



March 5, 2015

George O'Brien, Owner  
The Wisconsin Academy  
880 Frontage Road  
Peshtigo, Wisconsin 54157

Certified Mail  
Return Receipt Requested  
7012 1640 0000 0216 2174

RE: **Final Program Review Determination**  
OPE ID: 04132600  
PRCN: 201240528065

Dear Mr. O'Brien:

The U.S. Department of Education's (Department's) Chicago/ Denver School Participation Division issued a program review report on December 5, 2013 covering The Wisconsin Academy's (Wisconsin Academy) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs), for the 2010-11 and 2011-2012 award years. Wisconsin Academy's final response was received on December 13, 2013. A copy of the program review report (and related attachments) and Wisconsin Academy's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Wisconsin Academy upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

**Purpose:**

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, (3) notify the institution of its right to appeal and (4) notify Wisconsin Academy of a possible adverse action. Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also

Chicago/Denver School Participation Division  
500 West Madison, Suite 1576  
Chicago, Illinois 60661

Federal Student  
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include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

This FPRD contains one or more findings regarding Wisconsin Academy's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46. Since a Clery Act finding does not result in a financial liability, such a finding may not be appealed.

The total liabilities due from the institution from this program review are **\$10,840.00**.

This final program review determination contains detailed information about the liability determination for all findings.

#### **Protection of Personally Identifiable Information (PII):**

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. Include if additional appendices contain PII In addition, Appendices B, C, D, E, F and G also contain PII. These appendices were encrypted and sent separately to the institution via e-mail.

#### **Appeal Procedures:**

This constitutes the Department's FPRD with respect to the liabilities identified from the December 5, 2013 program review report. If Wisconsin Academy wishes to appeal to the Secretary for a review of **financial** liabilities established by the FPRD, the institution must file a written request for an administrative hearing. Please note that institutions may appeal **financial** liabilities only. The Department must receive the request no later than 45 days from the date Wisconsin Academy receives this FPRD. An original and four copies of the information Wisconsin Academy submits must be attached to the request. The request for an appeal must be sent to:

Attn: Director  
Administrative Actions and Appeals Service Group  
U.S. Department of Education  
Federal Student Aid/PC  
830 First Street, NE - UCP3, Room 84F2  
Washington, DC 20002-8019

Wisconsin Academy's appeal request must:

- (1) indicate the findings, issues and facts being disputed;
- (2) state the institution's position, together with pertinent facts and reasons supporting its position;
- (3) include all documentation it believes the Department should consider in support of the appeal. An institution may provide detailed liability information from a complete file review to appeal a projected liability amount. Any documents relative to the appeal that include PII data must be redacted except the student's name and last four digits of his / her social security number (please see the attached document, "Protection of Personally Identifiable Information," for instructions on how to mail "hard copy" records containing PII); and
- (4) include a copy of the FPRD. The program review control number (PRCN) must also accompany the request for review.

If the appeal request is complete and timely, the Department will schedule an administrative hearing in accordance with § 487(b)(2) of the HEA, 20 U.S.C. § 1094(b)(2). The procedures followed with respect to Wisconsin Academy's appeal will be those provided in 34 C.F.R. Part 668, Subpart H. **Interest on the appealed liabilities shall continue to accrue at the applicable value of funds rate, as established by the United States Department of Treasury, or if the liabilities are for refunds, at the interest rate set forth in the loan promissory note(s).**

**Record Retention:**

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Mark Holland at (312) 730-1523. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,

(b)(6)

Douglas Parrott  
Division Director

Enclosures:

Protection of Personally Identifiable Information  
Program Review Report (and appendices)  
Final Program Review Determination Report (and appendices)

cc: Sherry Hansen, Financial Aid Leader  
Wisconsin Department of Safety and Professional Services  
National Accrediting Commission of Career Arts and Sciences

Prepared for:

**The Wisconsin Academy**

**Federal Student**

A U.S. DEPARTMENT OF EDUCATION PROGRAM

**OPE ID 04132600**

**PRCN 201240528065**

**Prepared by:**

**U.S. Department of Education**

**Federal Student Aid**

**Chicago/Denver School Participation Division**

## **Final Program Review Determination**

**March 5, 2015**

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**A. Institutional Information**

The Wisconsin Academy  
880 Frontage Road  
Peshtigo, Wisconsin 54157

Type: Proprietary

Highest Level of Offering: Two-Year Non-Degree

Accrediting Agency: National Accrediting Commission of Career Arts and Sciences

Current Student Enrollment: 45 (2012)

Percentage of Students Receiving Title IV, HEA funds: 100% (2012)

Title IV, HEA Program Participation (PEPS):

	<u>2011-2012 Award Year</u>
Federal Direct Loan (FDL)	\$309,010.00
Federal Pell Grant	\$144,111.00
Default Rate FFEL/DL:	2011 - 15.4%
	2010 - 12.0%
	2009 - 10.0%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at The Wisconsin Academy (Wisconsin Academy) from September 24, 2012 to September 28, 2012. The review was conducted by Mark Holland and Stefanie Tucker.

The focus of the review was to determine Wisconsin Academy's compliance with the statutes and regulations as they pertain to the institution's administration of the Title IV, HEA programs. The review consisted of, but was not limited to, an examination of Wisconsin Academy's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files were identified for review from the 2010-2011 and 2011-2012 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and social security numbers of the students whose files were examined during the program review. A program review report was issued on December 5, 2013.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Wisconsin Academy's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve Wisconsin Academy of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

## **C. Findings and Final Determinations**

### **Resolved Findings**

Findings 1, 3-5, 9-11

Wisconsin Academy has taken the corrective actions necessary to resolve findings 1, 3, 4, 5, 9, 10, and 11 of the program review report. Therefore, these findings may be considered closed. Please refer to Appendix C which contains Wisconsin Academy's response to the Program Review Report for further information. Findings requiring further action by Wisconsin Academy are discussed below.

### **Findings with Final Determinations**

The program review report finding(s) requiring further action are summarized below. At the conclusion of each finding is a summary of Wisconsin Academy's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on December 5, 2013 is attached as Appendix B.

#### **Finding #2 Return to Title IV (R2T4) Errors**

**Citation Summary:** The amount of Title IV assistance that is earned by the student is calculated by:

- (i) Determining the percentage of Title IV assistance that has been earned by the student; and
- (ii) Applying this percentage to the total amount of Title IV assistance that was disbursed (and that could have been disbursed) to the student, or on the student's behalf, for the payment period or period of enrollment as of the student's withdrawal date.

The percentage of Title IV assistance that has been earned by the student is equal to the percentage of the payment period or period of enrollment that the student completed, as of the student's withdrawal date. 34 C.F.R. § 668.22(e).

The percentage of the payment period or period of enrollment completed is determined for a program that is measured in credit hours by dividing the total number of calendar days in the payment period or period of enrollment into the number of calendar days completed in that period, as of the student's withdrawal date. 34 C.F.R. § 668.22(f).

**Noncompliance Summary:** The review disclosed that Wisconsin Academy's R2T4 policy is not in compliance with regulations. Specifically, Wisconsin Academy did not use the correct number of scheduled hours when determining the percentage of aid earned for seven students. Wisconsin Academy also used ineligible loan funds for first-time loan borrowers as funds that were disbursed instead of funds that could have been disbursed within the first 30 days of attendance.

**Required Action Summary:** The institution was required to immediately establish and implement written procedures to properly perform the Return to Title IV calculations.

Due to the systemic nature of this finding Wisconsin Academy was required to perform a file review for all withdrawn students during the 2011-2012 award year.

**Wisconsin Academy's Response:** The institution provided calculations, ledgers and proof of refunds, if applicable to the 2011-2012 file review requested.

**Final Determination:** The file review indicated that of the 18 R2T4 calculations, nine students required refunds to be returned to the Department. An additional student received Federal Direct Loan (FDL) disbursements prior to attending 30 days and was not eligible for the loan disbursements, five refunds were calculated incorrectly due to the number of scheduled hours used and three refunds were made late.

As a result of the ineligible FDL disbursements due to a first time borrower not completing at least 30 days of attendance, Wisconsin Academy must pay to the Department **\$3,457.00** (\$2,985.00 Unsubsidized + \$472.00 Subsidized) for ineligible FDL funds disbursed. A copy of the results of the above described calculations is included as Appendix D.

The institution is liable to the Department for the sum of **\$2,399.00** (*rounded*) in Federal Pell Grant funds not returned. A list of the incorrect refunds and a copy of the results of the above described calculations are included as Appendix E.

As a result of the incorrect R2T4 calculations, Wisconsin Academy must pay to the Department **\$4,854.00** (\$1,197.00 Subsidized + \$3,657.00 Unsubsidized) for FDL funds not returned. A copy of the results of the above described calculations is included as Appendix F.

The institution is also liable to the Department for imputed interest charges on late and unpaid refunds that accrued from 45 days after Wisconsin Academy's withdrawal determination to the institution's response to the file review request for the sum of **\$122.00** (\$22.00 ineligible FDL + \$49.00 Pell + \$49.00 incorrect FDL + \$2.00 Late FDL, *rounded*). The interest charges were computed using the cost of funds, based on the U.S. Department of Treasury's current value of funds rate, in effect thirty days from when each refund was due. Detailed information about the above described calculations for this finding is included as Appendices D, E, F and G.

Wisconsin Academy must notify all students and/or borrowers in writing regarding payments made on their behalf. This notification must include the amount and date of the payments.

The institution is reminded that its fiduciary responsibilities obligate it to the highest standard of care and diligence in administering and accounting for Title IV, HEA funds.

Wisconsin Academy is required to implement procedures or enhance current procedures in accordance with the auditor's recommendation to bring the institution into compliance with federal regulations to ensure that this finding does not recur.

### **Finding #6 Student Credit Balance Deficiencies**

**Citation Summary:** When an institution disburses Title IV, HEA program funds by crediting a student's account and the total amount of all Title IV, HEA program funds credited exceeds the amount of tuition and fees, room and board, and other authorized charges the institution assessed the student, the institution must pay the resulting credit balance directly to the student or parent as soon as possible but:

1. No later than 14 days after the balance occurred if the credit balance occurred after the first day of class of a payment period; or
2. No later than 14 days after the first day of class of a payment period if the credit balance occurred on or before the first day of class of that payment period. 34 C.F.R. § 668.165(a.)

