

Chapter EAB 5

APPROVAL OF SCHOOLS

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History: Chapter EAB 5 as it existed on December 31, 1972 was repealed and new chapter EAB 5 was created, Register, December, 1972, No. 204, effective January 1, 1973; Chapter EAB 2 was renumbered Chapter EAB 5, Register, June, 1990, No. 414, eff. July 1, 1990.

EAB 5.02 Approval of schools and courses of instruction. (1) APPROVAL REQUIRED. No school may:

- (a) Solicit students unless the school is approved by the board.
- (b) Advertise, offer or teach any course of instruction unless the school and that course of instruction are approved by the board.
- (c) Deny enrollment to any student, or make any distinction or classification of students, solely on account of sex, race, color, or creed.
- (d) Use a location as a teaching location unless that location is approved by the board as a teaching location of the school.
- (e) Advertise, offer a program leading to, or award a degree unless the school has approval from the board to offer the degree.
- (f) Measure a subject or program in credits unless the board has authorized the school to do so under s. EAB 5.065.

(2) INVESTIGATION AND INSPECTION. Upon application, the board or its duly authorized representative shall investigate and inspect schools doing business within this state, whether located within or outside this state, and courses of instruction offered by these schools, and the board shall approve schools and courses of instruction meeting its requirements and standards and complying with its rules.

(3) RENEWAL OF APPROVAL. (a) Except as provided in par. (b), a school approved to operate or do business in this state shall, after June 30 but no later than September 1 of each year, apply for renewal of approval on forms which the board furnishes and shall submit with the forms the fee which s. EAB 5.11 (3) requires.

(b) A school need not apply for renewal of approval for the calendar year in which the school paid in full the fees which s. EAB 5.11 (2) requires.

(4) REVOCATION OF APPROVAL. (a) Upon a determination by the board that there has been a failure to maintain the standards or to continue to comply with the rules or meet the requirements for approval, approval of the school or the course of instruction shall be revoked.

(b) Refusal by a school to allow reasonable inspection, or to supply information after written request therefor by the executive secretary or failure to comply with any and all of these rules shall be grounds for revocation of approval.

(5) NOTICE OF WITHHOLDING OF APPROVAL OR OF REVOCATION OF APPROVAL. Notice of withholding of approval or of the revocation of approval of a school or course of instruction shall be sent by certified mail, return receipt requested, to the last address of the school involved. Withholding or revocation of approval of the school or course of instruction shall be effective 10 days after the notice of revocation has been mailed to the school.

(6) HEARING. Any school whose legal rights, duties, or privileges are directly affected by an action of the executive committee, its duly authorized representative, or the board may request

a hearing to contest the action taken. Such a hearing must be requested within 10 days of the effective date of the action taken. If a hearing is requested it will be held within a reasonable time after receipt of the request. Notice of such hearing shall be sent to the school 10 days prior to the date of such hearing, giving the school notice of date, time and place.

(7) CONDUCT OF HEARINGS. All hearings shall be presided over by one or more members of the board or such hearing examiner as may be designated by the board.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), Register, June, 1984, No. 342, eff. 7-1-84; r. and recr. (3), Register, May, 1987, No. 377, eff. 7-1-87; emerg. am. (3), eff. 8-4-87; reprinted to correct error in (3), Register, October, 1987, No. 382; am. (3), Register, January, 1988, No. 385, eff. 2-1-88; cr. (1) (f), am. (3), (1) (e) renum. from EAB 4.06 (2) and am., Register, June, 1990, No. 414, eff. 7-1-90; am. (3), Register, March, 1993, No. 447, eff. 4-1-93.

EAB 5.03 Approval of schools prior to operation. (1)

CRITERIA. Approval of schools planned or proposed for operation within the state may be made by the board upon application as provided by s. EAB 5.05 which gives evidence that the planned or proposed school meets approval requirements. Purchase or rental of physical facilities, materials, and equipment and hiring of instructional staff need not be accomplished prior to consideration of approval if the proposed physical facilities, materials, and equipment are fully described, the qualifications of instructor positions have been clearly stated, and such descriptions and qualifications, if carried out in practice, would meet the criteria for approval as set forth in s. EAB 5.06.

(2) PERIOD OF INITIAL APPROVAL. A school not yet in operation may be approved for a period of operation not to exceed 6 months. Prior to beginning the second month of operation, the school shall submit to the board full descriptions of physical space, materials, and equipment in use and qualifications of instructional staff currently employed.

