



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/02/2009 (Per: GMM)



Appendix A

 The 2007 drafting file for **LRB-0177** (For: Tech. College System)

has been transferred to the drafting file for

2009 LRB-3076 (For: Rep. Hixson)

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: **09/08/2006**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Technical College System 7-7733**

By/Representing: **David 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:

Regulation of "diploma mills"

Instructions:

See attached--1. Prohibit use of credential obtained from a diploma mill to obtain employment or other financial gain. 2. Prohibit use of term "university," or "college," or state by anyone other than degree-granting institution.

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 10/26/2006	wjackson 11/03/2006		_____			State Crime
/1			nmatzke 11/03/2006	_____	lparisi 11/03/2006		

FE Sent For:

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/?	gmalaise	/1/mk/11/3	nwn 11/3	nwn/sh 11/3			State Crime

FE Sent For:

<END>

EDUCATIONAL APPROVAL BOARD

2007-09 LEGISLATIVE INITIATIVES

Diploma Mills

ISSUE	SOLUTION	PURSUE
<p>"Diploma mills" are substandard or fraudulent entities that provide college and graduate "degrees" to individuals in exchange for a flat fee and little, if any, coursework. The procurer of such a degree can use it to pad a resume, obtain a license, or profit from a raise or promotion at work.</p> <p>Diploma mills have existed for at least 130 years, but have proliferated with the advent of the internet. While valid distance learning colleges do exist on-line (and offline), many evidently are scams. Diploma mills not only mislead some of their customers, but also jeopardize consumers who rely on individuals posing as professionals. In addition, diploma mills threaten legitimate institutions if they are confused with the bogus schools.</p> <p>Currently no Federal law specifically prohibits diploma mills or penalizes their "graduates". In part, this is because the Federal government plays a minimal role in regulating colleges and universities, leaving the states to assume varying degrees of control over their higher educational institutions.</p>	<p>In an attempt to protect susceptible students, several states have begun to maintain a listing of known degree/diploma mills. Not only is this very time consuming, but it is also never ending and can expose the state to potential litigation if legitimate institutions are placed on the list. The EAB has taken a different approach to better educating students and began posting on its website earlier this year information about how to recognize a degree/diploma mill.</p> <p>Unfortunately, many of the individuals who seek a "credential" from such providers know full well what they are doing. This is one reason there are very few complaints filed against degree/diploma mills. In response, a number of states are beginning to adopt laws that make it a crime to knowingly use a "credential" from a degree/diploma mill to obtain employment or for financial gain. At least four states - Michigan, North Dakota, Oregon and Vermont - currently have a law on the books. In addition, several other states are presently considering legislation, including Maine, Nevada, New Jersey and Texas.</p> <p>During the past six months, the EAB has discussed with DOJ officials known and suspected degree/diploma mills. Unfortunately, unless there is clear and convincing evidence that persons have been harmed and/or the entity in question operates from the state of Wisconsin, these types of issues are not a high priority for the DOJ.</p> <p>To address this growing problem, Wisconsin should prohibit manufacturing or issuing a false diploma or credential, and penalize those who produce the false documents or use them for their own gain.</p>	<p>Yes</p>

Protected Educational Terms

ISSUE	SOLUTION	PURSUE
<p>To protect consumers, many states protect the terms "college" and "university". Diploma mills often use these terms as part of their name to imply the schools are institutions recognized by the state. Protecting these terms would limit degree granting authority and provide consumers with state approved security.</p>	<p>Establish the use of "College", "University", or "State" as a protected term when it is used in relation to the delivery of postsecondary education. In order for a school to use either the term college or university, it would need (at a minimum) to be a degree-granting institution. This would prevent schools from inappropriately using such names as Wisconsin International University, Inc., or the Graduate College of Wisconsin. In addition, no school would be permitted to use state as part of its name (e.g., Wisconsin State University).</p>	<p>Yes</p>

Degree Definitions

ISSUE	SOLUTION	PURSUE
<p>The state does not currently define minimum criteria required to award a degree. For example, it is commonly assumed that a student needs 120 semester credit hours to be awarded a bachelor's degree. However, there is nothing in state statute or administrative rule to preclude a school from awarding a bachelor's degree to a student with fewer credits.</p>	<p>Establish a formal policy by creating a definition of a "degree program" in administrative rule for schools the EAB oversees. For example, one semester hour of study would be 15 academic hours or its equivalent. In addition, minimum credit hours for awarding degrees would be:</p> <p>Associate Degree -- at least 60 semester hours Bachelor Degree -- at least 120 semester hours Master Degree -- at least 24 semester hours beyond a Bachelor Degree Doctoral Degree -- at least 60 semester hours beyond a Bachelor Degree</p>	Yes

written complaint of any person, file a petition for injunction in the name of the board in any court of competent jurisdiction in this state against such person, group, or entity, for the purpose of enjoining such violation or for an order directing compliance with the provisions of this chapter, and all rules, regulations, and orders issued hereunder. It is not necessary that the board allege or prove that it has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the board has, and is in addition to any right of criminal prosecution provided by law; provided, however, the board may not obtain a temporary restraining order without notice to the person, group, or entity affected. The existence of board action with respect to alleged violations of this chapter does not operate as a bar to an action for injunctive relief pursuant to this section.