If an institution obtains written authorization from a student or parent, as applicable, the institution may:

- (i) Disburse Title IV, HEA program funds to a bank account designated by the student or parent;
- (ii) Use the student's or parent's Title IV, HEA program funds to pay for charges that are included in that authorization; and
- (iii) Hold on behalf of the student or parent any Title IV, HEA program funds that would otherwise be paid directly to the student or parent.

In obtaining the student's or parent's authorization, an institution:

- (i) May not require or coerce the student or parent to provide that authorization;
- (ii) Must allow the student or parent to cancel or modify that authorization at any time; and
- (iii) Must clearly explain how it will carry out that activity.

If a student or parent cancels an authorization to hold Title IV, HEA program funds, the institution must pay those funds directly to the student or parent as soon as possible but no later than 14 days after the institution receives that notice. 34 C.F.R. § 668.165(b).

**Noncompliance Summary:** Wisconsin Academy failed to disburse Title IV credit balance within the allowable 14 day time frame to four students during the 2011-2012 award year.

**Required Action Summary:** The Wisconsin Academy is directed to review the above-cited regulation to ensure strict compliance with the requirements thereof. The institution must strictly enforce procedures to ensure that this finding does not recur.

**Wisconsin Academy's Response:** The institution indicated that they have updated their policy regarding disbursement of Title IV credit balances and provided a copy of the updated policy to the reviewer.

**Final Determination:** The institution is liable to the Department for the sum of **\$8.00** (\$3.91 Pell + \$4.00 FDL *rounded*) in interest for not negotiating credit balance funds to students timely in five instances. A list of the late credit balances and a copy of the results of the above described calculations are included as Appendices H and I.

The institution is reminded that its fiduciary responsibilities obligate it to the highest standard of care and diligence in administering and accounting for Title IV, HEA funds. NWIHT is required to implement procedures or enhance current procedures in accordance with the auditor's recommendation to bring the institution into compliance with federal regulations to ensure that this finding does not recur.

**Finding #7: Crime Awareness Requirements Not Met - Omission/Inadequacy of Required Statistical Disclosures and Policy Statements**

**Citation:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees through appropriate publications and mailing, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C.F.R. § 668.46(b).

The ASR must be prepared and actively distributed as a single document. Acceptable means of delivery include regular U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its

contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. § 668.41(e)(1). These regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. 34 C.F.R. § 668.41(e)(4).

An institution's ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs, illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. § 668.46(c)(1).

The ASR also must include several mandated policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the ASR itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. As noted above, all required statistics and policies must be included in a single comprehensive document, known as an ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. § 485(f) of the HEA; 34 C.F.R. § 668.46 (b).

Finally, each institution must also submit its crime statistics to the Department for inclusion in the Office of Postsecondary Education's (OPE) "Campus Safety and Security Data Analysis Cutting Tool." 34 C.F.R. § 668.41(e)(5).

**Noncompliance:** The Wisconsin Academy failed to prepare, publish, and distribute an accurate and complete ASR. Specifically, the Wisconsin Academy's ASR did not include the following required statistical disclosures and policy statements:

- Accurate and complete crime statistics for Clery-reportable offenses and for arrests and disciplinary referrals related to liquor, drugs and weapons law violations during the three most recent calendar years (only one year of statistics were included)
- Adequate Timely Warning and Emergency Notification policies
- Safety considerations utilized in the maintenance of the campus
- Type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others
- A description of programs to inform students and employees about crime prevention
- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses
- Notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses
- Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available.

Furthermore, institutional officials were unable to provide documentation that materials typically provided to prospective students and employees include the required notification about the availability of the ASR including a summary of its contents and instructions for obtaining a hard copy.

Failure to publish an accurate and complete ASR and to actively distribute it to current students and employees in accordance with Federal regulations deprives the campus community of important campus crime information.

**Required Action:** As a result of this violation, the Wisconsin Academy must develop and implement policies and procedures for preparing, publishing, and distributing an ASR that meets Federal standards. The new procedures also must articulate how prospective students and employees will be notified of the report's availability. Using its new policies as a guide, the Wisconsin Academy must prepare and publish an accurate and complete ASR that includes all of the statistical disclosures and policy, procedure and programmatic information required under 34 C.F.R. § 668.46(b). A copy of the institution's new policies and procedures and its draft ASR must accompany the Wisconsin Academy's response to this program review report. Once the new ASR is evaluated by the review team for accuracy and completeness, The Wisconsin Academy must actively distribute it to all current students and employees in accordance with 34 C.F.R. § 668.41(c).

Finally, the Wisconsin Academy must provide documentation to the Department evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the Clery Act. This certification must also affirm that the Wisconsin Academy understands its Clery Act obligations and that it will take all necessary corrective actions to ensure that this violation does not recur.

As noted above, this finding constitutes a serious violation of the Clery Act that by its nature cannot be cured. The Wisconsin Academy will be given an opportunity to develop and distribute a compliant ASR and in so doing, bring its overall campus security program into compliance with the Clery Act as required by its PPA. However, the Wisconsin Academy is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional corrective or administrative actions.

Based on an evaluation of all available information including the Wisconsin Academy's response, the Department will determine if additional actions will be required and will advise the institution accordingly in its Final Program Review Determination.

**Wisconsin Academy's Response:** In its official response, the Wisconsin Academy concurred with the finding and stated that significant changes were made to its internal policies and procedures and the contents of its 2013 ASR to comply with Federal standards. As part of its response, the institution submitted a copy of its 2013 ASR and documentation indicating that students and employees receiving the new report. Finally, management submitted a certification attesting that the 2013 ASR was distributed in accordance with *Clery Act* requirements and further asserted that the institution understands its obligations and will ensure these violations do not recur.

**Final Determination:** Finding # 7 of the program review report cited the Wisconsin Academy for multiple violations of the *Clery Act*. Specifically, the reviewers determined that the Wisconsin Academy's ASRs for calendar years 2009, 2010 and 2011 contained only one year of crime statistics. Moreover, the Academy failed to include the seven required policy disclosures listed in the noncompliance section above, in its 2009, 2010, and 2011 ASRs. In addition, the institution failed to actively distribute these reports to enrolled students and current employees and to actively notify prospective students and employees about the availability of 2009, 2010, and 2011 ASRs. As a result of these violations, the Wisconsin Academy was required to review and enhance its campus safety policies and procedures and then produce an accurate and complete 2013 ASR and distribute it to all required recipients. In its response, the Academy concurred with the finding, stated that remedial action was taken, and submitted documents in support of its claims.

The Department carefully reviewed all available information, including the Wisconsin Academy's response. Based on that review and the institution's admission of noncompliance, the Department has determined that all elements of the initial finding are sustained. This analysis also indicated that while the Academy made some improvements pursuant to the required actions of the Department's report, it is also clear that several significant deficiencies remain. Specifically, the institution's 2013 ASR did not include adequate disclosures in the following areas:

- Statistics for Clery-reportable offenses, arrests and disciplinary referrals for drug, liquor, and weapons law violations, and hate crimes. Specifically, the 2013 ASR only included crime statistics for one calendar year rather than the required three calendar years.
- A statement of policy regarding the institution's programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.
- Information about the **type and frequency** of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- A **description** of programs to inform students and employees about the prevention of crime. The 2013 ASR merely stated that the report would increase awareness of the current programs and procedures that exist. The report did not identify any specific resources nor did it clearly state that no such programming is offered.
- The institution's consumer information still does not clearly state how prospective students or employees may obtain the ASR. This information must be added to Academy's materials and website and be included on the forms and other data sources that are typically used by persons seeking information about the institution and be presented in a conspicuous manner.

The Department expects that the Wisconsin Academy has taken subsequent action to address these ongoing deficiencies. To better evaluate the state of the Academy's current compliance, the institution must submit its 2013 and 2014 ASRs with credible proof of active distribution within 15 days its receipt of this FPRD. This documentation must be submitted via electronic mail to Mr. Mark Holland at [mark.holland@ed.gov](mailto:mark.holland@ed.gov) and to the Department's Clery Act Compliance Team at [clery@ed.gov](mailto:clery@ed.gov). If any of the requested reports were not produced and/or retained, Wisconsin Academy officials must clearly communicate that fact to Mr. Holland and the CACT via electronic mail. In this context, Academy officials are specifically advised that no new documents are to be created for the purpose of demonstrating compliance for past periods. Wisconsin Academy's submission must reference its Program Review Control Number (PRCN) in the subject line of its e-mail message. The institution is also advised that any failure to respond to the supplemental request for document production will result in a referral for the

imposition of administrative actions in addition to any such referral that may be made to address the original violations identified in Finding #7 of the program review report.

Notwithstanding the continuing violations noted above, the Department has determined that Wisconsin Academy's remedial action plan meets minimum requirements. For these reasons, the Department has accepted the response and considers this finding to be closed for purposes of this program review, subject to satisfactory production of the requested documents. Although this finding is conditionally closed, the officials and directors of the Wisconsin Academy are put on notice that the institution must take all necessary action to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the response to the Department's report and as may otherwise be needed to ensure that these violations do not recur.

Although the finding is now conditionally closed, the Wisconsin Academy is reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. The institution was required to take remedial action and in doing so, has begun to address the conditions that led to these violations. The institution has stated that it has brought its overall campus safety program into compliance with the *Clery Act* as required by its Program Participation Agreement. Nevertheless, Academy officials must understand that any failure to publish and distribute an accurate and complete ASR deprives students and employees of important campus safety information to which they are entitled. For these reasons, the institution is advised that its remedial actions, whether already completed or planned for the future, cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that Wisconsin Academy officials re-examine its campus safety and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. To that end, Academy officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on *Clery Act* compliance. The Handbook is online at: [www2.ed.gov/admins/lead/safety/handbook.pdf](http://www2.ed.gov/admins/lead/safety/handbook.pdf). The Department also provides a number of other *Clery Act* training resources. The institution can access these materials at: [www2.ed.gov/admins/lead/safety/campus.html](http://www2.ed.gov/admins/lead/safety/campus.html). The regulations governing the *Clery Act* can be found at 34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.

