digital broadcast spectrum administered by the federal communications commission to provide scholarships that cover the fees established under s. 38.24 (1m) for students who meet eligibility criteria established by the district board.

History: 1971 c. 154, 215; 1977 c. 29; 1979 c. 221; 1981 c. 20, 93, 269; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 67; 1995 a. 201; 1997 a. 27, 85, 128; 2009 a. 302, 334; 2013 a. 20; 2015 a. 55; 2017 a. 59.

The Milwaukee technical college may acquire and operate a retail service station as a part of a vocational training program. 58 Atty. Gen. 23.

A vocational, technical, and adult education [now technical college] district has authority to purchase buildings for administration purposes or student dormitory housing and in doing so would not violate the constitutional ban on works of internal improvement. 60 Atty. Gen. 231.

Vocational, technical, and adult education [now technical college] districts and the state board of vocational, technical, and adult education do not have the power of eminent domain and, therefore, are not subject to ss. 32.19 to 32.27, the relocation act. 63 Atty. Gen. 367.

A vocational, technical, and adult education [now technical college] board may subsidize public bus lines to provide transportation under sub. (6). 65 Atty. Gen. 305.

38.145 Responsibilities of students. The students of each district, subject to the responsibilities and powers of the board, the state director, the district board, the district director and the faculty, shall be active participants in the immediate governance of and policy development for the district and may participate in all matters affecting student interests to the extent not in conflict with the terms of any collective bargaining agreement. As such, students have primary responsibility for the formulation and review of policies concerning student life and services. Students in consultation with the district director and subject to the final confirmation of the district board have the responsibility for the disposition of student activity and incidental fees under s. 38.14 (9). The students of each district may organize themselves in a manner that they determine and select their representatives to participate in district governance. This section does not prohibit the board, the state director, the district board, the district director or the faculty from selecting students to participate in district governance but any students selected by those bodies or persons shall not be considered to be representatives of the students for the purposes of the students' right to select their representatives to participate in district governance.

History: 1993 a. 101.

38.15 Financing of capital expenditures. (1) Subject to subs. (3) and (4), if the district board intends to make a capital expenditure in excess of $1,500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed $1,500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

(2) No more than $1,000,000 in reserve funds, consisting of property tax revenues and investment earnings on those revenues, may be utilized by the district board to finance capital expenditures in excess of $1,500,000 for the purposes under sub. (1).

(3) This section does not apply to any of the following:

(a) Building program actions approved by the board before February 1, 1980.

(b) Building remodeling or improvement projects.

(c) A capital expenditure to purchase or construct a facility to be used as an applied technology center if all of the following apply:

1. The district board adopts a resolution stating its intention to make a capital expenditure under this paragraph.

2. The board approves the proposal under s. 38.04 (10) (d) 1.

3. The capital expenditure is made before July 1, 2006.

4. The total amount of capital expenditures made by the district board under this paragraph does not exceed $5,000,000.

(d) The acquisition of a building as a result of a lease under s. 38.14 (2) (d) 2. if the district makes no cash expenditure to acquire the building.

(e) That portion of a capital expenditure funded with student housing payments for the purchase or construction, or the lease/purchase, of a student residence facility if the district board uses no revenue derived from its tax levy under s. 38.16, state aid received under s. 38.28, or fees and tuition collected under s. 38.24, for the purchase or construction, or the lease/purchase, of the student residence facility.

(4) A district board may make a capital expenditure in excess of $1,500,000, but not more than $2,500,000, excluding moneys received from gifts, grants, or federal funds, for a purpose specified in sub. (1), without submitting a resolution to the electors of the district for approval, if the district board receives an equal amount of federal funds for the project. If a district board makes such a capital expenditure, the limit on capital expenditures for the same project in the succeeding 2-year period under sub. (1) is reduced by the amount expended under this subsection that exceeded that limit. The limitation on the use of reserve funds under sub. (2) does not apply to a capital expenditure made under this subsection.

(6) For a building acquired as a result of a lease under s. 38.14 (2) (d) 2., the purchase price is a capital expenditure under sub. (1) in the fiscal year commencing on the 2nd July 1 following the acquisition of the building.

History: 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391; 1989 a. 31; 1999 a. 9; 2001 a. 16; 2003 a. 62; 2009 a. 28; 2011 a. 32; 2013 a. 20.

Cross-reference: See also s. TCS 7.07, Wis. adm. code.

This section requires approval by referendum of a general building plan and the source of funding, not a specific project proposal that is definite as to cost, location, and campus configuration. Ball v. District No. 4, 117 Wis. 2d 529, 345 N.W.2d 389 (1984).

38.16 District tax levy; revenue limit; property tax relief aid. (1) Annually by October 31, or within 10 days after receipt of the equalized valuations from the department of revenue, whichever is later, the district board may levy a tax on the full value of the taxable property of the district for the purposes of making capital improvements, acquiring equipment, operating and maintaining the schools of the district, and paying principal and interest on valid bonds or notes now or hereafter outstanding as provided in s. 67.035. The district board secretary shall file with the clerk of each city, village and town, any part of which is located in the district, a certified statement showing the amount of the levy and the proportionate amount of the tax to be spread upon the tax rolls for collection in each city, village and town. Such proportion shall be ascertained on the basis of the ratio of full value of the taxable property of that part of the city, village or town located in the district to the full value of all taxable property in the district, as certified to the district board secretary by the department of revenue. Upon receipt of the certified statement from the district board secretary, the clerk of each city, village and town shall spread the amounts thereof upon the tax rolls for collection. When the taxes are collected, such amounts shall be paid by the treasurer of each city, village and town to the district board treasurer.

(2) The district board may borrow money and levy taxes to be used for the purchase or construction of buildings and for additions, enlargements and improvements to buildings and for the acquisition of sites and equipment. In financing activities under this subsection, the district may issue its bonds or promissory notes under ch. 67 to pay the cost thereof.

(3) (a) In this subsection:

1. "Department" means the department of revenue.

1m. "Equalized value" excludes the value of tax incremental districts.

2. "Excess revenue" means the amount by which a district board's revenue exceeds the limit under this subsection.

2m. "Municipality" means a city, village, or town.

2r. "Noncapital note" means a note issued by a district board under s. 67.12 (12) for any purpose other than financing any capital project or equipment with a useful life of more than one year or refunding any municipal obligations or any interest on municipal obligations.

2w. "Revenue" means the sum of the tax levy, property tax relief aid under subs. (4) and (5), amounts under s. 79.0965, and payments received under s. 79.096, not including a payment received under s. 79.096 (3) or 79.0965 (3) for a tax incremental district that has been terminated.

3. "Tax levy" excludes taxes levied for the purpose of paying principal and interest on valid bonds and notes other than noncapital notes issued on or after July 2, 2013.

4. "Valuation factor" means a percentage equal to the greater of either zero percent or the percentage change in the district's January 1 equalized value due to the aggregate new construction, less improvements removed, in municipalities located in the district between the previous year and the current year, as determined by the department of revenue under par. (am).

(am) For the purpose of making the determination under par. (a) 4., if a municipality is located in 2 or more districts, the department of revenue shall apportion the value of the aggregate new construction, less improvements removed, in the municipality among the districts based on the percentage of the municipality's equalized value located in each district.

(be) Notwithstanding sub. (1), no district board may increase its revenue in the 2014-15 school year or in any school year thereafter by a percentage that exceeds the district's valuation factor, except as provided in pars. (bg) and (br).

(bg) 1. The limit otherwise applicable to a district board under this subsection is increased by an amount equal to the amount of any refunded or rescinded property taxes paid by the district board in the year of the levy as determined by the department under s. 74.41.

2. If a district board's allowable revenue under this subsection in the 2014-15 school year, or any school year thereafter, is greater than its actual revenue in that school year, the limit otherwise applicable to the district board under this subsection in the succeeding school year is increased by the difference between the prior school year's allowable revenue and the prior school year's actual revenue, as determined by the department of revenue, up to a maximum increase of 0.5 percent of the actual revenue in that prior school year, if the district board approves the increase by a three-fourths vote.

(br) 1. If a district board wishes to exceed the limit otherwise applicable to the district under this subsection, it shall adopt a resolution supporting inclusion in the final district budget of an amount equal to the proposed excess revenue. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the district board shall notify the board of the scheduled date of the referendum and submit a copy of the resolution to the board. The district board shall call a special referendum for the purpose of submitting the resolution to the electors of the district for approval or rejection. In lieu of a special referendum, the district board may specify that the referendum be held at the next succeeding spring primary or election or partisan primary or general election, if such election is to be held not sooner than 70 days after the filing of the resolution of the district board. The district board shall certify the results of the referendum to the board within 10 days after the referendum is held.

2. The district board shall publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice shall include a statement of the amount of the excess revenue specified in subd. 1. and a copy of the resolution under subd. 1. Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this subdivision.

