

2003 DRAFTING REQUEST

Bill

Received: **08/21/2003**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Veterans Affairs 7-7733**

By/Representing: **Dave Dies**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Higher Education - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **david.dies@eab.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Permitting Educational Approval Board to take custody of student transcripts when school closes

Instructions:

See attached--permit EAB to take custody of student transcripts when a school closes or is at imminent risk of closing.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/12/2003	kfollett 09/23/2003		_____			State
/1			pgreensl 09/23/2003	_____	lemery 09/23/2003		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	gmalaise 09/24/2003	kfollett 09/25/2003	rschluet 09/25/2003	_____	lemery 09/25/2003		State
/3	gmalaise 09/30/2003	kfollett 10/01/2003	rschluet 10/01/2003	_____	sbasford 10/01/2003	Inorthro 01/02/2004	

FE Sent For:

<END>

↪ At
Intro.

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*1-2-04
jacket
for
assembly
per
David
Dies*

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/1		13 kjf 10/1	pgreensl 09/23/2003		lemery 09/23/2003		State

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10-13 PB

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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By/Representing: Dave Dies

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May Contact:

Addl. Drafters:

Subject: Higher Education - miscellaneous

Extra Copies:

Submit via email: YES

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Carbon copy (CC:) to:

Pre Topic:

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/?	gmalaise 09/12/2003	kfollett 09/23/2003					State
/1		12 KJ 9/25	pgreensl 09/23/2003		lemery 09/23/2003		

Handwritten signatures and dates for the drafting history table. The 'Reviewed' column for version /1 has a signature and the date 9/25. The 'Typed' column for version /1 has a signature and the date 09/23/2003. The 'Submitted' column for version /1 has a signature and the date 09/23/2003. There are also some scribbles and additional dates like 9-25-03.

FE Sent For:

<END>

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/?	gmalaise	1/1 kjf 9/23	9/23 P8	9/23 P8/LE			
FE Sent For:							
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STATE OF WISCONSIN EDUCATIONAL APPROVAL BOARD

STUDENT RECORDS OF CLOSED POSTSECONDARY INSTITUTIONS LEGISLATIVE DRAFTING REQUEST

SUMMARY

The Educational Approval Board (EAB) is proposing a student records retention policy for postsecondary institutions that close. Currently, the state law does not address the treatment of student records.

BACKGROUND

During the past 5 years, it is estimated that hundreds postsecondary institutions across the county have closed. Among this number are at least 31 traditional colleges, roughly half of them being four-year undergraduate institutions. Meanwhile, there have been at least 11 major college mergers and acquisitions and countless others among proprietary institutions, a trend with is expected to continue for the next decade. In fact, some analysts at Standard & Poors, a national bond-rating agency, have forecast that colleges and universities might be forced to consolidate in large numbers or close as they struggle against stagnant levels of financial resources and substantially higher levels of debt.

In the state of Wisconsin, there have been 16 known postsecondary school closings during the past 10 years. A majority of these closures have been concentrated in the IT sector and have occurred in the past three years during the extended market downturn. Included on the list, however, are more prominent traditional institutions like Mount Senario College (Ladysmith) and Madison Business College.

While nearly 80 percent of states have some type of records retention policy for postsecondary schools that close, Wisconsin is among the 20 percent of states that have no such policy. This may be attributed to the fact the state lacks a postsecondary governing body that coordinates issues among the various sectors. Whatever the reason, the lack of such a policy places student transcripts at-risk of being lost or even destroyed.

EAB Authority

The Educational Approval Board is an independent unit of state government responsible for protecting Wisconsin's consumers by regulating and monitoring more than 125 institutions serving more than 30,000 adults in degree and non-degree programs. The vast majority of these institutions are either for-profit postsecondary schools or out-of-state, non-profit colleges and universities. Current law specifically exempts certain schools from EAB oversight, including public institutions (i.e., UW and Technical College System schools) and private non-profit institutions that were incorporated before January 1, 1992.

