

**STATE OF WISCONSIN
EDUCATIONAL APPROVAL BOARD MEETING**

September 21, 2011
10:30 a.m.

8th Floor Board Room
30 W. Mifflin Street
Madison, WI

AGENDA

Call to Order

Roll Call

Approval of Minutes – June 1, 2011 (Tab 1)

- Board Chair's Remarks
- Public Comment¹
- Board Status Report – Information (Tab 2)
- School Approval Issues – ACTION (Tab 3)
- Federal Program Integrity Rules – Information (Tab 4)
- EAB Modernization Bill – Information (Tab 5)

Adjournment

Next Scheduled Meeting – December 14, 2011

¹ Members of the public are invited to address the Board regarding any item on the agenda or item of interest that is not on the agenda. The Board cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda. Persons wishing to address the Board must note their intent on the meeting sign-in sheet. Comments will generally be limited to five minutes per speaker; however, a shorter limit may be declared by the Chair if there are a large number of persons wishing to speak. A total of fifteen minutes shall be devoted to public comments.



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 highlight 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 (_____, 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.

EDUCATIONAL APPROVAL BOARD

BOARD MEETING

SEPTEMBER 21, 2011

BOARD STATUS REPORT

INVOLVEMENT IN POSTSECONDARY EDUCATION POLICY DECISIONS

- Use of the Term College

When the Joint Committee on Finance (JCF) was considering the 2011-13 state budget, a provision was included in the final omnibus motion that created an exemption to the restriction under s.38.50 (12), *Wis. Stats.*, that limits the use of the term “college” or “university” to those institutions that award an associate or higher degree and are properly accredited.

The exemption included in the state budget will allow a residential facility in the Village of Union Grove to use the term "college" in its name. The facility assists young adults with disabilities transition from home and school to work and independent living. Because the facility is exempt from federal income taxes and was incorporated prior to January 1, 1992 it is exempt from EAB oversight. The Village of Union Grove is located in the district of Representative Robin Voss, the co-chair of JCF.

At the request of the state budget office, the EAB provided information about the history of the restriction language and offered its analysis of the exemption provision. Although the EAB expressed concern over the provision, it was not vetoed by the Governor.

- Voter ID Requirements

Starting in 2012, a new law will require all voters in Wisconsin to show a photo ID such as a driver license or state-issued ID in order to receive a ballot and vote. Included in the legislation is a provision allowing students attending a college or university that is accredited in accordance with s.39.30(1)(d)¹, *Wis. Stats.*, to use a student ID.

The Government Accountability Board (GAB) is the state agency charged with implementing the Voter ID law and contacted the EAB for guidance about which colleges and universities should be eligible under the law. A copy of the briefing paper prepared for GAB board members is attached.

¹ An institution accredited by a nationally recognized accrediting agency or by the board of nursing pursuant to s. 441.01(4) or, if not so accredited, is a nonprofit institution of higher education whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

Based on newspaper reports, the GAB determined that only IDs from public or private colleges and universities that award an associate's degree or higher and that are accredited by a regional or national accreditor will be allowed. Allowing IDs from technical colleges was specifically rejected by the Legislature.

POSITIVE WORKING RELATIONSHIPS AND ALLIANCES

- **EAB Approved Schools Conference**

This EAB's approved schools conference will be held on Thursday, November 17, 2011 at the Sheraton Madison Hotel. The theme of this year's conference is *"Listening to Employers Benefits Students"* and will explore the importance of employer advisory committees.

Michael Cooney, EAB Board Chair, will start the day off by giving a "State of the Career Education Sector" presentation. The keynote speaker will be Rob Curtain, Chief Applications Officer for US Education at Microsoft. Jay Hollowell, Vice President and Training Manager, MaxKnowledge, Inc. whose featured presentation about the "Role of Employer Advisory Committees" will round out the morning.

There will be two different panels in the afternoon moderated by Michale McComis, Executive Director of the Accrediting Commission of Career Schools and Colleges (ACCSC) – one comprised of school officials that currently use advisory committees and another of employer representatives that presently serve on an advisory committee.

- **American Association of State Colleges and Universities**

In early August, the EAB was contacted by Thomas Harnisch, a third-year doctoral candidate at George Washington University (GWU) who is writing his dissertation on the challenges facing state regulatory agencies in carrying out their traditional duties in the higher education regulatory "triad" with respect to for-profit colleges and universities in an era of fiscal austerity for state governments and rapid growth in the for-profit college sector.

In addition to pursuing his doctoral degree at GWU, Mr. Harnisch is a research associate with the American Association of State Colleges and Universities focusing on government relations and policy. During an extensive interview, the EAB executive secretary shared his thoughts on the challenges facing states in the state/for-profit college relationship. Mr. Harnisch hopes to build a research portfolio that looks at these challenges and develops policy recommendations and best practices.

- **Globe Education Network Strategy Meeting**

In September, the EAB board chair and executive secretary were members of a panel discussion at a Globe Education Network strategy meeting to address how their business practices will need to change as a result of the new federal program integrity regulations that became effective this past July.

Other panelists included Dr. Al Gray, Executive Director for the Accrediting Council for Independent Colleges and Schools (ACICS); Elise Scanlon, private higher education legal consultant; and Bruce Leftwich, Senior Vice President, at the Association of Private Sector Colleges and Universities.

- **Legislative Audit Bureau**

The Legislative Audit Bureau (LAB) recently completed an evaluation of the educational programs available for working adults at the state's technical colleges. As part of the report, the LAB examined the extent to which technical college districts have been renting space to private educational organizations rather than scheduling their own courses in response to growing enrollment during the economic downturn.

The LAB report – Educational Programs for Working Adults – was released in August and can be accessed using the following link.

http://legis.wisconsin.gov/lab/reports/11-educational_programs_for_working_adults_ltr.pdf

POSTSECONDARY EDUCATIONAL CHOICES (PUBLIC AWARENESS & UNDERSTANDING)

- **National Consumer Law Center**

The National Consumer Law Center (NCLC) is a nonprofit advocacy organization that seeks to build economic security and family wealth for low-income and other economically disadvantaged persons. It promotes access to quality financial services and protects family assets from unfair and exploitive transactions that deplete resources and undermine self-sufficiency.

As part of their Student Loan Borrower Assistance Project, the NCLC is preparing a report that examines the role of states in overseeing the for-profit postsecondary education school industry. It is specifically studying the different fees required in each state, the types of financial protection offered to students in the event of a school closure, and the varying statutes and regulations that govern the sector.

Based on the NCLC's research, Wisconsin has been identified as having one of the best school closure protection models in the country. The EAB executive secretary has been interviewed on several occasions in response to requests for information. A copy of the study will be provided to board members once it is officially released.

OPERATIONAL / ADMINISTRATIVE PROCEDURES AND POLICIES

- **Office Relocation**

At the board's June 2011 meeting, it was reported that the EAB was working with state facilities staff at the Department of Administration (DOA) to identify a new location for the EAB's administrative offices. This action was in response to the EAB being informed by Department of Veteran Affairs (DVA) officials that they are planning to vacate the 9th floor.

The DVA occupies all but two floors of the 10-story building where it maintains its offices. The museum and related offices occupy the first three floors, while all other agency staff is housed on floors five through nine. Initially, DVA was planning to remodel the 8th floor to accommodate its budget and legal personnel currently on the 9th floor. However, remodeling bids have come significantly higher than expected and the remodeling project has been delayed. As a result, it is unclear when the EAB will need to move.

- Request for Increased Position/Expenditure Authority

The EAB has expressed concern about its ability to adequately regulate the postsecondary education institutions subject to its approval for the past eight years. In each of its last four biennial budget requests, additional resources have been sought given the unprecedented increase of EAB-approved institutions. In 2011 alone, the EAB has approved nearly 30 new institutions; bringing the total number of institutions it approves to 193.

Unfortunately, each of the EAB's budget requests for additional resources has been summarily rejected despite compelling and solid justification. While the EAB has implemented a number of administrative efficiencies over the years that have allowed staff to keep their head above water, such as shifting its annual renewal to an online process, it is no longer able to do so. As a result, the EAB staff has either suspended or curtailed certain functions, such as performing regular periodic schools visits.

Because the EAB has been unsuccessful in securing additional resources through the state budget process, it is planning to prepare a Chapter 16 emergency request for additional position and expenditure authority to address its most critical needs.

- Revenue/Expenditure Condition

An overview of the EAB's monthly revenues and expenditures is provided on the attached spreadsheet and corresponding graphs. Due to the tremendous growth of new schools being approved in Wisconsin, revenues for the current fiscal year will be sufficient to cover expenditures.

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Dies, David

From: Dies, David
Sent: Wednesday, June 15, 2011 1:57 PM
To: Boggs, Breann C - DOA
Subject: RE: M518, item 6 - exemption to the restriction on the use of term
Attachments: 09Act300.pdf; SB 431 (Diploma Mill) - Testimony.doc; SB 431 Analysis.doc

Breann,

Thank you for sharing information about the exemption to the statutory provision that restricts the use of the terms "college" and "university". As I mentioned during our conversation yesterday, this provision was created in 2009 Wisconsin Act 300 (SB 431 / AB 624), as part of an effort to protect the state from "diploma mills" setting up shop in Wisconsin and prevent individuals from using a false academic credential. A copy of Act 300 and the testimony offered by the EAB is attached. I have also attached the bill analysis prepared by the EAB.

Although the majority of language found in Act 300 is under the statutory authority of the EAB (s.38.50), the provisions apply more broadly to any education/training provider. However, because the state does not have any sort of postsecondary coordinating body, the drafting attorneys at the Legislative Reference Bureau concluded that the EAB statutes were the "best-fit" for the language.

An exemption to the use of the term "college" or "university" is contained in Section 1105n of ASA1 to AB 40 and applies to a residential school called "Shepherds Ministries" as you suspected. The EAB has had prior contact with this organization, which is not subject to the EAB's oversight because it is exempt under s.38.50 (1)(e)1., *Wis. Stats.* However, as noted previously, the restriction of terms provision is not limited to schools subject to EAB approval.

The restriction of terms provision was included in Act 300 because receiving a degree from a "college" or "university" is commonly understood by the public to mean an individual has earned a minimum of an associate degree. Most states have had provisions such as this in place for years. In fact, most states go further and define what a degree means. For example, while an individual generally needs at least 120 credits to be awarded a bachelor's degree (60 for an associate's degree), nowhere in statute or rule is it defined.

