

EDUCATIONAL APPROVAL BOARD

Meeting of June 20, 2001

30 W. Mifflin St., 8th Floor
Madison, WI 53703

Ray Boland, Chair of the Educational Approval Board, called the meeting to order at 9:05 AM, .

Members Present

Ray Boland, Gene Kussart, Rick Berg, Gary Grueter for Jon Litscher, Delora Newton

Absent: Georgiana Giese, Leroy Conner

Others Present

William Kloster (WDVA), James Uihlein and James Wawrzyn (Governor's Office), Rick deMoya, Joan Fitzgerald, Yvonne Hagen, Linda Heidtman, and Nancy Warner

Ray Boland began by naming the members of the Board for the record and stated that a quorum of Board Members was in attendance. Mr. Boland then introduced Rick deMoya, acting WDVA Administrator, as the Interim Executive Secretary for the Educational Approval Board. Mr. Boland told the Board members that he had asked Mr. deMoya to act in that role when Joe Davis retired. He continued to tell the Board members that Rick had been working with the EAB staff to affect a transition. Mr. Boland next introduced William Kloster, also recently appointed Executive Assistant for the WDVA, whose presence was important due to long-term legislative implications.

At this time, Mr. Boland asked for consideration and acceptance of the Board meeting minutes from the October 23rd, 2000, meeting.

Mr. Kussart said that at the last Board Meeting, a discussion had begun on the concept of the 'high stakes testing' and to his recollection a request was made to find out what UW Madison's policy on the subject was as well as the Wisconsin Technical System Board. Mr. Kussart wanted to know if it was still possible to obtain this information. Mr. Boland then asked Mr. deMoya to follow up and report on this issue. Mr. Boland continued to say that the Board's attitude at that time was that before a position was taken, we would want to know what other educational entities' policy on that issue was.

Mr. Boland then called for any further discussion on October's minutes. No further discussion ensued, and a motion was made and seconded to accept the October 23, 2000 minutes. Mr. Boland then announced that it was time for election of officers for the Board, which is to be done annually, the first meeting after the New Year. The offices are for Chair, Vice Chair, and Secretary. A motion was made and seconded and the Board members voted unanimously to keep Ray Boland in the Chair position. Nominations were asked for the position of Vice Chair. Gene Kussart was nominated for the Vice Chair position. No other nominations were made and this nomination was seconded and voted unanimously by the Board Members. Nominations were

asked for the Secretary position. Delora Newton was nominated for the Secretary position, which was seconded and voted on unanimously by the Board members.

Rick deMoya provided the Executive Secretary's Report. Mr. deMoya first offered that there are many challenges that face the Educational Approval Board and the State Approving Authority. Mr. deMoya said he had been briefed in the last month and a half on those challenges and is very immersed in them. Mr. deMoya stated that he had inherited a vision and priorities established by Joe Davis and his staff on what he felt were fiscally sound and technically sound directions for the EAB. Mr. deMoya went on to say that it is EAB's intent to continue to be a force in Wisconsin's education and training policy debate. Mr. deMoya told the Board that there are a number of issues facing the EAB that are causing problems for staff and their consumer protection role, in particular, the issue of 'Distance Education/distance learning' and how we relate to those initiatives in that arena. Other issues to be considered are licensure and certification of computer technology schools, which have been very problematic not only for this state but states across the country. Mr. deMoya stated that the EAB staff continues to meet about the above issues and will continue to report any progress on how those issues will be addressed. A paper written by Joe Davis on "Post-secondary Education Reform, was referenced and was one of the inserts in the Board books. Mr. deMoya summarized the results of the last biennial budget reiterating the DVA's administrative control of the 8-person staff for personnel, supplies, logistics, IT, and accounting issues. Mr. deMoya then said that in this biennial budget the 3-person State Approving Authority would be transferred to the DVA organization but that it would still be located with the 5-person EAB staff on the 9th floor of 30 W. Mifflin Street. Mr. deMoya said they felt this was important for the continuation and cross-fertilization of ideas as well as administrative control of the EAB. Mr. deMoya continued by saying the EAB would discontinue its legal relationship with the Department of Justice and would be transferring this need to DVA's legal counsel and emphasized the importance of this change in that it would save Board members time in adjudication of such things as student complaints. Mr. deMoya believes the statutes are flexible enough to delegate that authority down to the DVA's legal Hearing process thereby handling issues in a more timely fashion and save encumbrance of the Board's time. Mr. deMoya stated that he would keep the Board informed on any such transactions in the event that a new Executive Secretary is not hired by the next Board meeting in September.

