

## Chapter SPS 401

### DEFINITIONS

SPS 401.01 Definitions.

**Note:** Chapter EAB 1 was renumbered chapter SPS 401 under s. 13.92 (4) (b) 1., Stats., Register November 2017 No. 743.

**SPS 401.01 Definitions.** In chs. SPS 401 to 411:

(1) **ADJUSTED GROSS ANNUAL SCHOOL REVENUES.** “Adjusted gross annual school revenues” means the amount remaining after subtracting from gross annual school revenues the amount of refunds actually made to Wisconsin students or their sponsors during the same fiscal year for which the school reported the gross annual school revenues.

(3) **CONSTRUCTIVE NOTICE.** “Constructive notice” means the period of time, designated by the school, after which a student will be considered withdrawn by the school, because the student failed to attend classes, utilize instructional facilities or submit lessons without providing, prior to or during that period, an explanation to the school regarding the inactivity.

(4) **DEGREE.** “Degree” means a designation, including associate, bachelor, master or doctor which signifies satisfactory completion of a program of study beyond the secondary school level, but does not include a certificate or diploma.

(5) **DEGREE CREDIT.** “Degree credit” means a quarter or semester credit awarded for completion of a subject satisfying a portion of the requirements for the award of a degree by the school.

(5m) **DEPARTMENT.** “Department” means the department of safety and professional services.

(6) **DIPLOMA.** “Diploma” means a written and dated statement, made over the seal of the granting school and the signature of one or more school officers, certifying that a student has satisfactorily completed a program leading to an occupational, vocational, or educational objective.

(7) **DISTANCE LEARNING.** “Distance learning” means instruction provided by means other than face-to-face student to teacher interaction; including video, computer-based, and correspondence instruction.

(8) **ENROLLMENT AGREEMENT.** “Enrollment agreement” means a document by which a student contracts to enroll in a school or program.

(9) **ENROLLMENT APPLICATION.** “Enrollment application” means a non-contractual document by which a student applies for admission to a subject or program.

(10) **GROSS ANNUAL SCHOOL REVENUES.** “Gross annual school revenues” means the total revenues recognized in the school’s method of accounting during the past fiscal year from the sale of goods and services to Wisconsin students, unreduced by any costs of the sales. It includes all revenues from tuition, fees, books, supplies and equipment and includes revenues from room and board charges to Wisconsin students required to use room and board facilities which the school provided. It also includes all revenues from contracts with third parties to provide school goods and services to Wisconsin students or groups of Wisconsin students, such as workforce investment act contracts, or contracts with employers to provide training to their employees.

(11) **HOOR.** “Hour” means either 50 or 60 minutes as determined by a school’s policies.

(12) **INACTIVE.** “Inactive” means the status of a school which is not currently soliciting enrollments, advertising for students, or providing instruction.

(13) **LABORATORY.** “Laboratory” means a setting, usually with equipment, where under supervision a student acquires knowledge and understanding of the physical properties of materials or the principles underlying the operations of machines, appliances, and the like.

(14) **LECTURE.** “Lecture” means a setting, usually in a classroom, where a teacher instructs a student in the theory, principles or history of an academic or vocational subject.

(15) **LESSON.** “Lesson” means a single unit in a program.

(16) **PAST FISCAL YEAR.** “Past fiscal year” means a 12-month period ending on a date no earlier than 15 months before the date of the submission of the financial information requested on the application.

(17) **PERSON.** “Person” means any individual, partnership, association, or corporation or any combination thereof.

(18) **PROGRAM.** “Program” means an organized unit of subject matter in which instruction is offered within a given time and which leads to a certificate, diploma or degree, or to an occupational, educational or vocational objective.

(19) **QUARTER CREDIT.** “Quarter credit” means a unit by which a school operating on a quarter calendar measures its programs.

(19m) **RECOGNIZED ACCREDITING BODY.** “Recognized accrediting body” means a regional, national, or specialized accrediting agency recognized by the U.S. department of education under 20 USC 1099b for the purposes of federal Title IV funding under the higher education act of 1965.

(20) **REPRESENTATIVE.** “Representative” means an individual employed by or representing a school who, in places other than the school, attempts to secure enrollment agreements.

(21) **RESIDENT INSTRUCTION.** “Resident instruction” means a program which a school offers at a teaching location.