Unfortunately, allowing legitimate education/training providers to call themselves a college when they do not award college level credit diminishes the meaning of what getting a college degree means. Moreover, this exemption provision establishes a precedent for other entities to seek similar treatment. Please let me know if I can be of further assistance.

David

From: Boggs, Breann C - DOA
Sent: Tuesday, June 14, 2011 10:30 AM
To: Dies, David
Subject: M518, item 6 - exemption to the restriction on the use of term

Hello David,

As you probably know, the final omnibus motion included a provision that would create an exemption to s.38.50 (12) *Use of certain terms prohibited* for a residential school in the village of Union Grove.

Here's a quick description of the provision:

Exception to Restriction on Use of Term "College"

This provision allows a residential facility in the village of Union Grove to use the term "college" in its name. The facility is an in-state school that assists young adults with disabilities transition from home and school to work and independent living. The facility is exempt from federal income taxes and was incorporated prior to January 1, 1992.

The related language in the Joint Committee on Finance substitute amendment is as follows:

SECTION 1105n. 38.50 (12) (a) 1m. of the statutes is created to read: 38.50 (12) (a) 1m. A person described in sub. (1) (e) 1. whose administrative headquarters and principal place of business is in the village of Union Grove that provides a residential facility located in that village to assist young adults with disabilities in transitioning from home and school to work and independent living. (p476)

What is your take on the impact of creating this exemption for the village of Union Grove residential school? Are there cases where other non-degree awarding institutions are able to make use of this term (like avocational or recreational schools?)

Are you aware of this particular school in Union Grove? From a quick google search, I think it is in reference to a residential school called "Shepherds Ministries" [<http://www.shepherdsministries.org/>].

Would this school be able to use the term "college" without adding this statutory language – because they are exempt from federal income taxes and were incorporated prior to January 1, 1992?

Best Regards,

Breann C. Boggs
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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

Prepared and Presented by:
Michael Haas, Staff Counsel

SUBJECT: Photo ID Implementation Issues – Student ID Cards

During its efforts to implement the new Photo ID law, Board staff has identified several issues requiring interpretation of statutory language, so that consistent guidance and direction can be given to local election officials and the public. This memorandum outlines three such issues involving the statutory provision related to student identification cards, and requests the Board's direction in interpreting that provision. This memorandum also provides information about a new requirement to provide proof of citizenship for some students when registering to vote.

Each of the three outstanding interpretation issues pertain to §5.02(6m)(f), Wis. Stats., which states as follows:

An unexpired identification card issued by a university or college in this state that is accredited, as defined in 39.30(1)(d), that contains the date of issuance and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than 2 years after the date of issuance if the individual establishes that he or she is enrolled as a student at the university or college on the date that the card is presented.

1. Eligible Educational Institutions

Section 5.02(6m)(f), Wis. Stats., refers to student identification cards "issued by a university or college in this state that is accredited, as defined in 39.30(1)(d)..." The definition of an "accredited" institution in §39.30(1)(d), Wis. Stats., is

an institution accredited by a nationally recognized accrediting agency or by the board of nursing pursuant to s. 441.01(4) or, if not so accredited, is a nonprofit institution of higher education whose credits are accepted on transfer by not less

than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

The website for the State of Wisconsin Educational Approval Board describes accreditation of educational institutions by private educational associations, as there is no centralized authority exercising single national control over post-secondary educational institutions in the United States. The website notes that a list of institutions accredited by various private organizations is maintained by the Council on Higher Education Accreditation (CHEA). The CHEA list contains 102 such institutions located in Wisconsin, including University of Wisconsin System campuses, technical colleges, and private colleges and universities. The list, which is attached, also includes institutions such as the Diesel Truck Driver Training School, Kaplan Test Prep, Four Seasons Salon and Day Spa, and Martin's College of Cosmetology. The Educational Approval Board cautions, however, that the CHEA list does not include all institutions accredited by regional or national associations.

The issue which arises, therefore, is whether the Legislature intended for student identification cards from all such accredited institutions to be permitted to be used for voting purposes. One possible reading of the statutory language cited above is that a student ID from any accredited institution located in Wisconsin may be used for voting purposes. Another interpretation is that the institution must be both accredited and a university or college located in Wisconsin. The opinion of Board staff is that the latter interpretation is likely the legislative intent, after conferring with Jeff Kuesel, the Legislative Reference Bureau drafting attorney for the Photo ID Law.

To support this interpretation, Attorney Kuesel noted that there were unsuccessful attempts to include technical colleges as among the institutions which could issue student ID cards for voting purposes, as illustrated by Assembly Amendment 23 to Assembly Substitute Amendment 2 to Assembly Bill 7, which is attached. This proposed amendment, specifying that identification cards from schools in the technical college system could be used for voting purposes, was rejected by the Assembly and was not included in the enacted bill.

Given this legislative action, it appears clear that the Legislature did not intend for technical college ID cards to be treated as equivalent to those issued by other universities and colleges. More generally, it appears that under §5.02(6m)(f), Stats., an institution must not only be accredited, but it must also qualify as a university or college. The Statutes governing the UW System define a "university" as "any baccalaureate or graduate degree granting institution," and a "college campus" as "any one of the 2-year collegiate campuses of the system." §36.05(13), (6m), Wis. Stats.

For purposes of the UW System, therefore, Board staff believes there is a sound basis for concluding that a student ID card issued by any of the two-year or four-year campuses of the UW System may be used for voting purposes. In addition, there appears to be no statutory basis for distinguishing between public and private institutions which are defined as colleges and universities. The most relevant language appears to be contained in §38.50(12)(a), Wis. Stats., which was created in the 2009-2010 legislative session. That provision states that, with some specific exceptions:

No person that holds itself out to the public in any way as a legitimate institution of higher education may use the term "college" or "university" in the person's name unless the person provides an educational program for which the person awards an associate or higher degree and the person has accreditation recognized by the U.S. secretary of education, has the foreign equivalent of that accreditation, as determined by the board, or has accreditation recognized by the Council for Higher Education Accreditation.

A conversation with staff at the Wisconsin Higher Educational Aids Board confirmed that the common meaning of the term "associate degree" is a degree based upon 60 semester credits, which is typically a two-year program. Therefore, staff recommends that the Board interpret §5.02(6m)(f), Wis. Stats., to permit student ID cards to be used for voting purposes only if they are issued by a public or private college or university that awards an associate degree or higher, and is accredited by a regional or national accreditation association, and excluding technical colleges.

Recommended Motion:

Adopt statutory interpretation §5.02(6m)(f), Wis. Stats., to permit student identification cards to be used for voting purposes only if they are issued by a public or private college or university that awards an associate degree or higher, and is also accredited by a regional or national accreditation association, and excluding technical colleges.

2. Proof of Enrollment

Section 5.02(6m)(f), Wis. Stats., states that a student identification card may be used to satisfy the photo ID requirement if the student "establishes that he or she is enrolled as a student at the university or college on the date that the card is presented." Therefore, Board staff believes that voters using a student ID for voting purposes are required to present separate documentation that they are enrolled at the institution, and that a ballot shall not be issued to a student using a student ID who does not present separate proof of enrollment.

The Legislature did not specify any particular document or form to establish that a student is enrolled at the university or college. Some options include a certified housing list provided by the institution or a tuition fee receipt, both of which may also be used as proof of residence for purposes of voter registration under §6.34(3), Wis. Stats. Alternatively, a public university or college may issue a letter to students verifying the student's campus residence as well as the student's enrollment. Such a document could accompany the student ID as proof of enrollment and also serve as proof of residence for voter registration because it is a document issued by a unit of government, pursuant to §6.34(3)(a)11., Wis. Stats.

While the statute refers to proof that the student is enrolled on the date that the card is presented, Board staff recommends interpreting this provision to mean that the proof of enrollment must refer to either the school year or the semester during which the election takes place, not the date of the actual election.

Recommended Motion:

Adopt statutory interpretation of §5.02(6m)(f), Wis. Stats., to require that voters using a student identification card also provide separate proof of enrollment, which shall refer to the school year or semester during which the election takes place.

3. Use of Stickers on Student ID Cards

As colleges and universities prepared to issue student ID cards for the current school year which could be used for voting purposes, the Board was asked whether existing ID cards may be used with a sticker or label affixed to the card that displays the dates of issuance and expiration along with the student's signature. Apparently few, if any, student ID cards currently issued by Wisconsin schools comply with the requirements of the Photo ID law. Institutions are therefore exploring the most cost-effective means of providing ID cards to students which may also be used for voting.

Section 5.02(6m)(f), Wis. Stats., describes an acceptable student ID card as one that "contains" the issuance and expiration dates along with the signature of the individual to whom it is issued. The Legislature did not provide any further guidance regarding interpretation of the term "contain," or place further restrictions or specifications on how the issuance and expiration dates and signature must appear on the student ID. The most relevant dictionary definitions describe "contain" as "to have within," "hold," "comprise," or include." These terms do not seem conclusive to resolve whether the student ID dates and signature may be affixed by use of a sticker or must be more integral to the actual production of the card, such as a signature within a laminated card, or on a signature strip similar to the back of a credit card.

Absent such specific language, Board staff recommends interpreting the above provisions to permit the use of stickers or labels containing the issuance and expiration dates, as well as the student's signature, affixed to a student ID, **provided** that the sticker or label has some indication that it was produced by the institution such as a small logo or the school's initials. That approach is similar, for instance, to the blue cards which the Department of Motor Vehicles previously issued to drivers to attach to the back of licenses to document an address change. In addition, there will be additional verification of the validity of the particular student ID card because it may be used for voting purposes only in conjunction with a separate proof of enrollment issued by the institution, as described above.

Board staff was contacted by a student at the UW-Milwaukee, Eric Grow, who has researched options for adding information to student ID cards by use of a high-security hologram sticker. Mr. Grow indicated that hologram stickers produced by the Dupont Corporation are government-quality and considered impossible to counterfeit, and he has advocated that the Board require the use of hologram stickers rather than a regular sticker or label. It is the opinion of Board staff, however, that the Photo ID Law does not require such a specific method of including information on a student ID card, or authorize the Board to mandate it.

This recommended interpretation seeks to implement the legislative intent to verify the validity of student ID cards in a practical manner. An acceptable student ID card must contain an expiration date that is no later than two years after the issuance date, and therefore an ID card

used for the duration of a student's attendance may contain multiple stickers or labels, the most current covering up the previous one. Staff recommends that schools that choose to issue cards in this manner communicate with clerks in the municipalities where the school is located and also provide a sample sticker or label to the our office so that election officials may be familiar with the form of student IDs that are likely to be presented on Election Day.