Finally, Academy management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs regarding the prevention of sex crimes in their ASRs. All institutions are

currently obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and were required to include all new required content in the 2014 ASR. Please be further advised that Final Rules on the VAWA amendments to the *Clery Act* were issued on October 20, 2014 and that as a result, these regulations will go into effect on July 1, 2015, per the Department's Master Calendar. Wisconsin Academy officials may access the text of the Final Rule at:

<http://ifap.ed.gov/register/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>.

### **Finding #8 Failure to Comply with the Drug-Free School and Communities Act**

**Citation:** The Drug-Free Schools and Communities Act and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- 1) A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- 2) A written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- 3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- 4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- 5) A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review to determine the effectiveness of its drug and alcohol abuse education and prevention program and to ensure consistent enforcement of applicable laws, ordinances, and institutional policies against students and employees found to be in violation. The biennial review materials must be maintained by

the HIE and made available to the Department upon request. 34 C.F.R. §§ 86.3 and 86.100.

**Noncompliance:** The Wisconsin Academy violated the requirements of the Drug-Free Schools and Communities Act (DFSCA). Specifically, the Wisconsin Academy failed to conduct a biennial review (BR) within prescribed timeframes. The BR is intended to determine the effectiveness of its drug and alcohol abuse and prevention program (DAAPP) and to evaluate the consistency of its student and employee disciplinary practices. Institutional officials conceded that the Wisconsin Academy did not commence its 2013 BR until the review team requested its report as part of its program review data request. Furthermore, the Department's research indicates that the Wisconsin Academy has never conducted a BR since its initial approval to participate in the FSA programs in June 2008.

Failure to comply with the DFSCA deprives the institution of important information about the effectiveness of its drug and alcohol abuse prevention programs. Such failures may contribute to increased drug use and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

**Required Action:** As a result of this violation, the Wisconsin Academy is required to take all necessary action to resolve this violation. At a minimum, 1) the Wisconsin Academy must conduct a biennial review to measure the effectiveness of its drug and alcohol programs and to evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct and 2) prepare a detailed report of its findings.

The BR report must describe the research methods and data analysis tools that will be used to determine the program's effectiveness and the consistency of its enforcement strategy. Additionally, the BR report must identify the responsible official(s) who conducted the BR. Finally, the BR report must be approved by the institution's chief executive. The biennial review must be completed by December 15, 2013 and be submitted to the Department by December 31, 2013. Because the DFSCA went into effect in 1990, longstanding practice dictates that the biennial review is normally conducted in even-numbered years and that the BR report is also completed in the same year as well; however, the Wisconsin Academy's past failures to conduct BR's and the need to commence a review immediately will result in the current and subsequent BR's and BR reports to be completed in the odd-numbered years going forward.

As noted above, violations of the DFSCA are very serious and by their nature, cannot be cured. The Wisconsin Academy will be given an opportunity to conduct a meaningful review of its DAAPP and to bring its drug and alcohol programs into compliance with the DFSCA for the first time as required by its Program Participation Agreement (PPA).

However, the Wisconsin Academy is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional corrective or administrative actions.

Based on an evaluation of all available information, including the Wisconsin Academy's response, the Department will determine if additional action will be required and will advise the institution accordingly in the FPRD.

**Wisconsin Academy's Response:** In its official response, the Wisconsin Academy concurred with the finding and described its remedial action. Specifically, Academy management asserted that the institution conducted its first biennial review as directed. Per the response, the review included an examination of data from the 2011-12 and 2012-13 award years. Finally, management submitted a copy of a report dated August 1, 2013 that purports to summarize the results of the review.

**Final Determination:** Finding # 8 of the program review report cited the Wisconsin Academy for ongoing violations of the *DFSCA* and Part 86 of the Department's General Administrative Regulations. Specifically, the Academy persistently failed to conduct a biennial review (BR). Institutional officials conceded that the Wisconsin Academy did not commence its 2013 BR until the review team requested its report as part of its program review data request. As a result of this violation, the institution was required to conduct its first BR to assess the effectiveness of its drug and alcohol abuse and prevention program (DAAPP) and to evaluate the consistency of its student and employee disciplinary practices and then produce a detailed report of findings. In its response, Wisconsin Academy officials conceded that they did not commence the 2013 BR until the review team requested its report and further admitted that no BRs were conducted since the institution was approved to participate in the FSA programs in June 2008.

In its response, the Academy concurred with the finding, explained its remedial action, and submitted documents in support of its claims.

The Department carefully examined the Wisconsin Academy's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by the Academy's response, its inaugural biennial review report, and its new policies and procedures. Based on that review and the Wisconsin Academy's admission of noncompliance, the violations identified in the finding are sustained. The Department also determined that the Academy's remedial action plan meets minimum requirements. For these reasons, the Department has accepted the response and considers this finding to be closed for purposes of this program review. Nevertheless, Academy officials and directors are put

on notice that the institutions must take all necessary action to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the response to the Department's report and as may otherwise be needed to ensure that these violations do not recur. In this regard, the Wisconsin Academy is reminded that it must continue to develop its DAAPP and update its annual disclosure to ensure that it continues to accurately summarize the program. The Wisconsin Academy also must actively distribute the disclosure annually to current employees and all students enrolled for any academic credit. Moreover, the Academy must conduct biennial reviews and produce reports on the required cycle and is specifically advised that its next biennial review report must contain substantially more information about the actual conduct of the review including research methods and that all findings and recommendations must be supported by valid evidentiary data. Although this finding is now closed, the Wisconsin Academy is specifically reminded that the exceptions identified above constitute very serious and persistent violations of the *DFSCA* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. The Wisconsin Academy asserted that it has taken adequate remedial actions and by doing so, has taken steps to finally comply with the *DFSCA* as required by its PPA. Notwithstanding these actions, Academy officials must understand that compliance with the *DFSCA* is essential to maintaining a safe and healthy learning environment. Data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crime on campus. *DFSCA* violations deprive students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use and deprive institutions of important information about the effectiveness of their drug and alcohol programs. For these reasons, the Wisconsin Academy is advised that any remedial measures, whether already completed or planned for the future, cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or additional remedial measures as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that the Academy re-examine its drug and alcohol policies, procedures, and programs on at least an annual basis and revise them as needed to ensure that they continue to reflect current institutional policy and are in full compliance with the *DFSCA*. Please be advised that the Department may request information on a periodic basis to test the effectiveness of the institution's new policies and procedures.

**D. Summary of Liabilities**

The total amount calculated as liabilities from the findings in the program review determination is as follows.

<b>Liabilities</b>	<b>Pell (Closed Award Year)</b>	<b>DI / FFEL (Closed Award Year)</b>
Finding #2	<b>2,399.00</b>	<b>\$8,311.00</b>
Finding #2 - Interest	<b>\$49.00</b>	<b>\$73.00</b>
Finding #6 - Interest	<b>\$4.00</b>	<b>\$4.00</b>
<b>TOTAL</b>	<b>\$2,452.00</b>	<b>\$8,388.00</b>
<b>Payable To:</b>		
Department	<b>\$2,452.00</b>	<b>\$8,388.00</b>

### **E. Payment Instructions**

Wisconsin Academy owes to the Department **\$10,840.00**. Payment must be made by forwarding a check made payable to the "U.S. Department of Education" to the following address within 45 days of the date of this letter:

U.S. Department of Education  
P.O. Box 979026  
St. Louis, MO 63197-9000

Remit checks only. Do not send correspondence to this address.

Payment must be made via check and sent to the above Post Office Box. Payment and/or adjustments made via G5 will not be accepted as payment of this liability. Instead, the school must first make any required adjustments in COD as required by the applicable finding and Section II – Instructions by Title IV, HEA Program (below), remit payment, and **upon receipt of payment the Department will apply the funds to the appropriate G5 award.**

The following identification data must be provided with the payment:

<b>Amount:</b>	<b>\$10,840.00</b>
<b>DUNS:</b>	<b>783862993</b>
<b>TIN:</b>	<b>463174531</b>
<b>PRCN:</b>	<b>201240528065</b>

### **Terms of Payment**

As a result of this final determination, the Department has created a receivable for this liability and payment must be received by the Department within **45 days of the date of this letter**. If payment is not received within the 45-day period, interest will accrue in monthly increments from the date of this determination, on the amounts owed to the Department, at the current value of funds rate in effect as established by the Treasury Department, until the date of receipt of the payment. Wisconsin Academy is also responsible for repaying any interest that accrues. If you have any questions regarding interest accruals or payment credits, contact the Department's Accounts Receivable Group at (202) 245-8080 and ask to speak to Wisconsin Academy's account representative.

If full payment cannot be made within **45** days of the date of this letter, contact the Department's Accounts Receivable Group to apply for a payment plan. Interest charges and other conditions apply. Written request may be sent to:

U.S. Department of Education  
OCFO Financial Management Operations  
Accounts Receivable Group  
550 12th Street, S.W., Room 6114  
Washington, DC 20202-4461

If within 45 days of the date of this letter, Wisconsin Academy has neither made payment in accordance with these instructions nor entered into an arrangement to repay the liability under terms satisfactory to the Department, the Department intends to collect the amount due and payable by administrative offset against payments due Wisconsin Academy from the Federal Government. **Wisconsin Academy may object to the collection by offset only by challenging the existence or amount of the debt.** To challenge the debt, Wisconsin Academy must **timely appeal** this determination under the procedures described in the "Appeal Procedures" section of the cover letter. The Department will use those procedures to consider any objection to offset. **No separate appeal opportunity will be provided.** If a timely appeal is filed, the Department will defer offset until completion of the appeal, unless the Department determines that offset is necessary as provided at 34 C.F.R. § 30.28. This debt may also be referred to the Department of the Treasury for further action as authorized by the Debt Collection Improvement Act of 1996.

**Direct Loan Closed Award Years (Request Extended Processing)**

Finding #2: Return to Title IV (R2T4) Errors  
Appendices: D, F and G

Wisconsin Academy must repay the following Direct Loan liabilities:

<b>FDL Closed Award Year</b>		
Amount (Principal)	Amount (Interest)	Award Year
\$4,654.00	\$44.00	2010-2011
\$3,657.00	\$29.00	2011-2012
<b>Total Principal</b>	<b>Total Interest</b>	
\$8,311.00	\$73.00	

The disbursement record for each student identified in the appendices listed above must be adjusted in the Common Origination and Disbursement (COD) system based on the recalculated amount identified in the/these appendix/appendices. A copy of the adjustment to each student's COD record must be sent to Mark Holland **within 45 days of the date of this letter**.

