

EDUCATIONAL APPROVAL BOARD MEETING

Wednesday, June 1, 2011

10:30 a.m.

8th Floor Board Room
30 West Mifflin Street
Madison, WI

Members Present: Christy L. Brown, Michael Cooney, Terry Craney, Joe Heim, Jo Oyama-Miller, and Monica Williams

Others Present: David Dies, Zachary Galin, Linda Heidtman, Blanca James, *Educational Approval Board*; Brock Vander Velden, *Globe University*; Kristin Melby, *Rasmussen College*; Mark Szolyga, *Sanford-Brown College – Milwaukee*; Mike Rogowski, *Whyte Hirschboeck Dudek SC (University of Phoenix)*

The chair of the Educational Approval Board (EAB), Michael Cooney, called the meeting to order at 10:40 a.m. Ms. Oyama-Miller noted that on page three, fourth paragraph, second line, the year should be reference 2011, not 2010. A motion (Craney, Williams) to approve the December 15, 2010 board meeting minutes was adopted unanimously (Brown abstained).

Mr. Heim arrived at 10:41 a.m.

BOARD CHAIR'S REPORT

Mr. Cooney commented on the federal program integrity rules, which were published last fall and go into effect July 1, 2011.

PUBLIC COMMENT

None.

OFFICER ELECTIONS

Mr. Cooney noted that state law requires officers to be elected at the board's first meeting of the year. Because no board meeting was held in March, officer elections need to be held. Mr. Cooney entertained nominations for secretary. Mr. Craney nominated Joseph Heim. Mr. Heim accepted the nomination and was elected unanimously. Mr. Cooney entertained nominations for vice-chairperson. Mr. Craney nominated Monica Williams. Ms. Williams accepted the nomination and was elected unanimously. Mr. Cooney relinquished the chair to Ms. Williams who entertained nominations for chairperson. Mr. Craney nominated Michael Cooney. Mr. Cooney accepted the nomination and was elected unanimously. Ms. Williams relinquished the chair to Mr. Cooney.

BOARD STATUS REPORT

Mr. Dies highlighted several items contained on the board status report. The complete board status report can be found in the materials provided at the meeting and on the EAB's website.

Involvement in Postsecondary Education Policy Decisions

Interstate Reciprocity – Mr. Dies provided a brief summary on national efforts to enhance the efficiency of state regulatory processes and address multistate institutional approval through an interstate compact. Mr. Dies reported that the model template being developed represents little visionary thinking and is based on existing regulatory practices. In his opinion, the model fails to recognize that distance learning is changing the educational landscape that has existed for centuries.

Positive Working Relationships and Alliances

State Higher Education Executive Officers (SHEEO) – Mr. Dies gave a brief description of SHEEO's functions and responsibilities, and its recent commitment to develop a directory of state agencies and individuals responsible for implementing state quality assurance laws as well as a compendium of state laws and regulations. Mr. Dies accepted an invitation to be a member of the SHEEO national advisory board.

Reports/Interview – Mr. Dies commented on the EAB's recognition as a progressive leader in the private post-secondary sector. He cited George Washington University research paper identifying the EAB as a model state regulatory agency, his interview with Government Accountability Office staff about for-profit school oversight, and a report issued by the Center for Higher Education Policy Analysis that notes the EAB creates a healthy business environment while protecting consumers.

Operational / Administrative Procedures and Policies

Office Relocation – Mr. Dies reported the EAB had been informed by the Department of Veterans Affairs that they plan to vacate the 9th floor, which is where the EAB presently maintains its offices. The EAB is working to identify suitable alternatives with state facilities staff at the Department of Administration.

Database Enhancement – Mr. Dies noted that the EAB is currently implementing the third phase of the database redesign project. Mr. Dies said the new information maintained in the database would better define the schools, contacts and programs. The redesign would specifically improve the information gathered for those schools with multiple campuses and administrative offices.

SCHOOL APPROVAL ISSUES

Mr. Dies summarized actions taken by staff. He noted the approval of Westwood College and concerns regarding Anthem College's staffing and program issues as previously reported at the board's December 2010 meeting.

A motion (Craney, Oyama-Miller) to approve items A through I of the School Activity Report for the period of December 8, 2010 through May 25, 2011, was approved unanimously.

FEDERAL PROGRAM INTEGRITY RULES

As part of his report, Mr. Dies updated board members on the new federal program integrity rules that go into effect on July 1, 2011; including two “Dear Colleague” letters from the U.S. Department of Education, which make an attempt to clarify the ambiguities and confusion the rules have generated. Although the letters helped to clarify some of the aspects of the rule, there is still a lot of confusion that remains to be addressed.

Mr. Dies discussed three specific issues related to the new rules:

- *State Authorization* as it relates to in-state, non-profit institutions, because of their current exemption status;
- *Student Complaints* that will require states to have a defined student complaint process to appropriately review and resolve the complaints; and,
- *Distance Learning* changes that have resulted in excess of 200 inquiries from institutions inquiring about state requirements.

SCOPE OF EAB OVERSIGHT

Mr. Dies provided a summary of the EAB’s scope of oversight. Current law exempts certain types of institutions from EAB oversight. He provided an overview of the most significant exemptions, noting that it was important to remember the approval authority of the EAB applies to the institution as well as to its programs. Mr. Dies also noted the increase in the number of approved for-profit sector schools and changes associated with distance learning, noting that these changes require a conversation about and a reassessment of the EAB’s oversight of certain types of institutions and programs.

Mr. Dies suggested the board consider institutional and programmatic questions prior to before entering into a discussion about the scope of EAB oversight. He also noted the proposed modernization bill would affect the current statutory exemptions.

The board reaffirmed the EAB’s role of overseeing out-of-state, non-profit institutions and should continue to exempt religious institutions. They indicated the EAB should maintain no oversight of the out-of-state, public institutions and keep the intent of the current exemption. The board also agreed that the EAB should have the ability to determine the types of credentials an institution awards. Mr. Dies provided the board with the definitions used by the EAB staff.

The board considered oversight of English as a Second Language (ESL) and test preparation schools. Because the ESL schools do not directly prepare individuals for a profession and test preparation training is designed around test taking as a review of subject matter already provided or skills previously learned, neither need EAB approval.

Mr. Dies added that an underlying issue related to the scope of EAB oversight is the current capacity to properly oversee the schools and handle the overwhelming number of inquiries coming in from out-of state institutions offering programs to Wisconsin residents via distance learning. He noted that the EAB has, unsuccessfully, sought additional resources in each of the past three biennial budgets. Despite being program revenue funded, the requests have been denied.

A motion (Williams, Oyama-Miller) endorsing the board positions previously discussed and requesting EAB staff to provide further recommendations at a future board meeting was unanimously approved.

MOTION TO CONVENE A CLOSED SESSION

A motion (Oyama-Miller, Williams) to hold a closed session under s.19.85 (1) (c), *Wis. Stats.*, to consider the performance and compensation of the executive secretary in accordance with s.38.50 (5), *Wis. Stats.* was approved 6-0 at 12:20 p.m.

RECONVENE IN OPEN SESSION

The board reconvened in open session at 12:26 p.m.

After some brief comments and discussion, a motion (Brown, Williams) to accept the draft of evaluation as drafted by the board chair was adopted 6-0 at 12:32 p.m.

ADJOURNMENT

A motion (Oyama-Miller, Craney) to adjourn was unanimously approved at 12:35 p.m.