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Chapter EAB 1

DEFINITIONS

EAB 1.01 Definitions.

EAB 1.01 Definitions. In chs. EAB 1 to 11:

(1) **ADJUSTED GROSS ANNUAL SCHOOL REVENUES.** “Adjusted gross annual school revenues” means the amount remaining after subtracting from gross annual school revenues the amount of refunds actually made to Wisconsin students or their sponsors during the same fiscal year for which the school reported the gross annual school revenues.

(2) **BOARD.** “Board” means the educational approval board.

(3) **CONSTRUCTIVE NOTICE.** “Constructive notice” means the period of time, designated by the school, after which a student will be considered withdrawn by the school, because the student failed to attend classes, utilize instructional facilities or submit lessons without providing, prior to or during that period, an explanation to the school regarding the inactivity.

(4) **DEGREE.** “Degree” means a designation, including associate, bachelor, master or doctor which signifies satisfactory completion of a program of study beyond the secondary school level, but does not include a certificate or diploma.

(5) **DEGREE CREDIT.** “Degree credit” means a quarter or semester credit awarded for completion of a subject satisfying a portion of the requirements for the award of a degree by the school.

(6) **DIPLOMA.** “Diploma” means a written and dated statement, made over the seal of the granting school and the signature of one or more school officers, certifying that a student has satisfactorily completed a program leading to an occupational, vocational, or educational objective.

(7) **DISTANCE LEARNING.** “Distance learning” means instruction provided by means other than face-to-face student to teacher interaction; including video, computer-based, and correspondence instruction.

(8) **ENROLLMENT AGREEMENT.** “Enrollment agreement” means a document by which a student contracts to enroll in a school or program.

(9) **ENROLLMENT APPLICATION.** “Enrollment application” means a non-contractual document by which a student applies for admission to a subject or program.

(10) **GROSS ANNUAL SCHOOL REVENUES.** “Gross annual school revenues” means the total revenues recognized in the school’s method of accounting during the past fiscal year from the sale of goods and services to Wisconsin students, unreduced by any costs of the sales. It includes all revenues from tuition, fees, books, supplies and equipment and includes revenues from room and board charges to Wisconsin students required to use room and board facilities which the school provided. It also includes all revenues from contracts with third parties to provide school goods and services to Wisconsin students or groups of Wisconsin students, such as workforce investment act contracts, or contracts with employers to provide training to their employees.

(11) **HOUR.** “Hour” means either 50 or 60 minutes as determined by a school’s policies.

(12) **INACTIVE.** “Inactive” means the status of a school which is not currently soliciting enrollments, advertising for students, or providing instruction.

(13) **LABORATORY.** “Laboratory” means a setting, usually with equipment, where under supervision a student acquires knowledge and understanding of the physical properties of materials or

the principles underlying the operations of machines, appliances, and the like.

(14) **LECTURE.** “Lecture” means a setting, usually in a classroom, where a teacher instructs a student in the theory, principles or history of an academic or vocational subject.

(15) **LESSON.** “Lesson” means a single unit in a program.

(16) **PAST FISCAL YEAR.** “Past fiscal year” means a 12-month period ending on a date no earlier than 15 months before the date of the submission of the financial information requested on the application.

(17) **PERSON.** “Person” means any individual, partnership, association, or corporation or any combination thereof.

(18) **PROGRAM.** “Program” means an organized unit of subject matter in which instruction is offered within a given time and which leads to a certificate, diploma or degree, or to an occupational, educational or vocational objective.

(19) **QUARTER CREDIT.** “Quarter credit” means a unit by which a school operating on a quarter calendar measures its programs.

(19m) **RECOGNIZED ACCREDITING BODY.** “Recognized accrediting body” means a regional, national, or specialized accrediting agency recognized by the U.S. department of education under 20 USC 1099b for the purposes of federal Title IV funding under the higher education act of 1965.

(20) **REPRESENTATIVE.** “Representative” means an individual employed by or representing a school who, in places other than the school, attempts to secure enrollment agreements.

(21) **RESIDENT INSTRUCTION.** “Resident instruction” means a program which a school offers at a teaching location.

(22) **REVISED PROGRAM.** “Revised program” means any approved program in which the school proposes to increase or decrease the hours or credits by more than 25% from the approved length of the program, change more than 25% of the approved content of the program, or change the content of the program as the result of changes to the occupational licensing requirements of an agency of this state.

(23) **SCHOOL.** “School” means any person, located within or outside this state, maintaining, advertising or conducting a program for profit or a tuition charge not exempted under s. 45.54 (1) (e), Stats.

(24) **SEMESTER CREDIT.** “Semester credit” means a unit by which a school operating on a semester calendar measures its programs.

(25) **SHOP.** “Shop” means a setting, usually with prescribed equipment and tools, in which a student develops under supervision the skill necessary for the construction, maintenance, operation, repair or use of machines, appliances, tools and materials.

(26) **SPONSOR.** “Sponsor” includes any person or government agency who makes a payment on behalf of a student or awards a loan, grant or scholarship to a student.

(27) **STUDENT.** “Student” means an individual who has pursued, is pursuing, or has stated an intent to pursue any program which a school offers.

(28) **SUBJECT.** “Subject” means instructional material in a program.

(29) **TEACHING LOCATION.** “Teaching location” means the area and facilities, including any office, classroom, meeting room, lab-

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oratory, shop or range, used or designated for instructional use by a school.

(29m) TEACH-OUT. “Teach-out” means an arrangement for the completion of an EAB-approved program in which a student is enrolled in the event of a school’s closure or a school’s failure to perform its contractual obligations.

(30) TERM. “Term” means a regularly established division of the school year which is no more than 19 weeks long.

(31) TOTAL COST OF THE PROGRAM. “Total cost of the program” means the sum of all charges which the school makes for tuition, books, materials, and supplies plus any other charges which the school requires the student to pay as the result of enrollment in a specific program. The school shall include room and board charges in the total cost of the program only if the school requires the student to utilize room or board facilities which the school provides. Finance charges are not part of the total cost of the program.

(32) TOTAL COST OF THE TERM. “Total cost of the term” means the sum of all charges which the school requires the student to pay as the result of enrollment for a specific term. It does not include a one-time application fee not exceeding \$30 or a term registration fee not exceeding \$20. The school shall include room and board charges in the total cost of the term only if the school requires the student to utilize room or board facilities which the school provides. Finance charges are not part of the total cost of the term.

(33) UNEARNED TUITION. “Unearned tuition” means that portion of tuition, fees and other charges paid to a school for which a student has not yet received instruction.

(34) VOCATIONAL CREDIT. “Vocational credit” means a quarter or semester credit awarded for completion of a subject;

(a) Which does not satisfy a portion of the requirements for the award of a degree in a program which the board has approved for the school, or

(b) Which is part of a program at a school which does not have approval from the board to offer a degree.

(35) WISCONSIN STUDENT. “Wisconsin student” means:

(a) A student (regardless of stated permanent residence) at any Wisconsin location of a school.

(b) A student at a school location outside Wisconsin or enrolled in a correspondence program if the student:

1. Listed Wisconsin as state of residence at the time of enrollment.

2. Indicated since initial enrollment that Wisconsin is the student’s state of residence.

History: Renum. (1) to (3) from EAB 1.02, 1.03, 1.10, (5) and (6) from EAB 1.17 and 1.18, (8) to (10) from EAB 1.19, 1.20 and 1.24, (12) to (19) from EAB 1.26, 1.27, 1.28, 1.29, 1.33, 1.34, 1.36, 1.38, 1.39, (21) to (32) from EAB 1.39, 1.40, 1.42, 1.44, 1.46, 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, (34) and (35) from EAB 1.54 and 1.55, cr. (4), (7), (11), (20) and (33), Register, October, 1997, No. 502, eff. 12-1-97; correction in (23) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; **CR 02-135: cr. (intro.), (19m) and (29m), r. and recr. (3) and (23), am. (7), (10), (20) and (26) Register April 2003 No. 568, eff. 5-1-03.**

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Chapter EAB 3

PROCEDURE AND AUTHORITY

EAB 3.01 Officers.
EAB 3.02 Meetings.

