

EDUCATIONAL APPROVAL BOARD MEETING

June 11, 2014

10:30 a.m.

1st Floor Conference Room
201 W. Washington Avenue
Madison, WI

Members Present: Don Madelung, Robert Hein, William Roden, Jo Oyama-Miller

Others Present: David Dies, Zachary Galin, Linda Heidtman, Blanca James, Jessica Sabin, Patrick Sweeney, Casey Wachniak, *Educational Approval Board*; Wendy Coomer, *Foley & Lardner (representing Bridgepoint)*; Julie Parker, *Upper Iowa University*; Thomas Schober, *Schober Schober & Mitchell, S.C. (representing WSPPG)*; Delores Lillge, *WSPPG*; Ruby Abendroth, Deanna Tobak, Janice Tobak, Joe Wilke, *WSPPG complainants*; Nathan Halbach, Mike Rogowski, *Whyte Hirschboeck Dudek SC (representing the University of Phoenix)*; Phyllis Mogrelski-Watson, *Laureate Education (representing Walden University)*; Chris Bonnell, *Capella University*; Jamie Buenzli, Rocky Klitzke, *Globe University*

The chair of the Educational Approval Board (EAB), Don Madelung, called the meeting to order at 10:34 a.m. Roll call was taken by Mr. Dies and a quorum was present. A motion (Hein, Oyama-Miller) to approve the March 12, 2014 board meeting minutes was adopted unanimously.

BOARD CHAIR'S REMARKS

Mr. Madelung noted that the meeting would be longer than usual and a closed session would be held in the afternoon.

PUBLIC COMMENT

There were no public comments.

BOARD STATUS REPORT

Mr. Dies provided comments on a number of issues based on the EAB's strategic plan.

Involvement in Postsecondary Education Policy Decisions

State Authorization - The U.S. Department of Education (USDOE) revisited the issue of authorization for institutions that offer online programs in other states in another round of negotiated rulemaking in early May. Mr. Dies informed the board that because there was not a unanimous consensus among the negotiated rulemaking committee, the rule was not adopted.

Mr. Dies indicated that the State Authorization Reciprocity Agreement (SARA) was included in draft language during rulemaking process. Given there were no state representatives on the rulemaking panel, the EAB submitted a letter to Secretary Duncan urging the USDOE to proceed with caution regarding SARA agreements.

Mr. Dies explained the *de minimis* test provision of the proposed rule as it applies to online distance learning programs. Under this test, institutions serving fewer than 30 students would be considered to have automatically met the provisions of the rule. Mr. Dies indicated that he anticipates a proposal from the department to be published in the federal register later this month. While it would be July 2015 at the earliest before the rule could take effect, some provisions of this rule likely would be delayed until sometime in 2018.

Mr. Dies referenced the second page of the proposed rule regarding the inability of states to exempt institutions based solely on factors such as accreditation, years of operation, or other comparable exceptions. The USDOE clarified this provision and said states must have an “active process” that examines an institution and its programs. He also mentioned that “active process” is not currently defined, but it has been suggested that such criteria might include financial liability and an institution’s student refund policy.

As it relates to Wisconsin’s degree granting nonprofit organizations, it remains unclear as to how their exemption from EAB approval would align with this provision. Mr. Dies said that the EAB is closely watching to see what might come forward with this and also described it as chaotic from a policy standpoint.

Ms. Oyama-Miller inquired about the number of other states that operate similarly to Wisconsin in terms of regulatory oversight. Mr. Dies responded that there are about a dozen other states that operate similarly in terms of oversight of institutions offering online programs to their residents.

Mr. Madelung discussed a conversation that he had with Larry Isaak from the Midwestern Higher Education Compact (MHEC) regarding states that have joined or are in the process of joining SARA. He indicated that the first two states to join SARA (Indiana and Nebraska) were MHEC-member states. Among other MHEC states, four other states (Iowa, Kansas, Minnesota, and Nebraska) have passed legislation that will enable them to submit their SARA applications by the end of 2014; three states (Illinois, Missouri, and Ohio) have pending legislation that is expected to pass this spring and would enable them to submit their applications before the end of the year, if it is passed; and one state (Michigan) might be able to process and proceed with its portal agency without needing new legislation. He noted that Wisconsin is in a difficult position as it does not have a natural portal agency and there isn’t much agreement regarding Wisconsin becoming a SARA member.

