Malaise, Gordon

From: Mikalsen, Mike
Sent: Wednesday, December 07, 2011 2:35 PM
To: Malaise, Gordon
Subject: LRB-2869/1 - EAB Modernization Bill - Request for Change

Gordon,

Rep. Nass would like to have LRB-2869/1 re-drafted to include the following change:

SECTION 140. 115.28 (7g) of the statutes is created to read:

115.28 **(7g)** APPROVAL OF LICENSURE AND PROFESSIONAL DEVELOPMENT PROGRAMS.
Have the exclusive authority to do all of the following:

(a) Approve a program offered by a school located in this state, or accept a program offered in this state by a school located outside this state that is accredited by another state or jurisdiction, leading to licensure of teachers ~~or providing professional development for teachers~~, including an online or distance learning program.

(b) Approve a school located in this state, or accept a school located outside this state that is accredited by another state or jurisdiction, that, in this state, offers only programs leading to licensure of teachers ~~or providing professional development for teachers~~, including online and distance learning programs.

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State of Wisconsin
2011 - 2012 LEGISLATURE

IN 12/9
Wanted 12/12

LRB-2869/1
GMM:nwn&med:rs

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RMR

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2011 BILL

AN ACT ***to repeal*** 37.70, 38.50 (1) (b), 38.50 (1) (e) 6., 38.50 (1) (e) 8., 38.50 (7) (b), 38.50 (8) (h), 38.50 (8) (i), 38.50 (10) (title), 38.50 (11) (a) (intro.), 38.50 (11) (a) 1., 38.50 (11) (a) 2. and 38.50 (11) (b) 2.; ***to renumber*** 38.50 (title), 38.50 (1) (d), 38.50 (7) (i), 38.50 (8) (c) 2., 38.50 (8) (c) 7., 38.50 (8) (d), 38.50 (8) (e), 38.50 (10) (c) (intro.), 38.50 (10) (c) 4., 38.50 (11) (title), 38.50 (12) (title), 38.50 (12) (a) 1., 38.50 (13) (title), 38.50 (13) (a) 2. (intro.), 38.50 (13) (a) 2. a., 38.50 (13) (a) 2. b., 38.50 (13) (a) 2. d., 38.50 (13) (a) 2. e., 38.50 (13) (a) 3., 38.50 (13) (a) 4., 38.50 (13) (b) and 38.50 (13) (c); ***to renumber and amend*** 38.50 (1) (intro.), 38.50 (1) (a), 38.50 (1) (c), 38.50 (1) (e) (intro.), 38.50 (1) (e) 1., 38.50 (1) (e) 2., 38.50 (1) (e) 3., 38.50 (1) (e) 4., 38.50 (1) (e) 5., 38.50 (1) (e) 7., 38.50 (1) (f), 38.50 (1) (g), 38.50 (2), 38.50 (3), 38.50 (5), 38.50 (7) (intro.), 38.50 (7) (a), 38.50 (7) (c), 38.50 (7) (d), 38.50 (7) (e), 38.50 (7) (f), 38.50 (7) (g), 38.50 (7) (h), 38.50 (8) (title), 38.50 (8) (a), 38.50 (8) (b), 38.50 (8) (c) (intro.), 38.50 (8) (c) 1., 38.50 (8) (c) 3., 38.50 (8) (c) 4., 38.50 (8) (c) 5., 38.50 (8) (c) 6., 38.50 (8) (f), 38.50 (8) (g), 38.50 (10) (a),

38.50 (10) (b), 38.50 (10) (c) (title), 38.50 (10) (c) 1., 38.50 (10) (c) 2., 38.50 (10) (c) 3., 38.50 (10) (cm), 38.50 (10) (d), 38.50 (10) (e), 38.50 (10) (f), 38.50 (11) (a) 3., 38.50 (11) (b) 1., 38.50 (11) (c), 38.50 (11) (d), 38.50 (12) (a) (intro.), 38.50 (12) (a) 1m., 38.50 (12) (a) 2., 38.50 (12) (b), 38.50 (12) (c), 38.50 (12) (d), 38.50 (12) (e), 38.50 (13) (a) (intro.), 38.50 (13) (a) 1., 38.50 (13) (a) 2. c., 38.50 (13) (d), 71.07 (5r) (a) 2., 71.28 (5r) (a) 2. and 71.47 (5r) (a) 2.; ***to amend*** 15.406 (6) (a) 1., 20.292 (2) (g), 20.292 (2) (gm), 20.292 (2) (i), 29.506 (7m) (a), 45.20 (1) (d), 45.20 (2) (a) 1., 45.20 (2) (a) 2. (intro.), 45.20 (2) (c) 1., 45.20 (2) (d) 1. (intro.), 45.21 (2) (a), 71.05 (6) (b) 28. (intro.), 71.07 (5r) (a) 6. b., 71.07 (5r) (b) 1., 71.07 (5r) (b) 2., 71.07 (5r) (c) 3. a., 71.07 (5r) (c) 3. b., 71.07 (5r) (c) 4., 71.28 (5r) (a) 6. b., 71.28 (5r) (b) 1., 71.28 (5r) (b) 2., 71.28 (5r) (c) 3. a., 71.28 (5r) (c) 3. b., 71.28 (5r) (c) 4., 71.47 (5r) (a) 6. b., 71.47 (5r) (b) 1., 71.47 (5r) (b) 2., 71.47 (5r) (c) 3. a., 71.47 (5r) (c) 3. b., 71.47 (5r) (c) 4., 111.335 (1) (cx), 182.028, 460.05 (1) (e) 1., 944.21 (8) (b) 3. a. and 948.11 (4) (b) 3. a.; ***to repeal and recreate*** 20.292 (2) (g); and ***to create*** 37.01 (2), 37.10 (2) to (6), 37.15, 37.30 (title), 37.30 (2), 37.35 (2), 37.35 (3) (c), (d), (e) and (g), 37.35 (8), 37.40 (title), 37.45, 37.50 and 115.28 (7g) of the statutes; **relating to:** the purposes, authority, and responsibilities of the Educational Approval Board and the regulation of schools by that board.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Educational Approval Board (EAB) is required to protect the general public by inspecting and approving private trade, correspondence, business, and technical schools, changes of ownership or control of those schools, teaching locations used by those schools, and courses of instruction offered by those schools and to regulate the soliciting of students for courses and courses of instruction offered by those schools. Current law also requires EAB to perform certain actions to protect students, prevent fraud, and encourage generally

accepted educational standards at those schools. Those actions include requiring schools offering courses and courses of instruction to residents of this state to furnish information concerning their facilities, curricula, instructors, enrollment policies, tuition and other charges and fees, refund policies, and policies concerning the negotiability of promissory instruments received in payment of tuition and other charges.

Current law also prohibits a solicitor representing any school from soliciting students for a course or course of instruction for a consideration or remuneration, except upon the actual business premises of the school, unless the solicitor first secures a solicitor's permit from EAB, and includes provisions relating to application for and issuance of solicitor's permits, refusal or revocation of those permits, and consequences for soliciting students without a permit. Moreover, current law permits EAB to indemnify a student, parent, or sponsor from an appropriation commonly referred to as the student protection fund if a school closure results in losses to the student, parent, or sponsor. Finally, current law permits EAB to take possession of the student records of schools, including certain schools not approved by EAB, that have discontinued their operations, are proposing to discontinue their operations, or are in imminent danger of discontinuing their operations, if the records are in danger of being destroyed, secreted, mislaid, or otherwise being made unavailable to the person who is the subject of the record. Schools not approved by EAB whose student records EAB may take into possession include tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal places of business in this state before 1970; schools that are licensed, approved, and supervised by other state agencies; schools approved by the Department of Public Instruction for the training of teachers; and schools accredited by accrediting agencies recognized by EAB.

