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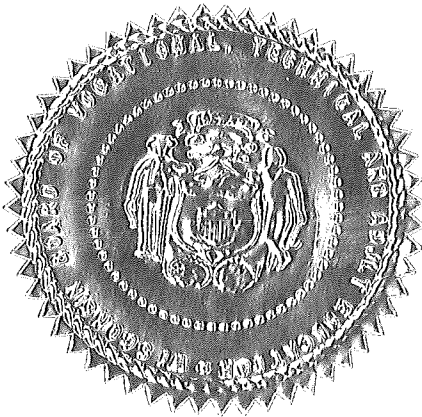
BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION

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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 Contracts for Services by Vocational, Technical and Adult Education Districts were duly approved and adopted by this Board on May 25, 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 14th day of July, 1983.

Robert P. Sorensen

Robert P. Sorensen
State Director

7-1-83

ORDER OF THE
BOARD OF VOCATIONAL, TECHNICAL
AND ADULT EDUCATION
ADOPTING RULES RELATING TO
CONTRACTS FOR SERVICES

To create chapter A-V 8 relating to contracts for services by vocational, technical and adult education districts.

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

Section 38.04(14)(a)4, Stats., as created by Chapter 269, Laws of 1981, requires the Board to adopt rules, applicable to all district boards, establishing general district policies relative to contracts to provide services. These contracts are authorized by s. 38.14(3), Stats. These rules also establish uniform formats and reporting standards for these contracts as required under s. 38.04(11), Stats.

Section A-V 8.01 sets forth the purpose of these rules and notes the statutory authority for these rules.

Section A-V 8.02 defines certain terms and phrases as used in

these rules. While some of these definitions are duplicative of those contained in ch. A-V 1, Wis. Adm. Code, it is the intention of this Board to repeal that chapter upon completion of chs. A-V 2, 5, 7, 8, 9 and 10.

Section A-V 8.03 contains general provisions requiring a district providing services within the state, but outside its boundaries, to notify the district where services are being provided of the existence of the contract for services within 30 days of execution of the contract. This section also restates the prohibition against contracting with foreign governments and sets forth standards for determining whether or not a business or industry is operating within the state.

Section A-V 8.04 sets forth the minimum contents of policies and procedures adopted by districts relating to contracts for services. This section requires policies and procedures concerning compensation paid to district employees to avoid double compensation, requires the district to specify those employees, by functional title, who are responsible for contract development, requires the district to adopt procedures for the review of contracts, requires all contracts to be forwarded to the Board within 30 days of ratification by all parties, requires a policy prohibiting contracts with foreign governments and businesses and industries not operating in this state, requires

all recipients of services to certify that they do not discriminate on the basis of age, race, color, sex, creed, handicaps, political persuasion or ancestry, requires the district to adopt a policy prohibiting any district student from being displaced from a program or course solely by reason of a contract for services, and requires that all payments received by a district be deposited in the district treasury.

Section A-V 8.05 requires every contract for services to be in writing and specifies minimum provisions to be contained within the contract, including the identity of the parties, the dates of service, the total compensation due the district, a certification of the recipient of services that it does not discriminate, whether credits will be granted, the location where the services will be performed and the distribution of royalties if material subject to copyright is involved.

Section A-V 8.06 sets forth basic reporting standards for reports to the Board. Annually, by August 31, a report is required containing information as set forth in the rule.

Pursuant to authority vested in the Board of Vocational, Technical and Adult Education by sections 38.04(14)(a) and 227.014(2)(a), Stat., the Board of Vocational, Technical and Adult Education hereby adopts rules implementing and interpreting

sections 38.04(11), 38.04(14)(a)4 and 38.14(3), Stats., as follows:

1 SECTION 1. Chapter A-V 8 of the Wisconsin
2 Administrative Code is created to read:

3
4 CONTRACTS FOR SERVICES

5
6 A-V 8.01 PURPOSE. The purpose of this chapter is to
7 establish by rule, general district policies and procedures
8 pursuant to s. 38.04(14)(a) 4, Stats. relative to contracts to
9 provide services entered into by vocational, technical and adult
10 education districts, to administratively interpret s. 38.14(3),
11 Stats., relative to contracts for services and to establish
12 uniform formats and reporting standards for these contracts as
13 required under s. 38.04(11), Stats.

14 A-V 8.02 DEFINITIONS. (1) "Board" means the board of
15 vocational, technical and adult education.

16 (2) "District" means a vocational, technical and adult
17 education district established under ch. 38, Stats.

18 (3) "District board" means the district board in
19 charge of the vocational, technical and adult education schools
20 of a district.

21 (4) "Industry and business" means any organization or
22 enterprise, including a proprietorship, partnership, firm,
23 business trust, joint venture, syndicate, corporation or

1 association, whether or not operated for profit.

2 (5) "Local governmental body" means a local agency,
3 board, commission, committee, council, department or public body
4 corporate and politic created by constitution, statute,
5 ordinance, rule or order; a governmental or quasi-governmental
6 corporation.

7 (6) "Private educational institution" means a private
8 non-profit university, college or secondary school accredited by
9 a nationally recognized accrediting agency.