**Request Extended Processing**

COD adjustments are necessary for the closed award year listed above. Before any student level adjustments can be processed, Wisconsin Academy must immediately request extended processing through the COD Website (<http://cod.ed.gov>).

- Click on the Request Post Deadline/Extended Processing link under the School menu.
- On the request screen, the institution should indicate in their explanation that the request is based on a program review, and provide the program review control number.
- The institution will be notified of the status of the request at the time of submission, and will also be notified by email to the FAA and President when extended processing has been authorized. At that time, the school must transmit student/borrower level adjustments to COD for the closed award year(s).

**Pell Grant – Closed Award Year**

Finding #2: Return to Title IV (R2T4) Errors  
Appendix: E

Wisconsin Academy must repay:

<b>Pell Grant - Closed Award Year</b>		
Amount (Principal)	Amount (Interest)	Award Year
\$2,399.16	\$49.00	2010-2011

The disbursement record for each student identified in the appendix to the applicable finding must be adjusted in the Common Origination and Disbursement (COD) system based on the recalculated amount identified in the appendix.

A copy of the adjustment to each student's COD record must be sent to <Lead Reviewer> **within 45 days of the date of this letter.**

**Request Extended Processing**

COD adjustments are necessary for the closed award year listed above. Before any student level adjustments can be processed, Wisconsin Academy must immediately request extended processing through the COD Website (<http://cod.ed.gov>).

- Click on the Request Post Deadline/Extended Processing link under the School menu.
- On the request screen, the institution should indicate in their explanation that the request is based on a program review, and provide the program review control number.
- The institution will be notified of the status of the request at the time of submission, and will also be notified by email to the FAA and President when extended processing has been authorized. At that time, the school must transmit student/borrower level adjustments to COD for the closed award year(s).

Final Program Review Determination  
PRCN: 201240528065

Appendix B  
Program Review Report

Prepared for  
Wisconsin Academy

**Federal Student**  
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**OPE ID: 04132600**  
**PRCN: 201240528065**

**Prepared by:**

**U.S. Department of Education**  
**Federal Student Aid**  
**Chicago/Denver School Participation Division**

## **Program Review Report**

December 5, 2013

Chicago/ Denver School Participation Division  
500 West Madison, Suite 1576  
Chicago, Illinois 60661

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**A. Institutional Information**

Wisconsin Academy  
880 Frontage Road  
Peshtigo, Wisconsin 54157

Type: Proprietary

Highest Level of Offering: Two-Year

Accrediting Agency: National Accrediting Commission of Career Arts and Science

Current Student Enrollment: 45 (2012)

% of Students Receiving Title IV: 100% (2012)

Title IV Participation (PEPS): 2011-2012

Federal Direct Loan (FDL) \$309,010

Federal Pell Grant \$144,111

Default Rate FDL: 2011 – 15.4%  
2010 – 12.0%  
2009 10.0%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at the Wisconsin Academy from September 24, 2012 to September 28, 2012. The review was conducted by Mark Holland and Stefanie Tucker.

The focus of the review was to determine the Wisconsin Academy's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of the Wisconsin Academy's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2010-2011 and 2011-2012 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning the Wisconsin Academy's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve the Wisconsin Academy of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

## C. Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by the Wisconsin Academy to bring operations of the financial aid programs into compliance with the statutes and regulations.

### Finding #1 Verification Violation

**Citation:** An institution shall require each applicant whose application is selected for verification on the basis of edits specified by the Secretary, to verify all of the applicable items. *34 C.F.R. § 668.54(a)(2)*.

If an institution has reason to believe that any information on an application used to calculate an EFC is inaccurate, it shall require the applicant to verify the information that it has reason to believe is inaccurate. *34 C.F.R. § 668.54(a)(3)*.

If the information on an application changes as a result of the verification process, the institution shall require the applicant to resubmit his or her application information to the Secretary for corrections if:

- i. The institution recalculates the applicant's EFC, determines that the applicant's EFC changes, and determines that the change in the EFC changes the applicant's Federal Pell Grant award; or
- ii. The institution does not recalculate the applicant's EFC. *34 C.F.R. § 668.59(a)*.

**Noncompliance:** Wisconsin Academy failed to complete verification for five students during the 2010-2011 award year and two students during the 2011-2012 award year.

- Student #6 was flagged for verification by the Central Processing System (CPS). Wisconsin Academy could not document that verification was performed for the 2010-2011 award year.
- Student #7 provided an unsigned 2009 federal tax return. Wisconsin Academy should have contacted the student to obtain their signature.
- Student #14 was flagged for verification by the Central Processing System (CPS). Wisconsin Academy could not document that verification was performed for the 2010-2011 award year.
- Student #15 provided a verification worksheet indicated that she did not file a 2009 federal tax return. The Institutional Student Information Report (ISIR) indicates that the student filed a tax return with \$15,000 of Adjusted Gross Income (AGI). Wisconsin Academy should have contacted the student to resolve this discrepancy.

- Student #16 was flagged for verification by the Central Processing System (CPS). Wisconsin Academy could not document that verification was performed for the 2010-2011 award year.
- Student #17 provided a 2011-2012 dependent verification worksheet that was not signed by the parent. Wisconsin Academy should have contacted the student to obtain their signature.
- Student #21 provided documentation of \$6,750 in a pretax pension and \$800.00 in a Making Work Pay tax credit on their parent's 2010 tax return. This information was not corrected by the Wisconsin Academy during verification.

**Required Action:** Wisconsin Academy must resolve the verification deficiencies cited above for the seven students and recalculate the students' eligibility based on the verified information.

If the institution is unable to verify a student's application information, the student will be ineligible for all Title IV funds received during the award year. If there is any change in a student's eligibility for Title IV funds due to a change in the EFC based on completion of verification, the amount previously disbursed and the correct amount for which the student was actually eligible must also be provided.

Due to the systemic nature of this finding for the 2010-2011 award year, it is necessary to fully determine the impact of the Wisconsin Academy's failure to complete verification. Accordingly, the Wisconsin Academy must review the files of all Title IV, HEA recipients who were selected for verification for the 2010-2011 award year (AY) and complete verification for each student for whom verification was not completed. File review instructions are presented below:

#### Needs Analysis Instructions

The 2010-2011 award year is closed; as such, changes to the ISIR cannot be made. Therefore, the Wisconsin Academy must go to the following website and complete a needs analysis calculation for each student selected for verification:

***<http://www.finaid.org/calculators/finaidestimate.phtml>***

Scroll down and select the most recent award year available. Enter all of the correct ISIR data and then select "calculate" at the bottom of the page – you do not need to complete the estimated school costs section. Print the final calculation and write the student's name at the top of each page.

#### File Review Instructions

The Wisconsin Academy must create a spreadsheet for the 2010-2011 award year and identify all students selected for verification and the total amount of Title IV, HEA funds disbursed.

The spreadsheet must include the following detail with a separate column for each of the items noted below:

1. Student's Name
2. Student's SSN
3. Original EFC
4. Revised EFC
5. Original Pell Award
6. Revised Pell Award
7. Award difference for Pell
8. G5 Fund Account the Pell Grant funds were paid
9. Original Subsidized Direct Loan Award
10. Revised Subsidized Direct Loan Award
11. Award difference for Direct Loan Subsidized
12. Original Unsubsidized Direct Loan Award
13. Revised Unsubsidized Direct Loan Award
14. Award difference for Direct Loan Unsubsidized
15. G5 Fund Account the Federal Direct Loan funds were paid

Students should be listed alphabetically and numbered. All loan amounts should reflect the certified amounts, not the disbursed/net amount.

The Wisconsin Academy must collect any missing documentation, as determined by its file review, and perform all required verification and need analyses to confirm each student's eligibility if data was revised as a result of verification. When collecting any additional documentation as a result of the file review, the institution must ensure that the documents collected from students contain the most up-to-date address and telephone number where the student can be contacted. In cases where information on verification worksheets is revised, the changes must be initialed and each required person(s) must sign the worksheets again. The results of the file review are subject to verification by the Department.

The completed spreadsheets must be submitted in an electronic format as part of the Wisconsin Academy's response to this program review report. The spreadsheets must be emailed to [mark.holland@ed.gov](mailto:mark.holland@ed.gov) in an encrypted zip file. In addition, copies of the following documents must be submitted for each student selected for verification:

1. FAFSA
2. Original ISIR
3. Revised **ISIR**
4. Needs Analysis **printout** (provided the entire printout and write the student's name at the top of each page)
5. Verification Worksheet
6. Income Tax Return and/or W-2's
7. Other documents collected as a result of verification  
(letters, citizenship documents, selective service, etc.)

If the Wisconsin Academy is unable to complete the verification process it will be liable for all Title IV, HEA funds disbursed to the student for the award year in which the student was selected for verification. Payment instructions for the liabilities associated with this finding will be provided in the Department's Final Program Review Determination letter.

### **Finding #2 Return to Title IV (R2T4) Errors**

**Citation:** The amount of Title IV assistance that is earned by the student is calculated by:

- (i) Determining the percentage of Title IV assistance that has been earned by the student:  
and
- (ii) Applying this percentage to the total amount of Title IV assistance that was disbursed (and that could have been disbursed) to the student, or on the student's behalf, for the payment period or period of enrollment as of the student's withdrawal date.

The percentage of Title IV assistance that has been earned by the student is equal to the percentage of the payment period or period of enrollment that the student completed, as of the student's withdrawal date. *34 C.F.R. § 668.22(e)*.

The percentage of the payment period or period of enrollment completed is determined for a program that is measured in credit hours by dividing the total number of calendar days in the payment period or period of enrollment into the number of calendar days completed in that period, as of the student's withdrawal date. *34 C.F.R. § 668.22(f)*.

**Noncompliance:** The review disclosed that Wisconsin Academy's R2T4 policy is not in compliance with regulations. Specifically, Wisconsin Academy did not use the correct number of scheduled hours when determining the percentage of aid earned. Wisconsin Academy also used ineligible loan funds for first-time loan borrowers as funds that were disbursed instead of funds that could have been disbursed within the first 30 days of attendance.