15-20.4-15. Unlawful to issue, manufacture, or use false academic degrees - Penalty.

N. Dakota

1. It is unlawful for a person to knowingly issue or manufacture a false academic degree. A person that violates this subsection is guilty of a class C felony.
2. a. It is unlawful for an individual to knowingly use or claim to have a false academic degree:
 - (1) To obtain employment;
 - (2) To obtain a promotion or higher compensation in employment;
 - (3) To obtain admission to an institution of higher learning; or
 - (4) In connection with any business, trade, profession, or occupation.
- b. An individual who violates this subsection is guilty of a class A misdemeanor.
3. As used in this section, "false academic degree" means a document such as a degree or certification of completion of a degree, coursework, or degree credit, including a transcript, that provides evidence or demonstrates completion of a course of instruction or coursework that results in the attainment of a rank or level of associate or higher which is issued by a person that is not a duly authorized institution of higher learning.
4. As used in this section, "duly authorized institution of higher learning" means an institution that:
 - a. Has accreditation recognized by the United States secretary of education or has the foreign equivalent of such accreditation;
 - b. Has an authorization to operate under this chapter;
 - c. Operates in this state and is exempt from this chapter under section 15-20.4-02;
 - d. Does not operate in this state and is:
 - (1) Licensed by the appropriate state agency; and
 - (2) An active applicant for accreditation by an accrediting body recognized by the United States secretary of education; or
 - e. Has been found by the state board for career and technical education to meet standards of academic quality comparable to those of an institution located in

the United States that has accreditation recognized by the United States secretary of education to offer degrees of the type and level claimed.

15-20.4-16. Unlawful to use degree or certificate when coursework not completed - Penalty.

1. An individual may not knowingly use a degree, certificate, diploma, transcript, or other document purporting to indicate that the individual has completed an organized program of study or completed courses when the individual has not completed the organized program of study or the courses as indicated on the degree, certificate, diploma, transcript, or document:
 - a. To obtain employment;
 - b. To obtain a promotion or higher compensation in employment;
 - c. To obtain admission to an institution of higher learning; or
 - d. In connection with any business, trade, profession, or occupation.
2. An individual who violates this section is guilty of a class A misdemeanor.

15-20.4-17. Consumer protection - False academic degrees. The state board for career and technical education, in collaboration with the North Dakota university system, shall provide via internet web sites, information to protect students, businesses, and others from persons that issue, manufacture, or use false academic degrees.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 410 is enacted to read:

CHAPTER 410

FALSE ACADEMIC DEGREES OR CERTIFICATES

§10801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Accreditation. "Accreditation" means a formal status granted by an accrediting agency to an institution meeting or exceeding the educational quality criteria as stated in the accrediting agency's publication in order to assess and enhance the educational quality of an institution, ensure consistency in institutional operations, promote institutional improvement and provide for public accountability.

2. Accreditation mill. "Accreditation mill" means an entity that is created to give the appearance that certain substandard schools or institutions of higher education are legitimately accredited organizations, that is not recognized by any authorized state, professional or national agency and that has few, if any, standards for quality.

3. Diploma mill. "Diploma mill" means an institution of higher education operating without accreditation or supervision of a state or a nationally recognized professional agency and granting diplomas that are either fraudulent or, because of lack of proper standards, worthless.

4. Degree mill. "Degree mill" means a school or institution of higher education without accreditation that meets any one of the following conditions:

A. Issues degrees without requiring any student academic work;

B. Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from standard accredited institutions; or

C. Issues degrees basing more than 50% of required credits on the student's life experience.

5. Duly authorized institution of higher learning. "Duly authorized institution of higher learning" means an institution that:

A. Has accreditation recognized by the United States Secretary of Education or has the foreign equivalent of such accreditation;

B. Has an authorization to operate under the laws of this State; or

C. Does not operate in this State and is:

(1) Licensed by the appropriate agency of another state; and

(2) An active applicant for accreditation by an accrediting body recognized by the United States Secretary of Education.

6. False academic degree. "False academic degree" means a document such as a degree or certification of completion of a degree, course work or academic credit, including a transcript, that provides evidence or demonstrates completion of a course of instruction or course work that results in the issuance of an associate or more advanced degree by an institution that is not a duly authorized institution of higher learning.

7. Substandard school or institution of higher education. "Substandard school or institution of higher education" means an entity without accreditation that offers credentials purported to be degrees without requiring the type and level of academic work typically needed to earn a degree and that:

A. Issues degrees without requiring any substantial student academic work;

B. Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from accredited institutions;

C. Issues degrees without requiring that at least 80% of the student work for which credit is given be college-level work appropriate for the degree;

D. Issues degrees using more than 20% of required credits based on the student's life experience;

E. Issues degrees using more than 20% of credits transferred from an unaccredited school or institution of higher education; or

F. Issues degrees without at least 80% of student work for credit being evaluated by faculty with accredited degrees or issues degrees based on a nationally recognized college-level examination such as College Level Examination Program, Advanced Placement or New York Regents.

§10802. Unlawful to issue, manufacture, or use false academic degrees; penalty

1. False academic degree. A person may not issue or manufacture a false academic degree. A person who violates this subsection commits a Class C crime.

2. Use of false academic degree. A person may not use a false academic degree:

A. To obtain employment;

B. To obtain a promotion or higher compensation in employment;

C. To obtain admission to an institution of higher learning; or

D. In connection with any business, trade, profession or occupation.

A person who violates this subsection commits a Class D crime.

