

2009 DRAFTING REQUEST

Bill

Received: 07/02/2009

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Kim Hixson (608) 266-9650

By/Representing: John Vander Meer

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: Rep.Hixson@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of diploma mills

Instructions:

See attached--redraft 08-0177 with attached changes

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 07/02/2009	bkraft 07/23/2009		_____			State Crime
/1			rschluet 07/23/2009	_____	cduerst 07/23/2009		State Crime
/2	gmalaise 08/17/2009	bkraft 08/18/2009	rschluet 08/19/2009	_____	sbasford 08/19/2009		State Crime
/3	gmalaise	bkraft	phenry	_____	sbasford		State

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/5	gmalaise 10/08/2009	bkraft 10/08/2009	mduchek 10/09/2009 _____		mbarman 10/09/2009		State Crime
/6	gmalaise 12/04/2009	bkraft 12/04/2009	jfrantze 12/07/2009 _____		mbarman 12/07/2009	lparisi 12/07/2009	

FE Sent For:

<END>

→ At Intro.

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FE Sent For:

1/6 bjk 12/4

~~TD~~ ~~RS~~ ~~12/4~~
12/4
12/7
Pitt
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Handwritten notes:
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Km
9/9

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14 bjk 9/28

ND NDPH

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9/28 9/29

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13 bjk 9/16
PH 9/16
JF

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Handwritten signatures and initials, including "JMD" and "8/19", and a stamp that says "<END>".

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1/?	gmalaise	1/bjk 7/21					

7/13
<END>

FE Sent For:

Malaise, Gordon

From: Vander Meer, John
Sent: Wednesday, July 01, 2009 3:09 PM
To: Malaise, Gordon
Subject: RE: Degree Mills legislation drafting request.
Attachments: hixson draft.doc; 07-01771.pdf

June 30, 2009

Dear Gordon:

I hope this email reaches you well.

For the last couple of months, Mary Matthias and I have been working on legislation which would address the issue of degree mills in the state of Wisconsin. Per our conversations, Mary has put together the following drafting instructions regarding this legislation. I have attached a copy of the original bill, which I am under the impression that you drafted. If you could put together a draft of this legislation with the changes included in the drafting instructions, I would greatly appreciate it.

Please let me know if there is any additional information you need on this subject.

Thanks for your assistance on this matter...

-- JVM

John J. Vander Meer

*Research Assistant, Office of State Representative Kim Hixson
Committee Clerk, Assembly Committee on Colleges and Universities*
Phone: (608) 266-9650
E-mail: john.vandermeer@legis.wi.gov

From: Matthias, Mary
Sent: Friday, June 26, 2009 8:55 AM
To: Vander Meer, John
Subject: drafting instructions,etc.

John-

Attached are the drafting instructions for the diploma mill bill that I put together based on the notes from our conversations. These should go to Gordon Malasie--he drafted the language that David Dies gave us.

I am on vacation until July 13--talk to you when I get back!

If you end up doing anything with the misconduct rule and need help, call Ron Sklansky (Clearinghouse director) or Dan Schmidt (staffs Senate Higher Ed committee) in my office.

Mary

07/01/2009

Drafting instructions for Rep. Hixson Diploma Mill Legislation

The draft should be the same as LRB 0177/1 (from 2007-08) with the following changes:

1. Page 4, lines 6-13. Replace the requirements in this section with a requirement that a school may not use the terms "college" "University" or "state" in its name unless the EAB finds that the school has been accredited by an organization that is either: (a) recognized by the US Secretary of Education (or has the foreign equivalent of that accreditation); or (b) recognized by the Council on Higher Education Accreditation (CHEA).
2. pg. 4, line 23, after "accreditation", insert "or recognized by the Council on Higher Education Accreditation".
3. Pg 5, lines 3 and 6, after "education" insert "or recognized by the Council on Higher Education Accreditation"
4. Pg. 5, lines 14-17. Change the penalty to a forfeiture of up to \$1000.
5. Add a provision to subchapter II of chapter 111, stats., to provide that an employer may terminate an employee for providing a false academic credential to the employer to obtain employment or an employment benefit.
6. Pg 5., line 15, after "credential", insert "in any communication with the public or clients or"
7. pg. 5, line 18: change "employment" to "any position of employment by the state or any subdivision of the state or "
8. Pg. 5: delete lines 20 and 21.
9. Add a provision requiring EAB to maintain on its website a list of approved degree-granting institutions in the state.