- Student #4 began attendance on July 12, 2010. The last date of attendance was July 19, 2010. Wisconsin Academy determined the student withdrew on July 28, 2010. There were 42 scheduled hours as of July 19, 2010. Wisconsin Academy used 91 scheduled hours which would represent the number of scheduled hours as of the date of determination. Wisconsin Academy also used ineligible FDL funds disbursed within the first 30 days of attendance as aid that was disbursed instead of aid that could have been disbursed. Wisconsin Academy should have returned \$4,727.00 of FDL funds since the student did not complete 30 days of attendance and \$2,077.00 of Federal Pell Grant funds.

- Student #6 began attendance on May 2, 2011. The last date of attendance was May 31, 2011. Wisconsin Academy was notified on June 28, 2011, that the student was transferring to a different institution. Wisconsin Academy should have made a withdrawal determination within 14 days after the student's last date of attendance. Wisconsin Academy also used ineligible FDL funds disbursed within the first 30 days of attendance as aid that was disbursed instead of aid that could have been disbursed. Wisconsin Academy should have returned \$4,727.00 of FDL funds since the student did not complete 30 days of attendance and \$322.00 of Federal Pell Grant funds.
- Student #17 began attendance on November 7, 2011. The last date of attendance was February 14, 2012. Wisconsin Academy determined the student withdrew on March 1, 2012. There were 259 scheduled hours as of February 14, 2012. Wisconsin Academy used 252 scheduled hours. Wisconsin Academy should have returned \$2,337.00 of FDL funds instead of the \$2,425.00 calculated.
- Student #19 began attendance on July 18, 2011. The last date of attendance was February 1, 2012. Wisconsin Academy determined late that the student withdrew on March 16, 2012. There were 252 scheduled hours in the second payment period as of February 1, 2012. Wisconsin Academy used 280 scheduled hours. Wisconsin Academy should have returned \$1,650.00 of FDL funds instead of the \$0.00 calculated.
- Student #22 began attendance on September 21, 2011. The last date of attendance was May 18, 2012. The student had \$818.00 of unpaid charges at the time of withdrawal. Wisconsin Academy determined the student could obtain a post-withdrawal loan disbursement to cover outstanding charges on May 23, 2012. Wisconsin Academy did not obtain the student's written authorization to draw loan funds after their withdrawal. Wisconsin Academy drew \$1,742.00 and disbursed a credit balance on July 25, 2012.
- Student #23 began attendance on September 6, 2011. The last date of attendance was November 11, 2011. Wisconsin Academy determined late that the student withdrew on December 5, 2011. There were 343 scheduled hours as of her last date of attendance. Wisconsin Academy used 406 scheduled hours.
- Student #24 began attendance on November 8, 2010. The last date of attendance was October 11, 2011. There were 149 scheduled hours as of her last date of attendance. Wisconsin Academy used 432 scheduled hours. Wisconsin Academy should have returned \$2,007.00 of FDL funds instead of the \$1,628.00 calculated.

**Required Action** The institution must immediately establish and implement written procedures to properly perform the Return to Title IV calculations.

Due to the systemic nature of this finding it is necessary to determine the extent of noncompliance. Therefore, the Wisconsin Academy must perform a file review for all withdrawn students during the 2011-2012 award year. The Wisconsin Academy must summarize the result of the file review by creating a spreadsheet that includes the following detail with a separate column for each of the items noted below. Students should be listed alphabetically and the completed spreadsheet must be emailed to [mark.holland@ed.gov](mailto:mark.holland@ed.gov) in an encrypted zip file.

1. Student's Name
2. Student's SSN
3. Student's Last Day of Attendance
4. School's Date of Determination
5. Original Return Amount (if zero, indicated zero)
6. Correct Return Amount
7. Additional amount owed to the student's unsubsidized loan
8. Additional amount owed to the student's subsidized loan
9. G5 Fund Account the additional loan funds should be returned
10. Additional amount owed to the Federal Pell Grant program
11. G5 Fund Account the additional grant funds should be returned

In addition, for each student identified on the spreadsheet the following supporting documentation must be included with the institution's response:

- Copy of the original Return of Title IV funds worksheet
- Copy of the revised Return of Title IV funds worksheet
- Copy of the student's progress report
- Copy of the student's account ledger
- Copy of the student's attendance records reflecting scheduled hours and LDA
- Copy of any official, unofficial or administrative withdrawals

The Wisconsin Academy will be liable for the additional Title IV, HEA funds owed as a result of the incorrect Return of Title IV funds calculations. Payment instructions for the liability associated with this finding will be provided in the Department's Final Program Review Determination letter.

As part of its response to this program review report the Wisconsin Academy must also develop and implement written step-by-step procedures to ensure that post-withdrawal disbursements (PWDs) are calculated correctly and students are properly notified of their options with regard to a PWD. These procedures must include steps to ensure that the timelines associated with the PWD process are adhered to and that all required notifications and student statements are properly documented. A copy of the procedures as well as a template of the notification letter must be submitted as part of the Wisconsin Academy's response to this program review report. Please use the information in the Handbook regarding PWDs as a guide when creating the required procedures and notification template.

The institution is reminded that its fiduciary responsibilities obligate it to the highest standard of care and diligence in administering and accounting for Title IV, FSA funds.

### **Finding #3 Delayed Delivery Requirement Not Met**

**Citation:** If a student is enrolled in the first year of an undergraduate program of study and has not previously received a Federal Direct Stafford Loan, a school may not disburse the proceeds of a Subsidized or Unsubsidized Loan until 30 days after the first day of the student's program of study. *34 C.F.R. § 685.303(b)(4)*.

The earliest an institution may disburse the initial installment of a loan under the Direct Loan or FFEI programs to a first-year, first-time borrower is 30 days after the first day of the student's program of study. *34 C.F.R. § 668.164(f)(3)*.

**Noncompliance:** Wisconsin Academy disbursed Federal Direct Loan funds to seven students within the sample that were attending a postsecondary institution for the first time or had not previously borrowed a Title IV loan.

- Student #4 began attendance on July 12, 2010. A \$617.00 subsidized loan was disbursed to the student on July 1, 2010. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently withdrew on July 19, 2010 and did not become eligible for the loan funds. Liabilities related to this early loan disbursement are further addressed in finding #2 above.
- Student #5 began attendance on September 7, 2010. A \$2,985.00 unsubsidized loan and a \$1,742.00 subsidized loan was disbursed on September 24, 2010. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently completed at least 30 days of enrollment and earned the funds.
- Student #6 began attendance on May 2, 2011. A \$2,985.00 unsubsidized loan and a \$1,742.00 subsidized loan was disbursed on May 1, 2011. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently withdrew on May 27, 2011 and did not become eligible for the loan funds. Liabilities related to this early loan disbursement are further addressed in finding #2 above.
- Student #7 began attendance on March 7, 2011. A \$1,742.00 subsidized loan was disbursed on March 2, 2011. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently completed at least 30 days of enrollment and earned the funds.

- Student #8 began attendance on November 8, 2010. A \$1,742.00 subsidized loan and \$995.00 unsubsidized loan was disbursed on November 8, 2010. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently completed at least 30 days of enrollment and earned the funds.
- Student #9 began attendance on January 18, 2010. A \$1,742.00 subsidized loan and \$1,073.00 unsubsidized loan was disbursed on January 15, 2010. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently completed at least 30 days of enrollment and earned the funds.
- Student #19 began attendance on July 18, 2011. A \$1,742.00 subsidized loan was disbursed on July 25, 2011. NSLDS disclosed that the student had not been a FDL borrower at any institution that she had previously attended. She was therefore subject to the 30 day delayed disbursement requirement. The student subsequently completed at least 30 days of enrollment and earned the funds.

**Required Action:** Although five of the seven students subsequently completed their first payment period thereby earning the disbursements, the Wisconsin Academy must enact written procedures to ensure that all Title IV, HEA funds are not disbursed prior to the student completing the previous payment period. The remaining two student's ineligible disbursements are addressed in finding #2 above.

#### **Finding #4 Disbursement Prior to Midpoint**

**Citation:** For a student enrolled in an eligible program that is more than one academic year in length for the first academic year and any subsequent full academic year:

- (A) The first payment period is the period of time in which the student successfully completes half of the number of credit hours or clock hours, as applicable, in the academic year and half of the number of weeks of instructional time in the academic year; and
- (B) The second payment period is the period of time in which the student successfully completes the academic year;

For any remaining portion of an eligible program that is more than half an academic year but less than a full academic year in length:

- (A) The first payment period is the period of time in which the student successfully completes half of the number of credit hours or clock hours, as applicable, in the remaining portion of the program and half of the number of weeks of instructional time remaining in the program; and

(B) The second payment period is the period of time in which the student successfully completes the remainder of the program. *34 C.F.R. § 668.4(c)(2)*.

**Noncompliance:** Wisconsin Academy disbursed Title IV, HEA loan funds to nine students prior to the completion of the student's prior payment period rendering the disbursements premature.

- Student #1 received their second disbursement of Federal Direct Loan and Federal Pell Grant on June 1, 2010. The student had completed 295 clock hours as of June 1, 2010. The student subsequently completed 450 clock hours on July 21, 2010.
- Student #5 received their second disbursement of Federal Direct Loan and Federal Pell Grant funds on December 8, 2010. The student had completed 355 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on January 5, 2011. Student #5 also received their third disbursement of Title IV funds on May 5, 2011. The student had completed 838 clock hours. The student subsequently completed 900 clock hours on May 19, 2011.
- Student #5 also received their third disbursement of Title IV funds on May 5, 2011. The student had completed 838 clock hours. The student subsequently completed 900 clock hours on May 19, 2011.
- Student #7 received their second disbursement of Federal Direct Loan and Federal Pell Grant funds on May 20, 2011. The student had completed 396 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on June 2, 2011.
- Student #8 received their second disbursement of Federal Direct Loan and Federal Pell Grant funds on February 4, 2011. The student had completed 386 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on February 15, 2011.
- Student #8 also received their third disbursement of Federal Direct Loan and Federal Pell Grant funds on May 4, 2011. The student had completed 889 clock hours at the time of disbursement. The student subsequently completed 900 clock hours on May 6, 2011.
- Student #9 received their second disbursement of Federal Pell Grant funds on March 1, 2010. The student had completed 421 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on March 9, 2010.
- Student #9 also received their third disbursement of a Federal Pell Grant funds on July 6, 2010. The student had completed 825 clock hours at the time of disbursement. The student subsequently completed 900 clock hours on July 23, 2010.
- Student #10 received their second disbursement of Federal Direct Loan and Federal Pell Grant funds on February 4, 2011. The student had completed 389 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on February 14, 2011.
- Student #11 received their second disbursement of Federal Direct Loan and Federal Pell Grant funds on September 20, 2010. The student had completed 311 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on November 4, 2010.