10 (7) "Public educational institution" means a
11 university, college or school district operating high school
12 grades supported by public taxation or appropriation and includes
13 the University of Wisconsin system and vocational, technical and
14 adult education districts.

15 (8) "Service recipient" means any industry, business,
16 private educational institution, public educational institution
17 or local governmental body receiving services from a district
18 pursuant to a contract.

19 A-V 8.03 GENERAL PROVISIONS. (1) A district board
20 contracting with a service recipient located outside the district
21 but within the state shall notify the district board of the
22 district where the service recipient is located of the existence
23 of the contract within 30 days of execution of the contract.

24 (2) No district board may contract with a foreign
25 government or any business or industry not operating in this

1 state. A business or industry subject to personal jurisdiction
2 of a court of this state under s. 801.05(1)(b) to (d), Stats.,
3 shall be considered a business or industry operating within the
4 state.

5 A-V 8.04 GENERAL DISTRICT POLICIES. Each district
6 board shall adopt policies and procedures governing contracts for
7 services with service recipients. Policies and procedures
8 adopted by a district board shall be forwarded to the board
9 within 30 days of adoption. At a minimum these policies shall:

10 (1) Specify that no employe of a district may receive
11 any additional salary, benefits or reimbursement for expenses for
12 work performed pursuant to a contract for services where that
13 employe is currently being compensated by the district for that
14 work under existing conditions of hire with the district.

15 (2) Subject to sub. (1), specify those conditions
16 where an employe of the district may receive additional salary,
17 benefits or reimbursement for expenses for work performed under a
18 contract for services.

19 (3) Identify those district employees by functional
20 title responsible for the development of contracts under this
21 chapter.

22 (4) Specify the procedures to be followed by the
23 district board in reviewing and approving contracts for services.

24 (5) Require that all contracts for services be
25 forwarded to the board within 30 days of ratification by all

1 parties to the contract.

2 (6) Prohibit contracts for services with foreign
3 governments or any business or industry not operating in this
4 state.

5 (7) Require that every service recipient certify that
6 it does not discriminate on the basis of age, race, color, sex,
7 creed, handicap, political persuasion, ancestry or sexual
8 orientation against:

9 (a) Any employee or applicant for employment, in
10 regard to hire, tenure or term, condition or privilege of
11 employment except where there is a bona fide occupational
12 qualification.

13 (b) Any student or any applicant for enrollment in
14 regard to admission or privilege of enrollment.

15 (8) Prohibit any district resident from being
16 displaced from any program or course solely on the basis of a
17 contract for services with a service recipient.

18 (9) Require that all payments received by a district
19 from a service recipient be deposited in the district treasury.

20 A-V 8.05 CONTRACT REQUIREMENTS. In addition to
21 provisions otherwise provided by law, every district contract for
22 services shall be in writing and at a minimum shall:

23 (1) Identify the parties to the contract.

24 (2) Specify the dates during which services will be
25 provided.

1 (3) Specify the total compensation due the district
2 under the contract, the schedule of payments, the number of
3 persons to be served under the contract, and the type of service
4 to be provided.

5 (4) Require that the service recipient certify that it
6 does not discriminate on the basis of age, race, color, sex,
7 creed, handicap, political persuasion, ancestry or sexual
8 orientation against:

9 (a) Any employee or applicant for employment, in
10 regard to tenure or term, condition or privilege of employment
11 except where there is a bona fide occupational qualification.

12 (b) Any student or any applicant for enrollment in
13 regard to admission or privilege of enrollment.

14 (5) Specify that district employees performing under
15 the contract remain under the exclusive control of the district.

16 (6) Specify the location where services are to be
17 performed.

18 (7) Specify whether the district shall grant credits
19 for instructional services performed.

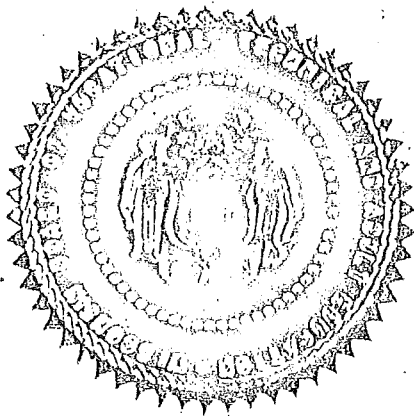
20 (8) Specify the distribution of royalties if material
21 subject to copyright is developed pursuant to a contract.

22 A-V 8.06 REPORTING STANDARDS. (1) The district board
23 shall submit to the board copies of all contracts entered into
24 under this chapter within 30 days of their approval by all
25 parties to the contract.

1 (2) Annually by August 31 and on forms provided by the
2 board the district board shall report to the board the reimbursed
3 and non reimbursed costs for each accounting function, the type
4 of service rendered under each contract, and if the contract
5 involves instruction for credit, the number of students served
6 under each contract and the total credits granted under each
7 contract.

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

Dated: July 14, 1983



WISCONSIN BOARD OF VOCATIONAL
TECHNICAL AND ADULT EDUCATION

Robert P. Sorensen

Robert P. Sorensen, Ph.D.
State Director