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: GMM) (Date: 7/2/09)



Please transfer the drafting file for

2007 LRB 2177 to the drafting file

for 2009 LRB 3076

☞ The final version of the 2007 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

☞ For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

Please copy the drafting file for

2009 LRB / (include the version) and place it in the

drafting file for 2009 LRB

☞ For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☞ The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

- 3076 / 1

FROM 2007 0177/1
LRE: 0177/1
GMM: ml:nwn
bjk

(9)
2007 BILL

Inserts

SN 7/2

SA
x-ref

Revised

1 AN ACT *to amend* 20.292 (2) (g), 38.50 (7) (g) and 38.50 (10) (a); and *to create*
2 38.50 (12) and 38.50 (13) of the statutes; *relating to:* the use of the terms
3 college, university, and state in the name of a school that is subject to the
4 approval of the Educational Approval Board; the issuing, manufacture, or use
5 of a false academic credential; the false use of a legitimate academic credential;
6 making an appropriation; and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no private trade, correspondence, business, or technical school (proprietary school) may advertise or operate in this state unless the proprietary school is first approved by the Educational Approval Board (EAB).

This bill prohibits a proprietary school from using the term "college," "university," or "state" in its name unless approved by the EAB. The bill requires the EAB to approve the use of those terms in the name of a proprietary school as follows:

1. The term "college" if the proprietary school offers a program leading to an associate or higher degree.
2. The term "university" if the proprietary school offers a program leading to a baccalaureate or higher degree.
3. The term "college," "university" or "state," whether or not the proprietary school offers a program leading to an associate, baccalaureate, or higher degree or is affiliated with the state of Wisconsin, if the proprietary school was organized, operating, and using the term in its name before the effective date of the bill.

Insert
A-1

~~if the school has accreditation recognized by the U.S. Secretary of Education or has the foreign equivalent of that accreditation or has accreditation recognized by the Council for Higher Education Accreditation.~~

BILL

in any communication to a client or to the general public

an employment position with a state agency or with a political subdivision of the state, including

LRB-0177/1
GMM:lmk:nwn

The bill also prohibits all of the following:

1. Knowingly issuing or manufacturing a false academic credential, as defined in the bill.
2. Knowingly using a false academic credential or falsely using or claiming to have a legitimate academic credential, in connection with any business, trade, profession, or occupation or to obtain employment or a license or other approval required to practice a trade, profession, or occupation; to obtain a promotion, or an increase in compensation, in employment or to obtain any benefit in the practice of a business, trade, profession, or occupation; to obtain admission to an authorized institution of higher education, as defined in the bill; or to obtain an elective or appointive position in government, whether compensated or not.

For purposes of those prohibitions:

1. "Academic credential" means a degree, transcript, certificate, or other similar document that indicates the completion of a program, course, or course of instruction leading to, or the earning of academic credit toward, the granting of an associate, baccalaureate, or graduate degree.
2. "False academic credential" means an academic credential issued or manufactured by a person that is not an authorized institution of higher education.
3. "Legitimate academic credential" means an academic credential issued by an authorized institution of higher education.
4. "Authorized institution of higher education" means an educational institution that has accreditation recognized by the U.S. secretary of education or has the foreign equivalent of that accreditation, is approved by the EAB to operate as a proprietary school in this state; operates in this state and is a school exempt from EAB approval; does not operate in this state, but is licensed or otherwise approved by the appropriate state agency of another state and is an active applicant for accreditation by an accrediting body recognized by the U.S. secretary of education; or has been found by the EAB to meet standards of academic quality comparable to those of an educational institution located in the United States that has accreditation recognized by the U.S. secretary of education to offer credentials of the type and level claimed.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

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

Finally, the bill provides that it is not employment discrimination because of conviction record to refuse to employ or hire, or to bar or terminate from employment or licensure, any individual who has been convicted of knowingly using a false academic credential, or of falsely using or claiming to have a legitimate academic credential, to obtain employment or licensure.

A person who violates this prohibition is guilty of a Class C felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years or both.

Stat (Keep CRIME)

Insert A-2

These prohibitions may be required to be enforced by the State of Wisconsin.

or by the Council for Higher Education Accreditation

(insert)

of schools

BILL

and make those lists available on the board's internet site

SECTION 1

1 20.292 (2) (g) *Proprietary school programs.* The amounts in the schedule for
 2 the examination and approval of proprietary school programs. Ninety percent of all
 3 moneys received from the issuance of solicitor's permits under s. 38.50 (8) and from
 4 the fees under s. 38.50 (10) and all moneys received from the fees under s. 38.50 (13)
 5 (d) shall be credited to this appropriation account.