EAB 3.03 Delegated authority.

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.

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. 45.54, 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.**

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.

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Chapter EAB 4

APPROVAL OF SCHOOLS

EAB 4.01	Approval of schools and courses of instruction.	EAB 4.06	Financial stability and student protection.
EAB 4.02	Approval of schools prior to operation.	EAB 4.07	Agent for service of process.
EAB 4.03	Application for approval.	EAB 4.08	Investigation and review.
EAB 4.04	Criteria for approval of schools and programs of instruction.	EAB 4.09	List of approved schools and courses of instruction.
EAB 4.05	Approval of subjects and programs on a credit basis.	EAB 4.10	Fees.

Note: Chapter EAB 5 as it existed on December 31, 1972 was repealed and new chapter EAB 5 was created, Register, December, 1972, No. 204, effective January 1, 1973; Chapter EAB 2 was renumbered Chapter EAB 5, Register, June, 1990, No. 414, eff. July 1, 1990. Chapter EAB 5 was renumbered Chapter EAB 4, Register, October, 1997, No. 502, eff. December 1, 1997.

Note: A person may obtain school approval and surety bond forms by writing the Educational Approval Board at P.O. Box 8696, Madison, WI 53708-8696, by telephoning (608) 266-1996, or by visiting the board's website at <http://eab.state.wi.us>.

EAB 4.01 Approval of schools and courses of instruction. (1) APPROVAL REQUIRED. A school shall not operate, conduct business, offer any program, advertise or enroll students unless it has been approved or determined to be exempt under s. 38.50 (1) (e), Stats. The board may issue a cease and desist order to any school that is in violation of this subsection.

(2) INVESTIGATION AND INSPECTION. Upon application, the board shall investigate and evaluate schools doing business within this state, whether located within or outside this state, and programs offered by these schools, and approve schools and programs including schools with branches in more than one location.

(2m) DENIAL OF APPROVAL. (a) The board may deny an initial request for school or program approval if the school fails to provide the information required under s. EAB 4.03 or fails to meet the criteria under s. EAB 4.04, as determined by the board.

(b) A decision to deny initial school approval shall be sent by certified mail, return receipt requested, to the last address of record.

(3) COMPLIANCE. After a school is approved, it shall immediately report any significant changes in its program, facilities, finances or personnel.

(4) RENEWAL OF APPROVAL. (a) Except as provided in par. (b), a school approved to operate or do business in this state shall, after June 30 but no later than September 1 of each year, apply for renewal of approval on board forms and submit the appropriate fee.

(b) A school need not apply for renewal of approval for the calendar year in which the school paid in full the fees which s. EAB 4.10 (1) requires.

(4m) INTERMEDIATE SANCTIONS. If a school fails to comply with the provisions under chs. EAB 4 to 11, the board may progressively impose one or more of the following sanctions.

(a) Require the submission and implementation of a school improvement plan to address or correct problems identified by the board.

(b) Suspend the ability of a school to enroll students for one or more of the approved programs offered by the school.

(5) REVOCATION OF APPROVAL. (a) Failure to maintain the standards or to comply with chs. EAB 4 to 11 or meet the requirements for approval shall result in revocation of either school or program approval, or both.

(b) Refusal by a school to allow reasonable inspection or to supply information after written request therefor or failure to comply with chs. EAB 4 to 11 shall be grounds for revocation of approval.

(5m) NOTICE. (a) Except as provided under par. (b), an action to revoke a school's approval as provided under sub. (5) shall be

sent by certified mail, return receipt requested, to the last address of record, 20 days prior to the date on which the revocation is to be effective.

(b) The board may revoke a school's approval without notice if it determines that the health, safety, or financial welfare of any person is at risk.

(6) HEARING. (a) A school whose approval has been denied or revoked as provided under sub. (2m) or (5) may request a hearing before the board to contest the action taken. Such a hearing must be requested within 10 days after receiving notice. If a hearing is requested it will be held within a reasonable time after receipt of the request. Notice of such hearing shall be sent to the school 10 days prior to the date of such hearing, giving the school notice of date, time and place.

(b) Except as provided under sub. (5m) (b), if a school requests a hearing to contest an action under sub. (5), the board shall not revoke the school's approval until a hearing has been held and a final decision has been rendered.

(7) APPEAL. Any school who has contested an action under sub. (6) may appeal the decision of the board before an administrative law judge. A request for such a hearing must be requested within 10 days of the effective date of the action taken. Notice of such hearing shall be sent to the school 10 days prior to the date of such hearing, giving the school notice of date, time and place.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), Register, June, 1984, No. 342, eff. 7-1-84; r. and recr. (3), Register, May, 1987, No. 377, eff. 7-1-87; emerg. am. (3), eff. 8-4-87; reprinted to correct error in (3), Register, October, 1987, No. 382; am. (3), Register, January, 1988, No. 385, eff. 2-1-88; cr. (1) (f), am. (3), (1) (e) renum. from EAB 4.06 (2) and am., Register, June, 1990, No. 414, eff. 7-1-90; am. (3), Register, March, 1993, No. 447, eff. 4-1-93; renum. from EAB 5.02, r. (1), (5), (7), cr. (1) and (3), renum. (3) and (4) to be (4) and (5) and am. (4) and (5), am. (6), Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135: am. (1), (2), (5) and (6), cr. (2m), (4m), (5m), (6) (b) and (7), Register April 2003 No. 568, eff. 5-1-03; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2006 No. 604.**

EAB 4.02 Approval of schools prior to operation.

(1) CRITERIA. Schools planned or proposed for operation can be approved upon application as provided by s. EAB 4.03 which gives evidence that the planned or proposed school meets approval requirements.

(2) PERIOD OF INITIAL APPROVAL. A school not yet in operation may be approved for a period of operation not to exceed 6 months. Prior to beginning the second month of operation, the school shall submit to the board full descriptions of physical space, materials, and equipment in use and qualifications of instructional staff currently employed.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), Register, June, 1990, No. 414, eff. 7-1-90; renum. from EAB 5.03, am. (1), r. (3), Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135: am. (1) Register April 2003 No. 568, eff. 5-1-03.

EAB 4.03 Application for approval. (1) No school shall be approved unless it makes application, through its officers or an owner, upon board forms. An application for approval shall include, at a minimum:

(a) Mission of the school;

(b) Bylaws and regulations established for the school's governance and operation;

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(c) A description of the degrees and programs offered, including learning outcomes;

(d) A copy of the enrollment agreement, if any, the school anticipates using in Wisconsin; meeting the requirements of ch. EAB 6;

(e) A statement of its cancellation policy meeting the minimum requirements set out in ch. EAB 8;

(f) A description of the school's placement services;

(g) A copy of all advertising recently used or reasonably expected to be used in Wisconsin by the school;

(h) A current balance sheet and income statement using board forms;

(i) A surety bond as required by s. EAB 4.06;

(j) A description of the school's location, buildings, and equipment.

(k) A list of faculty members indicating their education, preparation and experience;

(L) Documentation that applicable fire, safety, and health codes are met at schools and teaching locations (except for public school buildings).

(m) A statement that the school provides equal opportunity for all persons regardless of age, race, creed, disability, sex, religion, sexual preference, or political affiliation.

(n) Any other information so that the school and its programs may be evaluated according to the criteria set forth in s. EAB 4.04.

(2) Each application shall be accompanied by a school catalog or bulletin containing at a minimum:

(a) Volume number and date of publication.

(b) Name of school and its governing body and officials.

(c) A calendar showing holidays, vacation periods, and the beginning and ending date of each term or semester.

(d) A mission statement.