(3) The criteria of sub. (1) and the period of initial approval of sub. (2) shall apply to the addition of another course of instruction to the offerings of a currently approved school.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1), Register, June, 1990, No. 414, eff. 7-1-90.

EAB 5.04 Schools operating in more than one location. (1) DEFINITION.

A school is deemed to operate in more than one location when any of its instructional facilities are located more than 30 miles from any other instructional facilities of the school or its address of record with the board, or when any distinction in name is used by the school in its advertising, catalog, or contracts to identify the separate location of the school.

(2) APPROVAL. Schools operating in more than one location may be approved as one school with several specified locations when:

- (a) All locations to be included in the approval meet the criteria for approval, and;
- (b) The information required by the board to be submitted on and with the application for approval has been supplied for each location, and;

(c) All locations to be included in the approval are directly controlled by a single individual, partnership, association, or corporation, and that the controlling entity, in making application to the board, agrees to indemnify all persons suffering loss or damage as the result of the controlled subsidiary's failure to fulfill any contractual obligation for educational services or failure to comply with these regulations.

(3) **BONDING.** The bonds required by ss. EAB 5.07 and 10.04 shall not be required of each location of a school approved as provided in sub. (2) if the bonds furnished specifically are made to apply to all locations and names identified in the application.

(4) **SOLICITOR'S PERMITS.** If a school has been approved as one school with several locations, only one solicitor's permit per solicitor shall be required to solicit for all locations of the school included in the approval.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (3), Register, June, 1990, No. 414, eff. 7-1-90.

EAB 5.05 Application for approval. (1) No school shall be approved unless it shall make application, through its officers or an owner, upon forms to be provided by the board, and unless said application shall be accompanied by:

(a) A copy of all enrollment applications the school anticipates using in Wisconsin; meeting the requirements of ch. EAB 6;

(b) A statement of its cancellation and settlement policy meeting the minimum requirements set out in ch. EAB 8;

(c) A school catalog or bulletin containing;

1. Identifying data, such as volume number and/or date of publication.

2. Name of school and its governing body and officials.

3. A calendar showing the legal and scheduled holidays, vacation periods, and the beginning and ending date of each term or semester.

4. School policy and regulations regarding enrollment dates and specific entrance requirements for each course.

5. School policy and regulations relative to leave, absences, tardiness, class cuts, make-up work, and interruption for unsatisfactory work or attendance.

6. School policy and regulation relative to standards of progress required of the student, the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any. Also, conditions of re-entrance for those students dismissed for unsatisfactory progress and statement regarding progress records kept by the school and furnished the students.

7. School policy and regulation governing student conduct and conditions of dismissal for unsatisfactory conduct.

8. Charges for tuition and schedule of fees for student activities, laboratory, rentals, deposits and all other charges.

9. For each program for which the school requests approval, an outline showing subjects or units of work, type of work or skill to be learned, and clock hours or credits to be spent on each subject.

10. Disclosure of any further training which the school knows or should reasonably know that employers usually require of a student who desires to secure initial employment consistent with the vocational objective for which the school represents the program to prepare the student.

11. If the board has authorized the school to measure a program in degree or vocational credits, that the school to which a student transfers decides which, if any, credits transfer. The school shall also notify a student to consult with the admissions office of the receiving school regarding transferability of credits.

(d) A description of the school's placement services;

(e) A copy of all advertising recently used or reasonably expected to be used in Wisconsin by the school;

(f) A current balance sheet and income statement audited and certified by an independent auditor or C.P.A. (Said balance sheet and income statement may be submitted for a parent corporation that has agreed to indemnify Wisconsin residents for any loss resulting from the failure of the subsidiary to fulfill its obligations for educational services or failure to comply with these rules);

(g) A surety bond as required by s. EAB 5.07;

(h) A description of the school's location, buildings, and equipment;

(i) A list of faculty members indicating their education, preparation and experience; and

(j) Any other information required by the board so that the school and its courses of instruction may be evaluated according to the criteria set forth in s. EAB 5.06.

(2) The board may, at its discretion, require substantiation of any representations made by the school in soliciting students and proof that course of instruction is capable of preparing a student for employment in the field in which the school purports that the training is designed to do.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1) (a), (b), (c) 9. and 10., (g) and (j), cr. (1) (c) 11., Register, June, 1990, No. 414, eff. 7-1-90.