§10803. Unlawful to use degree or certificate when course work not completed; penalty

1. Unlawful use of degree. A person may not knowingly use a degree, certificate, diploma, transcript or other document purporting to indicate that the person has completed an organized program of study or completed courses when the person has not completed the organized program of study or the courses as indicated on the degree, certificate, diploma, transcript or document:

A. To obtain employment;

B. To obtain a promotion or higher compensation in employment;

C. To obtain admission to an institution of higher learning; or

D. In connection with any business, trade, profession or occupation.

2. Penalty. A person who violates this section commits a Class D crime.

§10804. Consumer protection

The department shall provide, via publicly accessible sites on the Internet, information to protect students, businesses and others from persons, institutions or entities that issue, manufacture or use false academic degrees. This information must include the names of known state, national and international diploma mills, degree mills, accreditation mills and substandard schools or institutions of higher education.

SUMMARY

This bill makes it illegal to issue, manufacture and use false academic degrees or certificates to obtain employment, to obtain promotion or higher compensation in employment, to obtain admission to an institution of higher learning or in connection with any business, trade, profession or occupation. This bill also authorizes the Department of Education to protect consumers by providing Internet site information naming and updating known state, national and international diploma mills, degree mills, accreditation mills and substandard schools.

Act No. 100
Public Acts of 2005
Approved by the Governor
July 21, 2005
Filed with the Secretary of State
July 22, 2005
EFFECTIVE DATE: July 22, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senators George, Kuipers, Basham, Jelinek, Hardiman, Garcia, Goschka, Birkholz,
Van Woerkom, Allen, Cherry, Jacobs, Brater and Toy

ENROLLED SENATE BILL No. 136

AN ACT to prohibit the issuance or manufacture of false academic credentials; and to provide remedies.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "authentic credentials in education act".

Sec. 2. As used in this act:

(a) "Academic credential" means a degree or a diploma, transcript, educational or completion certificate, or similar document that indicates completion of a program of study or instruction or completion of 1 or more courses at an institution of higher education or the grant of an associate, bachelor, master, or doctoral degree.

(b) "False academic credential" means an academic credential issued or manufactured by a person that is not a qualified institution.

(c) "Qualified institution" means any of the following:

(i) An institution of higher education, as that term is defined in 20 USC 1001, located in the United States.

(ii) Any other institution of higher education authorized to do business in this state.

Sec. 3. A person shall not knowingly issue or manufacture a false academic credential in this state.

Sec. 4. (1) An individual shall not knowingly use a false academic credential to obtain employment; to obtain a promotion or higher compensation in employment; to obtain admission to a qualified institution; or in connection with any loan, business, trade, profession, or occupation.

(2) An individual who does not have an academic credential shall not knowingly use or claim to have that academic credential to obtain employment or a promotion or higher compensation in employment; to obtain admission to a qualified institution; or in connection with any loan, business, trade, profession, or occupation.

Sec. 5. A person damaged by a violation of this act may bring a civil action and may recover costs, reasonable attorney fees, and the greater of either the person's actual damages or \$100,000.00.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved _____

Governor

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the use of postsecondary credits and degrees, persons offering or granting certain postsecondary credits and degrees, and the manner of offering or granting those credits and degrees; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

TEXAS:

SECTION 1. Section 61.302, Education Code, is amended by adding Subdivision (11) to read as follows:

(11) "Fraudulent or substandard degree"

means:

(A) a degree conferred by a private postsecondary educational institution or other person that, at the time the degree was conferred, was operating in this state in violation of this subchapter;

(B) if the degree is not approved through the review process described by Section 61.3021, a degree conferred by a private educational institution or other person that, at the time the degree was conferred, was not eligible to receive a certificate of authority under this subchapter and was operating in another state:

(i) in violation of a law regulating the conferral of degrees in that state or in the state in which the degree recipient was residing; or

(ii) without accreditation by a recognized accrediting agency; or

(C) if conferred by a private educational institution or other person not described by Paragraph (A) or (B), including a private educational institution or other person that, at the time the degree was conferred, was not eligible to receive a certificate of authority under this subchapter and was operating outside the United States, a degree that the board, through the review process described by Section 61.3021, determines is not the equivalent of an accredited or authorized degree as described by that section.

SECTION 2. Subchapter G, Chapter 61, Education Code, is amended by adding Section 61.3021 to read as follows:

Sec. 61.3021. REVIEW OF DEGREE NOT OTHERWISE REGULATED BY SUBCHAPTER. (a) The board by rule shall establish a process for reviewing and approving a degree conferred by a person described by Section 61.302(11)(B) or (C). The review process must include a determination by the board whether the degree is the equivalent of a degree granted by a private postsecondary educational institution or other person in accordance with the person's accreditation by a recognized accrediting agency or with the person's certificate of authority under this subchapter.

(b) The board may charge an applicant for a review under this section a fee in an amount the board determines will cover the

cost of conducting the review.

SECTION 3. Section 61.304, Education Code, is amended to read as follows:

Sec. 61.304. REQUISITE AUTHORITY TO GRANT DEGREES AND OFFER COURSES; OFFENSES. (a) A person may not grant or award a degree or offer to grant or award a degree on behalf of a private postsecondary educational institution unless the institution has been issued a certificate of authority to grant the degree by the board in accordance with the provisions of this subchapter.