Current Practice

The EAB recognizes the importance of protecting student records and has assumed responsibility for taking possession of student records from schools that were under the EAB's regulatory oversight at the time of closure. Although the EAB has not been granted specific statutory authority to act in this manner, it has done so to protect graduates and to preserve public interest.

Closed schools for which the EAB currently maintains student records are listed below.

- ACME Institute of Technology
- Business and Banking Institute
- Career Academy
- Career Tech Corporation
- Control Data Institute (later known as Technology Institute of Milwaukee)
- OnIT Consulting
- Sawyer College of Business
- Technology Institute of Milwaukee (formerly known as Control Data Institute)
- United Technical Institute (a division of Career Academy)

Until recently, the EAB was not concerned about student records for schools not subject to its regulatory authority. While the EAB lacked clear authority to take possession of student records from schools that were under its oversight, it has virtually no jurisdiction over schools exempt from its regulations.

The closure of Mount Senario College in 2002, however, has caused the EAB to change its perspective. Because the college was a non-profit institution formed in 1962, it was not subject to EAB oversight. College officials initially approached the EAB shortly after it closed about becoming the custodian of their records. Absent any oversight responsibilities for the school, however, the EAB declined.

School personnel and the attorney appointed by the court as Receiver worked for over a year with the North Central Association of Colleges and Schools – the college's regional accrediting body – to find another accredited institution to serve as custodian. Unfortunately, no other institution offered to assume responsibility for the student transcripts. At the risk of being lost or destroyed, the EAB agreed more than a year later to assume responsibility for the student records.

Other Cases

The situation involving Mount Senario College is not unique. The same was true for student records of Milton College that closed in the 1970s. Some of those records are maintained by UW-Whitewater; others were transferred to Mount Senario and are now in EAB possession. Another example is Madison Business College (MBC) that closed in 1998. Also a school that was exempt from EAB approval, MBC student records are kept at a nursing home in Verona.

The attached list of closed schools summarizes the disjointed nature where student records are held. Unfortunately, in some instances student records have been lost or destroyed. It is estimated that the records for 14 closed schools that are not subject to EAB oversight are being held by various entities.

PROPOSAL

To better protect Wisconsin residents, the state should have a formal retention policy for student records from postsecondary schools that close.

Scope

Because the University of Wisconsin System and the Wisconsin Technical College System are publicly controlled, they should be exempt from the records retention policy. Moreover, in the unlikely event a decision is made to close one of these institutions, internal systems would be capable of addressing the retention of student records. All other postsecondary schools operating in the state -- regardless of whether or not they require EAB approval -- would be subject to the retention policy.

Expanding EAB Authority

The EAB should be granted legal authority to take possession of student records from any school if it determines that student records are in jeopardy of being lost or destroyed. In addition to closed schools, this provision should apply to schools where the closing is imminent as deemed by the EAB.

The EAB is also seeking language that would allow it to seek a court order to take possession of student records. In precipitous school closures, it may not be possible to secure student records before the "doors are locked" and the EAB would need to have a court order to gain access.

A student record would be defined as a "school transcript showing all program, course or degree work completed by the student."

Statutory Placement

The placement of language for a records retention policy could be articulated in several statutory sections.

- Under existing EAB authority in s.45.54.
- In Chapter 39 which covers higher education agencies.
- In Subchapter II of Chapter 19 which deals with public records.

Regardless of where the language is placed, it may be necessary to clarify under Chapter 19 that student records held by the Educational Approval Board may only be disclosed in a manner that is consistent with the federal family educational rights and privacy act (FERPA) and are therefore not subject to the Open Records Law.

Appropriation / Funding Issues

The EAB is proposing a "user" fee be charged to persons requesting a student record. This fee would cover the administrative costs associated with this function. A continuing program revenue appropriation would be created in which fees would be deposited. In addition, the EAB proposes that the student protection appropriation under s.20.485 (5)(gm) be amended so that it can be used to cover the costs associated with the retention of student records **from closed schools that were subject to EAB approval.**

wisconsin.gov[state agencies](#)[subject directory](#)

State of Wisconsin

EAB**Educational Approval Board**

Protecting Wisconsin Consumers and Advocating Quality

August 25, 2003

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The state of Wisconsin has no records retention policy regarding the transcripts of students attend a postsecondary educational institution that closes. When a school subject to approval by the Educational Approval Board (EAB) closes, the records are generally transferred to another school. Because this is not always possible, the EAB has become the official custodian of transcripts for a number of closed schools. To check if the EAB is the custodian for transcripts from a particular school, please refer to the [Closed Schools Lists](#).