(e) A description of the educational program, listing degrees and majors offered and a brief description of entrance and completion requirements.

(f) School policy and regulations regarding attendance, leave, absences, tardiness, standards of progress policy, grading policy, rules of conduct and a policy for handling student complaints.

(g) A description of the school's self-evaluation process.

(h) A schedule of tuition, fees, other charges and refund policy.

(i) A description of the school's placement services.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1) (a), (b), (c) 9, and 10., (g) and (j), cr. (1) (c) 11., Register, June, 1990, No. 414, eff. 7-1-90; renum. from EAB 5.05 and r. and recr. (1) and (2), Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135; am. (1) (i) and (n) Register April 2003 No. 568, eff. 5-1-03.

EAB 4.04 Criteria for approval of schools and programs of instruction. **(1)** **CONTENT AND INSTRUCTION.** (a) The program, curriculum and instruction must be of such quality, content and length as may reasonably and adequately achieve the stated objective for which offered and comparable to similar programs in approved schools.

(b) The administrators and instructors of the school shall have suitable educational qualifications and experience, and be of good reputation and character.

(c) The school shall have a sufficient number of instructors to provide adequate student-teacher ratios.

(cm) The school shall demonstrate that its instructors have the occupational, academic and teaching qualifications needed for the programs they teach.

(d) The approval of programs, which are innovative and not comparable to currently approved private or public programs, shall be based on demonstrable quality and documented labor market needs, a description of the program development process and evidence of third-party review.

(2) **FACILITIES.** The school shall have adequate space, suitable and sufficient equipment, and sufficient and appropriate instructional materials to carry out its program.

(3) **ADVERTISING.** All advertising and promotional materials shall be consistent with the requirements set forth in ch. EAB 5.

(4) **REFUND POLICY.** The school shall have a policy for refund of unused portions of tuition, fees and other charges at least equal to the established minimum standards as set forth in ch. EAB 8.

(5) **ACCESS.** (a) A school may not deny enrollment to any student, or make any distinction or classification of students, solely on account of sex, race or creed.

(b) A school must make reasonable accommodations for students and employees with disabilities.

(6) The school must be shown to be in sound financial condition.

(7) **OUTCOMES AND EVALUATION.** (a) A school shall have procedures to evaluate its educational programs, improve instruction and review overall operations.

(b) Evaluations shall include student, alumni and employer feedback on the effectiveness of the curriculum.

(c) The school shall provide annual enrollment information, using its definitions, delineating number of dropouts, completers, graduates and employed.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (3) (a) and (5), cr. (8), Register, June, 1990, No. 414, eff. 7-1-90; renum. from EAB 5.06, am. (1) (a), (b), (c), (2), r. (1) (d), (3), (6) and (8), cr. (1) (d), (5), (7) and (8), renum. (4), (5) and (7) to be (3), (4) and (6) and am., Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135; r. (8) Register April 2003 No. 568, eff. 5-1-03; CR 03-126; cr. (1) (cm) Register May 2004 No. 581, eff. 6-1-04.

EAB 4.05 Approval of subjects and programs on a credit basis. **(1)** A school may measure a program in degree credits if:

(a) The program was approved as a degree program.

(2) A school may measure a program in vocational credits if the program was approved in vocational credits.

(3) A school which seeks approval to offer a new or revised program on a credit basis shall:

(a) Pay the fee specified in s. EAB 4.10 (3);

(b) Specify on the application for approval whether the school uses quarter or semester credits;

(c) Specify on the application for approval whether the school desires to use degree credits or vocational credits; and

(d) Meet the requirements of ss. EAB 4.05, 4.06, 4.07 and 4.08.

(4) A school which seeks approval to convert an approved program from hours to credits shall:

(a) Pay the fee specified in s. EAB 4.10 (3);

(b) Specify on the application for approval whether the school uses quarter or semester credits;

(c) Specify on the application for approval whether the school desires to use degree credits or vocational credits; and

(d) Meet the requirements of ss. EAB 4.05, 4.06, 4.07 and 4.08.

(5) In addition to meeting the requirements in sub. (3) or (4) as appropriate, a school which seeks approval of a program measured on a quarter credit basis shall:

(a) Award one quarter credit for no fewer than 10 hours of lecture, plus 20 hours of outside preparation or the equivalent.

(b) Award one quarter credit for no fewer than 20 hours of laboratory work plus necessary outside preparation.

(c) Award one quarter credit for no fewer than 30 hours of shop.

(d) Award one quarter credit for no fewer than 30 hours of off-campus practical training such as a residency, externship, internship, or practicum.

(6) In addition to meeting the requirements in sub. (3) or (4) as appropriate, a school which seeks approval of a program measured on a semester credit basis shall:

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(a) Award one semester credit for no fewer than 15 hours of lecture, plus 30 hours of outside preparation or the equivalent.

(b) Award one semester credit for no fewer than 30 hours of laboratory work plus necessary outside preparation.

(c) Award one semester credit for no fewer than 45 hours of shop.

(d) Award one semester credit for no fewer than 45 hours of off-campus practical training such as a residency, externship, internship, or practicum.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90; am. (3) (intro.), (a), (4) (intro.) and (5) (intro.), cr. (3m), Register, March, 1993, No. 447, eff. 4-1-93; renum. from EAB 5.065, am. (1) (a), (2), (3), r. (1) (b), renum. (3m), (4), (5) to be (4), (5), (6) and am., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 4.06 Financial stability and student protection.

(1) SURETY BONDS. (a) As a condition of obtaining and retaining approval, a school shall provide a surety bond on a form specified by the board. Except as provided in pars. (b) and (c), the amount of surety shall be the lesser of \$25,000 or 125% of unearned tuition.

(b) No surety bond may be less than \$1,000 or an amount equal to \$2,000 for each representative the school employs.

(c) The bonding requirements set forth in this section may be reduced upon a determination that they are excessive in relation to the risk of economic loss to which Wisconsin residents are exposed in the case of any particular school, based upon evidence of a stable fiscal history, satisfactory completion and placement rates, accreditation by a recognized accrediting body or other stability criteria the schools may offer for board review.

(d) The bond shall be executed by the school as principal and by a surety company qualified and authorized to do business in the state of Wisconsin as a surety.

(e) A surety on a bond may be released after the surety has provided written notice directed to the board at least 30 days prior to the release.

(2) STUDENT PROTECTION FEE. (a) Except as provided under par. (e), in addition to the fees under s. EAB 4.10, a school shall pay a student protection fee.

(b) The fee shall be established as follows.

1. Except as provided in subd. 2., at a rate of \$0.50 per \$1,000 of adjusted gross annual school revenue as reported in accordance with ss. EAB 4.01 (4) and 4.10 (2) (d).

2. If at any time the appropriation balance of s. 20.292 (2) (gm), Stats., is less than \$500,000, at a rate determined by the board based on a multiplier equal to the percentage of all schools' total adjusted gross annual revenue needed to bring the appropriation under s. 20.292 (2) (gm), Stats., to \$500,000, but not to exceed \$10,000 for an individual school.

(c) The fee shall be paid at the same time the school makes its second payment annual renewal fee as required under s. EAB 4.10 (2) (d) and is due no later than March 1 of the calendar year for which the school is applying for renewal.

(d) A school that makes the student protection fee payment required after March 1, shall pay for each month or part of a month the payment is late, a late fee of \$50 or 1.5% of the student protection fee payment, whichever is greater.

(e) The board shall discontinue collecting student protection fees under this subsection during the period that the balance of the appropriation under s. 20.292 (2) (gm), Stats., exceeds \$1,000,000.

(3) USE OF SURETY BONDS AND STUDENT PROTECTION FUNDING.

(a) The board may use a surety bond on which it has collected to provide indemnification to any student, parent, guardian, or sponsor suffering loss or damage as a result of the following.

