



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0943/6  
ARG:klm

DOA:.....Kirschbaum, BB0118 - Eliminate / transfer Educational Approval Board

**FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

This bill eliminates the Educational Approval Board and transfers its functions to DSPS.

Under current law, the EAB, which is attached to the TCS Board, is responsible for approval of private trade, correspondence, business, and technical schools. The EAB also issues permits to persons who solicit students for enrollment in these schools. In addition, the EAB performs certain functions related to student protection and preservation of student records associated with closed schools. The EAB also has certain consumer protection functions related to deceptive practices involving institutions of higher education.

This bill eliminates the EAB and transfers its functions to DSPS.

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

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

**SECTION 1.** 15.07 (5) (i) of the statutes is repealed.

\*\*\*\*NOTE: This draft reconciles LRB-0943/4 and LRB-1397/P1 by deleting s. 15.406 (6) (a) 1. in this draft and retaining the repeal of s. 15.406 (6) in LRB-1397/P1.

**SECTION 2.** 15.675 (1) (d) of the statutes is repealed and recreated to read:

15.675 (1) (d) The secretary of the department of safety and professional services or his or her designee.

**SECTION 3.** 15.945 of the statutes is repealed.

**SECTION 4.** 20.292 (2) (title) of the statutes is repealed.

\*\*\*\*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 (1) (jr) and amended to read:

20.165 (1) (jr) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs under s. 440.52. Ninety percent of all moneys received from the issuance of solicitor's permits under s. ~~38.50~~ 440.52 (8) and from the fees under s. ~~38.50~~ 440.52 (10) and all moneys received from the fees under s. ~~38.50~~ 440.52 (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 (1) (jt) and amended to read:

20.165 (1) (jt) *Student protection.* All moneys received from fees received under s. ~~38.50~~ 440.52 (10) (c) 4., for the purpose of indemnifying students, parents, or sponsors under s. ~~38.50~~ 440.52 (10) (a) and for the purpose of preserving under s. ~~38.50~~ 440.52 (11) the students records of schools, as defined in s. ~~38.50~~ 440.52 (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 (1) (jv) and amended to read:

20.165 (1) (jv) *Closed schools; preservation of student records.* All moneys received from fees collected under s. ~~38.50~~ 440.52 (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~~ 440.52 (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 a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates a taxidermy school approved by the educational approval board under s. ~~38.50~~ 38.51, 1989 stats.

**SECTION 9.** 38.50 (title) of the statutes is repealed.

**SECTION 10.** 38.50 (1) (intro.) of the statutes is renumbered 440.52 (1) (intro.).

**SECTION 11.** 38.50 (1) (a) of the statutes is repealed.

**SECTION 12.** 38.50 (1) (b) of the statutes is renumbered 440.52 (1) (b).

**SECTION 13.** 38.50 (1) (c) of the statutes is renumbered 440.52 (1) (c).

**SECTION 14.** 38.50 (1) (d) of the statutes is renumbered 440.52 (1) (d).

**SECTION 15.** 38.50 (1) (e) of the statutes is renumbered 440.52 (1) (e), and 440.52 (1) (e) 8., as renumbered, is amended to read:

440.52 (1) (e) 8. Schools accredited by accrediting agencies recognized by the ~~board~~ department.

**SECTION 16.** 38.50 (1) (f) of the statutes is renumbered 440.52 (1) (f).

**SECTION 17.** 38.50 (1) (g) of the statutes is renumbered 440.52 (1) (g) and amended to read:

440.52 (1) (g) "Teaching location" means the area and facilities designated for use by a school required to be approved by the ~~board~~ department under this section.

**SECTION 18.** 38.50 (2) of the statutes is renumbered 440.52 (2) and amended to read:

440.52 (2) RESPONSIBILITIES. The ~~board~~ department shall protect the general public by inspecting and approving private trade, correspondence, business, and technical schools doing business within this state, whether located within or outside this state, changes of ownership or control of the schools, teaching locations used by the schools, and courses of instruction offered by the schools and regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by the schools.

**SECTION 19.** 38.50 (3) of the statutes is renumbered 440.52 (3) and amended to read:

440.52 (3) RULE-MAKING POWER. The ~~board~~ department shall promulgate rules and establish standards necessary to administer this section.

