

State of Wisconsin



2009 Senate Bill 431

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 300

AN ACT *to amend* 20.292 (2) (g) and 38.50 (7) (g); and *to create* 38.50 (12), 38.50 (13) and 111.335 (1) (cx) of the statutes; **relating to:** the use of the terms college, university, state, and Wisconsin; 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.

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.

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

38.50 (7) (g) Approve courses of instruction, 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 the schools that are authorized to use the term "college," "university," "state," or "Wisconsin" in their names; and make those lists of the schools available on the board's Internet site.

SECTION 3. 38.50 (12) of the statutes is created to read:

38.50 (12) **USE OF CERTAIN TERMS PROHIBITED.** (a) No person that holds itself out to the public in any way as a legitimate institution of higher education may use the term "college" or "university" in the person's name unless the person provides an educational program for which the person awards an associate or higher degree and the person has accreditation recognized by the U.S. secretary of education, has the foreign equivalent of that accreditation, as determined by the board, or has accreditation recognized by the Council for Higher Education Accreditation. This paragraph does not apply to any of the following:

1. A school that was doing business in this state with the approval of the board prior to the effective date of this subdivision [LRB inserts date].

2. A person described in sub. (1) (e) 3. to 7. that was doing business in this state prior to the effective date of this subdivision [LRB inserts date].

(b) No school, including a school described in sub. (1) (e) 1. to 8., may use the term "state" or "Wisconsin" in its name if the use of that term operates to mislead the public into believing that the school is affiliated with the University of Wisconsin System or the technical college

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

system, unless the school actually is so affiliated. This paragraph does not apply to a school described in sub. (1) (e) 1. that has accreditation recognized by the U.S. secretary of education, has the foreign equivalent of that accreditation, as determined by the board, or has accreditation recognized by the Council for Higher Education Accreditation.

(c) The attorney general or any district attorney may bring an action in circuit court for the enforcement of this subsection, including bringing an action to restrain by temporary or permanent injunction any violation of par. (a) or (b).

(d) Any person who violates par. (a) or (b) may be required to forfeit not more than \$500. Each day of operation in violation of par. (a) or (b) constitutes a separate offense.

(e) In addition to any other remedies provided by law, a student who attends a school that is in violation of par. (a) or (b) may bring a civil action to recover fees paid to the school, together with costs and disbursements, including reasonable attorney fees.

SECTION 4. 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; has the foreign equivalent of that accreditation, as determined by the board; or has 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.

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 or by the Council for Higher Education Accreditation.

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 or by the Council for Higher Education Accreditation 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 A misdemeanor.

(c) Any person who knowingly uses a false academic credential, or who falsely claims to have a legitimate academic credential, as follows may be required to forfeit not more than \$1,000:

1. In any communication to a client or to the general public, in connection with any business, trade, profession, or occupation.

2. For the purpose of obtaining a license or other approval required to practice a trade, profession, or occupation.

3. For the purpose of obtaining admission to an authorized institution of higher education.

4. For the purpose of obtaining an employment position with a state agency or with a political subdivision of the state, including an elective or appointive position, whether compensated or not; of obtaining a promotion, transfer, or reassignment from such a position; or of obtaining an increase in compensation or benefits for such a position.

(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).

SECTION 5. 111.335 (1) (cx) of the statutes is created to read:

111.335 (1) (cx) Notwithstanding s. 111.322, 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 any offense under s. 38.50 (13) (c).