Transcript Request Procedure

To obtain a student transcript send a request providing the name of the school, your name and any other name used at the time the school was attended, social security number (optional but useful for verification), current address, and the complete name and address where transcripts should be sent. Requests may be made by mail, e-mail, or facsimile to:

Educational Approval Board
Attention: Blanca James
30 West Mifflin Street
P.O. Box 8696
Madison, WI 53708-8696
FAX: 608/264-8477
Email: EABMail@eab.state.wi.us

With the exception of Mount Senario College, the EAB only has student transcripts for schools that were subject to approval by the EAB at the time of their closing. The EAB does not have transcripts for students who have attended a University of Wisconsin System school (including former county teacher colleges) or a Wisconsin Technical College System school.

IMPORTANT INFORMATION FOR MOUNT SENARIO COLLEGE STUDENTS/GRADUATES

Effective July 30, 2003, The Educational Approval Board has agreed to become the custodian of student transcripts from the former Mount Senario College located in Ladysmith, WI.

To obtain a copy of a student transcript send a request providing your name and any other name used at the time the school was attended, social security number (optional but useful for verification), current address, and the complete name and address where transcript should be sent. **No facsimiles or e-mails will be accepted. There is a \$10.00 fee for each transcript request. Make check payable to the Educational Approval Board. Payment must accompany request.**

Educational Approval Board
Attention: Blanca James
30 West Mifflin Street
P.O. Box 8696
Madison, WI 53708-8696



Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter EAB 7

RECORDS

EAB 7.01 Student records.
EAB 7.02 Records retention.
EAB 7.03 Transcripts.

EAB 7.04 Change in status.
EAB 7.05 Access to records.

EAB 7.01 Student records. A school shall keep records of attendance, progress and grades. A school shall periodically report progress to each student.

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

EAB 7.02 Records retention. Each school shall maintain, for a minimum of 6 years from graduation or last date of attendance, student records that shall include at least the following:

(1) A copy of the enrollment agreement and other instruments relating to payment for educational services.

(2) Student information, including student name; permanent or other address at which the student may be reached; records relating to financial payments and refunds; and, record of attendance.

(3) Date of completion or termination and the reason(s) thereof.

(4) Record of any student grievance and subsequent resolution.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135: am. (intro.) Register April 2003 No. 568, eff. 5-1-03.

EAB 7.03 Transcripts. Each school shall provide upon request a transcript to the student who has satisfied all financial obligations currently due and payable to the school. A school shall permanently retain original transcripts for all students. The transcript must provide at least the following:

(1) Name of the student.

(2) Title of the program, including total number of credit or hours of instruction received and dates of enrollment.

(3) Grade record for each course, lesson or unit of instruction and the cumulative grade for the program.

(4) Explanation of the grading system on the transcript.

History: Cr. Register, October, 1997, No. 502, eff. 12-1-97; CR 02-135: am. (intro.) Register April 2003 No. 568, eff. 5-1-03.

EAB 7.04 Change in status. (1) In the event of merger, consolidation, change of ownership, or dissolution of a school, the school owner or designee shall:

(a) Notify the board at the time the decision is made to merge, consolidate, sell, or close, but at a minimum, seventy-two hours before such action.

(b) Submit a plan to provide for the retention and disposition of records. If necessary, the board may seize the records and negotiate for assignment of said records to another school or agency.

(c) Provide a record of the names, addressees and financial records of students currently enrolled whose programs have not been completed.

(d) Surrender the EAB license.

(2) In the event it appears that the official records of a school discontinuing its operation are in danger of being destroyed, secreted, mislaid or otherwise made unavailable, the board may seek a court order to take possession of the records.

