

EDUCATIONAL APPROVAL BOARD

Meeting of March 27, 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; Brian Elliott, Whyte Hirschboeck, Dudek SC (representing Phoenix University).

Raymond Boland, Chair of the Educational Approval Board (EAB), called the meeting to order at 1:40 p.m. He noted that all members were present. A motion (Kussart, Newton) to approve the December 17, 2002, minutes was adopted unanimously.

BOARD CHAIR'S REPORT

Mr. Boland indicated that there are two board vacancies following the resignation of Jon Litscher in December. He indicated that he had met with the Governor's chief of staff to review the status of the EAB board. After explaining the role of the EAB, it was agreed that the EAB would work with the Governor's Office to fill the board vacancies and to get the new administration involved in discussing the role of the EAB.

Mr. Boland reminded members that EAB officers would be elected at the meeting, as required by law. Mr. Boland extended his congratulations on behalf of the board to Mr. Dies who was recently appointed by Chief Justice Shirley Abrahamson to a three-year term on the 9th District Investigative Committee of the Office of Lawyer Regulation. The committee reviews attorney disciplinary matters.

EXECUTIVE SECRETARY'S REPORT

Mr. Dies called the board's attention to the Approved Schools Directory that was provided for members at the meeting. New to this year's directory is profile information for approved schools and the students they serve. Mr. Dies indicated the EAB has been receiving feedback on the directory, particularly from high school guidance counselors who indicated the directory is helpful in identifying educational alternatives for students.

Mr. Dies pointed out the Executive Secretary's Report format has changed based on staff suggestions. The format is drawn from the EAB's strategic planning goals and is reflected in the report's four major headings -- Awareness and Understanding of the EAB and Approved Schools, Positive Working Relationships and Alliances, Consumer Protection and Educational Choices, and Operational/Administrative Policies and Procedures.

Positive Working Relationships and Alliances

The EAB staff has been working with officials from the Department of Regulation and Licensing (DRL) regarding the implementation of emergency massage therapy rules. At the same time, EAB staff is working with DRL to eliminate the provision created by 2001 Wisconsin Act 74 that requires the EAB to certify individuals as massage therapists. This requirement duplicates the work of DRL.

Mr. Dies reported that an initial meeting was held with the Department of Justice (DOJ) regarding a more formal relationship between the two agencies. He pointed out that legal counsel from the Department of Veterans Affairs currently provides advice to the EAB on routine matters, but statutes provide that the Attorney General and District Attorney are the agents that have enforcement responsibilities.

Consumer Protection and Education Choices

It was reported that the school renewal process for 2003 has been completed and all but three schools have made full payment.

Under an informal agreement, the Distance Education and Training Council (DETC) has helped the EAB over the past seven years protect consumers enrolled in DETC accredited schools. As a result of new rules adopted by the EAB regarding distance learning, the EAB is seeking a more formal agreement. Mr. Dies referred board members to the draft memorandum of understanding (MOU) which would formalize the relationship between the two organizations.

At a meeting with the Department of Public Instruction (DPI) regarding teacher licensure, the EAB was informed that DPI would no longer approve individual teacher education courses that are offered by EAB-approved schools. Although the EAB approves postsecondary teacher licensure *programs*, it has left the approval of individual *courses* to DPI. Under the old teacher licensure rules, these individual courses allowed teachers to move up the salary scale. With the new rules under PI 34, professional development plans will be the means in which teacher licenses are renewed. This policy change at DPI creates an issue for those teachers who will be grandfathered under the old rules, and EAB is seeking ways to deal with this situation.

Operational/Administrative Policies and Procedures

An intern from MATC has been hired to redesign the EAB's website. EAB staff is very pleased with the intern's skills, and the redesigned website is scheduled to be completed in late April. Mr. Dies also indicated that there likely would be a need to transfer of dollars between budget lines as the end of the fiscal year approaches, but overall spending is within budget.

ELECTION OF OFFICERS

Mr. Boland indicated the Board is required to elect officers at its first meeting of each year. The officers shall consist of a Chairperson, Vice-Chairperson, and Secretary. He pointed out the law allows officers to be re-elected for successive terms. Current officers of the board are Ray Boland, Chairperson; Gene Kussart, Vice-Chairperson; and Delora Newton, Secretary. The current officers were nominated (Conner, Giese) to serve another term. There was no discussion. A motion (Conner, Giese) to approve the nomination was adopted unanimously.