3. The referendum shall be held in accordance with chs. 5 to 12. The district board shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under this subsection may be exceeded by a specified amount. The limit otherwise applicable to the district under this subsection is increased by the amount approved by a majority of those voting on the question.

(c) Except as provided in par. (d), if the board determines that a district board exceeded its limit under this subsection, the board shall do all of the following:

1. Reduce the amount of state aid payments to the district board in the school year in which the district board exceeded its limit by an amount equal to the amount of the excess revenue.

2. Ensure that the amount of any reductions in state aid under subd. 1. lapses to the general fund.

3. Ensure that the amount of the excess revenue is not included in determining the limit under this subsection for the district board for the following year.

4. Ensure that, if a district board's excess revenue exceeds the amount of state aid that may be reduced under subd. 1., the excess amount is subtracted from state aid payments in the following years until the total amount of the excess revenue is subtracted from the state aid payments.

(d) The department may issue a finding that a district board is not liable for a penalty that would otherwise be imposed under par. (c) if the department determines that the district board's excess revenue is caused by one of the following clerical errors:

1. The department, through mistake or inadvertence, has assessed to any county or taxation district, in the current year or in the previous year, a greater or lesser valuation for any year than should have been assessed, causing the district board's levy to be erroneous in a way that directly causes an excess revenue.

2. A taxation district clerk or a county clerk, through mistake or inadvertence in preparing or delivering the tax roll, causes a district board's levy to be erroneous in a way that directly causes an excess revenue.

(4) On February 20, 2015, and annually thereafter on the 3rd Friday in February, the board shall distribute to each district board, from the appropriation under s. 20.292 (1) (dp), the amount determined as follows:

(a) For the payment in 2015, divide the district's equalized value as of January 1, 2014, by the total equalized value of all districts as of January 1, 2014, and multiply the quotient by $406,000,000.

(b) For the payment in 2016 and annually thereafter, the amount determined under par. (a).

(5) Annually on the 3rd Friday in February, the board shall distribute to each district board, from the appropriation under s. 20.292 (1) (dp), the amount determined as follows:

(a) For the payment in 2022, divide the amount of the district's distribution under sub. (4) (b) in 2022 by the total amount of distributions to all districts under sub. (4) (b) in 2022, and multiply the quotient by $29,000,000.

(b) For the payment in 2023 and annually thereafter, divide

the amount of the district's distribution under sub. (4) (b) in the same year by the total amount of distributions to all districts under sub. (4) (b) in that year, and multiply the quotient by $43,000,000.

History: 1971 c. 154, 211; 1973 c. 61, 90; 1975 c. 39; 1977 c. 29 ss. 493, 1647 (13); 1977 c. 300 ss. 1, 8; 1977 c. 418 s. 918m; 1979 c. 34; 1981 c. 20; 2011 a. 32, 75; 2013 a. 20, 145; 2015 a. 118, 317; 2017 a. 59; 2021 a. 58, 61, 240; 2025 a. 15.

Board power to levy taxes is constitutional. Village of West Milwaukee v. Area Board of Vocational, Technical & Adult Education, 51 Wis. 2d 356, 187 N.W.2d 387 (1971).

38.18 Contracts and bidding. All contracts made by a district board for public construction in a district shall be let by the district board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the district and shall be executed by the district board chairperson and district board secretary.

History: 1971 c. 154; 1975 c. 244; 1981 c. 269; 1993 a. 397; 1999 a. 9.

38.20 Adjustment of assets and liabilities. (1) Except as provided in sub. (2), upon the creation of a district the property, assets, claims, contracts, obligations, rights, duties and liabilities relating and pertaining to the existing technical colleges in the territory included in the district shall become the property, assets, claims, contracts, obligations, rights, duties and liabilities of the district.

(2) (a) Upon the creation of a district the property, assets, claims, contracts, obligations, rights, duties and liabilities relating and pertaining to the existing technical college operated in a city, village or town located in the territory included in the district shall remain the property, assets, claims, contracts, obligations, rights, duties and liabilities of such city, village or town, unless the governing body of such city, village or town transfers the whole or any portion thereof to the district under an agreement between such city, village or town and the district as to the use, obligation and ownership thereof.

(b) The purchase price of such property, except as otherwise agreed upon under par. (a), shall be the fair market value as determined by an independent appraiser selected jointly by the governing body of the city or village and the district board, less any outstanding obligations against the property which shall be assumed by the district.

(c) In financing the purchase of property transferred to the district under this subsection, the district may issue its bonds or promissory notes under ch. 67 to pay the cost thereof including assumption of outstanding obligations.

(d) The city or village shall deposit the proceeds of the sale of technical college property in the debt service fund, if any, created for payment of existing technical college obligations. The indebtedness of such city or village shall, for purposes of computing its legal debt limit, be deemed reduced by the amount of such deposit. The city or village may invest these debt service fund moneys under s. 66.0603 (1m) or 67.11 (2) and (3). Bonds and notes issued by districts for purposes of this subsection shall not be subject to referendum. The purchase agreement shall include an irrevocable clause providing that the district shall pay annually to the city or village a sum of money equal to the amount in which the interest received by the city or village upon investments authorized hereunder is less than the amount of interest paid by the city or village on the bonds of the city or village for technical college purposes.

(e) The district purchasing property under this subsection may, with approval of the city council or village board involved, pay the purchase price by issuing and delivering directly to the city or village the general obligation promissory notes or the notes of the district under s. 67.12 (12), except that no referendum may be held and the 20-year limitation on such notes shall be inapplicable to such notes issued under this paragraph. Such notes shall mature and be payable at such times, in such amounts and at such rate of interest as will amortize and pay when due the principal and interest on the outstanding obligations of the city or village for technical college purposes. All such notes, upon execution and delivery to the city or village, shall in all respects be held and considered as an authorized investment under s. 66.0603 (1m) or 67.11 (2) and (3) of the debt service fund created for payment of the city or village obligations issued for technical college purposes and shall be offset against city or village indebtedness in computing legal debt limit to the same extent as other authorized investments of the debt service fund and such notes may be sold and hypothecated. If the offset against city or village indebtedness under this paragraph is determined to be invalid in any respect, such city or village immediately may require the district issuing the promissory notes to such city or village to comply with pars. (c) and (d) to the extent necessary to cure such invalidity.

History: 1971 c. 154; 1983 a. 207 s. 93 (8); 1993 a. 246, 399, 491; 1999 a. 150 s. 672; 2001 a. 30; 2023 a. 128.

38.22 Admission requirements. (1) Except as provided in subs. (1m) and (1s) and s. 38.12 (14), every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend a technical college if the person is:

(a) A resident of this state.

(d) A nonresident of this state, and if the district board of attendance approves the enrollment.

(1m) Notwithstanding sub. (1) (intro.), a person who is at least 15 years and 6 months of age, who satisfies the other requirements for admission under sub. (1) and who obtains a letter from his or her high school principal recommending that the person be permitted to attend the schools of a district in order to take a course in motorcycle safety is eligible to attend the schools of a district for the purpose of taking a course in motorcycle safety. A person under the age of 16 years who takes a course in motorcycle safety under this subsection may not use in the course a motorcycle other than a motorcycle provided by the school of the district for the course.

(1s) Notwithstanding sub. (1) (intro.), an individual under the age of 16 is eligible to attend the schools of a district if all of the following apply:

(a) The district board agrees to admit the individual.

(b) The individual satisfies the other requirements for admission under sub. (1).

(c) The individual has the written permission of his or her parent or guardian.

(d) The individual will not be attending the district school during the hours of the normal school day established under s. 119.18 (7) or 120.12 (15). This paragraph does not apply to an individual enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

(3) Nonresident students shall be subject to the same rules and regulations as resident students.

(4) (a) Subject to par. (b), the board shall establish procedures to determine the residence of students attending district schools. In the case of any disagreement as to the residence of any student, the board shall make the final determination.

(b) 1. In this paragraph, "relocated service member" means an active duty member of the U.S. armed forces who has been relocated from Wisconsin and stationed on active duty in another state.

2. For purposes of sub. (6) and the procedures established under par. (a), a relocated service member and the service mem-

ber's spouse and dependents are considered residents of this state during the period in which the service member is relocated on active duty if they demonstrate, under the procedures established under par. (a), that they are bona fide residents during this period.

3. Except as provided in subd. 4., subd. 2. does not apply after the relocated service member's period of relocation on active duty in another state has ended.

4. A relocated service member's dependent who is considered a resident of this state under subd. 2. continues to be considered a resident of this state after the relocated service member's period of relocation on active duty in another state has ended.

(5) The board shall promulgate rules establishing the priority to be given by a district board in admitting students who are residents of the district, students who are not residents of the district but are residents of this state and students who are not residents of this state.

