

**ORDER OF THE DEPARTMENT
OF VETERANS AFFAIRS
ADOPTING RULES**

The Wisconsin Department of Veterans Affairs hereby adopts an order to repeal VA 2.04 and to repeal and recreate VA 2.02, relating to the veterans tuition reimbursement program.

**ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS**

Statutory authority: ss. 45.03 (2) and 45.20 (2) (f), Stats.

Statute interpreted: sec. 45.20, Stats.

The repeal of VA 2.04 and the repeal and recreation of VA 2.02 will implement the legislature's and governor's initiative to establish a new tuition reimbursement program for veterans in 2005 Wisconsin Act 25. The new program replaces the former educational grant programs; the full-time tuition and fee reimbursement grant and the part-time study grant programs. The statutory citations have also changed as result of the enactment of 2005 Wisconsin Act 22.

The new tuition reimbursement program differs from the prior educational grant programs in several important respects. Reimbursement will be provided only to veterans who do not have an undergraduate degree. The number of credits or semesters that may be reimbursed will be determined based upon the length of a veteran's active duty service. A pre-application requirement has been imposed for reimbursement eligibility for semesters that begin after December 31, 2005. Finally, the Department is authorized to adjust the level of reimbursement based upon demand and available funding.

There is no current or pending federal regulation that addresses this initiative. There are no similar rules in adjacent states. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

TEXT OF RULE

SECTION 1. VA 2.02 is repealed and recreated to read:

VA 2.02 Veterans tuition reimbursement program.

(1) DEFINITIONS. In this section the following terms shall have the designated meanings:

- (a) "Department" means the department of veterans affairs.
- (b) "Income" means the annualized adjusted gross income of the veteran and the veteran's spouse reportable on their federal tax return.
- (c) "Tuition" has the meaning specified in s. 45.20 (1) (d), Stats.
- (c) "Undergraduate degree" means a bachelor's degree.
- (d) "Veteran" means a person who meets the requirements of ss. 45.01 (12), Stats.

(2) REIMBURSEMENT APPLICATION. An application shall be submitted on a form approved by the department. It may be submitted through a county veterans service officer, through any other agent authorized by the department, or directly to the department, either manually or electronically. The application may not be submitted until the semester for which reimbursement is requested has been completed. The school veterans coordinator shall list the completion date of the semester, the cost of tuition, other assistance received or applied for by the applicant, the number of credits enrolled in during the semester, and the semester grade point average.

Note: Application forms may be obtained at the Department's web site at <http://dva.state.wi.us>.

(3) LIMITATIONS. (a) Undergraduate enrollment. Reimbursement may be made only if a representative of the educational institution, center or school certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not have an undergraduate degree.

(b) Pre-application. For semesters beginning after December 31, 2005, reimbursement may be made only if the veteran fully completes and files a pre-application with the department, on a form approved by the department, within 30 days of the commencement of the semester for which reimbursement is sought. It may be submitted through a county veterans service officer, through any other agent authorized by the department, or directly to the department, either manually or electronically. Failure to file a pre-application under the terms of this paragraph will result in the denial of any grant application subsequently filed for the applicable semester.

Note: Pre-application forms may be obtained at the Department's web site at <http://dva.state.wi.us>.

(c) Veterans benefits. A veteran may not receive reimbursement for any semester or

course for which he or she is eligible for or received a grant under s. 21.49, Stats. or 10 USC 2007. A veteran who fails to comply with the procedural requirements or maintain the requisite grade point average applicable to the grant or who takes any action which might disqualify him or her from receiving the applicable grant, is considered to still be eligible for the applicable grant for the purpose of determining whether he or she is entitled to reimbursement under this section.

(d) Duplicate benefits. Reimbursement is limited to that portion of a veteran's tuition not paid for by other grants or scholarships, including any offsets or remissions the veteran is entitled to receive under any other program.

(e) Grade point average. The department shall utilize the grade point average calculated and reported by the school.

SECTION 2. VA 2.04 is repealed.

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.

Dated at Madison, Wisconsin, October 21, 2005.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

JOHN A. SCOCOS, SECRETARY