

CR 83-191

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CERTIFICATE

STATE OF WISCONSIN )  
 )SS.  
EDUCATIONAL APPROVAL BOARD )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, David R. Stucki, Executive Secretary of the Educational Approval Board and custodian of the official records of the board, do hereby certify that the Educational Approval Board duly approved and adopted on May 11, 1984 the annexed rules relating to teaching locations used by for-profit postsecondary schools.

I further certify that this copy has been compared by me with the original on file in the offices of this agency and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Hill Farms State Office Building, in the city of Madison, this 29th day of May 1984.



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David R. Stucki  
Executive Secretary  
Educational Approval Board

7-1-84

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ORDER OF THE EDUCATIONAL APPROVAL BOARD  
ADOPTING AND AMENDING RULES

- 1 To renumber EAB 2.11 (5); to renumber and amend EAB 2.11 (4) and (6); to amend EAB
- 2 2.02 (1) and EAB 2.11 (1); and to create EAB 2.01 (6) and EAB 2.11 (4), relating to
- 3 teaching locations used by for-profit postsecondary schools.

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Analysis by the Educational Approval Board

These proposals create two new subsections in Wis. Adm. Code chapter EAB 2, amend two existing subsections, renumber and amend two other subsections, and renumber one subsection. Both new subsections and the amendments to the existing sections relate to teaching locations used by for-profit postsecondary schools. Changes made to Wis. Stats. s. 38.51 by sections 914 through 917m, 1983 Wisconsin Act 27, necessitated the new and amended rules.

Wis. Adm. Code s. EAB 2.01 (6) is created to define a teaching location. Wis. Stats. s. 38.51 (1) (g) is used as a base for the definition, but the definition makes clear that the agency does not consider a location used by a for-profit postsecondary school solely for recruitment of students to be a "teaching location" within the meaning of the statute and the rules.

Wis. Adm. Code s. EAB 2.02 (1) is amended to prohibit the use of a teaching location by a for-profit postsecondary school unless the EAB has approved the site as a teaching location for the school. The subsection is also subdivided for clarity and ease of reading.

Wis. Adm. Code s. EAB 2.11 (1) is amended to provide that a for-profit postsecondary school applying for initial approval shall pay a fee for each teaching location the school

wishes to use (other than the main location specified on the application for approval) in addition to the fees previously required.

Wis. Adm. Code s. EAB 2.11 (4) is renumbered s. EAB 2.11 (6) and is subdivided and reworded for clarity.

Wis. Adm. Code s. EAB 2.11 (4) is created to set a fee of \$20 to be paid by a for-profit postsecondary school applying for approval of a teaching location. EAB has not previously charged an application fee for approval of teaching locations, since statute did not authorize such a charge before the enactment of 1983 Wisconsin Act 27. The fee will offset a portion of the cost involved in inspecting and approving teaching locations.

Wis. Adm. Code s. EAB 2.11 (5) is renumbered Wis. Adm. Code s. EAB 2.11 (8).

Wis. Adm. Code s. EAB 2.11 (6) is renumbered s. EAB 2.11 (5) and is amended to provide that a for-profit postsecondary school applying for reapproval after a change of ownership or control shall pay a fee of \$75, plus a fee for each course of instruction and each teaching location listed on the application but not approved for the school at the time the application is filed. The subsection is also subdivided for clarity and ease of reading.

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1 Pursuant to authority vested in the Educational Approval Board by s. 38.51 (3), (7) (b),  
2 (7) (g), and (10) (b), Stats., as affected by 1983 Wisconsin Act 27, the Educational  
3 Approval Board proposes to amend and adopt rules interpreting s. 38.51 (1) (g), (2), (7)  
4 (b), (7) (g), and (10) (b), Stats., as affected by 1983 Wisconsin Act 27, as follows:

5 **SECTION 1.** Section EAB 2.01 (6) is created to read:

6 (6) "Teaching location" means the area and facilities, including any office, class-  
7 room, meeting room, laboratory, or other location, designated for use by a school, but  
8 does not include a location used solely for the recruitment of students.

1 SECTION 2. Section EAB 2.02 (1) is amended to read:

2 (1) APPROVAL REQUIRED. No school ~~shall~~ may:

3 (a) Solicit students unless the school is approved by the board.

4 (b) Advertise, offer or carry on teach any course of instruction ~~until said~~ unless the  
5 school and that course of instruction shall have been are approved by the board ~~pursu-~~  
6 ~~ant to the provisions of these rules. No approval shall be issued by the board to any~~  
7 school which denies

8 (c) Deny enrollment in said school to any student, or makes make any distinction or  
9 classification of students in said school, solely on account of sex, race, color or  
10 creed. No course of instruction shall be added to the offerings of an approved school  
11 unless said course of instruction shall have first been approved by the board.

12 (d) Use a location as a teaching location unless that location is approved by the  
13 board as a teaching location of the school.

14 SECTION 3. Section EAB 2.11 (1) is amended to read:

15 (1) APPLICATION FEES FOR INITIAL SCHOOL APPROVAL. A school which is not  
16 approved to operate or do business in the state and which is applying for approval shall  
17 pay a fee of \$100, plus:

18 (a) a A fee for each course of instruction the school wishes to advertise, offer or  
19 advertise teach in the state, as provided in sub. (3); and

20 (b) A fee for each teaching location, other than the main location of the school as  
21 listed on the application for approval, which the school wishes to use in the state, as  
22 provided in sub. (4).