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

EAB 7.05 Access to records. The board shall maintain and make available records in its possession in accordance with retention and disposition authorization procedures established by the public records board and the federal family educational rights and privacy act (FERPA) of 1974 under 34 CFR Part 99.

History: CR 02-135: cr. Register April 2003 No. 568, eff. 5-1-03.

Academic Records

Locating Your Academic Records

If you were not able to obtain your academic records prior to your school closing, or immediately thereafter, you should contact the State licensing agency in the State in which the school was located for assistance in obtaining your records. (See the attached list for applicable state licensing agencies.) Some of these agencies take possession of student records as a matter of State law or policy when schools in their states close. Other agencies may make arrangements for storage of the student records.



§ 32-3058. Preservation of recordstop

- A. If a person who holds a private vocational program license or license to grant degrees discontinues operation, the chief administrative officer of the educational institution shall file with the board the original or legible true copies of all educational records of the institution as specified by the board.
- B. Educational records include at least all educational information required by colleges or vocational institutions in considering students for transfer or advanced study, educational records of each student and former student and financial aid records of each student and former student.
- C. If it appears to the board that any educational records of an educational institution are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the board, the board may seize and take possession of the educational records on its own motion and without the order of any court.
- D. The board shall maintain a permanent file of the educational records it receives. These records are confidential and are not subject to review by the general public. The board shall establish procedures for access to and release of such records to students and their authorized representatives.

Article 4. Student Tuition Recovery Fund**§ 32-3071. Definitions**

In this article, unless the context otherwise requires:

top

1. "Assessment" means the amount a private postsecondary education institution is required to pay to the Student Tuition Recovery Fund.
2. "Ceasing Operations" means a private postsecondary education institution that has stopped offering educational courses or programs to the public for any reason.
3. "Cosmetology School" means a school as defined in § 32-501 that is licensed pursuant to Chapter 5 of this Title.

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The 2002 Florida Statutes

[Title XLVIII](#)[Chapter 1005](#)[View Entire Chapter](#)

K-20 EDUCATION CODE NONPUBLIC POSTSECONDARY EDUCATION

1005.36 Institutional closings.--

(1) The Legislature intends to protect students and the independent sector of postsecondary education from the detriment caused by licensed institutions that cease operation without providing for the proper completion of student training or for the appropriate refund of student fees. To serve this intention, the Commission for Independent Education may prevent the operation in this state of a licensed independent postsecondary educational institution by an owner who has unlawfully closed another institution and the commission may exercise control over student records upon closure of a licensed institution if the institution does not provide an orderly closure.

(2) At least 30 days prior to closing an institution, its owners, directors, or administrators shall notify the commission in writing of the closure of the institution. The owners, directors, and administrators must organize an orderly closure of the institution, which means at least providing for the completion of training of its students. The commission must approve any such plan. An owner, director, or administrator who fails to notify the commission at least 30 days prior to the institution's closure, or who fails to organize the orderly closure of the institution and the trainout of the students, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If the commission finds that an institution has ceased operating without providing for the proper access to student records, the commission may require the institution to convey all student records to the commission office or to another location designated by the commission or its staff. The commission shall make copies of records available to bankruptcy trustees upon request and to the student or those designated by the student. Confidentiality of the records shall be maintained to the extent required by law. The commission may seek civil penalties not to exceed \$10,000 from any owner, director, or administrator of an institution who knowingly destroys, abandons, or fails to convey or provide for the safekeeping of institutional and student records. The commission may use moneys in the Student Protection Fund to facilitate the retrieval or safekeeping of records from an institution that has closed.

(4) The commission may refer matters it deems appropriate to the Department of Legal Affairs or the state attorney for investigation and prosecution.

History.--s. 259, ch. 2002-387.

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[← PREVIOUS](#)[NEXT →](#)

20-3-250.17 G
*** CODE SECTION *** 12/03/01

20-3-250.17.

