



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4630/1  
ARG:amn

## 2019 BILL

1     **AN ACT** *to renumber and amend* 440.52 (1) (b) and 440.52 (1) (c); *to amend*  
2         71.07 (5r) (a) 2., 71.28 (5r) (a) 2., 71.47 (5r) (a) 2., 440.52 (1) (e) 3., 440.52 (1) (e)  
3         5., 440.52 (1) (e) 6., 440.52 (2), 440.52 (7) (intro.), 440.52 (7) (a), 440.52 (7) (c),  
4         440.52 (7) (e), 440.52 (7) (f), 440.52 (7) (g), 440.52 (8) (a), 440.52 (8) (c) 3., 440.52  
5         (8) (g), 440.52 (10) (a), 440.52 (10) (b) and 440.52 (13) (a) 1.; and *to create* 440.52  
6         (1) (dm) (intro.) of the statutes; **relating to:** terminology changes relating to the  
7         regulation of certain private postsecondary schools (suggested as remedial  
8         legislation by the Department of Safety and Professional Services).

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### *Analysis by the Legislative Reference Bureau*

This bill makes terminology changes in provisions relating to the regulation of certain private postsecondary schools.

Under current law, the Department of Safety and Professional Services regulates most private postsecondary schools, including trade schools and for-profit colleges. Among its responsibilities, DSPS inspects and approves these schools and courses of instruction offered by these schools. DSPS also issues permits for, and otherwise regulates, the solicitation of students for courses at these schools. DSPS must investigate the adequacy of courses and courses of instruction offered by these schools and approve courses of instruction meeting standards established by DSPS.

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Current law defines a “course of instruction” as a series of classroom or correspondence courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective. A “course” is defined as an organized unit of subject matter in which instruction is offered within a given period of time or that covers a specified amount of related subject matter.

This bill defines “program” to incorporate the current definitions of “course” and “course of instruction” and substitutes the term “program” for “course” and “course of instruction” in various statutory provisions relating to the regulation of these private postsecondary schools.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Safety and Professional Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 71.07 (5r) (a) 2. of the statutes is amended to read:

2           71.07 **(5r)** (a) 2. “Course of instruction” has the meaning given in s. 440.52 (1)  
3 ~~(e)~~ means a series of classroom or correspondence courses having a unified purpose  
4 which lead to a diploma or degree or to an occupational or vocational objective.

NOTE: This SECTION replaces a cross-reference to a definition of “course of instruction” with the definition itself.

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

6           71.28 **(5r)** (a) 2. “Course of instruction” has the meaning given in s. 440.52 (1)  
7 ~~(e)~~ 71.07 (5r) (a) 2.

NOTE: SECTIONS 2 and 3 change a cross-reference for the definition of “course of instruction.”

8           **SECTION 3.** 71.47 (5r) (a) 2. of the statutes is amended to read:

9           71.47 **(5r)** (a) 2. “Course of instruction” has the meaning given in s. 440.52 (1)  
10 ~~(e)~~ 71.07 (5r) (a) 2.

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1           **SECTION 4.** 440.52 (1) (b) of the statutes is renumbered 440.52 (1) (dm) 1. and  
2 amended to read:

3           440.52 (1) (dm) 1. ~~“Course” means an~~ An organized unit of subject matter in  
4 which instruction is offered within a given period of time or that covers a specified  
5 amount of related subject matter.

NOTE: SECTIONS 4 to 6 define “program” by combining the definitions of “course”  
and “course of instruction.”

6           **SECTION 5.** 440.52 (1) (c) of the statutes is renumbered 440.52 (1) (dm) 2. and  
7 amended to read:

8           440.52 (1) (dm) 2. ~~“Course of instruction” means a~~ A series of classroom or  
9 correspondence courses having a unified purpose which lead to a diploma or degree  
10 or to an occupational or vocational objective.