(6) The following persons are residents of this state for the purposes of this section and s. 38.24:

(a) Any person who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of the semester or session for which the person wishes to enroll at a district school, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of the semester or session for which the person wishes to enroll at a district school, any adult whose parent or legal guardian has been so employed while the adult was a minor, and any minor whose parent or legal guardian has been so employed. In this paragraph, "migrant worker" has the meaning specified in s. 103.90 (5).

(b) Any minor, or adult who is a dependent of his or her parents or guardian under 26 USC 152 (a), whose natural parents are divorced or legally separated, if one or both of the person's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of the semester or session for which the person wishes to enroll at a district school.

(c) Any person continuously employed full time in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to a district school and before moving, and the spouse and dependents of any such person, if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin. In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

(d) Any person who is a refugee, as defined under 8 USC 1101 (a) (42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously since then, if he or she demonstrates an intent to establish and maintain a permanent home in Wisconsin.

(f) Any person verified by the department of veterans affairs as being a resident of this state under s. 38.24 (8) (a) 1r.

History: 1971 c. 154; 1977 c. 29 ss. 494, 494m, 501m; 1977 c. 273; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 122; 1989 a. 24, 31, 336; 1991 a. 39, 184; 1997 a. 27; 2005 a. 25; 2009 a. 28; 2011 a. 32; 2015 a. 55; 2017 a. 59; 2021 a. 159.

Cross-reference: See also ch. TCS 10, Wis. adm. code.

38.23 Student discrimination prohibited. (1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the board or any district because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

(2) (a) Each district board shall establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

1. Provide criteria for determining whether sub. (1) has been violated.

2. Provide remedies and sanctions for violations of sub. (1).

3. Require a complainant to file a complaint with the district director within 300 days of the alleged violation of sub. (1).

4. Provide periods within which the complainant and the district director must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the district board.

(b) The policies and procedures established under par. (a) are subject to review and approval by the board.

(3) By September 1, 1991, 1992, 1993, and 1994, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall specify the number of complaints received by each district board in the previous school year alleging a violation of sub. (1) and the disposition of each such complaint.

(4) Nothing in this section or s. 36.12 prevents institutions from segregating students in dormitories based on sex.

History: 1989 a. 186.

The exclusion of contraceptives from an employer or college or university sponsored benefits program that otherwise provides prescription drug coverage violates Wisconsin law prohibiting sex discrimination in employment and in higher education under this section and ss. 36.12 and 111.31 to 111.395. OAG 1-04.

38.24 Fees and tuition. (1) DEFINITION. In this section, "operational cost" means costs funded by general purpose revenue, property taxes and uniform fees established under sub. (1m) (a) and (b).

(1g) OPERATIONAL COSTS. Annually, by January 1, the board shall estimate the statewide operational cost per full-time equivalent student in collegiate transfer programs and postsecondary and vocational-adult programs for the next fiscal year. The board shall furnish each district board with definitions of statewide operational costs per full-time equivalent student and shall establish procedures for determining operational cost per full-time equivalent student.

(1m) PROGRAM FEES. The district boards shall charge students the fees established by the state board under this subsection. Annually, the board shall establish:

(a) *Liberal arts collegiate transfer programs.* Uniform fees based on not less than 31 percent of the statewide average operational costs of liberal arts collegiate transfer programs in district schools.

(b) *Postsecondary and vocational-adult programs.* Uniform fees based on not less than 14 percent of the combined estimated statewide operational cost of postsecondary, exclusive of collegiate transfer, and vocational-adult programs. The board shall maintain statewide uniformity in the program fees charged for postsecondary and vocational-adult credits. Students 62 years old and over shall be exempted from program fees under this paragraph in vocational-adult programs. Students enrolled in adult high school, including students enrolled under s. 118.15 (1) (cm) 3., adult basic education and English as a 2nd language courses shall be exempted from program fees under this paragraph. The board shall establish fees under this paragraph as if students exempt from fees under sub. (4) were not exempt.

(c) *Materials fees.* Establish uniform fees against all students, including tuition exempted students under par. (b), to cover the cost of consumable materials in addition to program fees. The board shall establish fees under this paragraph as if students exempt from fees under sub. (4) were not exempt.

(d) *Programs for inmates.* Uniform fees, for vocational programs or courses offered to state prison inmates at a district facility by the department of corrections or the department of health services in cooperation with a district board, equal to the fees established under par. (b).

(1s) ADDITIONAL FEES. A district board may establish and charge a fee in addition to the fees under sub. (1m) for any of the following:

(a) A court-approved alcohol or other drug abuse education program offered to individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b), 48.347 (5) (b), 938.245 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g) (a).

(b) A professional development, vocational-adult seminar or workshop, consisting of no more than 24 hours of instruction, offered to individuals who are employed in a related field. Annually the district board shall report to the board the courses for which an additional fee was charged under this paragraph and the amount of the additional fee.

(c) A vocational-adult course intended to improve an individual's skills beyond the entry level if the course is required by state or federal law, rule or regulation, or by a professional organization, to maintain licensure or certification in the individual's field of employment and the state director approves. The additional fee may not exceed an amount equal to the full cost of the course less the fee under sub. (1m).

(1v) CERTAIN FEES PROHIBITED. No district board may charge a student a fee associated with accident insurance coverage if all of the following apply:

(a) The student requests that the fee be waived.

(b) The student provides evidence that the student is already insured under a policy providing equivalent accident insurance coverage.

(2) REFUNDS. The board shall establish fee and tuition refund policies.

(3) NONRESIDENT FEES AND LIABILITIES; REMISSIONS. (a) Except as provided in sub. (3m), for all students who are not residents of this state, nor subject to reciprocal agreements with the board, annually the board shall establish a fee based on 150 percent of program fees established under sub. (1m) (a) and (b).

(b) Notwithstanding par. (a), the state director may authorize the district board to charge a student who is not a resident of this state and who is subject to a contract with a federal agency under s. 38.14 (3) (a) a fee equal to the contracting district board's direct cost per full-time equivalent student for operating the program in which he or she is enrolled plus an amount equal to the district board's indirect costs per full-time equivalent student attributable to the contract.

(c) The state director may authorize a district board to remit the fees under par. (a), but not the fees under sub. (1m), to any of the following:

1. A number of needy and worthy students. The number of students receiving fee remissions under this subdivision in all districts may not exceed a number equal to 0.5 percent of the full-time equivalent statewide enrollment.

2. Students enrolling under agreements with foreign educational institutions that provide for the exchange of an equal number of students who are residents of this state.

(d) The board shall promulgate rules relating to the remission of fees under par. (c), including rules defining "needy and worthy".

(f) Notwithstanding par. (a), the state director may authorize the district board to charge a student who is not a resident of this state and who is enrolled in a course provided through the use of distance education, as defined in s. 24.60 (1g), a fee that is less than the fee established under par. (a) but not less than the fees established under sub. (1m).

(3m) NONRESIDENT FEE EXEMPTION FOR COVERED INDIVIDUALS. (a) In this subsection, "covered individual" has the meaning given in 38 USC 3679 (c).

(b) The district boards shall charge covered individuals living in this state the fees established under sub. (1m) (a) and (b).

(d) This subsection does not affect any other fee exemption or fee remission for which a covered individual may be eligible under this section.

(4) FEE EXEMPTIONS. A graduate of an associate degree program or vocational diploma program who is a resident of this state is exempt from the fees under sub. (1m) (b) and (c) for up to 6 credits within the same occupational program for which the degree or diploma was awarded if the graduate applies for the exemption within 6 months of graduation and any of the following applies:

(a) Within 90 days after his or her initial employment, the graduate's employer certifies to the district board that the graduate lacks entry-level job skills and specifies in writing the specific areas in which the graduate's skills are deficient.

(b) The graduate certifies that all of the following apply:

1. The graduate has not secured employment in the occupational field in which he or she received the degree or diploma.

2. The graduate has actively pursued employment in that occupational field.

3. The graduate has not refused employment in that occupational field or in a related field.

4. The graduate has actively sought the assistance of the district placement office.

(4m) AUDITOR'S FEE EXEMPTION. The board shall permit a person who is 60 years of age or older to audit a course, other than a community service program, without paying an auditor's fee if the person is a resident of this state, as determined by the board by rule, space is available in the course and the instructor approves.

(5) FEE REMISSIONS FOR SURVIVORS. (a) In this subsection:

1g. "Correctional officer" has the meaning give in s. 102.475 (8) (a).

1j. "Emergency medical services technician" means an individual under s. 256.01 (4p) or (5).

1m. "Fire fighter" means any person employed by this state or any political subdivision of this state as a member or officer of a fire department whose duties include fire fighting or fire fighting training or a member of a volunteer fire department whose duties include fire fighting or fire fighting training.