6 **SECTION 2.** 38.50 (7) (g) of the statutes is amended to read:

7 38.50 (7) (g) Approve courses of instruction, schools, names of schools, changes
 8 of ownership or control of schools, and teaching locations meeting the requirements
 9 and standards established by the board and complying with rules promulgated by
 10 the board and publish a list of the schools and courses of instruction approved and
 11 a list of schools that are authorized to use the term "college," "university," or "state"
 12 in their names.

13 **SECTION 3.** 38.50 (10) (a) of the statutes is amended to read:

14 38.50 (10) (a) *Authority.* All proprietary schools shall be examined and
 15 approved by the board before operating in this state. Approval shall be granted to
 16 schools meeting the criteria established by the board for a period not to exceed one
 17 year. No school may advertise in this state unless approved by the board or use the
 18 term "college," "university," or "state" unless approved by the board under sub. (12).

19 All approved schools shall submit quarterly reports, including information on
 20 enrollment, number of teachers and their qualifications, course offerings, number of
 21 graduates, number of graduates successfully employed, and such other information
 22 as the board considers necessary. If a school closure results in losses to students,
 23 parents, or sponsors, the board may authorize the full or partial payment of those
 24 losses from the appropriation under s. 20.292 (2) (gm).

25 **SECTION 4.** 38.50 (12) of the statutes is created to read:

BILL

if the school has accreditation recognized by the U.S. secretary of education or has the foreign equivalent of that accreditation or has accreditation recognized by the Council for Higher Education Accreditation

SECTION 4

38.50 (12) APPROVAL OF NAME OF SCHOOL. No school may use the term "college," "university," or "state" in its name unless the use of the term is approved by the board under this subsection. The board shall approve the use of those terms in the name

Council for Higher Education Accreditation

of a school that meets the requirements and standards established by the board and that complies with rules promulgated by the board as follows:

- (a) The term "college" if the school offers a program leading to an associate or higher degree.
- (b) The term "university" if the school offers a program leading to a baccalaureate or higher degree.
- (c) The term "college," "university" or "state," whether or not the school offers a program leading to an associate, baccalaureate, or higher degree or is affiliated with the state of Wisconsin, if the school was organized, operating, and using the term in its name before the effective date of this paragraph [revisor inserts date]

SECTION 5. 38.50 (13) of the statutes is created to read:

38.50 (13) FALSE ACADEMIC CREDENTIALS. (a) In this subsection:

1. "Academic credential" means a degree, transcript, certificate, or other similar document that indicates the completion of a program, course, or course of instruction leading to, or the earning of academic credit toward, the granting of an associate, baccalaureate, or graduate degree.

2. "Authorized institution of higher education" means an educational institution that meets any of the following requirements:

a. Has accreditation recognized by the U.S. secretary of education or has the foreign equivalent of that accreditation

or has a accreditation recognized by the Council for Higher Education Accreditation

b. Is approved by the board to operate in this state.

c. Operates in this state and is a school described in sub. (1) (e) 1. to 8.

Insert 4-13

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BILL or by the Council for Higher Education Accreditation

1 d. Does not operate in this state, but is licensed or otherwise approved by the
2 appropriate state agency of another state and is an active applicant for accreditation
3 by an accrediting body recognized by the U.S. secretary of education.

4 e. Has been found by the board to meet standards of academic quality
5 comparable to those of an educational institution located in the United States that
6 has accreditation recognized by the U.S. secretary of education to offer credentials
7 of the type and level claimed.

8 3. "False academic credential" means an academic credential issued or
9 manufactured by a person that is not an authorized institution of higher education.

10 4. "Legitimate academic credential" means an academic credential issued by
11 an authorized institution of higher education.

12 (b) Any person who knowingly issues or manufactures a false academic
13 credential is guilty of a Class I felony.

be required to forfeit not more than \$1000

14 (c) Any person who knowingly uses a false academic credential, or who falsely
15 uses or claims to have a legitimate academic credential, in connection with any
16 business, trade, profession, or occupation or for any of the following purposes may

in any communication to a client or to the general public, or in any communication to a client or to the general public

17 be fined not more than \$2,000 or imprisoned for not more than 9 months or both.

18 1. To obtain ~~employment~~ a license or other approval required to practice a
19 trade, profession, or occupation.

20 2. To obtain a promotion, or an increase in compensation, in employment or to
21 obtain any benefit in the practice of a business, trade, profession, or occupation.