Mr. deMoya next discussed the yearly evaluation of the State Approving Authority's (SAA) performance across the country as conducted by the U.S. Department of Veterans Affairs - Joint Peer Review Group (JPRG). Unfortunately the evaluation of the Wisconsin SAA for the past fiscal year was minimally satisfactory which was due in large measure to the inability of our staff to conduct the requisite amount of oversight visits as required by JPRG's checklist. This was due primarily to the shortage of FTE on our staff but this process that we went through is totally objective, there was no subjective review. The SAA was given the opportunity to appeal and the evaluation was upgraded to satisfactory. Mr. deMoya said a valuable lesson was learned and appropriate steps had been taken to remedy the previous problem created by the vacancy of one Educational Specialist in the SAA cell of the EAB. Mr. deMoya further stated that the U.S. D.V.A. also provided recommendations to supplement the upgrade in the yearly evaluation on how to reorient our process goals and how we can make a distinction between the pilot itself and meeting the requirements of the supervisory visits that all other states are doing. Mr. deMoya also said the State Approving Agency (SAA) is working with the VA staff weekly and daily to

ensure that we continue to have their support as the SAA develops the pilot. The next outcome assessment report has a target date of August 31st and Mr. deMoya will report on that at the next Board meeting.

Chairman Boland interjected that he spoke to the U.S. DVA- JPRG team, about the merger that was to take place with the WDVA and the SAA portion of the EAB when the budget is signed, and felt that they were very comfortable with this new direction.

Rick Berg asked if switching the legal support from the Department of Justice to the Department of Veterans Affairs was just a choice the EAB can make and there is no other action required?

Mr. deMoya said there is no directive that he knew of that required the EAB to work with a particular agency over another for legal matters. The EAB has made informal coordination with the Department of Justice (DOJ) office and they are quite willing to hand over the responsibility for the legal issues.

Chairman Boland then reiterated his past and present involvement with the EAB regarding the issue of handling EAB's legal matters. When Mr. Boland first became involved with the EAB, the EAB had its own legal counsel. That position was lost and the deal was made to have the Department of Justice handle EAB's legal matters. Mr. Boland continued to say that when they looked at all the administrative support services and control the DVA has acquired over the EAB and SAA, it just seemed to make sense to handle the legal matters too as the DVA's legal section is very capable of handling these matters.

Mr. Berg then responded to say he was not opposed to this action but he was curious to know if there were any statutory constraints with this decision.

Gene Kussart wanted to know more about the ruling of 'minimally satisfactory' received by the SAA for FY00 from the U.S Department of Veterans Affairs. Mr. Kussart repeated Mr. deMoya's statement on how the weakness, which caused this ruling, was not major and that it was due to the fact that we did not make the required site visits. Mr. Kussart wanted to know if this situation was due to not having enough FTE's authorized for the position so the appropriate number of site visits could be made?

Mr. deMoya stated that the ruling was due to the fact that the SAA had one FTE on leave of absence for almost the entire evaluation period and since we had expected that employee to return, no action was taken to hire an LTE or Project employee to replace her. Unfortunately she continued to be absent and still has not returned. Mr. deMoya continued to say that the EAB has hired a surplus employee and is back on track.

Delora Newton asked what process are we undergoing to hire a new Executive Secretary?

Ray Boland stated that Rick deMoya has been working with Joe Davis to review the position description and the criteria needed to do the job.

Mr. deMoya verified Chairman Boland's response and added that he was not working directly with that development but the DVA's personnel Division Administrator was. Mr. deMoya added further that an important change in the description of that position would need to be incorporated as the SAA piece of the responsibilities will become integrated into the DVA' organizational structure.

At this time, documents were passed out to the Board Members and audience participants. The documents included a letter to Representative Robin Kreibich written by Ray Boland, Secretary of Veterans Affairs with an attached document written by Joseph Davis proposing the creation of 'A State Higher Education Commission' which detailed objectives in obtaining such a Commission. The third attachment was the 'FY 2001-2003 Biennial Budget Amendment.' Chairman Boland said that the paper summarized where we are trying to go with this concept of a Higher Education Commission. Chairman Boland continued to say that he had met with Representative Kreibich a month ago and went through the whole discussion of this situation and made an appeal to Representative Kreibich to get his help with the Education Committee to introduce something into this budget that would require a corporate study of this issue. Joe Davis and he basically did the study and the research and submitted it to the administration and it did work its way into a budget proposal which unfortunately fell out of the budget process about the time the new Governor passed it on to the legislature

Mr. Berg then asked if it would be the hope of the Board and the staff and the study if it were approved that it be completed in time for possible inclusion or action in the next biennium?