This bill moves the powers and duties of EAB from a chapter of the statutes relating to the Technical College System to its own newly created chapter, reorganizes those powers and duties, and makes various substantive changes with respect to those powers and duties. Specifically, the bill does the following:

1. ***Purposes.*** Specifies that the purposes of EAB are to protect the general public and to support quality educational options and requires EAB to accomplish those purposes by doing all of the following:

a. Evaluating and approving schools, which the bill redefines to mean, subject to certain exceptions, any individual, partnership, association, corporation, or limited liability company doing business within this state, whether located within or outside this state, that offers, maintains, provides, or conducts for a fee a course of study that provides practical or academic instruction, education, or training leading to a diploma, certificate, degree, or other indicia that a student has acquired knowledge or skills (program), including any private trade, technical, career, distance learning, or degree-granting school.

b. Collecting and disseminating outcome and satisfaction information for the students of schools.

c. Performing annual reviews of schools.

d. Conducting regular on-site evaluations of schools.

e. Holding schools accountable for improving their performance and effectiveness.

f. Supporting options for innovative and quality programs offered by schools.

2. ***Accountability.*** Requires EAB to develop, periodically review, and, if appropriate, revise a strategic plan and to use the strategic plan to evaluate annually EAB's performance and effectiveness.

3. ***Authority.*** Requires EAB to approve schools, programs that another state agency or board is not authorized to approve or accept, changes of ownership or control of schools, teaching locations used by schools, and school representatives who, in places other than a school, attempt to secure the enrollment of students in the school if those schools, programs, changes of ownership or control, meet the requirements and standards established by EAB and that comply with rules promulgated by EAB. In the case of a school that offers a program that another state agency or board is authorized to approve or accept, including a program leading to a credential that is required for licensure or a program providing professional development for a licensee, the bill requires EAB to cooperate with that other state agency or board in the approval of the school by EAB and the approval or acceptance of the program by that other state agency or board. The bill also grants to the state superintendent of public instruction the exclusive authority to approve or accept programs offered in this state leading to the licensure of teachers ~~or providing professional development for teachers~~ and schools that, in this state, offer only those programs.

4. ***Responsibility.*** Requires EAB to perform certain actions to hold schools accountable for achieving satisfactory student outcomes and to ensure that programs meet generally accepted educational, occupational, and industry standards, including establishing standards and criteria for approving schools offering programs that are delivered primarily by distance learning and requiring a school, prior to enrolling a student who is a resident of this state, to provide the student with a catalog that includes information about the following:

a. The school's mission, facilities, programs, and instructors.

b. The school's policies concerning enrollment and admissions, academic progress, and student conduct.

c. Student services, including employment assistance services, that the school provides.

d. The school's complaint procedures.

e. Student outcome and satisfaction information.

f. The school's fees, refund policies, and policies concerning the negotiability of promissory instruments received in payment of fees.

g. Any other information EAB considers necessary to hold schools accountable for achieving satisfactory student outcomes and to ensure that programs meet generally accepted educational, occupational, and industry standards.

5. ***Reporting.*** Requires an approved school to submit annually to EAB all of the following:

a. Information about the school as prescribed by EAB, including a current school catalog, an enrollment contract, if one is used, copies of advertising used by the school, and financial information as EAB considers necessary.

b. Student satisfaction and outcome information, including information on the number of students from the prior year who are continuing in the current year, the number of new students starting in the current year, the number of students who have dropped out or withdrawn since the prior year, the number of students who are anticipated to continue next year, the number of students completing a program, the number of completers successfully employed, and such other information as EAB considers necessary.

c. A report on the school's progress in achieving the goals of its institutional plan.

6. ***Recruiting.*** Deletes, effective 24 months after the date of publication of the bill, the statutory provisions relating to solicitor's permits, but retains EAB's responsibility to regulate student recruitment and to issue permits to school representatives.

7. ***Student protection fund.*** Permits EAB to pursue any legal action it considers necessary to recover any losses paid from the student protection fund.

8. ***Student records.*** Eliminates the authority of EAB to take possession of the student records of a school not approved by EAB that has discontinued its operations, is proposing to discontinue its operations, or is in imminent danger of discontinuing its operations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.406 (6) (a) 1. of the statutes is amended to read:

2 15.406 **(6)** (a) 1. Six massage therapists or bodywork therapists licensed under
3 ch. 460 who have engaged in the practice of massage therapy or bodywork therapy
4 for at least 2 years preceding appointment. One member appointed under this
5 subdivision shall be a representative of a massage therapy or bodywork therapy
6 school approved by the educational approval board under ~~s. 38.50~~ ch. 37. One
7 member appointed under this subdivision shall be a representative of a massage
8 therapy or bodywork therapy program offered by a technical college in this state. No
9 other members appointed under this subdivision shall be directly or indirectly
10 affiliated with a massage therapy or bodywork therapy school or program.

1 **SECTION 2.** 20.292 (2) (g) of the statutes is amended to read:

2 20.292 **(2)** (g) *Proprietary school programs.* The amounts in the schedule for
3 the examination and approval of ~~proprietary~~ school programs under ch. 37. Ninety
4 percent of all moneys received from the issuance of ~~solicitor's~~ representative's
5 permits under s. ~~38.50 (8)~~ 37.70 and from the fees under s. ~~38.50 (10)~~ 37.40 (3) (c) and
6 all moneys received from the fees under s. ~~38.50 (13) (d)~~ 37.65 (4) shall be credited
7 to this appropriation account.

8 **SECTION 3.** 20.292 (2) (g) of the statutes, as affected by 2011 Wisconsin Act ....
9 (this act), is repealed and recreated to read:

10 20.292 **(2)** (g) *Approval of school programs.* The amounts in the schedule for
11 the examination and approval of school programs under ch. 37. Ninety percent of all
12 moneys received from the fees under s. 37.40 (3) (c) and all moneys received from the
13 fees under s. 37.65 (4) shall be credited to this appropriation account.

14 **SECTION 4.** 20.292 (2) (gm) of the statutes is amended to read:

15 20.292 **(2)** (gm) *Student protection.* All moneys received from fees received
16 under s. ~~38.50 (10) (c) 4.~~ 37.40 (3) (d) and from amounts recovered under s. 37.50 (1),
17 for the purpose of indemnifying students, parents, or sponsors under s. ~~38.50 (10) (a)~~
18 37.50 (1) and for the purpose of preserving under s. ~~38.50 (11)~~ 37.55 the ~~students~~
19 student records of schools~~, as defined in s. 38.50 (11) (a) 2.,~~ that have discontinued
20 their operations.

21 **SECTION 5.** 20.292 (2) (i) of the statutes is amended to read:

22 20.292 **(2)** (i) *Closed schools; preservation of student records.* All moneys
23 received from fees collected under s. ~~38.50 (11) (d)~~ 37.55 (4) to be used for the
24 administrative costs of taking possession of, preserving, and providing under s. 37.55

1 copies of student records of schools~~, as defined in s. 38.50 (11) (a) 2.,~~ that have
2 discontinued their operations.

3 **SECTION 6.** 29.506 (7m) (a) of the statutes is amended to read:

4 29.506 **(7m)** (a) The department shall issue a taxidermy school permit to a
5 person who applies for the permit; who, on August 15, 1991, ~~holds~~ held a valid
6 taxidermist permit issued under this section; and who, on August 15, 1991, ~~operates~~
7 operated a taxidermy school approved by the educational approval board under s.
8 ~~38.50~~ 38.51, 1991 stats.

9 **SECTION 7.** 37.01 (2) of the statutes is created to read:

10 37.01 **(2)** "Fee" means an application fee, a fee charged for tuition, books, or
11 materials, or any other fee charged to attend a school.

12 **SECTION 8.** 37.10 (2) to (6) of the statutes are created to read:

13 37.10 **(2)** Collecting and disseminating outcome and satisfaction information
14 for students attending schools.

15 **(3)** Performing annual reviews of schools.