2. "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(b) The district board shall grant full remission of fees under sub. (1m) (a) to (c) to any resident student who is enrolled in a program leading to an associate of arts degree, a collegiate transfer program or a vocational diploma program and who is any of the following:

1. The child of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit under s. 40.65 (4), under the Wisconsin Retirement System, the Employees' Retirement System of the city of Milwaukee, or the Milwaukee County Employee's Retirement System and died as a result of the qualifying disability. The student must be the child of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was so killed or who died as a result of the qualifying disability when the child was under the age of 21 or before the child was born.

2. The surviving spouse of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law

enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit, as defined in s. 40.65 (4), under the Wisconsin Retirement System, the Employees' Retirement System of the city of Milwaukee, or the Milwaukee County Employee's Retirement System and died as a result of the qualifying disability.

(c) The fee remission under par. (b) shall remain in effect until completion of a sufficient number of credits to complete the program in which the student is enrolled, except that a student must be in good academic standing to receive the remission for the next semester and may not receive a remission for more than 3 consecutive years.

(d) If the appropriation under s. 20.292 (1) (am) in any fiscal year is insufficient to fully fund the fee remissions under par. (b), the district board shall notify the joint committee on finance.

(6) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The district board shall grant a $25 remission of fees under subs. (1m) and (3) to a student for each valid voucher issued to the student under s. 45.60 (3).

(7) FEE REMISSION FOR SPOUSE, SURVIVING SPOUSE, AND CHILDREN OF CERTAIN VETERANS. (a) In this subsection:

1m. "Eligible veteran" means a person verified by the department of veterans affairs to be either of the following:

a. A person who has served on active duty under honorable conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the national guard, or in a reserve component of the U.S. armed forces; who was a resident of this state at the time of entry into that service or resided in this state for at least 3 consecutive years after the person attained the age of 18; and who, while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes.

b. A person who was a resident of this state at the time of entry into service described in subd. 1m. a. or resided in this state for at least 3 consecutive years immediately preceding the beginning of any semester or session for which the person's spouse or child described in par. (b) 1., 2., or 3. registers at a technical college, and who the U.S. department of veteran affairs has awarded at least a 30 percent service-connected disability rating under 38 USC 1114 or 1134.

1p. "Fees" means the amount charged to a resident student under sub. (1m) (a) to (c) to enroll in a course leading to an associate degree, collegiate transfer, or vocational diploma. In the case of a distance education, online, or other course for which the amount charged to enroll in the course equals at least 100 percent of the cost of offering the course, "fees" includes the regular fees charged to a resident student under sub. (1m) (a) to (c) to enroll in the course and any additional fees charged to that student under sub. (1m) (a) to (c) to enroll in that course.

(am) In determining a person's residency at the time of entry into service under par. (a) 1m. a. or b., the state from which the person entered service is irrelevant.

(b) Except as provided in pars. (bd) and (bg), the district board shall grant full remission of fees for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees from any other district board under this subsection and from the Board of Regents under s. 36.27 (3n) (b) and for which the person received tuition offsets under grants under s. 39.49 (2) (a) 1. and less the amount of any fees paid under 38 USC 3319, to any resident student who maintains a cumulative grade point average of at least 2.0 and is also any of the following:

1. A spouse of an eligible veteran.

2. An unremarried surviving spouse of an eligible veteran.

3. A child of an eligible veteran, if the child is at least 17 but not yet 26 years of age.

(bd) If an eligible veteran was not a resident of this state at the time of entry into service described in par. (a) 1m. a., the district board may grant a remission of academic fees and segregated fees under this subsection only if the eligible veteran's spouse or child described in par. (b) 1., 2., or 3. has resided in this state for at least 3 consecutive years immediately preceding the spouse's or child's enrollment in a technical college.

(bg) Before the district board may grant a remission of fees under par. (b), the district board shall require the resident student to apply to the payment of those fees all educational assistance to which the resident student is entitled under 38 USC 3319. If that educational assistance covers 100 percent of those fees for a credit or semester, that credit or semester shall not count against the 128 credit or 8 semester limit provided in par. (b). If that educational assistance covers less than 100 percent of those fees for a credit or semester and the remission under par. (b) covers the remainder of those fees, the credit or semester shall count against that limit in the proportion that the remission bears to the total fees charged for that credit or semester. This requirement applies notwithstanding the fact that the resident student may be entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 as well as under 38 USC 3319, unless the resident student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566.

(bm) 1. For a resident student who is entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under 38 USC 3319, if the amount of educational assistance, other than educational assistance for tuition, to which the resident student is entitled under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational assistance, other than educational assistance for tuition, that the resident student received under 38 USC 3319, as determined by the higher educational aids board, in the academic year the higher educational aids board shall reimburse the resident student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the board and district board.

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all resident students who are eligible for that reimbursement, the higher educational aids board and the district board shall reimburse those resident students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the district board for all fees remitted under par. (b) as provided in s. 39.50 (2) and (3m).

(8) FEE REMISSION FOR VETERANS. (a) In this subsection:

1g. "Fees" has the meaning given in sub. (7) (a) 1p.

1r. "Veteran" means a person who is verified by the department of veterans affairs as being a resident of this state for purposes of receiving benefits under ch. 45; as being a resident of this state at the time of his or her entry into the U.S. armed forces or forces incorporated in the U.S. armed forces or as being a resident of this state for at least 3 consecutive years immediately preceding the beginning of any semester or session for which the person registers at a technical college; and as meeting any of the following conditions:

a. The person has served on active duty for at least one qualifying term of service under subd. 1r. b. to d. under honorable conditions in the U.S. armed forces or in forces incorporated as

part of the U.S. armed forces during a war period or in a crisis zone.

b. The person has served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces under honorable conditions, for 2 continuous years or more or for the full period of his or her initial service obligation, whichever is less.

c. The person has served on active duty for 90 days or more under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces during a war period or for any period of service under section 1 of executive order 10957 dated August 10, 1961.

d. The term of service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces under honorable conditions entitled the person to receive the Armed Forces Expeditionary Medal, established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal, or an equivalent expeditionary or service medal.

e. The person was honorably discharged from the U.S. armed forces or from forces incorporated in the U.S. armed forces for a service-connected disability, for a disability subsequently adjudicated to have been service connected, or for reasons of hardship.

f. The person was released under honorable conditions from the U.S. armed forces or from forces incorporated in the U.S. armed forces due to a reduction in the U.S. armed forces.

(am) In determining a person's residence at the time of entry into service under par. (a) 1r., the state from which the person entered service is irrelevant.

(b) Except as provided in par. (bg), the district board shall grant full remission of the fees charged for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees from any other district board under this subsection and from the Board of Regents under s. 36.27 (3p) and for which the person received tuition offsets under grants under s. 39.49 (2) (a) 1. and less the amount of any fees paid under 10 USC 2107 (c), 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran and maintains a cumulative grade point average of at least 2.0.

(bg) Before the district board may grant a remission of fees under par. (b), the district board shall require the student to apply to the payment of those fees all educational assistance to which the student is entitled under 38 USC 3313. If that educational assistance covers 100 percent of those fees for a credit or semester, that credit or semester shall not count against the 128 credit or 8 semester limit provided in par. (b). If that educational assistance covers less than 100 percent of those fees for a credit or semester and the remission under par. (b) covers the remainder of those fees, the credit or semester shall count against that limit in the proportion that the remission bears to the total fees charged for that credit or semester. This requirement applies notwithstanding the fact that the student may be entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 as well as under 38 USC 3313, unless the student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036.

(bm) 1. For a student who is entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 and under 38 USC 3313, if the amount of educational assistance, other than educational assistance for tuition, to which the student is entitled under 10 USC 16131 to 161310 USC 16161 to 16166, or 38 USC 3001 to 3036 is greater than the amount of educational assistance, other than educational assistance for tuition, that the student received under 38 USC 3313, as determined by the higher educational aids board, in the academic year the higher educational aids board shall reimburse the student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the board and district board.

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all students who are eligible for that reimbursement, the higher educational aids board and the district board shall reimburse those students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the district board for all fees remitted under par. (b) as provided in s. 39.50 (2) and (3m).

(9) LATE RECEIPT OF STUDENT'S VETERANS BENEFITS. If a student receives federal veterans benefits that may be applied against the student's payment obligations for any fees under sub. (1m), the technical college in which the student is enrolled may not take any adverse action against the student as a result of the district board's failure to receive payment of the federal veterans benefits by the deadline established by the district board for payment of the fees.