Mr. Madelung mentioned the meeting Mr. Dies and he had with Senator Harsdorf and Representative Nass (who are MHEC commissioners), and representatives from the UW, technical colleges and private nonprofit colleges about the SARA. He indicated that there appears to be another meeting pending but this is not yet confirmed.

Mr. Dies stated that at the meeting there was a general recognition that Wisconsin would likely need a statutory change for it to be able to participate in SARA, and such legislation would not even be introduced until 2015.

Mr. Dies indicated SARA had received a significant amount of attention and discussion at the recent NASASPS conference in Little Rock, AR. He indicated that the states that are signed up for SARA currently are primarily ones that have not required online institutions to be approved in order to offer such programs to their residents. He mentioned a chart can be viewed online that provides the status of where states are in the process of joining SARA. Mr. Dies noted that many of the states with large, online programs originating there have not been moving forward as quickly as expected with SARA.

Statement of Scope / Proposed Administrative Rule – Mr. Dies provided an update on the status of the statement of scope pertaining to a proposed administrative rule change clarifying the need for accredited schools to be approved. He indicated that while meeting with the Governor’s office, it was suggested the EAB first engage in conversation with the Legislature. Mr. Dies met with Representative Nass who expressed concern that this change could be perceived as an effort to change the statutory intent. A consensus was reached to undo the language creating the rule definition that was established in 2004. Although the EAB resubmitted a revised statement of scope three weeks ago, it may not be a high priority for the Governor’s office at the moment given the upcoming election.

Positive Working Relationships and Alliances

Excelsior College – Mr. Dies referenced a letter from Excelsior College in which the institution requested an exemption from reporting student outcomes data for their programs that serve very few Wisconsin students. The school also inquired about a possible exemption for their nursing program, as the individuals are already required to be licensed by the Board of Nursing (BoN).

Mr. Dies referenced the EAB’s written response to Excelsior College denying both requests for exemptions and suggested that the EAB may benefit from meeting with the BoN to discuss licensure and approval of the nursing programs at Excelsior, since the individuals are licensed through the BoN but the program and school are not. In a subsequent letter, Excelsior expressed interest in meeting with the EAB to work through some issues that they are experiencing regarding reporting student outcomes data.

Ms. Oyama-Miller inquired about any other institutions expressing similar concerns regarding reporting student outcomes. Mr. Dies indicated Herzing University responded with the exact opposite feedback and reported that the EAB’s findings actually mirror their own findings and they are then able to use that information to better their strategic planning as it relates to retention and graduation rates.

Ms. Oyama-Miller noted the difference between Herzing and Excelsior, as there are many more Wisconsin students enrolled in programs at Herzing. From a staff perspective regarding school feedback, Mr. Dies indicated that the vast majority of institutions report the outcomes reporting process is easy and not overly burdensome. He noted that EAB will be monitoring feedback

from schools as it moves into year two of cohort tracking and reporting. Mr. Dies remarked the reporting methods utilized in Wisconsin are vastly ahead of any other state.

Mr. Madelung noted that Excelsior may be in a unique situation because of the licensure that is required of Wisconsin students by their employers. Mr. Dies noted once licensure is brought into the equation, it becomes an entirely different situation and regulation becomes more complex.

Mr. Roden inquired about whether or not the EAB has any data about the number or percentage of students that pass their nursing board exams or licensure requirements. Mr. Dies indicated that the BoN provides this information to the EAB. Two of the institutions that the EAB oversees have passing marginal rates in the mid-70 to mid-80 percentile.

K-12 Completion Rates – Mr. Dies noted an article posted in the Wisconsin State Journal that focused on K-12 schools, praising the 80% nationwide public high school completion rate. Notably, Wisconsin’s graduation rate is at 88%. Mr. Dies also drew attention to the article’s reference to schools graduating less than 60% of students as “drop out factories.”