Recommended Motion:

Adopt statutory interpretation of §5.02(6m)(f), Wis. Stats., to permit the use of stickers or labels affixed to student identification cards to document issuance and expiration dates and the cardholder's signature, provided that the sticker or label contains some indication that it was produced by the college or university.

4. Proof of Citizenship on Certified Housing List

The Photo ID Law also made a significant change to the §6.34, Wis. Stats., regarding the certified housing list which may be used to establish proof of residence for students registering to vote.

Section 6.34(2), Wis. Stats., requires individuals registering to vote during late registration or on Election Day, or when registering by mail as a first-time voter in Wisconsin, to provide a document establishing proof of residence. A list of the types of documents that these electors may use to establish proof of residence is contained in §6.34(3)(a)7., Wis. Stats., and includes a residential lease, utility bill, or document issued by a unit of government which lists the individual's address.

For students, the options for establishing proof of residence also include a student photo ID card together with a tuition fee receipt issued by a university, college, or technical college dated no earlier than nine months before the date of the election. A student photo ID card may also be used as proof of residence if the student's name appears on a certified and current list provided to the municipal clerk of students who reside in housing sponsored by the university, college or technical college which issued the ID card. (Incidentally, it is noteworthy that this provision means that technical college student ID cards may be used for registration purposes, but technical college ID cards may not be used for voting purposes under the interpretation outlined in Section 1 of this memorandum.)

The tuition fee receipt and certified housing list options existed under prior law, but §6.34(3)(a)7.b., Wis. Stats., now requires that the housing list contains only names of students who are U.S. citizens. While all voters must certify to their citizenship when signing a voter registration form, students relying on the certified housing list for proof of residence are the only electors required to document their citizenship as part of the registration process. Citizenship confirmation is not required if students use a tuition fee receipt or other form of proof of residence, and it is not required of any other electors during the voter registration process. Colleges and universities typically collect citizenship information only by the student's certification on an application and do not independently verify citizenship.

Following the adoption of the Photo ID Law, the UW System advised Board staff that providing a list of student in campus housing who are U.S. citizens would be complicated by

federal privacy statutes governing all public and private institution that receive federal funds. The Family Educational Privacy Rights Act protects the confidentiality of a student's personally identifiable information, which cannot be disclosed without the student's consent, with some exceptions. The System's General Counsel indicated that its campuses would not be able to indicate on the certified housing list whether a specific student is a citizen without obtaining a written waiver from the student.

Board staff advised clerks that any housing lists provided by universities for this summer's recall elections were required to indicate whether the listed students were U.S. citizens, although there were not likely many cases of student voters living in campus housing during the summer months. In future elections, if universities and colleges decline to seek or are unable to obtain consent from students to release citizenship status, the option of using the housing list combined with a student ID card to establish proof of residence will be significantly limited.

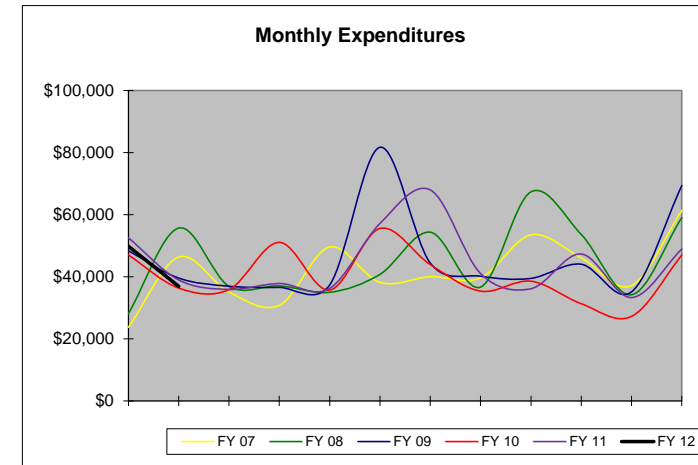
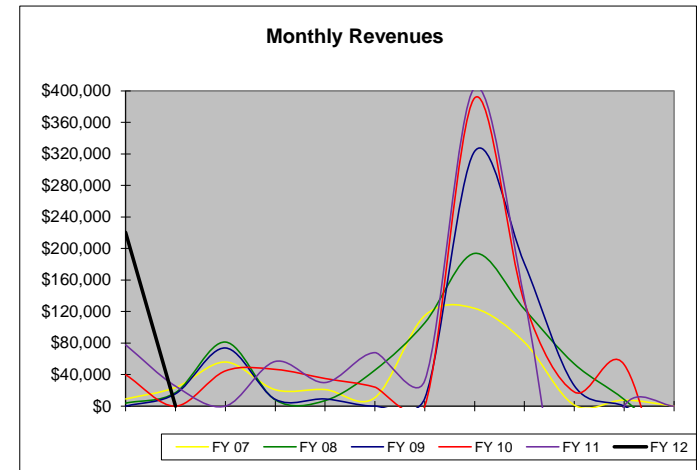
This summary regarding citizenship status and campus housing lists does not require Board action and is provided only for the Board's information.

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Educational Approval Board

Operating Revenue/Expenditure Tracking

	Revenues	Change	Expenditures	Change		Revenues	Change	Expenditures	Change
FY 06 JUL	Expenditure / Revenue information is not available				FY 10 JUL	39700	39700	47017	47017 ¹
AUG	due to the EAB's administrative attachment being				AUG	39700	0	83327	36310
SEP	transferred to the WTCSB from the DVA.				SEP	84424	44724	119155	35828
OCT	146552	9	124185	9	OCT	131014	46590	170209	51054 ²
NOV	148902	2350	152693	28508	NOV	166014	35000	205871	35662
DEC	155411	6509	187913	35220	DEC	190099	24085	261399	55528 ¹
JAN	184441	29030	215190	27277	JAN	190099	0	305295	43896
FEB	192571	8130	245829	30639	FEB	581070	390971	340627	35332
MAR	219021	26450	297247	51418 ¹⁰	MAR	712474	131404	379173	38547
APR	255313	36292	325518	28271	APR	730411	17937	410466	31293
MAY	277137	21824	363317	37799	MAY	783111	52700	437674	27208
JUN	291607	14470	437223	73906	JUN	624772	-158339	484636	46961
FY 07 JUL	9100	9100	23674	23674	FY 11 JUL	77600	77600	52537	52537 ¹
AUG	32800	23700	69970	46296 ¹	AUG	102870	25270	91478	38942
SEP	88750	55950	104987	35017	SEP	102870	0	127356	35877
OCT	109500	20750	135739	30752	OCT	159560	56690	165151	37796
NOV	130500	21000	185283	49544	NOV	189460	29900	201338	36187
DEC	141300	10800	223424	38141	DEC	257310	67850	258472	57134 ¹
JAN	256193	114893	263405	39981	JAN	289840	32530	326419	67947 ²
FEB	380199	124006	303027	39622	FEB	693524	403684	367424	41005
MAR	461225	81026	356498	53471 ¹	MAR	828859	135335	403539	36115
APR	462480	1255	402558	46060 ¹⁰	APR	631733	-197126 ¹³	450832	47293 ²
MAY	470180	7700	439674	37116	MAY	631733	0	484101	33269
JUN	470280	100	501016	61342	JUN	631733	0	533025	48925 ¹
					M 13	628819	-2914	514806	-18219
FY 08 JUL	3800	3800	28077	28077	FY 12 JUL	220461	220461	49791	49791
AUG	21000	17200	83738	55661 ¹	AUG	220461	0	86623	36832
SEP	102300	81300	120608	36870	SEP				
OCT	110150	7850	157642	37034	OCT				
NOV	117150	7000	192604	34962	NOV				
DEC	162850	45700	233332	40728	DEC				
JAN	268487	105637	287666	54334 ¹	JAN				
FEB	462254	193767	324300	36634	FEB				
MAR	585039	122785	391620	67320 ²	MAR				
APR	638577	53538	445230	53610 ¹⁰	APR				
MAY	647027	8450	479390	34160	MAY				
JUN	598127	-48900	538431	59041 ¹¹	JUN				
FY 09 ¹² JUL	0	0	48343	48343 ¹	FY 13 JUL				
AUG	15710	15710	87889	39546	AUG				
SEP	89490	73780	124812	36923	SEP				
OCT	98070	8580	161351	36540	OCT				
NOV	107130	9060	198637	37286	NOV				
DEC	107130	0	280313	81676 ^{1,2}	DEC				
JAN	117110	9980	324701	44388 ²	JAN				
FEB	440371	323261	364840	40139	FEB				
MAR	621055	180684	404273	39432	MAR				
APR	646907	25852	448277	44004	APR				
MAY	646907	0	483373	35097	MAY				
JUN	613188	-33719	552737	69364	JUN				



Footnotes

- ¹ Three (3) Pay Periods in Month
- ² Administrative Services Agreement / Rent Payment
- ³ Contract Pay Adjustments
- ⁴ Only One (1) Payroll Posted in Month
- ⁵ Reflects Sawyer College Bond Recovery of \$23,837
- ⁶ Includes Student Protection Fees of \$11,663
- ⁷ Includes Student Protection Fees of \$20,177
- ⁸ Includes Student Protection Fees of \$23,906
- ⁹ Reflects Transferred Revenues & Expenditures
- ¹⁰ Includes Directory Costs
- ¹¹ Revenues Reflect SPF Restoration; ~\$10,000 of 235 Expenses are not reflected.
- ¹² Beginning w/ FY 09, figures reflect appropriations 220 & 235.
- ¹³ Reflects \$260,000 of revenue that was transferred to the SPF.



EDUCATIONAL APPROVAL BOARD

BOARD MEETING

SEPTEMBER 21, 2011

SCHOOL APPROVAL ISSUES

SUMMARY

The attached activity report summarizes administrative actions taken by staff since the last board meeting regarding schools subject to Educational Approval Board (EAB) oversight. In addition, this paper provides information about specific schools or school issues that warrant being brought to the attention of board members.

DISCUSSION

MMI Complaint

On June 9, 2011 the EAB received a complaint from a former Madison Media Institute (MMI) student. The complainant, through an attorney, alleged he was dismissed from the school without due process, and that while at the school, he was discriminated against on the basis of age and disability. The student asked that he be allowed to continue his training at the school.

In reviewing the complaint, EAB staff learned that the student had been on probation for multiple conduct violations, then was dismissed and not allowed re-entry as the school felt he was a threat to the safety of students and staff. The school did not issue a formal dismissal letter because while a dismissal letter was being drafted, the student demanded to meet with the school's president. In that meeting, the school president informed the complainant that he could not return to school as his conduct was such that students and staff felt threatened by him. The EAB determined that the omission of a formal letter of dismissal did not negate the pattern of behaviors evident in the student records provided by the complainant's attorney and therefore concluded the allegations of discrimination were without merit. The EAB closed the complaint on June 29.