History: 1971 c. 154, 211, 228; 1975 c. 39, 224; 1977 c. 29, 418; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31, 107, 336; 1991 a. 39 ss. 1103 to 1108m, 1117; 1993 a. 16, 223, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 228; 1997 a. 27, 163, 292; 1999 a. 32 s. 97; 1999 a. 130, 154; 2003 a. 42; 2005 a. 22, 25, 253, 320, 468; 2007 a. 20 ss. 738mr to 741, 9121 (6) (a); 2007 a. 130; 2009 a. 28, 276; 2011 a. 32; 2013 a. 20, 173; 2015 a. 21, 55; 2017 a. 12, 24, 59; 2019 a. 47, 149; 2025 a. 155.

Cross-reference: See also ch. TCS 10, Wis. adm. code.

Vocational, technical, and adult education schools [now technical colleges] are not "district schools" within the meaning of article X, section 3, of the Wisconsin Constitution. 64 Atty. Gen. 24.

Apprentices indentured under ch. 106 may be charged tuition at vocational, technical, and adult education schools [now technical colleges] for related instruction received at such schools that is required as a condition of their apprenticeship. 65 Atty. Gen. 37.

38.26 Minority student participation and retention grants. (1) In this section, "minority student" means a student enrolled in a district school who is a minority group member, as defined in s. 16.287 (1) (f).

(2) The board shall annually notify each district board of those purposes for which grants may be awarded under this section. Grants may be awarded only for the purposes of assisting in:

(a) The creation or expansion of programs that provide counseling and tutoring services for minority students.

(b) Programs that demonstrate innovative approaches to increasing minority student placement and retention in technical education programs that have a high earning potential for their graduates.

(c) Providing internships to minority students enrolled in programs that prepare their graduates for admission to a teacher education program at an institution within the University of Wisconsin System.

(d) Programs that combine basic skills and occupational training as a means of expediting basic skills remediation and increasing retention of minority students.

(e) Programs that use community-based organizations to assist in the recruitment, training and retention of minority students.

(3) (a) Any district board may apply to the board for a grant to accomplish the purposes identified by the board under sub. (2).

(b) The board shall review the applications submitted under par. (a) according to procedures and criteria established by the board. The board shall notify the district board whether the dis-

trict board's application has been approved and, if approved, of the amount and the conditions of the grant to be awarded.

(c) Amounts awarded under par. (b) shall be paid from the appropriation under s. 20.292 (1) (f) and may be paid to the district board in installments. Amounts awarded shall range from 25 percent to 75 percent of the total project cost. The board shall require the district board to provide the remaining percentage share of total project cost.

(4) (a) Each district board receiving a grant under this section shall, by September 1 of the school year following receipt of the grant, file a report with the board. The report shall evaluate the district board's performance in attaining the goals specified in the application submitted under sub. (3).

(b) The board shall develop and implement an audit program to assess the effectiveness of the grants made under this section in accomplishing the intended goals.

History: 1991 a. 39; 2011 a. 32; 2013 a. 20.

38.27 Incentive grants. (1) The board shall annually notify each district board of those purposes for which grants may be awarded under this section. Grants may be awarded only for the purposes of assisting in:

(a) The creation or expansion of adult high school, adult basic education and English as a 2nd language courses. The board shall give priority to courses serving students with disabilities or minority, unemployed, or disadvantaged students.

(b) The creation or expansion of programs, courses or services, and related staff and instructional material development:

1. Which address the need to train emerging skills, skills resulting from occupational or technological change or skills in occupations experiencing substantial growth.

2. For which there is significant projected long-term job growth; and

3. That comply with state program priorities and plans for coordinating the efficient and cost-effective delivery of services.

(c) The purchase or lease of high-cost instructional equipment necessary to develop or improve new or expanding occupational training programs:

1. Which address emerging skilled training needs;

2. For which there is significant projected long-term job growth; and

3. That comply with state program priorities and plans for coordinating the efficient and cost-effective delivery of services.

(d) Programs that foster the provision of classroom instruction for apprentices and the upgrading of journeymen.

(e) Educational programs, courses or services that would not otherwise be established or maintained because of limitations in district fiscal capacity.

(g) The creation or expansion of programs that assist business and industry in adopting and implementing new technology, including training in the use of new technology and instructional and continuing educational opportunities in the adoption and implementation of new technology.

(h) The creation or expansion of programs at secured juvenile correctional facilities.

(2) (a) Any district board or combination of district boards may apply to the board for a grant to accomplish the purposes identified by the board under sub. (1).

(b) The board shall review the applications submitted under par. (a) according to procedures and criteria established by the board. Prior to awarding a grant for the purpose of sub. (1) (e), the board shall consider the principle of comparable budgetary support for similar programs and ensure that the program being considered for a grant is efficient and cost-effective. The board shall notify the applicant whether its application has been approved and, if approved, of the amount and the conditions of the grant to be awarded.

(c) Amounts awarded under this section shall be paid from the appropriation under s. 20.292 (1) (f) and may be paid in installments. Except as provided under par. (cm), amounts awarded for the purposes of sub. (1) (b) to (d) and (g) shall range from 25 percent to 75 percent of the total project cost. The board shall require the district board to provide the remaining percentage share of total project cost.

(cm) For grants awarded to combinations of district boards for projects that support regional or statewide activities, the board shall determine the percentage of total project cost that the grant may fund.

(d) Amounts awarded for the purpose of sub. (1) (a) or (e) may be awarded on a continuing basis, pending the availability of funds. Amounts awarded to support the establishment of new programs under sub. (1) (b) or (g) may be awarded for a period of up to 3 years, pending the availability of funds.

(e) Funds received under this section for the purpose of sub. (1) (a), (b), (c), (d) or (g) may not be used to supplant funds otherwise available for such purposes.

(f) The recipient of a grant under sub. (1) (g) shall give preference, in assisting business and industry, to small and medium-sized businesses.

(2m) The board shall ensure that:

(a) Beginning in the 1989-90 fiscal year, not more than $1,500,000 annually is awarded for the purpose of sub. (1) (e).

(b) Not more than 25 percent of the total amount awarded under this section in any fiscal year is for the purposes of sub. (1) (c).

(e) Beginning in the 1997-98 fiscal year, not more than $150,000 annually is awarded for the purpose of sub. (1) (h).

(f) Beginning in the 2001-02 school year, at least $0 annually is awarded under this section to districts with limited fiscal capacity, as defined by the board.

(3) (a) Each recipient of a grant under this section shall, by September 1 of the fiscal year following receipt of the grant, file a report with the board. The report shall evaluate the recipient's performance in attaining the goals specified in the application submitted under sub. (2).

(b) The board shall develop and implement an audit program to assess the effectiveness of the grants made under this section in accomplishing the intended goals.

History: 1985 a. 29; 1987 a. 399, 419; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2013 a. 20; 2019 a. 9.

38.272 Farm training program tuition grants. (1) A student enrolled in a district's farm business and production management program may apply to the board for a grant for the purpose of paying 50 percent of the tuition for up to 6 years.

(2) The board shall review the applications submitted under sub. (1) according to procedures and criteria established by the board. The board shall notify the student whether his or her application has been approved and, if approved, of the amount of the grant.

(3) The board may award grants under this section. Amounts awarded shall be paid from the appropriation under s. 20.292 (1) (f).

History: 1991 a. 39; 1995 a. 27; 2013 a. 20.

38.28 State aid. (1) Annually at the time and on forms prescribed by the director, the district board secretary shall report to the board the cost of maintaining the schools of the district; the character of the work done; the number, names and qualifications

of the teachers employed; the number of full-time students enrolled; the number of full-time equivalent students enrolled in the district who are residents of another district; the number of full-time students exempted from tuition, by course credits; the actual amount of tuition collected in postsecondary and in vocational-adult programs; and such other information as the board requires.

(1m) In this section:

(a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under ss. 38.12 (9) and (14), 38.14 (3) and (9), and 118.15 (2) (a), all receipts from grants awarded under ss. 38.04 (8), (28), and (31), 38.14 (11), 38.26, 38.27, 38.31, 38.33, 38.34, 38.38, and 38.42, all fees collected under s. 38.24, and driver education and chauffeur training aids.

2. "District aidable cost" for any district that does not have an institution or college campus located in the district does not include costs associated with the collegiate transfer program at the district school. In this subdivision, "institution" and "college campus" have the meanings specified under s. 36.05. This subdivision does not apply beginning with aid paid under sub. (3) in the 2014-15 fiscal year.

NOTE: Section 38.28 (3) was repealed by 2013 Wis. Act 20.

(am) "Dual enrollment programs" means programs or courses of study designed to provide high school students the opportunity to gain credits in both technical college and high school, including transcripted credit programs or other educational services provided by contract between a school district and a technical college.

(b) "Equalization index" means a ratio determined by:

1. Dividing the most current statewide full valuation by the board's estimate of the districts' total aidable full-time equivalent student count for the next fiscal year;

2. Dividing the most current full valuation for each district by the board's estimate of that district's full-time equivalent student count for the next fiscal year; and

3. Dividing the quotient of subd. 1. by the quotient of subd. 2., rounded to the 5th decimal place.

(c) "Industry-validated curriculum" means a curriculum that is developed with business or industry input and that is based on competencies and assessments that reflect the skills and knowledge necessary for a specific job or jobs within a specific type of business or industry.