16 **(4)** Conducting regular on-site evaluations of schools.

17 **(5)** Holding schools accountable for improving their performance and
18 effectiveness.

19 **(6)** Supporting options for innovative and quality programs offered by schools.

20 **SECTION 9.** 37.15 of the statutes is created to read:

21 **37.15 Accountability.** The board shall develop, periodically review, and, if
22 appropriate, revise a strategic plan for achieving its purposes under s. 37.10. The
23 strategic plan shall include specific goals, objectives, and measurable results. The
24 board shall use the strategic plan to evaluate annually the board's performance and
25 effectiveness.

1 **SECTION 10.** 37.30 (title) of the statutes is created to read:

2 **37.30** (title) **Authority.**

3 **SECTION 11.** 37.30 (2) of the statutes is created to read:

4 37.30 **(2)** In the case of a school that offers a program that another state agency
5 or board is authorized to approve or accept, including a program leading to a
6 credential that is required for licensure or a program providing professional
7 development for a licensee, the board shall cooperate with that other state agency or
8 board in the approval of the school by the board and the approval or acceptance of
9 the program by that other state agency or board.

10 **SECTION 12.** 37.35 (2) of the statutes is created to read:

11 37.35 **(2)** Establish standards and criteria for approving schools offering
12 programs that are delivered primarily by distance learning.

13 **SECTION 13.** 37.35 (3) (c), (d), (e) and (g) of the statutes are created to read:

14 37.35 **(3)** (c) Student services, including employment assistance services, that
15 the school provides.

16 (d) The school's complaint procedures.

17 (e) Student outcome and satisfaction information.

18 (g) Any other information that the board considers necessary to accomplish the
19 goals specified in s. 37.35 (intro.).

20 **SECTION 14.** 37.35 (8) of the statutes is created to read:

21 37.35 **(8)** Require schools to comply with all applicable building, plumbing,
22 electrical, and fire codes and all similar codes established for the protection of the
23 health and safety of occupants of school buildings.

24 **SECTION 15.** 37.40 (title) of the statutes is created to read:

25 **37.40** (title) **Approval; application; fees.**

1 **SECTION 16.** 37.45 of the statutes is created to read:

2 **37.45 Reporting. (1)** INFORMATION ABOUT SCHOOL. An approved school shall
3 annually submit to the board information about the school as prescribed by the
4 board, including a current school catalog, an enrollment contract, if one is used by
5 the school, copies of advertising used by the school during the preceding year, and
6 financial information as the board considers necessary.

7 **(2)** STUDENT OUTCOME AND SATISFACTION INFORMATION. An approved school shall
8 annually report to the board student satisfaction and outcome information,
9 including information on the number of students from the prior year who are
10 continuing in the current year, the number of new students starting in the current
11 year, the number of students who have dropped out or withdrawn since the prior
12 year, the number of students who are anticipated to continue next year, the number
13 of students completing a program, the number of completers successfully employed,
14 and such other information as the board considers necessary.

15 **(3)** INSTITUTIONAL PLAN. An approved school shall have an institutional plan
16 and shall report annually to the board on the progress of the school in achieving the
17 goals of the plan.

18 **SECTION 17.** 37.50 of the statutes is created to read:

19 **37.50 Consumer protection. (1)** STUDENT PROTECTION FUND. If a school
20 closure results in losses to students, parents, or sponsors, the board may authorize
21 the full or partial payment of those losses from the appropriation under s. 20.292 (2)
22 (gm). The board may pursue any legal action it considers necessary to recover any
23 losses paid from that appropriation. Any losses recovered under this subsection shall
24 be deposited into the general fund and credited to the appropriation account under
25 s. 20.292 (2) (gm).

1 **SECTION 18.** 37.70 of the statutes, as affected by 2011 Wisconsin Act .... (this
2 act), is repealed.

3 **SECTION 19.** 38.50 (title) of the statutes is renumbered chapter 37 (title).

4 **SECTION 20.** 38.50 (1) (intro.) of the statutes is renumbered 37.01 (intro.) and
5 amended to read:

6 **37.01 Definitions.** (intro.) In this ~~section~~ chapter, unless the context clearly
7 requires otherwise:

8 **SECTION 21.** 38.50 (1) (a) of the statutes is renumbered 37.01 (1) and amended
9 to read:

10 37.01 **(1)** ~~Notwithstanding s. 38.01 (2), "board"~~ "Board" means the educational
11 approval board.

12 **SECTION 22.** 38.50 (1) (b) of the statutes is repealed.

13 **SECTION 23.** 38.50 (1) (c) of the statutes is renumbered 37.01 (4) and amended
14 to read:

15 37.01 **(4)** ~~"Course of instruction"~~ "Program" means a ~~series of classroom or~~
16 ~~correspondence courses having a unified purpose which lead~~ course of study that
17 provides practical or academic instruction, education, or training leading to a
18 diploma ~~or~~, certificate, degree ~~or to an occupational or vocational objective~~, or other
19 indicia that a student has acquired knowledge or skills, but does not include
20 education or training offered by an employer solely to its employees or a program that
21 another state agency or board is authorized to approve or accept.

22 **SECTION 24.** 38.50 (1) (d) of the statutes is renumbered 37.01 (3).

23 **SECTION 25.** 38.50 (1) (e) (intro.) of the statutes is renumbered 37.01 (6) (intro.)
24 and amended to read:

37.01 **(6)** (intro.) "School" means any person doing business within this state, whether located within or outside this state, that offers, maintains, provides, or conducts a program for a fee, including any private trade, ~~correspondence, business, or~~ technical, career, distance learning, or degree-granting school, but ~~does not include~~ not including any of the following:

SECTION 26. 38.50 (1) (e) 1. of the statutes is renumbered 37.01 (6) (a) (intro.) and amended to read:

37.01 **(6)** (a) (intro.) ~~In-state schools that are~~ An in-state school that is exempt from taxation under section 501 of the Internal Revenue Code and that ~~either were~~ meets any of the following requirements:

1. Was incorporated in this state prior to January 1, 1992, ~~or had their~~ and has continuously been in good standing under ch. 181 since the date of incorporation.

2. Had its administrative headquarters and principal places of business in this state prior to 1970.

SECTION 27. 38.50 (1) (e) 2. of the statutes is renumbered 37.01 (6) (b) and amended to read:

37.01 **(6)** (b) ~~Schools~~ A school that ~~are supported mainly by taxes~~ is governed by a public board.

SECTION 28. 38.50 (1) (e) 3. of the statutes is renumbered 37.01 (6) (c) and amended to read:

37.01 **(6)** (c) ~~Schools~~ A school offering only programs that are of a parochial or denominational character ~~offering courses having~~, that have a sectarian objective, and that are limited to use in the ministry of a religion, as determined by the board.

SECTION 29. 38.50 (1) (e) 4. of the statutes is renumbered 37.01 (6) (d) and amended to read:

37.01 **(6)** (d) ~~Schools primarily offering instruction~~ A school offering a program that is avocational or recreational in nature and ~~not leading to~~ that does not have a vocational objective.

SECTION 30. 38.50 (1) (e) 5. of the statutes is renumbered 37.01 (6) (e) and amended to read:

37.01 **(6)** (e) ~~Courses conducted by~~ A school that offers only programs to employers ~~exclusively~~ for the exclusive use of their employees and without charge to those employees.

SECTION 31. 38.50 (1) (e) 6. of the statutes is repealed.

SECTION 32. 38.50 (1) (e) 7. of the statutes is renumbered 37.01 (6) (f) and amended to read:

37.01 **(6)** (f) Schools approved or accepted by the department of public instruction for the training of teachers as provided in s. 115.28 (7g).

SECTION 33. 38.50 (1) (e) 8. of the statutes is repealed.