22 3. To obtain admission to an authorized institution of higher education.

23 4. To obtain an elective or appointive position ~~in government~~, whether
24 compensated or not.

an employment position with a state agency or with a political subdivision of the state, including

BILL

1 (d) The board may charge a fee for evaluating an educational institution under
 2 par. (a) 2. e. in an amount that is sufficient to cover all costs that the board incurs
 3 in evaluating the institution. All fees collected by the board under this paragraph
 4 shall be credited to the appropriation account under s. 20.292 (2) (g).

(END)

5
 (d) Notwithstanding ss 111.321, 111.322, and 111.335,

Insert
 6-4

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3076/lins
GMM.....

(INSERT 4-13)

1 ^{No} of a school if the school has accreditation recognized by the U.S. secretary of
2 education or has the foreign equivalent of that accreditation or has accreditation
3 recognized by the Council for Higher Education Accreditation.

(END OF INSERT)

(INSERT 6-4)

4 ^Q SECTION 1. 111.335 (1) (cx) of the statutes is created to read:

5 ^Q 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
6 discrimination because of conviction record to refuse to employ or license, or to bar
7 or terminate from employment or licensure, any individual who has been convicted
8 under s. 38.50 (13) (c) of knowingly using a false academic credential, or of falsely
9 using or claiming to have a legitimate academic credential, to obtain employment or
10 licensure.

(END OF INSERT)

(INSERT A-1)

^{No} if the school has accreditation recognized by the U.S. secretary of education or
has the foreign equivalent of that accreditation or has accreditation recognized by
the Council for Higher Education Accreditation.

(END OF INSERT)

(INSERT A-2)

^Q Finally, the bill provides that 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 knowingly using
a false academic credential, or of falsely using or claiming to have a legitimate
academic credential, to obtain employment or licensure.

(END OF INSERT)

^{No} If a school uses the term college university
or state without the approval of the
EMB, the school may be required to
forfeit not more than \$500 for
each day of operation without that
approval and a student of the
school may bring a civil action
to recover fees paid to the school
plus costs and disbursements including
reasonable attorney fees including
reasonable attorney fees

Drafting instructions for /2 of LRB 3076/1—diploma mills.
Prepared by Mary Matthias, Leg. Council, 8/15/09

Per John VanDer Meer, Rep. Hixson would like a redraft of LRB 3076/1 with the following changes:

(no) Pertains EMB

1. Move the provisions that make it a Class I felony to use, issue or manufacture a false academic credential to a more appropriate location(s) in the statutes. In the current draft, these provisions are located in ch. 38, entitled "Technical College System". Seems these should be located in a different chapter since they don't pertain to the WTCS (or to the EAB, really). I am not sure where they should go—here are some ideas: (I am at home on my day off and don't have my stats here so just brainstorming with myself....I am/we are open to suggestions...)

EMB attached to FCC

Page 5, lines 15-19 (general prohibitions) maybe move to the criminal chapters, near the stats. that define and prohibit fraud??

(no) not a crime 939.12 (forfeiture)

Page 5, lines 20-21—maybe this could be moved to DRL chapter, since it pertains to obtaining a license or other approval from the state.

(no) other professions, e.g. law, regulated by other agencies 73.030(1)(c)

Page 4, line 22- move to chapter 36?

(no) UW only

Page 5, line 23-25-move to chapters dealing with elections, appointments, state employment, municipal employment?

2. Page 6, lines 9-11. Delete those lines and substitute "of any offense under s. 38.50(13)(c)"

3. Page 5, lines 23-25. We want to make sure that it is an offense to use a false academic credential not only to obtain initial employment, but also to get a raise, transfer, promotion and the like. Do you think "obtain an employment position" in the current draft would cover those other situations? If not, could you amend the language to ensure it does cover those situations? See the language in LRB

07 - 0177/1, pg. 5, lines 20-21.

38.50(13) (a) 2. b.

c.

e.

(d)

Malaise, Gordon

From: Matthias, Mary
Sent: Friday, August 14, 2009 10:27 AM
To: Malaise, Gordon
Cc: Vander Meer, John
Subject: drafting instructions LRB 3076/1
Attachments: hixson draft 8-14.doc

Hi Gordon-

Rep. Hixson would like some changes to LRB 3076/1. Please see the attached word doc. I am not in the office today but I will be checking e-mail occasionally, if oyu have any questinos, and I will be back at work Monday morning.

John in Hixson's office said they would like the redraft asap.

thanks.

mary matthias

08/14/2009