

## Chapter SPS 403

### PROCEDURE AND AUTHORITY

EAB 3.01 Officers.  
EAB 3.02 Meetings.

EAB 3.03 Delegated authority.

**Note:** This chapter is without effect and will be repealed in future rulemaking.  
**Note:** Chapter EAB 1 as it existed on December 31, 1972 was repealed and a new chapter EAB 1 was created, [Register, December, 1972, No. 204](#), effective January 1, 1973; Chapter EAB 1 was renumbered Chapter EAB 3, [Register, June, 1990, No. 414](#), eff. July 1, 1990. Chapter EAB 3 was renumbered Chapter SPS 403 under s. 13.92 (4) (b) 1., Stats., [Register November 2017 No. 743](#).

#### EAB 3.01 Officers. The board shall be composed of:

(1) **NUMBER.** The officers of the board shall be a chairperson, vice chairperson and secretary as provided by s. 15.07 (2), Stats., and shall be elected by the board from among its own members.

(2) **ELECTION AND TERM OF OFFICE.** The officers of the board shall be elected annually by the board at the first regular meeting of each calendar year and shall hold office until their successors shall be elected. Any vacancy occurring during the calendar year shall be filled by election at the next regular meeting.

(3) **CHAIRPERSON.** The chairperson shall preside at all meetings of the board and executive committee of officers and shall, with the executive committee of officers, have general supervision of the affairs of the board when the board is not meeting. The chairperson shall create by appointment from among the members of the board such committees as he or she may deem necessary to perform properly the functions of the board and shall be a member ex-officio of all such committees. The chairperson shall perform all duties incident to the office of chairperson and such other duties as may be prescribed by the board from time to time.

(4) **VICE CHAIRPERSON.** The vice chairperson shall, in the event of the absence of the chairperson, perform the duties of the chairperson and when so acting shall have all the powers of and be subject to all the restrictions on the chairperson. He or she shall perform such other duties as may be prescribed by the board from time to time.

(5) **SECRETARY.** The secretary shall, in the event of the absence of the chairperson and vice chairperson, perform the duties of the chairperson and when so acting shall have all the powers of and be subject to all the restrictions on the chairperson. He or she shall perform such other duties as may be prescribed by the board from time to time.

(6) **EXECUTIVE COMMITTEE OF OFFICERS.** The chairperson, vice chairperson and secretary shall constitute the executive committee of officers of the board and shall act for the board pursuant to such policies as the board may adopt when the board is not meeting. Actions of the executive committee of officers shall be subject to ratification by the board at its next regular meeting or special meeting called for the purpose of considering ratification of such action.

(a) *Interim action by executive committee of officers.* When the board is not meeting, the executive committee of officers or its duly authorized representative shall, in respect to the duties imposed on the board by these rules and s. 38.50, Stats., supervise and direct the investigation and evaluation of schools and the programs of study offered by such schools, determine whether or not such schools and such programs meet the standards and criteria established by the board, and prepare recommendations based on such investigations for consideration by the board.

**History:** Cr. [Register, December, 1972, No. 204](#), eff. 1-1-73; am. (3), (4) and (5), [Register, November, 1976, No. 251](#), eff. 12-1-76; corrections in (3) to (6) (intro.) made under s. 13.93 (2m) (b) 5., Stats., [Register, July, 1994, No. 463](#); correction in (6) (a) made under s. 13.93 (2m) (b) 7., Stats., [Register, March, 2001, No. 543](#); [CR 03-126](#): am. (6) (a) [Register May 2004 No. 581](#), eff. 6-1-04; correction in (6) (a) made under s. 13.93 (2m) (b) 7., Stats., [Register January 2013 No. 685](#).

**EAB 3.02 Meetings. (1) REGULAR MEETINGS.** The first regular meeting of each calendar year shall be the annual meeting for the election of officers. In the event that a majority of the members cannot meet on the date set for a regular meeting, the chairperson may select the closest date thereto acceptable to a majority of the membership.

(2) **SPECIAL MEETINGS.** Special meetings of the board may be called at any time by the chairperson, or the chairperson shall call such special meetings at the direction of the governor of the state of Wisconsin or upon written request of a majority of the members of the board.

(3) **NOTICE.** Written notice stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered to each member either personally or by mail not less than 24 hours prior to such meeting. An informal agenda may also accompany said notice. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the member at his or her official address as it appears on the records of the board with postage thereon prepaid.

(4) **QUORUM.** A majority of the current membership shall constitute a quorum to do business, and a majority of the quorum may act in any matter within the jurisdiction of the board.

(5) **RULES OF ORDER.** Meetings of the board shall be conducted according to and governed by Roberts Rules of Order except as otherwise provided in this section or as adopted by resolution by the board.

(6) **RETIREMENT OF MEMBERS.** All members of the board serve at the pleasure of the governor, and upon retirement of the member from his or her principal employment he or she shall continue to serve as a member of the board until such time as he or she may be replaced on the board by the governor or until his or her resignation from the board or death.

(7) **TRANSCRIPTS OF MEETINGS.** A record shall be made of all meetings and hearings of the board held in open session. A written transcript of all or a designated portion of the meeting or hearing will be provided to any person making written request for one within 30 days of the meeting or hearing of the board providing that person pays a reasonable compensatory fee for the transcription and for the copy. Any person requesting a transcript who demonstrates to the satisfaction of the board a reasonable purpose for the transcription and impecuniousness or financial need will be provided with a free transcript.

(8) **TELECONFERENCE.** Members of the board may attend a properly noticed meeting of the board via teleconference or videoconference and shall have all rights and powers afforded to them as if they were physically present.

**History:** Cr. [Register, December, 1972, No. 204](#), eff. 1-1-73; am. (3), (4) and (6), cr. (7), [Register, November, 1976, No. 251](#), eff. 12-1-76; am. (1), [Register, April, 1979, No. 280](#), eff. 3-1-79; correction in (3) made under s. 13.93 (2m) (b) 5., Stats., [Register, March, 2001, No. 543](#); [CR 02-135](#): am. (5), cr. (8) [Register April 2003 No. 568](#), eff. 5-1-03.

**EAB 3.03 Delegated authority.** Except as provided under ss. EAB 4.01 (6), 4.08 (2) (b) 2. and 10.04 (3), the board authorizes the executive secretary to act as its agent regarding all matters under chs. EAB 4 to 11.

**History:** [CR 02-135](#): cr. [Register April 2003 No. 568](#), eff. 5-1-03.