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# WISCONSIN LEGISLATIVE COUNCIL

## 2005-06 SESSION IN REVIEW

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### *Higher Education*

The Wisconsin Legislature considered many items in the 2005-06 Session relating to higher education. Because of the large number of proposals, the number summarized in the memorandum is limited. Legislative Council Act Memos provide a more thorough description of the acts described in this memorandum and are available at [www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc).

The 2005-06 Legislature enacted legislation relating to University of Wisconsin (UW) tuition gift certificates, the Board of Regents membership, fire sprinklers in student housing, tuition for certain students, contracts with research companies, and veterans higher education benefits.

#### **UNIVERSITY OF WISCONSIN SYSTEM**

***UW Tuition Gift Certificates*** - 2005 Wisconsin Act 77 authorizes the UW Board of Regents to sell gift certificates for the payment of nonresident tuition and academic fees. The board may charge only the actual processing cost as a fee for sale of a gift certificate. The recipient may use it to pay nonresident tuition or academic fees or for a study-abroad program at any UW institution or college campus. A gift certificate may be transferred to the parent, child, spouse, or sibling of the recipient and gift certificates do not expire.

***UW Nontraditional Student Position Added to the Board of Regents*** - Act 76 adds a second UW student to the Board of Regents. The student member must be an undergraduate, at least 24 years old, who represents the views of nontraditional students, such as those who are employed or who are parents. The student must be enrolled at least half-time and be in good academic standing. As with the current student Regent, the additional student may be selected from recommendations made by elected representatives of student governments at UW institutions.

Act 76 specifies that the two students appointed to the Board of Regents may not be from the same institution, and students from UW-Madison and UW-Milwaukee may not serve on the Board of Regents at the same time. In addition, the Governor may not appoint a student member from the same institution for any two consecutive terms. If a student member loses the status upon which the appointment was based, he or she ceases to be a member of the Board of Regents.

With the addition of the new student member, the Board of Regents consists of 18 members: the State Superintendent of Public Instruction, the President or another member of the Technical College

System Board, 14 citizens appointed by the Governor, a UW student who is at least 18 years old, and the nontraditional student member added by Act 76.

***UW Contracts with Research Companies*** - Section 946.13 (1), Stats., prohibits a public officer or employee from making or performing a contract in his or her official capacity if he or she has a private pecuniary interest in the contract and if his or her official involvement in the contract requires the exercise of discretion. For this offense, a person may be fined not more than \$10,000, sentenced to a term of confinement and extended supervision that together may not exceed three and one-half years, or both fined and sentenced.

Act 417 creates a five-year exemption to the prohibition in s. 946.13 (1), Stats., for certain contracts between the UW System, or any institution or college campus within the UW System, and a research company. "Research company" is defined as an entity engaged in commercial activity that is related to research conducted by an employee or officer of the UW System or to a product of such research.

Act 417 specifies that until June 3, 2011, s. 946.13 (1), Stats., does not apply to a contract between a research company and the UW System, a UW institution, or UW college campus for purchase of goods or services if the contract is approved by a UW System employee or officer responsible for evaluating and managing potential conflicts of interest, and either of the following apply:

1. The contract, together with all other contracts between the same parties, requires less than \$75,000 in payments over a 24-month period.
2. The UW System submits the contract to the attorney general for review, and the attorney general does not notify the UW System that the contract would violate s. 946.13 (1), Stats.

If the attorney general determines that entering into the contract would constitute a violation, the attorney general must notify the UW System of this determination within 30 days after the contract is submitted for review. The attorney general may extend the review period by an additional 30 days. If the UW System does not receive notification from the attorney general within the review period, then s. 946.13 (1), Stats., does not apply to that contract.

***UW Faculty Disciplinary Procedures*** - In response to concerns raised by some members of the Legislature, and others, in 2006 the Board of Regents convened a committee to review UW system disciplinary processes applicable to faculty and academic staff members in situations involving charges of criminal misconduct. The committee developed a new expedited process for discipline and termination of faculty members involved in serious criminal misconduct. This process must be promulgated as an administrative rule before it may be implemented. In June, 2006, UW System submitted the proposed administrative rule to the Legislative Council for its review as Clearinghouse Rule 06-78. The proposed rule provides for the suspension of a faculty member without pay, prior to criminal conviction, in cases where there is a substantial likelihood that the faculty member engaged in serious criminal misconduct. Current UW administrative rules do not allow suspension without pay under any circumstances.