SECTION 34. 38.50 (1) (f) of the statutes is renumbered 37.01 (5) and amended to read:

37.01 **(5)** ~~"Solicitor"~~ "Representative" means a person employed by or representing a school ~~located either within or outside this state that~~ who, in places other than ~~the actual business premises of~~ the school, personally attempts to secure the enrollment of a student in the school.

SECTION 35. 38.50 (1) (g) of the statutes is renumbered 37.01 (7) and amended to read:

37.01 **(7)** "Teaching location" means the area and facilities designated for use by a school that are required to be approved by the board under this ~~section~~ chapter.

1 **SECTION 36.** 38.50 (2) of the statutes is renumbered 37.10 (intro.) and amended
2 to read:

3 **37.10 ~~Responsibilities~~ Purposes.** (intro.) The ~~board shall~~ purposes of the
4 board are to protect the general public ~~by inspecting~~ and to support quality
5 educational options. The board shall accomplish those purposes by doing all of the
6 following:

7 (1) Evaluating and approving ~~private trade, correspondence, business, and~~
8 ~~technical schools doing business within this state, whether located within or outside~~
9 ~~this state, changes of ownership or control of the schools, teaching locations used by~~
10 ~~the schools, and courses of instruction offered by the schools and regulate the~~
11 ~~soliciting of students for correspondence or classroom courses and courses of~~
12 ~~instruction offered by the~~ schools.

13 **SECTION 37.** 38.50 (3) of the statutes is renumbered 37.25 and amended to read:

14 **37.25 Rule-making power.** The board shall promulgate rules and establish
15 standards necessary to administer this ~~section~~ chapter.

16 **SECTION 38.** 38.50 (5) of the statutes is renumbered 37.20 and amended to read:

17 **37.20 Employees, ~~quarters~~.** The board shall employ a person to perform the
18 duties of an executive ~~secretary~~ director and any other persons under the classified
19 service that may be necessary to carry out the board's ~~responsibilities~~ purposes. The
20 person performing the duties of the executive ~~secretary~~ director shall be in charge
21 of the administrative functions of the board. ~~The board shall, to the maximum extent~~
22 ~~practicable, keep its office with the technical college system board.~~

23 **SECTION 39.** 38.50 (7) (intro.) of the statutes is renumbered 37.35 (intro.) and
24 amended to read:

37.35 ~~Approval of schools generally~~ Responsibilities. (intro.) To ~~protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction, and encourage schools to maintain courses and courses of instruction consistent in quality, content, and length with~~ hold schools accountable for achieving satisfactory student outcomes and to ensure that programs meet generally accepted educational, occupational, and industry standards, the board shall do all of the following:

SECTION 40. 38.50 (7) (a) of the statutes is renumbered 37.35 (1) and amended to read:

37.35 **(1)** ~~Investigate~~ Evaluate the adequacy of ~~courses and courses of instruction~~ programs offered by schools to residents of this state ~~and establish minimum standards for those courses of instruction~~.

SECTION 41. 38.50 (7) (b) of the statutes is repealed.

SECTION 42. 38.50 (7) (c) of the statutes is renumbered 37.35 (6) and amended to read:

37.35 **(6)** Establish ~~rules,~~ standards~~,~~ and criteria to prevent fraud and misrepresentation in the sale and advertising of ~~courses and courses of instruction~~ programs.

SECTION 43. 38.50 (7) (d) of the statutes is renumbered 37.35 (5) and amended to read:

37.35 **(5)** ~~Promulgate rules restricting~~ Prescribe restrictions on the negotiability of promissory instruments received by schools in payment of ~~tuition and other charges~~ fees.

SECTION 44. 38.50 (7) (e) of the statutes is renumbered 37.35 (7) and amended to read:

37.35 **(7)** Establish minimum standards for refund of the unused portion of ~~tuition,~~ fees~~, and other charges~~ if a student does not enter a ~~course or course of instruction~~ program or withdraws or is discontinued from the ~~course~~ program.

SECTION 45. 38.50 (7) (f) of the statutes is renumbered 37.35 (3) (intro.) and amended to read:

37.35 **(3)** (intro.) Require ~~schools offering courses and courses of instruction to residents of this state to furnish~~ a school, prior to enrolling a student who is a resident of this state, to provide the student with a catalog that includes information concerning ~~their~~ all of the following:

(a) The school's mission, facilities, ~~curricula,~~ programs, and instructors~~,~~.

(b) The school's policies concerning enrollment ~~policies, tuition and other charges and~~ and admissions, academic progress, and student conduct.

(f) The school's fees, refund policies, and policies concerning negotiability of promissory instruments received in payment of ~~tuition and other charges~~ fees.

SECTION 46. 38.50 (7) (g) of the statutes is renumbered 37.30 (1) and amended to read:

37.30 **(1)** ~~Approve courses of instruction,~~ Subject to sub. (2), the board shall approve schools, programs, changes of ownership or control of schools, ~~and~~ teaching locations ~~meeting~~, and representatives that meet the requirements and standards established by the board and ~~complying~~ that comply with rules promulgated by the board~~; publish a list of the schools and courses of instruction approved and a list of the schools that are authorized to use the term "college," "university," "state," or "Wisconsin" in their names; and make those lists of the schools available on the board's Internet site~~.

1 **SECTION 47.** 38.50 (7) (h) of the statutes is renumbered 37.35 (4) and amended
2 to read:

3 37.35 **(4)** ~~Issue~~ Regulate the recruiting of students for programs offered by
4 schools and issue permits to ~~solicitors when~~ representatives that meet all board
5 requirements ~~have been met~~.

6 **SECTION 48.** 38.50 (7) (i) of the statutes is renumbered 37.35 (9).

7 **SECTION 49.** 38.50 (8) (title) of the statutes is renumbered 37.70 (title) and
8 amended to read:

9 **37.70** (title) **~~Soliciting~~ Recruitment of students.**

10 **SECTION 50.** 38.50 (8) (a) of the statutes is renumbered 37.70 (1) and amended
11 to read:

12 37.70 **(1)** IN GENERAL. No ~~solicitor representing any school offering any course~~
13 ~~or course of instruction shall sell any course or course of instruction or solicit~~
14 ~~students for a course or course of instruction~~ representative may sell any program
15 or recruit any student for a program in this state for a consideration or remuneration,
16 except upon the actual business premises of the school, unless the ~~solicitor~~
17 representative first secures a ~~solicitor's~~ representative's permit from the board. If
18 the ~~solicitor~~ representative represents more than one school, a separate permit shall
19 be obtained for each school the ~~solicitor~~ representative represents.

20 **SECTION 51.** 38.50 (8) (b) of the statutes is renumbered 37.70 (2) and amended
21 to read:

22 37.70 **(2)** ~~SOLICITOR'S~~ REPRESENTATIVE'S PERMIT. The application for a ~~solicitor's~~
23 representative's permit shall be made on a form furnished by the board and shall be
24 accompanied by a fee and a surety bond acceptable to the board in the sum of $2,000.
25 The board shall, by rule, specify the amount of the fee for a ~~solicitor's~~ representative's

permit. The bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his or her enrollment or as a result of the failure of the school to perform faithfully the agreement the ~~solicitor~~ representative made with the student, and may be supplied by the ~~solicitor~~ representative or by the school itself either as a blanket bond covering each of its ~~solicitors~~ representatives in the amount of $2,000 or the surety bond under ~~sub. (7) (i)~~ s. 37.35 (9). Upon approval of a permit, the board shall issue an identification card to the ~~solicitor~~ representative giving his or her name and address~~,~~ and the name and address of the employing school~~,~~ and certifying that the person whose name appears on the card is authorized to ~~solicit~~ recruit students for the school. A permit shall be valid for one year from the date issued. Liability under this ~~paragraph~~ subsection of the surety on the bond for each ~~solicitor~~ representative covered by the bond shall not exceed the sum of $2,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the bond upon giving 30 days' notice in writing to the board and shall be relieved of liability under this ~~paragraph~~ subsection upon giving the notice for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee, a surety bond acceptable to the board in the sum of $2,000 if a continuous bond has not been furnished, and such information as the board requests of the applicant. The board shall, by rule, specify the amount of the fee for renewal of a ~~solicitor's~~ representative's permit.

