



CR 84-250

State of Wisconsin

EDUCATIONAL APPROVAL BOARD

David R. Stucki
Executive Secretary

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RECEIVED

MAR 26 1987

8:55 am
Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
)SS.
EDUCATIONAL APPROVAL BOARD)

I, David R. Stucki, Executive Secretary of the Educational Approval Board and custodian of the official records of the board, certify that the Educational Approval Board duly approved and adopted on February 27, 1987, the annexed rules relating to time periods for handling applications from for-profit postsecondary schools for initial school approval, approval of courses of instruction, approval of teaching locations, and school approval after a change of ownership or control, and for handling original applications for solicitor's permits.

I further certify that I have compared this copy with the original on file in the offices of this agency and that the same is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 310 Price Place, in the city of Madison, this 13th day of March, 1987.

David R. Stucki
Executive Secretary
Educational Approval Board

ORDER OF THE EDUCATIONAL APPROVAL BOARD
ADOPTING RULES

- 1 To create EAB 2.12 and EAB 3.025, relating to time periods for handling applications
- 2 from for-profit postsecondary schools for initial school approval, approval of courses
- 3 of instruction, approval of teaching locations, and school approval after a change of
- 4 ownership or control, and for handling original applications for solicitor's permits.

Analysis by the Educational Approval Board

This order creates two new sections in the rules of the Educational Approval Board. The new sections relate specifically to the time period for handling applications for "permits," as that term is defined by s. 560.41 (2), Stats.; s. 227.116, Stats., as created by 1983 Wisconsin Act 91 and affected by 1985 Wisconsin Act 182, requires enactment of the rules.

Section EAB 2.12, Wis. Adm. Code, is created to set time periods for reviewing and making determinations with regard to applications for initial school approval, approval of courses of instruction, approval of teaching locations, and school approval after a change of ownership or control. The order establishes a period of 70 business days for handling applications for initial school approval and applications for approval of courses of instruction; for applications for school approval after a change of ownership or control, the proposal sets a period of 60 business days. The period for handling of applications for approval of teaching locations is 25 business days.

Under the order, an application for initial school approval shall be considered received when the board has received all information and materials required to complete both the school application and the application for at least one course of instruction proposed for

the school. For all other types of school applications, the rule specifies that an application shall be considered received when the board has received all information and materials required to complete the application. The rule also provides that the time period for handling an application shall end when the board grants an approval or notifies the applicant in writing that the approval has not been granted because specified criteria have not been met. Subsection (4) paraphrases the provisions of s. 227.116 (5), Stats., about the effects of failure to make a review and determination within the specified time limit.

Section EAB 3.025, Wis. Adm. Code, is created to establish a time period of 25 business days for handling original applications for solicitor's permits. Subsection (2) of the rule states that an application for a solicitor's permit shall be considered received if the board has already approved the school and has received the correct fee, the required bond, and a completed application form for a solicitor's permit. Subsection (3) provides that the time period for handling an application shall end when the board issues a permit or notifies the applicant in writing that the permit cannot be issued because specified criteria have not been met. The rule also paraphrases, in subsection (4), the provisions of s. 227.116 (5), Stats., about the effects of failure to make a review and determination within the specified time limit.

1 Pursuant to authority vested in the Educational Approval Board by ss. 38.51 (3) and
2 227.116, Stats., as affected by 1983 Wisconsin Act 91 and 1985 Wisconsin Act 182, the
3 Educational Approval Board adopts rules interpreting ss. 38.51 (2), (7) (g), (8) (b) and
4 (10) (b), and 227.116 (1), Stats., as affected by 1983 Wisconsin Act 91 and 1985
5 Wisconsin Act 182, as follows:

6 **SECTION 1.** Section EAB 2.12 is created to read:

1 EAB 2.12 PERIOD FOR HANDLING APPLICATIONS. (1) The board shall review
2 and make a determination on an application within the following time periods:

3 (a) For initial school approval, within 70 business days after receiving the appli-
4 cation.

5 (b) For approval of a course of instruction, within 70 business days after receiving
6 the application.

7 (c) For approval of a teaching location, within 25 business days after receiving the
8 application.

9 (d) For approval after a change of ownership or control, within 60 business days
10 after receiving the application.

11 (2) An application for initial school approval shall, for purposes of s. EAB 2.11 and
12 this section, be considered received when the board has received:

13 (a) All information and materials necessary to complete the school application, and

14 (b) All information and materials necessary to complete the application for at least
15 one course of instruction proposed for the school.

16 (3) An application for approval of a course of instruction, a teaching location, or a
17 change of ownership or control shall, for purposes of s. EAB 2.11 and this section, be
18 considered received when the board has received all information and materials
19 required to complete the application.

20 (4) The time period for handling an application shall end when the board grants an
21 approval or notifies the applicant in writing that the approval has not been granted
22 because criteria specified by statute, or administrative rule, or both have not been
23 met.

24 (5) The board's failure to review and make a determination on an application within
25 the time period specified in this section does not relieve any person from the obliga-
26 tion to secure approval from the board nor affect in any way the board's authority to

1 interpret the requirements for approval or to grant or deny approval.

2 **SECTION 2.** Section EAB 3.025 is created to read:

3 EAB 3.025 PERIOD FOR HANDLING APPLICATIONS. (1) An application for a
4 solicitor's permit shall, for purposes of this section, be considered received if the
5 board has already approved the school and has received the correct fee, the required
6 bond, and a completed application form.

7 (2) The board shall review and make a determination on an original application for a
8 solicitor's permit within 25 business days after receiving the application.


9 (3) The time period for handling an application shall end when the board issues a
10 permit or notifies the applicant in writing that the permit has not been issued because
11 the criteria specified by statute, or administrative rule, or both have not been met.

12 (4) The board's failure to review and make a determination on a permit application
13 within the time period specified in this section does not relieve any person from the
14 obligation to secure a solicitor's permit nor affect in any way the board's authority to
15 interpret the requirements for a permit or to grant or deny a permit.

The rules contained in this order shall take effect on July 1, 1987.

Dated: February 27, 1987

Agency:


Eugene Lehrmann, Chairperson
Educational Approval Board

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

Subsections (2), (7) (g) and (7) (h) of s. 38.51, Stats., require the Educational Approval Board to protect the general public by approving for-profit postsecondary schools which do business in Wisconsin, changes of ownership or control of those schools, teaching locations used by those schools, and courses of instruction offered by those schools, and by issuing permits to solicitors employed by those schools. Most for-profit postsecondary schools which the board regulates meet the definition of "small business" contained in s. 227.114 (1), Stats. We therefore take into consideration when drafting proposed rules the effect the rules will have on those small businesses which are for-profit proprietary schools. We are of the opinion that additional consideration of accommodations for small business, as specified in s. 227.114 (2), Stats., is not necessary.

In an effort to obtain comments from affected small businesses regarding the proposed rule, the agency mailed copies of the proposed rule to all approved schools and to all schools which had applications for approval pending as of June 26, 1985. The notice regarding the public hearing on the proposed rules also stated that the rule affected those small businesses which are for-profit proprietary schools. Only one representative of small businesses testified at the public hearing; in response to comments by that individual, we shortened the proposed periods for handling some types of applications.

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

The agency received no comments from the standing committees of the legislature regarding the rules.