
WISCONSIN

FINAL GRADING ANALYSIS

OVERALL SCORE: **462/700 POINTS (66%)**
LETTER GRADE: **D**

I. OVERSIGHT BODY: **70/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
THAT IS PUBLICLY ACCOUNTABLE?
55/60 POINTS

Element	Points Available	Points Awarded
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	10
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10
4. Oversight body can engage in rulemaking	10	10
5. Oversight body's meetings must be open to the public	5	5
6. Oversight body's meetings must allow public comment	5	0
7. Oversight body can initiate investigations	5	5
8. Oversight body can impose penalties for violations	5	5
Total Points	60	55

Explanation:

Wisconsin has created the Educational Approval Board specifically to oversee private for-profit postsecondary institutions. (Wis. Stat. § 38.50(1), (2), (7).) The Board is responsible for rulemaking (Wis. Stat. § 38.50(3)), has authority to initiate investigations (Wis. Adm. Code EAB 4.01(2)), and may impose penalties. (Wis. Adm. Code EAB 4.01.)

Wisconsin's Open Meetings Act requires that Board meetings be open to the public (Wis. Stat. § 19.81 *et seq.*), but does not require the Board to allow opportunity for public comment; that is left to the discretion of the Board. (Wis. Stat. § 19.83(2).)

B. STATUTE-SPECIFIED MEMBERSHIP:

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

10/25 POINTS

Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
25 Points	20 Points	10 Points	0 Points	-5 points

Explanation:

Wisconsin law does not explicitly prohibit a for-profit majority membership on the Board. (Wis. Stat. § 15.945.) However, Wisconsin law discourages for-profit interests on the Board in Wis. Stat. § 19.46, which prohibits public officials from “taking any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.”

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS

Yes	No
10 Points	0 Points

Explanation:

Wisconsin law does not require the membership of the Board to include a consumer advocate.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

5/5 POINTS

All	Majority	Half	Minority	None
5 Points	3 Points	2.5 Points	1 Point	0 Points

Explanation:

The Board members serve at the pleasure of the governor. (Wis. Stat. § 15.945.)

II. STATE OVERSIGHT—EFFICACY: 61/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

8/10 POINTS

Mandatory onsite reviews			Discretionary	None
Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
10 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Wisconsin law requires periodic review of all approved schools and programs by the Board, and that these reviews include visitation of the school involved. (Wis. Adm. Code EAB 4.08(1)(d).) The Board’s website contains a document outlining visitation procedures. The document specifies that non-accredited schools are visited every 3 years, and accredited schools are visited at the mid-point in the accreditation cycle. Thus, accredited schools should be visited at least every 5 years. Generally, schools are accredited for 10 years or less, depending upon the program. An annual visit is discretionary.

<http://eab.state.wi.us/resources/schoolvisits/processoverview.pdf>

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

3/5 POINTS

Required unannounced visits	Discretion to do unannounced visits	No indication
5 Points	3 Points	0 Points

Explanation:

Wisconsin does not explicitly require unannounced inspections for onsite visits. The Board’s website contains information outlining the visitation process, which outlines four types of visits – comprehensive, annual, new school, and other. Generally, routine visits are scheduled two months in advance. The Board will send an initial letter and background information to the school, and will then contact the school to set up a site visit date, time, and interview schedule. However, the state receives partial credit here because the Board has the authority to conduct unannounced visits as a result of a complaint filed with the agency or other concerns. Information about such visits is contained in various Board materials.

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

20/20 POINTS

Mandatory			Discretionary	None
Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
20 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Wisconsin law requires schools to renew their approval every year. (Wis. Adm. Code EAB 4.01(4); Wis. Adm. Code EAB 4.10(2).).

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

20/20 POINTS

8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	
Admission requirements	M
Graduation requirements	M
Placement rate	M
Completion rate (or graduation rate)	M
Advertising practices	M
Cohort default rate	M
Accreditation status	M
Financial aid policies	M

M=Mandatory; D=Discretionary

Explanation:

Wisconsin law requires the Board to review 8 elements for approval. Review of cohort default rates is required of all schools.

