

**State of Wisconsin
Distance Learning Authorization Board (DLAB)**

**May 21, 2020
Virtual Meeting**

Minutes

Members present:

Dr. Morna Foy, Wisconsin Technical College System (WTCS)
Dr. Ray Cross, University of Wisconsin System (UW System)
Dr. Rolf Wegenke, Wisconsin Association of Independent Colleges and Universities (WAICU)
Dr. Russell Swagger, Wisconsin Tribal Colleges and Universities
Secretary Dawn Crim, Wisconsin Department of Safety and Professional Services (DSPS)

Others present:

Dr. Connie Hutchison, State of Wisconsin Higher Educational Aids Board (HEAB)
Ms. Monique Currie, WTCS
Ms. Joan Gage, DSPS
Ms. Kim Kohlhaas, AFL-Wisconsin
Ms. Paige Smith, UW System
Ms. Rebecca Larson, WAICU
Ms. Sonja Umberger, WAICU

Call to Order and Open Meeting Statement – Dr. Rolf Wegenke, DLAB Chair

Dr. Wegenke, DLAB Chair, called the meeting to order at 11:09 a.m. and stated a quorum was present. Dr. Wegenke requested that Ms. Umberger read the Open Meeting Statement as follows: “The May 21, 2020 meeting of the Wisconsin Distance Learning Authorization Board and all other meetings of this board are open to the public in compliance with State Statute. Notice of the meeting has been sent to the press in an attempt to make the general public of Wisconsin aware of the time, place and agenda of the meeting.”

Action: Approval of December 13, 2019 DLAB meeting minutes – Dr. Wegenke

The minutes of the December 13, 2019 meeting were approved unanimously with technical changes (Foy/Cross motion). The minutes will be posted to the DLAB website.

Report of the Chair – Dr. Wegenke

Dr. Wegenke said that one thing everyone is acutely aware of during the past few months is the strong impact of the pandemic on students and institutions. He said it was good to see people working together more than ever before, and it was certainly gratifying to see that within education,

within the state, and within the nation. He reported the U.S. Department of Education (USDE) has made and extended an accommodation until December 31, 2020. The accommodation waives the authorization requirement for certain institutions offering learning online. Dr. Wegenke thanked the Board and other leadership of postsecondary education in Wisconsin for weighing in on issues with NC-SARA (National Council State Authorization Reciprocity Agreement). He said the financial responsibility ratios have been particularly concerning as they are deeply flawed and confuse the public when transparency is particularly important. With the current financial crisis growing out of the pandemic, the flaws of the financial responsibility ratios and their usefulness have become even more pronounced. DLAB has appealed to NC-SARA to join USDE in being flexible. He urged that DLAB and the higher education sectors continue to reach out to discuss with NC-SARA various issues related to its governance and mission. He thanked the Board members for working together for commonsense solutions. Ms. Larson added that the financial responsibility ratios are still under contemplation by USDE and that they have not provided the official guidance on scores yet. They want a balance between the interests of the institution and the consumer.

Dr. Wegenke yielded time to Dr. Cross to say a few words of farewell.

Dr. Cross expressed concern about the direction of NC-SARA. He said when DLAB was created, it was done to be the most efficient and cost-effective way to comply with authorization requirements. He acknowledged the yeoman's work that Dr. Foy did to create DLAB and to represent us in DLAB. He reported that he did not have an exact date for his retirement yet. He said he knew it was going to be a tough few years for public and private higher education due to the pandemic. There will be institutions that cannot and will not be able to bear the financial impact of the pandemic. He said there has been an increased demand for higher education to provide online instruction. Higher education will become stronger and will be asked to do things that have not been done before. He opined that for the 18- to 22-year-olds, the face-to-face experience will be around forever, and the pandemic has taught us that most students prefer in-person instruction. Dr. Cross stated it had been a pleasure to work with Dr. Foy, Dr. Wegenke, and the other members of DLAB and wished everyone the best.

Dr. Wegenke thanked Dr. Cross for the good wishes and for his good service. He said it makes a difference that all higher education in Wisconsin is working together in a commonsense way.

Dr. Foy also thanked Dr. Cross for the complement. She said that the response to NC-SARA and distance learning in general was very sector driven; everyone was "doing their own thing." Wisconsin felt like this was something that higher education should be responding to together, collectively in a solution that is a match for all sectors. She said that has a lot to do with Dr. Cross's and Dr. Wegenke's leadership—and she appreciated working as a group.

Report: Review and Approval of Institution Renewal Applications

Wisconsin Technical College System – Monique Currie

Ms. Currie provided an update of the renewals in the Wisconsin technical colleges sector. Four colleges: Lakeshore Technical College, Waukesha County Technical College, Blackhawk Technical College, and Gateway Technical College submitted their renewals and have been approved. Ms. Currie reported that, in light of the pandemic, NC-SARA offered institutions various flexibilities. Gateway's NC-SARA fees came due just after the closure of Gateway's campus and NC-SARA did waive their late fees.

