

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

Friday, December 13, 2019

**Wisconsin Technical College System
4622 University Avenue, Madison, WI
Lehrmann Room**

Minutes

Members present:

Dr. Morna Foy, Wisconsin Technical College System (WTCS)
Dr. Ray Cross, University of Wisconsin System (UW System) (teleconference)
Dr. Rolf Wegenke, Wisconsin Association of Independent Colleges and Universities (WAICU)
Dr. Russell Swagger, Wisconsin Tribal Colleges and Universities (teleconference)
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. Paige Smith, UW System (teleconference)
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 11:03 a.m. and stated a quorum was present. Dr. Wegenke requested that Ms. Umberger read the Open Meeting Statement as follows: “The December 13, 2019 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.”

Dr. Wegenke congratulated Dr. Swagger on his appointment as the Wisconsin Tribal Colleges and Universities representative on the Board and welcomed him to his first meeting. Board members and others present introduced themselves, noting what sector they represent in DLAB. Dr. Wegenke also welcomed his new assistant, Ms. Umberger, to her first DLAB meeting.

Report of the Chair – Dr. Wegenke

Dr. Wegenke reported that DLAB staff has worked to address the NC-SARA board with what the three sectors of higher education in Wisconsin have identified as “troublesome mission creep.” NC-SARA has suggested changing the mission from an emphasis on consumer protection for students to defining and regulating what is a quality distance education course. He reported that he and Dr. Cross and Dr. Foy had sent a letter of concern and that staff from DLAB and NC-SARA had met on this concern. He said that the concerns of the higher education sectors were discussed with the NC-SARA president and chief executive director, Lori Williams, and with Susan Heegaard of the Midwestern Higher Education Compact.

Action: Approval of September 6, 2019 DLAB meeting minutes – Dr. Wegenke

The minutes of the September 6, 2019 meeting were approved unanimously with technical changes. The minutes will be posted to the DLAB website.

Action: Election of 2020 DLAB officers – Dr. Wegenke

There has been a tradition for officers to rotate after two terms and that he is completing his first term as Chair. Dr. Cross would be the next Chair but has respectfully requested to delay the term for the UW System. Dr. Wegenke proposed the current slate of officers for reelection: Rolf Wegenke, Chair; Ray Cross, Vice Chair; and Morna Foy, Secretary.

A motion was made and seconded to reelect the slate of officers as presented. The motion carried.

Report: Review and/or Approval of Institutional Renewal Applications – Monique Currie and Rebecca Larson

Ms. Currie provided an update of the renewals in the Wisconsin technical colleges sector. Four colleges have submitted their renewals and have been approved: Madison Area Technical College, Mid-State Technical College, Moraine Park Technical College, and Lakeshore Technical College.

Ms. Larson provided an update of the renewals in the Wisconsin non-profit, independent institutions sector. Seven colleges have submitted their renewals and have been approved: Alverno College, Cardinal Stritch University, Edgewood College, Holy Family College, Mount Mary University, Nashotah House, and Viterbo University.

There were no renewals reported for the UW System.

Report: September NC-SARA Portal Entity Annual Meeting – Paige Smith

Ms. Smith introduced herself again and reminded those present at the meeting that she is a state portal representative from the UW System. She was the DLAB representative at the September 2019 NC-SARA annual meeting in Atlanta, Georgia. She then reported on a few take-aways as mentioned in her “Memorandum of NC-SARA Annual Meeting.”

Ms. Smith reminded the Board that it has been involved with NC-SARA for a few years and that the state of Wisconsin and its representatives were directly involved in the creation of SARA by the Wisconsin Legislature and Governor. The Board continues to safeguard NC-SARA's mission as originally written, that is, to provide a consistent process in which states and institutions offer distance learning without being regulated differently or by different standards among the several states. She advised the Board to keep abreast of the NC-SARA board, to remain aware of happenings, and to keep open lines of communications with its state members. DLAB will ensure that any actions, changes, or initiatives NC-SARA takes remain consistent with the purpose of SARA and with the needs and the expectations of the state members. Wisconsin, along with other state members, shared their thoughts and concerns about the NC-SARA proposed mission change at the meeting. The members do not want to see the mission expand beyond its original intent.

Ms. Smith reported that Lori Williams, who is the new executive director and president of the NC-SARA board, offered to come and meet with the state of Wisconsin higher education leaders. Ms. Williams and Ms. Susan Heegaard, executive director of the MHEC, attended a dinner with Wisconsin higher education leaders in October. Ms. Smith reported that since that dinner, Ms. Williams has followed up with Wisconsin higher education leaders about the concerns raised.

NC-SARA Manual Update/Institutional Appeals Process

Ms. Smith discussed the NC-SARA manual update along with the discussion of the institutional appeals process. She reported that the NC-SARA manual was modified to add an additional state appeal level for institutions that are denied renewal to the state and SARA. That language is currently in place to be effective January 2021. Wisconsin was vocal that adding an additional appeal level was beyond the original intent of SARA, but also created additional changes that would require legislative action in Wisconsin. Other states expressed the same and additional concerns. Ms. Williams suggested that Wisconsin reach out to the NC-SARA board attorneys, which they did. As a result, it was determined that no additional legislative action is needed. DLAB may create a subcommittee that would serve as an additional appeal level and can review initial decisions by the state court. The state portal representatives are drafting edits to the bylaws and practices. These will be presented for consideration at the next DLAB meeting. It appears a simple modification will achieve the NC-SARA manual update.