REVOCATION OF APPROVAL APPEAL HEARING

Mr. Dies informed the board that Greg Patterson, president of the New Horizons Computer Learning Center - Racine, who had requested a hearing regarding the EAB action to revoke the school's approval, notified staff that he would not be attending the meeting. Mr. Rosinski indicated that Mr. Patterson was hoping to secure a bond prior to the appeal hearing but was not successful, and said there was no need for board action. The revocation of school approval will stand because the individual did not exercise his right to appeal.

SCHOOL APPROVAL ISSUES

Mr. Dies requested board approval of items A through G as contained in the School Approval Issues Report -- New Schools, New Programs, New Locations, Revised Programs, Program Name Changes, School Name Changes, and Change of Ownership. A motion (Newton, Giese) to approve items A through G of the State Activity Report was adopted unanimously.

Mr. Dies also discussed the approval status of TechSkills, a computer school whose approval had been revoked on January 31. The school appealed that decision and based on its ability to secure a bond and resolve major compliance issues, the revocation decision was stayed for a period of three weeks during which other compliance issues needed to be resolved. After the three-week period, sufficient progress had been made to address the remaining compliance issues and the revocation decision was rescinded. Mr. Dies noted the ongoing problems with the school and indicated that if ongoing problems continue, additional EAB action may be needed.

Mr. Dies noted that EAB staff has made contact with a significant number of students who had attended Career Tech and has been able to process refund checks to those students. The EAB is attempting to track down remaining students, but if unsuccessful the refunds will be forwarded to the State Treasurer's office and placed in the unclaimed property account where they will remain indefinitely. It was noted that the EAB is also in the process of identifying the amount of money that will be available for former OnIT students and hopes it will be in a position to make a claim on the bond shortly.

ADMINISTRATIVE RULES

Mr. Dies provided an update for the board on the proposed administrative rules, and indicated that they had been sent to the Legislature in early January and referred to the respective higher education standing committees in each house. Mr. Dies reported that he had conversations with the respective legislative offices and there was no interest by either committee to hold a hearing. Proof copies had been exchanged with the Revisor of Statutes, and the rules will take effect on May 1, 2003.

2003-05 BIENNIAL BUDGET

Mr. Dies reported that the Governor had approved all the items submitted to the Department of Administration, and the retained earnings account that the EAB plans to transfer to the student protection fund remains intact. It was noted that the EAB does not have authority to expend these funds.

LEGISLATIVE INITIATIVES

EAB staff recommended the board adopt a number of specific legislative initiatives that will require separate legislation. Mr. Dies directed the board's attention to a briefing document that had been presented to the board at its September 10, 2002 meeting. He indicated that the board had already taken action to pursue several items identified in the briefing document, namely the creation of a student protection fund and administrative rules changes affecting distance education, bonding requirements, and intermediate sanctions.

Presently, the EAB staff is seeking board approval to move forward with three items that staff consider achievable given the nature of the issues and legislative time frames. Mr. Dies went on to summarize:

- General statutory updates would address inconsistencies between the EAB's statutory authority and administrative rules, and limitations facing the EAB in protecting consumers. Statutory changes would also be sought giving the EAB authority to assess fines and initiate certain legal actions.
- The definition of a school would be revised to reflect the notion of profit or tuition, as was once the case. The definition would apply to any person, private trade, distance learning, business, or technical school located within or outside this state maintaining advertising or conducting any program for profit or tuition.
- The lack of a state records retention policy is an issue that has been raised in the past and needs to be addressed. Lori Yaun from the Great Lakes Higher Education Corporation addressed the board on this issue at its December 2002 meeting. Because of this issues broad scope, the EAB will need to work collaboratively with the university and the technical college systems and the Wisconsin Association of Independent Colleges and Universities to come up with a consistent policy. A review of statutes concludes that there is no state policy. Currently the EAB is custodian of records for nine closed schools.

A motion (Conner/Kussart) to direct EAB staff to pursue legislation for the School Definition, Retention of Records, and the General Legislative Update items was approved unanimously.

ADJOURNMENT

Mr. Dies notified the board that the September 2003 board meeting date has been changed to Tuesday, September 9. There being no other business, a motion (Conner, Newton) to adjourn was made and approved unanimously at 2:19 p.m.