SECTION 52. 38.50 (8) (c) (intro.) of the statutes is renumbered 37.70 (3) (intro.) and amended to read:

37.70 **(3)** REFUSAL OR REVOCATION OF PERMIT. (intro.) The board may refuse to issue or renew, or may revoke, any ~~solicitor's~~ representative's permit upon one or any combination of the following grounds:

SECTION 53. 38.50 (8) (c) 1. of the statutes is renumbered 37.70 (3) (a) and amended to read:

37.70 **(3)** (a) Willful violation of this ~~subsection~~ section or any rule promulgated by the board under this ~~section~~ chapter.

SECTION 54. 38.50 (8) (c) 2. of the statutes is renumbered 37.70 (3) (b).

SECTION 55. 38.50 (8) (c) 3. of the statutes is renumbered 37.70 (3) (c) and amended to read:

37.70 **(3)** (c) Presenting information to prospective students relating to the school~~, a course, or a course of instruction~~ or a program that is false, fraudulent, or misleading.

SECTION 56. 38.50 (8) (c) 4. of the statutes is renumbered 37.70 (3) (d) and amended to read:

37.70 **(3)** (d) Refusal by the school to be represented to allow reasonable inspection or to supply information after written request ~~therefor~~ by the board.

SECTION 57. 38.50 (8) (c) 5. of the statutes is renumbered 37.70 (3) (e) and amended to read:

37.70 **(3)** (e) Failure of the school which the ~~solicitor~~ representative represents to meet requirements and standards established by and to comply with rules promulgated by the board under ~~sub. (7)~~ s. 37.25.

SECTION 58. 38.50 (8) (c) 6. of the statutes is renumbered 37.70 (3) (f) and amended to read:

37.70 **(3)** (f) Cancellation of the ~~solicitor's~~ representative's bond by surety.

1 **SECTION 59.** 38.50 (8) (c) 7. of the statutes is renumbered 37.70 (3) (g).

2 **SECTION 60.** 38.50 (8) (d) of the statutes is renumbered 37.70 (4).

3 **SECTION 61.** 38.50 (8) (e) of the statutes is renumbered 37.70 (5).

4 **SECTION 62.** 38.50 (8) (f) of the statutes is renumbered 37.70 (6) and amended
5 to read:

6 37.70 **(6)** RECOVERY BY STUDENTS. The bond in force under ~~par. (b)~~ sub. (2) shall
7 not limit or impair any right of recovery otherwise available under law, nor shall the
8 amount of the bond be relevant in determining the amount of damages or other relief
9 to which any plaintiff may be entitled.

10 **SECTION 63.** 38.50 (8) (g) of the statutes is renumbered 37.70 (7) and amended
11 to read:

12 37.70 **(7)** RECOVERY ON CONTRACTS. No recovery shall be had by any school or
13 its assignee on any contract for or in connection with a ~~course or course of instruction~~
14 program if the representative who sold ~~or solicited the course~~ the program or
15 recruited the student for the program was not the holder of a ~~solicitor's~~
16 representative's permit under this ~~subsection~~ section at the time of the sale or
17 ~~solicitation~~ recruitment.

18 **SECTION 64.** 38.50 (8) (h) of the statutes is repealed.

19 **SECTION 65.** 38.50 (8) (i) of the statutes is repealed.

20 **SECTION 66.** 38.50 (10) (title) of the statutes is repealed.

21 **SECTION 67.** 38.50 (10) (a) of the statutes is renumbered 37.40 (1) and amended
22 to read:

23 37.40 **(1)** ~~AUTHORITY.~~ APPROVAL. ~~All proprietary schools shall be examined and~~
24 No school may operate or advertise in this state, offer a program to a resident of this
25 state, change its ownership or control, or establish a teaching location, and no person

may act as a representative, unless the school or representative is first approved by the board ~~before operating in this state. Approval shall be granted to schools meeting the criteria~~. If a school, program, change in ownership or control, teaching location, or representative meets the requirements and standards established by the board and complies with rules promulgated by the board, the board shall approve the school, program, change in ownership or control, teaching location, or representative. Approval for a school, program, teaching location, or representative shall be for a period not to exceed one year. ~~No school may advertise in this state unless approved by the board. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed, and such other information as the board considers necessary. If a school closure results in losses to students, parents, or sponsors, the board may authorize the full or partial payment of those losses from the appropriation under s. 20.292 (2) (gm).~~

SECTION 68. 38.50 (10) (b) of the statutes is renumbered 37.40 (2) and amended to read:

37.40 **(2)** APPLICATION. Application for initial approval or renewal of approval of a school or ~~a course of instruction, approval of a teaching location, change of ownership, or control of a school, renewal of approval of a school or~~ program, approval of a substantially revised program, reinstatement of approval of a school ~~or course of instruction that~~ or program whose approval has been revoked, approval of a teaching location, approval of a change of ownership or control of a school, or approval of a representative shall be made on a form furnished by the board and shall be accompanied by a fee set by the board under ~~par. (c)~~ sub. (3) and any other information ~~as~~ that the board considers necessary to evaluate the school, program,

teaching location, change of ownership or control, or representative in carrying out the purpose of this ~~section~~ chapter.

SECTION 69. 38.50 (10) (c) (title) of the statutes is renumbered 37.40 (3) (title) and amended to read:

37.40 **(3)** (title) FEES~~; RULE MAKING~~.

SECTION 70. 38.50 (10) (c) (intro.) of the statutes is renumbered 37.40 (3) (intro.).

SECTION 71. 38.50 (10) (c) 1. of the statutes is renumbered 37.40 (3) (a) and amended to read:

37.40 **(3)** (a) Require that the amount of fees collected under this ~~paragraph~~ subsection be sufficient to cover all costs that the board incurs in examining and approving ~~proprietary~~ schools under ~~this subsection~~ sub. (1).

SECTION 72. 38.50 (10) (c) 2. of the statutes is renumbered 37.40 (3) (b) and amended to read:

37.40 **(3)** (b) Give consideration to establishing a variable fee structure based on the size of a ~~proprietary~~ school.

SECTION 73. 38.50 (10) (c) 3. of the statutes is renumbered 37.40 (3) (c) and amended to read:

37.40 **(3)** (c) Specify a fee to accompany all applications under ~~par. (b)~~ sub. (2).

SECTION 74. 38.50 (10) (c) 4. of the statutes is renumbered 37.40 (3) (d).

SECTION 75. 38.50 (10) (cm) of the statutes is renumbered 37.40 (4) and amended to read:

37.40 **(4)** LIMIT ON STUDENT PROTECTION FEE. The board shall discontinue collecting annual student protection fees under ~~par. (c) 4.~~ sub. (3) (d) during the period that the balance in the fund created by those fees exceeds $1,000,000.

1 **SECTION 76.** 38.50 (10) (d) of the statutes is renumbered 37.50 (2) and amended
2 to read:

3 37.50 **(2)** ENFORCEMENT. The attorney general or any district attorney may
4 bring an action in circuit court for the enforcement of this ~~subsection~~ chapter,
5 including bringing an action to restrain by temporary or permanent injunction any
6 violation of ~~par. (a)~~ this chapter.

7 **SECTION 77.** 38.50 (10) (e) of the statutes is renumbered 37.50 (3) and amended
8 to read:

9 37.50 **(3)** PENALTIES. Any person who violates ~~par. (a)~~ any provision of this
10 chapter may be required to forfeit not more than $500. Each day of ~~operation in~~
11 continued violation ~~of par. (a)~~ constitutes a separate offense.

