



State of Wisconsin Higher Educational Aids Board

James E. Doyle
Governor

P.O. Box 7885
Madison, WI 53707-7885

Telephone: (608) 267-2206
Fax: (608) 267-2808

E-Mail: HEABmail@heab.state.wi.us

Web Page: <http://heab.state.wi.us>

Order of the Wisconsin Higher Educational Aids Board Amending Administrative Rules

To amend HEA 5.04(1)(a) and (b), (2)(d) and (f), and HEA 5.05(2), relating to the Talent Incentive Program Grant.

Analysis Prepared by the Higher Education Aids Board

Statutory Authority: s. 39.435, Stats.
Statute Interpreted: s. 39.435, Stats.

The 1989 Wisconsin Act 31 created s. 39.435 which provides for grants to Wisconsin residents who meet criteria established by the statute and administrative code. The Wisconsin Higher Educational Aids Board (HEAB) administers this program under s. 39.435 and under ch. HEA 5. Current rules contain some criteria that are no longer relevant or contain unclear language that may cause otherwise eligible residents to not be considered eligible. Revising the rules eliminates obsolete language and makes clarifications that will allow fair and equitable administration of the program for all Wisconsin residents.

Text of Rules

SECTION 1. HEA 5.04(1)(a) and (b), and (2)(d) and (f) are amended to read:

HEA 5.04(1)(a) A dependent student whose expected academic year parent contribution is \$200 or less, ~~or a single independent student with a minimum contribution of \$1,200,~~ or an independent student ~~with dependents~~ whose academic year contribution is \$200 or less.

HEA 5.04(1)(b) The family of a dependent student or the student, if independent, is receiving ~~AFDC~~ Temporary Assistance for Needy Families or Wisconsin Works benefits.

HEA 5.04(2)(d) The student is handicapped according to department of workforce development, division of vocational rehabilitation records or according to the Special Needs or Disabilities Office on Wisconsin college or university campuses which use the Americans with Disabilities Act definition under 42 USC 12102 (2).

HEA 5.04(2)(f) The student's environmental ~~and~~ or academic background ~~are~~ is such that ~~they~~ it ~~deter~~ deters the pursuit of educational plans.

SECTION 1. Initial Applicability: These rules first apply to nominations for the Talent Incentive Program Grant which are submitted for the 2004-2005 academic year.

SECTION 1. Effective Date: These rules shall take effect on May 1, 2004.

SECTION 2. HEA 5.05(2) is amended to read:

HEA 5.05(2) The student shall maintain continuous enrollment from semester to semester, or quarter to quarter, to remain eligible for a grant award for the sophomore, junior and senior years. Exceptions to this requirement shall be made by the executive secretary and will be for illnesses or disabilities which prevent attendance. All such exceptions will be certified by a doctor. No more than 12 months exception from the continuous enrollment requirement will be authorized by the executive secretary. Exceptions will be made by the executive secretary for persons affected by their active duty military service.

SECTION 2. Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Section 2 has been implemented as an Emergency Rule, effective April 4, 2003. See attached Finding of Emergency.

Initial Regulatory Flexibility Analysis: The proposed rules concern a student financial aid program and have no affect upon small business in Wisconsin.

Fiscal Estimate: The proposed revisions cause no alterations in the present allocation of funds, so there is no fiscal impact.

These rules shall take effect on the indicated effective dates for each section of this order, pursuant to authority granted by s. 227.22(2)(a) and (b), Stats.

Date: June 25, 2003

Agency: Higher Educational Aids Board

Sherrie Nelson, Acting Administrator



State of Wisconsin
Higher Educational Aids Board

James E. Doyle
Governor

P.O. Box 7885
Madison, WI 53707-7885

Telephone: (608) 267-2206
Fax: (608) 267-2808

E-Mail: HEABmail@heab.state.wi.us

Web Page: <http://heab.state.wi.us>

FINDING OF EMERGENCY

The Wisconsin Higher Educational Aids Board finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is:

The 1989 Wisconsin Act 31 created s. 39.435 which provides for Talent Incentive Program Grants to Wisconsin residents who meet criteria established by the statute and administrative code. The Wisconsin Higher Educational Aids Board (HEAB) administers this program under s. 39.435 and under ch. HEA 5. According to the administrative rules, a student must be continuously enrolled from semester to semester and year to year to continue to receive this grant after their initial year. Under current rules, exceptions to this requirement may only be made for medical reasons.

Recently, students who have returned from active duty military service and resumed enrollment at a college or university have begun to request exceptions to the continuous enrollment requirement. This situation is not addressed in the current administrative rules, because the break in these students' enrollment was not due to medical reasons.

Unless the Board changes its rules, participating students who have been called up to active duty military service will permanently lose their eligibility in this program. Because this grant targets the most financially-needy and educationally-disadvantaged students, the loss of eligibility will cause a hardship to those students who rely most heavily on financial assistance.

The emergency rule procedure is being used to ensure that students who have returned from active duty military service and resumed enrollment during the current academic year, 2002-2003, will not permanently lose their eligibility in this program.

Statutory Authority: s. 39.435, Stats. as created by 1989 a. 31

HEA 5.05(2) is amended to read:

HEA 5.05(2) The student shall maintain continuous enrollment from semester to semester, or quarter to quarter, to remain eligible for a grant award for the sophomore, junior and senior years. Exceptions to this requirement shall be made by the executive secretary and will be for illnesses or disabilities which prevent attendance. All such exceptions will be certified by a doctor. No more than 12 months exception from the continuous enrollment requirement will be authorized by the executive secretary. Exceptions will be made by the executive secretary for persons affected by their active duty military service.

Fiscal Estimate: The proposed revision causes no alterations in the present allocation of funds, so there is no fiscal impact.

Effective Date: This rule shall take effect upon publication as provided in s. 227.24 (d) Stats.