The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 37

Relating to Postsecondary Educational Institution Compliance with the U.S. Department of Education Program Integrity Rule

WHEREAS, federal student financial aid provides a critical source of funding to help keep colleges affordable for Wisconsin students and working families; and

WHEREAS, the Final Rule adopted by the U.S. Department of Education at 75 Fed. Reg. 66832-66975 (October 29, 2010), commonly known as the Program Integrity Rule, was instituted for the purpose of improving integrity in the programs authorized under Title IV of the Higher Education Act of 1965, as amended, (HEA), by amending the regulations for institutional eligibility under the HEA; and

WHEREAS, the HEA, § 101(a)(2) defines an institution of higher education to be an educational institution in any State that is legally authorized within such State to provide a program of education beyond secondary education; and

WHEREAS, the Program Integrity Rule requires that an institution of higher education that applies to participate in a Federal program under the HEA must demonstrate that it has the legal authority to offer postsecondary education in accordance with 34 CFR §600.9; and

WHEREAS, the Program Integrity Rule further requires that an institution of higher education must make available to a student or prospective student the appropriate contact information to enable the student or prospective student to file complaints with an institution's accreditor, State approval or licensing entity, or other agency that would appropriately handle a student's complaint, and that the State should exercise the primary role and responsibility for student consumer protection against fraudulent or abusive practices by an institution of higher education; and

WHEREAS, a State may fulfill its oversight role regarding the filing of complaints by students through a state agency, or the State Attorney General, or other appropriate state officials, or a combination of state agencies and state officials; and

WHEREAS, according to issued guidance from the United States Department of Education in the Dear Colleague Letter dated March 17, 2011, a state may rely on a governing board or central office of a State-wide system of public institutions if the State has made the determination that the governing board or central office is sufficiently independent to provide successful oversight of complaints for the institutions in that system; and

WHEREAS, pursuant to statutory authority, the University of Wisconsin System Board of Regents, the University of Wisconsin System Administration, the Wisconsin Technical College System Board, and the Wisconsin Technical College System's state office are governing boards and/or central offices of their respective state-wide systems of public institutions.

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and laws of the State of Wisconsin do hereby affirm:

1. The following institutions constitute institutions of higher education under HEA § 101(a)(2) and are legally authorized in the State of Wisconsin by means of charter, statute, constitutional provision or other action issued by an appropriate State agency or state entity that identifies the institutions by name and affirms or conveys to the institution the authority to operate educational programs beyond secondary education, including programs leading to a degree or certificate in accordance with 34 CFR § 600.9: Alverno College; Aurora St. Luke Medical Center; Bellin College; Beloit College; Cardinal Stritch University; Carroll University; Carthage College; Concordia University Wisconsin; Edgewood College; Lakeland College; Lawrence University; Maranatha Baptist Bible College; Marian University; Marquette University; Medical College of Wisconsin; Milwaukee Institute of Art and Design; Milwaukee School of Engineering; Montessori Institute of Milwaukee; Mount Mary College; Nashotah House; Northland College; Northland International University; Ripon College; Sacred Heart School of Theology; St. Norbert College; Silver Lake College; Viterbo University; Wisconsin Lutheran College; the University of Wisconsin Colleges and Extension, i.e., University of Wisconsin-Eau Claire, University of Wisconsin-Green Bay, University of Wisconsin-La Crosse, University of Wisconsin-Madison, University of Wisconsin-Milwaukee, University of Wisconsin-Oshkosh, University of Wisconsin-Parkside, University of Wisconsin-Platteville, University of Wisconsin-River Falls, University of Wisconsin-Stevens Point, University of Wisconsin-Stout, University of Wisconsin-Superior, University of Wisconsin-Whitewater, Blackhawk Technical College, Chippewa Valley Technical College, Fox Valley Technical College, Gateway Technical College, Lakeshore Technical College, Madison Area Technical College, Milwaukee Area Technical College, Mid-State Technical College, Moraine Park Technical College, Nicolet Area Technical College, Northcentral Technical College, Northeast Wisconsin Technical College, Southwest Wisconsin Technical College, Waukesha County Technical College, Western Technical College, and Wisconsin Indianhead Technical College.

