

CR 83-175

CERTIFICATE

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STATE OF WISCONSIN

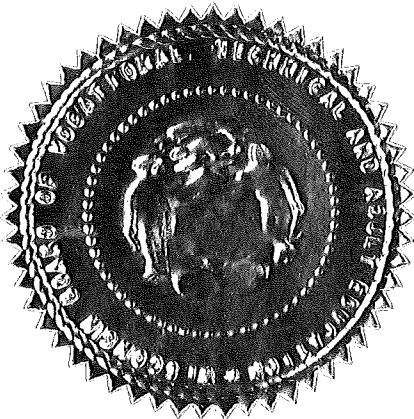
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BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert P. Sorensen, State Director of the Wisconsin Board of Vocational, Technical and Adult Education, and custodian of the official records of said Board do hereby certify that the annexed rules relating to determination of hardship enrollments and jointly offered programs in VTAE districts, Section A-V 10.055, Wis. Adm. Code, were duly approved and adopted by this Board on November 16, 1983.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at Hill Farms State Office Building in the city of Madison, this 17th day of January, 1984.

*Robert P. Sorensen*  
\_\_\_\_\_  
Robert P. Sorensen  
State Director

3-1-84

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ORDER OF THE  
BOARD OF VOCATIONAL, TECHNICAL  
AND ADULT EDUCATION  
ADOPTING RULES

To create section A-V 10.055 relating to criteria for the determination of hardship enrollment in vocational, technical and adult education districts, and to define jointly offered programs.

ANALYSIS PREPARED BY THE BOARD OF VOCATIONAL, TECHNICAL AND ADULT  
EDUCATION.

1983 Wisconsin Act 27, section 908w, requires the Board to adopt rules establishing criteria for procedures for determining hardship for the purposes of s. 38.24(3)(c) 2, Stats., and to adopt rules defining jointly offered programs for the purposes of s. 38.24(3)(c), Stats. Section 38.24(3)(c), Stats., was amended by 1983 Wisconsin Act 27, section 911m.

Section 38.24(3)(c)(intro.) and 2., Stats., provides that vocational, technical and adult education district boards may enter into interdistrict contractual agreements to waive, or establish interdistrict payments for, nonresident tuition charges to Wisconsin residents who meet the hardship criteria as

established by the Board. The number of students for whom these nonresident tuition charges may be waived is limited to 5 students or 2% of the previous years nonresident postsecondary student enrollment whichever is greater. Agreements entered into under this subdivision cannot be used to reduce a districts interdistrict tuition liability under s. 38.24(3)(b), Stats. Therefore, this section applies only to those situations where the students district of residence offers the same program as the district where the student proposes to enroll, and where enrollment is predicated upon a hardship as defined by the Board.

Additionally, pursuant to section 38.24(3)(c), (intro.) and 1. Stats., vocational, technical and adult education districts may enter into these contractual agreements for students enrolled in jointly offered postsecondary programs. The Board is required to adopt rules defining jointly offered programs.

Section A-V 10.055(1) (a) sets forth the basic prerequisites for hardship enrollment. These prerequisites are a determination by the district of residence that a hardship exists, the existence of a contract under s. 38.24(3)(c), Stats., and acceptance of the person by the nonresidents district subject to a finding that a hardship exists.

Section A-V 10.055(1)(b) sets forth criteria that the districts

are to use in determining whether a hardship exists. Findings of hardship are limited by the 5 students or 2% limit as contained in section 38.24(3)(c) 1, Stats. Due to the requirement that the two districts involved must have entered into a contract under section 38.24(3)(c), Stats., and due to the fact that hardship enrollments are limited as to the number of student's who can be enrolled, the permissive term "may" is used rather than "shall".

Section A-V 10.055(1)(c) notes that the program code as assigned by the Board is determinative in comparing whether the programs are identical. This section makes it clear that the interdistrict tuition rules in section A-V 10.06 apply if the district of residence does not offer the program in the current semester or has not received board approval to offer the program.

Section A-V 10.055(1)(d) reiterates the 5 students or 2% limitation on hardship as contained in section 38.24(3)(c) 2, Stats. This section also clarifies that headcount enrollment is used in making this computation.

Section A-V 10.055(2)(a), sets forth a basic definition of jointly offered programs.

Section A-V 10.055(2)(b) notes three requirements for a program to be considered a jointly offered program. First, at least one

district shall have previously received board approval to offer the program. Second, all districts participating in the jointly offered program shall offer at least one required course of the program. Third, all districts participating in a jointly offered program shall have entered into a contractual agreement under s.38.24(3)(c), Stats.