12 **SECTION 78.** 38.50 (10) (f) of the statutes is renumbered 37.50 (4) and amended
13 to read:

14 37.50 **(4)** OTHER REMEDIES. In addition to any other remedies provided by law,
15 a student who attends a school that is in violation of ~~par. (a)~~ this chapter may bring
16 a civil action to recover fees paid to the school in violation of ~~par. (a)~~ this chapter
17 together with costs and disbursements, including reasonable attorney fees.

18 **SECTION 79.** 38.50 (11) (title) of the statutes is renumbered 37.55 (title).

19 **SECTION 80.** 38.50 (11) (a) (intro.) of the statutes is repealed.

20 **SECTION 81.** 38.50 (11) (a) 1. of the statutes is repealed.

21 **SECTION 82.** 38.50 (11) (a) 2. of the statutes is repealed.

22 **SECTION 83.** 38.50 (11) (a) 3. of the statutes is renumbered 37.55 (1) and
23 amended to read:

24 37.55 **(1)** "~~Student~~ In this section, "student record" means~~, in the case of a~~
25 ~~school, as defined in sub. (1) (e) (intro.),~~ a transcript for a student or former student

of a school showing the name of the student, the title of the program in which the student was or is enrolled, the total number of credits or hours of instruction completed by the student, the dates of enrollment, the grade for each course, lesson, or unit of instruction completed by the student, the student's cumulative grade for the program, and an explanation of the school's credit and grading system. ~~In the case of a school described in sub. (1) (e) 1., 6., 7., or 8., "student record" means a transcript for a student or former student of the school showing such information about the academic work completed by the student or former student as is customarily maintained by the school.~~

SECTION 84. 38.50 (11) (b) 1. of the statutes is renumbered 37.55 (2) and amended to read:

37.55 **(2)** If a school operating in this state discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the board~~, if the student records of the school are not taken into possession under subd. 2.~~, and if the board determines that the student records of the school are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those student records or the authorized representatives of those persons, the board may take possession of those student records.

SECTION 85. 38.50 (11) (b) 2. of the statutes is repealed.

SECTION 86. 38.50 (11) (c) of the statutes is renumbered 37.55 (3) and amended to read:

37.55 **(3)** If necessary to protect student records from being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those student records or the authorized representatives of those persons, the board ~~or~~

1 ~~association~~ may seek a court order authorizing the board ~~or association~~ to take
2 possession of those student records.

3 **SECTION 87.** 38.50 (11) (d) of the statutes is renumbered 37.55 (4) and amended
4 to read:

5 37.55 **(4)** The board ~~or association~~ shall preserve a student record that comes
6 into the possession of the board ~~or association~~ under ~~par. (b) 1. or 2.~~ sub. (2) and shall
7 keep the student record confidential as provided under 20 USC 1232g and 34 CFR
8 part 99. A student record in the possession of the board is not open to public
9 inspection or copying under s. 19.35 (1). Upon request of the person who is the subject
10 of a student record or an authorized representative of that person, the board ~~or~~
11 ~~association~~ shall provide a copy of the student record to the requester. The board ~~or~~
12 ~~association~~ may charge a fee for providing a copy of a student record. The fee shall
13 be based on the administrative cost of taking possession of, preserving, and providing
14 the copy of the student record. All fees collected by the board under this ~~paragraph~~
15 subsection shall be credited to the appropriation account under s. 20.292 (2) (i).

16 **SECTION 88.** 38.50 (12) (title) of the statutes is renumbered 37.60 (title).

17 **SECTION 89.** 38.50 (12) (a) (intro.) of the statutes is renumbered 37.60 (1)
18 (intro.) and amended to read:

19 37.60 **(1)** (intro.) No person that holds itself out to the public in any way as a
20 legitimate institution of higher education may use the term "college" or "university"
21 in the person's name unless the person provides an educational program for which
22 the person awards an associate or higher degree and the person has accreditation
23 recognized by the U.S. secretary of education, has the foreign equivalent of that
24 accreditation, as determined by the board, or has accreditation recognized by the

Council for Higher Education Accreditation. This ~~paragraph~~ subsection does not apply to any of the following:

SECTION 90. 38.50 (12) (a) 1. of the statutes is renumbered 37.60 (1) (a).

SECTION 91. 38.50 (12) (a) 1m. of the statutes, as created by 2011 Wisconsin Act 32, is renumbered 37.60 (1) (am) and amended to read:

37.60 **(1)** (am) A person described in ~~sub. (1) (e) 1.~~ s. 37.01 (6) (a) whose administrative headquarters and principal place of business is in the village of Union Grove that provides a residential facility located in that village to assist young adults with disabilities in transitioning from home and school to work and independent living.

SECTION 92. 38.50 (12) (a) 2. of the statutes is renumbered 37.60 (1) (b) and amended to read:

37.60 **(1)** (b) A person described in ~~sub. (1) (e) 3. to 7.~~ s. 37.01 (6) (c) to (f) that was doing business in this state prior to May 27, 2010.

SECTION 93. 38.50 (12) (b) of the statutes is renumbered 37.60 (2) and amended to read:

37.60 **(2)** No school, including a school described in ~~sub. (1) (e) 1. to 8.~~ s. 37.01 (6) (a) to (f), may use the term "state" or "Wisconsin" in its name if the use of that term operates to mislead the public into believing that the school is affiliated with the University of Wisconsin System or the technical college system, unless the school actually is so affiliated. This ~~paragraph~~ subsection does not apply to a school described in ~~sub. (1) (e) 1.~~ s. 37.01 (6) (a) that has accreditation recognized by the U.S. secretary of education, has the foreign equivalent of that accreditation, as determined by the board, or has accreditation recognized by the Council for Higher Education Accreditation.

SECTION 94. 38.50 (12) (c) of the statutes is renumbered 37.60 (3) and amended to read:

37.60 **(3)** The attorney general or any district attorney may bring an action in circuit court for the enforcement of this ~~subsection~~ section, including bringing an action to restrain by temporary or permanent injunction any violation of ~~par. (a) or (b)~~ sub. (1) or (2).

SECTION 95. 38.50 (12) (d) of the statutes is renumbered 37.60 (4) and amended to read:

37.60 **(4)** Any person who violates ~~par. (a) or (b)~~ sub. (1) or (2) may be required to forfeit not more than $500. Each day of operation in violation of ~~par. (a) or (b)~~ sub. (1) or (2) constitutes a separate offense.

SECTION 96. 38.50 (12) (e) of the statutes is renumbered 37.60 (5) and amended to read:

37.60 **(5)** In addition to any other remedies provided by law, a student who attends a school that is in violation of ~~par. (a) or (b)~~ sub. (1) or (2) may bring a civil action to recover fees paid to the school, together with costs and disbursements, including reasonable attorney fees.

SECTION 97. 38.50 (13) (title) of the statutes is renumbered 37.65 (title).

SECTION 98. 38.50 (13) (a) (intro.) of the statutes is renumbered 37.65 (1) (intro.) and amended to read:

37.65 **(1)** (intro.) In this ~~subsection~~ section:

SECTION 99. 38.50 (13) (a) 1. of the statutes is renumbered 37.65 (1) (a) and amended to read:

37.65 **(1)** (a) "Academic credential" means a degree, transcript, certificate, or other similar document that indicates the completion of a program~~, course, or course~~

1 ~~of instruction~~ leading to, or the earning of academic credit toward, the granting of
2 an associate, baccalaureate, or graduate degree.

3 **SECTION 100.** 38.50 (13) (a) 2. (intro.) of the statutes is renumbered 37.65 (1)
4 (b) (intro.).

5 **SECTION 101.** 38.50 (13) (a) 2. a. of the statutes is renumbered 37.65 (1) (b) 1.

6 **SECTION 102.** 38.50 (13) (a) 2. b. of the statutes is renumbered 37.65 (1) (b) 2.

