

## Chapter TCS 16

### TECHNICAL AND OCCUPATIONAL PROGRAM GRANTS

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**Note:** Chapter TCS 16 was created as an emergency rule effective February 1, 2000.

**TCS 16.01 Purpose.** The purpose of this chapter is to establish procedures to implement and administer grants to students enrolling in an associate degree program or a vocational diploma program at a Wisconsin technical college as authorized under s. 38.305, Stats.

**Note:** 2001 Wis. Act 109 repealed s. 38.305, Stats.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00.

**TCS 16.02 Definitions.** In this chapter:

(1) "Associate degree program" has the meaning given in s. 38.01 (1), Stats.

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

(3) "Date of record" means the day when 10% of the potential hours of instruction of the course have been completed based on when the student is first scheduled to attend the course.

(4) "Disability" means a permanent physical or developmental impairment which substantially limits the major life activity of learning. In this subsection, "substantially limits" means significantly restricts the ability to learn compared to the average person who has comparable knowledge, skills and abilities.

(5) "District" means a technical college district established under ch. 38, Stats.

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

(7) "District director" means the person employed by a district board under s. 38.12 (3) (a), Stats.

(8) "Enrolled full-time" means any of the following:

(a) To enroll in and complete at least 12 program credits per semester.

(b) To enroll in and complete at least 6 program credits per semester if the student is a person with a disability as determined by a qualified professional and as verified by the district director or designee.

(9) "First-year student" means any technical college student who has earned, completed, or received no more than 18 postsecondary credits after graduating from high school or receiving a Wisconsin GED. Any postsecondary credit earned while serving on active duty in the U.S. armed forces may not be counted against this credit limitation.

(9m) "GED" means a general educational development certificate issued by the state superintendent of public instruction under s. 115.29 (4), Stats.

(10) "Grade point average" or "GPA" means the semester grade point average earned by a student.

(11) "Graduated from high school" means having received a high school diploma under s. PI 5.02 (8), or a high school equivalency diploma under s. 115.29 (4), Stats.

(12) "Grant applicant" means any person who has applied for a TOP grant under this chapter.

(13) "Grant" or "TOP grant" means a technical and occupational program grant for students as authorized under s. 38.305, Stats.

**Note:** 2001 Wis. Act 109 repealed s. 38.305, Stats.

(14) "Grant recipient" means a student who has been awarded a TOP grant under this chapter.

(15) "Initial eligibility end date" means the last day of the 36th full month following the date on which the student graduated from high school.

(16) "Program credits" are those academic credits that count toward a board approved degree or diploma program.

(17) "Postsecondary credit" means credit earned at a nationally or regionally accredited institution of higher education.

(18) "Qualified professional" means a doctor or physician, psychologist, psychiatrist, rehabilitation vocational counselor, high school special education teacher or counselor, or counselor at the division of vocational rehabilitation.

(20) "State director" means the person appointed by the board under s. 38.04 (2), Stats.

(21) "Student" means a person enrolled at a technical college.

(22) "Technical college" means a Wisconsin technical college established under ch. 38, Stats.

(23) "Technical diploma" is synonymous with vocational diploma.

(24) "Vocational diploma program" has the meaning given in s. 38.01 (11), Stats.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00; CR 01-137: r. and recr. (3), am. (9) and (11), cr. (9m), r. (19), Register July 2002 No. 559, eff. 8-1-02.

**TCS 16.03 Period of initial eligibility.** The eligibility period for an initial TOP grant begins on the date a person graduates from high school or receives a GED and ends on his or her initial eligibility end date.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00; CR 01-137: am. Register July 2002 No. 559, eff. 8-1-02.

**TCS 16.04 Initial TOP grant eligibility.** A student is eligible for an initial TOP grant only upon meeting all of the following eligibility requirements on the date of record:

(1) The student has graduated from high school or received a GED as verified by the district.

(2) The student is a first-year student at a technical college.

(3) The student has enrolled full-time in a technical diploma or associate degree program.

(4) The student is registered for classes that are scheduled to begin at the technical college on or before the student's initial eligibility end date.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00; CR 01-137: am. (1), Register July 2002 No. 559, eff. 8-1-02.