The decision of any district board granting or denying hardship status under these rules shall be considered final. Aggrieved individuals will be eligible to seek judicial review under Chapter 68 of the Wisconsin Statutes.

Pursuant to authority vested in the Board of Vocational, Technical and Adult Education by sections 38.04(16) and 227.014(2)(a), Stats., the Board of Vocational, Technical and Adult Education hereby adopts rules implementing and interpreting section 38.24(3)(c)(intro.) 1 and 2, Stats.

1                   SECTION 1. Section A-V 10.055 of the Wisconsin  
2                   Administrative Code is created to read:  
3                   A-V 10.055 HARDSHIP DETERMINATION AND JOINTLY OFFERED  
4                   PROGRAMS. (1) Hardship Determination. (a) A person who is a  
5                   resident of a district and who desires to take a program in  
6                   another district that is offered in his or her district of  
7                   residence may be permitted to take that program in another

1 district without the payment of nonresident fees if:

2 1. The person is determined by his or her district of  
3 residence to possess a hardship under sub. (2);

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

7 and

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

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

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

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

24 3. The distance, based upon travel by the state or  
25 federal highway systems, from the person's residence or place of

1 employment to the closest location where the program is offered  
2 in the district of residence exceeds by 50% the distance to be  
3 traveled to the closest location where the program is offered in  
4 the district of proposed enrollment. Where a district offers a  
5 program at more than one location, the comparison of mileage  
6 shall be based upon travel from the person's residence or place  
7 of employment to the closest location in each district where the  
8 program is offered.

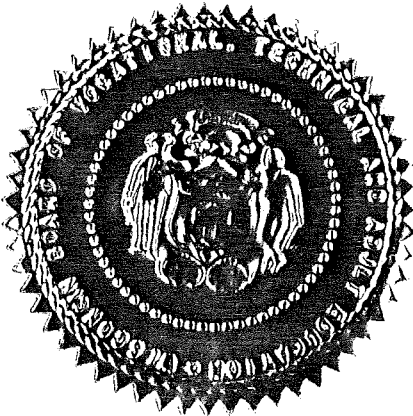
9 (c) In determining whether a program offered in the  
10 person's district of residence is the same as the program in the  
11 district of proposed enrollment, the program code as assigned by  
12 the board shall be determinative. If the person's district of  
13 residence does not offer a program with the same program code for  
14 the academic year in which hardship approval is sought, or the  
15 district of residence has not received approval from the board to  
16 offer the program for which approval from the board to offer the  
17 program for which approval is sought, the district of residence  
18 shall be liable for interdistrict tuition under s. A-V 10.06.

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

1                   (2) JOINTLY OFFERED PROGRAMS. (a) Definition.  
2 "Jointly offered program" means a program approved by the board  
3 and offered jointly by 2 or more districts.  
4                   (b) For a program to be eligible for designation as a  
5 jointly offered program, at least one district participating in  
6 the jointly offered program shall have previously received board  
7 approval to offer the program, all districts participating in the  
8 jointly offered program shall offer at least one required course  
9 of the program and all districts participating in the jointly  
10 offered program shall have entered into a contractual agreement  
11 under s. 38.24(3)(c), Stats.

The rules contained in this order shall take effect as provided  
in s. 227.026(1)(intro.) Stats.

Dated: January 12, 1984



WISCONSIN BOARD OF VOCATIONAL,  
TECHNICAL AND ADULT EDUCATION

Robert P. Sorensen

Robert P. Sorensen, Ph.D.  
State Director





State of Wisconsin \

BOARD OF VOCATIONAL, TECHNICAL & ADULT EDUCATION

ROBERT P. SORENSEN, Ph.D.  
State Director  
4802 Sheboygan Avenue, 7th Floor  
P. O. Box 7874  
MADISON, WISCONSIN 53707

January 17, 1984

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Room 411 West - State Capitol  
Madison, Wisconsin 53702

RECEIVED  
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Dear Mr. Prestegard:

On January 13, 1984, this agency filed a certified copy of the Order of the Board of Vocational, Technical and Adult Education adopting Section A-V 10.055, Wisconsin Administrative Code, (Clearinghouse Rule 83-175), relating to determination of hardship enrollment in Vocational, Technical and Adult Education Districts, and defining jointly offered programs. Due to an error in reproduction the certified copy and the additional printers copy did not contain page 4 of the State Board's Order. Therefore, we are refiling the Order to correct this error.

Should you have any questions, please do not hesitate to contact me at 266-8171.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Edward S. Alschuler'.

Edward S. Alschuler  
Legal Counsel

ESA/mt

Enclosures

cc: Robert P. Sorensen, Ph.D.  
Glenn Davison  
Edward Chin  
John Kroll