1. Fraud or false representation used in procuring a student's enrollment.

2. A violation of chs. EAB 3 to 8.

3. A student being unable to complete the program or programs because the school failed to perform its contractual obligations.

4. The refusal of a school to issue a refund to which a student is entitled under ch. EAB 8.

(b) Indemnification under this section may not exceed the advanced tuition, book fees, supply fees, or equipment fees paid or liable to be paid for regardless of the number of years that a school's bond is in force. The aggregate liability of the surety bond may not exceed the penal sum of the bond. The surety bond may be continuous.

(c) To the extent that the surety bond is unable to fully cover the losses incurred by a student, parent, guardian, or sponsor when a school closes, the board may authorize the full or partial payment of those losses from the student protection appropriation under s. 20.292 (2) (gm), Stats.

(d) The board may use a surety bond on which it has collected or funds from the student protection appropriation to arrange for a teach-out of students.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (2), Register, June, 1990, No. 414, eff. 7-1-90; renum. from EAB 5.07, am. (1) and (5), renum. (2) to be (3) and am., cr. (2), Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135: am. (1), (3) and (5), cr. (6) Register April 2003 No. 568, eff. 5-1-03; CR 03-126: r. and recr. Register May 2004 No. 581, eff. 6-1-04; CR 05-112: am. (2) (b) (intro.), cr. (2) (b) 1. and 2. Register April 2006 No. 604, eff. 5-1-06; corrections in (2) (e) and (3) (c) made under s. 13.93 (2m) (b) 7., Stats., Register April 2006 No. 604.

EAB 4.07 Agent for service of process. **(1)** All schools seeking approval must provide the name and Wisconsin address of a designated agent upon whom any process, notice, or demand may be served. The executive secretary of the educational approval board may be appointed for this purpose.

(2) If during any period a school fails to appoint or maintain in this state an agent for service of process, such failure shall be cause for revocation of approval.

(3) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 5.08 and am. (1) and (2), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 4.08 Investigation and review. **(1) PERIODIC REVIEW.** The board shall investigate and evaluate all approved schools and programs. The method of review shall include:

(a) Information from the following: federal trade commission, better business bureaus, the Wisconsin department of justice, other state or other official approval agencies, local school officials or interested persons.

(b) Review of reports and statements from the school involved.

(c) Conferences with officials or representatives of the school involved or with interested persons including former students or parents of former students.

(d) Investigation by visitation of the school involved.

(2) COMPLAINTS. In addition to investigation upon its own initiative, the board may investigate any school and its programs upon receipt of a complaint from an interested person.

(a) A student with a complaint against a school shall make a reasonable effort to resolve the complaint directly with the school.

(b) The board shall conduct an investigation upon receipt of a written complaint filed within one year after the student's last recorded date of attendance;

1. If preliminary findings indicate a violation of s. 38.50, Stats., or chs. EAB 4 to 11, or of an established school policy, the board shall attempt, through mediation to bring about a settlement.

2. If a settlement proposed by the board is rejected by a school, the board may conduct a hearing and impose any of the

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intermediate sanctions under s. EAB 4.01 (4m) or subject the school to a summary suspension of its approval.

3. If a complaint charging fraud or false representation used in procuring a student's enrollment is upheld and if a settlement cannot be reached, the board shall make a demand upon the schools bond and if not paid shall bring action in any court in the state of Wisconsin.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135: am. (2) (b) 1. and r. and recr. (2) (b) 2. Register April 2003 No. 568, eff. 5-1-03; **correction in (2) (b) 1. made under s. 13.93 (2m) (b) 7., Stats., Register April 2006 No. 604.**

EAB 4.09 List of approved schools and courses of instruction. A directory of approved schools and programs shall be distributed to all approved schools and to others upon request.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 5.10, am. (1), r. (2), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 4.10 Fees. (1) FEES FOR INITIAL SCHOOL APPROVAL.

(a) A school which is not approved to operate or do business in this state and which is applying for approval shall pay a fee of:

1. \$2,000, if the school is applying for approval of one program which does not lead to a degree.
2. \$2,500, if the school is applying for approval of one program which leads to an associate degree.
3. \$3,300, if the school is applying for approval of one program which leads to a baccalaureate degree.
4. \$3,900, if the school is applying for approval of one program which leads to a master's degree.
5. \$5,100, if the school is applying for approval of one program which leads to a doctoral degree.

(b) If the school is applying for approval of more than one program, the school shall pay the highest applicable fee specified in par. (a), plus the fee specified in sub. (3) for each additional program for which the school requests approval.

(c) If the school is applying for approval of additional teaching locations, the school shall pay, in addition to the fee specified in par. (a), the fee specified in sub. (4) for each teaching location.

(d) The fees specified in par. (a) shall be reduced by 50% of the program fee specified in sub. (3) for a program of the same level if all of the following conditions are met:

1. The school making application for approval of the program is incorporated in a state other than Wisconsin, has its main campus outside Wisconsin, and offers in Wisconsin only programs leading to a baccalaureate or higher degree.

2. The school presents written evidence of authorization from its home state to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the home state authorizing agency completed regarding the program.

3. If the school is requesting authorization to enroll Wisconsin residents in a program which it offers in a state other than its home state, the school presents written evidence of program and degree authorization from the state in which the program is offered. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the state authorizing agency completed regarding the program.

4. The school presents written evidence that it is accredited by an accrediting agency recognized by the U. S. department of education to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all self-studies which the school submitted to the accrediting agency and unabridged copies of all findings and reviews which the accrediting agency completed regarding the program.

5. The school presents written evidence that its home state gives similar Wisconsin schools at least an equivalent fee reduction in comparable licensing and oversight fees. The evidence which the school submits to meet this requirement shall include a copy of the applicable statutory and regulatory language from the home state.

(e) If the board denies an initial school approval under s. EAB 4.01 (2m), the fees collected under this subsection shall be returned.

(2) FEES FOR RENEWAL OF SCHOOL APPROVAL. (a) Renewal of approval shall not be for not more than one calendar year. Except as provided in par. (b), a school applying for renewal of approval shall pay renewal fees as provided in pars. (c) and (d).

(b) A school that has not violated s. 38.50 (10), Stats., prior to the effective date of approval need not pay the first payment in the calendar year in which the school paid in full the fees required by sub. (3), but may defer that payment until March 1 of the following year.

(c) A school requesting inactive status shall make a first payment in the amount of \$100, no later than September 1 prior to the calendar year for which the school is applying for renewal of approval and shall make a second payment, in the amount determined as provided in par. (d), no later than March 1 of the calendar year for which the school is applying for renewal of approval. If the school resumes active status during the calendar year for which the school is applying for renewal of approval, the school shall make a third payment. The third payment shall be in the amount of \$100 for each full calendar month and any portion of a calendar month which is remaining in the calendar year as of the date of resumption of active status, and shall be due by the date of resumption of active status.

(d) Licensed schools shall pay annual renewal fees in 2 parts.

1. Each licensed school shall make a first payment, in the amount of \$500, no later than September 1 prior to the calendar year for which the school is applying for renewal of approval. Each licensed school shall make a second renewal payment, in the amount determined as provided in subds. 2. through 4. no later than March 1 of the calendar year for which the school is applying for renewal of approval.

2. The EAB shall levy a second renewal fee based on licensed schools' adjusted gross annual revenues and set the fee multiplier for 2 year periods at a time.

3. The fee shall be in the form of multiplier equal to the percentage of all schools' total adjusted gross annual revenue needed to equal the cost of regulating schools subject to s. 38.50 (10), Stats., less revenue from all other fees.

4. The multiplier derived in subd. 3. shall be applied to each school's adjusted gross annual revenue to determine its second renewal payment.

(e) If a school fails or refuses to provide reliable financial information with which to determine the amount of the second payment, the board may revoke the approval of the school or may use other means to compare the school with other schools by size, estimate the adjusted gross annual revenues of the school and require a second payment based on the estimated adjusted gross annual revenues of the school. The board may also request the department of justice or any district attorney to take action under any other applicable provision of law.