On July 23, the complainant's attorney filed in Dane County Circuit Court a "petition for judicial review" under s.227.52, *Wis. Stats.*, asking that the EAB's administrative decision be reviewed. Upon learning of the filing, the EAB requested and obtained legal representation from the Department of Justice. The Assistant Attorney General (AAG) assigned to this case prepared a "Notice of Appearance" and "Statement of Position of Respondent" and submitted it to the court on August 11.

On August 29, 2011 a private investigator working for the complainant's attorney filed an open records request with the EAB seeking information about student protection fund (SPF)

disbursements. The EAB responded on September 7, 2011 providing information relating to the only two instances in which SPF disbursements have made – catastrophic school closures involving ComputerTraining.edu and St. Croix Culinary.

On September 8, a “Motion to Dismiss” the complainant’s petition was filed by the AAG on grounds that the EAB’s decision did not rise to the level of a “final” decision, nor does the complainant have a “substantial interest” in maintaining status as a student at the school. As such, the EAB’s decision does not qualify for a Chapter 227 review and the court has no jurisdiction. If the motion to dismiss is not granted, the court will establish a briefing schedule for both parties.

RECOMMENDATION

EAB staff recommends the board approve items "A" through "I" of the attached school activity report.

EDUCATIONAL APPROVAL BOARD

ADMINISTRATIVE ACTIONS REPORT May 26, 2011 through September 16, 2011

This report describes the activities that EAB staff performed in response to the board's oversight role under s.38.50, *Wis. Stats.*

SCHOOL ACTIONS

A. *New School Approval:*

- Full Sail University (Online), Winter Park, FL
- Midwest Pilates Institute, Fitchburg, WI
- Liberty University (Online), Lynchburg, VA
- Harrison College (Online Division), Indianapolis, IN
- Spartan College of Aeronautics and Technology, Tulsa, OK
- Georgetown University (Online), Washington, DC
- Briarcliffe College (Online), Bethpage, NY
- Chamberlain College of Nursing (Online), Lombard, IL
- Excelsior College (Online), Albany, NY
- Western Governors University (Online), Salt Lake City, UT
- Rx Technician Preparatory School LLC, Rockford, IL
- Anthem College (Online), Phoenix, AZ
- Empower Yoga Teacher Training School, Appleton, WI

B. *New Teaching Location:*

- Alignment Yoga
 - Mound Street Yoga Center, 1342 Mound St., Madison, WI, 53715
- Bridge Street Dental Assisting
 - Neighborhood Smiles, 1831 East Main Street, Onalaska, WI 54650
- Midwest Maternal Child Institute
 - 101 S. Main St., Oregon, WI, 53575
- Southern New Hampshire University - VT Programs – PCMH
 - Aurora Medical Center, 36500 Aurora Dr., Summit, WI, 53066

C. *School Name Change:*

- National Louis University changed from National-Louis University

D. *Change of Ownership:* None

E. *Denial/Withdrawal/Exemption of Approval: Exemptions*

- A & M Texas University, TX
- Anne Arundel Community College, MD
- Arizona Western College, AZ
- Barton Community College, KS
- Belmont Technical College, OH
- Berean Bible Institute, WI
- Bethel University, MN
- Board of Regents, State of Iowa et.al, IA
- Bridgemont Community & Technical College, WV

Denial/Withdrawal/Exemption of Approval: Exemptions (Continued)

- Central Bible College (Online), MO
- Central Connecticut State University, CT
- Central Michigan University (CMU), MI
- Central Wyoming College, WY
- Cerro Coso Community College, CA
- Charis Bible College at Kenosha, IL
- Charter Oak State College of Connecticut, CT
- City Vision College, MO
- Clemson University, SC
- Cloud County Community College, KS
- Coffeyville Community College, KS
- Colby Community College, KS
- Collin College (Collin County Community College District), TX
- Colorado Community College System, CO
- Columbia College of Nursing, WI
- Columbus State University, GA
- Community College of Rhode Island, RI
- Delta State University, MS
- Eastern Illinois University, IL
- Empire State College, NY
- Emporia State University, KS
- Everett Community College, WA
- Fairmont State University, WV
- Fayetteville Technical Community College, NC
- Free Will Baptist Bible College (Online), TN
- Global Training Camp, LLC, GA
- Gogebic Community College, MI
- Governors State University, IL
- Grace Bible College (Online),
- Hill College, TX
- Hocking College, OH
- Ivy Tech Community College, IL
- John Wood Community College, IL
- Kansas City Kansas Community College (KCKCC), KS
- Kentucky Community and Technical College System, KY
- Kentucky State University, KY
- Lake Land College, IL
- Lakeland Community College, OH
- Lewis & Clark Community College, IL
- Liberty Christian Center, WI
- Lorain County Community College, OH
- Louisiana Tech University, LA
- Lutheran School of Theology at Chicago, IL
- Marshall University, WV
- Miami University (Online), OH

Denial/Withdrawal/Exemption of Approval: Exemptions (Continued)

- Michigan State University, MI
- Mississippi Virtual Community College, MS
- Missouri State University, MO
- Missouri University of Science & Technology, MO
- Morehead State University, KY
- Nazarene Bible College, CO
- New Jersey Institute of Technology, NJ
- North Seattle Community College, WA
- Northern Kentucky University, KY
- Northern Seminary, IL
- Northland Pioneer College, AZ
- Northwest Iowa Community College, IA
- Odessa College, TX
- Ohio University, OH
- Pennsylvania College of Technology, PA
- Phoenix College, AZ
- Pierce College, WA
- Pierpont Community & Technical College, WV
- Rend Lake College, IL
- Rhode Island Board of Governors for Higher Education, RI
- RU Radford University, VA
- Salem State University, MA
- Sam Houston State University (SHSU Online), TX
- San Juan College, NM
- School of Urban Missions, CA
- Shepherd University, WV
- South Dakota State University, SD
- Southern Baptist Theological Seminary (The), KY
- Spoon River College, IL
- St. Cloud State University, MN
- State University of New York (SUNY), NY
- Texas A&M University, TX
- Texas A&M University – Texarkana, TX
- Texas Woman's University, TX
- Thomas Edison State College, NJ
- Triton College, IL
- University of Central Missouri, MO
- University of Cincinnati, OH
- University of Colorado System et.al, CO
- University of Connecticut (The), CT
- University of Houston – Victoria, TX
- University of Illinois et.al, IL
- University of Kentucky (UK), KY
- University of Louisville, KY
- University of Minnesota, MN

Denial/Withdrawal/Exemption of Approval: Exemptions (Continued)

- University of Missouri-Kansas City, MO
- University of Nevada, Reno, NV
- University of North Carolina at Charlotte, NC
- University of South Alabama, AL
- University of South Carolina, SC
- University of South Carolina Upstate, SC
- University of Texas System, TX
- University of Virginia, VA
- University of Washington, WA
- University of Wisconsin et.al, WI
- University of Wyoming, WY
- Utah System of Higher Education (USHE), UT
- Walla Walla Community College, WA
- Waubensee Community College, IL
- West Shore Community College, MI
- West Texas A&M University, TX
- West Virginia State University, WV
- Western Dakota Technical Institute, SD
- Western Kentucky University (WKU), KY
- Western Michigan University, MI
- Westfield State University, MA
- Winona State University, MN

F. Sanctions/Revocations:

- None

PROGRAM ACTIONS

G. New Program Approval:

- Anthem College (Online)
 - Healthcare Management, 60 Semester Credits
 - Health Information Management, 60 Semester Credits
 - Healthcare Management, 120 Semester Credits
 - Medical Office Administration, 42 Semester Credits
 - Medical Assisting: Degree Completion, 48 Semester Credits
- Associated Training Services Corporation
 - Heavy Equipment Training Program - I + Rigging and Signalperson, 180 Hours
 - Heavy Equipment Training Program - II + Rigging and Signalperson, 300 Hours
 - Heavy Equipment Training Program - III + Rigging and Signalperson, 420 Hours
- Briarcliffe College (Online)
 - Business Administration, 60 Degree Semester Credits
 - Management, 120 Degree Semester Credits
 - Healthcare Administration, 120 Degree Semester Credits
- Chamberlain College of Nursing (Online)
 - RN-BSN, 129 Degree Semester Credits
 - Nursing, 36 Degree Semester Credits
 - Nursing Practice, 30 Degree Semester Credits

New Program Approval: (Continued)

- Franklin University (Online)
 - Business Economics, 124 Semester Credits
 - Financial Planning, 128 Semester Credits
 - Interactive Media Design, 124 Semester Credits
 - Criminal Justice Administration, 124 Semester Credits
 - Information Security, 124 Semester Credits
 - Master of Business Administration (MBA), 40 Semester Credits
 - Accounting, 30 Semester Credits
 - Marketing and Communications, 38 Semester Credits
 - Computer Science, 40 Semester Credits
 - Instructional Design & Performance Technology, 33 Semester Credits
- Full Sail University (Online)
 - Computer Animation, 123 Semester Credits
 - Creative Writing for Entertainment, 128 Semester Credits
 - Digital Cinematography, 122.5 Semester Credits
 - Entertainment Business, 129 Semester Credits
 - Game Art, 122 Semester Credits
 - Game Design, 123 Semester Credits
 - Graphic Design, 123 Semester Credits
 - Internet Marketing, 134 Semester Credits
 - Mobile Development, 136 Semester Credits
 - Music Business, 128 Semester Credits
 - Music Production, 127 Semester Credits
 - Sports Marketing & Media, 133 Semester Credits
 - Web Design & Development, 123 Semester Credits
 - Creative Writing for Entertainment, 48 Semester Credits
 - Educational Media Design & Technology, 38 Semester Credits
 - Entertainment Business, 44 Semester Credits
 - Internet Marketing, 39 Semester Credits
 - Media Design, 60 Semester Credits
 - New Media Journalism, 48 Semester Credits
 - Education Media Design & Technology, 12.5 Semester Credits
 - Internet Marketing, 12.5 Semester Credits
- Georgetown University (Online)
 - Nursing, 50 Semester Credits
- Globe University – Appleton
 - Architectural Drafting and Design, 94 Quarter Credits
 - Forensic Accounting, 180 Quarter Credits
 - Engineering Drafting and Design, 94 Quarter Credits
- Globe University - Eau Claire
 - Architectural Drafting and Design, 94 quarter Credits
 - Engineering Drafting and Design, 94 Quarter Credits
- Globe University - Green Bay
 - Architectural Drafting and Design, 94 quarter Credits
 - Engineering Drafting and Design, 94 Quarter Credits
- Globe University - Madison East
 - Architectural Drafting and Design, 94 quarter Credits
 - Engineering Drafting and Design, 94 Quarter Credits

