

WTCS 2027-29 Biennial Budget Proposals

Type: System Office

Issue Title: WTCS Legal Counsel

Strategic Direction Goal: Collaborate

Statutory Modification: Yes ☒ No

Amount:

<u>FY28</u>	<u>FY29</u>
\$202,000	\$202,000

Summary:

WTCS requests \$202,000 GPR and one FTE position in FY28 and \$202,000 GPR and one FTE position in FY29 to provide legal and consultation services to the WTCS Board, the System Office and the colleges.

The WTCS System Office is a state agency with an annual budget of \$634,582,000 and consists of 51 authorized Full Time Equivalent Positions (FTE). The System Office is led by a System President and supports the WTCS Board in carrying out its duties and responsibilities as laid out in Chapter 38, Wis. Stats. These responsibilities include, among other things, approval of academic programs, the distribution of state aid and grants to colleges, facility projects and maintenance of course and student data.

- While the System Office is a relatively small state agency, it and the Board are responsible for a large, diverse higher education system that serves nearly 300,000 students. Overall funding for the 16 WTCS districts exceeds \$1.8 billion annually.
- The Wisconsin Department of Justice (DOJ) provides limited legal services to the System Office. While responsive to our needs, these services are primarily related to litigation or potential litigation issues. DOJ also provides legal assistance on Open Meetings and Open Records questions; however, agencies must submit a request form for legal assistance. These requests are then prioritized and follow up occurs based on this prioritization.
- WTCS colleges receive legal support for a variety of issues from private law firms under contract. Each college requires legal services for a variety of issues including employee discipline, land acquisition, contract disputes and litigation. Similar to other local governments, Wisconsin DOJ does not provide legal representation to the colleges.
- The System Office and all 16 colleges receive state and federal funding through aid, formula grants and discretionary grants. Over time, the terms and conditions for receiving federal funds have become more complex and onerous. Legal support and

guidance is necessary to ensure successful navigation through ever changing requirements.

- WTCS has not had in-house legal staff for over 20 years. As shown in the Appendix, most state agencies in Wisconsin have in-house legal staff. Notably, small agencies such as the Board on Aging and Long-Term Care, the Elections Commission, the Ethics Commission and the Labor and Industry Review Commission all have at least one attorney despite having fewer employees than the System Office.
- In-house WTCS legal counsel could provide several benefits to both the System Office and the colleges. Examples include:
 1. interpreting and advising on new guidance and requirements for receiving federal funding;
 2. liaising with DOJ on litigations issues;
 3. providing quick turnaround legal analysis and interpretations of Chapter 38 and Wisconsin Administrative Code;
 4. managing WTCS' Open Records program;
 5. providing immediate interpretations of Open Meeting Rules and WTCS Board bylaws at meetings;
 6. providing System-wide training on Public Records and Open Meetings rules; and
 7. advising on student financial aid fraud and managing confidential student data.
- This support would not supplant work performed for the colleges by their current legal counsels. Rather, this position would provide system level coordination and training for issues that are common across all 16 colleges.
- WTCS requests the creation of an Attorney-Confidential position to provide legal services to the System Office and to advise the colleges on certain system-wide issues.

Appendix

Attorney Positions by Agency

	LTE	Project	Permanent	Total	Total FTEs
Administration		1	43	44	1,445.05
Ag, Trade & Consumer Protection	2		2	4	636.29
Bd on Aging & Long Term Care			1	1	45.50
Children and Families	1		8	9	812.40
Commissioner of Insurance			7	7	143.83
Corrections	2		7	9	10,328.17
Elections Commission			2	2	32.00
Employee Trust Funds			4	4	286.20
Employment Relations Comm			3	3	6.00
Ethics Commission			1	1	8.00
Financial Institutions			4	4	141.54
Health Services			15	15	6,741.31
Labor & Industry Review Comm	1		9	10	16.70
Military Affairs			1	1	619.00
Natural Resources	1		15	16	2,473.82
Public Instruction			4	4	638.67
Public Service Commission			10	10	183.75
Revenue	2		11	13	1,179.80
Safety & Professional Services	2		18	20	255.89
Transportation			10	10	3,258.93
Veterans Affairs			1	1	1,014.80
Workforce Development			51	51	1,573.55
Totals	11	1	227	239	31,841.20