

Chapter EAB 8

REFUND STANDARDS

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Note: Chapter EAB 7 was renumbered Chapter EAB 8, Register, June, 1990, No. 414, eff. July 1, 1990.

Note: The statutory authority for ch. EAB 8 is s. 38.51 (7) (c), Stats.

EAB 8.01 Philosophy and principles. (1) The board shall approve only those schools which publish and adhere to refund provisions consistent with the standards below.

(2) The refund standards required by this rule are based upon these principles:

(a) Students make numerous "false starts" in their education. It is important to preserve for the student the right to a change of mind (recognition of a false start) without too serious a penalty, since this action itself may be important in the student's growth, maturation and learning.

(b) It is the responsibility of the school, through pre-enrollment counseling, to make reasonably certain before enrollment is completed that the student has the ability to profit from the program under consideration.

(c) Since it is the responsibility of the school to select its students carefully, charges to the student upon cancellation or withdrawal before the program begins should be a smaller portion of the total cost of the course of instruction than upon withdrawal after partial completion.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, December, 1980, No. 300, eff. 1-1-81; am. (1), (2) (a), to (c), r. (2) (d), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.02 Definition. "Unit" means credits, hours, class days, correspondence lessons, or other approved instructional time periods.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; am. Register, June, 1990, No. 414, eff. 7-1-90; r. and recr., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.03 Full refund. A school's refund policy shall provide for a full refund of all money paid by the student if:

(1) The student cancels enrollment within 3 business days under s. EAB 6.04;

(2) The student accepted was unqualified, and the school did not secure a disclaimer under s. EAB 9.04;

(3) The school procured the student's enrollment as the result of any false representations in the written materials used by the school or in oral representations made by or on behalf of the school.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 7.02 and am., Register, December, 1980, No. 300, eff. 1-1-81; am. (1) and (2), Register, June, 1990, No. 414, eff. 7-1-90; am. (1) and (3), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.04 No refund in programs which have fixed class schedules, are shorter than 6 class days and cost less than \$150. If for any reason a student withdraws or is dismissed by the school from a program which has a fixed class schedule, is shorter than 6 class days, is less than \$150 in total cost and is not one of a sequence of programs, the student is not entitled to any refund, except that the student is entitled to a full refund in the following instances:

(1) The student accepted was unqualified, and the school did not secure a disclaimer under s. EAB 9.04;

(2) The student's enrollment was procured as the result of false representations.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; am. (1), Register, June, 1990, No. 414, eff. 7-1-90; am. (Intro.), (1) and (2), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.05 Partial refund in courses of instruction which have fixed class schedules and which are shorter than 11 class days. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; am. (Intro.), Register, June, 1990, No. 414, eff. 7-1-90; r., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.05 Partial refunds. A student who withdraws or is dismissed after attending at least one class or submitting at least one lesson, but before completing 60% of the potential units of instruction in the current enrollment period, shall be entitled to a pro rata refund, as calculated below, less any amounts owed by the student for the current enrollment period, less a one-time application fee of \$100.

(1) Pro rata refund shall be determined as the number of units remaining after the last unit completed by the student, divided by the total number of units in the enrollment period, rounded downward to the nearest ten percent. Pro rata refund is the resulting per cent applied to the total tuition and other required costs paid by the student for the current enrollment period.

(2) All efforts will be made to refund prepaid amounts for books, supplies and other charges unless the student has consumed or used those items and they can no longer be used or sold to new students, or returned by the school to the supplier.

(3) Refunds shall be paid within 40 days after the effective date of termination.

(4) After the student's first period of enrollment, if a student withdraws or is dismissed in a subsequent enrollment period, the school may also retain an administrative fee of 15% of the total cost of a resident program, or \$400, whichever is less.

(5) No refund is required for any student who withdraws or is dismissed after completing 60% of the potential units of instruction in the current enrollment period unless a student withdraws due to mitigating circumstances, which are those that directly prohibit pursuit of a program and which are beyond the student's control.

History: Cr., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.06 Partial refund in courses of instruction which have fixed class schedules and which are longer than 10 class days. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; r., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.06 Good faith effort. A school is considered to have made a good faith effort to make a refund, if the student's file contains evidence of the following attempts:

(1) Certified mail to student's last known address;

(2) Certified mail to the student's permanent address;

(3) Certified mail to the address of the student's parent or listed next of kin, if different from the permanent address.

History: Cr., Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.07 Partial refund in resident courses of instruction which are divided into 2 or more terms. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; r. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.07 Notice of withdrawal. (1) A school may not require that notice of withdrawal be in writing, on or in any particular form, or delivered in a specific manner.

(2) The school shall honor any valid notice of withdrawal given after the 3-business-day cancellation period and, within 30 calendar days after dismissal of the student or receipt of notice of withdrawal, shall refund to the student any amounts due and arrange for a termination of the student's obligation to pay any sum in excess of that permitted under the refund standards.

(3) For students receiving funds under Title IV and Title 38, schools shall comply with applicable federal guidelines for providing constructive notice of an intention to withdraw.

History: Cr. (1), (3) and (4) and renum. EAB 7.03 (7) to be (2) and am., Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 8.12, , r. and rec. (3) and (4), Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.08 Partial refund in courses of instruction without fixed class schedules. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81, r. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.08 Refund not conditional on compliance with school regulations. A school may not make its refund

policy conditional upon compliance with the school's rules of conduct or other regulations.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; renum. from EAB 7.04 and am., Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 8.13, Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.09 Partial refund in courses of instruction offered on a lesson-by-lesson basis. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; r. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.09 Distribution of refunds to financial aid sponsors. All or a portion of any refunds due may be paid to sponsors furnishing grants, loans, scholarships or other financial aids to students, in conformity with federal and state laws, regulations and rules and requirements of financial aid sponsors. After any disbursements to financial aid sponsors have been made, the student shall receive the balance, if any, of the amount due under the school's refund policy.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from EAB 8.14, Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.10 Partial refund in correspondence courses of instruction. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; r. Register, October, 1997, No. 502, eff. 12-1-97.

EAB 8.11 Partial refund in combination courses of instruction. History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; r. Register, October, 1997, No. 502, eff. 12-1-97.