(f) A school which submits an application for renewal of approval or makes the first payment required under par. (c) or (d) after September 1, or which makes the second payment required under par. (c) or (d) after March 1, shall pay, for each month or part of a month the application or payment is late, a fee of \$50 or 1.5% of any late first or second payment, whichever is greater, in addition to the fees specified in par. (c) or (d).

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(g) The board may waive a fee under this subsection if it is less than \$50.

(3) FEES FOR APPROVAL OF NEW OR REVISED PROGRAMS. (a) When applying for approval of a new or revised program, a school shall pay the following fee:

1. \$1,500, if the program for which the school seeks approval does not lead to a degree.
2. \$2,000, if the program for which the school seeks approval leads to an associate degree.
3. \$3,000, if the program for which the school seeks approval leads to a baccalaureate degree.
4. \$3,500, if the program for which the school seeks approval leads to a master's degree.
5. \$4,500, if the program for which the school seeks approval leads to a doctoral degree.

(b) If a school's ongoing program modifications result in more than a 50% change in program content within 3 years, it shall pay the fee specified in par. (a).

(c) The fees specified in par. (a) shall be reduced by 25% if the program for which the school requests approval meets all of the following conditions:

1. The program prepares students to meet the occupational licensing requirements of an agency of this state.
2. The agency to which subd. 1. refers has reviewed the program.
3. The agency to which subd. 1. refers has notified the board in writing that successful completion of the program will meet the educational requirements for initial licensure in the occupation.

(4) FEE FOR APPROVAL OF TEACHING LOCATIONS. A school shall pay a fee of \$200 when applying for approval of a teaching location.

(5) CHANGE OF OWNERSHIP OR CONTROL. (a) Approval of a school terminates at the time when the ownership or control of the school changes from that indicated on the school's most recent application unless the school files within 10 business days after the change of ownership or control a complete application for approval after a change of ownership or control under par. (c).

(b) An approved school shall notify the board of any anticipated change of ownership or control at least 30 days prior to the change of ownership or control.

(c) Except as provided under par. (f), the school shall submit to the board within 10 business days after the change of ownership or control an application reflecting the change of ownership or control and a fee of \$1,000.

(d) If a school files an application requesting approval of a change of ownership or control more than 10 business days after the change of ownership or control takes effect, such an application will be considered as an application for initial approval, and the school shall pay the fees specified in sub. (1).

(e) If a school makes any changes to programs or locations of the school as a result of the change of ownership, the school shall submit an application separate from the change of ownership application for each changed program or location and shall pay the fees required under this section.

(f) The fee charged under this subsection may be waived if it is determined that no work will be required to process the change of ownership.

(6) AMENDING FEE. A school shall pay a fee when an application submittal requires amendment or correction. The fee shall be \$200 for errors which require less than 4 hours of staff work and \$1,000 for corrections which require a day or more of staff work.

(7) FEES NOT REFUNDABLE. The fees paid under this section are not refundable unless the board determines that the fees were paid in error.

(8) REAPPLICATIONS. A school which reapplies for approval of the school, a new or revised program, a change in school name, or a teaching location which was denied approval shall again pay the fees specified in this section.

(9) WAIVER OF FEES. Fees otherwise payable by schools for reinstatement of approval which has been revoked or has expired, may be waived upon determination that a staff re-evaluation of the school's programs is unnecessary.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Register, November, 1980, No. 299, eff. 12-1-80; am. (1), renum. (4) to be (6) and (7) and am., renum. (5) to be (8), (6) to be (5) and am., cr. (4), Register, June, 1984, No. 342, eff. 7-1-84; renum. (6) to (8) to be (7) to (9), am. (1) to (5), Register, May, 1987, No. 377, eff. 7-1-87; emerg. renum. (1) to (9) to be (2) to (10) and am. (2) to (7), cr. (1), eff. 8-4-87; renum. (1) to (9) to be (2) to (10) and am. (2) to (7), cr. (1), Register, January, 1988, No. 385, eff. 2-1-88; am. (2) (a) and (b), (3) (intro.), (4) (c), (5) (a) 1. to 3., (6) and (7) (c) (intro.), Register, November, 1988, No. 395, eff. 12-1-88; am. (4) (e) (intro.), Register, June, 1990, No. 414, eff. 7-1-90; r. (1) (intro.), renum. (1) (a) to (d) to be EAB 1.02, 1.24, 1.26 and 1.33 and am. 1.33, renum. (2) to (5) and (8) to (10) to be (1) to (4) and (11) to (13) and am. (1), (2) (intro.), (a), (3) (a), (c) to (e) (intro.), 2., (g), (4) and (12); cr. (3) (i), (5) and (8) to (10); am. (6) and (7), Register, March, 1993, No. 447, eff. 4-1-93; am. (1) (a) to (d), (3) (i), (4) (a) 1. to 3., (b) (intro.), (5) (a), (b) (intro.), (7) (c), (9) (a) to (e), (10) (a) to (d), r. and recr. (2), (10) (f), cr. (4) (a) 4., 5., (c), (5) (a) 4., 5., (c), (7) (e), r. (9) (f) to (i), (10) (e), (g) to (i), renum. (9) (j) and (10) (j) to be (9) (f) and (10) (e) and am., Register, March, 1996, No. 483, eff. 4-1-96; renum. from EAB 5.11, r. (1), renum. (2) and (3) to be (1) and (2) and am., renum. (4) to be (3) and am., cr. (3) (b), renum. (6) and (7) to be (4) and (5) and am. (5), renum. (7) (c) and (d) to be (5) (c) and (d) and am., r. (8), renum. (9) to be (6) and am.; r. (6) (a) to (f) and (10), renum. (11) and (12) to be (7) and (8) and am. (8), (13) to be (9) and am., r. (12), Register, October, 1997, No. 502, eff. 12-1-97; corrections in (2) (b) and (d) 3. made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 453; CR 02-135: cr. (1) (e), (2) (g) and (5) (f), am. (5) (c) and (d) Register April 2003 No. 568, eff. 5-1-03; CR 03-126: am. (2) (b) Register May 2004 No. 581, eff. 6-1-04; corrections in (2) (b) and (d) 3. made under s. 13.93 (2m) (b) 7., Stats., Register April 2006 No. 604.

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Chapter EAB 5

UNFAIR TRADE PRACTICES IN ADVERTISING AND PROMOTIONAL MATERIAL

EAB 5.01	General principles.	EAB 5.05	Misrepresentation of enrollment qualifications or limitations.
EAB 5.015	Definition.	EAB 5.06	Deceptive use of diplomas, degrees or certificates.
EAB 5.02	Deceptive trade or business names.	EAB 5.07	Deceptive sales practices.
EAB 5.03	Misrepresentation of extent or nature of accreditation or approval.	EAB 5.08	Required disclosures.
EAB 5.04	Misrepresentation of facilities, services, qualifications of instructors and status.		

Note: Chapter EAB 4 as it existed on November 30, 1997 was renumbered to Chapter EAB 5 effective December 1, 1997.

EAB 5.01 General principles. Each school shall maintain high ethical standards in the conduct of its operations, solicitation of its students, and in its advertising and promotional material. The use of any unfair, substandard, fraudulent or deceptive trade practice or making any false, misleading or deceptive statements in any advertising or promotional material shall be cause for the refusal or revocation of approval.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.015 Definition. Within this chapter, “school” includes the school and its officers, agents and representatives.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 5.09 and am., Register, June, 1990, No. 414, eff. 7-1-90; am. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.02 Deceptive trade or business names.

(1) No school shall use a trade or business name which may mislead or deceive prospective students.

(2) A school shall not falsely represent that:

(a) It is a part of or connected with the federal or state government.

(b) It is connected with public or private religious or charitable organizations or any public or private university, college or other institution of higher learning.

