

EDUCATIONAL APPROVAL BOARD

Meeting of June 17, 2003
1:30 p.m.

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

Members Present: Raymond G. Boland, Leroy Conner, Jr., Georgiana Giese, Gene Kussart, Delora Newton

Others Present: David Dies, Joan Fitzgerald, Linda Heidtman, Patrick Sweeney, Blanca James, EAB; John Rosinski, WDVA

Raymond Boland, Chair of the Educational Approval Board (EAB), called the meeting to order at 1:36 p.m. He noted that all members were present. A motion (Giese/Kussart) to approve the minutes of March 27, 2003 was adopted unanimously.

BOARD CHAIR'S REPORT

Mr. Boland reported that he had a couple of meetings with members of the Governor's office in regard to the board vacancies and about EAB policies as well as the status of the Board with respect to the future.

EXECUTIVE SECRETARY'S REPORT

AWARENESS AND UNDERSTANDING OF THE EAB AND APPROVED SCHOOLS

- Mr. Dies reported that a student intern had been hired to redesign the EAB website, which was launched on May 29. Board members were briefed on the redesigned website which included changes to conform with state standards; user friendly features for schools and students needing information; a new section linking to new items such as the calendar and the newsletter. Mr. Dies demonstrated the school search features that now include real-time information on programs, locations, and school profiles. The website also provides useful resources for schools such as information about the approval application process, school forms, and school renewal. It also provides access to EAB board and staff information (including board agendas and minutes), related state statutes and administrative code, and the EAB's Strategic Plan.
- Mr. Dies referenced the meeting that Mr. Boland had with the Governor's Chief of Staff several months ago in which he briefed her on the role the EAB plays in education and informed her of the board member vacancies. As a result of that meeting, Mr. Dies met with Tim Casper, the Governor's education policy advisor. Mr. Dies provided him an overview of the EAB's history and purpose, but concentrated on three key issues -- the EAB's legislative agenda, the governance of higher education in Wisconsin, and the need to fill the existing board vacancies. There did not appear to be a sense of much urgency regarding the latter since the administration is tied-up with the budget.

Mr. Dies also indicated that he tried to assess Mr. Casper's position on education issues and his role within the new administration. After further discussion about the overall picture of postsecondary education coordination in the State of Wisconsin, Mr. Boland indicated that he feels the administration is aware of the issues facing Wisconsin.

POSITIVE WORKING RELATIONSHIPS AND ALLIANCES

Mr. Dies discussed some of the EAB's work with other state agencies.

- Department of Justice (DOJ) -- The EAB is working to establish a more formal relationship with the DOJ. A request to have a DOJ attorney assigned to the EAB with whom it would work on enforcement related issues has been made. Mr. Dies met with Mike Bauer, Administrator of the Division of Legal Services, who was very supportive and open to the request. He indicated that consumer protection and education were two priorities of the new Attorney General. Mr. Bauer will work on identifying an individual.

Mr. Dies noted that the relationship with the Department of Veterans Affairs' legal office would remain unchanged for routine legal matters. However, the statutes provide that the Attorney General (and District Attorneys) have enforcement responsibility.

- Department of Regulation (DRL) -- Mr. Dies gave an update on the EAB's efforts related to the implementation of emergency administrative rules related to the passage of new massage therapy legislation (2001 Wisconsin Act 74). In April, EAB staff held a meeting with massage therapy schools. Representatives from DRL attended and had an opportunity to discuss the certification process with the schools.

CONSUMER PROTECTION AND EDUCATIONAL CHOICES

- State Records Retention Policy -- Mr. Dies reported that, as authorized by the Board at its last meeting, EAB staff has begun to develop a state records retention policy. EAB staff conducted a survey of other states and solicited information from on records retention policies. Staff learned that with the exception of a few states, most states are not able to address this issue very well.