In the event any nonpublic postsecondary educational institution now or hereafter operating in this state proposes to discontinue its operations, the chief administrative officer, by whatever title designated, of such institution shall cause to be filed with the executive director the original or legible true copies of all such academic records of such institution as may be specified by the executive director. Such records shall include, at a minimum, such information as is customarily required by colleges or other postsecondary educational institutions when considering students for transfer or advanced study and, as a separate document, the academic record of each former student. In the event it appears to the executive director that any such records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the executive director, the executive director may, with court order, seize and take possession of such records, subject to the confidentiality accorded normal school records. The executive director shall maintain or cause to be maintained a permanent file of such records coming into his or her possession.

[← PREVIOUS](#)[NEXT →](#)

TITLE XXVII CORPORATIONS, ASSOCIATIONS, AND PROPRIETORS OF COMMON LANDS

CHAPTER 292 VOLUNTARY CORPORATIONS AND ASSOCIATIONS

Higher Education Corporations

Section 292:8-kk

292:8-kk Reports Required. – When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the academic record, or a legible, certified copy thereof, of each student who has been registered for instruction at the institution shall be forwarded to the postsecondary education commission together with an explanation of the institution's credit and grading system. The postsecondary education commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be \$2 per copy of a student transcript. Said fees shall be credited to the appropriation for the commission.

Source. 1969, 4:1. 1973, 533:13. 1979, 87:1, eff. June 29, 1979.

Source:

Tennessee Code/TITLE 49 EDUCATION/CHAPTER 7 POSTSECONDARY AND HIGHER EDUCATION GENERALLY/PART 20 POSTSECONDARY EDUCATION AUTHORIZATION ACT/49-7-2016. Closing of institution.

49-7-2016. Closing of institution.

(a) In the event any postsecondary educational institution now or hereafter operating in this state proposes to discontinue its operation, the chief administrative officer, by whatever title designated, of such institution shall cause to be filed with the commission the original or legible true copies of all such academic records of such institution as may be specified by the commission.

(b) Such records shall include, at a minimum, such academic information as is customarily required by colleges when considering students for transfer or advanced study, and, as a separate document, the academic record of each former student.

(c) In the event it appears to the commission that any such records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the commission, the commission may seize and take possession of such records, on its own motion, and without order of court.

(d) The commission shall maintain, or cause to be maintained, a permanent file of such records coming into its possession.

(e) As an alternative to the deposit of such records with the commission, the institution may propose to the commission a plan for permanent retention of such records. Such plan shall be put into effect only with the approval of the commission.

(f) When a postsecondary educational institution now or hereafter operating in this state proposes to discontinue its operation, such institution shall cause to be created a teachout plan, acceptable to the commission, by which its educational obligations to its students can be fulfilled.

[Acts 1961, ch. 112, § 19; 1974, ch. 781, § 18; T.C.A., § 49-3918; Acts 1992, ch. 1026, § 7.]

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Document 18 of 19**Source:**

Tennessee Code/TITLE 49 EDUCATION/CHAPTER 7 POSTSECONDARY AND HIGHER EDUCATION GENERALLY/PART 20 POSTSECONDARY EDUCATION AUTHORIZATION ACT/49-7-2017. Fines, penalties and enforcement.

49-7-2017. Fines, penalties and enforcement.

(a) (1) Any person, group or entity, or any owner, officer, agent, or employee thereof, who violates § 49-7-2007, or who fails or refuses to deposit with the commission the records required by § 49-7-2016, is subject to a civil penalty not to exceed five hundred dollars (\$500) for such violation.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3149

GMM. [Signature]

THIS WEEK

(By Fri 9/26)

Gen

line nos. ↓
AN ACT ...; relating to: the preservation of student records of a school approved by the Educational Approval Board and certain other schools when the school discontinues its operations and making appropriations.

Analysis by the Legislative Reference Bureau

(COPI) Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools to protect the students, prevent fraud, and encourage accepted educational standards at those schools. Under current administrative rules, the EAB may seek a court order to take possession of a school's records if it appears that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable. Current law, however, exempts from the oversight of the EAB tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal place of business in this state before 1970, schools that are licensed or 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 the EAB.