7 **SECTION 103.** 38.50 (13) (a) 2. c. of the statutes is renumbered 37.65 (1) (b) 3.
8 and amended to read:

9 37.65 **(1)** (b) 3. Operates in this state and is a school described in ~~sub. (1) (e)~~
10 ~~1. to 8~~ s. 37.01 (6) (a) to (f).

11 **SECTION 104.** 38.50 (13) (a) 2. d. of the statutes is renumbered 37.65 (1) (b) 4.

12 **SECTION 105.** 38.50 (13) (a) 2. e. of the statutes is renumbered 37.65 (1) (b) 5.

13 **SECTION 106.** 38.50 (13) (a) 3. of the statutes is renumbered 37.65 (1) (c).

14 **SECTION 107.** 38.50 (13) (a) 4. of the statutes is renumbered 37.65 (1) (d).

15 **SECTION 108.** 38.50 (13) (b) of the statutes is renumbered 37.65 (2).

16 **SECTION 109.** 38.50 (13) (c) of the statutes is renumbered 37.65 (3).

17 **SECTION 110.** 38.50 (13) (d) of the statutes is renumbered 37.65 (4) and
18 amended to read:

19 37.65 **(4)** The board may charge a fee for evaluating an educational institution
20 under ~~par. (a) 2. e.~~ sub. (1) (b) 5. in an amount that is sufficient to cover all costs that
21 the board incurs in evaluating the institution. All fees collected by the board under
22 this ~~paragraph~~ subsection shall be credited to the appropriation account under s.
23 20.292 (2) (g).

24 **SECTION 111.** 45.20 (1) (d) of the statutes is amended to read:

45.20 **(1)** (d) "Tuition," when referring to the University of Wisconsin System, means academic fees and segregated fees; when referring to the technical colleges, means "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and when referring to a high school, a school that is approved under s. 45.03 (11), or a ~~proprietary~~ school that is approved under ~~s. 38.50~~ ch. 37, means the charge for the courses or programs for which a person is enrolled.

SECTION 112. 45.20 (2) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

45.20 **(2)** (a) 1. The department shall administer a tuition reimbursement program for eligible veterans enrolling as undergraduates in any institution of higher education in this state, enrolling in a school that is approved under s. 45.03 (11), enrolling in a ~~proprietary~~ school that is approved under ~~s. 38.50~~ ch. 37, enrolling in a public or private high school, enrolling in a tribal school, as defined in s. 115.001 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 113. 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

45.20 **(2)** (a) 2. (intro.) A veteran who is a resident of this state and otherwise qualified to receive benefits under this subsection may receive the benefits under this subsection upon the completion of any correspondence ~~courses~~ course, program, or part–time classroom study from an institution of higher education located outside this state, from a school that is approved under s. 45.03 (11), or from a ~~proprietary~~ school that is approved under ~~s. 38.50~~ ch. 37, if any of the following applies:

SECTION 114. 45.20 (2) (c) 1. of the statutes is amended to read:

45.20 **(2)** (c) 1. A veteran who meets the eligibility requirements under par. (b) 1. may be reimbursed upon satisfactory completion of an undergraduate semester in

1 any institution of higher education in this state, or upon satisfactory completion of
2 a course or program at any school that is approved under s. 45.03 (11), any
3 ~~proprietary~~ school that is approved under ~~s. 38.50~~ ch. 37, any public or private high
4 school, any tribal school, as defined in s. 115.001 (15m), that operates any grade from
5 9 to 12, or any institution from which the veteran receives a waiver of nonresident
6 tuition under s. 39.47. Except as provided in par. (e), the amount of reimbursement
7 may not exceed the total cost of the veteran's tuition minus any grants or
8 scholarships that the veteran receives specifically for the payment of the tuition, or,
9 if the tuition is for an undergraduate semester in any institution of higher education,
10 the standard cost of tuition for a state resident for an equivalent undergraduate
11 semester at the University of Wisconsin-Madison, whichever is less.

12 **SECTION 115.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

13 45.20 **(2)** (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for
14 reimbursement under this subsection at any institution of higher education in this
15 state, at a school that is approved under s. 45.03 (11), at a ~~proprietary~~ school that is
16 approved under ~~s. 38.50~~ ch. 37, at a public or private high school, at a tribal school,
17 as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an
18 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47
19 is limited to the following:

20 **SECTION 116.** 45.21 (2) (a) of the statutes is amended to read:

21 45.21 **(2)** (a) The veteran is enrolled in a training course in a technical college
22 under ch. 38 or in a ~~proprietary~~ program in a school in the state approved by the
23 educational approval board under ~~s. 38.50~~ ch. 37, other than a ~~proprietary~~ school
24 offering a 4-year degree or 4-year program, or is engaged in a structured on-the-job

training program that meets program requirements promulgated by the department by rule.

SECTION 117. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 28. (intro.) An amount paid by a claimant for tuition expenses and mandatory student fees for a student who is the claimant or who is the claimant's child and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code, to attend any university, college, technical college or a school approved under ~~s. 38.50~~ ch. 37, that is located in Wisconsin or to attend a public vocational school or public institution of higher education in Minnesota under the Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

SECTION 118. 71.07 (5r) (a) 2. of the statutes is renumbered 71.07 (5r) (a) 5m. and amended to read:

71.07 **(5r)** (a) 5m. ~~"Course of instruction"~~ "Program" has the meaning given in s. ~~38.50 (1) (c)~~ 37.01 (4).

SECTION 119. 71.07 (5r) (a) 6. b. of the statutes is amended to read:

71.07 **(5r)** (a) 6. b. A school approved under ~~s. 38.50~~ ch. 37, if the delivery of education occurs in this state.

SECTION 120. 71.07 (5r) (b) 1. of the statutes is amended to read:

71.07 **(5r)** (b) 1. Twenty-five percent of the tuition that the claimant paid or incurred for an individual to participate in ~~an education program~~ the educational programming of a qualified postsecondary institution, if the individual was enrolled in ~~a course of instruction~~ program and eligible for a grant from the Federal Pell Grant Program.

SECTION 121. 71.07 (5r) (b) 2. of the statutes is amended to read:

71.07 **(5r)** (b) 2. Thirty percent of the tuition that the claimant paid or incurred for an individual to participate in ~~an education program~~ the educational programming of a qualified postsecondary institution, if the individual was enrolled in ~~a course of instruction~~ program that relates to a projected worker shortage in this state, as determined by the local workforce development boards established under 29 USC 2832, and if the individual was eligible for a grant from the Federal Pell Grant Program.

SECTION 122. 71.07 (5r) (c) 3. a. of the statutes is amended to read:

71.07 **(5r)** (c) 3. a. The family member was employed an average of at least 20 hours per week as an employee of the claimant, or the claimant's business, during the one-year period prior to commencing participation in the ~~education program~~ educational programming in connection with which the claimant claims a credit under par. (b).

SECTION 123. 71.07 (5r) (c) 3. b. of the statutes is amended to read:

71.07 **(5r)** (c) 3. b. The family member is enrolled in a ~~course of instruction~~ program that is substantially related to the claimant's business.

SECTION 124. 71.07 (5r) (c) 4. of the statutes is amended to read:

71.07 **(5r)** (c) 4. The claimant shall claim the credit for the taxable year in which the individual graduates from a ~~course of instruction~~ program in an amount equal to the total amount the claimant paid or incurred under par. (b) for all taxable years in which the claimant paid or incurred such amounts related to that individual.

SECTION 125. 71.28 (5r) (a) 2. of the statutes is renumbered 71.28 (5r) (a) 5m. and amended to read:

71.28 **(5r)** (a) 5m. ~~"Course of instruction"~~ "Program" has the meaning given in s. ~~38.50 (1) (c)~~ 37.01 (4).

1 **SECTION 126.** 71.28 (5r) (a) 6. b. of the statutes is amended to read:

2 71.28 **(5r)** (a) 6. b. A school approved under ~~s. 38.50~~ ch. 37, if the delivery of
3 education occurs in this state.

