



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0469/1
GMM:sac:rs

DOA:.....Boggs, BB0217 - Transfer of EAB to DSPS

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools to protect the students of those schools, prevent fraud, and encourage accepted educational standards at those schools. Currently, the EAB is attached to the Technical College System Board for administrative purposes. This bill attaches the EAB to DSPS for administrative purposes.

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

SECTION 1. 15.406 (6) (a) 1. of the statutes is amended to read:

15.406 (6) (a) 1. Six massage therapists or bodywork therapists licensed under ch. 460 who have engaged in the practice of massage therapy or bodywork therapy for at least 2 years preceding appointment. One member appointed under this

subdivision shall be a representative of a massage therapy or bodywork therapy school approved by the educational approval board under s. ~~38.50~~ 440.55. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy program offered by a technical college in this state. No other members appointed under this subdivision shall be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program.

SECTION 2. 15.945 (title) of the statutes is repealed.

SECTION 3. 15.945 (1) of the statutes is renumbered 15.405 (18) and amended to read:

15.405 (18) EDUCATIONAL APPROVAL BOARD. There is created an educational approval board which is attached to the ~~technical college system board~~ department of safety and professional services under s. 15.03. The board shall consist of not more than 7 members, who shall be representatives of state agencies and other persons with a demonstrated interest in educational programs, appointed to serve at the pleasure of the governor.

SECTION 4. 20.292 (2) (title) of the statutes is renumbered 20.165 (3) (title).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.292 (2) (g) of the statutes is renumbered 20.165 (3) (g) and amended to read:

20.165 (3) (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~~ 440.55 (8) and from the fees under s. ~~38.50~~ 440.55 (10) and all moneys received from the fees under s. ~~38.50~~ 440.55 (13) (d) shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 6. 20.292 (2) (gm) of the statutes is renumbered 20.165 (3) (gm) and amended to read:

20.165 (3) (gm) *Student protection.* All moneys received from fees received under s. ~~38.50~~ 440.55 (10) (c) 4., for the purpose of indemnifying students, parents, or sponsors under s. ~~38.50~~ 440.55 (10) (a) and for the purpose of preserving under s. ~~38.50~~ 440.55 (11) the students records of schools, as defined in s. ~~38.50~~ 440.55 (11) (a) 2., that have discontinued their operations.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.292 (2) (i) of the statutes is renumbered 20.165 (3) (i) and amended to read:

20.165 (3) (i) *Closed schools; preservation of student records.* All moneys received from fees collected under s. ~~38.50~~ 440.55 (11) (d) to be used for the administrative costs of taking possession of, preserving, and providing copies of student records of schools, as defined in s. ~~38.50~~ 440.55 (11) (a) 2., that have discontinued their operations.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 29.506 (7m) (a) of the statutes is amended to read:

29.506 (7m) (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds held a valid taxidermist permit issued under this section; and who, on August 15, 1991, ~~operates~~ operated a taxidermy school approved by the educational approval board under s. ~~38.50~~ 38.51, 1991 stats.

SECTION 9. 38.50 (title) of the statutes is renumbered 440.55 (title).

SECTION 10. 38.50 (1) (intro.) of the statutes is renumbered 440.55 (1) (intro.).

SECTION 11. 38.50 (1) (a) of the statutes is renumbered 440.55 (1) (a) and amended to read:

440.55 (1) (a) ~~Notwithstanding s. 38.01 (2),~~ “board” “Board” means the educational approval board.

SECTION 12. 38.50 (1) (b) of the statutes is renumbered 440.55 (1) (b).

SECTION 13. 38.50 (1) (c) of the statutes is renumbered 440.55 (1) (c).

SECTION 14. 38.50 (1) (d) of the statutes is renumbered 440.55 (1) (d).

SECTION 15. 38.50 (1) (e) of the statutes is renumbered 440.55 (1) (e).

SECTION 16. 38.50 (1) (f) of the statutes is renumbered 440.55 (1) (f).

SECTION 17. 38.50 (1) (g) of the statutes is renumbered 440.55 (1) (g).

SECTION 18. 38.50 (2) of the statutes is renumbered 440.55 (2).