This bill permits the EAB to take possession of the student records of a school operating in this state if the school discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the EAB and if the EAB determines that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the EAB. The bill also permits the EAB to seek a court order authorizing the EAB to take possession of the student records of a school if necessary to protect the records being destroyed, secreted, mislaid, or otherwise made unavailable to the EAB. The bill requires the EAB to preserve any student record that comes into its possession and

to keep the student record confidential as provided in the federal Family Educational Rights and Privacy Act of 1974, which generally requires student records to be kept confidential and not to be disclosed except to the person who is the subject of the record or a person authorized by that person. X

For purposes of the bill, "school" is defined to include not only a private trade, correspondence, business, or technical school approved by the EAB but also a school that is not subject to EAB approval and that is a tax-exempt school that was incorporated in this state before January 1, 1992, or that had its headquarters and principal place of business in this state before 1970, a school that is licensed or approved, and supervised, by another state agency, a school approved by ~~the~~ ^{DPI} Department of Public Instruction for the training of teachers, or a school accredited by an accrediting agency recognized by the EAB. In addition, the bill defines a "student record" as 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. X

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

as created by 2003 Wisconsin Act 33,

SECTION 1. 20.485 (5) (gm) of the statutes is amended to read:

20.485 (5) (gm) *Student protection.* All moneys received from the fees received under s. 45.54 (10) (c) 4., for the purpose of indemnifying students, parents, or sponsors under s. 45.54 (10) (a) and for the purpose of preserving under s. 45.54 (11) the student records of schools, as defined in s. 45.54 (1) (e), that have discontinued their operations.

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 44, 165, 269; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33.

SECTION 2. 20.485 (5) (i) of the statutes is created to read:

20.485 (5) (i) *Closed schools; preservation of student records.* All moneys received from fees collected under s. 45.54 (11) (c) to be used for the administrative

costs of taking possession of, preserving, and providing copies of student records of schools, as defined in s. 45.54 (11) (a) 1., that have discontinued their operations.

SECTION 3. 45.54 (11) of the statutes is created to read:

45.54 (11) CLOSED SCHOOLS; PRESERVATION OF RECORDS. (a) In this subsection:

1. Notwithstanding sub. (1) (e), "school" has the meaning given in sub. (1) (e) and also includes a school described in sub. (1) (e) 1., 6., 7., or 8.

2. "Student record" means 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.

(b) 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 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 board, the board may take possession of those student records. If necessary to protect student records ^{from} being destroyed, secreted, mislaid, or otherwise made unavailable to the board, the board may seek a court order authorizing the board to take possession of those student records.

(c) The board shall preserve a student record that comes into the possession of the board under par. (b) and shall keep the student record confidential as provided under 20 USC 1232g and 34 CFR Part 99. A student record in the possession of the board is not open to public inspection or copying under s. 19.35 (1). Upon request of the person who is the subject of a student record or an authorized representative of

that person, the board shall provide a copy of the student record to the requester. The board may charge a fee for providing a copy of a student record. The fee may not exceed the actual cost of providing the student record. All fees collected under this paragraph shall be credited to the appropriation account under s. 20.485 (5) (i).

(END)

X
X



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3149/A
GMM:kjff

This week

By 9/26

2
DNR

2003 BILL

Regen

1 AN ACT to amend 20.485 (5) (gm); and to create 20.485 (5) (i) and 45.54 (11) of
2 the statutes; relating to: the preservation of student records of a school
3 approved by the Educational Approval Board and certain other schools when
4 the school discontinues its operations and making appropriations.

(EAB-approved schools)

an EAB-approved

Analysis by the Legislative Reference Bureau

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools to protect the students, prevent fraud, and encourage accepted educational standards at those schools. Under current administrative rules, the EAB may seek a court order to take possession of a school's records if it appears that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable. Current law, however, exempts from the oversight of the EAB tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal place of business in this state before 1970, schools that are licensed or approved, and supervised, by other state agencies, schools approved by the Department of Public Instruction (DPI) for the training of teachers, and schools accredited by accrediting agencies recognized by the EAB.