(b) A person may not represent that credits earned or granted by that person or institution are applicable for credit toward a degree to be granted by some other person or institution except under conditions and in a manner specified and approved by the board.

(c) The board is empowered to specify and regulate the manner, condition, and language used by an institution or person or agents thereof in making known that the person or institution holds a certificate of authority and the interpretation of the significance of such certificate.

~~(d) A person commits an offense if the person:~~

~~(1) grants or awards a degree or offers to grant or award a degree in violation of this section;~~

~~(2) represents in violation of this section that a credit earned or granted by the person can be applied toward a degree offered by another person;~~

~~(3) grants or offers to grant a credit for which a representation is made as described by Subdivision (2); or~~

~~(4) solicits another person to seek a degree or to earn a credit the actor knows is offered in violation of this section.~~

~~(e) An offense under Subsection (d) is a Class A misdemeanor.~~

~~(f) In addition to any other venue authorized by law, venue for the prosecution of an offense under Subsection (d) is in the county in which an element of the offense occurs or in Travis County.~~

SECTION 4. Section 61.312, Education Code, is amended to read as follows:

Sec. 61.312. HONORARY DEGREES; OFFENSES. (a) No person may award or offer to award an honorary degree on behalf of a private postsecondary educational institution subject to the provisions of this subchapter unless the institution has been issued a certificate of authority to award such a degree. The honorary degree shall plainly state on its face that it is honorary.

(b) A person commits an offense if the person:

(1) grants or offers to grant an honorary degree in violation of this section; or

(2) solicits another person to seek or accept an honorary degree the actor knows is offered in violation of this section.

(c) An offense under Subsection (b) is a Class A misdemeanor.

(d) In addition to any other venue authorized by law, venue for the prosecution of an offense under Subsection (b) is in the county in which an element of the offense occurs or in Travis County.

SECTION 5. The heading to Section 61.313, Education Code, is amended to read as follows:

Sec. 61.313. USE OF PROTECTED TERM IN NAME OF INSTITUTION; OFFENSES.

SECTION 6. Section 61.313, Education Code, is amended by adding Subsections (h), (i), and (j) to read as follows:

(h) A person commits an offense if the person:

(1) uses a term in violation of this section;

or

(2) solicits another person to seek a degree or to earn a credit the actor knows is offered by an institution or establishment that is using a term in violation of this section.

(i) An offense under Subsection (h) is a Class A misdemeanor.

(j) In addition to any other venue authorized by law, venue for the prosecution of an offense under Subsection (h) is in the county in which an element of the offense occurs or in Travis County.

SECTION 7. Subchapter G, Chapter 61, Education Code, is amended by adding Sections 61.320 and 61.321 to read as follows:

Sec. 61.320. APPLICATION OF DECEPTIVE TRADE PRACTICES ACT.

(a) A person who violates this subchapter commits a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code.

(b) A public or private right or remedy under Chapter 17, Business & Commerce Code, may be used to enforce this subchapter.

Sec. 61.321. INFORMATION PROVIDED TO PROTECT PUBLIC FROM FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREES. To protect the public from private postsecondary educational institutions or other persons that confer or offer to confer fraudulent or substandard degrees and from persons that use or hold fraudulent or substandard degrees or that use or claim to hold fictitious degrees, the board shall disseminate the following information through the board's Internet website:

(1) to the extent known by the board, the accreditation status or the status regarding authorization or approval under this subchapter, as applicable, of each private postsecondary educational institution or other person that is regulated by this subchapter or for which a determination is made under Section 61.3021, including:

(A) the name of each educational institution accredited, authorized, or approved to offer or grant degrees in this state;

(B) the name of each educational institution whose degrees the board has determined may not be legally used in this state; and

(C) the name of each educational institution that the board has determined to be operating in this state in violation of this subchapter; and

(2) any other information considered by the commissioner to be useful to protect the public from fraudulent, substandard, or fictitious degrees.

SECTION 8. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.52 to read as follows:

Sec. 32.52. FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREE.

(a) In this section, "fraudulent or substandard degree" has the

meaning assigned by Section 61.302, Education Code.

(b) A person commits an offense if the person:

(1) uses or claims to hold a postsecondary degree that the person knows:

(A) is a fraudulent or substandard degree;

(B) is fictitious or has otherwise not been granted to the person; or

(C) has been revoked;

and

(2) uses or claims to hold that degree:

(A) in a written or oral advertisement or other promotion of a business; or

(B) with the intent to:

(i) obtain employment;

(ii) obtain a license or certificate to practice a trade, profession, or occupation;

(iii) obtain a promotion, a compensation or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(iv) obtain admission to an educational program in this state; or

(v) gain a position in government with authority over another person, regardless of whether the actor receives compensation for the position.

(c) An offense under this section is a Class B misdemeanor.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

SECTION 9. Chapter 13, Code of Criminal Procedure, is amended by adding Article 13.30 to read as follows:

Art. 13.30. FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREE.

An offense under Section 32.52, Penal Code, may be prosecuted in the county in which an element of the offense occurs or in Travis County.

SECTION 10. This Act takes effect September 1, 2005.