23 SECTION 4. Section EAB 2.11 (4) is renumbered 2.11 (6) and is amended to read:

24 (6) FEES NOT REFUNDABLE. ~~If the board denies approval to a school or to one or~~  
25 ~~more courses of instruction of a school, and an appeal of the board's decision is not~~  
26 ~~made or is unsuccessful if made, then the~~ The fees paid under this section are not re-

1 fundable, and unless the board determines that the fees were paid in error.

2 (7) REAPPLICATIONS. A school which reapplies for approval of the school, a  
3 course of instruction, or a teaching location for which the board has denied approval  
4 shall again pay the appropriate fees as provided specified in this section shall be paid  
5 if the school subsequently reapplies for approval.

6 **SECTION 5.** Section EAB 2.11 (4) is created to read:

7 (4) APPLICATION FEE FOR APPROVAL OF TEACHING LOCATIONS. A school  
8 shall pay an application fee of \$20 when applying for approval of a teaching location.

9 **SECTION 6.** Section EAB 2.11 (5) is renumbered 2.11 (8).

10 **SECTION 7.** Section EAB 2.11 (6) is renumbered 2.11 (5) and is amended to read:

11 (5) CHANGE OF OWNERSHIP OR CONTROL. (a) Approval of a school terminates  
12 at the time when the ownership or control of the school changes from that indicated  
13 on its most recent application filed with the board.

14 (b) An approved school shall notify the board of any proposed change of ownership or  
15 control. An amended

16 (c) The prospective owner or owners shall submit to the board prior to the effective  
17 date of the transfer an application reflecting the change of ownership or control shall  
18 be submitted to the board by the prospective owner or owners prior to the effective  
19 date of the transfer and . The application shall be accompanied by a fee of \$75, plus:

20 1. A fee, as provided in sub. (3), for each course of instruction listed on the applica-  
21 tion which, at the time the school files the application, is not approved by the board;  
22 and

23 2. A fee, as provided in sub. (4), for each teaching location listed on the application  
24 which, at the time the school files the application, is not approved by the board as a  
25 teaching location of the school.

26 (d) A school may request an interpretation ~~of~~ from the board as to the application of

1 this section to a contemplated change of ownership or control.

2 Note: A person who desires to apply for initial approval of a school, renewal  
3 of approval of a school, approval of a teaching location, or approval of a  
4 school after a change of ownership or control may obtain any of the following  
5 forms by writing the Educational Approval Board at P. O. Box 7874, Madison,  
6 WI 53707, or by telephoning (608) 266-1996.

7

8 EAB form 1.01, APPLICATION FOR INITIAL SCHOOL APPROVAL UNDER  
9 WIS. STATS. S. 38.51

10 EAB form 1.07, APPLICATION FOR RENEWAL OF SCHOOL APPROVAL  
11 UNDER WIS. STATS. S. 38.51

12 EAB form 1.08, APPLICATION FOR SCHOOL APPROVAL UNDER WIS.  
13 STATS. S. 38.51 AFTER A CHANGE OF OWNERSHIP OR CONTROL

14 EAB form 1.09, APPLICATION FOR APPROVAL OF A TEACHING LOCA-  
15 TION UNDER WIS. STATS. S. 38.51

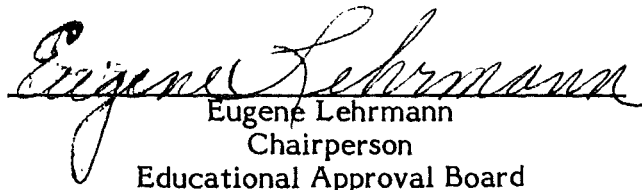
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17 There is no application form for use when applying for approval of an addi-  
18 tional course or course of instruction.

19

20 The rules and amendments contained in this order shall take effect July 1, 1984.

Dated: May 11, 1984

  
Eugene Lehrmann  
Chairperson  
Educational Approval Board

SUMMARY OF FINAL REGULATORY FLEXIBILITY ANALYSIS  
FOR RULES PROPOSED BY THE EDUCATIONAL APPROVAL BOARD

Wis. Stats. ss. 38.51 (2) and (7) (g), as amended by 1983 Wisconsin Act 27, require the Educational Approval Board to protect the general public by approving, among other items, teaching locations used by for-profit postsecondary schools which do business in Wisconsin. The board is therefore of the opinion that incorporating into the new rules concerning teaching locations any of the methods specified in Wis. Stats. s. 227.016 (2) (as created by 1983 Wisconsin Act 90) as a means of reducing the impact on small businesses would be contrary to the objectives of Wis. Stats. s. 38.51 and would have a detrimental impact on the public health, safety and welfare.

In an effort to obtain comments from affected small businesses about the rules concerning teaching locations, Educational Approval Board staff mailed copies of the proposed rules to all approved schools and to all schools which had applications for approval pending as of January 30, 1984. The notice regarding the hearing on the rules also stated that the rules affected those small businesses which are for-profit proprietary schools. However, no representatives of small businesses attended the hearing, and no one suggested any changes in the rules to reduce the impact on small businesses.

No professional skills will be required to comply with the rules.