EAB 5.06 Criteria for approval of schools and courses of instruction. (1) **CONTENT AND INSTRUCTION.** (a) The content, length, and instruction of courses and courses of instruction shall be consistent in quality with similar courses and courses of instruction in public schools or private schools with standards which have been examined by the board and are deemed to be acceptable.

(b) The administrators and instructors of the school shall have suitable educational qualifications and experience, and be of good reputation and character.

(c) The school shall have a sufficient number of instructors for its courses and courses of instruction to provide adequate student-teacher relationships.

(d) The course of instruction will be of value in preparing students for employment in the vocational field for which it was designed.

(e) The course of instruction is capable of qualifying students for employment in a vocational position if it is represented to do so.

(2) **FACILITIES.** The school shall have adequate space, suitable and sufficient equipment, and sufficient and appropriate instructional materials to carry out its program. Said facilities shall be consistent in quality with similar facilities in public schools or private schools with facilities which have been examined by the board and are deemed acceptable.

(3) **STUDENT SERVICE.** (a) The school shall provide to each student a catalog meeting the requirements of s. EAB 5.05 (1) (c) prior to or upon the student making application for enrollment.

(b) The school shall keep records of attendance, progress and grades.

(c) The school shall make reports periodically to each student of his progress in his courses.

(4) **ADVERTISING.** All advertising and promotional materials shall be consistent with the requirements set forth in ch. EAB 4.

(5) **REFUND POLICY.** The school's policy for refund of unused portions of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued therefrom must provide for refunds which are at least equal to the board's established minimum standards as set forth in ch. EAB 8.

(6) **COMBINATION COURSES.** Courses of instruction consisting of both resident and correspondence instruction in which the completion of the correspondence part is a prerequisite for starting the resident part, or vice versa, and for which a charge is made, will not be approved unless a separate charge is made for each part

which separate charge is equitable in relation to the actual relative costs of instruction including overhead as are incurred by the school.

(7) The school must be shown to be in sound financial condition to the satisfaction of the board.

(8) **LABORATORY WORK.** Laboratory work may not constitute more than 49% of a program.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (3) (a) and (5), cr. (8), Register, June, 1990, No. 414, eff. 7-1-90.

EAB 5.065 Approval of subjects and programs on a credit basis. (1) A school may measure a resident program and the subjects within the program in degree credits if:

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

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

(2) A school may measure a resident program and the subjects within the program in vocational credits if the board has approved measurement in vocational credits for the program.

(3) A school which seeks approval to offer a new or substantially revised program on a credit basis shall:

(a) Pay the fee specified in s. EAB 5.11 (4);

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

(c) Specify on the application for approval whether the school desires to use degree credits or vocational credits; and

(d) Meet the requirements of ss. EAB 5.05, 5.06, 5.07 and 5.08.

(3m) A school which seeks approval to offer a revised program on a credit basis or to convert an approved program from clock hours or contact hours to credits shall:

(a) Pay the fee specified in s. EAB 5.11 (5);

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

(c) Specify on the application for approval whether the school desires to use degree credits or vocational credits; and

(d) Meet the requirements of ss. EAB 5.05, 5.06, 5.07 and 5.08.

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

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

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

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

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

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

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

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

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

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

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90; am. (3) (intro.), (a), (4) (intro.) and (5) (intro.), cr. (3m), Register, March, 1993, No. 447, eff. 4-1-93.

EAB 5.07 Surety bond. (1) Before any school will be given approval, the school must provide the board with a surety bond in the amount of \$25,000 executed by the applicant as principal and by a surety company qualified and authorized to do business in the state of Wisconsin as surety.

(2) The surety bond shall be conditioned to provide indemnification to any student or enrollee or his parent, or guardian, or sponsor suffering loss or damage as a result of any fraud or misrepresentation used in procuring his enrollment, violation of chs. EAB 3 through 8, or as a result of the student being unable to complete the course or courses because the school failed to perform its contractual obligations with such student, or as a result of the student being refused a tuition refund to which the student is entitled under ch. EAB 8. Such indemnification under the surety bond to any or all students, or parents, or guardians, or sponsors shall, in no case, exceed the advanced tuition, book fees, supply fees, or equipment fees paid or liable to be paid for by said student or students or any such parent, or guardian, or sponsor, and regardless of the number of years that a school's bond is in force, the aggregate liability of the surety bond shall, in no event, exceed the penal sum of the bond. The surety bond may be continuous.