(schools not approved by EAB the EAB)

ups: this line is ok leave in

an EAB-approved

This bill permits the EAB to take possession of the student records of a school operating in this state if the school discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the EAB and if the EAB determines that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the

or a school not approved by the EAB

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an EAB-approved or a school not approved by the EAB

EAB. The bill also permits the EAB to seek a court order authorizing the EAB to take possession of the student records of a school if necessary to protect the records being destroyed, secreted, mislaid, or otherwise made unavailable to the EAB. The bill requires the EAB to preserve any student record that comes into its possession and to keep the student record confidential as provided in the federal Family Educational Rights and Privacy Act of 1974, which generally requires student records to be kept confidential and not to be disclosed except to the person who is the subject of the record or a person authorized by that person.

For purposes of the bill, "school" is defined to include not only a private trade, correspondence, business, or technical school approved by the EAB but also a school that is not subject to EAB approval and that is a tax-exempt school that was incorporated in this state before January 1, 1992, or that had its headquarters and principal place of business in this state before 1970, a school that is licensed or approved, and supervised, by another state agency, a school approved by DPI for the training of teachers, or a school accredited by an accrediting agency recognized by the EAB. In addition, the bill defines a "student record" as 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.

is defined, in the case of an EAB-approved school

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 20.485 (5) (gm) of the statutes, as created by 2003 Wisconsin Act
2 33, is amended to read:

3 20.485 (5) (gm) *Student protection.* All moneys received from the fees received
4 under s. 45.54 (10) (c) 4., for the purpose of indemnifying students, parents, or
5 sponsors under s. 45.54 (10) (a) and for the purpose of preserving under s. 45.54 (11)
6 the student records of schools, as defined in s. 45.54 (1) (e), that have discontinued
7 their operations.

completed by

8 SECTION 2. 20.485 (5) (i) of the statutes is created to read:

is defined as a transcript for a student or former student of the school showing such information about the academic work of the student or former student as is customarily maintained by the school.

BILL

, in the case of a school, as defined in sub. (1)(e)(intro.),

1 20.485 (5) (i) *Closed schools; preservation of student records.* All moneys
2 received from fees collected under s. 45.54 (11) (c) to be used for the administrative
3 costs of taking possession of, preserving, and providing copies of student records of
4 schools, as defined in s. 45.54 (11) (a) 1., that have discontinued their operations.

5 **SECTION 3.** 45.54 (11) of the statutes is created to read:

6 45.54 (11) CLOSED SCHOOLS; PRESERVATION OF RECORDS. (a) In this subsection:

7 1. Notwithstanding sub. (1) (e), "school" has the meaning given in sub. (1) (e)
8 and also includes a school described in sub. (1) (e) 1., 6., 7., or 8.

9 2. "Student record" means a transcript for a student or former student of a
10 school showing the name of the student, the title of the program in which the student
11 was or is enrolled, the total number of credits or hours of instruction completed by
12 the student, the dates of enrollment, the grade for each course, lesson, or unit of
13 instruction completed by the student, the student's cumulative grade for the
14 program, and an explanation of the school's credit and grading system.

15 (b) If a school operating in this state discontinues its operations, proposes to
16 discontinue its operations, or is in imminent danger of discontinuing its operations
17 as determined by the board and if the board determines that the student records of
18 the school are in danger of being destroyed, secreted, mislaid, or otherwise made
19 unavailable to the board, the board may take possession of those student records.
20 If necessary to protect student records from being destroyed, secreted, mislaid, or
21 otherwise made unavailable to the board, the board may seek a court order
22 authorizing the board to take possession of those student records.

23 (c) The board shall preserve a student record that comes into the possession of
24 the board under par. (b) and shall keep the student record confidential as provided
25 under 20 USC 1232g and 34 CFR Part 99. A student record in the possession of the

Note: 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.

(intro.)

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copy of the

1 board is not open to public inspection or copying under s. 19.35 (1). Upon request of
2 the person who is the subject of a student record or an authorized representative of
3 that person, the board shall provide a copy of the student record to the requester. The
4 board may charge a fee for providing a copy of a student record. The fee ~~may not~~
5 ~~exceed the actual cost of~~ providing the student record. All fees collected under this
6 paragraph shall be credited to the appropriation account under s. 20.485 (5) (i).