**SECTION 20.** 38.50 (5) of the statutes is repealed.

**SECTION 21.** 38.50 (7) (intro.) of the statutes is renumbered 440.52 (7) (intro.) and amended to read:

440.52 (7) APPROVAL OF SCHOOLS GENERALLY. (intro.) To protect students, prevent fraud and misrepresentation in the sale and advertising of courses and

courses of instruction, and encourage schools to maintain courses and courses of instruction consistent in quality, content, and length with generally accepted educational standards, the ~~board~~ department shall do all of the following:

**SECTION 22.** 38.50 (7) (a) of the statutes is renumbered 440.52 (7) (a).

**SECTION 23.** 38.50 (7) (b) of the statutes is renumbered 440.52 (7) (b).

**SECTION 24.** 38.50 (7) (c) of the statutes is renumbered 440.52 (7) (c).

**SECTION 25.** 38.50 (7) (d) of the statutes is renumbered 440.52 (7) (d).

**SECTION 26.** 38.50 (7) (e) of the statutes is renumbered 440.52 (7) (e).

**SECTION 27.** 38.50 (7) (f) of the statutes is renumbered 440.52 (7) (f).

**SECTION 28.** 38.50 (7) (g) of the statutes is renumbered 440.52 (7) (g) and amended to read:

440.52 (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~~ department and complying with rules promulgated by the ~~board~~ department; 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~~ department’s Internet site.

**SECTION 29.** 38.50 (7) (h) of the statutes is renumbered 440.52 (7) (h) and amended to read:

440.52 (7) (h) Issue permits to solicitors when all ~~board~~ department requirements have been met.

**SECTION 30.** 38.50 (7) (i) of the statutes is renumbered 440.52 (7) (i) and amended to read:

440.52 (7) (i) Require schools to furnish a surety bond in an amount as provided by rule of the ~~board~~ department.

**SECTION 31.** 38.50 (8) of the statutes is renumbered 440.52 (8), and 440.52 (8) (a), (b), (c) (intro.), 1., 2., 4. and 5., (d) and (e), as renumbered, are amended to read:

440.52 (8) (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students for a course or course of instruction in this state for a consideration or remuneration, except upon the actual business premises of the school, unless the solicitor first secures a solicitor's permit from the ~~board~~ department. If the solicitor represents more than one school, a separate permit shall be obtained for each school the solicitor represents.

(b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the ~~board~~ department and shall be accompanied by a fee and a surety bond acceptable to the ~~board~~ department in the sum of \$2,000. The ~~board~~ department shall, by rule, specify the amount of the fee for a solicitor's permit. The bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his or her enrollment or as a result of the failure of the school to perform faithfully the agreement the solicitor made with the student, and may be supplied by the solicitor or by the school itself either as a blanket bond covering each of its solicitors in the amount of \$2,000 or the surety bond under sub. (7) (i). Upon approval of a permit, the ~~board~~ department shall issue an identification card to the solicitor giving his or her name and address, the name and address of the employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued.

Liability under this paragraph of the surety on the bond for each solicitor covered by the bond shall not exceed the sum of \$2,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the bond upon giving 30 days' notice in writing to the ~~board~~ department and shall be relieved of liability under this paragraph upon giving the notice for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee, a surety bond acceptable to the ~~board~~ department in the sum of \$2,000 if a continuous bond has not been furnished, and such information as the ~~board~~ department requests of the applicant. The ~~board~~ department shall, by rule, specify the amount of the fee for renewal of a solicitor's permit.

(c) *Refusal or revocation of permit.* (intro.) The ~~board~~ department may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

1. Willful violation of this subsection or any rule promulgated by the ~~board~~ department under this section.
2. Furnishing false, misleading, or incomplete information to the ~~board~~ department.
4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the ~~board~~ department.
5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules promulgated by the ~~board~~ department under sub. (7).

(d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last

address of the applicant or permit holder shown in the records of the ~~board~~ department. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the ~~board's~~ department's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request permission to appear before the ~~board~~ department in person, with or without counsel, to present reasons why the permit should be issued, renewed, or reinstated. Upon receipt of a request, the ~~board~~ department shall grant a hearing to the applicant or holder of the permit within 30 days giving that person at least 10 days' notice of the date, time, and place.

**SECTION 32.** 38.50 (10) (title) of the statutes is renumbered 440.52 (10) (title).

**SECTION 33.** 38.50 (10) (a) of the statutes is renumbered 440.52 (10) (a) and amended to read:

440.52 **(10)** (a) *Authority.* All proprietary schools shall be examined and approved by the ~~board~~ department before operating in this state. Approval shall be granted to schools meeting the criteria established by the ~~board~~ department 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) (gm)~~ 20.165 (1) (jt).