(3) Any student may file with the board a duly verified claim of fraud or misrepresentation used in procuring his enrollment or of enrollment procured as a result of any fraud or misrepresentation in the school's application for the approval against a school. The board may consider such claim after 10 days' written notice by certified mail, return receipt requested, to such school of said complaint giving time and place of hearing thereon and if such claim is found to be correct and due to the claimant, and if the board or its executive secretary cannot effect a settlement by persuasion and conciliation, the board shall make a demand upon the principal on such bond and the surety thereon, and if not paid shall bring an action on such bond in any court of record within the state of Wisconsin.

(4) A surety on said bond may be released therefrom after said surety shall have made a written notice thereof directed to the board at least 30 days prior to said release.

(5) The bonding requirements set forth in this section may be increased or reduced in the sole discretion of the board upon a determination that it is inadequate or excessive in relation to the risk of economic loss to which Wisconsin residents are exposed in the case of any particular school.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (2), Register, June, 1990, No. 414, eff. 7-1-90.

EAB 5.08 Agent for service of process. (1) All schools seeking approval from the board must furnish the board with the name and Wisconsin address of a designated agent upon whom any process, notice, or demand may be served. The executive secretary of the educational approval board may be appointed for this purpose.

(2) If during any period a school approved by the board fails to appoint or maintain in this state an agent for service of process, such failure shall be cause for revocation of approval.

(3) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

EAB 5.09 Investigation and review. (1) **PERIODIC REVIEW.** The board or its duly authorized representative shall investigate and review all approved schools and courses of instruction. The method of review shall be determined by the board in each case, and generally will consist of such of the following as it deems appropriate to the particular situation:

(a) Consideration of information available from the following: federal trade commission, better business bureaus, the Wisconsin

department of justice—office of consumer protection, other state or other official approval agencies, local school officials or interested persons.

(b) Review of the quarterly reports and statements from the school involved.

(c) Conferences with officials or representatives of the school involved or with interested persons including former students or parents of former students.

(d) Public hearing respecting the course of instruction under review with adequate written notice of the holding thereof to the school offering the course of instruction.

(e) Investigation by visitation of the school involved.

(2) UPON COMPLAINT. In addition to investigation upon its own initiative, the board may investigate any school and its courses or courses of instruction upon receipt of a complaint from an interested person.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

EAB 5.10 List of approved schools and courses of instruction. (1) DISTRIBUTION. A directory of approved schools and courses of instruction shall be distributed by the board to all approved schools and to others upon request. Cumulative supplements to such directory bringing it up to date by showing additions and removals subsequent to the distribution of the directory shall be distributed by the board from time to time. The directory shall be brought up to date by distribution of a new directory of approved schools and courses of instruction whenever the changes from the last directory are sufficient therefor.

(2) CURRENT LISTING. The board shall at all times maintain as a part of its official records a complete listing of the schools and courses of instruction which are currently approved by it. The current list of approved schools and courses of instruction shall be maintained at the office of the executive secretary of the board.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

EAB 5.11 Fees. (1) APPLICABILITY. The fees listed in this section shall apply to:

(a) Any application, and any amended application materials, for renewal of an approval which expires on or after December 1, 1995.

(b) Any other applications received on or after April 1, 1996.

(c) Any late applications or payments for renewal of approval received on or after September 1, 1995.

(d) Any other amended application materials received on or after April 1, 1996.

(2) FEES FOR INITIAL SCHOOL APPROVAL. (a) A school which is not approved to operate or do business in this state and which is applying for approval shall pay a fee of:

1. \$1,500, if the school is applying for approval of one program which does not lead to a degree.

2. \$2,000, if the school is applying for approval of one program which leads to an associate degree.

3. \$2,800, if the school is applying for approval of one program which leads to a baccalaureate degree.

4. \$3,400, if the school is applying for approval of one program which leads to a master's degree.

5. \$4,600, if the school is applying for approval of one program which leads to a doctoral degree.

(b) If the school is applying for approval of more than one program, the school shall pay the highest applicable fee specified in par. (a), plus the fee specified in sub. (4) for each additional program for which the school requests approval.

(c) If the school is applying for approval of teaching locations in addition to the main location listed on the application for approval, the school shall pay, in addition to the fee specified in par. (a), the fee specified in sub. (6) for each teaching location.

(d) The board shall reduce the fees specified in par. (a) by 50% of the program fee specified in sub. (4) (a) for a program of the same level if all of the following conditions are met:

1. The school making application for approval of the program is incorporated in a state other than Wisconsin, has its main campus outside Wisconsin, and offers in Wisconsin only programs leading to a baccalaureate or higher degree.

