

CR 89-122

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CERTIFICATE

STATE OF WISCONSIN }
 }SS.
EDUCATIONAL APPROVAL BOARD }

I, Claudia Berry Miran, Acting 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 April 27, 1990, the annexed rules relating to approval of programs measured in credits by for-profit postsecondary schools.

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 signed this document at 310 Price Place, in the city of Madison, this 27th day of April, 1990.



Claudia Berry Miran
Acting Executive Secretary
Educational Approval Board

7-1-90

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ORDER OF THE EDUCATIONAL APPROVAL BOARD
REPEALING, RENUMBERING, AMENDING AND CREATING RULES

1 The Educational Approval Board adopts an order to repeal § EAB 5.01
2 (intro.); to renumber § EAB 5.01 (3); to renumber and amend §§ EAB 4.06
3 (2), 4.09, 5.01 (1), (2) and (4) through (6), 5.11 (1) (e) through (g), and
4 6.01 (2), (3), (7), (8) and (10) through (13); to amend §§ EAB 4.08 and 5.05
5 (1) (c) 9 and 10; and to create chapter EAB 1 and §§ EAB 5.02 (1) (f),
6 5.05 (1) (c) 11, 5.06 (8) and 5.065, relating to approval of programs meas-
7 ured in credits by for-profit postsecondary schools.

Analysis by the Educational Approval Board

Statutory Authority: §§ 38.51 (3) and (7) (a), (c) and (g) and 227.11 (2),
Stats.

Statutes Interpreted: § 38.51 (7) (a), (c) and (g) and (10) (b), Stats.

Before the Educational Approval Board adopted an emergency rule on June 26, 1989, the rules of the board did not specifically differentiate between approvals measured in clock hours and approvals measured in credits. The number of proprietary schools seeking approval of programs measured in credits is increasing, however, and whether the agency has authorized a school to measure programs and courses in credits also has bearing (as of July 1, 1989) on how much federal financial aid is available for students at that school. The changes in this order deal with approval of programs measured in credits and with matters relating to such ap-

provals.

Section 38.51 (7) (intro.) and (a), Stats., charges the board to investigate the adequacy of courses (subjects) and courses of instruction (programs) which proprietary schools offer to residents of Wisconsin, and to establish minimum standards for such courses of instruction in order to assure that courses and courses of instruction are consistent in quality, content and length with generally accepted educational standards. The agency has therefore created in the rules a new chapter for definitions, and has included in the definitions chapter the following new (marked *) or revised definitions:

board	lesson*
clock hour*	offer*
combination program	person*
contact hour*	program*
correspondence program	quarter credit*
course	resident program*
course of instruction	school
degree*	semester credit*
degree credit*	shop*
diploma*	solicitor
enrollment agreement	sponsor
enrollment application	student
enrollment document*	subject*
laboratory*	teaching location
lecture*	term

total cost of the program

total cost of the term

vocational credit*

Wisconsin student

In drafting the definitions, the agency considered generally accepted educational standards as set forth in the criteria of various accrediting agencies and in the regulations of the U. S. Department of Veterans Affairs.

Section EAB 5.065 clarifies when schools may measure a program (and subjects within that program) in credits. It also sets forth approval standards for programs measured in credits and provides for payment of an application fee under § EAB 5.11 (5) if a school applies for approval of a new program measured in credits or for conversion of an existing clock-hour program to credit measurement.

Section 38.51 (7) (c), Stats., directs the board to establish rules to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction. It appears that many members of the public equate credit-hour measurement with degree programs. The changes to the permanent rule renumber § EAB 4.06 (2) as § EAB 5.02 (1) (e), and amend the rule to make clear that a school must obtain board approval prior to advertising, offering a program leading to, or granting any degree. The order also creates in the permanent rules § EAB 5.02 (1) (f), which prohibits measurement of subjects or programs in credits unless the board has

authorized such measurement, and amends § EAB 4.08 to add a section which requires a school which advertises a program measured in vocational credits to disclose that the school does not award a degree to students who complete the program. The rules of the board already prohibit misrepresentation regarding the nature and extent of any approval, as well as the issuance of a credential (certificate, diploma, degree and the like) which misrepresents any material fact concerning the program for which the school awarded the credential or the accomplishments of the student to whom the school issued the credential.