(c) It is an employment agency or an employment agent or authorized training facility for an industry or member of such industry, or otherwise conceal the fact that it is a school.

(3) If a school conducts its instruction wholly by correspondence or home study, it shall disclose that it is a correspondence or home study school.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.03 Misrepresentation of extent or nature of accreditation or approval. (1) A school shall not falsely represent any approval it may have received from a state agency or the extent or nature of its accreditation.

(2) A school shall not falsely represent that students successfully completing a program may transfer credit therefor to an accredited institution of higher education.

(3) A school shall not falsely represent that a program has been approved by a particular industry, or that successful completion thereof qualifies the student for admission to a labor union, similar organization, or apprenticeship program, or for the receipt of a state or federal license to perform certain functions.

(4) A school shall not falsely represent that its programs are recommended by a third-party.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), r. (2), renum. (3) to (5) to be (2) to (4) and am., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.04 Misrepresentation of facilities, services, qualifications of instructors and status. (1) A school shall

not falsely represent in its advertising materials its size, location, facilities, equipment, or the number of years of educational experience and the qualifications of its faculty.

(2) A school shall not represent that it is a nonprofit organization unless it submits evidence that it has secured status as a nonprofit organization from the United States internal revenue service.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1) (intro.) and (2), r. (1) (a) to (f) and (3), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.05 Misrepresentation of enrollment qualifications or limitations. (1) A school shall not falsely represent its prerequisites for enrollment in a program.

(2) A school shall not represent that the lack of a high school education or prior training or experience will not reduce the likelihood of successful completion of a program.

(3) A school shall not enroll a student when it is clear that the student is unlikely to complete a program of study, or is unlikely to qualify for employment in the field for which the education is designed, unless this fact is disclosed to the student in the writing.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (3), Register, June, 1990, No. 414, eff. 7-1-90; am. (1) (intro.), (2) and (3), r. (1) (a) to (d), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.06 Deceptive use of diplomas, degrees or certificates. (1) A school's degree, diploma, certificate, or any similar document must accurately describe the subject matter, substance or content of the program for which it was awarded.

(2) A school shall not offer or confer a high school diploma.

(3) A school shall only offer high school courses if such courses are equivalent to those offered by a secondary school approved by the state superintendent of public instruction, and the student is informed in writing prior to the student's enrollment, that the school cannot guarantee or otherwise control the recognition which will be accorded such programs by other schools or prospective employers.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. (2) to be EAB 5.02 (1) (e), Register, June, 1990, No. 414, eff. 7-1-90; am. (1), renum. (3) and (4) to be (2) and (3) and am., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.07 Deceptive sales practices. (1) **DECEPTIVE “HELP WANTED” ADVERTISING.** A school shall not use “help wanted” advertising, or other techniques to conceal that it is an educational institution.

(2) **BLIND ADVERTISING.** A school shall not use “blind” advertisements or sales literature which conceals the fact that a program for fee is being offered to attract prospective students.

(3) **FALSE REPRESENTATION AS TO EARNINGS.** A school shall not make false or deceptive statements which have the tendency to mislead regarding earnings or opportunities in any vocation or field of activity.

(4) **FALSE REPRESENTATION OF OPPORTUNITY.** A school shall not make false or deceptive statements which have the tendency to mislead regarding any opportunities in any vocation or field of activity as a result of the completion of a program.

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(5) A school shall not falsely claim that it is conducting a talent hunt, contest, or similar test.

(6) FALSE REPRESENTATIONS AS TO THE STUDENT'S OBLIGATION TO PAY. A school shall not make false or deceptive statements regarding the amount or nature of the student's financial obligation to the school or to third parties.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; cr. (8), Register, November, 1976, No. 251, eff. 12-1-76; am. (1), (2), (3) (intro.) and (4), r. (3) (a) and (b), (5), (7), (8) (a) and (b), renum. (6) and (8) (intro.) to be (5) and (6) and am., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 5.08 Required disclosures. A school shall disclose in all advertising and promotional material used in Wisconsin:

(1) The school name and address and, if different from the address, the teaching location of the school.

(2) The fact that the school is offering educational services or vocational training for sale.

(3) The total cost of the program or term, if the school makes in that material any representations as to the cost of the program or term.

(4) Whether any endorsements or recommendations in that material are paid testimonials.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), cr. (5), Register, June, No. 414, eff. 7-1-90; am. (2) and (4), r. (5), Register, October, 1997, No. 502, eff. 12-1-97.

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(8) This section shall not be construed to apply to any program for which the total cost is less than \$150 and which is offered in less than 6 class days, provided that the program is not one of a sequence.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 5.02 and am., Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 6.04, am. (1), (2) (intro.), (3) to (5), r. (2) (a) to (c), (6) and (7), renum. (8) to (10) to be (6) to (8), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 6.04 Claims and defenses. (1) Every assignee of an enrollment agreement takes it subject to all claims and defenses of the student or successors in interest under the enrollment agreement. (s. 45.54 (7) (d), Stats.)

(2) No school may enter into any enrollment agreement in which the student waives the right to assert against the school or any assignee any claim or defense the student may have against

the school arising under the enrollment agreement. Any provision in an enrollment agreement by which the student agrees to a waiver is void.

(3) (a) No school may use a promissory note or instrument, other than a check, unless it bears the following statement in contrasting boldface type: This is an enrollment agreement instrument and is non-negotiable. Every holder takes it subject to all other claims and defenses of the maker or obligor.

(b) Compliance with requirements of federal and state statutes, regulations and rules governing the form of notice of preservation of consumers' claims and defenses shall be deemed to satisfy the requirements of par. (a).

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 5.03 and am., Register, December, 1980, No. 300, eff. 1-1-81; renum. from 6.05, Register, October, 1997, No. 502, eff. 12-1-97.

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Chapter EAB 7

RECORDS

EAB 7.01 Student records.
EAB 7.02 Records retention.
EAB 7.03 Transcripts.

EAB 7.04 Change in status.
EAB 7.05 Access to records.

EAB 7.01 Student records. A school shall keep records of attendance, progress and grades. A school shall periodically report progress to each student.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 7.02 Records retention. Each school shall maintain, for a minimum of 6 years from graduation or last date of attendance, student records that shall include at least the following:

(1) A copy of the enrollment agreement and other instruments relating to payment for educational services.

(2) Student information, including student name; permanent or other address at which the student may be reached; records relating to financial payments and refunds; and, record of attendance.

(3) Date of completion or termination and the reason(s) thereof.

(4) Record of any student grievance and subsequent resolution.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97; **CR 02-135: am. (intro.) Register April 2003 No. 568, eff. 5-1-03.**

EAB 7.03 Transcripts. Each school shall provide upon request a transcript to the student who has satisfied all financial obligations currently due and payable to the school. A school shall permanently retain original transcripts for all students. The transcript must provide at least the following:

(1) Name of the student.

(2) Title of the program, including total number of credit or hours of instruction received and dates of enrollment.

(3) Grade record for each course, lesson or unit of instruction and the cumulative grade for the program.

(4) Explanation of the grading system on the transcript.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97; **CR 02-135: am. (intro.) Register April 2003 No. 568, eff. 5-1-03.**

EAB 7.04 Change in status. (1) In the event of merger, consolidation, change of ownership, or dissolution of a school, the school owner or designee shall:

(a) Notify the board at the time the decision is made to merge, consolidate, sell, or close, but at a minimum, seventy-two hours before such action.

(b) Submit a plan to provide for the retention and disposition of records. If necessary, the board may seize the records and negotiate for assignment of said records to another school or agency.

(c) Provide a record of the names, addressees and financial records of students currently enrolled whose programs have not been completed.

(d) Surrender the EAB license.

(2) In the event it appears that the official records of a school discontinuing its operation are in danger of being destroyed, secreted, mislaid or otherwise made unavailable, the board may seek a court order to take possession of the records.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 7.05 Access to records. The board shall maintain and make available records in its possession in accordance with retention and disposition authorization procedures established by the public records board and the federal family educational rights and privacy act (FERPA) of 1974 under 34 CFR Part 99.