DSPS Educational Approval Program – Joan Gage

Ms. Gage provided an update of a renewal in the DSPS Educational Approval Program. Wright Graduate University submitted their renewal and was renewed in March.

Action: Approval of Institutional Participation Application

Lac Courte Oreilles Ojibwe College – Monique Currie and Russell Swagger

Ms. Currie reviewed the application to participate in NC-SARA from Lac Courte Oreilles Ojibwe College and recommended approval of the application by the Board. Dr. Swagger commented that he believed in the strength and value in becoming a member and would appreciate support of the application of Lac Courte Oreilles Ojibwe College.

A motion was made to approve the Institutional Participation Application of Lac Courte Oreilles Ojibwe College (Cross/Crim motion). The motion carried unanimously.

Dr. Foy, Dr. Cross, and Dr. Wegenke welcomed and thanked Dr. Swagger for pursuing membership for Lac Courte Oreilles Ojibwe College. They hope the school's membership is fruitful.

Report: Staff Updates

NC-SARA Activity on Professional Licensure – Monique Currie

Ms. Currie reported the NC-SARA Board met during the first week of May and discussed modifications to the NC-SARA manual. She said the manual contains very specific requirements for states and colleges to follow to be in compliance with the reciprocity agreement. The NC-SARA Board proposed several changes to the manual, and of most interest to DLAB concerned professional licensure and the branch campus issue.

Ms. Currie reminded the Board that in November of 2019 USDE published final rules on state authorization that become effective July 1, 2020. The rules included a requirement that colleges notify current and prospective students whether their college's professional programs meet the

educational requirements for licensure or certification for the profession in the state where the student is located. This rule is required for both face-to-face and distance education programs. NC-SARA has professional notification requirements that are similar, but different than USDE rules going into effect July 1, 2020. At the May meeting, the NC-SARA Board was asked to set aside their rules and adopt the rules of USDE. NC-SARA rejected this change and felt that NC-SARA should move forward as they were more student-centric. The motion was tabled for further discussion. NC-SARA is now working on a proposal that aligns more with USDE requirements, but still includes additional notification requirements. The NC-SARA Board will vote on the proposed changes electronically. Ms. Currie commented that for the first time ever the public could listen to the NC-SARA Board's discussion. She is hopeful that the NC-SARA Board will approve requirements that mimic USDE requirements.

Ms. Currie said that NC-SARA has compiled a directory on their website that lists state contact information for licensure questions for five fields: counseling, nursing, psychology, social work, and teacher education. Although NC-SARA indicated they had worked with state portal entities, it appears that incorrect contact information is listed for Wisconsin. Ms. Gage will work with NC-SARA to correct the contact information.

Ms. Currie reported that after discussion at the December DLAB meeting, she and her colleagues had posted information on the DLAB website that appropriately referred individuals and colleges looking for educational requirements to the appropriate state board or agency. The DLAB website now has information that directs to 12 of the most common licensure types in the state. The DLAB website also directs veterans to the Department of Veterans Affairs, recognizing that there are several Wisconsin laws that require recognizing a person's military training experience for the purpose of granting a license. She thanked Ms. Gage and Ms. Jessica Kriplean for the updates and formatting of the website. Dr. Wegenke echoed thanks, stating that it was a lot of work, and it is much appreciated.

Branch Campus-Continued Consideration – Rebecca Larson

Ms. Larson reported the branch campus issue was brought before the NC-SARA Board in May and was tabled. NC-SARA is expected to take up this issue at a meeting going forward as it has been raised multiple times. This issue is being driven by institutions that have been approved in one state and have a branch campus in another state. Some states want to have authority over the branch campuses, so language was introduced that said an institution participating in SARA and has a branch campus may have more than one home state. DLAB raised concerns over this introduced language. SARA was created to simplify the process and have one home state. She gave an example of alternative language proposed. If an institution is approved in Wisconsin, and that Wisconsin institution has a branch campus in Michigan, then any student at the branch campus with a complaint could apply through the Michigan state portal entity. The Michigan state portal entity would then coordinate with the home state, in this example, DLAB. The alternative language was tabled at the May meeting. She will continue to monitor.

Dr. Wegenke reminded everyone that SARA began because colleges and universities operating across state lines were required by the federal program integrity rules to be authorized in each state

where they were operating. If a course was put online, it could be in every state and that caused both confusion and increased costs. SARA was created to provide home state recognition and reciprocity with other states.

Complaints Report – Joan Gage

Ms. Gage reported zero complaints for the first quarter of 2020.