E. DOES THE STATE'S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFITS POSTSECONDARY INSTITUTIONS?

5/15 POINTS

Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
15 Points	10 Points	5 Points	0 Points

Explanations:

Wisconsin law exempts some in-state nonprofit schools from the oversight of the Board. (Wis. Stat. § 38.50(1)(e).)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

5/10 POINTS

Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

If a school fails to comply with provisions required to maintain approval, Wisconsin has put in place

sanctions, which the Board has discretion to apply progressively. These sanctions include requiring the submission and implementation of a school improvement plan to address or correct problems identified by the Board. (Wis. Adm. Code EAB 4.01(4m)(a).)

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS

Yes	No
20 Points	0 Points

Explanation:

Wisconsin has no special protections in place for veterans who attend private postsecondary institutions.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

75/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

75/100 POINTS

No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
100 Points	75 Points	50 Points	0 Points

Exemptions:

Wisconsin has several common sense exemptions, including some nonprofit schools, public schools, parochial schools, and schools offering primarily offering instruction avocational or recreational in nature. The Board has the authority to exempt some schools that meet the requirements of the U.S. Department of Education “program integrity rules,” and is required to review and publish exemptions annually. According to a representative of the state, in practice the Board does not use the exemption provision.

IV. DISCLOSURE REQUIREMENTS: 7.5/100 POINTS

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

0/20 POINTS

Yes, mandatory	Yes, discretionary	None
Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
20 Points	10 Points	0 Points

Explanation:

Wisconsin law does not require schools to disclose institutional performance to potential students.



Notable fact. The Board annually collects student outcome data and posts information on its website (<http://eab.state.wi.us/search/searchbycategory.asp>) on all students and all institutions.

Wisconsin approaches disclosures in this way to allow students to get institutional performance data from an independent government source. Wisconsin has found, based on student input, many students question the data they receive directly from schools. This is commendable, and Wisconsin would receive at least partial credit if it also required schools to provide the Board’s website to potential students (as students may not check the Board’s website prior to making enrollment decisions). It is important for students to be aware of this important information and have it readily available to them as they are making a decision as to whether or not to enroll in one of these institutions.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

0/60 POINTS

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Wisconsin law requires these disclosures to the Board for purposes of gaining approval and some of the elements impact the purposes of determining financial stability and bonding requirements. (Wis. Adm. Code EAB 4.01; Wis. Adm. Code EAB 4.05.) As noted above, the Board collects student outcome data during its annual renewal of approval and makes that information available on its website. However, Wisconsin law does not require institutions to ensure disclosure of any of the above information to students prior to enrollment in the institution.

C. DOES THE STATE REQUIRE SCHOOLS TO INCLUDE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?

7.5/20 POINTS

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Wisconsin law requires schools to include information about the total cost of the program, refund information, and information about the number of hours, units of instruction or lessons, and the date the program is to begin and end in the enrollment agreement, but only if the school chooses to use an enrollment agreement. (Wis. Adm. Code EAB 6.01.) Thus, provision of this information is deemed to be discretionary.

V. REGULATION OF RECRUITING PRACTICES:

75/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

75/100

Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	
Misleading representations using the word “college” or “university”	X
Misleading institution affiliations (e.g., military, public institution, businesses)	X
Promise of employment	X
Compensation for enrollment	
Compensation or “bounty” to recruiters	
Deception (broad prohibition)	X
Misrepresentation (broad prohibition)	X
Misleading representations re: accreditation	X

1–3=weak; 3.5–6=moderate; 6.5–8=strong

Explanation:

Wisconsin law prohibits schools from using false or misleading trade or business names that may deceive or mislead students. (Wis. Adm. Code EAB 5.02.) For example, schools are prohibited from using names that falsely represent affiliation with the government, employment agencies, or authorized training facilities for an industry. The prohibition also includes a prohibition on falsely representing connection with a public or private university, college or other institution of higher learning. (Wis. Adm. Code EAB 5.02–5.08.) Wisconsin law also prohibits schools from using the term “college” or “university” unless it provides an educational program for which an associate or higher degree is awarded and unless it has accreditation recognized by the Council for Higher Education Accreditation. (Wis. Stat. § 38.50(12)(a).)

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

73.5/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

20/20 POINTS

Yes	No
20 Points	0 Points

Explanation:

Wisconsin law requires schools to provide a surety bond as a condition of obtaining and maintaining approval. (Wis. Adm. Code EAB 4.03(1)(i); Wis. Adm. Code EAB 4.06.)