History: **CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.**

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Chapter EAB 8

REFUND STANDARDS

EAB 8.01	Philosophy and principles.	EAB 8.05	Partial refunds.
EAB 8.02	Definition.	EAB 8.06	Good faith effort.
EAB 8.03	Full refund.	EAB 8.07	Notice of withdrawal.
EAB 8.04	No refund in programs which have fixed class schedules, are shorter than 6 class days and cost less than \$150.	EAB 8.08	Refund not conditional on compliance with school regulations.
		EAB 8.09	Distribution of refunds to financial aid sponsors.

Note: Chapter EAB 7 was renumbered Chapter EAB 8, Register, June, 1990, No. 414, eff. July 1, 1990.

Note: The statutory authority for ch. EAB 8 is s. 45.54 (7) (e), Stats.

EAB 8.01 Philosophy and principles. (1) The board shall approve only those schools which publish and adhere to refund provisions consistent with the standards below.

(2) The refund standards required by this rule are based upon these principles:

(a) Students make numerous “false starts” in their education. It is important to preserve for the student the right to a change of mind (recognition of a false start) without too serious a penalty, since this action itself may be important in the student’s growth, maturation and learning.

(b) It is the responsibility of the school, through pre-enrollment counseling, to make reasonably certain before enrollment is completed that the student has the ability to profit from the program under consideration.

(c) Since it is the responsibility of the school to select its students carefully, charges to the student upon cancellation or withdrawal before the program begins should be a smaller portion of the total cost of the course of instruction than upon withdrawal after partial completion.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, December, 1980, No. 300, eff. 1-1-81; am. (1), (2) (a), to (c), r. (2) (d), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.02 Definition. “Unit” means credits, hours, class days, correspondence lessons, or other approved instructional time periods.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; am. Register, June, 1990, No. 414, eff. 7-1-90; r. and recr. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.03 Full refund. A school’s refund policy shall provide for a full refund of all money paid by the student if:

(1) The student cancels enrollment within 3 business days under s. EAB 6.04;

(2) The student accepted was unqualified, and the school did not secure a disclaimer under s. EAB 9.04;

(3) The school procured the student’s enrollment as the result of any false representations in the written materials used by the school or in oral representations made by or on behalf of the school.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 7.02 and am., Register, December, 1980, No. 300, eff. 1-1-81; am. (1) and (2), Register, June, 1990, No. 414, eff. 7-1-90; am. (1) and (3), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.04 No refund in programs which have fixed class schedules, are shorter than 6 class days and cost less than \$150. If for any reason a student withdraws or is dismissed by the school from a program which has a fixed class schedule, is shorter than 6 class days, is less than \$150 in total cost and is not one of a sequence of programs, the student is not entitled to any refund, except that the student is entitled to a full refund in the following instances:

(1) The student accepted was unqualified, and the school did not secure a disclaimer under s. EAB 9.04;

(2) The student’s enrollment was procured as the result of false representations.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; am. (1), Register, June, 1990, No. 414, eff. 7-1-90; am. (intro.), (1) and (2), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.05 Partial refunds. A student who withdraws or is dismissed after the period of time identified under s. EAB 8.03 (1) has passed, but before completing 60% of the potential units of instruction in the current enrollment period, shall be entitled to a pro rata refund, as calculated below, less any amounts owed by the student for the current enrollment period, less a one-time application fee of \$100.

(1) Pro rata refund shall be determined as the number of units remaining after the last unit completed by the student, divided by the total number of units in the enrollment period, rounded downward to the nearest ten percent. Pro rata refund is the resulting percent applied to the total tuition and other required costs paid by the student for the current enrollment period.

(2) All efforts will be made to refund prepaid amounts for books, supplies and other charges unless the student has consumed or used those items and they can no longer be used or sold to new students, or returned by the school to the supplier.

(3) Refunds shall be paid within 40 days after the effective date of termination.

(4) After the student’s first period of enrollment, if a student withdraws or is dismissed in a subsequent enrollment period, the school may also retain an administrative fee of 15% of the total cost of a resident program, or \$400, whichever is less.

(5) No refund is required for any student who withdraws or is dismissed after completing 60% of the potential units of instruction in the current enrollment period unless a student withdraws due to mitigating circumstances, which are those that directly prohibit pursuit of a program and which are beyond the student’s control.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97; **CR 02-135: am. (intro.) Register April 2003 No. 568, eff. 5-1-03.**

EAB 8.06 Good faith effort. A school is considered to have made a good faith effort to make a refund, if the student’s file contains evidence of the following attempts:

(1) Certified mail to student’s last known address;

(2) Certified mail to the student’s permanent address;

(3) Certified mail to the address of the student’s parent or listed next of kin, if different from the permanent address.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.07 Notice of withdrawal. (1) A school may not require that notice of withdrawal be in writing, on or in any particular form, or delivered in a specific manner.

(2) The school shall honor any valid notice of withdrawal given after the 3-business-day cancellation period and, within 30 calendar days after dismissal of the student or receipt of notice of withdrawal, shall refund to the student any amounts due and

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arrange for a termination of the student's obligation to pay any sum in excess of that permitted under the refund standards.

(2m) All schools shall have a constructive notice of an intention to withdraw policy.

(3) For students receiving funds under Title IV, schools shall comply with applicable federal guidelines for providing constructive notice of an intention to withdraw.

History: Cr. (1), (3) and (4) and renum. EAB 7.03 (7) to be (2) and am., Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 8.12, , r. and recr. (3) and (4), Register, October, 1997, No. 502, eff. 12-1-97; **CR 02-135: cr. (2m), am. (3) Register April 2003 No. 568, eff. 5-1-03.**

EAB 8.08 Refund not conditional on compliance with school regulations. A school may not make its refund

policy conditional upon compliance with the school's rules of conduct or other regulations.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 7.04 and am., Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 8.13, Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.09 Distribution of refunds to financial aid sponsors. All or a portion of any refunds due may be paid to sponsors furnishing grants, loans, scholarships or other financial aids to students, in conformity with federal and state laws, regulations and rules and requirements of financial aid sponsors. After any disbursements to financial aid sponsors have been made, the student shall receive the balance, if any, of the amount due under the school's refund policy.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 8.14, Register, October, 1997, No. 502, eff. 12-1-97.

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Chapter EAB 9

PLACEMENT SERVICES

EAB 9.01	General philosophy.	EAB 9.04	Disclaimer.
EAB 9.02	Minimum requirements.	EAB 9.05	Employment advisory services.
EAB 9.03	Student understanding of placement service representations.		

Note: Chapter EAB 6 was renumbered chapter EAB 9, Register, June, 1990, No. 414, eff. July 1, 1990. Corrections made under s. 13.93 (2m) (b) 1., Stats., Register, October, 1997, No. 502.

EAB 9.01 General philosophy. The placement methods define the school's placement function. The offer of placement services to students is optional but when made, standards of performance on the part of the school will be required.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 9.02 Minimum requirements. When a placement service is offered or advertised by a school, the following minimum requirements must be observed:

(1) Student referrals must result from direct contact between the school placement service and prospective employer representatives.

(2) Documented evidence of student referrals must be maintained and should include, but not be limited to the following:

- (a) Number of referrals by company per individual student.
- (b) The results of referrals.
- (c) Final placement.
- (d) Percent of graduates placed.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), (2) (c), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 9.03 Student understanding of placement service representations. (1) No communications, either oral or written, between school representatives and prospective students shall state or imply job guarantees as a result of any placement service offered.