2. The school presents written evidence of authorization from its home state to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the home state authorizing agency completed regarding the program.

3. If the school is requesting authorization to enroll Wisconsin residents in a program which it offers in a state other than its home state, the school presents written evidence of program and degree authorization from the state in which the program is offered. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the state authorizing agency completed regarding the program.

4. The school presents written evidence that it is accredited by an accrediting agency recognized by the U. S. department of education to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all self-studies which the school submitted to the accrediting agency and unabridged copies of all findings and reviews which the accrediting agency completed regarding the program.

5. The school presents written evidence that its home state gives similar Wisconsin schools at least an equivalent fee reduction in comparable licensing and oversight fees. The evidence which the school submits to meet this requirement shall include a copy of the applicable statutory and regulatory language from the home state.

(3) FEES FOR RENEWAL OF SCHOOL APPROVAL. (a) The board may renew the approval of a school for not more than one calendar year. Except as provided in par. (b), a school applying for renewal of approval shall pay an application fee in payments as provided in pars. (c) and (d).

(b) A school that has not done business in this state in violation of s. 38.51 (10), Stats., prior to the effective date of approval need not pay the first payment in the calendar year in which the school paid in full the fees required by sub. (3), but may defer that payment until March 1 of the following year.

(c) A school requesting active status shall make a first payment, in the amount of \$500, no later than September 1 prior to the calendar year for which the school is applying for renewal of approval, and shall make a second payment, in the amount determined as provided in par. (g), no later than March 1 of the calendar year for which the school is applying for renewal of approval.

(d) A school requesting inactive status shall make a first payment in the amount of \$100, no later than September 1 prior to the calendar year for which the school is applying for renewal of approval and shall make a second payment, in the amount determined as provided in par. (g), no later than March 1 of the calendar year for which the school is applying for renewal of approval. If the school resumes active status during the calendar year for which the school is applying for renewal of approval, the school shall make a third payment. The third payment shall be in the amount of \$100 for each full calendar month and any portion of a calendar month which is remaining in the calendar year as of the date of resumption of active status, and shall be due by the date of resumption of active status.

(e) The board shall base the second payment on the size of the school, and shall measure the size of each school by adjusted gross annual school revenues, as reported to the board on the application for renewal of approval which the school last submitted or as the

board estimates under par. (h). The total of the second payments due from all approved schools, as determined by the board no later than December 31 prior to the due date for the second payments, shall recover that portion of the costs of examining and approving schools subject to s. 38.51 (10), Stats., which is not recovered by the total of the first payments plus the total of receipts from all other fees in this section and in s. EAB 10.02. The amount to be recovered by the total of the second payments shall be based on the annual budget of the board for the regulation of schools subject to s. 38.51 (10), Stats., adjusted by:

1. Subtracting the total revenue estimated to be received during the current fiscal year from schools and solicitors in payment of all other application fees, including the first payments of the renewal fee under pars. (b) through (d),
2. Subtracting any positive balance in excess of \$50,000 in the board's fee revenue account carried over from the previous fiscal year, to the extent that the balance still exists and remains usable by the board,
3. Adding an amount equal to the absolute value of any negative balance in the board's fee revenue account at the end of the previous fiscal year, and
4. Adding the amounts of any additional costs required by law, regulation, executive order or collective bargaining agreement which were not known or taken into consideration when the annual budget was determined.

(f) The board shall determine the rate in dollars per thousand dollars of adjusted gross annual school revenue for the calendar year in which the second payment is due by dividing the amount in dollars which the board must recover from the total of the second payments for the same calendar year, determined as provided in par. (e), by the total of the actual and estimated adjusted gross annual school revenues in thousands of dollars of all schools which have applied for renewal of approval for the calendar year. The formula is stated algebraically as follows:

$$M = A/R$$

- where M = the rate in dollars per thousand dollars of adjusted gross annual school revenue
- A = the amount in dollars which the board shall recover from the total of the second payments for the same calendar year, determined as provided in par. (e)
- R = the total in thousands of dollars of the actual and estimated adjusted gross annual school revenues of all schools which have applied for renewal of approval for a calendar year

(g) The board shall determine the amount of the second payment for each school by multiplying the adjusted gross annual revenues of the school in thousands of dollars, as reported to the board on the application for renewal of approval which the school last submitted or as the board estimates under par. (h), by the rate in dollars per thousand dollars of adjusted gross annual school revenue determined as provided in par. (f). The formula is stated algebraically as follows:

$$a = r \times M$$

- where a = the amount of the second payment for a specific school
- r = the adjusted gross annual revenues of that school in thousands of dollars, as reported to the board on the application for renewal of approval or as estimated by the board under par. (h)

M = the rate in dollars per thousands of dollars of adjusted gross annual school revenue determined as provided in par. (f)

The board may adjust the amount of each second payment by rounding the payment to the nearest whole dollar.

