

EDUCATIONAL APPROVAL BOARD MEETING

Wednesday, September 21, 2011
10:30 a.m.

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

Members Present: Christy L. Brown (via teleconference), Michael Cooney, Joe Heim, Jo Oyama-Miller, Monica Williams

Members Absent: Terry L. Craney

Others Present: Jeunet Davenport, *DeVry University*; David Dies, Zachary Galin, Blanca James, *Educational Approval Board*; Brock Vander Velden, *Globe University*; Nathaniel Orpen, *Rasmussen College*; Patricia Kennedy, *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 10:30 a.m. Mr. Cooney noted that on page four, the board member motioning to “endorsing the board positions previously discussed...” was not captured in the minutes. Ms. Williams’ name was recorded as the motioning board member. A motion (Oyama-Miller, Williams) to approve the board meeting minutes of June 1, 2011 as amended was adopted unanimously.

Mr. Heim arrived at 10:34 a.m.

BOARD CHAIR’S REPORT

Mr. Cooney commented on the 193 schools now approved by the EAB, and the dramatic increase of new schools. He mentioned that after a lot of commotion and confusion about the new federal rules, particularly concerning gainful employment, the U.S. Department of Education has provided additional guidance and clarification.

PUBLIC COMMENT

None.

BOARD STATUS REPORT

Mr. Dies identified several items contained on the board status report, and briefly commented on them. He indicated that the entire board status report can be found in the materials provided at the meeting and on the EAB’s website.

Request for Increased Position/Expenditure Authority – Mr. Dies noted that the EAB staff is concerned about their ability to adequately regulate the postsecondary educational institutions it

oversees and the unprecedented increase of EAB-approved institutions. He noted that despite being denied previous requests for additional resources, the EAB intends to submit a Chapter 16 emergency request and explained the submission process.

Ms. Oyama-Miller inquired whether it would be beneficial for board members to become more proactive in promoting this request. Mr. Dies indicated that board involvement would be beneficial. Mr. Heim suggested the board take action supporting the emergency request.

A motion (Heim, Williams) to support the Chapter 16 emergency request for additional position and expenditure authority was approved unanimously.

SCHOOL APPROVAL ISSUES

Mr. Dies summarized the school approval actions taken by staff since the board last met. He briefed the board on the Madison Media Institute complaint and the subsequent legal action seeking an administrative review of the EAB's decision dismissing the complaint. It was noted that the Department of Justice is representing the EAB.

A motion (Williams, Brown) to approve items A through I of the School Activity Report for the period of May 26 through September 16, 2011, was approved unanimously.

FEDERAL PROGRAM INTEGRITY RULES

Mr. Dies summarized the EAB's concern related to the new federal program integrity rules clarifying what it means to be legally authorized by states and requiring states to have a designated agency to address student complaints. Although Executive Order #37 (EO) had been issued by the Governor to address these issues, Mr. Dies alerted administration officials and Governor's Office staff that the EO did not specifically name all the in-state non-profit institutions currently exempt from EAB oversight or address the handling of student complaints from these institutions.

THE EAB MODERNIZATION BILL

Mr. Dies informed the board that the EAB will be reintroducing its modernization bill and hopes to have it enacted during the current legislative session. A decision was made to wait and have the bill introduced until some of the political uncertainty was resolved. The bill will be nearly identical to the last agreed upon version in the 2007 legislative session and the version it requested last fall as part of the 2011-13 biennial budget request. The EAB is working with the chairman of the Assembly Committee of Colleges and Universities to have the bill reintroduced.

ADJOURNMENT

A motion (Heim, Oyama-Miller) to adjourn was unanimously approved at 11:25 p.m.