- Student #19 received their second disbursement of Federal Direct Loan funds on September 30, 2011. The student had completed 342 clock hours at the time of disbursement. The student subsequently completed 450 clock hours on December 7, 2011 upon returning from a Leave of Absence.
- Student #20 received their fourth disbursement of Federal Pell Grant funds on December 31, 2011. The student had completed 1,108 clock hours at the time of disbursement. The student subsequently completed 1,350 clock hours on March 4, 2012.

**Required Action:** Although the nine students subsequently completed their prior payment period thereby earning the disbursement, the Wisconsin Academy must enact written procedures to ensure that all Title IV, HEA funds are not disbursed prior to the student completing the previous payment period.

#### **Finding #5 Enrollment Status Not Verified Prior to Disbursement**

**Citation:** Federal regulations require if a student's projected enrollment status changes during a payment period before the student begins attendance in all of his or her classes for that payment period, the institution shall recalculate a Federal Pell Grant based upon the student's enrollment status to reflect only those classes for which the student actually began attendance. *34 C.F.R. § 690.80 (b)(2)(ii)*.

Federal regulations require if a school is unable for any other reason to document that a registered student attended school during the period of enrollment for which the loan is made, the school must determine the student's withdrawal date as required under 34 C.F.R. § 668.22(j), and shall notify the lender of the student's withdrawal, expulsion, or failure to attend school, if applicable, and return to the lender any loan proceeds credited directly by the school to the student's account. *34 C.F.R. § 682.604(d)(4)*.

A school may release the proceeds of any disbursement of a loan only to a student, or a parent in the case of a PLUS loan, if the school determines the student has continuously maintained eligibility in accordance with the provisions of § 682.201 from the beginning of the loan period for which the loan was intended. *34 C.F.R. § 682.604(b)(2)*.

**Noncompliance:** The institution failed to document attendance for one student prior to disbursing Federal Pell Grant and Federal Direct Loan funds.

- Student #3 was scheduled to begin attendance on May 2, 2011. The student never began attendance and the Wisconsin Academy completed an R2T4 calculation using 70 scheduled hours on May 15, 2011. A Federal Pell Grant was scheduled for disbursement for April 20, 2011 in the amount of \$2,775.00 in COD. This disbursement was canceled on March 29, 2012. A subsidized Federal Direct Loan (FDL) was scheduled for

disbursement in COD for \$1,742.00 on April 25, 2011. These funds have not been canceled as of the date of this report. An unsubsidized FDL was scheduled for disbursement on April 25, 2011 in the amount of \$2,985.00. These funds have not been canceled in COD as of the date of this report.

**Required Action:** The Wisconsin Academy must immediately establish and implement written procedures to ensure that all refunds are made within the timeframes established by federal regulations. A copy of those policies and procedures must be submitted in response to this report.

The institution must also develop and implement written procedures, which will ensure that, in the future, Title IV disbursements accurately reflect the enrollment and attendance as of the date of disbursement. A copy of those procedures must be submitted in response to this report. Instructions for the repayment of any identified liability will be provided in the Final Program Review Determination letter.

The institution is liable for the unmade refund and the increased expense to the Department for untimely refunds. Instructions for payment of liabilities resulting from this finding will be provided in the Department's Final Program Review Determination Letter.

### **Finding #6 Student Credit Balance Deficiencies**

**Citation:** When ever an institution disburses Title IV, HEA program funds by crediting a student's account and the total amount of all Title IV, HEA program funds credited exceeds the amount of tuition and fees, room and board, and other authorized charges the institution assessed the student, the institution must pay the resulting credit balance directly to the student or parent as soon as possible but:

1. No later than 14 days after the balance occurred if the credit balance occurred after the first day of class of a payment period; or
2. No later than 14 days after the first day of class of a payment period if the credit balance occurred on or before the first day of class of that payment period. *34 C.F.R. § 668.165(a.)*

If an institution obtains written authorization from a student or parent, as applicable, the institution may:

- (i) Disburse Title IV, HEA program funds to a bank account designated by the student or parent;
- (ii) Use the student's or parent's Title IV, HEA program funds to pay for charges that are included in that authorization; and

- (iii) Hold on behalf of the student or parent any Title IV, HEA program funds that would otherwise be paid directly to the student or parent.

In obtaining the student's or parent's authorization, an institution:

- (i) May not require or coerce the student or parent to provide that authorization;
- (ii) Must allow the student or parent to cancel or modify that authorization at any time; and
- (iii) Must clearly explain how it will carry out that activity.

If a student or parent cancels an authorization to hold Title IV, HEA program funds, the institution must pay those funds directly to the student or parent as soon as possible but no later than 14 days after the institution receives that notice. *34 C.F.R. § 668.165(b)*.

**Noncompliance:** Wisconsin Academy failed to disburse Title IV credit balance within the allowable 14 day time frame to four students during the 2011-2012 award year.

- Student #18 received Title IV funds on December 29, 2011 that resulted in a \$1,339.00 credit balance. Wisconsin Academy disbursed the credit balance to the student on January 31, 2012 which was 19 days after when the credit balance should have been negotiated.
- Student #19 received Title IV funds on November 15, 2011 that resulted in a \$1,092.00 credit balance. Wisconsin Academy disbursed the credit balance to the student on December 29, 2011 which was 30 days after when the credit balance should have been negotiated.
- Student #20 received Pell Grant funds on November 23, 2011 that resulted in a \$342.00 credit balance. Wisconsin Academy disbursed the credit balance to the student on December 16, 2011 when FDL funds were received which was 9 days after when the credit balance should have been negotiated.
- Student #20 also received Pell Grant funds on December 31, 2011 that resulted in a \$2,775.00 credit balance. Wisconsin Academy disbursed the credit balance to the student on March 2, 2012 when FDI funds were received which was 48 days after when the credit balance should have been negotiated.
- Student #24 received FDL funds on July 1, 2011 that resulted in a \$3,816.00 credit balance. Wisconsin Academy disbursed \$3,459.00 of the credit balance to the student on July 1, 2011 leaving \$357.00 of a credit balance. Wisconsin Academy subsequently disbursed the remaining credit balance to the student on March 29, 2012 at the time the student withdrew which was 225 days after when the credit balance should have been negotiated.

**Required Action:** The Wisconsin Academy is directed to review the above-cited regulation to ensure strict compliance with the requirements thereof. The institution must strictly enforce procedures to ensure that this finding does not recur.

A copy of the above stated corrected policies and procedures must be submitted in response to this report.

**Finding #7 Crime Awareness Requirements Not Met - Omission/Inadequacy of Required Statistical Disclosures and Policy Statements.**

**Citation:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees through appropriate publications and mailing, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in *34 C.F.R. § 668.46(b)*.

The ASR must be prepared and actively distributed as a single document. Acceptable means of delivery include regular U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. *34 C.F.R. § 668.41 (e)(1)*. These regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. *34 C.F.R. § 668.41 (e)(4)*

An institution's ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs, illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. *34 C.F.R. § 668.46(c)(1)*.

The ASR also must include several mandated policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the ASR itself. Institutions are also required to disclose

alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. As noted above, all required statistics and policies must be included in a single comprehensive document, known as an ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. *§ 485(f) of the HEA; 34 C.F.R. § 668.46 (b)*. Finally, each institution must also submit its crime statistics to the Department for inclusion in the Office of Postsecondary Education's (OPE) "Campus Safety and Security Data Analysis Cutting Tool." *34 C.F.R. § 668.41 (e)(5)*.

**Noncompliance:** The Wisconsin Academy failed to prepare, publish, and distribute an accurate and complete ASR. Specifically, the Wisconsin Academy's ASR did not include the following required statistical disclosures and policy statements:

- Accurate and complete crime statistics for Clery-reportable offenses and for arrests and disciplinary referrals related to liquor, drugs and weapons law violations during the three most recent calendar years (only one year of statistics were included)
- Adequate Timely Warning and Emergency Notification policies
- Safety considerations utilized in the maintenance of the campus
- Type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others
- A description of programs to inform students and employees about crime prevention
- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.
- Notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses
- Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available.

Furthermore, institutional officials were unable to provide documentation that materials typically provided to prospective students and employees include the required notification about the availability of the ASR including a summary of its contents and instructions for obtaining a hard copy.

Failure to publish an accurate and complete ASR and to actively distribute it to current students and employees in accordance with Federal regulations deprives the campus community of important campus crime information.

**Required Action:** As a result of this violation, the Wisconsin Academy must develop and implement policies and procedures for preparing, publishing, and distributing an ASR that meets Federal standards. The new procedures also must articulate how prospective students and employees will be notified of the report's availability. Using its new policies as a guide, the Wisconsin Academy must prepare and publish an accurate and complete ASR that includes all of the statistical disclosures and policy, procedure and programmatic information required under 34 C.F.R. § 668.46(b). A copy of the institution's new policies and procedures and its draft ASR must accompany the Wisconsin Academy's response to this program review report. Once the new ASR is evaluated by the review team for accuracy and completeness, The Wisconsin Academy must actively distribute it to all current students and employees in accordance with 34 C.F.R. § 668.41(e).

Finally, the Wisconsin Academy must provide documentation to the Department evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the Clery Act. This certification must also affirm that the Wisconsin Academy understands its Clery Act obligations and that it will take all necessary corrective actions to ensure that this violation does not recur.

As noted above, this finding constitutes a serious violation of the *Clery Act* that by its nature cannot be cured. The Wisconsin Academy will be given an opportunity to develop and distribute a compliant ASR and in so doing, bring its overall campus security program into compliance with the *Clery Act* as required by its PPA. However, the Wisconsin Academy is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional corrective or administrative actions.

Based on an evaluation of all available information including the Wisconsin Academy's response, the Department will determine if additional actions will be required and will advise the institution accordingly in its Final Program Review Determination.