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

20/20 POINTS

Yes, full refund	Yes, partial refund	No refund required
20 Points	10 Points	0 Points

Explanation:

Wisconsin law specifies that the Board may use a surety bond to provide indemnification to any student who suffers damages or loss as a result of fraud or false representation used in procuring a student's enrollment. (Wis. Adm. Code EAB 4.06(3)(a)(1).) If a school procured a student's enrollment as the result of any false representations in the written materials used by the school or in oral representations made by or on behalf of the school, the school must provide for a full refund of all money paid by the student. (Wis. Adm. Code EAB 8.03(3).)

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

15/20 POINTS

Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
20 Points	15 Points	10 Points	0 Points

Explanation:

Wisconsin law states that when a student is unable to complete a program because the school failed to perform its contractual obligations, the school board may use a surety bond to provide indemnification to students suffering loss or damage as a result. (Wis. Adm. Code EAB 3.) Further, the law provides for a student protection fund, from which the Board may authorize full or partial payment of losses incurred by students when a school closes, to the extent that the surety bond is unable to fully cover those losses. (Wis. Adm. Code EAB 4.06(3).)

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

1/10 POINTS

2 years or more (or no deadline)	1-2 years	Under 1 year	Not applicable
10 Points	5 Points	1 Point	0 Points

Explanation:

Wisconsin law requires students to file complaints within one year after the student's last recorded date of attendance. (Wis. Adm. Code EAB 4.08(2)(b).)

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?

7.5/20 POINTS

Medium	Yes	Discretionary	No
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Although Wisconsin law requires school catalogs or bulletins to contain the school policy for handling complaints (Wis. Adm. Code EAB 4.03(2)(f)), there is no indication that schools must disclose information about filing a complaint with the Board. Whether the school complaint policy will include information about how a student can file a complaint with the Board is at the discretion of the school. Therefore, Wisconsin receives partial credit for posting this information in the catalog and on their website (because it is common for schools to post the school catalog or information therefrom online). There is no indication that this information is required in enrollment agreements or enrollment applications.

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY'S WEBSITE?

10/10 POINTS

Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
2 Points	2 Points	3 Points	3 Points	0 Points

Explanation:

The Board's website provides students with information and resources with regard to filing complaints online (<http://eab.state.wi.us/resources/complaint.asp>). The website contains a link to contact information including email, phone number and address, as well as electronic copies of the complaint form in word and .pdf formats.

VII. ENFORCEMENT: 100/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

30/30 POINTS

Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Institutions subject to Board approval are not eligible for any type of state aid, including state financial aid. Because institutions are not eligible for state aid, the state receives full credit here.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

30/30 POINTS

Yes	Limited circumstances	No
30 Points	15 Points	0 Points

Explanation:

Wisconsin law provides that in addition to any other remedies provided by law, a student who attends a school that is in violation of specified law may bring a civil action to recover fees paid to the school in violation of that law, together with costs and disbursements, including reasonable attorney fees. (Wis. Stat. § 38.50 (10)(f).) In addition, in instances in which a school has misled a student by misusing the term “college” or “university” or by using the term “state” or “Wisconsin,” a student may bring a civil action to recover fees paid to the school, together with costs and disbursements, including reasonable attorney fees. (Wis. Stat. § 38.50(12).)

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

20/20 POINTS

Yes	Limited	No
20 Points	15 Points	0 Points

Explanation:

Wisconsin law provides that in addition to any other remedies provided by law, a student who attends a school that is in violation of specified law may bring a civil action to recover fees paid to the school in violation of that law, together with costs and disbursements, including reasonable attorney fees. (Wis. Stat. § 38.50 (10)(f).) In addition, in instances in which a school has misled a student by misusing the term “college” or “university” or by using the term “state” or “Wisconsin,” a student may bring a civil action to recover fees paid to the school, together with costs and disbursements, including reasonable attorney fees. (Wis. Stat. § 38.50(12).)

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

20/20 POINTS

Yes	Limited circumstances	No
20 Points	10 Points	0 Points

Explanation:

Wisconsin law explicitly authorizes attorney general involvement. (Wis. Stat. § 38.50.)

BONUS POINTS:

Wisconsin does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

Wisconsin is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-PROFIT EDUCATIONAL INSTITUTIONS IN WISCONSIN

For up-to-date information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.