(2) (b) Subject to par. (bm), each district's share of the amount appropriated under s. 20.292 (1) (d) shall be computed as follows:

1. The district's aidable cost shall be multiplied by the applicable percentage and this product shall be multiplied by the equalization index to determine state aids. In this subdivision, the "applicable percentage" is the percentage sufficient to generate total aid under this section that will fall within the range of 0.999 and 1.001 of the amount appropriated under s. 20.292 (1) (d), as determined by the board.

2. The most current equalized values certified by the department of revenue shall be used in aid determinations, except equalized values shall include the full value of property that is exempt under s. 70.11 (39) and (39m) as determined under s. 79.095 (3) for 2016.

3. Beginning with the 1975-76 fiscal year, state aids shall be calculated and paid on the basis of 1975-76 district aidable cost. Annually thereafter, aid payments in any fiscal year shall fund the district aidable cost in that same fiscal year.

4. The board shall make such adjustments in aid payments during the fiscal year as are necessary to reflect more current data under sub. (1m) and s. 20.292 (1) (d). Final adjustments of state aid payments, on the basis of actual enrollments and costs, shall be made from the following year's aid appropriation under s. 20.292 (1) (d).

(be) 1. Subject to subd. 1m. and par. (bm), the board shall establish a formula for allocating the amount appropriated under s. 20.292 (1) (d) in a fiscal year to each district based on a district's performance in the 3 previous fiscal years with respect to the following criteria:

a. The placement rate of students in jobs related to students' programs of study.

b. The number of degrees and certificates awarded in high-demand fields. The board and the department of workforce development shall jointly determine what constitutes high-demand fields and revise the determination as necessary.

c. The number of programs or courses with industry-validated curriculum.

d. The transition of adult students from basic education to skills training.

dm. The number of adult students served by basic education courses, adult high school or English language learning courses, or courses that combine basic skills and occupational training as a means of expediting basic skills remediation, and the success rate of adult students completing such courses.

e. Participation in dual enrollment programs.

f. The workforce training provided to businesses and individuals.

g. Participation in statewide or regional collaboration or efficiency initiatives.

h. Training or other services provided to special populations or demographic groups that can be considered unique to the district.

i. The development and implementation of a policy to award course credit for relevant educational experience or training not obtained through an institution of higher education, including skills training received during military service.

1m. Subject to modification by the joint committee on finance under subd. 2., allocations under the formula established under subd. 1. shall be based on a district's performance with respect to 7 of the 10 criteria specified in subd. 1. a. to i., and the board shall allow each district to designate the criteria used for the allocations.

2. No later than March 31, 2014, the board shall submit a plan for making allocations pursuant to the formula established under subd. 1. to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the board within 14 working days after the date of the submittal of the plan that the committee has scheduled a meeting to review the plan, the board shall implement the plan. If, within 14 working days after the date of the submittal of the plan, the cochairpersons of the committee notify the board that the committee has scheduled a meeting to review the plan, the board may not implement the plan unless the committee approves or modifies the plan. If the committee modifies the plan, the board may implement the plan only as modified by the committee.

3. In each fiscal year, beginning in fiscal year 2014-15, the board shall submit a report to the joint committee on finance that describes how the amount appropriated under s. 20.292 (1) (d) is allocated to each district under the plan administered under subd. 2. The report shall describe all of the following:

a. The amount allocated to each district in the fiscal year under the formula administered under the plan.

b. The performance of each district with respect to each criterion specified in subd. 1. a. to i.

c. The methodologies used to make a district's allocation described under subd. 3. a. based on the district's performance described under subd. 3. b.

d. The performance of the technical college system as a whole with respect to each criterion specified in subd. 1. a. to i.

e. Any other information used to administer the plan.

4. The board shall make the report submitted under subd. 3. available to the public. Each district board that maintains an Internet site shall make the report available to the public at the Internet site.

5. The board shall include in its biennial budget request under s. 16.42 any legislative proposals that the board recommends that relate to the criteria specified in subd. 1. a. to i. or to the plan or formula approved or modified by the joint committee on finance under subd. 2.

(bm) 1. In this paragraph, "amount appropriated" means the amount appropriated under s. 20.292 (1) (d).

2. a. Except for the percentages of funding specified in this subdivision to be distributed under par. (be), all of the amount appropriated shall be distributed under par. (b).

b. In fiscal year 2014-15, the percentage is 10 percent.

c. In fiscal year 2015-16, the percentage is 20 percent.

d. In fiscal year 2016-17 and each fiscal year thereafter, the percentage is 30 percent.

(bs) The board shall reduce each district's aid payment under par. (b) 2., or the amount allocated to each district under the plan administered under par. (be) 2., by the district's share of the amount necessary to produce and distribute the statewide guide under s. 38.04 (18), as determined by the board.

(d) Notwithstanding pars. (b), (be), and (bm), the board may withhold, suspend or reduce in whole or in part payment of state aid under this subsection to any district board whose program or educational personnel does not meet minimum standards set by the board or which violates this chapter or any rule promulgated by the board under the authority of this chapter. The board shall discontinue aids to those programs which are no longer necessary to meet needs within the state.

(e) Aids shall not be paid to a district board for any program unless the intended content of each course has been thoroughly described, and the program has been designated and approved by the state director and reviewed by the board. The board shall establish procedures to implement this subsection which shall enhance the district's ability to respond rapidly to the needs of its citizens.

(f) The board shall compile information on anticipated cost for each succeeding fiscal year by the preceding January 1.

(4) From the appropriation under s. 20.292 (1) (f), the board may pay to any district that does not have an institution or college campus located within the district an amount equal to that portion of the instructional costs of the district's collegiate transfer program not supported by fees and tuition that is equal to the state support of similar programs in the University of Wisconsin System, as determined by the board. In this subsection, "institution" and "college campus" have the meanings specified under s. 36.05.

(5) State aid shall not be paid to a district for any year, unless every teacher, administrator, principal and supervisor employed by the district during that year is under a contract providing for leave of absence by reason of sickness of such person, without deduction from salary, for not less than 5 days per year and for accumulation of unused sick leave from year to year to a total of not less than 30 days. No allowance may be paid for such absences from teaching or other educational services rendered in evening school by any person employed at least 30 hours per week in day school. This subsection does not apply to a person employed by the district board for less than 30 hours per week.

History: 1971 c. 154, 211; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 20, 269; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27, 399; 1989 a. 31, 102, 336; 1991 a. 39, 322; 1993 a. 16, 377, 399, 437; 1995 a. 27 ss. 1812, 9145 (1); 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 25; 2013 a. 20; 2015 a. 55, 282; 2017 a. 59; 2023 a. 89.

Cross-reference: See also ch. TCS 10, Wis. adm. code.

38.29 Chauffeur training grants. (1) The board may award grants to district boards under this section for the development of advanced chauffeur training facilities, the acquisition of instructional equipment for such facilities, operational costs associated with the maintenance of such facilities and equipment and costs incurred in the coordination of the training programs.

(2) (a) Any district board receiving aid under s. 38.28 (2) (g) may apply to the board for a grant for the purposes described under sub. (1).

NOTE: Section 38.28 (2) (g) was repealed by 2013 Wis. Act 20.

(b) The board shall review the application according to criteria and procedures established by the board. If an application submitted under par. (a) is approved, the board shall notify the district board of the amount and conditions of the grant to be awarded.

(c) Amounts awarded shall be paid from the appropriation under s. 20.292 (1) (f).

(3) Each district board receiving a grant under this section shall, by September 1 of the fiscal year following receipt of the grant, file a report with the board. The report shall evaluate the district board's performance in attaining the goals specified in the application submitted under sub. (2) (a).

History: 1985 a. 29; 1997 a. 27; 2013 a. 20.

38.30 Special aid for veterans. (1) (a) District boards may receive payments from the U.S. department of veterans affairs for tuition to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans eligible for benefits under federal law.

(b) District boards may receive payments from the department of workforce development under s. 47.02 to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans ineligible for benefits under par. (a).

(c) District boards shall not receive payments under this subsection which, together with other receipts for the same purpose exclusive of the funds provided under s. 38.16, would exceed the full cost of training provided such veterans.

(d) The amounts received for nonresidents under this subsection shall not be less than the amounts specified in s. 38.24 (3) but may exceed such amounts.

(2) Upon the authorization of a school board or district board, the board may enter into contracts with the U.S. department of veterans affairs for training in vocational agriculture to be provided by such school board or district board to veterans eligible for benefits under federal law. The board shall receive from the U.S. department of veterans affairs payments granted to cover the cost of administration by the board and, to be paid to the school board or district board, payments granted to cover the cost of such training.