### **PRIVATE COLLEGES AND PRIVATE RESIDENCE HALLS**

***Fire Sprinkler Systems Required in Private College Dorms, Fraternities, Sororities, and Private Residence Halls*** - All UW System residence halls and dormitories over 60 feet tall that were constructed before April 26, 2000 were required to be retrofitted with an automatic fire sprinkler system on each floor by January 1, 2006. All UW System residence halls and dormitories constructed on or after April 26, 2000, must be built with an automatic fire sprinkler system on each floor, regardless of the height of the building.

Act 78 extends automatic fire sprinkler requirements to all of the following:

- Student residential facilities operated by fraternities, sororities, or other organizations authorized or sponsored by an institution of higher education. If constructed before 2006, these facilities must be retrofitted with automatic fire sprinkler systems by 2014; all new facilities must be built with automatic fire sprinkler systems.
- Residence halls and dormitories that are owned or operated by other institutions of higher education and private student residential buildings. All facilities of this type that are over 60 feet tall and were built before January 7, 2006, must be retrofitted with automatic fire sprinkler systems by January 1, 2014; all new facilities of this type must be built with automatic fire sprinkler systems, regardless of the height of the building.

### **WISCONSIN TECHNICAL COLLEGE SYSTEM**

***WTCS Resident Tuition for Katrina Victims*** - State law authorizes the director of the Wisconsin Technical College System (WTCS) to allow local technical college district boards to remit nonresident fees to a number of needy and worthy students as long as the total number of students receiving such fee remissions in all districts does not exceed 0.5% of the full-time equivalent statewide enrollment.

Act 265 authorizes the state director of the WTCS to exceed the 0.5% limit in the 2005-06, 2006-07, and 2007-08 academic years in order to grant remissions of nonresident fees to needy and worthy students who are victims of Hurricane Katrina.

### **VETERANS**

The Legislature enacted several biennial budget provisions and bills expanding higher education benefits for veterans.

***Permanent Eligibility for In-State Tuition*** - Act 25 (the Biennial Budget Act) provides that a veteran who entered service from Wisconsin but nonetheless was considered a nonresident for tuition purposes by the UW System and who meets specified criteria retains permanent eligibility for in-state tuition rates at UW System institutions. The criteria are that the person: (1) has to have been a resident of Wisconsin at the time of entry into active duty; (2) must be a resident of and living in the state at the time of registering at an institution; and (3) must be a veteran as defined in ch. 45, Stats.

**Wisconsin GI Bill** - Act 25 created a tuition remission program, known as the Wisconsin GI Bill, for eligible veterans and certain family members who are students in UW System and WTCS institutions. The Act 25 provision was later modified in 2005 Wisconsin Act 468.

For **student veterans** enrolling in UW System institutions, the remission in Act 25 was 100% of nonresident tuition plus 50% of resident tuition charged for 128 credits or eight semesters, whichever is longer, minus any amount of academic fees paid for the veteran under two federal programs. For WTCS student veterans, the remission was equal to 50% of the fees charged for 128 credits or eight semesters, whichever is longer. [For the WTCS, non-resident fees do not apply because eligible veterans in WTCS colleges are granted statutory residency status.] Under the Wisconsin GI bill for veterans, there are no income limits, no time periods within which the benefit must be used, and no restrictions on the level of collegiate study (undergraduate or graduate). Subsequent to enactment of the Budget Act, Act 468 increased the amount of the resident tuition remission for veterans from 50% to 100%, first applicable to students who enroll for classes in the 2007-08 academic year.