7

(END)

shall be based on the administrative
cost of taking possession of,
preserving, and



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3149/2
GMM:kjfAA

Soon!

2003 BILL

3
DWR

Regen

1 AN ACT *to amend* 20.485 (5) (gm); and *to create* 20.485 (5) (i) and 45.54 (11) of
2 the statutes; **relating to:** the preservation of student records of a school
3 approved by the Educational Approval Board and certain other schools when
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Analysis by the Legislative Reference Bureau

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools (EAB-approved schools) to protect the students, prevent fraud, and encourage accepted educational standards at those schools. Under current administrative rules, the EAB may seek a court order to take possession of an EAB-approved school's records if it appears that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable. Current law, however, exempts from the oversight of the EAB tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal place of business in this state before 1970, schools that are licensed or approved, and supervised, by other state agencies, schools approved by the Department of Public Instruction (DPI) for the training of teachers, and schools accredited by accrediting agencies recognized by the EAB (schools not approved by the EAB).

This bill permits the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB operating in this state if the school discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the EAB and if the

BILL

persons who are the subjects of those records or the authorized representatives of those persons

From

those

EAB determines that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the EAB. The bill also permits the EAB to seek a court order authorizing the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB if necessary to protect the records from being destroyed, secreted, mislaid, or otherwise made unavailable to the EAB. The bill requires the EAB to preserve any student record that comes into its possession and to keep the student record confidential as provided in the federal Family Educational Rights and Privacy Act of 1974, which generally requires student records to be kept confidential and not to be disclosed except to the person who is the subject of the record or a person authorized by that person.

For purposes of the bill, "student record" is defined, in the case of an EAB-approved school, as 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 that is not approved by the EAB, "student record" is defined as 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.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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5 sponsors under s. 45.54 (10) (a) and for the purpose of preserving under s. 45.54 (11)
6 the student records of schools, as defined in s. 45.54 (1) (e), that have discontinued
7 their operations.

8 SECTION 2. 20.485 (5) (i) of the statutes is created to read:

9 20.485 (5) (i) *Closed schools; preservation of student records*. All moneys
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BILL

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2 schools, as defined in s. 45.54 (11) (a) 1., that have discontinued their operations.

3 **SECTION 3.** 45.54 (11) of the statutes is created to read:

4 45.54 (11) CLOSED SCHOOLS; PRESERVATION OF RECORDS. (a) In this subsection:

5 1. Notwithstanding sub. (1) (e), “school” has the meaning given in sub. (1) (e)
6 (intro.) and also includes a school described in sub. (1) (e) 1., 6., 7., or 8.

7 2. “Student record” means, in the case of a school, as defined in sub. (1) (e)
8 (intro.), a transcript for a student or former student of a school showing the name of
9 the student, the title of the program in which the student was or is enrolled, the total
10 number of credits or hours of instruction completed by the student, the dates of
11 enrollment, the grade for each course, lesson, or unit of instruction completed by the
12 student, the student’s cumulative grade for the program, and an explanation of the
13 school’s credit and grading system. In the case of a school described in sub. (1) (e) 1.,
14 6., 7., or 8., “student record” means a transcript for a student or former student of the
15 school showing such information about the academic work completed by the student
16 or former student as is customarily maintained by the school.

17 (b) If a school operating in this state discontinues its operations, proposes to
18 discontinue its operations, or is in imminent danger of discontinuing its operations
19 as determined by the board and if the board determines that the student records of
20 the school are in danger of being destroyed, secreted, mislaid, or otherwise made
21 unavailable to ~~the board~~ the board may take possession of those student records.

22 If necessary to protect student records from being destroyed, secreted, mislaid, or
23 otherwise made unavailable to ~~the board~~ the board may seek a court order
24 authorizing the board to take possession of those student records.

the persons who are or the subjects of those student records USE
OF the authorized representatives of those persons TWICE