### **Finding #8 Failure to Comply with the Drug-Free School and Communities Act**

**Citation:** The Drug-Free Schools and Communities Act and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- 1) A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- 2) A written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- 3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- 4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- 5) A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review to determine the effectiveness of its drug and alcohol abuse education and prevention program and to ensure consistent enforcement of applicable laws, ordinances, and institutional policies against students and employees found to be in violation. The biennial review materials must be maintained by the IHE and made available to the Department upon request. *34 C.F.R. §§ 86.3 and 86.100.*

**Noncompliance:** The Wisconsin Academy violated the requirements of the Drug-Free Schools and Communities Act (DFSCA). Specifically, the Wisconsin Academy failed to conduct a biennial review (BR) within prescribed timeframes. The BR is intended to determine the effectiveness of its drug and alcohol abuse and prevention program (DAAPP) and to evaluate the consistency of its student and employee disciplinary practices. Institutional officials conceded that the Wisconsin Academy did not commence its 2013 BR until the review team requested its report as part of its program review data request. Furthermore, the Department's research indicates that the Wisconsin Academy has never conducted a BR since its initial approval to participate in the FSA programs in June 2008.

Failure to comply with the DFSCA deprives the institution of important information about the effectiveness of its drug and alcohol abuse prevention programs. Such failures may contribute to increased drug use and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

**Required Action:** As a result of this violation, the Wisconsin Academy is required to take all necessary action to resolve this violation. At a minimum, 1) the Wisconsin Academy must conduct a biennial review to measure the effectiveness of its drug and alcohol programs and to evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct and 2) prepare a detailed report of its findings.

The BR report must describe the research methods and data analysis tools that will be used to determine the program's effectiveness and the consistency of its enforcement strategy. Additionally, the BR report must identify the responsible official(s) who conducted the BR. Finally, the BR report must be approved by the institution's chief executive. The biennial review must be completed by December 15, 2013 and be submitted to the Department by December 31, 2013. Because the DFSCA went into effect in 1990, longstanding practice dictates that the biennial review is normally conducted in even-numbered years and that the BR report is also completed in the same year as well; however, the Wisconsin Academy's past failures to conduct BR's and the need to commence a review immediately will result in the current and subsequent BR's and BR reports to be completed in the odd-numbered years going forward.

As noted above, violations of the DFSCA are very serious and by their nature, cannot be cured. The Wisconsin Academy will be given an opportunity to conduct a meaningful review of its DAAPP and to bring its drug and alcohol programs into compliance with the DFSCA for the first time as required by its Program Participation Agreement (PPA). However, the Wisconsin Academy is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional corrective or administrative actions.

Based on an evaluation of all available information, including the Wisconsin Academy's response, the Department will determine if additional action will be required and will advise the institution accordingly in the FPRD.

### **Finding #9 Verification Policy Inadequate**

**Citation:** An institution must establish and use written policies and procedures for verifying an applicant's Free Application for Federal Student Aid (FAFSA) information. These policies and procedures must include:

- 1) The time period within which an applicant must provide any documentation requested by the institution in accordance with 34 C.F.R. § 668.57;
- 2) The consequences of an applicant's failure to provide the requested documentation within the specified time period;
- 3) The method by which the institution notifies an applicant of the results of its verification if, as a result of verification, the applicant's EFC changes and results in a change in the amount of the applicant's assistance under the Title IV, HEA programs;

- 4) The procedures the institution will follow itself or the procedures the institution will require an applicant to follow to correct FAFSA information determined to be in error: and
- 5) The procedures for making referrals under 34 C.F.R. § 668.16(g).

An institution's procedures must provide that it will furnish, in a timely manner, to each applicant whose FAFSA information is selected for verification a clear explanation of:

- (1) The documentation needed to satisfy the verification requirements: and
- (2) The applicant's responsibilities with respect to the verification of FAFSA information, including the deadlines for completing any actions required under this subpart and the consequences of failing to complete any required action.

An institution's procedures must provide that an applicant whose FAFSA information is selected for verification is required to complete verification before the institution exercises any authority under section 479A(a) of the HEA to make changes to the applicant's cost of attendance or to the values of the data items required to calculate the EFC. *34 C.F.R. § 668.53.*

An institution must require an applicant whose FAFSA information is selected for verification by the Secretary, to verify the information specified by the Secretary pursuant to 34 C.F.R. § 668.56.

If an institution has reason to believe that an applicant's FAFSA information is inaccurate, it must verify the accuracy of that information.

An institution may require an applicant to verify any FAFSA information that it specifies.

If an applicant is selected to verify FAFSA information, the institution must require the applicant to verify the information as specified in 34 C.F.R. § 668.56 if the applicant is selected for a subsequent verification of FAFSA information, except that the applicant is not required to provide documentation for the FAFSA information previously verified for the applicable award year to the extent that the FAFSA information previously verified remains unchanged. *34 C.F.R. § 668.54.*

For each award year the Secretary publishes in the Federal Register notice the FAFSA information that an institution and an applicant may be required to verify.

For each applicant whose FAFSA information is selected for verification by the Secretary, the Secretary specifies the specific information under paragraph (a) of this section that the applicant must verify. *34 C.F.R. § 668.56.*

If an applicant is selected to verify any of the following information, an institution must obtain the specified documentation.

*Adjusted Gross Income (AGI), income earned from work, or U.S. income tax paid.* An institution must require an applicant selected for verification of AGI, income earned from work or U.S. income tax paid to submit to it:

- (i) A copy of the income tax return or an Internal Revenue Service (IRS) form that lists tax account information of the applicant, his or her spouse, or his or her parents, as applicable for the specified year. The copy of the return must include the signature (which need not be an original) of the filer of the return or of one of the filers of a joint return;
- (ii) For a dependent student, a copy of each IRS Form W-2 for the specified year received by the parent whose income is being taken into account if the parents filed a joint return; and the parents are divorced or separated or one of the parents has died; and
- (iii) For an independent student, a copy of each IRS Form W-2 for the specified year he or she received if the independent student filed a joint return; and is a widow or widower, or is divorced or separated.

An institution may accept, in lieu of an income tax return or an IRS form that lists tax account information, the information reported for an item on the applicant's FAFSA for the specified year if the Secretary has identified that item as having been obtained from the IRS and not having been changed.

*Number of family members in household.* An institution must require an applicant selected for verification of the number of family members in the household to submit to it a statement signed by both the applicant and one of the applicant's parents if the applicant is a dependent student, or only the applicant if the applicant is an independent student, listing the name and age of each family member in the household and the relationship of that household member to the applicant.

*Number of family household members enrolled in eligible postsecondary institutions.* An institution must require an applicant selected for verification of the number of household members in the applicant's family enrolled on at least a half-time basis in eligible postsecondary institutions to submit a statement signed by both the applicant and one of the applicant's parents, if the applicant is a dependent student, or by only the applicant if the applicant is an independent student, listing:

- (i) The name of each family member who is or will be attending an eligible postsecondary educational institution as at least a half-time student in the award year;
- (ii) The age of each student; and

- (iii) The name of the institution that each student is or will be attending.

If the institution has reason to believe that an applicant's FAFSA information regarding the number of family household members enrolled in eligible postsecondary institutions is inaccurate, the institution must obtain a statement from each institution named by the applicant that the household member in question is or will be attending the institution on at least a half-time basis, unless:

- (i) The institution the student is attending determines that such a statement is not available because the household member in question has not yet registered at the institution he or she plans to attend; or
- (ii) The institution has information indicating that the student will be attending the same institution as the applicant.

*Other information.* If an applicant is selected to verify other information specified in the annual Federal Register notice, the applicant must provide the documentation specified for that information in the Federal Register notice. *34 C.F.R. § 668.57.*

**Noncompliance:** The Wisconsin Academy does not have a verification policy that includes:

- The specific tax documents that will be collected. The institution was not consistent on the tax information collected for each student;
- How students will be notified to submit verification information. The notification should be in writing and any follow-up contacts may be in person or by telephone, if notated in the student's file;
- A timeframe that the student must submit verification information that the consequences of not providing the information; and
- How the institution will document and resolve C codes.

**Required Action:** The Wisconsin Academy must develop and implement written procedures and control mechanisms which will ensure that, in the future, verification will be completed prior to the disbursement of Title IV funds. A copy of those procedures must be submitted in response to this report. Instructions for the repayment of any identified liability will be provided in the Final Program Review Determination letter.

### **Finding #10 Satisfactory Academic Progress (SAP) Policy Not Adequately Developed**

**Citation:** An institution must establish a reasonable satisfactory academic progress policy for determining whether an otherwise eligible student is making satisfactory academic progress in his or her educational program and may receive assistance under the Title IV, HEA programs.

The Secretary considers the institution's policy to be reasonable if:

- 1) The policy is at least as strict as the policy the institution applies to a student who is not receiving assistance under the Title IV, HEA programs;
- 2) The policy provides for consistent application of standards to all students within categories of students, *e.g.*, full-time, part-time, undergraduate, and graduate students, and educational programs established by the institution;
- 3) The policy provides that a student's academic progress is evaluated at the end of each payment period if the educational program is either one academic year in length or shorter than an academic year; or for all other educational programs, at the end of each payment period or at least annually to correspond with the end of a payment period;
- 4) The policy specifies the grade point average (GPA) that a student must achieve at each evaluation, or if a GPA is not an appropriate qualitative measure, a comparable assessment measured against a norm; and
- 5) The policy specifies the pace at which a student must progress through his or her educational program to ensure that the student will complete the program within the maximum timeframe, and provides for measurement of the student's progress at each evaluation; and an institution calculates the pace at which the student is progressing by dividing the cumulative number of hours the student has successfully completed by the cumulative number of hours the student has attempted;
- 6) The policy describes how a student's GPA and pace of completion are affected by course incompletes, withdrawals, or repetitions, or transfers of credit from other institutions. Credit hours from another institution that are accepted toward the student's educational program must count as both attempted and completed hours;
- 7) The policy provides that, at the time of each evaluation, a student who has not achieved the required GPA, or who is not successfully completing his or her educational program at the required pace, is no longer eligible to receive assistance under the Title IV, HEA programs;
- 8) If the institution places students on financial aid warning, or on financial aid probation, the policy describes these statuses and that a student on financial aid **warning** may continue to receive assistance under the Title IV, HEA programs for one payment period despite a determination that the student is not making satisfactory academic progress. Financial aid warning status may be assigned without an appeal or other action by the student; and a student on financial aid probation may receive Title IV, HEA program

funds for one payment period. While a student is on financial aid probation, the institution may require the student to fulfill specific terms and conditions such as taking a reduced course load or enrolling in specific courses. At the end of one payment period on financial aid probation, the student must meet the institution's satisfactory academic progress standards or meet the requirements of the academic plan developed by the institution and the student to qualify for further title IV, HEA program funds:

- 9) If the institution permits a student to appeal a determination by the institution that he or she is not making satisfactory academic progress, the policy describes:
  - (i) How the student may reestablish his or her eligibility to receive assistance under the Title IV, HEA programs;
  - (ii) The basis on which a student may file an appeal: The death of a relative, an injury or illness of the student, or other special circumstances; and
  - (iii) Information the student must submit regarding why the student failed to make satisfactory academic progress, and what has changed in the student's situation that will allow the student to demonstrate satisfactory academic progress at the next evaluation:
- 10) If the institution does not permit a student to appeal a determination by the institution that he or she is not making satisfactory academic progress, the policy must describe how the student may reestablish his or her eligibility to receive assistance under the Title IV, HEA programs; and
- 11) The policy provides for notification to students of the results of an evaluation that impacts the student's eligibility for Title IV, HEA program funds. *34 C.F.R. §668.34.*

**Noncompliance:** After a review of the Wisconsin Academy's procedures for evaluating a student's Satisfactory Academic Progress (SAP) determination, the Department has determined that the institution's policies and procedures are inadequate. The Wisconsin Academy does not clearly state when a student on warning status does not meet SAP standards for the subsequent payment period that they will be placed on a probationary status if an appeal is granted. Also, the Wisconsin Academy does not issue a written SAP notification that specifies the consequences of being placed on a warning status and the potential impact on a student's financial aid eligibility for further assistance in their SAP notification letter.

**Required Action:** The Wisconsin Academy is required to revise their SAP policy to include probationary language if the student successfully appeal their suspension status and revise the written notification provided to students when placed on warning or suspension status that includes the appeal process.

A copy of the above stated corrective actions must be submitted in response to this report.

### **Finding #11 Consumer Information**

**Citation:** Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this title. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), together with a statement of the procedures required to obtain such information. The information required by this section shall accurately describe institutional policies regarding vaccinations. *HEA Sec. 485 (a)(1)(V).*

Institutions that enter into an agreement with a potential student, student, or parent of a student regarding a Title IV, HEA loan are required to inform the student or parent that the loan will be submitted to the National Student Loan Data System (NSLDS), and will be accessible by guaranty agencies, lenders, and institutions determined to be authorized users of the data system. *HEOA Sec. 489 amended HEA Sec. 485B(d)(4) (20 U.S.C. 1092b).*

Information on financial assistance that the institution must publish and make readily available to current and prospective students under this subpart includes, but is not limited to, a description of all the Federal, State, local, private and institutional student financial assistance programs available to students who enroll at that institution.

These programs include both need-based and non-need-based programs.

The institution may describe its own financial assistance programs by listing them in general categories.

The institution must describe the terms and conditions of the loans students receive under the Federal Family Education Loan Program and the William D. Ford Federal Direct Student Loan. States an institution must make available to any enrolled student or prospective student through appropriate publications, mailings, or electronic media, information concerning:

- The procedures and forms by which students apply for assistance;
- The student eligibility requirements;
- The criteria for selecting recipients from the group of eligible applicants; and
- The criteria for determining the amount of a student's award.

The institution must describe the rights and responsibilities of students receiving financial assistance and, specifically, assistance under the Title IV, HEA programs. This description must include specific information regarding:

- (1) Criteria for continued student eligibility under each program;
- (2) Standards which the student must maintain in order to be considered to be making satisfactory progress in his or her course of study for the purpose of receiving financial assistance; and criteria by which the student who has failed to maintain satisfactory progress may re-establish his or her eligibility for financial assistance;
- (3) The method by which financial assistance disbursements will be made to the students and the frequency of those disbursements;
- (4) The terms of any loan received by a student as part of the student's financial assistance package, a sample loan repayment schedule for sample loans and the necessity for repaying loans;
- (5) The general conditions and terms applicable to any employment provided to a student as part of the student's financial assistance package; and
- (6) The exit counseling information the institution provides and collects as required by 34 CFR 685.304 for borrowers under the William D. Ford Federal Direct Student Loan Program, and by 34 CFR 682.604 for borrowers under the Federal Stafford Loan Program.

The information that the institution must make readily available to enrolled and prospective students which includes, but is not limited to:

- Any refund policy with which the institution is required to comply for the return of unearned tuition and fees or other refundable portions of costs paid to the institution;
- The requirements and procedures for officially withdrawing from the institution;
- A summary of the requirements under § 668.22 for the return of Title IV, HEA program grant or loan assistance; and
- A description of the transfer of credit policies established by the institution which must include a statement of the institution's current transfer of credit policies that includes, at a minimum, any established criteria the institution uses regarding the transfer of credit earned at another institution. *34 C.F.R. § 668.42.*

Institutional information that the institution must make readily available to enrolled and prospective students under this subpart includes, but is not limited to:

- 1) The cost of attending the institution, including:
  - (i) Tuition and fees charged to full-time and part-time students;
  - (ii) Estimates of costs for necessary books and supplies;
  - (iii) Estimates of typical charges for room and board;
  - (iv) Estimates of transportation costs for students; and

- (v) Any additional cost of a program in which a student is enrolled or expresses a specific interest;
- 2) Any refund policy with which the institution is required to comply for the return of unearned tuition and fees or other refundable portions of costs paid to the institution;
- 3) The requirements and procedures for officially withdrawing from the institution;
- 4) A summary of the requirements under §668.22 for the Return of Title IV grant or loan assistance;
- 5) The academic program of the institution, including:
  - (i) The current degree programs and other educational and training programs;
  - (ii) The instructional, laboratory, and other physical facilities which relate to the academic program;
  - (iii) The institution's faculty and other instructional personnel; and
  - (iv) Any plans by the institution for improving the academic program of the institution, upon a determination by the institution that such a plan exists;
- 6) The names of associations, agencies or governmental bodies that accredit, approve, or license the institution and its programs and the procedures by which documents describing that activity may be reviewed under paragraph (b) of this section;
- 7) A description of the services and facilities available to students with disabilities, including students with intellectual disabilities as defined in subpart O of this part;
- 8) The titles of persons designated under §668.44 and information regarding how and where those persons may be contacted;
- 9) A statement that a student's enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment at the home institution for the purpose of applying for assistance under the title IV, HEA programs;
- 10) Institutional policies and sanctions related to copyright infringement, including:
  - (i) A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
  - (ii) A summary of the penalties for violation of Federal copyright laws;
  - (iii) A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system; and
- 11) A description of the transfer of credit policies established by the institution which must include a statement of the institution's current transfer of credit policies that includes, at a minimum:
  - (i) Any established criteria the institution uses regarding the transfer of credit earned at another institution; and
  - (ii) A list of institutions with which the institution has established an articulation agreement; and

- 12) A description of written arrangements the institution has entered into in accordance with §668.5, including, but not limited to, information on:
  - (i) The portion of the educational program that the institution that grants the degree or certificate is not providing;
  - (ii) The name and location of the other institutions or organizations that are providing the portion of the educational program that the institution that grants the degree or certificate is not providing;
  - (iii) The method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and
  - (iv) Estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement.

The institution must make available for review to any enrolled or prospective student upon request, a copy of the documents describing the institution's accreditation and its State, Federal, or tribal approval or licensing. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint. *34 C.F.R. § 668.43.*

An institution must establish and use written policies and procedures for verifying an applicant's FAFSA information in accordance with the provisions of this subpart. These policies and procedures must include:

- (1) The time period within which an applicant must provide any documentation requested by the institution in accordance with §668.57;
- (2) The consequences of an applicant's failure to provide the requested documentation within the specified time period;
- (3) The method by which the institution notifies an applicant of the results of its verification if, as a result of verification, the applicant's EFC changes and results in a change in the amount of the applicant's assistance under the title IV, HEA programs;
- (4) The procedures the institution will follow itself or the procedures the institution will require an applicant to follow to correct FAFSA information determined to be in error; and
- (5) The procedures for making referrals under §668.16(g).

An institution's procedures must provide that it will furnish, in a timely manner, to each applicant whose FAFSA information is selected for verification a clear explanation of:

- (1) The documentation needed to satisfy the verification requirements; and
- (2) The applicant's responsibilities with respect to the verification of FAFSA information, including the deadlines for completing any actions required under this subpart and the consequences of failing to complete any required action.

An institution's procedures must provide that an applicant whose FAFSA information is selected for verification is required to complete verification before the institution exercises any authority under section 479A(a) of the HEA to make changes to the applicant's cost of attendance or to the values of the data items required to calculate the EFC. *34 C.F.R. §668.53.*

Educational institutions receiving federal funding are required to hold an educational program pertaining to the United States Constitution on September 17 of each year. This notice implements this provision as it applies to educational institutions receiving Federal funding from the Department. *Section 111 of Division J of Pub. L. 108-447, the "Consolidated Appropriations Act, 2005.*

**Noncompliance:** At the time of the review, the institution failed to make readily available to enrolled and prospective students the following information within their catalog and/or website:

- Professional Judgment and Dependency Override policies and how a student can request consideration;
- Updated Federal Direct Loan information containing the monetary range, length of loan periods used and the disbursement schedules used (450 clock hour increments);
- Loan forbearance and deferment information;
- Updated Federal Pell Grant information containing the monetary range and frequency of disbursements (450 clock hour increments);
- Students Rights and Responsibilities;
- References to the National Student Loan Database System (NSLDS) for students to obtain their enrollment and financial aid history;
- Expanded Return to Title IV Refund (R2T4) information including a sample calculation;
- Students with Disabilities information;
- Treatment of Transfer credit/clock hour information;
- Constitution Day;
- Vaccination policy; and
- Student body diversity and the percentage that receive financial aid and by type.

**Required Action:** The Wisconsin Academy must revise all of its consumer information documents (including its catalog) to include the missing elements identified above. Copies of the revised documents and catalog must be submitted with the institution's response to this program review report. Furthermore, the school must immediately disseminate the above listed consumer information to all enrolled and prospective students. As evidence of this action, the Wisconsin Academy must provide a written statement attesting to its compliance in disseminating this information; this statement must also include the date the information was disseminated and a description of how it was disseminated.