SECTION 19. 38.50 (3) of the statutes is renumbered 440.55 (3).

SECTION 20. 38.50 (5) of the statutes is renumbered 440.55 (5) and amended to read:

440.55 (5) EMPLOYEES, QUARTERS. The board shall employ a person to perform the duties of an executive secretary and any other persons under the classified service that may be necessary to carry out the board’s responsibilities. The person performing the duties of the executive secretary shall be in charge of the administrative functions of the board. The board shall, to the maximum extent practicable, keep its office with the ~~technical college system board~~ department.

SECTION 21. 38.50 (7) of the statutes is renumbered 440.55 (7).

SECTION 22. 38.50 (8) of the statutes is renumbered 440.55 (8).

SECTION 23. 38.50 (10) (title) of the statutes is renumbered 440.55 (10) (title).

SECTION 24. 38.50 (10) (a) of the statutes is renumbered 440.55 (10) (a) and amended to read:

440.55 (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. 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)~~ 20.165 (3) (gm).

SECTION 25. 38.50 (10) (b) of the statutes is renumbered 440.55 (10) (b).

SECTION 26. 38.50 (10) (c) of the statutes is renumbered 440.55 (10) (c).

SECTION 27. 38.50 (10) (cm) of the statutes is renumbered 440.55 (10) (cm).

SECTION 28. 38.50 (10) (d) of the statutes is renumbered 440.55 (10) (d).

SECTION 29. 38.50 (10) (e) of the statutes is renumbered 440.55 (10) (e).

SECTION 30. 38.50 (10) (f) of the statutes is renumbered 440.55 (10) (f).

SECTION 31. 38.50 (11) (title) of the statutes is renumbered 440.55 (11) (title).

SECTION 32. 38.50 (11) (a) of the statutes is renumbered 440.55 (11) (a).

SECTION 33. 38.50 (11) (b) of the statutes is renumbered 440.55 (11) (b).

SECTION 34. 38.50 (11) (c) of the statutes is renumbered 440.55 (11) (c).

SECTION 35. 38.50 (11) (d) of the statutes is renumbered 440.55 (11) (d) and amended to read:

440.55 (11) (d) The board or association shall preserve a student record that comes into the possession of the board or association under par. (b) 1. or 2. and shall keep the student record confidential as provided under [20 USC 1232g](#) and [34 CFR part 99](#). A student record in the possession of the board is not open to public inspection or copying under s. 19.35 (1). Upon request of the person who is the subject of a student record or an authorized representative of that person, the board or association shall provide a copy of the student record to the requester. The board or association may charge a fee for providing a copy of a student record. The fee shall be based on the administrative cost of taking possession of, preserving, and providing the copy of the student record. All fees collected by the board under this paragraph shall be credited to the appropriation account under s. ~~20.292 (2)~~ [20.165 \(3\) \(i\)](#).

SECTION 36. 38.50 (12) of the statutes is renumbered 440.55 (12).

SECTION 37. 38.50 (13) (title) of the statutes is renumbered 440.55 (13) (title).

SECTION 38. 38.50 (13) (a) of the statutes is renumbered 440.55 (13) (a).

SECTION 39. 38.50 (13) (b) of the statutes is renumbered 440.55 (13) (b).

SECTION 40. 38.50 (13) (c) of the statutes is renumbered 440.55 (13) (c).

SECTION 41. 38.50 (13) (d) of the statutes is renumbered 440.55 (13) (d) and amended to read:

440.55 (13) (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)~~ [20.165 \(3\) \(g\)](#).

SECTION 42. 45.20 (1) (d) of the statutes is amended to read:

45.20 (1) (d) “Tuition,” when referring to the University of Wisconsin System, means academic fees and segregated fees; when referring to the technical colleges, means “program fees” and “additional fees” as described in s. 38.24 (1m) and (1s); and when referring to a high school, a school that is approved under s. 45.03 (11), or a proprietary school that is approved under s. ~~38.50~~ 440.55, means the charge for the courses for which a person is enrolled.