1 SECTION 1. EAB 1 is created to read:

2 CHAPTER EAB 1

3 DEFINITIONS

4 EAB 1.06 CLOCK HOUR. "Clock hour" means a 60-minute period.

5 EAB 1.08 CONTACT HOUR. "Contact hour" means a minimum of 50
6 minutes of supervised or directed instruction in a 60-minute period.

7 EAB 1.16 DEGREE. "Degree" means an award given to a student
8 who has satisfactorily completed an organized academic program at a post-
9 secondary level. Degree includes associate, bachelor's, master's and doc-
10 toral degrees.

11 EAB 1.17 DEGREE CREDIT. "Degree credit" means a quarter or
12 semester credit awarded for completion of a subject satisfying a portion of
13 the requirements for the award of a degree by the school.

14 EAB 1.18 DIPLOMA. "Diploma" means a written and dated state-
15 ment, made over the seal of the granting school and the signature of one

1 or more school officers, certifying that a student has satisfactorily com-
2 pleted a program leading to an occupational, vocational, or educational
3 objective.

4 EAB 1.21 ENROLLMENT DOCUMENT. "Enrollment document" in-
5 cludes an enrollment agreement, an enrollment application, the notice of
6 the 3-business-day cancellation privilege and any papers pertaining to
7 admission to a school or to the financing of a subject or program.

8 EAB 1.27 LABORATORY. "Laboratory" means a setting, usually with
9 equipment, where under supervision a student acquires knowledge and
10 understanding of the physical properties of materials or the principles
11 underlying the operations of machines, appliances, and the like.

12 EAB 1.28 LECTURE. "Lecture" means a setting, usually in a class-
13 room, where a teacher instructs a student in the theory, principles or
14 history of an academic or vocational subject.

15 NOTE: Teachers have traditionally used audio-visual aids of all kinds
16 as a part of their lecture. The board considers the use of films, slides,
17 closed-circuit television, video tapes, audio tapes, and computer-assisted
18 instruction acceptable as part of lecture as long as an instructor is pres-
19 ent to answer student questions and provide assistance.

20 EAB 1.29 LESSON. "Lesson" means a single unit in a correspondence
21 subject or program, at the conclusion of which the school requires the
22 student to complete an evaluative instrument such as a test or other
23 written exercise.

24 EAB 1.30 OFFER. "Offer" includes, in addition to its usual mean-
25 ings, to advertise or publicize.

1 EAB 1.34 PERSON. "Person" means any individual, partnership,
2 association, or corporation or any combination thereof.

3 EAB 1.36 PROGRAM. "Program" means a course of instruction.

4 EAB 1.38 QUARTER CREDIT. "Quarter credit" means a unit by
5 which a school operating on a quarter calendar measures its programs.

6 EAB 1.39 RESIDENT PROGRAM. "Resident program" means a pro-
7 gram which a school offers at a teaching location.

8 EAB 1.42 SEMESTER CREDIT. "Semester credit" means a unit by
9 which a school operating on a semester calendar measures its programs.

10 EAB 1.44 SHOP. "Shop" means a setting, usually with prescribed
11 equipment and tools, in which a student develops under supervision the
12 skill necessary for the construction, maintenance, operation, repair or use
13 of machines, appliances, tools and materials.

14 EAB 1.48 SUBJECT. "Subject" means a course.

15 EAB 1.54 VOCATIONAL CREDIT. "Vocational credit" means a quar-
16 ter or semester credit awarded for completion of a subject:

17 (1) Which does not satisfy a portion of the requirements for the
18 award of a degree in a program which the board has approved for the
19 school, or

20 (2) Which is part of a program at a school which does not have
21 approval from the board to offer a degree.

