



## The EAB Quarterly

A newsletter from the Wisconsin Educational Approval Board Issue 4, Winter 1999

### **Clarifying EAB's Oversight Authority**

*In early November 1998 an independent Administrative Law Judge (ALJ) ruled on a claim by a massage school that the Educational Approval Board (EAB) did not have authority over it. The initial stages of this case took place before the current board was in place. With no formal appeal process, sans a board, the Department of Justice advised that the EAB refer the matter to an ALJ.*

*The facts of the case are as follows. The EAB learned of Lake Country School, in Delafield, after staff reviewed a national publication that identified the school as exempt from state approval. Staff contacted the school and after some discussion, and review of the instructional material, concluded that it needed to be approved. The EAB argued that the school's purpose was to train individuals to sit for a national certification exam; hence, it had a vocational purpose. The school claimed that it simply offered avocational training. This was a key point of conflict because s. 39.51 (9) (d), Wis. Stats exempts from EAB oversight "schools primarily offering instruction avocational or recreational in nature and not leading to a vocational objective."*

*The school objected to the requirement that it be approved, and its attorney asked that the EAB make a declaratory ruling (which it could not do, in the absence of an appointed board) that it fell within the avocational exemption noted above. By mutual agreement the case was referred to an ALJ for resolution. An attorney with the Department of Justice represented the EAB. The attorneys filed briefs in early summer.*

*The EAB claimed that the school's program was geared to securing national accreditation for its graduates, i.e., massage therapists; thus, rendering the training implicitly vocational. The school claimed that it offered the program on an avocational basis only and that the goal of national certification was only for graduates to attest to a level of professional competence. At issue was not only the approvability of this school, but also the EAB's long-standing interpretation of the avocational exemption.*

*The ALJ ruled in favor of EAB's position. She held that the school "does not qualify as a primarily avocational or recreational school under s. 39.51 (9) (d), Wis. Stats., and is therefore not exempt from approval by the Educational Approval Board." Her decision added some needed clarification to the meaning of the statutory language in question. She stated that "to qualify as exempt under s. 39.51 (9) (d), Wis. Stats., a post-secondary school must demonstrate its instruction is primarily avocational or recreational and that it does not lead to a vocational objective."*

*The opinion also clarified another long-standing EAB policy; that the most important thing governing the approvability of a school is what it does and not what it says it does. The ALJ further stated that although a majority of students who graduate from Lake Country may choose not to pursue a professional career in massage therapy, that does not diminish the fact that the school prepares them for a vocational objective. Whether a student actually practices massage is immaterial. The fact remains, they are eligible to practice if they so choose . . . Moreover, it is the objective of the instruction, rather than students' career objectives, that determines whether the exemption in s. 39.51 (9) (d), Wis. Stats., applies.*

*This opinion is the first analysis by an external arbiter of the EAB's oversight authority. It reinforces long-held board policy and procedures and clarifies the distinction between avocational and vocational training.*

### **Attorney General Support on Distance Education**

*Earlier this year, EAB received a letter from an out-of-state paralegal school stating that it would not be renewing its license in Wisconsin because they had moved to a distance learning environment. The school has been approved to operate in Wisconsin since May 1989. The school contended that since it no longer would have a physical presence in Wisconsin, nor would they advertise or recruit within the state, it did not need to be approved by the EAB.*

*EAB's contention is that a school must maintain its EAB approval if it serves Wisconsin residents via distance education.*

*The matter was referred to the Office of the Attorney General for an opinion. After reviewing the facts at hand, the AG's office found that the school's plan to switch the delivery of its program to Internet-based instruction has no effect on its status relative to approval by the State of Wisconsin. If the school intends to instruct Wisconsin residents, it must be approved by EAB.*

### **Meeting Notes Advisory Group**

*Advisory Group members met in early December. Much of the discussion centered around the topic of what the newly appointed board would like to know about the schools and private education. Suggestions were offered about ways to help the*

board learn more about our approved schools. Ideas included inviting board members to visit schools and adding board members to distribution lists for newsletters and other mailings.

### **Dr. Davis reported on the Workforce**

Investment Act and its impact on postsecondary education. The Act is geared to providing training and employment opportunities to displaced, dislocated and incumbent workers through the mechanism of local job centers. Dr. Davis has been working with the Department of Workforce Development to ensure that EAB is included in the process for vetting providers.

There was some discussion of a spring/summer meeting of the schools with special attention paid to the Workforce Investment Act. An advisory group member suggested that Dane County staff could do an excellent job in explaining the intricacies of the Act. <http://www.dwdstate.wi.us/dwdwia/>

### **School News**

**FocusCorp Honored for Help as W-2 Supporter**

Thirty-one Wisconsin public and private nonprofit agencies have been honored for their work to make W-2 successful. Dane County's Human Services Department and the W-2 Steering Committee gave the awards.

Focuscorp (an EAB approved school) of Madison, WI was honored for its efforts to help non-English speakers do well at its work site. Many W-2 participants at the site are from southeast Asia.