State Authorization Survey – It was reported that the State Authorization Network, an offshoot of WICHE, had conducted a survey of at least 600 different institutions and presented on their findings at the NASASPS conference. Wisconsin was one of several notable states mentioned during the presentation as being particularly helpful, and Patrick Sweeney was specifically recognized as one of the best in the country. In addition, the EAB’s website was deemed one of the best in the country in regards to accessibility of information and forms. The EAB is looking forward to seeing a state-by-state survey, which would better portray Wisconsin’s results.

Yoga Teacher Training – Mr. Dies spoke about an upcoming yoga teacher training meeting being coordinated by the EAB. He noted that all relevant information related to this meeting is included in the board meeting materials. Mr. Dies spoke briefly about the Yoga Alliance and its new “Social Credentialing” efforts. He suggested that they might look at Wisconsin as a model state in terms of yoga teacher training.

Consumer Protection

Mailen vs. EAB – It was reported that the court of appeals has issued its ruling affirming the lower court decision, stating that the EAB acted reasonably and within its jurisdiction, and all evidence supported its actions. The court also ruled that authority delegated to the executive secretary was appropriate and the executive secretary could assign work related to the complaint to his designee(s). Overall, the way in which the EAB handled this complaint was ruled to be appropriate.

Public Awareness and Media Relations – Mr. Dies referenced *The Chronicle of Higher Education* article included in the board meeting materials regarding state authorization issues and the letter the EAB sent to Secretary Duncan. In this article, EAB comments are referenced and reflected.

Directory – Mr. Dies informed board members that the EAB will no longer publish a directory of approved schools as it quickly becomes outdated and is not as useful as it was in the past. For efficiency purposes, the EAB can better provide the same information in real time on its website, which is fully searchable. EAB staff got more complaints about misinformation in the directory than compliments on the benefits it provided.

Operational/Administrative Procedures and Policies

Revenue/Expenditure Condition – Mr. Dies reported the EAB’s revenues and expenditures are consistent with the budget.

Staff Retreat – Mr. Dies made note of a staff retreat that was conducted on May 9. Of particular note, a SWOT exercise and prioritization exercise were conducted and were important in identifying important areas of focus over the next 12-18 months.

Personnel Updates – He also introduced Casey Wachniak, who began working as the EAB’s new full-time Operations Program Associate on May 9, 2014.

In reference to the SWOT exercise and prioritization, Ms. Oyama-Miller inquired about the frequency with which school visits are conducted and if it would be beneficial to revisit the established guidelines. She also inquired about why staff deemed this as being of “moderate importance” and asked if more staff resources would influence the importance placed on school visits.

Mr. Dies commented that school visits are a priority to the EAB, but at the moment there are other priorities that are more urgent and speak directly to the long-term viability of the EAB. For example, the accreditation rule definition could create a number of problems if not clarified and resolved. Currently, there is no official policy regarding how frequently school visits are conducted, but staff has developed an internal set of guidelines.

Mr. Dies also shared some information regarding the different types of visits that are conducted and briefed the board on the nature of a routine comprehensive visit, a new school visit, and an unannounced/investigatory visit. There are informal guidelines regarding all of these but no enforced policy. When a school is first approved, it is typically visited within six months. The school is then visited every three years unless it is accredited, in which case the school is visited at the midpoint of their accreditation.

In response to a question by Mr. Madelung about the number of Wisconsin institutions the EAB currently oversees, Mr. Dies stated the EAB currently oversees 228 total schools with over 120 of them being located in the state of Wisconsin. He indicated the EAB often has closer relationships with in state institutions because more interaction is possible with those schools. Although the EAB does not have the budgetary resources to visit out-of-state schools, he suggested they are the schools that are in most need of visits.

Ms. Oyama-Miller clarified she thinks it might be beneficial to express information about school visits to the public (and schools), noting it is important for both students and schools to know why and how schools are being reviewed.