22 SECTION 2. Section EAB 4.08 is amended to read:

23 EAB 4.08 REQUIRED DISCLOSURES. ~~All schools approved by the~~
24 ~~board must include~~ A school shall disclose in all advertisements advertising
25 and promotional material used in ~~the state of~~ Wisconsin:

1 (1) The school name and address and, if different from the address,
2 the teaching location of the school;

3 (2) The fact that the school is offering educational services or
4 vocational training ~~are offered~~ for sale, if not apparent from the context
5 of the advertising or promotional material;

6 (3) The ~~entire total~~ cost of ~~such training, including fees for tuition,~~
7 ~~books, supplies, equipment, etc.~~ the program or term, if the school makes
8 in that material any representations ~~are made~~ as to the cost of ~~such train-~~
9 ~~ing;~~ of the program or term.

10 (4) ~~Affirmative disclosure that~~ Whether any endorsements or recom-
11 mendations in that material are paid testimonials if in fact the school paid
12 consideration for the such testimonials ~~were given for consideration.~~

13 (5) In conjunction with the description of a program which the
14 school describes in that material as measured in vocational credits, that
15 the school does not award a degree to students who complete the program.

16 SECTION 3. EAB 4.06 (2) is renumbered § EAB 5.02 (1) (e), and is
17 amended to read:

18 (e) ~~A school shall not issue, grant~~ Advertise, offer a program leading
19 to, or award a ~~baccalaureate, bachelor or associate~~ degree ~~without prior~~
20 ~~authorization of~~ unless the school has approval from the board to offer
21 the degree.

22 SECTION 4. EAB 4.09 is renumbered 4.015 and is amended to read:

23 EAB 4.015 DEFINITIONS. Within ~~ch. EAB-4~~ this chapter, "school";
24 ~~unless otherwise specified, shall mean~~ includes the school and its officers,
25 agents, representatives and solicitors.

1 SECTION 5. EAB 5.01 (intro.) is repealed.

2 SECTION 6. EAB 5.01 (1) and (2) are renumbered 1.03 and 1.11 and
3 are amended to read:

4 EAB 1.03 BOARD. "Board" means the ~~state of Wisconsin~~ educational
5 approval board.

6 EAB 1.11 COURSE. "Course" means an organized unit of subject
7 matter;

8 (1) in which a school offers instruction ~~is offered~~ within a given
9 period of time; or

10 (2) which covers a specified amount of related subject matter.

11 SECTION 7. EAB 5.01 (3) is renumbered EAB 1.12.

12 SECTION 8. EAB 1.12 (title) is created to read:

13 EAB 1.12 COURSE OF INSTRUCTION.

14 SECTION 9. EAB 5.01 (4) through (6) are renumbered EAB 1.40, 1.45,
15 and 1.49 and are amended to read:

16 EAB 1.40 SCHOOL. "School" means any ~~individual, partnership,~~
17 ~~association, or corporation, or any combination thereof operating a private~~
18 ~~trade, correspondence, business or technical school not excepted under s.~~
19 ~~38.51 (9), Stats., which~~ person who maintains, advertises or conducts in
20 Wisconsin any ~~course or course of instruction~~ postsecondary subject or
21 program for profit or a tuition charge and who is not excepted under s.
22 38.51 (9), Stats.

23 EAB 1.45 SOLICITOR. "Solicitor" means a natural person employed
24 by or representing a school ~~either located within or outside this state~~
25 who, in places other than the actual business premises of the school,

1 personally attempts to secure the enrollment of a student in ~~such~~ the
2 school, ~~whether or not the.~~ The intended result of ~~such~~ a direct contact
3 ~~is~~ need not be the ~~actual~~ signing of ~~an~~ enrollment ~~agreement~~ documents.

4 EAB 1.49 TEACHING LOCATION. "Teaching location" means the
5 area and facilities, including any office, classroom, meeting room, labora-
6 tory, shop or ~~other location~~ range, used or designated for instructional
7 use by a school, ~~but does not include a location used solely for the re-~~
8 ~~ruitment of students.~~

9 SECTION 10. EAB 5.02 (1) (f) is created to read:

10 (f) Measure a subject or program in credits unless the board has
11 authorized the school to do so under § EAB 5.065.