Implemented in 1997, W-2 replaced Aid to Families with Dependent Children and required aid recipients to work for their benefits. There is also a cap on the amount of time a person can receive benefits. Since W-2's beginning in Dane County, there have been 455 participants who have worked in community service jobs, which pay \$673 per month for working 30 hours a week. Since W-2's start, 198 people have been placed into permanent, unsubsidized jobs with an average wage of \$7.12 an hour.

**Midwest Driver Development Certified Under New PTDIA Standards**

Midwest Driver Development, Green Bay, WI is one of 12 pilot schools in the United States and Canada recently certified under new curriculum standards of the Professional Truck Driver Institute of America's (PTDIA) Certification Commission. The school is the first to receive this designation in Wisconsin.

PTDIA, based in Alexandria, VA, is a national, nonprofit organization sponsored by the nation's truck industry to advance truck driving proficiency, safety and professional standards among drivers which in turn will foster benefits for stakeholders, including motor carriers, insurers, training schools, government bodies at all levels, funding organizations and the American public. The curriculum, which was recently revised, incorporates the Federal Highway Administration's "Minimum Standards for Training Tractor-Trailer Drivers," and PTDIA has judged it to be the minimum necessary for entry-level drivers to safely operate tractor-trailers and meet the demands of carriers in today's marketplace.

Before schools are certified by PTDIA they are visited by an onsite evaluation team which includes an industry expert and an educational team leader who has run a successful truck driving school. The team scrutinizes existing standards, procedures and practices at schools applying for certification.

The review by the team has been well received at the schools. Many school personnel believe that PTDIA certification serves as a benchmark in the industry, will produce better trained entry-level drivers, and the entire industry will benefit. The industry's annual demand for drivers hovers around the 300,000 mark.

### **Shining Star Moments**

**Wisconsin Technology Training Institute (WTTI)**

In late October, Randy Rathburn, School Director at WTTI, Green Bay, WI wrote to tell us about one of the school's best "Shining Star" moments. Randy wrote that one of the school's Microsoft Certified Systems Engineer students informed him that he had received employment at a local insurance company as a Systems Administrator, even though he had only taken one course out of the six which make up the program. The student is a 26 year old man who had been working as a carpenter and had no computer experience prior to coming to the school. Randy stated that the student has a desire to succeed and took action to change his life.

### **Carlson Travel Academy**

Nancy Randle, Director at Carlson Travel Academy recently shared a letter she received from a former student in response to an article she had published in Travel Weekly. The individual had been a student at Carlson fifteen years ago and is currently working at The Mark Travel Corporation in Milwaukee. In his letter, he acknowledged the value of the training he had received at the school, especially the industry background, which was part of the program.

He summarized his experience, "So as I come up to this 15 year mark, I just want to thank you for giving me the tools I needed

to be a success in this industry. Our industry has gone through monumental changes since 1984 when I first started. Even with all the changes, and the uncertainty out there right now, I could not picture myself working in any other field! Again, thank you and best wishes.

"Editor's Note: Randy Rathburn provided the inspiration for the title of this column. Send us your "Shining Star" Moments so we can report them here.

<p>Mark Your Calendars            Distance Education and Training Council's 73rd Annual Conference            April 11-13, 1999            Copley Plaza Hotel, Boston            Call: (202) 234-5100</p> <p>1999 Heartland Conference: The Workforce Investment Act: Bridge to the New Century            April 28-30, 1999            Kansas City, MO            Call: (816) 426-3796</p>
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### ***In the Spotlight; Travel Schools***

The EAB currently approves 10 travel schools. Also, four approved business and professional colleges offer travel agent, travel management and travel and hospitality programs. Three of the schools are located in Minnesota and one in Florida.

Together, these schools served almost 600 students for the most recently completed academic year. The schools show a 67% placement rate for the same period. Graduates obtain a variety of travel-related positions. Of course, a number of graduates begin with entry-level positions in travel agencies, or at airlines and hotels. Work is available for both corporate and leisure travel, serving as tour planners or tour guides, arranging conferences, and working on cruise ships. Often individuals must work up to these positions, but occasionally businesses enroll an employee in a travel program to open additional opportunities within the company.

Graduates can generally earn about \$14,000 - \$20,000/year in entry-level positions, and can advance to about \$30,000/year without moving out of Wisconsin. Compensation is most often paid on an hourly basis, but the industry is beginning to move toward more commission-based compensation.

The travel industry is a good field for individuals who are people-oriented, with good interpersonal and organizational skills. Some business sense is a plus, as well as some technological skills in terms of being able to work on the computer.

### ***Charlene Ackerman***

Charlene Ackerman knew since age 6 that she wanted to be a hypnotist. But it took her until 12 years ago, at age 50, with her children raised and settled into lives of their own, that she told her husband, "Now, it's my turn." Since then her wish has come true beyond her wildest dreams and her interest in hypnosis has taken her to places that she never dreamed of as a child. Charlene is the founder of the Hypnosis Wellness & Training Center, Janesville, WI and is a Certified Hypnotherapist/Instructor with the National Guild of Hypnotists. She conducts classes regularly in southern Wisconsin and the Chicago area and is a popular convention speaker in addition to her private practice in Janesville. She also conducts a free, stop smoking hypnosis clinic annually in conjunction with the American Cancer Society's "Great American SmokeOut." And she has been instrumental in bringing renowned speakers to the Janesville area.