New Program Approval: (Continued)

- Globe University - Middleton
 - Forensic Accounting, 180 Quarter Credits
- Globe University - Wausau
 - Architectural Drafting and Design, 94 quarter Credits
 - Engineering Drafting and Design, 94 Quarter Credits
- Graceland University
 - Nursing, 31 Semester Credits
- Grand Canyon University (Online)
 - Associate of Arts, 60 Credits
- Harrison College (Online Division)
 - Accounting, 96 Quarter Credits
 - Accounting, 180 Quarter Credits
 - Accounting Assistant, 72 Quarter Credits
 - Administrative Professional, 98 Quarter Credits
 - Business Finance, 96 Quarter Credits
 - Business Management, 96 Quarter Credits
 - Business Management, 180 Quarter Credits
 - Business Marketing, 96 Quarter Credits
 - Criminal Justice, 96 Quarter Credits
 - Criminal Justice, 180 Quarter Credits
 - Fashion Merchandizing, 180 Quarter Credits
 - Healthcare Management, 180 Quarter Credits
 - Help Desk Technician, 24 Quarter Credits
 - Human Resources, 96 Quarter Credits
 - Human Resources, 180 Quarter Credits
 - Information Technology, 180 Quarter Credits
 - Logistics, 96 Quarter Credits
 - Medical Assistant, 96 Quarter Credits
 - Medical Office Assistant, 64 Quarter Credits
 - Medical Reimbursement Technology, 96 Quarter Credits
 - Network Administration, 96 Quarter Credits
 - Office Assistant, 72 Quarter Credits
 - Paralegal, 96 Quarter Credits
 - Project Management, 180 Quarter Credits
 - Health Informatics, 180 Quarter Credits
 - Harrison College (Online Division)
- Herzing University
 - Business Studies (Transfer), 60 Semester Credits
 - Design Studies (Transfer), 60 Semester Credits
 - Technology Studies (Transfer), 60 Semester Credits
 - Community Support Worker, 50.6 Semester Credits
 - Community Services Worker, 45.24 Semester Credits
 - Medical Office Administrator, 42.87 Semester Credits
 - Health Office Administration, 35.83 Semester Credits
 - Web Development, 42.22 Semester Credits
 - Business Management, 58.33 Semester Credits
 - Business Office Administration, 32.5 Semester Credits
 - Law Clerk, 50.22 Semester Credits

New Program Approval: (Continued)

- Network Systems Technology, 53 Semester Credits
- Computer Graphic Design, 53.02 Semester Credits
- Paralegal, 66.75 Semester Credits
- Legal Assistant/Secretary, 32.1 Semester Credits
- Accounting and Payroll Administrator, 25.6 Semester Credits
- Canadian Business Administration, 39.6 Semester Credits
- Programmer Analyst, 65.5 Semester Credits
- Network Administration, 18 Semester Credits
- Microcomputers and Networking, 66.5 Semester Credits
- Graphic Design for Web Sites, 42.83 Semester Credits
- Database Administration, 18 Semester Credits
- Computer-Aided Design and Drafting, 63.5 Semester Credits
- Business Administration, Marketing and Sales, 63.33 Semester Credits
- ITT Technical Institute - Germantown
 - Drafting and Design Technology, 90 Quarter Credits
 - Electrical Engineering Technology, 90 Quarter Credits
 - Network Systems Administration, 90 Quarter Credits
 - Project Management and Administration, 180 Quarter Credits
 - Electrical Engineering and Communications Technology, 180 Quarter Credits
 - Information Systems and Cyber Security, 180 Quarter Credits
- ITT Technical Institute - Indianapolis
 - Drafting and Design Technology, 90 Quarter Credits
 - Accounting, 180 Quarter Credits
 - Accounting, 90 Quarter Credits
- ITT Technical Institute - Madison
 - Business Management, 90 Quarter Credits
 - Business Management, 180 Quarter Credits
 - Graphic Communications and Design, 90 Quarter Credits
- Liberty University (Online)
 - Accounting, 60 Credits
 - Accounting, 120 Credits
 - Accounting, 30 Credits
 - Business (with specializations), 120 Credits
 - Business, 60 Credits
 - Criminal Justice, 60 Credits
 - Criminal Justice, 120 Credits
 - Marriage and Family Therapy, 60 Credits
 - Management Information Systems, 120 Credits
 - Doctor of Education, 60 Credits
 - Educational Specialist, 30 Credits
 - Education (non-licensure), 120 Credits
 - Human Services (with specializations), 30 Credits
 - Management & Leadership, 45 Credits
 - Master of Education (with specializations), 36 Credits
 - Master of Business Administration (with specializations), 45 Credits
 - Professional Counseling (Virginia Licensure), 60 Credits
 - Professional Counseling (Licensure), 48 Credits

New Program Approval: (Continued)

- General Studies, 60 Credits
- Interdisciplinary Studies, 120 Credits
- Nursing (with specializations), 36 Credits
- Elementary Education (Licensure), 36 Credits
- Nursing: RN to BSN, 120 Credits
- Psychology (with specializations), 60 Credits
- Psychology (With specializations), 120 Credits
- Religion, 60 Credits
- Religion: Biblical Counseling, 120 Credits
- Midwest Pilates Institute
 - Pilates Teacher Training, 560 Hours
- Motorcycle Technology Center
 - Motorsports Technology, 51 Quarter Credits
- Nashville Auto-Diesel College
 - Automotive and Diesel Technology w/Automotive Undercar Specialty and High Performance, 81 Semester Credits
 - Automotive and Diesel Technology w/Automotive Undercar Specialty and High Performance Fabrication, 77.5 Semester Credits
 - Automotive and Diesel Tech w/ Automotive Undercar Specialty, 86 Semester Credits
 - Automotive and Diesel Tech w/ Heavy Equipment Maintenance, 88.5 Semester Credits
- National Louis University
 - Technology in Education, 34 Semester Credits
 - Early Childhood Administration, 34 Semester Credits
 - Management (BS Completion), 51 Quarter Credits
 - Health Care Leadership (Degree Completion), 61 Quarter Credits
 - Business Administration, 37 Semester Credits
- Rasmussen College
 - Public Accounting, 230 Quarter Credits
 - Information Systems Management - Computer Information Tech w/ Multimedia Specialization, 90 Quarter Credits
 - Information Systems Management - Computer Information Technology w/ Multimedia Specialization, 70 Quarter Credits
 - Health Information Management, 180 Quarter Credits
- Regis University
 - Business Administration, 36 Semester Credits
 - Non-Profit Management, 36 Semester Credits
 - Accounting, 30 Semester Credits
 - Database Technologies, 36 Semester Credits
 - Leadership in Health Care Systems, 39 Semester Credits
 - Software Engineering and Database Technologies, 36 Semester Credits
 - Software Engineering, 36 Semester Credits
 - Organization Leadership, 30 Semester Credits
 - RN to Master of Science in Nursing, 158 Semester Credits
 - Accounting, 128 Semester Credits
 - Business Administration, 128 Semester Credits
 - Computer Information Systems, 128 Semester Credits
 - Computer Science, 128 Semester Credits
 - Criminology, 128 Semester Credits

New Program Approval: (Continued)

- Marketing, 128 Semester Credits
- Nursing Practice, 36 Semester Credits
- Physical Therapy, 36 Semester Credits
- Education, 36 Semester Credits
- Rx Technician Preparatory School LLC
 - Pharmacy Technician, 40 Hours
- Spartan College of Aeronautics and Technology
 - Aviation Maintenance Technology, 122 Degree Semester Credits
 - Avionics Maintenance Technology, 101 Degree Semester Credits
 - Quality Control, 117 Degree Semester Credits
 - Aviation - Professional Pilot, 91 Degree Semester Credits
- Virginia College (Online)
 - Network Engineering, 100 Degree Quarter Credits
- WyoTech
 - Marine Technology and Management, 109 Quarter Credits
 - Motorcycle Technology and Management, 109 Quarter Credits

H. Revised Program Approval:

- Anthem College (Online)
 - Accounting Technology, 60 Semester Credits
 - Business Management, 60 Semester Credits
 - Business Management, 120 Semester Credits
 - Criminal Justice, 60 Semester Credits
 - Criminal Justice w/ Concentrations, 120 Semester Credits
 - Healthcare Management: Degree Completion, 60 Semester Credits
 - Medical Billing & Coding, 60 Semester Credits
 - Paralegal, 60 Semester Credits
 - Technology Management: Degree Completion, 64 Semester Credits
- Art Institute of Wisconsin (The)
 - Graphic Arts, 90 Quarter Credits
 - Digital Filmmaking & Video Production, 180 Quarter Credits
 - Fashion Marketing, 180 Quarter Credits
 - Graph Design, 180 Quarter Credits
 - Interior Design, 180 Quarter Credits
 - Media Arts & Animation, 180 Quarter Credits
 - Web Design & Interactive Media, 180 Quarter Credits
 - B.A – Advertising, 180 Quarter Credits
- Associated Training Services Corporation
 - Mobile Crane Operations – I, 100 Hours
 - Mobile Crane Operations – I, 100 Hours
 - Excavation Industry Training Program III with Rigging and Signal Person, 420 Hours
 - Heavy Equipment Operations – III, 420 Hours
 - Heavy Equipment Training Program III w/ Rigging and Signalperson, 420 Hours
 - Heavy Equipment Training Program III, 400 Hours
 - Heavy Equipment Training Program III, 400 Hours
 - Excavation Industry Training Program II w/ Rigging and Signal Person, 300 Hours
 - Heavy Equipment Operations - II, 300 Hours
 - Heavy Equipment Training Program II w/ Rigging and Signalperson, 300 Hours

Revised Program Approval: (Continued)