12 SECTION 11. EAB 5.05 (1) (c) 9 and 10 are amended to read:

13 9. ~~An outline for each course~~ For each program for which the
14 school requests approval ~~is requested,~~ an outline showing subjects or
15 units of work, type of work or skill to be learned, ~~approximate time~~ and
16 clock hours or credits to be spent on each subject ~~or course, and dis-~~
17 ~~closure.~~

18 10. Disclosure of any further training ~~known, or~~ which the school
19 knows or should reasonably ~~be known by the school which would know~~
20 that employers usually ~~be required~~ require of a student who desires to
21 secure initial employment consistent with the vocational objective for
22 which the ~~course is represented~~ school represents the program to prepare
23 the student.

24 SECTION 12. EAB 5.05 (1) (c) 11 is created to read:

25 11. If the board has authorized the school to measure a program in

1 degree or vocational credits, that the school to which a student transfers
2 decides which, if any, credits transfer. The school shall also notify a
3 student to consult with the admissions office of the receiving school re-
4 garding transferability of credits.

5 SECTION 13. EAB 5.06 (8) is created to read:

6 EAB 5.06 (8) LABORATORY WORK. Laboratory work may not con-
7 stitute more than 49% of a program.

8 SECTION 14. EAB 5.065 is created to read:

9 EAB 5.065 APPROVAL OF SUBJECTS AND PROGRAMS ON A CREDIT
10 BASIS. (1) A school may measure a resident program and the subjects
11 within the program in degree credits if:

12 (a) The board has approved the program as a degree program; or

13 (b) The board has approved one or more degree programs for the
14 school and all subjects within the program transfer to one or more of the
15 degree programs at the school.

16 (2) A school may measure a resident program and the subjects
17 within the program in vocational credits if the board has approved mea-
18 surement in vocational credits for the program.

19 (3) A school which seeks approval to offer a new program on credit
20 basis or to convert an approved program from clock hours to credits
21 shall:

22 (a) pay the fee specified in § EAB 5.11 (5);

23 (b) specify on the application for approval whether the school uses
24 quarter or semester credits;

25 (c) specify on the application for approval whether the school

1 desires to use degree credits or vocational credits; and

2 (d) meet the requirements of §§ EAB 5.05, 5.06, 5.07 and 5.08.

3 (4) In addition to meeting the requirements in sub. (3), a school
4 which seeks approval of a resident program or subject measured on a
5 quarter credit basis shall:

6 (a) Award one quarter credit for no fewer than 10 contact hours of
7 lecture, plus 20 hours of outside preparation or the equivalent.

8 (b) Award one quarter credit for no fewer than 20 contact hours of
9 laboratory work plus necessary outside preparation.

10 (c) Award one quarter credit for no fewer than 30 clock hours of
11 shop.

12 (d) Award one quarter credit for no fewer than 30 clock hours of
13 off-campus practical training such as a residency, externship, internship,
14 or practicum.

15 (5) In addition to meeting the requirements in sub. (3), a school
16 which seeks approval of a resident program or subject measured on a
17 semester credit basis shall:

18 (a) Award one semester credit for no fewer than 15 contact hours
19 of lecture, plus 30 hours of outside preparation or the equivalent.

20 (b) Award one semester credit for no fewer than 30 contact hours
21 of laboratory work plus necessary outside preparation.

22 (c) Award one semester credit for no fewer than 45 clock hours of
23 shop.

24 (d) Award one semester credit for no fewer than 45 clock hours of
25 off-campus practical training such as a residency, externship, internship,

1 or practicum.

2 SECTION 15. EAB 5.11⁽¹⁾(e) through (g) are renumbered 1.46, 1.47 and
3 1.55 and are amended to read:

4 EAB 1.46 SPONSOR. "Sponsors" "Sponsor" includes any ~~individual,~~
5 ~~agency, association, corporation or partnership which~~ person who makes a
6 payment on behalf of a student or awards a loan, grant or scholarship to
7 a student.