Mr. Dies commented that postsecondary education is one of the least regulated industries in our nation. He indicated that while Wisconsin has established high standards compared to other states, the statutes and rules serve as minimum requirements. Because the EAB would seek to move beyond the minimum requirements, this is why staff ranked student outcomes data reporting so highly during their prioritization exercise.

SCHOOL APPROVAL ISSUES

Mr. Madelung relinquished the chair to the vice-chair, Ms. Oyama-Miller. He also recused himself of voting, since the action items pertain to both his current and former institutions.

A motion (Roden, Hein) to approve items “A” through “I” of the School Activity Report for the period March 6, 2013 through May 27, 2014 was made.

Herzing University – Ms. Oyama-Miller drew attention to Herzing University switching to nonprofit status. She inquired about whether or not there is a concern that other schools will follow suit.

Mr. Dies indicated that it is possible other schools will attempt to switch to nonprofit status, and this may be driven by new federal regulations pertaining to gainful employment. At the same time, Herzing is the only large online institution that is actually headquartered in Wisconsin, so the impact of it switching to nonprofit status is unique.

Next, Ms. Oyama-Miller inquired about the amount of time that is required to disseminate information to schools about exemptions or their need for approval.

Mr. Dies noted that all pertinent information regarding which schools are exempt from EAB oversight is readily available on the EAB’s website, although many fail to fully reference it. He also noted that many schools still want an email containing an “active determination” of their own exemption. Mr. Dies indicated disseminating this information is not overly burdensome or time consuming, usually only amounting to about 5 minutes of staff time for each request.

Upon inquiry from Ms. Oyama-Miller, Mr. Dies clarified that the online RN to BSN nursing program at Maryville University is only 30 credits because most students who enroll in this program already have a significant amount of coursework completed and are already practicing nurses. In general, most of these students are attaining their Bachelor’s degree (BSN) in nursing because their employers require or prefer that over an Associate’s degree (RN).

Mr. Hein asked for an update regarding Herzing and Amerstate and whether those issues required action. Mr. Dies indicated that the letter from Herzing was more advisory in nature than anything else and will be discussed further in closed session. He also indicated any response would occur after discussion with legal counsel.

In regards to Amerstate, it was noted that concerns regarding the school's website seem to have been resolved. Mr. Dies suggested the New York Board of regents had something to do with getting Amerstate to take down their website information. Because the website has been changed, no additional action is required by the EAB at the moment.

The motion before the board was adopted unanimously.

Ms. Oyama-Miller returned the chairmanship to Mr. Madelung.

WISCONSIN SCHOOL OF PROFESSIONAL PET GROOMING

Mr. Madelung discussed how the board would proceed with reviewing the complaint matter, beginning with staff providing background information, followed by giving the school and complainants an opportunity to make brief statements.

Mr. Dies noted that on April 9, 2014 the EAB received a complaint regarding the Wisconsin School of Professional Pet Grooming (WSPPG) from Ms. Ruby Abendroth, which was forwarded to the WSPPG for a written response. On April 23, the EAB received two additional complaints from Mr. Joseph Wilke and Ms. Deanna Tobak. The EAB subsequently received a written response from WSPPG regarding the Abendroth complaint.

Through interviews with the three complainants and a former WSPPG employee, the EAB was able to gather additional information. A letter was sent to the school with those findings, again asking for a written response. Although the EAB received a response from the school and its attorney, the EAB staff concluded it did not adequately address the issues at hand. On May 16, the EAB sent another letter to WSPPG with a directive for complaint resolution.

Based on the information provided to the EAB by the complainants and the school, it was determined that the students did not receive the education and training they were promised and, for that reason, were deserving of a tuition refund, which the WSPPG rejected. Mr. Dies noted that the inability of the EAB to resolve a complaint between a school and a student is uncommon. Usually, the EAB is able to work with both parties to reach a resolution.

Mr. Dies noted that WSPPG was without the necessary surety bond to operate under the EAB's approval since December 2014, which prompted him to contact the school's attorney since the inability to resolve the bond issue would make consideration of the complaints a moot issue. Although some changes to the bond are still necessary, Mr. Dies is confident they can be adequately resolved.

