

SHEEO State Authorization Inventory

Wisconsin

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Wisconsin Educational Approval Board**
- Description:
The Wisconsin Educational Approval Board (EAB) is an independent agency with a gubernatorial appointed board that oversees for-profit, postsecondary schools; out-of-state non-profit colleges and universities; and in-state non-profit institutions incorporated after 1/1/92.
 - Contact Information:
David C. Dies
Executive Secretary
Wisconsin Educational Approval Board
608-267-7733
david.dies@eab.state.wi.us
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.
- b. Links:
- Link to home page: <http://eab.state.wi.us/>
- All statutes and regulations: <http://eab.state.wi.us/board/regulation.asp>
- Agency Regulations Concerning Approval of schools:
<http://eab.state.wi.us/board/eab004.pdf>
- Statutory Authority for Board re; approval of schools:
<http://eab.state.wi.us/board/wis38.pdf>
- Regarding the approval of "private post secondary schools delivering distance programs": <http://eab.state.wi.us/board/eab011.pdf>

- c. According to our records, the following agencies also have responsibility for authorization in the state.
None.
- d. If the division of responsibility among these agencies is not clear, please explain.
Not applicable.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- No** Public, in-state degree granting institutions
- No** Public, out-of-state degree granting institutions
- Yes** Private, in-state, not-for-profit degree granting institutions
- Yes** Private, out-of-state, not-for-profit degree granting institutions
- Yes** Private, in-state, for-profit degree granting institutions
- Yes** Private, out-of-state, for-profit degree granting institutions
- No** Public, in-state, non-degree granting institutions
- No** Public, out-of-state, non-degree granting institutions
- Yes** Non degree, not-for profit institutions
- Yes** Non degree, for-profit institutions
- No** Religious institutions (see note)
- No** Tribally-controlled institutions

Clarifying comments:

See additional information under Section 3 (Exemptions) regarding the treatment of religious institutions

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.
No.
- c. Is accreditation required for an institution to be authorized in your state?
No.
 - o If yes, please explain:

- If yes, what type of accreditation is required? Please, check all that apply as appropriate.

Regional
 National
 Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Yes, the EAB approves both institutions and their programs.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

Education

Department of Public Instruction

licensing@dpi.wi.gov

800-266-1027

Nursing

Department of Safety and Professional Services

DRLBoards@wisconsin.gov

877-617-1565

Social Work

Department of Safety and Professional Services

DRLBoards@wisconsin.gov

877- 617-1565

Counseling Psychology

Department of Safety and Professional Services

DRLBoards@wisconsin.gov

877-617-1565

Barbering and Cosmetology

Department of Safety and Professional Services

DRLBoards@wisconsin.gov

877- 617-1565

The Department of Safety and Professional Services has regulatory oversight of Barbering and Cosmetology Schools and Real Estate Schools.

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes.

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

Exemptions are found in s.38.50 (1)(e) of the statutes and include the following.

1. In-state schools that are exempt from taxation under section 501 of the Internal Revenue Code and that either were incorporated in this state prior to January 1, 1992, or had their administrative headquarters and principal places of business in this state prior to 1970.

2. Schools that are supported mainly by taxes.

3. Schools of a parochial or denominational character offering courses having a sectarian objective.

4. Schools primarily offering instruction avocational or recreational in nature and not leading to a vocational objective.

5. Courses conducted by employers exclusively for their employees.

6. Schools, courses of instruction, and training programs that are approved or licensed and supervised by other state agencies and boards.

7. Schools approved by the department of public instruction for the training of teachers.

General information regarding exemptions can be found on the EAB website at:

<http://eab.state.wi.us/resources/exemptschools.asp>

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

Exemptions are automatic based on statutory provisions. No formal notice is required. If an institution needs a formal letter of exemption, generally it would need to submit a catalog with a complete listing of the programs offered.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

No.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes. Under s.38.50 (1)(e)3., *Wis. Stats.*, “schools of a parochial or denominational character offering programs having a sectarian objective” are exempt.

- Are all religious institutions exempt (please describe)?

No. Programs that are limited to use in the ministry are exempt. For example, institutions offering programs leading to a degree in divinity, theology or pastoral counseling would not need EAB approval. If institutions offer degree programs such as music, business, or teaching then the institution must be EAB-approved.