Mr. Dies discussed Mount Senario College (MSC), a school exempt from EAB oversight which closed in 2002. MSC has been unable to find another school to take their student records (most of the records are on disk or microfiche). The school has contacted the EAB seeking advice. EAB staff has discussed the situation with the Governor's Office, State Records Board, and Historical Society. Currently, the EAB staff is exploring whether it is feasible to become custodian of those records in order to protect the interests of both student and the public. Such action may also help leverage a long-term legislative solution for a statewide records retention policy for closed schools. If the EAB accepts the records, it would charge a fee to cover the cost of maintaining the records.

- School Renewal for 2004 -- It was reported that the EAB's renewal process for 2004 will begin in July. Schools will be sent renewal materials that must be completed and returned to the EAB by September 1.

OPERATIONAL / ADMINISTRATIVE POLICIES AND PROCEDURES

- Administrative Services Agreement -- Mr. Dies reported that the administrative services agreement with the Department of Veterans Affairs for FY 03 was finalized on June 3. After a comprehensive review, negotiations resulted in a better and more accurate assessment of the support provided by the DVA. Under this agreement, the DVA provides the EAB accounting, budget, fiscal management, IT, legal, payroll, personnel, and purchasing services.
- EAB Board Manual -- A draft version of a manual for members of the EAB board was made available. The purpose of this manual is to provide a comprehensive resource that contains an overview of the EAB as it is today, its history, board operations and responsibilities, strategic plan, statutory authority, school application information, and other relevant materials.

SCHOOL APPROVAL ISSUES

Mr. Dies requested board approval of items A through D (new programs, new locations, revised programs, and change of ownership) contained in the State Activity Report. A motion (Kussart/Conner) to approve items A through D of the State Activity Report was adopted unanimously.

Mr. Dies briefed members on the Holistic Medicine College, LLC (a.k.a. Holistic Health College). This school had been granted a religious exemption in January 2002. However, after receiving several inquiries regarding the school and upon investigation, EAB staff determined that the company was offering degrees beyond those covered under the original exemption. A cease and desist order was issued by the EAB after the company failed to comply with EAB approval requirements.

The school requested a hearing before the board, but EAB staff is denying this request on the basis that the administrative rules do not provide for such an appeal. Mr. Rosinski discussed the statutory language that allows for the EAB to deny a hearing at this time to the Holistic Health College, LLC.

Mr. Dies asked Patrick Sweeney to provide to the board with background information on the issues leading the EAB to the cease and desist order. Mr. Sweeney described the problem of not having protected terms for college or university as it is done in other states. The notion of not actually being able to define what a degree or doctorate degree is can be very problematic for consumers.

2003-05 BUDGET UPDATE

Mr. Dies indicated that he had met with analysts from the Legislative Fiscal Bureau (LFB) to discuss the Student Protection Fund. On May 7 the Joint Finance Committee (JFC) scheduled an executive session to consider the Student Protection Fund proposal. There were three alternatives identified -- approve the request, approve the request with the fund capped at \$1.0 million, or deny the request.

Mr. Dies reported that on May 7 the EAB learned that there were some Senate members of the committee opposed to the request. The JFC was unable to take up the Student Protection Fund issue on May 7, and on May 8, after a great deal of lobbying for the proposal's support, the JFC adopted the Student Protection Fund proposal with a \$1.0 million cap on a vote 15-1.

STRATEGIC PLAN

Mr. Dies noted that the EAB's strategic plan has been reviewed and updated. Mr. Dies pointed out the accomplishments made last year that had been integrated in the plan. Comments or other input regarding the plan would be welcome.

CLOSED SESSION

Mr. Boland entertained a motion to go into closed session. Ms. Newton moved under s.19.85(1)c., *Wis. Stats.*, that the board go into closed session for the purpose of considering performance evaluation and compensation of the Executive Secretary. The motion was seconded by Mr. Conner and approved 5-0. It was noted that the meeting would not reconvene after the closed session.

ADJOURNMENT

A motion to adjourn (Kussart/Newton) was unanimously approved at 2:55 p.m.