**SECTION 34.** 38.50 (10) (b) of the statutes is renumbered 440.52 (10) (b) and amended to read:

440.52 (10) (b) *Application.* Application for initial approval of a school or a course of instruction, approval of a teaching location, change of ownership, or control of a school, renewal of approval of a school or reinstatement of approval of a school or course of instruction that has been revoked shall be made on a form furnished by the ~~board~~ department and shall be accompanied by a fee set by the ~~board~~ department under par. (c) and any other information as the ~~board~~ department considers necessary to evaluate the school in carrying out the purpose of this section.

**SECTION 35.** 38.50 (10) (c) (intro.) of the statutes is renumbered 440.52 (10) (c) (intro.) and amended to read:

440.52 (10) (c) *Fees; rule making.* (intro.) The ~~board~~ department shall promulgate rules to establish the fees paid to the ~~board~~ department under this subsection. In promulgating rules to establish the fees, the ~~board~~ department shall do all of the following:

**SECTION 36.** 38.50 (10) (c) 1. of the statutes is renumbered 440.52 (10) (c) 1. and amended to read:

440.52 (10) (c) 1. Require that the amount of fees collected under this paragraph be sufficient to cover all costs that the ~~board~~ department incurs in examining and approving proprietary schools under this subsection.

**SECTION 37.** 38.50 (10) (c) 2. of the statutes is renumbered 440.52 (10) (c) 2.

**SECTION 38.** 38.50 (10) (c) 3. of the statutes is renumbered 440.52 (10) (c) 3.

**SECTION 39.** 38.50 (10) (c) 4. of the statutes is renumbered 440.52 (10) (c) 4.

**SECTION 40.** 38.50 (10) (cm) of the statutes is renumbered 440.52 (10) (cm) and amended to read:

440.52 (10) (cm) *Limit on student protection fee.* The ~~board~~ department shall discontinue collecting annual student protection fees under par. (c) 4. during the period that the balance in the fund created by those fees exceeds \$1,000,000.

**SECTION 41.** 38.50 (10) (d) of the statutes is renumbered 440.52 (10) (d).

**SECTION 42.** 38.50 (10) (e) of the statutes is renumbered 440.52 (10) (e).

**SECTION 43.** 38.50 (10) (f) of the statutes is renumbered 440.52 (10) (f).

**SECTION 44.** 38.50 (11) (title) of the statutes is renumbered 440.52 (11) (title).

**SECTION 45.** 38.50 (11) (a) of the statutes is renumbered 440.52 (11) (a).

**SECTION 46.** 38.50 (11) (b) of the statutes is renumbered 440.52 (11) (b), and 440.52 (11) (b) 1., as renumbered, is amended to read:

440.52 (11) (b) 1. If a school operating in this state discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the ~~board~~ department, if the student records of the school are not taken into possession under subd. 2., and if the ~~board~~ department determines that the student records of the school are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those student records or the authorized representatives of those persons, the ~~board~~ department may take possession of those student records.

**SECTION 47.** 38.50 (11) (c) of the statutes is renumbered 440.52 (11) (c) and amended to read:

440.52 (11) (c) If necessary to protect student records from being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those student records or the authorized representatives of those persons, the ~~board~~ department or association may seek a court order authorizing the ~~board~~ department or association to take possession of those student records.

**SECTION 48.** 38.50 (11) (d) of the statutes is renumbered 440.52 (11) (d) and amended to read:

440.52 (11) (d) The ~~board~~ department or association shall preserve a student record that comes into the possession of the ~~board~~ department 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~~ department 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~~ department or association shall provide a copy of the student record to the requester. The ~~board~~ department 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~~ department under this paragraph shall be credited to the appropriation account under s. ~~20.292(2)(i)~~ [20.165 \(1\) \(jv\)](#).

**SECTION 49.** 38.50 (12) of the statutes is renumbered 440.52 (12), and 440.52 (12) (a) (intro.) and 1. and (b), as renumbered, are amended to read:

440.52 (12) (a) (intro.) 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~~ department, 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 educational approval board under s. 38.50, 2007 stats., prior to May 27, 2010.

(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 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~~ department, or has accreditation recognized by the Council for Higher Education Accreditation.