Mr. Dies, along with Mr. Sweeney, agreed to meet with Attorney Schober and Ms. Lillge on June 5 to discuss the complaints, but came to the conclusion that they were unable to find a resolution that would satisfy all parties involved.

Mr. Dies noted that the EAB had received a fourth student complaint regarding WSPPG, which raised issues/problems similar to those raised by the other complainants. The new complaint also raised several allegations that are beyond the EAB's authority and they will be turned over

to appropriate agencies for investigation. Board members were directed to additional information provided to the EAB by WSPPG after their June 5 meeting. Mr. Dies discussed a number of options the board may want to consider before Mr. Sweeney was asked to provide details related to the complaints.

Mr. Sweeney noted that despite the EAB's efforts to protect Wisconsin consumers, complaints arise from time to time and it is important for the EAB to be consistent in its primary mission of student protection. He mentioned the EAB had received very similar complaints about WSPPG back in 2008. He argued that despite positive testimonials provided by the school from some students in a different class, there has been a pattern of some students not being well-served at the school.

Mr. Sweeney expressed some concerns about adequate staffing at the school. Complainants claimed that there was often little or no demonstration done by the instructor [Ms. Lillge] or interaction with her. There was also a vacancy in the school's paid receptionist position and Ms. Lillge often had to cover those duties as well, further impeding her ability to instruct the students. Mr. Sweeney also noted that there were some days that students had no or few dogs to practice grooming while other days they had more than they could complete. Students were sometimes penalized as a result.

Mr. Sweeney also expressed concern regarding unfair or unrealistic grading practices at WSPPG. For example, in previous years, if a student failed an exam twice they were considered to have failed the entire course. The EAB worked with WSPPG to revise this grading practice and required students and the school director to work together to implement a plan for success rather than failure. With the current complainants, no academic success plan was implemented.

Attorney Schober and Ms. Lillge addressed the board. After thanking the board for their role in complaint mediation, Attorney Schober explained that WSPPG had recently downsized and moved into a new, much smaller space that no longer required as much staff presence as it once did. Attorney Schober also argued that testimony he and Ms. Lillge provided from students who were satisfied with the program were not "cherry picked," but rather those students attended the school at the same time as the complainants. Attorney Schober argued that there had been a much higher focus placed on complaints rather than successes over the years, and that has led to an inaccurate portrayal of WSPPG.

Attorney Schober said that they are willing to work with the EAB and the complainants to arrive at a solution, but the limited timeframe had not allowed them to do so yet. He argued that the students should not get certificates and tuition refunds, as the EAB has proposed. He recognized the EAB's role to protect students, but he argued that they also have an obligation to protect and work with schools. He also argued that his client should not be liable for issues that were out of her control such as Mr. Wilke not ever asking for special accommodations or Ms. Lillge not being able to speak with the complainants to try to resolve their complaints before things escalated to their current state. Attorney Schober called attention to a letter from another disabled student who praised both Ms. Lillge and WSPPG.

Attorney Schober offered some clarification regarding the surety bond, noting that the EAB and WSPPG had moved since the original bond was issued and there was confusion on the insurance company's part about address information. Although there was miscommunication and clerical issues surrounding getting the bond to the EAB, Attorney Schober said that it should be considered legitimate since it was always in place, just not in the EAB's possession.

In closing, Attorney Schober reminded the board that the allegations that have been made are very serious in nature and in order to fully resolve them, more time, investigation, and discussion are needed to work through the complaints. He said that the option of refunds that had been given to his client is unreasonable. He reassured the board that WSPPG is willing to work together to arrive at a fair solution and reminded the board of all of the satisfied students that have completed their course work at WSPPG.

Ms. Lillge indicated that she was satisfied with Attorney Schober's statement on her behalf and reaffirmed the need for more time in order to remedy this matter.

The three complainants addressed the board. Ms. Abendroth spoke first, indicating that she does not think she received the education she signed up and paid for.

Mr. Wilke suggested that Ms. Lillge mistreated other students with disabilities in addition to him. He said that Ms. Lillge was verbally aware of his limitations but he was never allowed extra time to complete work, not allowed to redo work, didn't always have enough dogs to work with, and didn't get the attention or education he deserved. He also alluded to criminal wrongdoings of Ms. Lillge.