Action: DLAB Document Proposed Changes

DLAB Bylaws – Rebecca Larson

Ms. Larson said with the volume of virtual meetings occurring during the pandemic, it was found that there was no process in the DLAB Bylaws that authorizes the Board to vote electronically. When the DLAB Chair is advised that there is an issue to be addressed prior to the next scheduled DLAB meeting, then the revised bylaws would allow for that. The bylaws were revised in Article III, Voting.

A motion was made to approve the revised DLAB Bylaws as presented (Swagger/Foy motion). The motion carried unanimously.

DLAB Operations Handbook Changes Update – Paige Smith

Ms. Smith gave a high-level overview of the proposed modifications to the operating agreement sent on May 21, 2020. In reviewing the operating agreement, and in light of the decisions at the national council level with regard to the SARA manual, an additional process has been added for appeals for institutions that may have been denied based upon their initial or renewal application. NC-SARA added an additional provision that states must have a process to hear and/or review an appeal for institutions that have their application denied. NC-SARA's legal counsel indicated this was a due process issue. State portal agencies need a separate process outside of the initial application process. They stated that if a process is in place and is fair and consistent, then each state can determine the best way to conduct these reviews.

Ms. Smith said the revisions presented at this meeting laid out a secondary appeal process. When there is a denial to an institution, that institution would have 30 days in which to file a written appeal with the DLAB Chair. The appeal must explain why the decision was either made in error or failed to properly apply the requirements under SARA regarding the institution's participation. Within 10 days of receipt of the appeal, the DLAB Chair would assign three sector representatives within DLAB, or their designee, to conduct a review of the appeal. Those sector representatives would then issue fact findings and a recommendation back to DLAB as to whether the appeal should be granted or denied. Any institution's sector representative that was involved in the initial or renewal denial would be recused from this process. After the recommendation is made, DLAB would make a final decision on the appeal within 45 days of receipt of the recommendations. The SARA manual states that while the appeals process is ongoing, the participation of the current

institution that had filed the appeal would remain—it would neither be denied nor affirmed, but the institution would not be able to participate until the appeal is final.

Ms. Smith added that other technical updates were made to the operating agreement.

A motion was made to approve the revised DLAB Operations Handbook as presented and dated May 21, 2020 (Cross/Swagger motion). The motion carried.

Action: Approval of the Wisconsin NC-SARA Renewal Application – Rebecca Larson

A discussion ensued regarding frequency of renewing applications and consequences of failing to renew.

Ms. Larson reviewed Wisconsin's renewal application to NC-SARA. She clarified that an institution must submit a renewal application annually and that states must submit a renewal application every two years. DLAB has received notice from M-SARA manager, Emily Jacobson, to submit Wisconsin's renewal application to her by June 1, 2020. It will then be considered for approval at the July M-SARA meeting, which is anticipated to be virtual this year. She reviewed the cover letter and renewal application.

A discussion ensued regarding a revision to the cover letter to the application suggesting a renewal period of longer than two years. Dr. Wegenke will revise the cover letter to the application as discussed by the Board. Ms. Larson commented that when Wisconsin's renewal application is presented to the M-SARA regional steering committee, there would be an opportunity to share comments from today and have a back and forth discussion at that time.

A motion was made to approve the Wisconsin NC-SARA Renewal Application (Cross/Wegenke motion). The motion carried unanimously.

Action: Extend COVID-19 Accommodation for DLAB Consistent with USDE Guidance – Monique Currie

Ms. Currie reminded the Board that on March 5, 2020, USDE suspended its distance education requirements through June 1, 2020. On March 13, 2020, DLAB acted to post similar language on the DLAB website. On May 15, USDE extended its distance education requirements through December 31, 2020. Ms. Currie recommended that DLAB update the language on the DLAB website to reflect USDE guidance and timelines.

A motion was made to ratify that the language on the DLAB website reflect USDE guidance and timelines (Cross/Wegenke motion). The motion carried unanimously.

Discussion: Other items

Ms. Larson reported that M-SARA is meeting, likely virtually, in July. The regional steering committee and the portal entities will meet during this time as well. She urged any DLAB member

to contact her if they have anything they would like to have shared with the regional steering committee.

Dr. Foy stated that she had recently sent a communication to Susan Heegaard and Emily Jacobson about board membership. She thought the regional steering committee would be discussing the future value add, if any, of the SARA system and how the pandemic has affected, or how the changes made by institutions affected, the need for SARA.

DLAB 2020 Meeting Dates

Dr. Wegenke stated that the next DLAB meetings for 2020 are scheduled to be on September 10, 2020 and December 1, 2020.

Adjournment

There was no further discussion and the meeting adjourned by unanimous consent at 12:17 p.m. (Cross/Foy motion).