**SECTION 50.** 38.50 (13) of the statutes is renumbered 440.52 (13), and 440.52 (13) (a) 2. a., b. and e. and (d), as renumbered, are amended to read:

440.52 (13) (a) 2. a. Has accreditation recognized by the U.S. secretary of education; has the foreign equivalent of that accreditation, as determined by the ~~board~~ department; or has accreditation recognized by the Council for Higher Education Accreditation.

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

e. Has been found by the ~~board~~ department 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.

(d) The ~~board~~ department 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~~ department incurs in evaluating the institution. All fees collected by the

~~board department~~ under this paragraph shall be credited to the appropriation account under s. ~~20.292 (2) (g)~~ 20.165 (1) (jr).

**SECTION 51.** 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~~ 440.52, means the charge for the courses for which a person is enrolled.

**SECTION 52.** 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~~ 440.52, 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 53.** 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~~ 440.52, if any of the following applies:

**SECTION 54.** 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~~ 440.52, 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 55.** 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~~ 440.52, 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 56.** 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~~ department of safety and professional services under

s. 440.52, 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 57.** 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~~ 440.52, 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 58.** 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~~ 440.52 (1) (c).

**SECTION 59.** 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~~ 440.52, if the delivery of education occurs in this state.

**SECTION 60.** 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~~ 440.52 (1) (c).

**SECTION 61.** 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~~ 440.52, if the delivery of education occurs in this state.

**SECTION 62.** 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~~ 440.52 (1) (c).

**SECTION 63.** 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~~ 440.52, if the delivery of education occurs in this state.

**SECTION 64.** 102.07 (12m) (a) 1. of the statutes is amended to read:

102.07 (12m) (a) 1. “Institution of higher education” means an institution within the University of Wisconsin System, a technical college, a tribally controlled college controlled by an Indian tribe that has elected under s. 102.05 (2) to become subject to this chapter, a school approved under s. ~~38.50~~ 440.52, or a private, nonprofit institution of higher education located in this state.

**SECTION 65.** 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~~ 440.52 (13) (c).

**SECTION 66.** 125.04 (5) (a) 5. of the statutes is amended to read:

125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the ~~educational approval board~~ department of safety and professional services. This subdivision does not apply to an applicant who held, or who was an agent appointed and approved under sub. (6) of a corporation or limited liability company that held, within the past 2 years, a Class “A”, “Class A”



or “Class C” license or a Class “B” or “Class B” license or permit or a manager’s or operator’s license.

**SECTION 67.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing body may issue an operator’s license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the ~~educational approval board~~ department of safety and professional services, or unless the applicant fulfills one of the following requirements:

**SECTION 68.** 134.66 (2m) (b) of the statutes is amended to read:

134.66 (2m) (b) Paragraph (a) does not apply to an agent, employee, or independent contractor who has received the training described in par. (a) as part of a responsible beverage server training course or a comparable training course, as described in s. 125.04 (5) (a) 5., that was successfully completed by the agent, employee, or independent contractor. The department of health services shall make the training program developed or approved by that department under par. (a) available to the technical college system board, and that board shall include that training program or a comparable training program approved by that department in the curriculum guidelines specified by that board under s. 125.04 (5) (a) 5. The department of health services shall also make the training program developed or approved by that department under par. (a) available to any provider of a comparable training course, as described in s. 125.04 (5) (a) 5., on request, and the department of revenue or the ~~educational approval board~~ department of safety and professional

services may approve a comparable training course under s. 125.04 (5) (a) 5. only if that training course includes the training program developed or approved by the department of health services under par. (a) or a comparable training program approved by that department.

**SECTION 69.** 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~~ 440.52 (10) without complying with the requirements of s. ~~38.50~~ 440.52. 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 70.** Subchapter V (title) of chapter 440 [precedes 440.51] of the statutes is amended to read:

## **CHAPTER 440**

### **SUBCHAPTER V**

#### **PEDDLERS; PRIVATE SCHOOLS**

**SECTION 71.** 440.52 (title) of the statutes is created to read:

**440.52 (title) Private trade, correspondence, business, and technical schools.**

\*\*\*NOTE: This draft reconciles LRB-0943/4 and LRB-1397/P1 by deleting the treatment of s. 460.05 (1) (e) 1. in this draft and inserting that treatment into LRB-1397/P2.