- Heavy Equipment Training Program II, 280 Hours
- Heavy Equipment Training Program II, 280 Hours
- Excavation Industry Training Program I w/ Rigging and Signal Person, 180 Hours
- Heavy Equipment Operations – I, 180 Hours
- Heavy Equipment Training Program I w/ Rigging and Signalperson, 180 Hours
- Heavy Equipment Training Program I, 160 Hours
- Heavy Equipment Training Program I, 160 Hours
- Mobile Crane Operations - I w/ Rigging and Signal Person, 120 Hours
- Chamberlain College of Nursing (Online)
 - RN-BSN, 129 Semester Credits
 - Nursing, 36 Semester Credits
 - Nursing Practice, 30 Semester Credits
- Empower Yoga Teacher Training School
 - Yoga Teacher Certification, 200 Hours
- Everest College
 - Dental Assistant, 48 Quarter Credits
 - Medical Assistant: Diploma, 60 Quarter Credits
 - Medical Administrative Assistant: Diploma, 48 Quarter Credits
 - Medical Insurance Billing and Coding: Diploma, 48 Quarter Credits
- Franklin University (Online)
 - Master of Business Administration, 40 Semester Credits
- Full Sail University (Online)
 - Internet Marketing, 12.5 Semester Credits
 - Creative Writing for Entertainment, 128 Semester Credits
 - Creative Writing for Entertainment, 128 Semester Credits
 - Creative Writing for Entertainment, 128 Semester Credits
 - Computer Animation, 123 Semester Credits
 - Digital Cinematography, 122.5 Semester Credits
 - Entertainment Business, 129 Semester Credits
 - Game Art, 122 Semester Credits
 - Game Design, 123 Semester Credits
 - Graphic Design, 123 Semester Credits
 - Internet Marketing, 134 Semester Credits
 - Mobile Development, 136 Semester Credits
 - Music Business, 128 Semester Credits
 - Music Production, 127 Semester Credits
 - Sports Marketing & Media, 133 Semester Credits
 - Web Design & Development, 123 Semester Credits
 - Creative Writing for Entertainment, 48 Semester Credits
 - Entertainment Business, 44 Semester Credits
 - Educational Media Design & Technology, 38 Semester Credits
 - Internet Marketing, 39 Semester Credits
 - Educational Media Design & Technology, 38 Semester Credits
 - Media Design, 60 Semester Credits
 - New Media Journalism, 48 Semester Credits
 - Education Media Design & Technology, 12.5 Semester Credits
- Georgetown University (Online)
 - Nursing, 50 Semester Credits

Revised Program Approval: (Continued)

- Globe University - Appleton
 - Medical Assistant, 90 Quarter Credits
 - Accounting & Tax Specialist, 103 Quarter Credits
- Globe University - Eau Claire
 - Accounting & Tax Specialist, 103 Quarter Credits
 - Medical Assistant, 90 Quarter Credits
- Globe University - Green Bay
 - Medical Assistant, 90 Quarter Credits
 - Accounting & Tax Specialist, 103 Quarter Credits
- Globe University - Madison East
 - Medical Assistant, 90 Quarter Credits
 - Accounting & Tax Specialist, 103 Quarter Credits
- Globe University - Middleton
 - Medical Assistant, 90 Quarter Credits
 - Accounting & Tax Specialist, 103 Quarter Credits
- Globe University - Wausau
 - Medical Assistant, 90 Quarter Credits
 - Accounting & Tax Specialist, 103 Quarter Credits
- Graceland University
 - Nursing Practice, 31, Semester Credits
- Grand Canyon University (Online)
 - Associate of Arts with Specializations, 60 Credits
- Liberty University (Online)
 - Marriage and Family Therapy (Licensure), 60 Credits
 - Education Administration (Licensure), 36 Credits
 - Psychology (with specialization), 60 Credits
 - Psychology (with specializations), 120 Credits
- National Louis University
 - Teaching, Learning and Assessment, 32 Credits
- TechSkills, LLC
 - Information Technology Systems Administrator (ITSA), 25 Quarter Credits
 - Microsoft Certified IT Professional: Database Developer and Design (MCITP:DDD)
14 Quarter Credits
 - Information Technology Systems Engineer, 23 Quarter Credits
 - Health Services Information Specialist, 24 Quarter Credits
 - Information Technology Systems Administrator (ITSA), 29 Quarter Credits
 - Microsoft Certified IT Professional: Database Developer and Design, 16 Quarter Credits
 - Information Technology Systems Engineer, 30 Quarter Credits
 - PC Technician, 12 Quarter Credits
- TIBIA Massage School
 - TIBIA Massage School, 775 Hours
- Wright Graduate Institute for the Realization of Human Potential
 - Transformational Learning, Leadership, and Coaching, 57 Credits
 - Transformational Learning, Leadership, and Coaching, 76 Credits
- YogaOne Vinyasa Flow Teacher Training School
 - Yoga Teacher Certification (200 and 500), 235 Hours

I. Program Name Change: None

OTHER ACTIVITY

J. Site Visits: None

K. Complaints Handled:

Lynn Ward vs. Animal Behavior College, Inc. - Ms. Ward returned all materials and books, ABC agreed to a full refund.

Beth Larson vs. Bartending Academy - Student stated on 8/8/11 that she received her full refund about 5 days after submitting complaint.

Rebecca Crain vs. Globe University - Green Bay - School followed policies that were acknowledged by student in writing.

Hallis Mailen vs. Madison Media Institute - No credible evidence found to support student's claims, but sufficient evidence in support of school's actions. Found in favor of the school. Copied DOJ on decision letter.

Olivia Hartt vs. Sanford-Brown College – Milwaukee - Contacted President Steve Guell. He emailed that refund was being overnighted to the complainant.

Latechia Rutherford vs. Sanford-Brown College – Milwaukee - Student was re-admitted as it was determined that the program chair incorrectly interpreted the attendance policy.

Millicent Johnson vs. Strayer University - Tracy Locklin, Counsel at Strayer, investigated got the right last day of attendance and did the right refund calculation.

4

EDUCATIONAL APPROVAL BOARD

BOARD MEETING

SEPTEMBER 21, 2011

FEDERAL PROGRAM INTEGRITY RULES

SUMMARY

The new U.S Department of Education (ED) rule clarifying what it means for postsecondary educational institutions to be legally authorized by a state took effect July 1, 2011. To address this issue in Wisconsin, the Governor issued Executive Order #37.

BACKGROUND

Previously under federal rule, any institution participating in the federal Title IV financial aid programs was required to be “legally authorized” by states. 34 CFR 600.2 defines “legally authorized” as “[t]he legal status granted to an institution through a charter, license, or other written document issued by the appropriate agency or official of the State in which the institution is physically located.”

Under newly created 34 CFR 600.9, an institution is considered to be “legally authorized” by a state if “the State has a process to review and appropriately act on complaints concerning the institution including enforcing applicable State laws.” At the present time, Wisconsin lacks such oversight of the in-state, non-profit institutions that are exempt from the EAB’s oversight. However, the statutory exemption under s.38.50 (1)(e)1., *Wis. Stats.*, has been interpreted in the past as satisfying the federal “legally authorized” requirement.

In addition to having a complaint process resolution process, to be legally authorized under the new rules, institutions must “[comply] with any applicable State approval or licensure requirements,” unless the state exempts the institution based on its accreditation or having been in operation for at least 20 years and it is “**established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action issued by an appropriate State agency or State entity** and is authorized to operate education programs beyond secondary education...” (emphasis added) If the latter condition is not met and the institution is established as either a business entity or a non-profit charitable organization, the state may not exempt it from the state’s approval or licensure requirements based on accreditation, years in operation, or other comparable exemption.

DISCUSSION

At its June 2011 meeting, information was provided to the board summarizing the federal rule implications, which fall into three categories – state authorization, student complaints and distance learning.

State Authorization

To comply with the federal rule, the Governor issued Executive Order (EO) #37 on June 28 naming the state's public institutions, the 20 WAICU-member institutions¹ and eight other institutions² that participate in the federal Title IV financial aid programs, which are exempt from EAB oversight because of their in-state non-profit status. Four institutions³ which are similarly exempt from EAB oversight that participate in the federal Title IV financial aid programs are not listed.

It is unclear whether the EO satisfies the requirements of the new federal rule. In reviewing the ED's website that contains clarifying information about state authorization, it seems to suggest an EO would not meet the test because it is not issued by "the legal instrumentality that is the basis for the institution's existence" since the Governor's action of issuing an EO does not involve the incorporation documents of the institution (see the response to STA-A4 in the attached). Even if the EO is adequate, the four previously cited institutions not named in the EO will not be considered properly authorized by the state of Wisconsin under the new federal rule and therefore students could be ineligible for federal financial aid.

Student Complaints

While the EO clearly identifies the UW System Board of Regents and the Wisconsin Technical College Board as the independent state bodies to appropriately act on complaints for their respective systems, it remains unclear which state agency will be the designated agency for purposes of the non-profit institutions named in the EO.

Under the federal rule provisions [see USC 668.43 (b)], every institution – public, non-profit and for-profit – that receives federal Title IV financial aid "must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint."

While the EO establishes WAICU as the official organization of non-profit higher education in Wisconsin, which "is fully prepared to support and facilitate coordination with state executive branch and constitutional agencies to ensure successful oversight over complaints," it fails to designate the agency that will be responsible for student complaints. Under the federal rule all institutions will need to prominently provide information to students about contacting the designated state agency.

¹ Alverno College, Beloit College, Cardinal Stritch University, Carroll University, Carthage College, Concordia University Wisconsin, Edgewood College, Lakeland College, Lawrence University, Marian University, Marquette University, Milwaukee Institute of Art & Design, Milwaukee School of Engineering, Mount Mary College, Northland College, Ripon College, St. Norbert College, Silver Lake College, Viterbo University, Wisconsin Lutheran College

² Aurora St. Luke Medical Center, Bellin College, Maranatha Baptist Bible College, Inc., Medical College of Wisconsin, Montessori Institute of Milwaukee, Nashotah House, Northland International University, Sacred Heart School of Theology

³ Affinity Health System Program in Radiologic Technology, Bellin Health School of Radiologic Technology, Theda Clark Medical Center School of Radiologic Technology, Wisconsin School of Professional Psychology

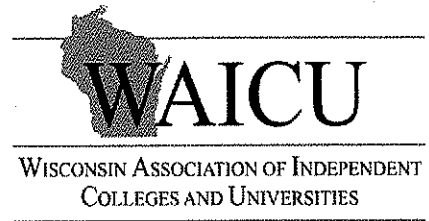
Distance Learning

As previously reported, the EAB has been responding to a significant number of institutions wanting to know if they need state approval to offer online programs to Wisconsin residents. Since January 1 of this year the EAB has received more than 450 such inquiries. Of these institutions, it is estimated that 45% are public, 35% are private non-profit, 5% are religious, and 15% are for-profit.