Professional Licensure

Ms. Smith reported on the new federal regulations related to program integrity rules and the impact that those rules have on our professional licensure requirements and the programs offered through distance learning. NC-SARA adopted additional language that requires any institution that offers a discipline outside of a state that includes a professional licensure to notify that student what the threshold requirements for that professional license are in the state in which the student lives. If the institution is unable to verify what the requirements are, then the institution needs to notify the student that they have attempted to verify the requirements, are unable to determine them, and to encourage the student to reach out to the state for details.

Ms. Smith reported the federal rule expands to all programs that have a professional licensure component. It is required that educational organizations provide a similar notification to the student effective July 2020. The federal rules are being reviewed to ensure that details and information for DLAB institutions are consistent and in compliance with the federal rules. A webinar was held by NC-SARA to review the new federal rules and actions needed to ensure compliance with new requirements.

Dr. Foy expressed concern that the federal government is making the sectors apply these requirements to all programs. She prefers to work directly with the Department of Education (USDE) to comply with their rules, and then have NC-SARA recognize that compliance rather than try to address two sets of requirements.

Ms. Currie commented that she had attended the recent NC-SARA webinar and directly asked NC-SARA if it was going to modify or harmonize its requirements to match those of the USDE. NC-SARA's written response was that they would look into it over the next six months. NC-SARA may modify the next version of manual in June.

Dr. Wegenke speculated that waiting six months could mean that NC-SARA may be seeking to have different requirements than USDE. Recognizing USDE rules would not take six months.

Dr. Foy reiterated that WTCS will comply with the USDE for professional licensure requirements until July. WTCS will provide that information to NC-SARA. She will bring to the next steering committee meeting that she prefers to keep WTCS in compliance with the USDE instead of NC-SARA.

Dr. Wegenke asked if a letter needed to be sent to NC-SARA expressing DLAB's concerns. Dr. Foy agreed with sending a letter. Ms. Currie responded that she would draft a letter with her colleagues.

Ms. Smith reported the final piece to address was how to regulate branch campuses under multiple state authorities within SARA. The federal rules have moved forward to permit agencies across the country to expand beyond the regional or state approach to allow more flexibility to students taking classes in different states. This poses the question of which state has the authority to approve participation in SARA.

Ms. Smith reported that NC-SARA is now offering a stipend of \$1,000 to each state member to participate in NC-SARA and SARA programs.

Discussion: Institutional Appeals Process – Paige Smith

Covered under the September NC-SARA Portal Entity Annual Meeting Report above.

Action: Approval of the 2019 DLAB Annual Report – Rebecca Larson

Ms. Larson gave a summary of the 2019 DLAB Annual Report. It was drafted with information from all sectors and follows the same format as the last couple of years. The report begins with a reminder to the Legislature of the creation and purpose of DLAB, followed by a summary and purpose of the 2019 meetings. The anticipated election of officers for 2020 was noted, as was Governor Tony Evers' appointment of Dr. Russell Swagger to the Board. She included a general discussion on the concerns DLAB has with NC-SARA staying true to the mission as originally established and wanting appropriate representation on the NC-SARA board. The report includes a section on institutional approvals, renewals, and enrollment. It includes a notation of Executive Order #37 signed by Governor Evers. She noted a technical error under anticipated activities that will be corrected. The report closes noting that DLAB operates under a strong cross-sector collaboration and continues to be a technical resource for each sector's institutions.

Dr. Foy commented that the way the statutes are written gives DLAB the authority to collect fees, but DLAB does not charge fees, which is unique to Wisconsin. She suggested adding a section to the report noting that DLAB annually discusses the fee and each year DLAB has agreed to not charge a fee. There was a consensus to add this statement to the report. She also provided some technical corrections to Ms. Larson.

Dr. Cross asked for the source of the data for the enrollment section. Ms. Larson responded the data was pulled from the NC-SARA website. Ms. Currie added that it is data that colleges report to NC-SARA and NC-SARA turns around and posts on its website. Dr. Wegenke suggested that it be clarified on the report where data is pulled from.

A motion was made to approve the DLAB annual report with modifications (Cross/Foy motion). The motion carried unanimously.

Discussion: Other items – Monique Currie

Ms. Currie discussed the "other side" of the rules regarding professional licensure. Recently, an inquiry was received by the HEAB secretary from California from a student in a California-based online program for occupational therapy. The student, presumably from Wisconsin, wanted to know what they needed to do for an internship in Wisconsin. The inquiry, which would exist even without the new regulation for professional license requirements, was passed along to Ms. Currie. Wisconsin's state portal agency is not also the higher education regulatory agency. The names of DLAB sector leadership staff are listed on the NC-SARA website. She reported that the sector representatives are meeting in January to discuss the development of a webpage to help direct students where to go for professional licensure questions. Another idea to flesh out is to have NC-SARA change their website and direct students to the webpage or a generic email. In the interim, Ms. Gage said to keep sending inquiries her way as she has built a template to guide inquiries and responses.

Discussion: DLAB Meetings for 2020

Dr. Wegenke asked if the Board meetings in May, September, and December worked well. There was a consensus that the meeting months work well, and he asked the staff to set dates.

Adjournment

There was no further discussion and the meeting adjourned by unanimous consent at 11:46 a.m.