Chairman Boland responded that yes this is exactly what we are hoping. He said he accepted the fact sometime recently that this just wasn't going to get done in this budget and so that's when he decided that we should at least get the requirement in here to do something in the next budget.

Delora Newton asked if the Board could take some action today to take a formal vote that the EAB would work with Representative Kreibich to promote this study?

Mr. Kussart then said he didn't have a problem with the language as it's presented here but asked for clarification on what might happen if this action was approved.

Chairman Boland said that this was one of the questions Representative Kreibich had also. He was concerned as to who should do this study if this amendment were passed and Chairman Boland told Representative Kreibich that he was less concerned as to who was to conduct the study rather that it must be conducted.

Mr. Kussart asked if this study would take a look at how we coordinate our post-secondary education? Does it mean we would actually have a commission looking at the Board of Regents or the Technical College System Board as well as how we deal with proprietary institutions?

Chairman Boland said yes, it would cover the whole spectrum in the manner that many other states have done and in a way that other states have found themselves able to do without having conflict among the players. Chairman Boland believes there is a way of going about this in

which the forum is brought together and those issues you are dealing with are in the best interest of the State.

Mr. Kussart stated that after spending time as Governor Thompson's Special Assistant dealing with the labor shortage that the coordination amongst different bodies that are out there dealing with post-secondary education is not what we would of hope for or expect or want consequently, this would be beneficial.

Chairman Boland agreed there is indeed a long way to go but it has worked in other states and so remained hopeful that at some point enough of the right people will get together on this as it is just important to the University as it is to the Technical Systems Board that some of these issues get resolved particularly in the area of Distance Learning. Chairman Boland stated that one of the things Representative Kreibich asked about was getting the education committees that could form the study group. Chairman Boland said Representative Kreibich suggested that he also talk to Representative Jensen about the study and get some hearings going.

Delora Newton made a motion that the Educational Approval Board formally endorse the intent of this amendment and that we send notice of that to members of the legislature.

Mr. Kussart seconded the motion and a unanimous favorable vote was taken.

Chairman Boland stated that the proposal that went into the budget process talks to an organizational design of who these players would be. He then mentioned that Mr. James Wawrzyn was present and as the policy coordinator for the Governor's office that he has been getting briefed on all of these matters including the meeting we had yesterday which included a new Educational Policy Advisor for the administration (Bill Cosh). Chairman Boland said they reviewed the bidding on all of this yesterday including what transpired with Representative Kreibich which Chairman Boland believed had the full support of the Governor's office.

Mr. James Wawrzyn responded that was correct.

Mr. deMoya stated that a document on SAA changes had been sent to the Board Members already but that he would summarize it for them as it requires the Board's action. Mr. deMoya stated that Title 38 U.S. Code offers guidelines for criteria for approval of non accredited non-college degree programs. Mr. deMoya said 14 of the 21 are mandated by Federal regulation and Title 38. The latitude is that in those statues we are allowed to locally supplement those criteria as we see fit. Mr. deMoya said what he had done was to highlight in yellow those 7 items that the SAA would like to use in Wisconsin to further require programs to meet standards that the Wisconsin SAA believes are important. Mr. deMoya elaborated on the great variance in hours required between programs and the variations in admission standards or satisfactory progress standards for these schools. There needs to be some constraints for which we will evaluate in that process. Mr. deMoya asked the Board to take the appropriate action to approve the 7 additional criteria for approval of non accredited non college degree programs for veterans training in supplement to those identified and entitled U.S. Code 38.

Ms. Newton said that she felt they highlighted criteria would add strength to the criteria and be a better consumer protection item and ensure that people who are enrolling in classes are getting something for their money. Ms. Newton made a motion to add the 7 criteria.

Mr. Kussart seconded the motion and a unanimous vote was given in favor of adding the criteria.

Chairman Boland welcomed the Board members to look at the 9th floor where staff will be housed. He then expressed his appreciation on behalf of the EAB staff. Mr. Boland emphasized how the last couple of years have been very difficult for the EAB as it's been a bouncing ball of you're going here and you're going there, you're doing this, you're doing that and it has been stressful for the staff. Chairman Boland wanted to emphasize to staff that he and his staff and very aware and compassionate to these issues and hope to give the EAB the support needed to do the job. Chairman Boland stated that he is committed to moving forward and hopes that with Rick deMoya spending time with staff regularly will help meet their needs. Chairman Boland asked if the staff had any questions and there were none. Chairman Boland then asked for a motion to adjourn. A motion was given and seconded and the meeting was formally ended.