RE: Unlawful Use of Falsified Postsecondary Credentials

Explanation: Currently, no clear provision exists that makes it unlawful to use false or bogus degrees or diplomas in connection with securing employment, obtaining promotion or gaining admission to a postsecondary school. The proposed amendment to South Carolina's existing statutes would make clear the unlawful use of these falsified or bogus degrees and diplomas.

Proposed Change: Amend Section 16-13-15 to expand existing provisions that make it unlawful to falsify diplomas and transcripts. Proposed change follows (strikethrough indicating change and new text bolded and underlined):

SECTION 16-13-15. Falsifying, using, manufacturing, issuing, or altering transcript, degree, ~~or diploma,~~ or other academic credential; fraudulent use of falsified, bogus, or altered transcript, degree, or diploma; penalty.

(A) It is unlawful for any person to falsify or alter a degree, a transcript, a diploma, or the high school equivalency diploma known as the GED from any high school, college, university, or technical college of this State, from the South Carolina Department of Education, or from any other transcript or diploma issuing entity.

(B) It is also unlawful for any person to use in this State a falsified, bogus, or altered degree, transcript, diploma, or high school equivalency diploma known as the GED from the South Carolina Department of Education, or from any in-state or out-of-state high school, college, university, or technical school, or from any other transcript, degree, or diploma issuing entity with the intent to defraud or mislead another person.

(C) It is also unlawful for any person or entity to knowingly issue, manufacture, or use a false postsecondary degree, certificate, diploma, transcript, or other academic credential for general academic or professional purposes in connection with any business, trade, profession, or occupation to obtain employment, to gain a position in government or a public office whether elected or appointed, to obtain a promotion or higher compensation in employment, or to obtain admission to a postsecondary institution. Credentials used for those purposes must have been awarded by an institution that (1) has accreditation from an accrediting agency recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation, or (2) has licensure through the South Carolina Commission on Higher Education to offer and confer credentials in South Carolina; or (3) has been found by the South Carolina Commission on Higher Education to meet standards of academic quality comparable to those of an institution that has accreditation from an accrediting agency recognized by the U.S. Department of Education to offer credentials of the type and level claimed by the person; the Commission may charge an applicant for a review under this section a fee in an amount the Commission determines will cover the cost of conducting the review.

(D) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

ASSEMBLY BILL NO. 395—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 24, 2005

Referred to Committee on Education

SUMMARY—Prohibits use of false or misleading degrees.
(BDR 34-125)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

EXPLANATION — Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to education; prohibiting the use or attempted use of a false or misleading degree or honorary degree granted by any private or public postsecondary educational institution and the use or attempted use of a degree or honorary degree granted by such an institution in a false or misleading manner; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 394 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. It is unlawful for a person knowingly to use or attempt to***
4 ***use:***
5 ***(a) A false or misleading degree or honorary degree from a***
6 ***private postsecondary educational institution, regardless of***
7 ***whether that institution is located in this State and regardless of***
8 ***whether that institution is authorized to operate in this State; or***
9 ***(b) A degree or honorary degree from a private postsecondary***
10 ***educational institution in a false or misleading manner, regardless***
11 ***of whether that institution is located in this State and regardless of***
12 ***whether that institution is authorized to operate in this State,***
13 ***in connection with admission to any institution of higher***
14 ***education or in connection with any business, employment,***
15 ***occupation, profession, trade or public office.***



1 2. Unless a greater penalty is provided by specific statute, a
2 person who violates the provisions of this section is guilty of a
3 gross misdemeanor.

4 3. For the purposes of this section, a degree or honorary
5 degree is false or misleading or is used in a false or misleading
6 manner if it:

7 (a) States or suggests that the person named in the degree or
8 honorary degree has completed the requirements of an academic
9 or professional program of study in a particular field of endeavor
10 beyond the secondary school level and the person has not, in fact,
11 completed the requirements of the program of study;

12 (b) Is offered as his own by a person other than the person
13 who completed the requirements of the program of study; or

14 (c) Is awarded, bestowed, conferred, given, granted, conveyed
15 or sold in violation of this chapter.

16 4. As used in this section:

17 (a) "Degree" has the meaning ascribed to it in NRS 394.620.

18 (b) "Honorary degree" has the meaning ascribed to it in
19 NRS 394.620.

20 Sec. 2. NRS 394.125 is hereby amended to read as follows:

21 394.125 It is the policy of this State to encourage and enable its
22 ~~citizens~~ residents to receive an education commensurate with their
23 respective talents and desires. The Legislature recognizes that
24 privately owned institutions offering elementary, secondary and
25 postsecondary education and vocational and professional instruction
26 perform a necessary service to the ~~citizens~~ residents of this State.
27 It is the purpose of this chapter to provide for the protection,
28 education and welfare of the ~~citizens~~ residents of the State of
29 Nevada, its educational, vocational and professional institutions, and
30 its students, by:

31 1. Establishing minimum standards concerning quality of
32 education, ethical and business practices, health and safety, and
33 fiscal responsibility, to protect against substandard, transient,
34 unethical, deceptive or fraudulent institutions and practices;

35 2. Prohibiting the granting of false or misleading educational
36 credentials;

37 3. Prohibiting the use or attempted use of false or misleading
38 degrees and honorary degrees and the use or attempted use of
39 degrees and honorary degrees in a false or misleading manner;

40 4. Regulating the use of academic terminology in naming or
41 otherwise designating educational institutions;

42 ~~4.~~ 5. Prohibiting misleading literature, advertising,
43 solicitation or representation by educational institutions or their
44 agents;



1 ~~{5.}~~ 6. Providing for the preservation of essential academic
2 records; and

3 ~~{6.}~~ 7. Providing certain rights and remedies to the consuming
4 public and the Commission and the Board necessary to effectuate
5 the purposes of this chapter.