All of this keeps Charlene quite busy, but there is more. Charlene is the guardian of CARA, a midnight blue crystal skull, which she obtained in March 1998. CARA is a sacred artifact from Mexico. Charlene has traveled with the skull to Sedona, AZ, Bali, Indonesia and Taiwan where she visited numerous spiritual and religious temples. She also uses the crystal skull during hypnosis sessions to enhance the client's experience.

Charlene has also had experience with past lives. She says, "Having learned so much, about myself and seeing how recalling past lives has helped others, makes it impossible NOT to embrace the fact that past life recall is an incredibly beneficial tool in helping us to more clearly understand ourselves. Whether these 'memories' are real, or simply a figment of our imagination, really doesn't matter to me. The results are the same."

Charlene will be leading a workshop, "3rd Annual Palm Sunday in Sedona, AZ Vision Quest-A Sacred Right of Passage" on March 26-29, 1999. She will also be offering a transpersonal hypnosis certification course in Bali on May 7-23, 1999.

Charlene may be reached at (608) 757-0716
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### ***On the National Front ... Workforce Investment Act***

Following are excerpts from an overview of the Workforce Investment Act (Public Law 105-220) which was signed into law

August 7, 1998. It was produced by the U.S. Department of Labor to highlight the major features of the new legislation and to give state and local elected officials, program designers and operators, and the public quick information about the structure, funding and target population groups to be served.

The Workforce Investment Act of 1998 provides the framework for a unique national workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and those who want to further their careers. The most important aspect of the Act is its focus on meeting the needs of businesses for skilled workers and the training, education and employment needs of individuals. Key components of the Act will enable customers to easily access the information and services they need through the "One-Stop" system; empower adults to obtain the training they find most appropriate through Individual Training Accounts and ensure that all state and local programs meet customer expectations.

The new system will be based on the "One-Stop" concept where information about and access to a wide array of job training, education and employment services is available for customers at a single neighborhood location. Through "One-Stop," employers will have a single point of contact to provide information about current and future skills needed by their workers and to list job openings.

To date, over 95 percent of the states are building these centers and over 800 centers are operating across the country. Each local area will establish a "One-Stop" delivery system through which core services are provided and through which access is provided to other employment and training services funded under the Act and other federal programs. There will be at least one center in each local area, which may be supplemented by networks of affiliated sites. The operations of "One-Stop" centers are to be selected by the local workforce investment boards through a competitive process or designation of a consortia that includes at least three of the federal programs providing services at the "One-Stop."

Provisions of the Act promote individual responsibility and personal decision-making through the use of "Individual Training Accounts" which allow adult customers to "purchase" the training they determine best for them. This market-driven system will enable customers to get the skills and credentials they need to succeed in their local labor markets. As individuals become empowered to choose the services they require, states, local areas and providers of those services will become more accountable for meeting those needs.

The Act specifies three funding streams to the states and local areas: adults, dislocated workers and youth. To read the law in its entirety and find out additional information, go to this internet site: <http://www.usworkforce.org>  
<http://www.dwdstate.wi.us/dwdwia/>

### **From Training Magazine's Industry Report 1998 1998 Highlights at a Glance**

Total dollars for formal training this year by U.S. organizations: \$60.7 billion

- Fastest-growing slice of that budget pie: outside expenditures
- Total number of people who will receive some formal training from employers: 54.5 million
- Type of workers likely to receive the most training: salesperson
- Of all formal training, percentage that takes place in classrooms, with live instructors: 70
- Percentage designed by outside contractors: 39
- Of all formal training courses, percentage delivered by outside contractors: 31
- Percentage of computer skills training courses that are taught by live instructors: 83

All figures refer to formal training by U.S. organizations with 100 or more employees

The following is a list of websites readers may find interesting.

Governor Tommy Thompson's Workforce Forums: Partnership Solutions to Labor Force Issues:  
<http://www.dwd.state.wi.us/dwd/forums/>

This website contains information about the Forums, articles about labor shortage, county labor market statistics and links to partner agencies. Wisconsin Business Report: <http://helpbusiness-wi.com> This website provides comprehensive local, state and national business resources. Wisconsin Department of Workforce Development: <http://www.dwd.state.wi.us/> 1998-99 Occupational Outlook Handbook: [www.pueblo.gsa.gov/cir\\_text/employ/tomorrowjobs/tomjobs.htm](http://www.pueblo.gsa.gov/cir_text/employ/tomorrowjobs/tomjobs.htm) This website presents highlights of Bureau of Labor Statistics projections of the labor force and occupational and industry employment.

[EAB Spring Newsletter '99](#)

[EAB Summer Newsletter '99](#)

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