History: 1971 c. 154; 1973 c. 284 s. 32; 1977 c. 29; 1983 a. 435 s. 7; 1989 a. 56; 1995 a. 27 ss. 1813, 9130 (4); 1997 a. 3.

38.31 Veteran grant jobs pilot program. (1) (a) The board shall establish a veteran grant jobs pilot program. Under this program, the board shall, subject to par. (b), award grants to district boards that request funding to support programs or ser-

vices for veterans. Grants awarded under this section shall be awarded through a competitive grant process and paid from the appropriation under s. 20.292 (1) (r). No grant may be awarded under this section after June 30, 2017.

(b) Before awarding any grant under par. (a), the board shall secure additional funding commitments of at least $500,000 to match grant awards by the board under par. (a). No new state moneys may be contributed toward the matching funds required under this paragraph.

(2) Programs or services eligible for a grant under sub. (1) include programs or services related to any of the following:

(a) Recruiting, training, or graduating veterans in high-demand fields, as identified by the department of workforce development.

(b) Providing specialized support services for veterans, including career pathway planning, case management, advising by experts in military education related to obtaining credit for prior learning, early alert interventions, and referrals to or subcontracting with external organizations to provide specialized support services.

(c) Collaborations with employers.

(d) Work-based learning activities, such as internships, service learning, mentoring, job coaching, and job shadowing.

(e) Specialized instructional methodologies that have been demonstrated to be helpful for veterans to enhance student retention and completion.

(f) Creating, expanding, or implementing innovative methods that provide direct services to veterans, with a goal to support students through specific completion points such as completion of courses, semesters, programs, or certificates.

(g) Counseling or career services, which may include personal, educational, and career development support as well as proactive behavior and crisis intervention services.

(h) Targeted services based on student need such as financial literacy, career assessment and planning services, career workshops, computer skills and study skills workshops, veterans peer support groups, or tutoring or supplemental instruction.

(i) Accommodation and transition services, including assistive technology such as adaptive equipment, instructional aids and devices, and related services for injured veterans.

(j) Providing access or referrals to emergency dependent care and transportation assistance.

(k) Any other program or service for veterans.

(3) Not later than September 1, 2017, the board shall submit a report to the joint committee on finance that includes all of the following information:

(a) The technical colleges that received grant funding under this section and the amount of funding received by each.

(b) The programs or services funded through the grant program under this section.

(c) The total number of veterans supported through the grant program under this section.

(d) The amount of unencumbered funds, if any, that lapsed to the veterans trust fund from the appropriation account under s. 20.292 (1) (r) at the end of the 2015-17 fiscal biennium.

History: 2015 a. 55.

38.32 Technical college instructor occupational competency program. (1) The board shall establish a technical college instructor occupational competency program. The program shall be designed to provide technical college instructors in district schools with temporary work experiences in business and industry in order to improve their knowledge and skills in the subjects they teach.

(2) The board shall review proposals submitted by district boards that are consistent with sub. (1). From the appropriation under s. 20.292 (1) (f), the board may award grants to district boards to partially pay the salaries of teachers participating in approved proposals. Any funds received by a district board under this subsection shall be equally matched by the district board.

(3) To the extent possible, grants awarded under sub. (2) shall be equally distributed on a statewide basis.

History: 1983 a. 370; 1989 a. 56; 1991 a. 39; 1993 a. 399; 2013 a. 20; 2015 a. 329.

38.33 Professional development grants. (1) From the appropriation under s. 20.292 (1) (f), the board may award grants to district boards to establish professional development programs. The programs shall promote all of the following:

(a) Instructor awareness of and expertise in a wide variety of newly emerging technologies.

(b) The integration of learning technologies in curriculum and instruction.

(c) The use of instructional methods that involve emerging technologies.

(1m) The board may not award a grant to a district board under this section unless there is a matching fund contribution from the district board equal to at least 50 percent of the grant amount.

History: 1997 a. 27; 2013 a. 20; 2015 a. 329.

38.34 Funding to expand the oral health care workforce. (1) In this section, "eligible expenditures" means any of the following:

(a) Capital expenditures, such as expenditures for equipment or facility improvements or expansion.

(b) Expenditures for instructional supplies, teaching materials and resources, consumables, or clinic fees.

(c) Instructor bonuses if the requirements in sub. (3) are satisfied.

(2) (a) In the 2023-25 fiscal biennium, the board, in coordination with district boards, may submit to the joint committee on finance a request for funding in the 2023-25 fiscal biennium, in a total amount not exceeding $20,000,000, for district board programs to expand the state's oral health care workforce. Subject to par. (b) and sub. (5), the request for funding shall include a plan that identifies each district board that requests funding, the amount of funding the district board requests, and a detailed description of the eligible expenditures for which the requested funding would be used.

(b) The plan under par. (a) shall include requests for all of the following:

1. For the district board of Northcentral Technical College, up to $2,000,000 to expand current dental hygienist and dental assistant programs and for development of a dental therapy program if dental therapy becomes an authorized dental practice.

2. For any district board that offers a dental hygienist program on February 2, 2024, other than the district board of Northcentral Technical College, up to $1,430,000.

3. For any district board that offers no dental program or only a dental assistant program on February 2, 2024, up to $1,000,000 to create a new program or expand the existing program.

(c) The requirement under par. (b) does not preclude a request for funding in the plan of any additional amount for a district board for a purpose permissible under sub. (5).

(3) (a) Funding provided by the board to a district board under this section may be used to pay newly hired instructors a hiring bonus not exceeding $5,000 per instructor if all of the following apply:

1. The instructor is hired into a position that is at least a 0.5 full-time equivalent position.

2. The instructor's work responsibilities require the instructor to devote an amount of time at least equal to a 0.5 full-time equivalent position teaching courses in an oral health care program.

3. The district board provides matching funding for the bonus in an amount equal to or greater than the amount of the funds provided under this subsection.

4. The instructor agrees in writing to continue employment with the district board for at least 3 years in a position that satisfies the requirements in subds. 1. and 2.

5. The district board commits to pay the retention bonus under sub. (4), from funds other than the grant awarded under this section, if the conditions in sub. (4) are satisfied.

6. The instructor was not employed by the district board, or by any other district board, at any time in the 75-day period immediately preceding February 2, 2024.

(b) 1. The agreement under par. (a) 4. shall specify that, except as provided in subds. 2. to 4., if the instructor discontinues employment with the district board less than 3 years after the instructor's first day of employment, the instructor is required to repay the hiring bonus as follows:

a. All of the bonus if the term of employment was less than one year.

b. Two-thirds of the bonus if the term of employment was at least one year but less than 2 years.

c. One-third of the bonus if the term of employment was at least 2 years but less than 3 years.

2. If the instructor discontinues employment with the district board to begin employment with a different district board, in a position that is at least a 0.5 full-time equivalent position, as an instructor in an oral health care program, the repayment requirement under subd. 1. does not apply and the 3-year period under par. (a) 4. continues in effect from the instructor's first day of employment with the district board that paid the hiring bonus.

3. If a district board pays an instructor a hiring bonus under par. (a) and the instructor is terminated for cause less than 3 years after the instructor's first day of employment, the instructor is required to repay all of the bonus.

4. If a district board pays an instructor a hiring bonus under par. (a) and the instructor is terminated for a reason other than cause, including as a result of budgetary constraints or program changes, the instructor is not required to repay the bonus.

(c) An instructor who is simultaneously employed by 2 district boards may not receive more than one bonus under this subsection.

(4) The district board shall pay to an instructor who receives a hiring bonus under sub. (3) a retention bonus in the amount of $5,000 if, 5 years after the date the bonus under sub. (3) was paid, the instructor remains employed by the district board in a position that meets the requirements under sub. (3) (a) 1. and 2.

(5) The plan under sub. (2) shall include sufficient information for the joint committee on finance to determine that, for each district board program for which funding is requested, all of the following requirements are satisfied:

(a) Funding will be used only for eligible expenditures to expand a district board's existing oral health care program that has a capacity limit and a current waiting list for program admission or to create a new oral health care program offered by the district board after the district board's finding of demonstrated community interest in and need for the program.

(b) Except as provided in sub. (3) (a) 3., the district board will provide matching funding, from sources other than this section, of at least 20 percent of the amount requested in the plan to pay costs associated with the district board's new or expanded oral health care program.

(6) If the joint committee on finance determines that the requirements in subs. (2) and (5) are satisfied, the joint committee on finance may approve the plan and request for funding, as proposed or as modified.

(7) Upon approval under sub. (6), the joint committee on finance may provide funding from the appropriation under s. 20.865 (4) (a), in an amount determined by the joint committee on finance but not exceeding a total of $20,000,000, to the board for distribution to the applicable district boards as provided in the approved plan.

