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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2007 Assembly Bill 281**

**Assembly Substitute  
Amendment 1 and  
Assembly Amendment 1 to  
Assembly Substitute  
Amendment 1**

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2007 Assembly Bill 281 (AB 281) moves the powers and duties of the Educational Approval Board (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.

Assembly Substitute Amendment 1 (ASA 1) to AB 281 differs from the bill in three substantive ways, described below.

Assembly Amendment 1 (AA1) to ASA 1 clarifies the effect of ASA 1, as described below.

### **Exemption From EAB Regulation for Certain Schools Approved by Other Entities**

Under **current law**, EAB is authorized to regulate most private trade, correspondence, business, and technical schools. However, certain specified types of schools are exempt from EAB regulation. Among the types of schools exempted from EAB regulation are the following:

- Schools, courses of instruction, and training programs that are approved or licensed and supervised by other state agencies and boards.
- Schools approved by the Department of Public Instruction (DPI) for the training of teachers.
- Schools accredited by accrediting agencies recognized by the EAB.

**AB 281** deletes the exemption from EAB regulation for the three types of schools listed above and in their place, exempts the following:

- A school that another state agency or board is expressly authorized by statute to approve and supervise.

**ASA 1** deletes the exemption created by AB 281, described above, and restores one of the exemptions that exists under current law. Thus, under ASA 1, the following type of school is exempt from EAB regulation:

- Schools approved by the DPI for the training of teachers.

**ASA 1** also creates a new provision that applies to approval 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. Under ASA 1, the EAB must cooperate with the other state agency or board in the approval of the school and in the approval or acceptance of the program by the other state agency or board.

**Assembly Amendment 1 (AA 1) to ASA 1** clarifies the authority of the DPI to approve schools and programs that provide teacher training. Specifically, AA 1 provides that the State Superintendent of Public Instruction has exclusive authority to do all of the following:

- Approve a **program** offered by a school in Wisconsin, and accept a **program** offered by a school outside of Wisconsin, that leads to licensure of teachers or provides professional development for teachers.
- Approve a **school** in Wisconsin, and accept a **school** outside Wisconsin, that offers **only** programs leading to licensure of teachers or providing professional development for teachers.

**AA 1 to ASA 1** specifies that DPI may accept programs or schools outside Wisconsin only if they are accredited by another state or jurisdiction.

#### **Exemption From EAB Regulation for Taxpayer - Supported Schools**

Under **current law** and **AB 281**, “a school that is supported mainly by taxes” is not subject to regulation by the EAB.

**ASA 1** provides instead that a school that is “governed by a public board” is not subject to EAB regulation.

#### **Possession of Student Records in Case of School Closure**

**Current law** authorizes the EAB to take possession of the student records of a school that has discontinued its operations, is proposing to discontinue its operations, or is in imminent danger of discontinuing its 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.

**Current law** authorizes the Wisconsin Association of Independent Colleges and Universities (WAICU) to take possession of the student records of any private college or university that is a member of WAICU under the same circumstances that the EAB may take possession of student records, as described above. If WAICU does not take possession of the student records, then the EAB may do so.

**AB 281** eliminates the authority of WAICU to take possession of the student records of a private college or university. Under AB 281, only the EAB is authorized to take possession of those student records.

**ASA 1** eliminates the authority of the EAB to take possession of the student records of private colleges and universities, but does not restore the statutory provisions of current law that authorize WAICU to do so. As a result, ASA 1 does not address the disposition of student records of private colleges or universities that have discontinued, are proposing to or are in imminent danger of discontinuing operations.

**Legislative History**

Assembly Substitute Amendment 1 was offered by Representative Nass on January 25, 2008. Assembly Amendment 1 to ASA 1 was offered by Representative Nass on February 21, 2008.

On February 26, 2008, the Assembly Committee on Colleges and Universities recommended adoption of both amendments, and passage of the bill as amended, on votes of Ayes, 7; Noes, 0.

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