2. The above-named Wisconsin institutions of higher education are exempt from additional state authorization requirements due to each institution's accreditation by one or more accrediting agencies recognized by the Secretary of the U.S. Department of Education, and/or as a result of the institutions being in operation for at least twenty (20) years, pursuant to 34 CFR § 600.9.

3. Pursuant to its statutory authority under ch. 36, Wis. Stat., the University of Wisconsin System Board of Regents and the University of Wisconsin System Administration, as a governing board and central office, are both sufficiently independent from its institutions to receive, review, and resolve student or prospective-student complaints alleging violations of state consumer protection laws, including false advertising; violations of state laws or rules related to the licensure of postsecondary institutions; and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.

4. Pursuant to its statutory authority under ch. 38, Wis. Stat., the Wisconsin Technical College System Board and the Wisconsin Technical College System state office, as a governing board and central office, are both sufficiently independent from its technical college districts to receive, review, and resolve student or prospective-student complaints alleging violations of state consumer protection laws, including false advertising; violations of state laws or rules related to the licensure of postsecondary institutions; and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule

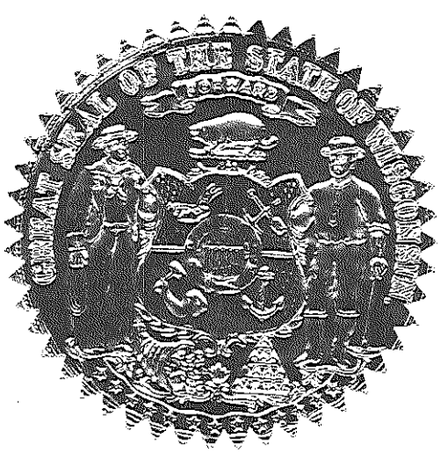
5. The board of directors of the Wisconsin Association of Independent Colleges and Universities (WAICU), as the official organization of nonprofit higher education in Wisconsin under Wis. Stat. §§ 14.57, 15.377, 15.67, 16.979, 38.50, 39.285, 39.437(4)(a), 115.297, and 560.27, is fully prepared to support and facilitate coordination with State Executive Branch and constitutional agencies to ensure

successful oversight over complaints from students or prospective-student complaints alleging violations of state consumer protection laws, including false advertising; violations of state laws or rules related to the licensure of postsecondary institutions; and complaints relating to the quality of education or other state or accreditation requirements, in compliance with the Program Integrity Rule.

6. Pursuant to § 38.50, Wis. Stats. and Chapter EAB of the Wisconsin Administrative Code, that the Wisconsin Educational Approval Board has been established to regulate certain Wisconsin postsecondary for-profit and out-of-State nonprofit institutions, exclusive of the State's public colleges and universities that comprise the University of Wisconsin System and the Wisconsin Technical College System, as well as in-State nonprofit colleges and universities that comprise WAICU, religious schools, and vocational schools.

7. The institutions that comprise the University of Wisconsin System, the Wisconsin Technical College System, the Wisconsin Association of Independent Colleges and Universities, as well as the State Educational Approval Board, maintain and provide ongoing review of policies and procedures to adequately receive, investigate and manage the majority of student complaints regarding institutional programs and activities in a timely, effective, and transparent manner.

8. In addition to the full array of institutional policies and procedures provided by the colleges, universities, systems, and agencies identified herein, the State of Wisconsin has the requisite and duly authorized statutory and constitutional state agencies to provide necessary oversight and review of complaints against postsecondary institutions through one or more of the following agencies: Department of Public Instruction, Wis. Stat. § 15.37; Wis. Admin. Code PI § 34, the Division of Consumer Protection of the Department of Agriculture, Trade and Consumer Protection, Wis. Stat. § 15.13; Wis. Admin. Code ATCP § 1, Department of Regulation and Licensing, Wis. Stat. § 15.40; Wis. Admin. Code ADM § 30, Department of Financial Institutions, Wis. Stat. § 15.18, and the Department of Justice, Wis. Stat. § 15.25. The above state agencies shall provide oversight and review of such complaints only upon request and/or referral of such complaint(s) by the University of Wisconsin System Board of Regents and the University of Wisconsin System Administration, Wisconsin Technical College System Board, the Wisconsin Technical College System state office, and WAICU, unless otherwise required by state law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-eighth day of June, in the year two thousand eleven.

SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State