6 **Sec. 3.** Chapter 396 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. It is unlawful for a person knowingly to use or attempt to*
9 *use:*

10 *(a) A false or misleading degree or honorary degree from the*
11 *System or another public postsecondary educational institution,*
12 *regardless of whether that institution is located in this State and*
13 *regardless of whether that institution is authorized to operate in*
14 *this State; or*

15 *(b) A degree or honorary degree from the System or another*
16 *public postsecondary educational institution in a false or*
17 *misleading manner, regardless of whether that institution is*
18 *located in this State and regardless of whether that institution is*
19 *authorized to operate in this State,*

20 *in connection with admission to any institution of higher*
21 *education or in connection with any business, employment,*
22 *occupation, profession, trade or public office.*

23 *2. Unless a greater penalty is provided by specific statute, a*
24 *person who violates the provisions of this section is guilty of a*
25 *gross misdemeanor.*

26 *3. For the purposes of this section, a degree or honorary*
27 *degree is false or misleading or is used in a false or misleading*
28 *manner if it:*

29 *(a) States or suggests that the person named in the degree or*
30 *honorary degree has completed the requirements of an academic*
31 *or professional program of study in a particular field of endeavor*
32 *beyond the secondary school level and the person has not, in fact,*
33 *completed the requirements of the program of study;*

34 *(b) Is offered as his own by a person other than the person*
35 *who completed the requirements of the program of study; or*

36 *(c) Is awarded, bestowed, conferred, given, granted, conveyed*
37 *or sold in violation of this chapter.*

38 *4. As used in this section:*

39 *(a) "Degree" has the meaning ascribed to it in NRS 394.620.*

40 *(b) "Honorary degree" has the meaning ascribed to it in*
41 *NRS 394.620.*

42 **Sec. 4.** NRS 205.420 is hereby amended to read as follows:

43 205.420 Every person who ~~{shall conduct}~~ *conducts* any
44 business or ~~{perform}~~ *performs* any act under color of, or file for
45 record with any public officer, any false or fraudulent permit,



1 license ~~[- diploma]~~ or writing, or any permit, license ~~[- diploma]~~ or
2 writing not lawfully belonging to such person, or who ~~{shall obtain}~~
3 **obtains** any permit, license ~~[- diploma]~~ or writing by color or aid of
4 any false representation, pretense, personation, token or writing ~~[-~~
5 ~~shall be]~~ **is** guilty of a gross misdemeanor.

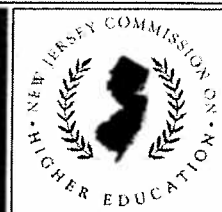
6 **Sec. 5.** This act becomes effective on July 1, 2005.



new jersey

commission on higher education

Promoting Excellence for All



New Jersey Statutes & Regulations Regarding Academic Degrees

N.J.S.A. 18A:3-15.1. Deceptive diploma practices

A person shall not with the intent to deceive buy, sell, make or alter, give, issue, obtain or attempt to obtain any diploma or other document purporting to confer any academic degree, or which certifies the completion in whole or in part of any course of study in any institution of higher education.

L. 1986, c. 87, s. 1, eff. Aug. 14, 1986.

N.J.S.A. 18A:3-15.2. Use of fraudulent degree

A person or other legal entity shall not use, or attempt to use, in connection with any business, trade, profession or occupation any academic degree or certification of degree or degree credit, including but not limited to a transcript of course work, which has been fraudulently issued, obtained, forged or altered. A person shall not, with intent to deceive, falsely represent himself as having received any such degree or credential.

L. 1986, c. 87, s. 2, eff. Aug. 14, 1986.

N.J.S.A. 18A:3-15.3. Letter designation restricted

A person shall not append to his name any letters in the same form designated by the Commission on Higher Education as entitled to the protection accorded to an academic degree unless the person has received from a duly authorized institution of higher education the degree or certificate for which the letters are registered. For the purposes of this section, a duly authorized institution of higher education means an in-State institution licensed by the Commission on Higher Education or an out-of-State institution licensed by the appropriate state agency and regionally accredited or seeking accreditation by the appropriate accrediting body recognized by the Council on Postsecondary Education or the United States Department of Education.

L. 1986, c. 87, s. 3; amended 1994, c. 48, s. 36.

N.J.S.A. 18A:3-15.5. Civil penalty

Any person who violates any provision of this act is liable to a civil penalty of \$1,000.00 for each offense, which shall be collected pursuant to the provisions of "the penalty enforcement law," N.J.S. 2A:58-1 et seq.

L. 1986, c. 87, s. 5, eff. Aug. 14, 1986.

Licensure Rules - Subchapter 8 - Fraudulent Academic Degrees

N.J.A.C. 9A:1-8.1 Protected degree designations for earned degrees

(a) No person shall use or append to his or her name any academic degree designation, letters, derivatives thereof, or other designations as evidence of having earned an academic degree unless a duly authorized institution of higher education as defined in Section 3 of P.L.1986, c.87 (N.J.S.A. 18A:3-15.3) conferred the degree.