4 **SECTION 127.** 71.28 (5r) (b) 1. of the statutes is amended to read:

5 71.28 **(5r)** (b) 1. Twenty-five percent of the tuition that the claimant paid or
6 incurred for an individual to participate in ~~an education program~~ the educational
7 programming of a qualified postsecondary institution, if the individual was enrolled
8 in a ~~course of instruction~~ program and eligible for a grant from the Federal Pell Grant
9 Program.

10 **SECTION 128.** 71.28 (5r) (b) 2. of the statutes is amended to read:

11 71.28 **(5r)** (b) 2. Thirty percent of the tuition that the claimant paid or incurred
12 for an individual to participate in ~~an education program~~ the educational
13 programming of a qualified postsecondary institution, if the individual was enrolled
14 in a ~~course of instruction~~ program that relates to a projected worker shortage in this
15 state, as determined by the local workforce development boards established under
16 29 USC 2832, and if the individual was eligible for a grant from the Federal Pell
17 Grant Program.

18 **SECTION 129.** 71.28 (5r) (c) 3. a. of the statutes is amended to read:

19 71.28 **(5r)** (c) 3. a. The family member was employed an average of at least 20
20 hours per week as an employee of the claimant, or the claimant's business, during
21 the one-year period prior to commencing participation in the ~~education program~~
22 educational programming in connection with which the claimant claims a credit
23 under par. (b).

24 **SECTION 130.** 71.28 (5r) (c) 3. b. of the statutes is amended to read:

71.28 **(5r)** (c) 3. b. The family member is enrolled in a ~~course of instruction~~ program that is substantially related to the claimant's business.

SECTION 131. 71.28 (5r) (c) 4. of the statutes is amended to read:

71.28 **(5r)** (c) 4. The claimant shall claim the credit for the taxable year in which the individual graduates from a ~~course of instruction~~ program in an amount equal to the total amount the claimant paid or incurred under par. (b) for all taxable years in which the claimant paid or incurred such amounts related to that individual.

SECTION 132. 71.47 (5r) (a) 2. of the statutes is renumbered 71.47 (5r) (a) 5m. and amended to read:

71.47 **(5r)** (a) 5m. ~~"Course of instruction"~~ "Program" has the meaning given in s. ~~38.50 (1) (c)~~ 37.01 (4).

SECTION 133. 71.47 (5r) (a) 6. b. of the statutes is amended to read:

71.47 **(5r)** (a) 6. b. A school approved under ~~s. 38.50~~ ch. 37, if the delivery of education occurs in this state.

SECTION 134. 71.47 (5r) (b) 1. of the statutes is amended to read:

71.47 **(5r)** (b) 1. Twenty-five percent of the tuition that the claimant paid or incurred for an individual to participate in ~~an education program~~ the educational programming of a qualified postsecondary institution, if the individual was enrolled in a ~~course of instruction~~ program and eligible for a grant from the Federal Pell Grant Program.

SECTION 135. 71.47 (5r) (b) 2. of the statutes is amended to read:

71.47 **(5r)** (b) 2. Thirty percent of the tuition that the claimant paid or incurred for an individual to participate in ~~an education program~~ the educational programming of a qualified postsecondary institution, if the individual was enrolled in a ~~course of instruction~~ program that relates to a projected worker shortage in this

state, as determined by the local workforce development boards established under 29 USC 2832, and if the individual was eligible for a grant from the Federal Pell Grant Program.

SECTION 136. 71.47 (5r) (c) 3. a. of the statutes is amended to read:

71.47 **(5r)** (c) 3. a. The family member was employed an average of at least 20 hours per week as an employee of the claimant, or the claimant's business, during the one-year period prior to commencing participation in the ~~education program~~ educational programming in connection with which the claimant claims a credit under par. (b).

SECTION 137. 71.47 (5r) (c) 3. b. of the statutes is amended to read:

71.47 **(5r)** (c) 3. b. The family member is enrolled in a ~~course of instruction~~ program that is substantially related to the claimant's business.

SECTION 138. 71.47 (5r) (c) 4. of the statutes is amended to read:

71.47 **(5r)** (c) 4. The claimant shall claim the credit for the taxable year in which the individual graduates from a ~~course of instruction~~ program in an amount equal to the total amount the claimant paid or incurred under par. (b) for all taxable years in which the claimant paid or incurred such amounts related to that individual.

SECTION 139. 111.335 (1) (cx) of the statutes is amended to read:

111.335 **(1)** (cx) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensure, any individual who has been convicted of any offense under s. ~~38.50 (13) (c)~~ 37.65 (3).

SECTION 140. 115.28 (7g) of the statutes is created to read:

115.28 **(7g)** APPROVAL OF LICENSURE ~~AND PROFESSIONAL DEVELOPMENT~~ PROGRAMS. Have the exclusive authority to do all of the following:

(a) Approve a program offered by a school located in this state, or accept a program offered in this state by a school located outside this state that is accredited by another state or jurisdiction, leading to licensure of teachers ~~or providing professional development for teachers,~~ including an online or distance learning program.

(b) Approve a school located in this state, or accept a school located outside this state that is accredited by another state or jurisdiction, that, in this state, offers only programs leading to licensure of teachers ~~or providing professional development for teachers,~~ including online and distance learning programs.

SECTION 141. 182.028 of the statutes is amended to read:

182.028 School corporations. Any corporation formed for the establishment and maintenance of schools, academies, seminaries, colleges or universities or for the cultivation and practice of music shall have power to enact bylaws for the protection of its property, and provide fines as liquidated damages upon its members and patrons for violating the bylaws, and may collect the same in tort actions, and to prescribe and regulate the courses of instruction therein, and to confer such degrees and grant such diplomas as are usually conferred by similar institutions or as shall be appropriate to the courses of instruction prescribed, except that no corporation shall operate or advertise a school that is subject to s. ~~38.50 (10)~~ 37.40 (1) without complying with the requirements of ~~s. 38.50~~ ch. 37. Any stockholder may transfer his or her stock to the corporation for its use; and if the written transfer so provides the stock shall be perpetually held by the board of directors with all the rights of a stockholder, including the right to vote.

SECTION 142. 460.05 (1) (e) 1. of the statutes is amended to read:

460.05 **(1)** (e) 1. Graduated from a school of massage therapy or bodywork therapy approved by the educational approval board under ~~s. 38.50~~ ch. 37 that meets the requirements under s. 460.095 or completed a training program approved by the affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

SECTION 143. 944.21 (8) (b) 3. a. of the statutes is amended to read:

944.21 **(8)** (b) 3. a. Is a technical college, is a school approved by the educational approval board under ~~s. 38.50~~ ch. 37, or is a school described in s. ~~38.50 (1) (e) 6., 7. or 8.~~ 37.01 (6) (f); and

SECTION 144. 948.11 (4) (b) 3. a. of the statutes is amended to read:

948.11 **(4)** (b) 3. a. Is a technical college, is a school approved by the educational approval board under ~~s. 38.50~~ ch. 37, or is a school described in s. ~~38.50 (1) (e) 6., 7. or 8.~~ 37.01 (6) (f); and

SECTION 145. Effective dates. This act takes effect on the day after publication, except as follows:

(1) REPRESENTATIVE'S PERMITS. The repeal of section 37.70 of the statutes and the repeal and recreation of section 20.292 (2) (g) of the statutes take effect on the first day of the 24th month beginning after publication.

(END)

Basford, Sarah

From: Mikalsen, Mike

Sent: Tuesday, December 13, 2011 8:23 AM

To: LRB.Legal

Subject: Draft Review: LRB 11-2869/2 Topic: Purpose, authority, and responsibilities of Educational Approval Board

Please Jacket LRB 11-2869/2 for the ASSEMBLY.