(h) If a school fails or refuses to provide the board with reliable information by which the board may determine the amount of the second payment, the board may revoke the approval of the school or may use other means to compare the school with other schools by size, estimate the adjusted gross annual revenues of the school and require a second payment based on the estimated adjusted gross annual revenues of the school. The board may also request the department of justice or any district attorney to take action under any other applicable provision of law.

(i) A school which submits an application for renewal of approval or makes the first payment required under par. (c) or (d) after September 1, or which makes the second payment required under par. (c) or (d) after March 1, shall pay, for each month or part of a month the application or payment is late, a fee of \$50 or 1.5% of any late first or second payment, whichever is greater, in addition to the fees specified in par. (c) or (d).

(4) FEES FOR APPROVAL OF NEW OR SUBSTANTIALLY REVISED PROGRAMS. (a) When applying for approval of a new or substantially revised program, a school shall pay the following fee:

1. \$900, if the program for which the school seeks approval does not lead to a degree.
2. \$1,400, if the program for which the school seeks approval leads to an associate degree.
3. \$2,300, if the program for which the school seeks approval leads to a baccalaureate degree.
4. \$2,800, if the program for which the school seeks approval leads to a master's degree.
5. \$3,800, if the program for which the school seeks approval leads to a doctoral degree.

(b) The board shall reduce the fees specified in par. (a) by 25% if the program for which the school requests approval meets all of the following conditions:

1. The program prepares students to meet the occupational licensing requirements of an agency of this state.
2. The agency to which subd. 1. refers has reviewed the program.
3. The agency to which subd. 1. refers has notified the board in writing that successful completion of the program will meet the educational requirements for initial licensure in the occupation.

(c) The board shall reduce the fees specified in par. (a) by 50% if all of the following conditions are met:

1. The school making application for approval of the program is incorporated in a state other than Wisconsin, has its main campus outside Wisconsin, and offers in Wisconsin only programs leading to a baccalaureate or higher degree.
2. The school presents written evidence of authorization from its home state to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the home state authorizing agency completed regarding the program.
3. If the school is requesting authorization to enroll Wisconsin residents in a program which it offers in a state other than its home state, the school presents written evidence of program and degree authorization from the state in which the program is offered. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the state authorizing agency completed regarding the program.

4. The school presents written evidence that it is accredited by an accrediting agency recognized by the U. S. department of education to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all self-studies which the school submitted to the accrediting agency and unabridged copies of all findings and reviews which the accrediting agency completed regarding the program.

5. The school presents written evidence that its home state gives similar Wisconsin schools at least an equivalent fee reduction in comparable licensing and oversight fees. The evidence which the school submits to meet this requirement shall include a copy of the applicable statutory and regulatory language from the home state.

(5) FEES FOR APPROVAL OF REVISED PROGRAMS. (a) When applying for approval of a revised program, a school shall pay the following fee:

1. \$400, if the program for which the school seeks approval does not lead to a degree.
2. \$600, if the program for which the school seeks approval leads to an associate degree.
3. \$1,300, if the program for which the school seeks approval leads to a baccalaureate degree.
4. \$1,600, if the program for which the school seeks approval leads to a master's degree.
5. \$2,300, if the program for which the school seeks approval leads to a doctoral degree.

(b) The board shall reduce the fees specified in par. (a) by 10% if the program for which the school requests approval meets all of the following conditions:

1. The program prepares students to meet the occupational licensing requirements of an agency of this state.
2. The agency to which subd. 1. refers has reviewed the program.
3. The agency to which subd. 1. refers has notified the board in writing that successful completion of the program will meet the educational requirements for initial license in the occupation.