1. In states without a licensing requirement for institutions of higher education, a duly authorized institution of higher education is one that is regionally accredited or accredited by the appropriate accrediting body recognized by the U.S. Secretary of Education or one that is seeking such accreditation.

2. Regarding institutions located outside of the U.S. or its possessions, a duly authorized institution of higher education is one that is recognized by the appropriate body in the particular country provided that the institution's requirements for awarding degrees are generally equivalent to those accepted in the U.S. by an accrediting body recognized by the U.S. Secretary of Education.

SEARCH the U.S. Dept. of Education Listing of Postsecondary Educational Institutions and Programs Accredited by Accrediting Agencies and State Approval Agencies Recognized by the U.S. Secretary of Education.

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Minnesota

The state has two statutes

one for for-profits (Chapter 141/Licensure)

one primarily for not-for-profits.(Private Institution registration- PIR)

They have no authority to regulate any term except as it relates to schools or institutions that offer post secondary education to the general public. This exempts things like Kid's College Day Care.

Under Licensing:

Any licensed school can use Academy or Institute regardless of what they teach. To use "college " they must offer at least one associate degree and be accredited by USDOE recognized agency. To use "university" they must offer at least one baccalaureate degree and one graduate or professional degree and be accredited by USDOE recognized agency.

Registration:

Any post secondary school that uses "academy", "college", "university", or "institute" in their name must be registered with the office (unless licensed under Chapter 141). This means Cosmetology schools that they usually do not regulate must register if they use any of these terms.

Any Registered school can use Academy or Institute in their name. To use "college" they must offer at least one Associate degree (no additional requirements). To use "university" in it name it must offer at least baccalaureate, masters, or doctorate degree (no additional requirements)



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Minnesota Statutes 2005, 141.28

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◀ 1 matches for 141.28 ▶

[Minnesota Statutes 2005, Table of Chapters](#)

[Table of contents for Chapter 141](#)

◀ 141.28 ▶ **Prohibitions.**

Subdivision 1. **Not to advertise state approval.**

Schools, agents of schools, and solicitors may not advertise or represent in writing or orally that such school is approved or accredited by the state of Minnesota, except that any school, agent, or solicitor may advertise that the school and solicitor have been duly licensed by the state using the following language:

"(Name of school) is licensed as a private career school with the Minnesota Higher Education Services Office. Licensure is not an endorsement of the institution. Credits earned at the institution may not transfer to all other institutions. The educational programs may not meet the needs of every student or employer."

Subd. 2. **Unlawful designation.** No school organized after November 15, 1969, shall apply to itself either as a part of its name or in any other manner the designation of "college" or "university" unless such school applies for and receives certification from the office that it meets appropriate standards and is entitled to such designation. Operating schools now using such designation may continue use thereof.

Subd. 3. **False statements.** A school, agent, or solicitor shall not make, or cause to be made, any statement or representation, oral, written or visual, in connection with the offering or publicizing of a program, if the school, agent, or solicitor knows or reasonably should have known the statement or representation to be false, fraudulent, deceptive, substantially inaccurate, or misleading.

Subd. 4. **Acceptance of contracts.** No school shall accept contracts, enrollment agreements or enrollment applications from an agent or solicitor who does not have a current permit.

Subd. 5. **Improbable program completion or employment.**

A school, agent, or solicitor shall not enroll a prospective student when it is obvious that the prospective student is unlikely to successfully complete a program or is unlikely to qualify for employment in the vocation or field for which the

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Minnesota Statutes 2005, 136A.62

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◀1 matches for [136a.62](#)▶[Minnesota Statutes 2005, Table of Chapters](#)[Table of contents for Chapter 136A](#)◀136A.62▶ **Definitions.**

Subdivision 1. **Words, terms, and phrases.** The following words, terms, and phrases shall have the meanings ascribed to them in this section for the purposes of sections [136A.61](#) to [136A.71](#).

Subd. 2. **Office.** "Office" means the Minnesota Higher Education Services Office.

Subd. 3. **School.** "School" means any individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof, which (a) is, owns, or operates a private, nonprofit postsecondary education institution; (b) provides a postsecondary instructional program or course leading to a degree whether or not for profit; (c) is, owns, or operates a private, postsecondary education institution which uses the term "college", "academy", "institute" or "university" in its name; or (d) operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation. School shall also mean any public postsecondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.

Subd. 4. **Degree.** "Degree" means any award given by a school for completion of a program or course which is designated by the term degree, associate, bachelor, baccalaureate, masters, or doctorate, or any other award which the office shall include by rule.

Subd. 5. **Records.** "Records" means those school documents and files containing student data relating to academic credits, grades, degrees awarded, periods of attendance, and such other matters as the office shall determine by rule.

HIST: 1975 c 201 s 2; 1975 c 271 s 6; 1978 c 603 s 2; 1985 c 248 s 70; 1995 c 212 art 3 s 39,59

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Minnesota Statutes 2005, 136A.65

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◀1 matches for [136a.65](#)▶[Minnesota Statutes 2005, Table of Chapters](#)[Table of contents for Chapter 136A](#)◀136A.65▶ **Approval of degrees and name.**

Subdivision 1. **Prohibition.** No school subject to registration shall grant a degree unless such degree is approved by the office, nor shall any school subject to registration use the name "college," "academy," "institute" or "university" in its name without approval by the office.

