

1985 Senate Bill 266

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## 1985 Wisconsin Act 156

AN ACT to amend 38.51 (1) (e), 38.51 (5) and 38.51 (10) (a) of the statutes, relating to the duties of the executive secretary of the educational approval board, correcting a definition of "school" and deleting an obsolete grace period for the approval of schools (suggested as remedial legislation by the educational approval board).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the educational approval board, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 38.51 (1) (e) of the statutes is amended to read:

38.51 (1) (e) "School" means any person, located within or outside this state, maintaining, advertising or conducting any course or course of instruction for profit or a tuition charge; but in ~~sub. subs. (7) and (8) and (10)~~ "school" means any private trade, correspondence, business or technical school not excepted under sub. (9).

NOTE: Subsection (10), relating to proprietary schools, was added to s. 38.51, stats., several years after the enactment of subs. (1) to (9). No reference to sub. (10) was included in sub. (1) (e) when sub. (10) was enacted, even though it was apparently the intent of the legislature that the requirement for approval before operation only apply to proprietary schools. The reference to sub. (10) makes it clear that the narrower definition of school applies in sub. (10).

SECTION 2. 38.51 (5) of the statutes is amended to read:

38.51 (5) EMPLOYEES, QUARTERS. The board shall employ a person to perform the duties of an executive secretary and such other persons under the classified service as may be necessary to carry out its purpose.

~~The administrative functions of the board shall be in charge of the person performing the duties of the executive secretary shall be in charge of the administrative functions of the board.~~ The board shall keep its office with the board of vocational, technical and adult education.

NOTE: This bill corrects an awkward description of the duties of the executive secretary of the educational approval board.

SECTION 3. 38.51 (10) (a) of the statutes is amended to read:

38.51 (10) (a) *Authority.* All proprietary schools shall be examined and approved by the board before operating in this state. Approval shall be granted to schools meeting the criteria established by the board for a period not to exceed one year. ~~Existing schools on November 5, 1971, have until September 1, 1973, to receive approval.~~ 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 deems necessary.

NOTE: When s. 38.51 (10), stats., added the requirement that all schools be approved before operating in the state, there were numerous existing schools which were not approved. The statute provided a grace period in which existing schools could still operate while working to obtain approval. That period ended over a decade ago. The sentence regarding the grace period is now superfluous and is deleted by this bill.