SECTION 43. 45.20 (2) (a) 1. of the statutes is amended to read:

45.20 (2) (a) 1. The department shall administer a tuition reimbursement program for eligible veterans enrolling as undergraduates in any institution of higher education in this state, enrolling in a school that is approved under s. 45.03 (11), enrolling in a proprietary school that is approved under s. ~~38.50~~ 440.55, enrolling in a public or private high school, enrolling in a tribal school, as defined in s. 115.001 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 44. 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

45.20 (2) (a) 2. (intro.) A veteran who is a resident of this state and otherwise qualified to receive benefits under this subsection may receive the benefits under this subsection upon the completion of any correspondence courses or part-time classroom study from an institution of higher education located outside this state, from a school that is approved under s. 45.03 (11), or from a proprietary school that is approved under s. ~~38.50~~ 440.55, if any of the following applies:

SECTION 45. 45.20 (2) (c) 1. of the statutes is amended to read:

45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b) 1. may be reimbursed upon satisfactory completion of an undergraduate semester in any institution of higher education in this state, or upon satisfactory completion of

a course at any school that is approved under s. 45.03 (11), any proprietary school that is approved under s. ~~38.50~~ 440.55, any public or private high school, any tribal school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any institution from which the veteran receives a waiver of nonresident tuition under s. 39.47. Except as provided in par. (e), the amount of reimbursement may not exceed the total cost of the veteran's tuition minus any grants or scholarships that the veteran receives specifically for the payment of the tuition, or, if the tuition is for an undergraduate semester in any institution of higher education, the standard cost of tuition for a state resident for an equivalent undergraduate semester at the University of Wisconsin–Madison, whichever is less.

SECTION 46. 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for reimbursement under this subsection at any institution of higher education in this state, at a school that is approved under s. 45.03 (11), at a proprietary school that is approved under s. ~~38.50~~ 440.55, at a public or private high school, at a tribal school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an institution where he or she is receiving a waiver of nonresident tuition under s. 39.47 is limited to the following:

SECTION 47. 45.21 (2) (a) of the statutes is amended to read:

45.21 (2) (a) The veteran is enrolled in a training course in a technical college under ch. 38 or in a proprietary school in the state approved by the educational approval board under s. ~~38.50~~ 440.55, other than a proprietary school offering a 4-year degree or 4-year program, or is engaged in a structured on-the-job training program that meets program requirements promulgated by the department by rule.

SECTION 48. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and mandatory student fees for a student who is the claimant or who is the claimant's child and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code, to attend any university, college, technical college or a school approved under s. ~~38.50~~ 440.55, that is located in Wisconsin or to attend a public vocational school or public institution of higher education in Minnesota under the Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

SECTION 49. 71.07 (5r) (a) 2. of the statutes is amended to read:

71.07 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50~~ 440.55 (1) (c).

SECTION 50. 71.07 (5r) (a) 6. b. of the statutes is amended to read:

71.07 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of education occurs in this state.

SECTION 51. 71.28 (5r) (a) 2. of the statutes is amended to read:

71.28 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50~~ 440.55 (1) (c).

SECTION 52. 71.28 (5r) (a) 6. b. of the statutes is amended to read:

71.28 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of education occurs in this state.

SECTION 53. 71.47 (5r) (a) 2. of the statutes is amended to read:

71.47 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50~~ 440.55 (1) (c).

SECTION 54. 71.47 (5r) (a) 6. b. of the statutes is amended to read:

71.47 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of education occurs in this state.

SECTION 55. 111.335 (1) (cx) of the statutes is amended 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~~ 440.55 (13) (c).

SECTION 56. 157.055 (2) (intro.) of the statutes is amended to read:

157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4), 979.02, and 979.10, and subch. VII VIII of ch. 440, during a period of a state of emergency related to public health declared by the governor under s. 323.10, a public health authority may do all of the following:

SECTION 57. 182.028 of the statutes is amended to read:

182.028 School corporations. Any corporation formed for the establishment and maintenance of schools, academies, seminaries, colleges or universities or for the cultivation and practice of music shall have power to enact bylaws for the protection of its property, and provide fines as liquidated damages upon its members and patrons for violating the bylaws, and may collect the same in tort actions, and to prescribe and regulate the courses of instruction therein, and to confer such degrees and grant such diplomas as are usually conferred by similar institutions or as shall be appropriate to the courses of instruction prescribed, except that no corporation shall operate or advertise a school that is subject to s. ~~38.50~~ 440.55 (10) without complying with the requirements of s. ~~38.50~~ 440.55. Any stockholder may transfer his or her stock to the corporation for its use; and if the written transfer so provides the stock shall be perpetually held by the board of directors with all the rights of a stockholder, including the right to vote.