8 EAB 1.47 STUDENT. "Students" "Student" means ~~those persons a~~
9 natural person who ~~have~~ has pursued, ~~are~~ is pursuing, or ~~have~~ has stated
10 an intent to pursue any ~~course or course of instruction offered by~~ subject
11 or program which a school offers.

12 EAB 1.55 WISCONSIN STUDENT. "Wisconsin students" "student"
13 means:

14 (1) ~~students~~ A student (regardless of stated permanent residence) at
15 any Wisconsin location of ~~the~~ a school.

16 (2) ~~plus any other students~~ A student ~~who at the time of enroll-~~
17 ~~ment considered Wisconsin to be their state of residence.~~ Students at a
18 school ~~locations~~ location outside Wisconsin ~~and students~~ or enrolled in a
19 correspondence ~~courses of instruction are Wisconsin students~~ program if
20 ~~they gave the student:~~

21 (a) Listed Wisconsin as ~~their~~ state of residence at the time of
22 enrollment.

23 (b) Indicated since initial enrollment that Wisconsin is the student's
24 state of residence.

25 SECTION 16. EAB 6.01 (2, (3), (7), (8), and (10) through (12) are

1 renumbered 1.07, 1.10, 1.19, 1.20, and 1.50 through 1.52 and are amended
2 to read:

3 EAB 1.07 COMBINATION PROGRAM. "Combination ~~course-of-in-~~
4 ~~struction"~~ program" means a ~~course-of-instruction~~ program which consists
5 of both correspondence lessons and resident classes.

6 EAB 1.10 CORRESPONDENCE PROGRAM. "Correspondence ~~course-of~~
7 ~~instruction"~~ program" means a ~~course-of-instruction~~ program which consists
8 solely of correspondence lessons.

9 EAB 1.19 ENROLLMENT AGREEMENT. "Enrollment agreement"
10 means a document by which a student contracts to enroll in a ~~course-of~~
11 ~~instruction-offered-by-a-school~~ subject or program.

12 EAB 1.20 ENROLLMENT APPLICATION. "Enrollment application"
13 means a non-contractual document by which a student applies for admis-
14 sion to a ~~course-of-instruction-offered-by-a-school~~ subject or program.

15 EAB 1.50 TERM. "Term" means a regularly established division of
16 the school year which is ~~from-10-to~~ no more than 19 weeks long.

17 EAB 1.51 TOTAL COST OF THE PROGRAM. "Total cost of the
18 ~~course-of-instruction"~~ program" means the sum of all charges ~~made-by~~
19 which the school makes for tuition, books, materials, and supplies and plus
20 any other charges ~~made-by~~ which the school ~~which-are-required-to-be-paid~~
21 by requires the student to pay as the result of enrollment in a specific
22 ~~course-of-instruction~~ program. ~~Room~~ The school shall include room and
23 board charges ~~shall-be-included~~ in the total cost of the ~~course-of-instruc-~~
24 ~~tion~~ program only if the school requires the student to utilize room or
25 board facilities ~~provided--by-the-school~~ which the school provides. Fi-

1 nance charges are not part of the total cost of the program.

2 EAB 1.52 TOTAL COST OF THE TERM. "Total cost of the term"
3 means the sum of all charges made by which the school which are required
4 to be paid by requires the student to pay as the result of enrollment for a
5 specific term, but it. It does not include a one-time application fee not
6 exceeding \$30 or a term registration fee not exceeding \$20. Room The
7 school shall include room and board charges shall be included in the total
8 cost of the term only if the school requires the student to utilize room or
9 board facilities provided by the school which the school provides. Finance
10 charges are not part of the total cost of the term.

The rules contained in this order shall take effect on the first day of the month following publication in final form in the administrative register, as provided by § 227.22 (2) (intro.), Stats.

Dated: 4/27/90

Agency: Educational Approval Board

By: *Claudia Berry Miran*
Claudia Berry Miran
Acting Executive Secretary
Educational Approval Board

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