Ms. Tobak spoke in depth and on behalf of the other two complainants. The three of them make up three quarters of their entire class. She indicated that although some of the WSPPG classes and students may have been satisfied with the education they received, she was not. Ms. Tobak referred to a variety of passages located within the board meeting materials, specifically the WSPPG student catalog, as she argued her points.

Ms. Tobak first discussed issues that they encountered with the grading practices at WSPPG, stating that although grading was supposed to be done on a daily basis and then reported back to the students once a week to track progress, Ms. Lillge often neglected to complete grading papers or sometimes would do them several weeks later, relying solely on her memory of how a task was completed. Other times, papers were returned to the students incomplete or in very little detail. She referenced a variety of pictures and grade sheets to map out dogs that she completed but never got graded on and one dog she never groomed but was still graded on. In addition, Ms. Tobak said grade sheets that were completed and feedback that was provided to students was often unfair and only favored Ms. Lillge's "favorite students." She indicated that Mr. Wilke was often on the wrong end of an imbalanced grading system, as they were supposed to be able to practice grooming techniques on the dogs several times before being tested; but he often received no training or practice and was asked to test immediately. Ms. Tobak expressed concern regarding the lack of dogs available on some days and the overbooking of dogs on other days.

Mr. Madelung inquired about whether or not the availability of dogs was dependent on the public bringing them in to be groomed.

Mr. Sweeney responded affirmatively, but also clarified that much like cosmetology or massage therapy, the school is responsible for scheduling appointments and booking resources appropriately so students are able to advance through their coursework as it is laid out and promised to them.

Ms. Tobak spoke about the “receptionist internship” that they were required to complete, although they received no formal training pertaining to successful performance of required duties. Instead, they were given a pamphlet and expected to master tasks related to the internship from that information alone. She suggested that the lack of adequate training for these duties negatively affected their overall grades and also placed them in somewhat risky situations, such as one receptionist watching the whole building as the rest of the class and director took a lunch break, and improper training on cleaning chemicals.

Ms. Tobak suggested that she was unfairly treated after turning down an instructor position at WSPPG that Ms. Lillge offered to her before she even completed her training. She informed the board that even though she turned down this opportunity, she often took on more of a helping/teaching role in the classroom because there were students who were struggling, but not getting the attention they needed. Overall, she argued that because of all of these issues, they did not get the education that they had signed up and paid for.

Mr. Dies addressed the board, indicating he hoped the board understood better why this situation has been such a challenging one for EAB staff to mediate, as this is one of the most unique and difficult complaint cases it has encountered. Given that it was previously suggested to open up the floor for questions, Mr. Dies cautioned against “cross-examining” as this could mimic a hearing process, which this review was not intended to be. At the same time, he indicated allowing for clarifications could be advantageous.

Mr. Dies reiterated the EAB’s role of trying to prevent situations like this one. He said that part of the EAB’s responsibility is to help schools succeed so they can provide education and training to students so that they can get jobs and be successful.

In response to a question by Mr. Roden about whether “Complaint Mediation Review” accurately portrays the preceding debate and conversations, Mr. Dies suggested that other terminology might have been better. He also acknowledged that getting all of the parties to take part in the conversation could be advantageous in arriving at an eventual mediation of these complaints. Mr. Dies reminded the board of the option to bring in a third party arbitrator to help mediate.

Mr. Madelung and Mr. Roden agreed that in order for a third party arbitrator to be successful in resolving this situation, arbitration must be legally binding. It was also noted that not all parties involved may find this route ideal.

Mr. Madelung reminded the board members that their role is to make sure EAB staff followed procedures, students got to speak their minds, and the school was able to present its case. Allowing the board to mediate these discussions eliminates EAB staff from being seen as biased. Overall, Mr. Madelung said that the current situation was extremely complicated and could be more than the board is able or allowed to undertake alone.

Attorney Schober indicated that his client and he needed some time to discuss whether pursuing binding arbitration would be best for them.