- Are religious institutions that award only religious degrees or certificates exempt (please describe)?

Yes (see above).

- Are certain religious institutions exempt that meet other criteria (please describe)?

No.

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

Yes.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

Physical presence is not a determinant. Under s.38.50 (2), *Wis. Stats.*, “[t]he board shall protect the general public by inspecting and approving private trade, correspondence, business, and technical schools doing business within this state,

whether located within or outside this state...” Therefore, if an institution enrolls a Wisconsin resident in an online program, it must obtain EAB approval.

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**
- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
 - Does this apply only to distance education students or more generally?
 - Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
 - Does this apply only to distance education students or more generally?
 - Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
 - What about adjunct faculty?
 - Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
 - What about adjunct faculty?
 - Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
 - Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
 - Advertising in local media sources that are largely viewed by residents of the state?
 - Advertising in national media sources that can be accessed by residents of the state?

- Having computer servers or other equipment located in the state?
 - Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.

Generally speaking schools already operating and in violation of the law have 60 days from receipt of packet to submit or they will be referred to the attorney general for action. The process can take up to 70 business days to complete, and involves an examination of almost every aspect of the school, including governance, finances, review of academic programs etc.

For a comprehensive description see:
<http://eab.state.wi.us/resources/newschoolapp.pdf>

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
 Four to six weeks.
- c. What is the authorization duration?
 Calendar year.

- d. What does an institution need to do to maintain authorization?
Annually submit an online application for renewal of approval.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Institutions are asked to report annually and the information is shared publicly. Here is a sample of the types of reports:

- **Financial Statements**
- **Revenue Information**
- **Student Outcomes Data**
- **Institutional Plan**

Published Directory: <http://eab.state.wi.us/resources/directory.pdf>

Searchable Database: <http://eab.state.wi.us/resources/schoolsprogram.asp>

- f. Can an institution lose its authorized status? If so, how?
Yes. Failure to comply with EAB requirements.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
No.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
Not applicable.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
EAB staff have delegated authority for the approval process with board review at quarterly meetings.
- j. Is your agency currently planning to amend its application process by the end of 2011?
No.
- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.

Yes. The application fee is determined by the number and types of program being approved; \$2,000 - \$5,100 depending on the education level.

<http://eab.state.wi.us/resources/applicationfees.pdf>

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?

Yes.

- Surety bond of \$25,000 is required.
- Additional Teaching Locations (see fee schedule).
- Representative Permits (see fee schedule).
- Student Protection Fee – Assessed at a rate of \$0.50 per \$1,000 of revenue generated from Wisconsin students but is only assessed when fund balance is below \$1.0 million. The fund is currently in excess of \$1.0 million.

- c. What are the costs, if any, to renew authorization?

\$500 plus an amount equal to the percentage of all schools' total adjusted gross annual revenue needed to equal the cost of regulating schools less revenue from all other fees.

<http://eab.state.wi.us/renewal/renewal.asp>

- d. What costs are associated with receiving a waiver or exemption to authorization?

None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.

See discussion below.

- b. What is the process, if any, to obtain a reciprocal agreement with your state?

Not applicable.

- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.

Not applicable.

- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
Not applicable.

Under its administrative rules governing distance learning [see EAB 11.04 (2)], if a school has approval from another state, which is substantially equivalent to the requirements of s. EAB 4.03 and meets the standards of s. EAB 11.03, the board may accept that state's approval as fulfilling all or parts of the approval process.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?

Yes.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.

Web Link: <http://eab.state.wi.us/resources/complaint.asp>

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?

No.

- If available, please provide a web link to the complaint form.

Web Link: <http://eab.state.wi.us/resources/forms/3.01ComplaintForm.doc>

- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

**Blanca James
Office Operations Associate
P.O. Box 8696
Madison, WI 53708-8696
608-266-1996
blanca.james@eab.state.wi.us**

- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
 1. Contact institution and inform them of state requirements.
 2. Issue cease and desist order.
 3. Refer matter to Attorney General.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.
Under 38.30 (10)(d), *Wis. Stats.*, the attorney general or any district attorney may bring an action in circuit court to enforce approval requirements. Appeals would be made to the court.

See EAB 4.01 regarding appeals involving certain administrative actions of the board.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
No.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
No.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?
No.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?

No.