(2) It must be made clear to the student that the placement service provided by the school is offered as an assistance in working

out the student's placement, but is not offered as an assumption of the responsibility for finding the student a job.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (2), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 9.04 Disclaimer. (1) Whenever a school knows or has reason to know that a prospective student is unlikely to successfully complete a program or is unlikely to qualify for employment in the vocation or field for which the training is designed to prepare a student, this fact must be disclosed to the prospective student. If a prospective student expresses a desire to enroll after such disclosure, a disclaimer may be obtained by the school. A valid disclaimer shall only consist of a statement, separately signed by the student, that the student is fully aware that it is unlikely he or she will be able to successfully complete the program and/or fully aware of the improbability or impossibility that he or she will qualify for employment in the vocation or field for which the program was designed to prepare the student.

(2) This waiver provision does not alleviate a school's responsibility to make reasonable accommodations consistent with the Americans with Disabilities Act.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (intro.), cr. (1), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 9.05 Employment advisory services. Whenever a school offers employment counseling or placement services not meeting the minimum requirements of s. EAB 9.02 or furnishes employment referrals not the result of direct contact between the school and prospective employer representatives, such counseling shall only be designated as "Employment Advisory Services."

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), Register, June, 1990, No. 414, eff. 7-1-90; r. (2), Register, October, 1997, No. 502, eff. 12-1-97.

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Chapter EAB 10

REPRESENTATIVES' PERMITS

EAB 10.01 Permit necessary.
EAB 10.02 Application for permit.

EAB 10.03 Enrollment agreement.
EAB 10.04 Refusal or revocation of a permit.

Note: Chapter EAB 3 was renumbered chapter EAB 10, Register, June, 1990, No. 414, eff. July 1, 1990.

EAB 10.01 Permit necessary. No individual representing any school shall secure enrollment of students in this state for a consideration or remuneration, except upon the actual business premises of the school, unless he or she first secures a permit. If the individual represents more than one school, a separate permit shall be obtained for each school. A permit shall be valid for one year from the date issued.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, September, 1976, No. 249, eff. 10-1-76; am. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 10.02 Application for permit. (1) ORIGINAL APPLICATION. An individual shall apply for a permit on board forms and shall submit with the application a \$200 fee and evidence of coverage for that representative of \$2,000 denoted on the school's bond. The school for which the individual requests a permit shall concur in the individual's application.

(2) RENEWAL APPLICATIONS. An individual shall apply for renewal of a permit on board forms and shall submit with the application a \$200 fee and evidence of coverage for that representative of \$2,000 denoted on the school's bond.

(3) APPROVAL REQUIRED. Before any permit shall be issued, the school to be represented and the program to be sold must be approved by the board.

(4) ISSUANCE. Where the application requirements set forth above have been met and there is no showing that any of the grounds for refusal or revocation as set forth in s. 45.54 (8) (c), Stats., exist, the permit shall be issued.

(5) REVISED APPLICATIONS. An individual or school shall pay a fee of \$75 each time a submittal requires revision or amending.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1) and (2), Register, September, 1976, No. 249, eff. 10-1-76; am. (1) and (2), Register, November, 1980, No. 299, eff. 12-1-80; renum. (1) to (4) to be (2) to (5) and am. (2) and (3), cr. (1), Register, May, 1987, No. 377, eff. 7-1-87; am. (1) to (3), cr. (6), Register, March, 1993, No. 447, eff. 4-1-93; r. (1), renum. (2) to (6) to be (1) to (5) and am. (1), (2), (3) and (5), Register, October, 1997, No. 502, eff. 12-1-97; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543.

EAB 10.03 Enrollment agreement. (1) INFORMATION REQUIRED. Every enrollment agreement used by a representative shall conform to the requirements of the ch. EAB 6.

(2) COPY TO STUDENT. Every representative shall deliver a copy of the enrollment agreement and 2 copies of the Notice of Cancellation to each student at the time the agreement is signed.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, June, 1990, No. 414, eff. 7-1-90; am. (1) and (2), r. (3), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 10.04 Refusal or revocation of a permit. (1) GROUNDS. The board may refuse to issue or renew, or may revoke any permit upon one or any combination of the grounds set forth in s. 45.54 (8) (c), Stats.

(2) NOTICE. Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by certified mail, return receipt requested, to the last address of the applicant or permit holder shown in the records of the board. Revocation of a permit shall be effective 10 days after notice of revocation has been mailed to the permit holder.

(3) REQUEST FOR APPEARANCE. Within 20 days of the receipt of notice of the board's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request to appear before the board in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request, the board shall grant a hearing to the applicant or holder of the permit within 30 days, giving the person at least 10 days notice of the date, time and place.

(4) ISSUANCE OR REINSTATEMENT. The board may, upon hearing and after any further investigation it deems necessary, issue, renew or reinstate a permit which it refused to issue or renew or which it revoked, where it determines that all of the requirements for permit set forth in s. EAB 10.02 have been complied with.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (4), Register, June, 1990, No. 414, eff. 7-1-90; renum. from EAB 10.05, am. (1), Register, October, 1997, No. 502, eff. 12-1-97; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; **CR 02-135: am. (3) Register April 2003 No. 568, eff. 5-1-03.**

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Chapter EAB 11

DISTANCE LEARNING

EAB 11.01 Principles.
EAB 11.02 Definitions.
EAB 11.03 Standards for distance learning programs.

EAB 11.04 Application for approval.
EAB 11.05 Fees.

EAB 11.01 Principles. (1) The board acknowledges that distance learning, especially via the Internet, presents a materially new context for the state's responsibility to protect consumers by regulating private, postsecondary schools.

(2) The board believes the following principles should guide its regulation of private, postsecondary schools offering programs primarily through distance learning:

(a) The board's regulatory process ought to encourage schools offering programs through distance learning to become approved since the board's consumer protection role works best when schools are approved.

(b) The board's regulatory process must be rigorous and standards-based so only quality schools are approved to provide options to Wisconsin residents.

(c) While the board's regulatory process must be rigorous and consistent with the basic school approval process, it should also be user-friendly to schools using distance learning and honor other rigorous state approval processes so schools do not have to duplicate effort and incur unreasonable costs.

(d) The board's regulatory process should include a fee structure that pays for itself, is fair to the other approved schools, and is not cost prohibitive to schools using distance learning.

History: CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.

EAB 11.02 Definitions. In this chapter, "distance learning program" means that a school uses distance learning to deliver more than 50 percent of a program.

History: CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.

EAB 11.03 Standards for distance learning programs. A private, postsecondary school delivering distance learning programs shall meet the following standards:

(1) The program shall be consistent with the school's mission.

(2) The learning outcomes promised to students shall be achievable with the technology used.

(3) The school shall use appropriate and effective instructional materials and teaching methods to ensure active student involvement.

(4) The program shall be developed by qualified faculty, administrators and technologists.

(5) Accepted students shall have the background, knowledge and technical skills needed to complete the program.

(6) The school shall provide for assessment and documentation of student achievement during the program and at its completion.

(7) The school shall ensure appropriate learning resources are available to students.

(8) The school shall provide adequate support services for students.

(9) The school shall demonstrate it has adequate financial resources to support the program.

(10) The school shall demonstrate the educational effectiveness of its programs including assessment of student learning outcomes, student retention, student completion, and student and employer satisfaction, where relevant.

History: CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.

EAB 11.04 Application for approval. (1) Except as provided under s. 45.54 (1) (e) 8., Stats., a school shall apply for approval upon board forms meeting the requirements of s. EAB 4.03.

(2) If a school has approval from another state, which is substantially equivalent to the requirements of s. EAB 4.03 and meets the standards of s. EAB 11.03, the board may accept that state's approval as fulfilling all or parts of the approval process.

History: CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.

EAB 11.05 Fees. (1) For a school that delivers a distance learning program, it shall pay the highest applicable fee specified in s. EAB 4.10 (1) (a) 1. to 5. and \$500 for each additional or new program.

(2) Except as provided for in sub. (1), schools approved under this section shall be subject to all other fees under s. EAB 4.10.

History: CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.