Subd. 2. **Procedures.** The office shall establish procedures for approval, including notice and an opportunity for a hearing pursuant to chapter 14 if such approval is not granted. If a hearing is requested, no disapproval shall take effect until after such hearing.

Subd. 3. **Application.** A school subject to registration shall be granted approval to use the term "college," "academy," "institute" or "university" in its name whether or not it offers a program leading to a degree, if it was organized, operating and using such term in its name on or before August 1, 1975, and if it meets the other policies and standards for approval established by the office.

HIST: 1975 c 201 s 5; 1975 c 271 s 6; 1978 c 603 s 5; 1982 c 424 s 130; 1995 c 212 art 3 s 59

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Minnesota Statutes 2005, 136A.66

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◀ 1 matches for [136a.66](#) ▶

[Minnesota Statutes 2005, Table of Chapters](#)

[Table of contents for Chapter 136A](#)

◀ [136A.66](#) ▶ **List.**

The office shall maintain a list of schools authorized to grant degrees and schools authorized to use the name "college," "academy," "institute" or "university," and shall make such list available to the public.

HIST: 1975 c 201 s 6; 1975 c 271 s 6; 1995 c 212 art 3 s 59

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Minnesota Statutes 2005, Table of Chapters

Table of contents for Chapter 136A

136A.685 Private institutions; adjudication of fraud or misrepresentation.

The office shall not provide registration or degree or name approval to a school if there has been a criminal, civil, or administrative adjudication of fraud or misrepresentation in Minnesota or in another state or jurisdiction against the school or its owner, officers, agents, or sponsoring organization. Such an adjudication of fraud or misrepresentation shall be sufficient cause for the office to determine that a school:

(1) does not qualify for exemption under section 136A.657;
or

(2) is not approved to grant degrees or to use the term "academy," "institute," or "university" in its name.

HIST: 1995 c 212 art 3 s 40; 1996 c 366 s 1

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-01777

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AN ACT ...; relating to: the use of the terms college, university, and state in the name of a school that is subject to the approval of the Educational Approval Board; the issuing, manufacture, or use of a false academic credential; the false use of a legitimate academic credential; 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.

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:

20.292 (2) (g) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs. Ninety percent of all moneys received from the issuance of solicitor's permits under s. 38.50 (8) and from

the fees under s. 38.50 (10) and all moneys received from the fees under s. 38.50 (13) ✓

(d) shall be credited to this appropriation account. ✓

History: 1971 c. 125; 1971 c. 154 ss. 6, 80; 1971 c. 211, 215, 228, 307; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20, 93; 1983 a. 22 s. 6; 1983 a. 370; 1985 a. 29 ss. 278m to 281m, 3202 (55); 1987 a. 27, 399; 1989 a. 31, 102, 122, 335, 336, 359; 1991 a. 32, 39; 1993 a. 16, 377, 399, 491, 496; 1995 a. 27, 225, 228; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16 ss. 583m, 842; 2001 a. 38, 105, 109; 2003 a. 33 ss. 391 to 393m, 547d, 551e; 2003 a. 139; 2005 a. 25 ss. 215 to 222, 352g, 352m, 385m, 386f, 387m.

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

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

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50. ✓

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

38.50 (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. No school may advertise in this state unless approved by the board or use the term "college," "university," or "state" unless approved by the board under sub. (12). ✓

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).

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50. ✓

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

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 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. ✓

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. ✓

d. 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. ✓

e. Has been found by the board 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. ✓

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

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

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

(c) Any person who knowingly uses a false academic credential or who falsely uses or claim^s to have a legitimate academic credential in connection with any business, trade, profession, or occupation ^{STET} for any of the following purposes may be fined not more than \$2,000 or imprisoned for not more than 9 months or both:

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

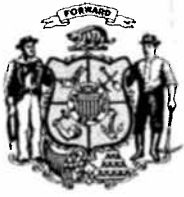
2. To obtain a promotion, or an increase in compensation, in employment or to obtain any benefit in the practice of a business, trade, profession, or occupation. ✓

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

4. To obtain an elective or appointive position in government, whether compensated or not. ✓

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

(END)



2007 BILL

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.

BILL

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:

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

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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**SECTION 4**

1 38.50 (12) APPROVAL OF NAME OF SCHOOL. No school may use the term “college,”
2 “university,” or “state” in its name unless the use of the term is approved by the board
3 under this subsection. The board shall approve the use of those terms in the name
4 of a school that meets the requirements and standards established by the board and
5 that complies with rules promulgated by the board as follows:

6 (a) The term “college” if the school offers a program leading to an associate or
7 higher degree.

8 (b) The term “university” if the school offers a program leading to a
9 baccalaureate or higher degree.

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

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

15 38.50 (13) FALSE ACADEMIC CREDENTIALS. (a) In this subsection:

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

20 2. “Authorized institution of higher education” means an educational
21 institution that meets any of the following requirements:

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

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

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

BILL

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.

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

18 1. To obtain employment or 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.

BILL**SECTION 5**

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).

5

(END)