SECTION 58. Subchapter VI (title) of chapter 440 [precedes 440.55] of the statutes is created to read:

CHAPTER 440

SUBCHAPTER VI

EDUCATIONAL APPROVAL BOARD

SECTION 59. Subchapter VI (title) of chapter 440 [precedes 440.60] of the statutes is renumbered subchapter VII (title) of chapter 440 [precedes 440.60].

SECTION 60. Subchapter VII (title) of chapter 440 [precedes 440.70] of the statutes is renumbered subchapter VIII (title) of chapter 440 [precedes 440.70].

SECTION 61. Subchapter VIII (title) of chapter 440 [precedes 440.88] of the statutes is renumbered subchapter IX (title) of chapter 440 [precedes 440.88].

SECTION 62. Subchapter IX (title) of chapter 440 [precedes 440.90] of the statutes is renumbered subchapter X (title) of chapter 440 [precedes 440.90].

SECTION 63. Subchapter X (title) of chapter 440 [precedes 440.96] of the statutes is renumbered subchapter XI (title) of chapter 440 [precedes 440.96].

SECTION 64. Subchapter XI (title) of chapter 440 [precedes 440.97] of the statutes is renumbered subchapter XII (title) of chapter 440 [precedes 440.97].

SECTION 65. Subchapter XII (title) of chapter 440 [precedes 440.98] of the statutes is renumbered subchapter XIII (title) of chapter 440 [precedes 440.98].

SECTION 66. Subchapter XIII (title) of chapter 440 [precedes 440.9805] of the statutes is renumbered subchapter XIV (title) of chapter 440 [precedes 440.9805].

SECTION 67. Subchapter XIV (title) of chapter 440 [precedes 440.99] of the statutes is renumbered subchapter XV (title) of chapter 440 [precedes 440.99].

SECTION 68. 441.15 (2m) of the statutes is amended to read:

441.15 (2m) Subsection (2) does not apply to a person granted a license to practice midwifery under subch. ~~XIII~~ XIV of ch. 440.

SECTION 69. 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice midwifery under subch. ~~XIII~~ XIV of ch. 440, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or under any other statutory provision, or as otherwise provided by statute.

SECTION 70. 460.05 (1) (e) 1. of the statutes is amended to read:

460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork therapy approved by the educational approval board under s. ~~38.50~~ 440.55 that meets the requirements under s. 460.095 or completed a training program approved by the affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

SECTION 71. 944.21 (8) (b) 3. a. of the statutes is amended to read:

944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1) (e) 6., 7. or 8.; and

SECTION 72. 948.11 (4) (b) 3. a. of the statutes is amended to read:

948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1) (e) 6., 7. or 8.; and

SECTION 9143. Nonstatutory provisions; Technical College System.

(1) TRANSFER OF EDUCATIONAL APPROVAL BOARD TO DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the technical college system board primarily related to the functions of the educational approval board, as determined by the secretary of administration, become the assets and liabilities of the department of safety and professional services.

(b) *Employee transfers.* All incumbent employees holding positions in the technical college system board performing duties primarily related to the functions of the educational approval board, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of safety and professional services.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of safety and professional services that they enjoyed in the technical college system board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the technical college system board that is primarily related to the functions of the educational approval board, as determined by the secretary of administration, is transferred to the department of safety and professional services.

(e) *Contracts.* All contracts entered into by the technical college system in effect on the effective date of this paragraph that are primarily related to the functions of

the educational approval board, as determined by the secretary of administration, remain in effect and are transferred to the department of safety and professional services. The department of safety and professional services shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of safety and professional services to the extent allowed under the contract.

(END)