(c) The board shall reduce the fees specified in par. (a) by 10% if all of the following conditions are met:

1. The school making application for approval of the program is incorporated in a state other than Wisconsin, has its main campus outside Wisconsin, and offers in Wisconsin only programs leading to a baccalaureate or higher degree.
2. The school presents written evidence of authorization from its home state to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the home state authorizing agency completed regarding the program.
3. If the school is requesting authorization to enroll Wisconsin residents in a program which it offers in a state other than its home state, the school presents written evidence of program and degree authorization from the state in which the program is offered. The evidence which the school submits to meet this requirement shall include unabridged copies of all findings and program reviews which the state authorizing agency completed regarding the program.

4. The school presents written evidence that it is accredited by an accrediting agency recognized by the U. S. department of education to offer the program and degree which it desires to offer to Wisconsin residents. The evidence which the school submits to meet this requirement shall include unabridged copies of all self-studies which the school submitted to the accrediting agency and unabridged copies of all findings and reviews which the accrediting agency completed regarding the program.

5. The school presents written evidence that its home state gives similar Wisconsin schools at least an equivalent fee reduction in comparable licensing and oversight fees. The evidence which the school submits to meet this requirement shall include a copy of the applicable statutory and regulatory language from the home state.

(6) FEE FOR APPROVAL OF TEACHING LOCATIONS. A school shall pay a fee of \$200 when applying for approval of a teaching location.

(7) CHANGE OF OWNERSHIP OR CONTROL. (a) Approval of a school terminates at the time when the ownership or control of the school changes from that indicated on the most recent application the school filed with the board under sub. (2) or (3) unless the school files within 10 business days after the change of ownership or control a complete application for approval after a change of ownership or control under par. (c).

(b) An approved school shall notify the board of any anticipated change of ownership or control at least 30 days prior to the change of ownership or control.

(c) The school shall submit to the board within ten business days after the change of ownership or control an application reflecting the change of ownership or control and a fee of \$600.

(d) If a school files an application requesting approval of a change of ownership or control more than 10 business days after the change of ownership or control takes effect, or if the application and its attached materials indicate that the new owner has not assumed the responsibility for refunds due to students and sponsors as of the date of the change of ownership or control or has not agreed to honor enrollment documents signed by students prior to the change of ownership or control, the board shall treat such an application as an application for initial approval, and the school shall pay the fees specified in sub. (2).

(e) If a school makes any changes to programs or locations of the school as a result of the change of ownership, the school shall submit an application separate from the change of ownership application for each changed program or location and shall pay the fees required under this section.

(8) FEE FOR APPROVAL OF A CHANGE IN SCHOOL NAME OR CHANGE OF PROGRAM TITLE. A school shall pay a fee of \$50 when applying for approval of a change in school name or a change of program title.

(9) FEE FOR AMENDING AN INCOMPLETE APPLICATION. A school shall pay the fee specified in this subsection each time the school submits any form, materials, documents, or information which the rules of the board require as part of an application but which the school failed to provide with the application as originally submitted:

- (a) For an application for initial school approval, 10% of the fee specified in sub. (2) (a).
- (b) For an application for renewal of school approval, \$50.
- (c) For an application for approval of a new or substantially revised program, 10% of the fee specified in sub. (4) (a).
- (d) For an application for approval of a revised program, 10% of the fee specified in sub. (5) (a).
- (e) For an application for approval of a teaching location, 10% of the fee specified in sub. (6).

(f) For an application for approval after a change of ownership or control, 10% of the fee specified in sub. (7) (c).

(10) FEE FOR AMENDING A NONCOMPLYING APPLICATION. A school shall pay the fee specified in this subsection each time the school submits any revised form, materials, documents or information to bring an application into compliance with chs. EAB 4 to 9:

- (a) For an application for initial school approval:

1. 25% of the fee specified in sub. (2) (a) if the amendment applies only to forms or documents and does not make any revisions to program content.

2. 50% of the fee specified in sub. (2) (a) if the amendments involve revisions to program content which would be considered substantial under s. EAB 1.485.

3. 40% of the fee specified in sub. (2) (a) if the amendments involve revisions to program content which would not be considered substantial under s. EAB 1.485.

(b) For an application for renewal of school approval, \$100.

(c) For an application for approval of a new or substantially revised program:

1. 25% of the fee specified in sub. (4) (a) if the amendment applies only to forms or documents and does not make any revisions to program content.

2. 50% of the fee specified in sub. (4) (a) if the amendments involve revisions to program content which would be considered substantial under s. EAB 1.485.

3. 40% of the fee specified in sub. (4) (a) if the amendments involve revisions to program content which would not be considered substantial under s. EAB 1.485.

(d) For an application for approval of a revised program:

1. 25% of the fee specified in sub. (5) (a) if the amendment applies only to forms or documents and does not make any revisions to program content.