(22) **REVISED PROGRAM.** “Revised program” means any approved program in which the school proposes to increase or decrease the hours or credits by more than 25% from the approved length of the program, change more than 25% of the approved content of the program, or change the content of the program as the result of changes to the occupational licensing requirements of an agency of this state.

(23) **SCHOOL.** “School” means any person, located within or outside this state, maintaining, advertising or conducting a program for profit or a tuition charge not exempted under s. 440.52 (1) (e), Stats.

(24) **SEMESTER CREDIT.** “Semester credit” means a unit by which a school operating on a semester calendar measures its programs.

(25) **SHOP.** “Shop” means a setting, usually with prescribed equipment and tools, in which a student develops under supervision the skill necessary for the construction, maintenance, operation, repair or use of machines, appliances, tools and materials.

(26) **SPONSOR.** “Sponsor” includes any person or government agency who makes a payment on behalf of a student or awards a loan, grant or scholarship to a student.

(27) **STUDENT.** “Student” means an individual who has pursued, is pursuing, or has stated an intent to pursue any program which a school offers.

(28) **SUBJECT.** “Subject” means instructional material in a program.

**(29) TEACHING LOCATION.** “Teaching location” means the area and facilities, including any office, classroom, meeting room, laboratory, shop or range, used or designated for instructional use by a school.

**(29m) TEACH-OUT.** “Teach-out” means an arrangement for the completion of an EAB-approved program in which a student is enrolled in the event of a school’s closure or a school’s failure to perform its contractual obligations.

**(30) TERM.** “Term” means a regularly established division of the school year which is no more than 19 weeks long.

**(31) TOTAL COST OF THE PROGRAM.** “Total cost of the program” means the sum of all charges which the school makes for tuition, books, materials, and supplies plus any other charges which the school requires the student to pay as the result of enrollment in a specific program. The school shall include room and board charges in the total cost of the program only if the school requires the student to utilize room or board facilities which the school provides. Finance charges are not part of the total cost of the program.

**(32) TOTAL COST OF THE TERM.** “Total cost of the term” means the sum of all charges which the school requires the student to pay as the result of enrollment for a specific term. It does not include a one-time application fee not exceeding \$30 or a term registration fee not exceeding \$20. The school shall include room and board charges in the total cost of the term only if the school requires the student to utilize room or board facilities which the school provides. Finance charges are not part of the total cost of the term.

**(33) UNEARNED TUITION.** “Unearned tuition” means that portion of tuition, fees and other charges paid to a school for which a student has not yet received instruction.

**(34) VOCATIONAL CREDIT.** “Vocational credit” means a quarter or semester credit awarded for completion of a subject;

(a) Which does not satisfy a portion of the requirements for the award of a degree in a program which the department has approved for the school, or

(b) Which is part of a program at a school which does not have approval from the department to offer a degree.

**(35) WISCONSIN STUDENT.** “Wisconsin student” means:

(a) A student (regardless of stated permanent residence) at any Wisconsin location of a school.

(b) A student at a school location outside Wisconsin or enrolled in a correspondence program if the student:

1. Listed Wisconsin as state of residence at the time of enrollment.

2. Indicated since initial enrollment that Wisconsin is the student’s state of residence.

**History:** Renum. (1) to (3) from EAB 1.02, 1.03, 1.10, (5) and (6) from EAB 1.17 and 1.18, (8) to (10) from EAB 1.19, 1.20 and 1.24, (12) to (19) from EAB 1.26, 1.27, 1.28, 1.29, 1.33, 1.34, 1.36, 1.38, 1.39, (21) to (32) from EAB 1.39, 1.40, 1.42, 1.44, 1.46, 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, (34) and (35) from EAB 1.54 and 1.55, cr. (4), (7), (11), (20) and (33), Register, October, 1997, No. 502, eff. 12-1-97; correction in (23) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 02-135: cr. (intro.), (19m) and (29m), r. and recr. (3) and (23), am. (7), (10), (20) and (26) Register April 2003 No. 568, eff. 5-1-03; correction in (23) made under s. 13.93 (2m) (b) 7., Stats., Register January 2013 No. 685; **renum. (2) to (5m) under s. 13.92 (4) (b) 1., Stats., corrections in (5m), (34) (a), (b) made under s. 13.92 (4) (b) 6., Stats., and corrections in (intro.), (23) made under s. 13.92 (4) (b) 7., Stats., Register November 2017 No. 743.**