**TCS 16.05 Awarding of the TOP grant.** (1) A grant applicant meeting all of the eligibility criteria under s. TCS 16.04 (1) to (4) shall receive an initial TOP grant of \$250 to be applied toward a student's costs of tuition and fees in the semester in which the student is eligible.

(2) A grant applicant meeting the eligibility criteria for the continuation of a TOP grant under s. TCS 16.06 shall receive a TOP grant of \$250 to be applied toward a student's costs of tuition and fees in the semester in which a student is eligible.

(3) A grant recipient is eligible to receive up to 2 TOP grants totaling no more than \$500 within a 12-month period from the date of receipt of the first TOP grant.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00; CR 01-137: am. (3), r. (4), Register July 2002 No. 559, eff. 8-1-02.

**TCS 16.06 Continuation of TOP grant eligibility.** To receive a TOP grant for a 2nd semester after receiving an initial grant award, a student shall meet all of the following eligibility requirements on the date of record:

(1) The student is not serving a probationary semester under s. TCS 16.07.

(2) The student has enrolled full-time in a technical diploma or associate degree program.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00; CR 01-137: am. (intro.), Register July 2002 No. 559, eff. 8-1-02.

**TCS 16.07 Refunding policy.** (1) A student who either fails to attain a 2.0 GPA or who is not enrolled full-time during the semester in which he or she was awarded a TOP grant shall forfeit any remaining eligibility for subsequent TOP grant awards.

(2) A student who has received a TOP grant under s. TCS 16.05 or 16.06 may request an exemption for reasons owing to personal hardship during the semester in which he or she received the grant. The district director or designee shall approve or deny an exemption request before the end of the semester in which the request was made. A student who has received approval for an exemption is not subject to the provisions of sub. (1) for the subsequent semester in which he or she is eligible for a TOP grant, following the approval of the exemption.

(3) A student may apply for one exemption under sub. (2).

(4) The district director or designee shall seek a full refund of all TOP grant monies from any student awarded such funds if the district director or designee finds, after giving written notice and an opportunity to be heard, that the student received a grant as a result of deception, fraud, misinformation, or error in providing his or her registration information for an initial or continued TOP grant award. A student who is found to have received a grant award under this subsection forfeits any remaining eligibility for subsequent TOP grant awards. No student may be required to refund any grant award if the findings result in a determination that the award was due to error not attributable to the student.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00; CR 01-137: r. and recr. Register July 2002 No. 559, eff. 8-1-02.

**TCS 16.08 Appeals.** (1) DISTRICT DETERMINATIONS. (a) A student may appeal any decision by the district director or designee that affects his or her participation in the TOP grant program.

(b) The district director, upon receipt of a timely appeal, shall appoint an impartial hearing officer who shall conduct a hearing and issue a decision on an action under par. (a).

(2) HEARING. (a) A hearing under sub. (1) shall be conducted during regular business hours and within 10 working days of receipt of a timely appeal. A student who has filed a timely appeal shall be given notice of the date of the hearing and an opportunity to be heard. An advocate may accompany a student during the hearing.

(b) Failure of a student to appear at the hearing shall constitute withdrawal of the appeal with prejudice.

(c) The hearing officer shall issue a written decision on an action under sub. (1) within 10 working days of the hearing.

(3) REVIEW BY DISTRICT BOARD. (a) Decisions by the district hearing officer may be appealed to the district board. Review of a hearing officer decision is limited to a review of the record established at the district level.

(b) After review of available documentation, the district board shall issue a written decision on an action under sub. (2) within 30 days after the date a written appeal is received.

(4) REVIEW BY STATE DIRECTOR. Decisions by the district board may be appealed to the state director. Review of a district board decision is limited to a review of the record established at the district level.

(b) After review of available documentation, the state director shall issue a written decision on an action under sub. (3) within 30 days after the date a written appeal is received.

(4m) FORM. All appeals filed under this section shall be in writing.

(5) TIME LIMIT FOR APPEAL. (a) The time limit for filing an appeal under sub. (1) shall be 15 days after a student is notified of the adverse decision.

(b) The time limit for filing an appeal to the district board under sub. (3) shall be 30 days after a student is notified of the hearing officer's decision.

(c) The time limit for filing an appeal to the state director under sub. (4) shall be 30 days after a student is notified of the district board's decision.

**Note:** The address for filing appeals to the state director is: Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

**History:** Cr. Register, August, 2000, No. 536, eff. 9-1-00.