(8) (a) From the funding received under sub. (7), the board shall reimburse each district board for its eligible expenditures under the approved plan if the board finds the district board complied with the requirements under this section.

(b) If a district board has not requested reimbursement from the board within 12 months after the joint committee on finance approves the plan or if the district board informs the board that it will not implement the program changes described in the approved plan, the board may submit a request to the joint committee on finance to redistribute the funds allocated for that district board to another district board to be used for a purpose consistent with this section. The request shall identify each district board to which funding is to be reallocated and the amount to be reallocated to each, along with a detailed description of the eligible expenditures for which the reallocated funding would be used. The request shall also include the same information that was required under sub. (5) for the original plan.

(c) If, within 14 working days after receiving the request under par. (b), the cochairpersons of the joint committee on finance do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the request, the request is considered approved and the board may implement the reallocation of funding proposed in the request. If, within 14 working days after the date of the request, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the request, the request is approved only upon the committee's express approval, as requested or as modified.

(d) From reallocated funding approved under par. (c), the board shall reimburse a district board for its approved eligible expenditures if the board finds the district board complied with the requirements under this section.

(9) Not later than January 1, 2026, a district board that receives funding under this section shall report to the board the amount of funding the district board received, a detailed description of all expenditures for which the funding was used, and the impact of the funding on the district board's oral health care programs. Not later than March 1, 2026, the board shall submit to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) a report summarizing this information received from the district boards.

History: 2023 a. 89.

38.36 Nutritional improvement for elderly. (1) In this section, "authorized elderly person" means any resident of this state who is 60 years of age or older, and the spouse of any such person.

(2) Any district approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a district board desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the board. An-

nually, the board shall notify the department of public instruction of the approved districts.

(3) Each plan shall provide at least one meal per day for each day that school is in regular session. The district board may provide additional service at other times in its discretion, if the number of eligible persons in the district or adjacent districts is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) Any district board that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every technical college in the district that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between districts and between schools if such a procedure will be convenient and economical.

(6) The district board may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15 percent of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no district board may be required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. A district board may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable rules necessary to implement this section.

History: 1989 a. 269, 359; 1993 a. 399; 1995 a. 27 ss. 1814, 9145 (1); 1997 a. 27; 2003 a. 33.

38.38 Services for students with disabilities. Annually the board may award a grant to each district board, from the appropriation under s. 20.292 (1) (f), to assist in funding transitional services for students with disabilities. Each district board shall contribute matching funds equal to 25 percent of the amount awarded.

History: 1991 a. 39; 1997 a. 27; 2013 a. 20; 2019 a. 9.

38.40 Technical preparation, school-to-work, and work-based learning programs. (1) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The board shall plan, coordinate, administer, and implement the technical preparation, school-to-work, and work-based learning programs under sub. (1m) and such other employment and education programs as the governor may by executive order assign to the board. Notwithstanding any limitations placed on the use of state employment and education funds under this section or under an executive order assigning an employment and education program to the board, the board may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

(1m) TECHNICAL PREPARATION, SCHOOL-TO-WORK AND WORK-BASED LEARNING PROGRAMS. The board shall provide all of the following programs:

(a) A technical preparation program that includes the technical preparation programs under s. 118.34.

(b) A school-to-work program that includes the school-to-work program for children at risk under sub. (4m).

(c) A work-based learning program under which the board awards grants to tribal colleges that are recognized as land grant colleges under 7 USC 301 to fund programs that provide occupational training and work-based learning experiences to youths and adults.

(2) INTERAGENCY ASSISTANCE. The council on workforce investment established under 29 USC 2821 and the department of public instruction shall assist the board in providing the technical preparation, school-to-work, and work-based learning programs under sub. (1m).

(2m) SKILL STANDARDS. The board shall approve statewide skill standards for the school-to-work program under sub. (1m) (b).

(4m) SCHOOL-TO-WORK FOR CHILDREN-AT-RISK. (a) The board may approve an innovative school-to-work program provided by a nonprofit organization for children at risk, as defined in s. 118.153 (1) (a), in a county having a population of 750,000 or more to assist those children at risk in acquiring employability skills and occupational-specific competencies before leaving high school. If the board approves a program under this paragraph, the board may award a grant, from the appropriation under s. 20.292 (1) (f), to the nonprofit organization providing the program and the nonprofit organization shall use the funds received under the grant to provide the program.

(b) The board shall establish requirements for the operation of the grant program under this subsection. Notwithstanding sub. (5), those requirements are not required to be promulgated as rules.

(4r) PUBLICATIONS AND SEMINARS. The board may provide publications and seminars relating to the employment and education programs administered by the board and may establish a schedule of fees for those publications and seminars. Fees established under this subsection for publications and seminars provided by the board may not exceed the actual cost incurred in providing those publications and seminars. The fees collected under this subsection shall be credited to the appropriation account under s. 20.292 (1) (ga).

(5) RULES. The board shall promulgate rules to implement this section.

History: 2003 a. 33 ss. 946d to 946m, 1868p, 1868r, 1876t; 2005 a. 25 ss. 714d to 719d, 1835m; 2013 a. 20; 2017 a. 207 s. 5.

38.41 Training program. (1) The board may award a grant to a district board for skills training or other education related to the needs of business.

(2) The board may award a grant to a district board to provide skills training or other education or market expansion or business diversification assistance to a business if the business is located in this state and the applicant submits to the board an affidavit

stating that the business has no more than 250 employees or had no more than $10,000,000 in gross annual income in its most recent fiscal year.

(3) (a) Amounts awarded under this section shall be paid from the appropriation under s. 20.292 (1) (f).

(c) The board may award no more than $500,000 in any fiscal year under sub. (2).

(4) The board shall promulgate rules to implement and administer this section.

History: 2005 a. 25; 2007 a. 20; 2009 a. 2, 28, 265; 2013 a. 20, 328.
Cross-reference: See also ch. TCS 17, Wis. adm. code.

38.42 Grants to meet emergency financial need. (1) In this section:

(a) "Eligible student" means a student enrolled in a technical college whose financial need meets the eligibility criteria for a grant from the Federal Pell Grant Program.

(b) "Financial emergency" means an unplanned event causing an unanticipated expense, such as charges for medical treatment or vehicle repair, that would cause an eligible student to not complete that term if a grant were not available to cover the expense, but does not include such expenses as those for tuition, textbooks, student fees, alcohol or tobacco, groceries, entertainment, legal services, or fines or forfeitures resulting from legal violations.

(2) From the appropriation under s. 20.292 (1) (e), no later than September 1, 2016, and by September 1 of each year thereafter, the board shall distribute funds to the districts for payment of grants under this section. These funds may not be used by the districts for any other purpose. The amount distributed by the board to each district shall be determined by the board based on the anticipated need and demand for grants at each technical college.

(3) (a) Subject to pars. (b) to (d), each technical college may award grants to eligible students to pay the student's expense resulting from a financial emergency. In evaluating a grant application, the technical college shall, in its discretion and based on its best judgment, determine whether the student has incurred a legitimate financial emergency.

(b) No grant may be awarded to a student unless the student has submitted with the grant application written proof, such as a bill, identifying the nature and amount of the expense and the 3rd party to whom this amount is owed.

(c) A technical college may not award more than 2 grants under this section to the same student in any academic year. The total of all grants made to a student under this section in the same academic year may not exceed $1,000.

(d) A grant under this section may not be disbursed in cash. The grant funds shall be disbursed in any of the following ways:

1. By check made payable to the student and delivered to the student.

2. By check made payable to the 3rd party identified under par. (b) and delivered to the 3rd party or to the student.

3. By electronic fund transfer or other electronic deposit to an account maintained by the student at a financial institution.

(4) Each technical college shall create or adopt a brief application process and designate an employee with the authority to disburse the grant funds to eligible students. A decision on a grant application, and disbursement of grant funds to a student if a grant is awarded, shall be made within 5 business days of the student's application.

(5) If a student applies for a 2nd grant under this section within the same academic year, a technical college shall require the student to undergo a financial counseling session with a financial aid professional before the grant may be awarded.

(6) (a) Each technical college shall collect, for each academic year, the following information related to the grant program under this section:

1. The number of grants awarded.

2. The number of grant requests denied.

3. The number of students receiving grants.

4. The total amount of grant money awarded.

5. The total amount of grant money available but not awarded.

6. The number of students who received a grant and completed their degree or credential.

7. The number of students who received a grant and transferred to another postsecondary institution.

8. The number of students who received a grant and did not complete the term in which the grant was awarded.

9. The types of expenses for which students requested grants.

(b) By September 1 of each year, each district shall report to the board the information collected under par. (a), for the academic year ending in that calendar year, and the board shall submit a report of this information to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3) having jurisdiction over matters relating to colleges and universities.

History: 2015 a. 282; 2023 a. 80.