2. 50% of the fee specified in sub. (5) (a) if the amendments involve revisions to program content which would be considered substantial under s. EAB 1.485.

3. 40% of the fee specified in sub. (5) (a) if the amendments involve revisions to program content which would not be considered substantial under s. EAB 1.485.

(e) For an application for approval after a change of ownership or control, 25% of the fee specified in sub. (7) (c).

(f) If the amendment includes both revisions to forms or documents and revisions to program content, the school shall pay only the appropriate fee for revisions to program content.

(11) FEES NOT REFUNDABLE. The fees paid under this section are not refundable unless the board determines that the fees were paid in error.

(12) REAPPLICATIONS. A school which reapplies for approval of the school, a new or substantially revised program, a revised program, a change in school name, a revised program title, or a teaching location for which the board has denied approval shall again pay the fees specified in this section.

(13) WAIVER OF FEES. The board may in its sole discretion waive, in whole or in part, fees otherwise payable by schools for reinstatement of approval which has been revoked or has expired, if the board determines that a re-evaluation of the school's courses of instruction is unnecessary.

Note: A person may obtain any of the following forms by writing the Educational Approval Board at P.O. Box 7874, Madison, WI 53707, or by telephoning (608) 266-1996.

Form EAB 1.01, Application, initial school approval, Wis. stats. s. 38.51

Form EAB 1.07, Application, renewal of school approval, Wis. stats. s. 38.51

Form EAB 1.08, Application, school approval after a change of ownership or control, Wis. stats. s. 38.51

Form EAB 1.09, application for approval, teaching location, Wis. stats. s. 38.51

Form EAB 1.11, application for approval, course of instruction, Wis. stats. s. 38.51.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Register, November, 1980, No. 299, eff. 12-1-80; am. (1), renum. (4) to be (6) and (7) and am., renum. (5) to be (8), (6) to be (5) and am., cr. (4), Register, June, 1984, No. 342, eff. 7-1-84; renum. (6) to (8) to be (7) to (9), am. (1) to (5), Register, May, 1987, No. 377, eff. 7-1-87; emerg. renum. (1) to (9) to be (2) to (10) and am. (2) to (7), cr. (1), eff. 8-4-87; renum. (1) to (9) to be (2) to (10) and am. (2) to (7), cr. (1), Register, January, 1988, No. 385, eff. 2-1-88; am. (2) (a) and (b), (3) (intro.), (4) (c), (5) (a) 1. to 3., (6) and (7) (c) (intro.), Register, November, 1988, No. 395, eff. 12-1-88; am. (4) (c) (intro.), Register, June, 1990, No. 414, eff. 7-1-90; r. (1) (intro.), renum. (1) (a) to (d) to be EAB 1.02, 1.24, 1.26 and 1.33 and am. 1.33, renum. (2) to (5) and (8) to (10) to be (1) to (4) and (11) to (13) and am. (1), (2) (intro.), (a), (3) (a), (c) to (e) (intro.), 2., (g), (4) and (12); cr. (3) (i), (5) and (8) to (10); am. (6) and (7), Register, March, 1993, No. 447, eff. 4-1-93; am. (1) (a) to (d), (3) (f), (4) (a) 1. to 3., (b) (intro.), (5) (a), (b) (intro.), (7) (c), (9) (a) to (e), (10) (a) to (d), r. and recr. (2), (10) (f), cr. (4) (a) 4., 5., (c), (5) (a) 4., 5., (c), (7) (e), r. (9) (f) to (i), (10) (e), (g) to (i), renum. (9) (j) and (10) (j) to be (9) (f) and (10) (e) and am., Register, March, 1996, No. 483, eff. 4-1-96.

EAB 5.12 Period for handling applications. (1) The board shall review and make a determination on an application within the following time periods:

(a) For initial school approval, within 70 business days after receiving the application.

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

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

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

(2) An application for initial school approval shall, for purposes of s. EAB 5.11 and this section, be considered received when the board has received:

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

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

(3) An application for approval of a course of instruction, a teaching location, or a change of ownership or control shall, for purposes of s. EAB 5.11 and this section, be considered received when the board has received all information and materials required to complete the application.

(4) 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 criteria specified by statute, or administrative rule, or both have not been met.

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

History: Cr. Register, May, 1987, No. 377, eff. 7-1-87; am. (2) and (3), Register, June, 1990, No. 414, eff. 7-1-90.