In addition to providing a tuition remission for veterans, Act 25 created a remission for the **spouses, unremarried surviving spouses and children of eligible veterans**. “Eligible veterans” are defined as those certified by the Wisconsin Department of Veterans Affairs (DVA) to be either of the following:

1. A person who: (a) served on active duty under honorable conditions in the U.S. Armed Forces (or forces incorporated as part of the U.S. Armed Forces), the National Guard or the Reserves; (b) was a resident of Wisconsin at the time of entry into service; and (c) while a resident, either died on active duty or died in the line of duty while on active or inactive duty for training purposes. Act 468 added to this category persons who died as the result of a service-connected disability.
2. A person who: (a) was a resident of Wisconsin at the time of entry into service described in item 1., above; and (b) while a resident of this state, received at least a 30% service-connected disability rating. Act 468 eliminated the requirement that the person had to have been a resident of Wisconsin at the time of receiving the disability rating.

The spouses, unremarried surviving spouses, and children of eligible veterans who are students at UW System and WTCS institutions receive a 100% (“full”) remission of “academic fees and segregated fees” (UW System) or “fees” (WTCS) for 128 credits or eight semesters, whichever is longer. Unlike the delayed application of the 100% remission for veterans, the 100% remission for family members took effect for the fall semester 2005, except that the remission for family members of a veteran who died as the result of a service-connected disability took effect in the fall semester 2006. For spouses and unremarried surviving spouses of eligible veterans, the remission applies for the 10 years following the triggering event for the veteran (death or receipt of disability rating). For children of eligible veterans, the remission applies to a child who is at least 18 but not yet 26 and who is a full-time student at the institution.

**VetEd Program** - Act 25 also consolidated two older education grant programs (the tuition and fee reimbursement program and the part-time and correspondence study grant) into a new education reimbursement grant program called the VetEd Program. The VetEd program reimburses veterans for tuition and fees paid for courses taken as undergraduates at UW System, WTCS, or private higher

education institutions. Reimbursement is currently up to 100% of tuition and fees not covered by other grants, scholarships, or remissions. The maximum number of credits for which a veteran may receive reimbursement is based on the amount of time the veteran served on active duty. The maximum reimbursement cannot exceed what UW-Madison charges for the same number of credits and DVA may periodically adjust the percentage of reimbursement to reflect program demand and available funding.

To qualify, the veteran must have at least a 2.0 grade point (C average). The veteran's household income must be below \$50,000, plus \$1,000 for each dependent in excess of two dependents. The veteran must be a resident of Wisconsin at the time of application for the program and must have been a resident at the time of entry into service or for any consecutive 12-month period after entry into service and before the date of application. Veterans may use the VetEd funds for full-time or part-time study for 10 years after leaving active duty. After the 10 years, the veteran may "bank" a maximum of 60 unused credits for part-time study.

**ROTC** – Finally, Act 25 prohibits the UW System Board of Regents from allocating general purpose revenue for the operation of an institution or college campus that prohibits ROTC from operating on its campus.

***Re-Enrollment and Registration Following Military Service*** - Act 324 pertains to students in public and private colleges and universities who are members of the National Guard or Reserves and who, anytime after September 11, 2001, were forced to withdraw from school because they were called into active state service or were called into active service in the U.S. Armed Forces for at least 30 days. Prior to enactment of Act 324, public colleges and universities, including technical colleges, were required to give such students the option of receiving reimbursement of tuition, fees, and prorated room and board or receiving incompletes in courses from which they withdrew and the opportunity to complete the courses within six months of leaving service without paying additional tuition or fees. Private colleges and universities were required to give students the same option with regard to incompletes but not the option of receiving reimbursement for tuition, fees, and prorated room and board. These provisions applied only to students who were residents of Wisconsin. Act 324 eliminates the requirement that the students be Wisconsin residents. In addition to retaining the options described above for the two categories of students (public and private), the Act also requires public and private colleges and universities to permit students to reenroll beginning in the semester following their military discharge, or the subsequent semester, whichever the student prefers.

Shortly after enactment of Act 324, Act 470 was enacted to further expand the reenrollment and registration opportunities for students in public and private institutions returning from military service. Act 470 specifies that the student may reenroll beginning in the semester in which he or she is discharged, demobilized, or deactivated from active duty or the next semester, whichever the student prefers. In addition, the student must be given 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.