Ms. Oyama-Miller wanted to make sure the complainants and their families understood the process of pursuing binding arbitration as a mediating option.

Mr. Dies clarified that pursuing binding arbitration would mean the EAB, not the complainants, would be bound to the arbitration. He also wanted to clarify to the students that they could still seek outside counsel to deal with their complaints if they so choose.

After a brief period of clarification and discussion, it was agreed upon by all parties that WSPPG and the EAB will have a period of 30 days to attempt to find a resolution to this matter. If a resolution is not found within 30 days and WSPPG chooses to reject the pursuit of binding arbitration, then the board will hold a formal hearing to be held before an ALJ judge. If this turns out to be the case, the EAB executive secretary will represent the board and work directly with legal counsel.

Ms. Oyama-Miller encouraged everyone to work together to resolve this situation before it reached the court, as there are certain benefits for each party to find a quick and civil resolution.

A motion (Roden, Oyama-Miller) was unanimously adopted giving WSPPG a period of not more than 30 days in which to reach a resolution with the EAB regarding the four student complaints it received, after which WSPPG would have the option of entering into binding arbitration if a resolution cannot be reached. If binding arbitration is rejected by WSPPG, the EAB will hold a formal hearing before an Administrative Law Judge, and the executive secretary, and/or his designee(s), are authorized to represent the board in such proceedings.

2015-17 BIENNIAL BUDGET

Mr. Dies discussed the need for the EAB to have its own staff attorney. He indicated that DOJ reported spending approximately 1,250 hours a year for the past several years on EAB-related matters. A list of issues handled by DOJ attorneys is included in the board meeting materials and was referenced.

Mr. Dies also discussed issues that the EAB currently has related to maintaining and utilizing the student transcripts it maintains at its office and at the State Records Center. He indicated a need for a transcript imaging project to build a database for electronic records that can be more quickly and easily accessible. The costs related to a project of this nature are not yet known, but Mr. Dies suggests the efficiency of electronic records management system is worth further study into the specifics of this possible undertaking.

Ms. Dies informed the board that no action is required at the moment for either of these two issues but we could revisit them in more specific detail during the September board meeting.

CLOSED SESSION

A motion (Oyama-Miller, Roden) that the EAB hold a closed session under section 19.851(c, g) of the Wisconsin statutes to consider the performance and compensation of the executive secretary in accordance with section 38.5(5) of the Wisconsin statutes and to confer with legal counsel regarding matters of litigation was adopted on a 4-0 roll call vote.

The board entered closed session at 1:14 p.m. A motion (Madelung, Oyama-Miller) to adjourn closed session was unanimously approved at 2:25pm

EXECUTIVE SECRETARY PERFORMANCE AND COMPENSATION

Mr. Madelung indicated that the board will contact Judy Marti at WTCSB to attain background information on Mr. Dies' compensation and to inquire about the minimum and maximum parameters for a wage increase.

It was decided that a special board meeting would be held to further discuss this action item. In the meantime, Mr. Madelung asked that Mr. Dies provide the board with self-evaluation. It was also understood by the board that he would receive one-percent general wage increase. Mr. Dies reminded the board that if they found anything unsatisfactory with his general performance, the board can also deny him the general wage increase. Mr. Dies cautioned the board not to have any outside conversation about wage-related issues once Mr. Madelung receives information from Ms. Marti, although information can be disseminated amongst the group.

2014-2019 STRATEGIC PLANNING SESSION

Mr. Madelung asked if board members would like to have a strategic planning meeting in September at a newly opened school so new board members could visit a new school. Mr. Dies reminded the board that the meeting would have to be in a school with a room large enough to accommodate the general public. At the same time, he questioned if a meeting at a school would be conducive to the strategic planning session.

Following a discussion regarding logistics, a decision was made to allocate time after the next board meeting to engage in a strategic planning process. It was agreed that it would be advantageous if EAB staff were to be part of the strategic planning process.

ADJOURNMENT

A motion (Roden Oyama-Miller) to adjourn was unanimously approved at 2:44 p.m.