**SECTION 72.** 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~~ department of safety and professional services under s. 440.52, or is a school described in s. ~~38.50~~ 440.52 (1) (e) 6., 7. or 8.; and

**SECTION 73.** 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~~ department of safety and professional services under s. 440.52, or is a school described in s. ~~38.50~~ 440.52 (1) (e) 6., 7. or 8.; and

**SECTION 74.** 995.55 (1) (b) of the statutes is amended to read:

995.55 (1) (b) “Educational institution” means an institution of higher education, as defined in s. 108.02 (18); a technical college established under s. 38.02; a school, as defined in s. ~~38.50~~ 440.52 (11) (a) 2.; a public school, as described in s. 115.01 (1); a charter school, as defined in s. 115.001 (1); a private school, as defined in s. 115.001 (3r); or a private educational testing service or administrator.

**SECTION 9111. Nonstatutory provisions; Educational Approval Board.**

(1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD AND TRANSFER OF FUNCTIONS.

(a) *Definition.* In this subsection, “board” means the educational approval board.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the board become the assets and liabilities of the department of safety and professional services.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the board is transferred to the department of safety and professional services.

(d) *Contracts.* All contracts entered into by the board in effect on the effective date of this paragraph 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 those contracts unless modified or rescinded by the department to the extent allowed under the contract.

(e) *Rules and orders.*

1. All rules promulgated by the board in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until amended or repealed by the department of safety and professional services.

2. All orders issued by the board in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until modified or rescinded by the department of safety and professional services.

(f) *Pending matters.* Any matter pending with the board on the effective date of this paragraph is transferred to the department of safety and professional services. All materials submitted to or actions taken by the board are considered as having been submitted to or taken by the department of safety and professional services.

**SECTION 9411. Effective dates; Educational Approval Board.**

(1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD AND TRANSFER OF FUNCTIONS. The repeal of sections 15.07 (5) (i), 15.945, 20.292 (2) (title), 38.50 (title), 38.50 (1) (a), and 38.50 (5) of the statutes, the renumbering of sections 38.50 (1) (intro.), 38.50 (1) (b), 38.50 (1) (c), 38.50 (1) (d), 38.50 (1) (f), 38.50 (7) (a), 38.50 (7) (b), 38.50 (7) (c), 38.50

(7) (d), 38.50 (7) (e), 38.50 (7) (f), 38.50 (10) (title), 38.50 (10) (c) 2., 38.50 (10) (c) 3., 38.50 (10) (c) 4., 38.50 (10) (d), 38.50 (10) (e), 38.50 (10) (f), 38.50 (11) (title), and 38.50 (11) (a) of the statutes, the renumbering and amendment of sections 20.292 (2) (g), 20.292 (2) (gm), 20.292 (2) (i), 38.50 (1) (e), 38.50 (1) (g), 38.50 (2), 38.50 (3), 38.50 (7) (intro.), 38.50 (7) (g), 38.50 (7) (h), 38.50 (7) (i), 38.50 (8), 38.50 (10) (a), 38.50 (10) (b), 38.50 (10) (c) (intro.), 38.50 (10) (c) 1., 38.50 (10) (cm), 38.50 (11) (b), 38.50 (11) (c), 38.50 (11) (d), 38.50 (12), and 38.50 (13) of the statutes, the amendment of sections 29.506 (7m) (a), 45.20 (1) (d), 45.20 (2) (a) 1., 45.20 (2) (a) 2. (intro.), 45.20 (2) (c) 1., 45.20 (2) (d) 1. (intro.), 45.21 (2) (a), 71.05 (6) (b) 28. (intro.), 71.07 (5r) (a) 2., 71.07 (5r) (a) 6. b., 71.28 (5r) (a) 2., 71.28 (5r) (a) 6. b., 71.47 (5r) (a) 2., 71.47 (5r) (a) 6. b., 102.07 (12m) (a) 1., 111.335 (1) (cx), 125.04 (5) (a) 5., 125.17 (6) (a) (intro.), 134.66 (2m) (b), 182.028, subchapter V (title) of chapter 440 [precedes 440.51], 460.05 (1) (e) 1., 944.21 (8) (b) 3. a., 948.11 (4) (b) 3. a., and 995.55 (1) (b) of the statutes, the repeal and recreation of section 15.675 (1) (d) of the statutes, and the creation of section 440.52 (title) of the statutes and SECTION 9111 (1) of this act take effect on January 1, 2018, or on the day after publication, whichever is later.

**(END)**