Under the state authorization provision, “[i]f an institution is offering postsecondary education through distance or correspondence education to students in a State in which it is not physically located, the institution must meet any State requirements for it to be legally offering postsecondary distance or correspondence education in that State.” Because institutions do not need to have physical presence in Wisconsin to trigger the need for EAB approval, institutions with online programs are required to obtain approval if they enroll students from the state.

After receiving a copy of EO #37, the EAB executive secretary contacted administration officials, including staff in the Governor’s office, about not naming all the in-state non-profit institutions currently exempt from EAB oversight and the designation of a state agency that is responsible for handling student complaints from in-state non-profit institutions not subject to EAB oversight (see attached).

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June 28, 2011


Mr. Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202


Mr. Eduardo M. Ochoa
Assistant Secretary for Postsecondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

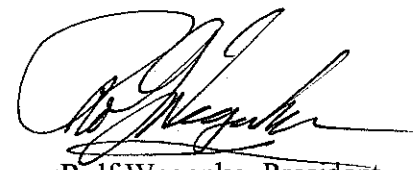
Dear Secretary Duncan and Assistant Secretary Ochoa,

In response to the USDE program integrity regulations (75 FR 66832–66975, October 29, 2010), specifically in regard to the provision for “state authorization,” we are enclosing a summation and an affirmation of those Wisconsin laws, regulations, agencies, organizations and institutions which constitute the postsecondary regulatory framework in this state.

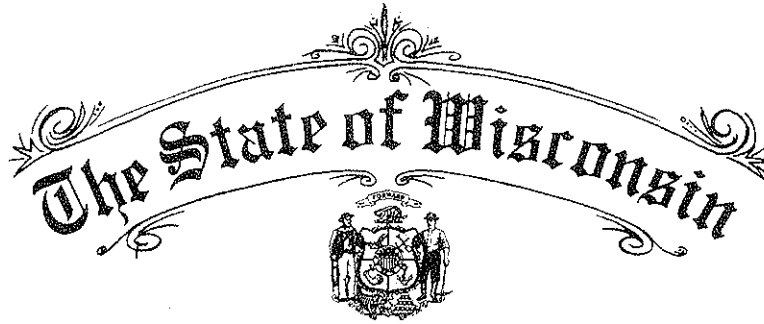
Respectfully submitted,


Kevin Reilly, President
University of Wisconsin
System


Daniel Clancy, President
Wisconsin Technical College
System


Rolf Wegenke, President
Wisconsin Association of
Independent Colleges and
Universities

C: Wisconsin Congressional Delegation
Higher Learning Commission



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 37

**Relating to Postsecondary Educational Institution Compliance with the U.S.
Department of Education Program Integrity Rule**

WHEREAS, federal student financial aid provides a critical source of funding to help keep colleges affordable for Wisconsin students and working families; and

WHEREAS, the Final Rule adopted by the U.S. Department of Education at 75 Fed. Reg. 66832-66975 (October 29, 2010), commonly known as the Program Integrity Rule, was instituted for the purpose of improving integrity in the programs authorized under Title IV of the Higher Education Act of 1965, as amended, (HEA), by amending the regulations for institutional eligibility under the HEA; and

WHEREAS, the HEA, § 101(a)(2) defines an institution of higher education to be an educational institution in any State that is legally authorized within such State to provide a program of education beyond secondary education; and

WHEREAS, the Program Integrity Rule requires that an institution of higher education that applies to participate in a Federal program under the HEA must demonstrate that it has the legal authority to offer postsecondary education in accordance with 34 CFR §600.9; and

WHEREAS, the Program Integrity Rule further requires that an institution of higher education must make available to a student or prospective student the appropriate contact information to enable the student or prospective student to file complaints with an institution's accreditor, State approval or licensing entity, or other agency that would appropriately handle a student's complaint, and that the State should exercise the primary role and responsibility for student consumer protection against fraudulent or abusive practices by an institution of higher education; and

WHEREAS, a State may fulfill its oversight role regarding the filing of complaints by students through a state agency, or the State Attorney General, or other appropriate state officials, or a combination of state agencies and state officials; and

WHEREAS, according to issued guidance from the United States Department of Education in the Dear Colleague Letter dated March 17, 2011, a state may rely on a governing board or central office of a State-wide system of public institutions if the State has made the determination that the governing board or central office is sufficiently independent to provide successful oversight of complaints for the institutions in that system; and

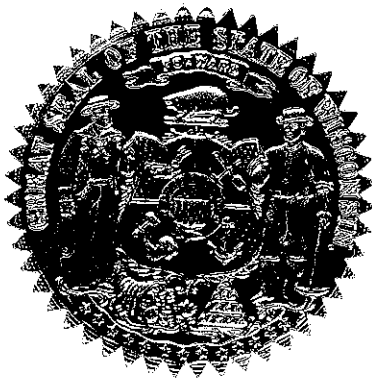
WHEREAS, pursuant to statutory authority, the University of Wisconsin System Board of Regents, the University of Wisconsin System Administration, the Wisconsin Technical College System Board, and the Wisconsin Technical College System's state office are governing boards and/or central offices of their respective state-wide systems of public institutions.

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and laws of the State of Wisconsin do hereby affirm:

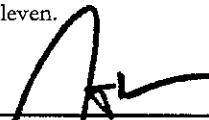
1. The following institutions constitute institutions of higher education under HEA § 101(a)(2) and are legally authorized in the State of Wisconsin by means of charter, statute, constitutional provision or other action issued by an appropriate State agency or state entity that identifies the institutions by name and affirms or conveys to the institution the authority to operate educational programs beyond secondary education, including programs leading to a degree or certificate in accordance with 34 CFR § 600.9: Alverno College; Aurora St. Luke Medical Center; Bellin College; Beloit College; Cardinal Stritch University; Carroll University; Carthage College; Concordia University Wisconsin; Edgewood College; Lakeland College; Lawrence University; Maranatha Baptist Bible College; Marian University; Marquette University; Medical College of Wisconsin; Milwaukee Institute of Art and Design; Milwaukee School of Engineering; Montessori Institute of Milwaukee; Mount Mary College; Nashotah House; Northland College; Northland International University; Ripon College; Sacred Heart School of Theology; St. Norbert College; Silver Lake College; Viterbo University; Wisconsin Lutheran College; the University of Wisconsin Colleges and Extension, i.e., University of Wisconsin-Eau Claire, University of Wisconsin-Green Bay, University of Wisconsin-La Crosse, University of Wisconsin-Madison, University of Wisconsin-Milwaukee, University of Wisconsin-Oshkosh, University of Wisconsin-Parkside, University of Wisconsin-Platteville, University of Wisconsin-River Falls, University of Wisconsin-Stevens Point, University of Wisconsin-Stout, University of Wisconsin-Superior, University of Wisconsin-Whitewater, Blackhawk Technical College, Chippewa Valley Technical College, Fox Valley Technical College, Gateway Technical College, Lakeshore Technical College, Madison Area Technical College, Milwaukee Area Technical College, Mid-State Technical College, Moraine Park Technical College, Nicolet Area Technical College, Northcentral Technical College, Northeast Wisconsin Technical College, Southwest Wisconsin Technical College, Waukesha County Technical College, Western Technical College, and Wisconsin Indianhead Technical College.
2. The above-named Wisconsin institutions of higher education are exempt from additional state authorization requirements due to each institution's accreditation by one or more accrediting agencies recognized by the Secretary of the U.S. Department of Education, and/or as a result of the institutions being in operation for at least twenty (20) years, pursuant to 34 CFR § 600.9.
3. Pursuant to its statutory authority under ch. 36, Wis. Stat., the University of Wisconsin System Board of Regents and the University of Wisconsin System Administration, as a governing board and central office, are both sufficiently independent from its institutions to receive, review, and resolve student or prospective-student complaints alleging violations of state consumer protection laws, including false advertising; violations of state laws or rules related to the licensure of postsecondary institutions; and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.
4. Pursuant to its statutory authority under ch. 38, Wis. Stat., the Wisconsin Technical College System Board and the Wisconsin Technical College System state office, as a governing board and central office, are both sufficiently independent from its technical college districts to receive, review, and resolve student or prospective-student complaints alleging violations of state consumer protection laws, including false advertising; violations of state laws or rules related to the licensure of postsecondary institutions; and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.
5. The board of directors of the Wisconsin Association of Independent Colleges and Universities (WAICU), as the official organization of nonprofit higher education in Wisconsin under Wis. Stat. §§ 14.57, 15.377, 15.67, 16.979, 38.50, 39.285, 39.437(4)(a), 115.297, and 560.27, is fully prepared to support and facilitate coordination with State Executive Branch and constitutional agencies to ensure

successful oversight over complaints from students or prospective-student complaints alleging violations of state consumer protection laws, including false advertising; violations of state laws or rules related to the licensure of postsecondary institutions; and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.

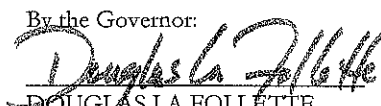
6. Pursuant to § 38.50, Wis. Stats. and Chapter EAB of the Wisconsin Administrative Code, that the Wisconsin Educational Approval Board has been established to regulate certain Wisconsin postsecondary for-profit and out-of-State nonprofit institutions, exclusive of the State's public colleges and universities that comprise the University of Wisconsin System and the Wisconsin Technical College System, as well as in-State nonprofit colleges and universities that comprise WAICU, religious schools, and vocational schools.
7. The institutions that comprise the University of Wisconsin System, the Wisconsin Technical College System, the Wisconsin Association of Independent Colleges and Universities, as well as the State Educational Approval Board, maintain and provide ongoing review of policies and procedures to adequately receive, investigate and manage the majority of student complaints regarding institutional programs and activities in a timely, effective, and transparent manner.
8. In addition to the full array of institutional policies and procedures provided by the colleges, universities, systems, and agencies identified herein, the State of Wisconsin has the requisite and duly authorized statutory and constitutional state agencies to provide necessary oversight and review of complaints against postsecondary institutions through one or more of the following agencies: Department of Public Instruction, Wis. Stat. § 15.37; Wis. Admin. Code PI § 34, the Division of Consumer Protection of the Department of Agriculture, Trade and Consumer Protection, Wis. Stat. § 15.13; Wis. Admin. Code ATCP § 1, Department of Regulation and Licensing, Wis. Stat. § 15.40; Wis. Admin. Code ADM § 30, Department of Financial Institutions, Wis. Stat. § 15.18, and the Department of Justice, Wis. Stat. § 15.25. The above state agencies shall provide oversight and review of such complaints only upon request and/or referral of such complaint(s) by the University of Wisconsin System Board of Regents and the University of Wisconsin System Administration, Wisconsin Technical College System Board, the Wisconsin Technical College System state office, and WAICU, unless otherwise required by state law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-eighth day of June, in the year two thousand eleven.



SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

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Program Integrity Questions and Answers - State Authorization

In addition to the following Q&As, please see the following resources for guidance related to State Authorization:

- Preamble to the final regulations (<http://www.gpo.gov/fdsys/pkg/FR-2010-10-29/pdf/2010-26531.pdf>) – published 10/29/2010
- GEN-11-05 (<http://ifap.ed.gov/dpcletters/GEN1105.html>) – published 3/17/2011
- GEN-11-11 (<http://ifap.ed.gov/dpcletters/GEN1111.html>) – published 5/6/2011

General Questions (STA)

STA-Q1: Does section 600.9(a)(1)(i)(A) permit an institution to be authorized by name by a State as a postsecondary educational institution in one of several ways – by statute, by constitution, or by other actions issued by an appropriate State agency or entity?

STA-A1: Pursuant to section 600.9(a)(1)(i)(A), the legal basis for the institution's existence as an eligible institution under the HEA is its authorization, by name, to offer postsecondary education. States may use a variety of means to establish a postsecondary institution, including a State agency that charters an institution, a statute that establishes a postsecondary institution, or a provision of a State's constitution that establishes a postsecondary institution. This provision does not preclude a State from having a further approval or licensure process with which the institution must comply. [Guidance issued 3/17/2011]

STA-Q2: Does "established by name" literally mean that a statute, constitution, or other action of a State must specifically establish and name an institution?

STA-A2: Yes. [Guidance issued 3/17/2011]

STA-Q3: Regarding the requirement in section 600.9(a)(1)(i)(A) that an institution be "established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action issued by an appropriate State agency or State entity and is authorized to operate educational programs beyond secondary education," in the absence of State law, or a State-authorized charter, could the "other action issued by an appropriate State agency or State entity" that recognizes an institution by name as a postsecondary institution be the articles of incorporation filed with the State's Secretary of State?

STA-A3: Yes, if the articles of incorporation are for the establishment of a postsecondary institution and the institution is incorporated by name. No, if the articles of incorporation are only as articles of incorporation for a business or nonprofit entity in the State. As noted in the preamble to the final regulations, a State is expected to take an active role in authorizing an institution to offer postsecondary education, and this is a substantive requirement. (See 75 FR

66861 (Oct. 29, 2010).) Articles of incorporation that name the institution and establish it as a postsecondary institution would meet this requirement. If the institution is not incorporated by the State as a postsecondary institution, a further State approval or licensure by name is required. These regulations are premised on the notion that an institution must obtain some type of authorization as a postsecondary institution to be considered legally authorized by the State. [Guidance issued 3/17/2011; revised to include the highlighted text on 6/21/2011]

STA-Q4: Would a letter issued by the State naming an institution satisfy the Department's requirement of "other action" under section 600.9(a)(1)(i)(A)? Would that "other action" need to be issued by the cognizant postsecondary education regulatory agency or entity, or would any State agency or entity be adequate under the rule, e.g., the governor, legislature, or head of an executive branch agency?

STA-A4: A letter would not satisfy this requirement. For purposes of section 600.9(a)(1)(i)(A), the legal instrumentality that is the basis for the institution's existence must authorize it by name to offer postsecondary education. The appropriate State entity to take the "other action" would depend on State law. In general, the "other action" will usually involve the incorporation documents of the institution. [Guidance issued 3/17/2011]

STA-Q5: A State's community colleges are authorized by State law, but not by name. Would the State's Department of Education need to provide some documentation of their individual authority -- by name -- to grant postsecondary credentials in the State?

STA-A5: As discussed in the preamble to the final regulations (see generally 75 FR 66867 (Oct. 29, 2010)), to the extent a public community college is a State institution, it is an instrumentality of a State government and is by definition compliant with section 600.9(a)(1)(i). [Guidance issued 3/17/2011]

STA-Q6: If, for example, in order to offer a diploma in nursing, State law requires a nursing school to be licensed by a State education agency as well as by the State's board of nursing, must the school document both licenses to be eligible for the title IV, HEA student financial assistance programs?

STA-A6: Yes. To be eligible to participate in the title IV and other HEA programs, an institution must be in compliance with all applicable State laws, which include that all requisite licenses are current and in good standing. [Guidance issued 3/17/2011]

STA-Q7: If a tribal college offers postsecondary education in a location that is not on tribal lands, must the college be able to demonstrate legal authorization from the State to offer postsecondary education at that location?

STA-A7: Yes. If the State requires approval for tribal college programs located on nontribal land, such approval must be obtained to be an eligible institution. [Guidance issued 3/17/2011]

STA-Q8: Can a State establish a for-profit or private nonprofit institution under the provisions of section 600.9(a)(1)(i)(A) and have a further State approval or licensure process applicable to the institution?

STA-A8: Yes. A further State approval or licensure process is not required given the legal basis for the institution's existence. A State, however, may have such a process. An institution must have such approval in order to be considered an institution of higher education for the purposes of the HEA. A State approval or licensure process does not require the creation of or reliance on a State agency; e.g., an act of the State legislature may provide such approval. Additionally, a for-profit or private nonprofit school that is not compliant with section 600.9(a)(1)(i)(A), i.e., is only established as a business or nonprofit charitable organization without authorization to offer postsecondary education, must have State approval or licensure by name. Pursuant to section 600.9(a)(1)(ii)(B), approval based on accreditation, years in operation, or other comparable exemption is not sufficient. [Guidance issued 3/17/2011]

STA-Q9: If an institution meets the qualifications for a religious exemption under section 600.9(b) of the regulations, but the institution is subject to State licensing or approval requirements independent of its status as a religious institution, is the institution considered exempt from demonstrating State legal authorization for HEA purposes?

STA-A9: No. The Department recognizes a specific religious exemption in its regulations, but when an institution is subject to State laws independent of its status as a religious institution, the Department requires that it have State legal authorization. For example, a religious institution that also operates a nursing school must comply with any State requirements imposed on nursing schools, even though the institution otherwise qualifies for a religious exemption under section 600.9(b). As a result, none of the institution is exempt from demonstrating State legal authorization. [Guidance issued 3/17/2011; revised to include highlighted text on 6/21/2011]

STA-Q10: If a religious institution does not satisfy a particular State's religious exemption from State licensure, but it does satisfy the religious exemption under 600.9(b) of the regulations, must the institution comply with State licensure requirements to be an eligible institution?

STA-A10: Yes, the institution must comply with State law. [Guidance issued 3/17/2011]

Complaints Process (C)

C-Q1: Even if certain institutions are exempt from a State's approval or licensure requirements, is there still a requirement for the State to have a process to resolve complaints involving those institutions? In addition, could the State statutorily delegate this function to a non-State entity, such as an institution's governing board or a trade association?

C-A1: The State must have a process to handle complaints for all institutions in the State, except federally run institutions (including the service academies) and tribal institutions such as tribally controlled community colleges. For purposes of HEA eligibility under these regulations, the State remains responsible for responding to complaints about institutions in the State regardless of what body or entity actually manages complaints. The Department will only recognize a

delegation that maintains the final authority with the State. This responsibility can be met by the offices of a State's Attorney General, or by a more specialized State entity. A State, upon considering a complaint, may refer it to other appropriate entities, such as an institution's accrediting agency, for final resolution. [Guidance issued 3/17/2011]

C-Q2: The Department appears to acknowledge that a State may have a combination of agencies or officials to handle complaints. If multiple agencies are used to handle complaints, do they need to have any affiliation or expertise with postsecondary education? For example, could the State's generic consumer protection agency act on complaints?

C-A2: Pursuant to section 600.9(a)(1), the Department did not specify that a single State agency must handle complaints, nor did it specify any particular expertise on the part of the State agency. If multiple agencies are applicable to an institution, the institution, under section 668.43(b), must provide its students or prospective students with contact information for filing complaints with the institution's State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint. [Guidance issued 3/17/2011]

C-Q3: For purposes of acting on complaints, would a governing board that has oversight of multiple institutions as part of a State university system satisfy the requirement that a complainant have access to a process that is independent of any institution?

C-A3: As stated in the preamble to the final regulations (75 FR 66866 (Oct. 29, 2010)), "The State is not permitted to rely on institutional complaint and sanctioning processes in resolving complaints it receives as these do not provide the necessary independent process for reviewing a complaint. A State may, however, monitor an institution's complaint resolution process to determine whether it is addressing the concerns that are raised within it." A State may rely on a governing board or central office of a State-wide system of public institutions if the State has made the determination the governing board or central office is sufficiently independent to provide successful oversight of complaints for the institutions in that system. It would not be acceptable for such a board or central office to handle complaints for other institutions in the State. [Guidance issued 3/17/2011]

Distance Education (D)

[Reserved]

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EDUCATIONAL APPROVAL BOARD

BOARD MEETING

SEPTEMBER 21, 2011

EAB MODERNIZATION BILL

SUMMARY

The EAB is planning to have its modernization bill reintroduced in hopes of having it enacted during the current legislative session.

BACKGROUND

During the 2007-09 legislative session, a bill was introduced at the request of the EAB to create a statutory framework that reflects the regulatory model envisioned as part of its modernization agenda; a series of initiatives designed to change the agency's regulatory model of approving private postsecondary schools from one that is solely based on compliance to one that is also based on institutional effectiveness.

After addressing concerns raised by the Department of Public Instruction (DPI), a substitute amendment to the bill with compromise language was introduced. Public hearings were held by the respective standing committees, which took favorable action. While the bill was adopted by the Assembly on a voice vote, the legislative session ended before the Senate took action.

In anticipation of the 2009-11 legislative session, the EAB had the bill redrafted and shared a copy with DPI prior to its introduction. Although the bill draft that was shared with was identical to the agreed upon version from the previous session, DPI informed the EAB that it wanted additional changes. Due to the EAB's concern with the additional concessions sought by DPI and changes in control of the Assembly, the bill was never introduced.

DISCUSSION

Given the legislative uncertainties of being able to get the bill introduced, the EAB submitted the redrafted modernization language as part of its 2011-13 budget request, even though it was clearly a policy item more appropriate for separate legislation. The EAB's request to include the language in the budget was rejected and it is now working with the chairman of the Assembly Committee on Colleges and Universities to have the bill introduced. Although the EAB had planned to have the bill introduced much earlier in the legislative session, a decision was made to wait until after the recall elections were held and some of the political uncertainty was resolved.