11           **SECTION 6.** 440.52 (1) (dm) (intro.) of the statutes is created to read:

12           440.52 (1) (dm) (intro.) Except in par. (e) 9. and 10., “program” means any of  
13 the following:

14           **SECTION 7.** 440.52 (1) (e) 3. of the statutes is amended to read:

15           440.52 (1) (e) 3. Schools of a parochial or denominational character offering  
16 ~~courses~~ programs having a sectarian objective.

NOTE: SECTIONS 7 to 19 and 21 to 22 replace “course” with “program”; “courses” with  
“programs”; “course of instruction” with “program”; and “courses of instruction” with  
“programs.”

17           **SECTION 8.** 440.52 (1) (e) 5. of the statutes is amended to read:

18           440.52 (1) (e) 5. ~~Courses~~ Programs conducted by employers exclusively for their  
19 employees.

20           **SECTION 9.** 440.52 (1) (e) 6. of the statutes is amended to read:

21           440.52 (1) (e) 6. Schools, ~~courses of instruction,~~ and training programs that are  
22 approved or licensed and supervised by other state agencies and boards.

**BILL****SECTION 10**

1           **SECTION 10.** 440.52 (2) of the statutes is amended to read:

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

9           **SECTION 11.** 440.52 (7) (intro.) of the statutes is amended to read:

10           440.52 (7) APPROVAL OF SCHOOLS GENERALLY. (intro.) To protect students,  
11 prevent fraud and misrepresentation in the sale and advertising of ~~courses and~~  
12 ~~courses of instruction~~ programs, and encourage schools to maintain ~~courses and~~  
13 ~~courses of instruction~~ programs consistent in quality, content, and length with  
14 generally accepted educational standards, the department shall do all of the  
15 following:

16           **SECTION 12.** 440.52 (7) (a) of the statutes is amended to read:

17           440.52 (7) (a) Investigate the adequacy of ~~courses and courses of instruction~~  
18 programs offered by schools to residents of this state and establish minimum  
19 standards for those ~~courses of instruction~~ programs.

20           **SECTION 13.** 440.52 (7) (c) of the statutes is amended to read:

21           440.52 (7) (c) Establish rules, standards, and criteria to prevent fraud and  
22 misrepresentation in the sale and advertising of ~~courses and courses of instruction~~  
23 programs.

24           **SECTION 14.** 440.52 (7) (e) of the statutes is amended to read:

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1           440.52 (7) (e) Establish minimum standards for refund of the unused portion  
2 of tuition, fees, and other charges if a student does not enter a ~~course or course of~~  
3 ~~instruction~~ program or withdraws or is discontinued from the ~~course~~ program.

4           **SECTION 15.** 440.52 (7) (f) of the statutes is amended to read:

5           440.52 (7) (f) Require schools offering ~~courses and courses of instruction~~  
6 programs to residents of this state to furnish information concerning their facilities,  
7 curricula, instructors, enrollment policies, tuition and other charges and fees, refund  
8 policies, and policies concerning negotiability of promissory instruments received in  
9 payment of tuition and other charges.

10          **SECTION 16.** 440.52 (7) (g) of the statutes is amended to read:

11          440.52 (7) (g) Approve ~~courses of instruction~~ programs, schools, changes of  
12 ownership or control of schools, and teaching locations meeting the requirements  
13 and standards established by the department and complying with rules promulgated  
14 by the department; publish a list of the schools and ~~courses of instruction~~ programs  
15 approved and a list of the schools that are authorized to use the term “college,”  
16 “university,” “state,” or “Wisconsin” in their names; and make those lists of the  
17 schools available on the department’s Internet site.

18          **SECTION 17.** 440.52 (8) (a) of the statutes is amended to read:

19          440.52 (8) (a) *In general.* No solicitor representing any school offering any  
20 ~~course or course of instruction~~ program shall sell any ~~course or course of instruction~~  
21 program or solicit students for a ~~course or course of instruction~~ program in this state  
22 for a consideration or remuneration, except upon the actual business premises of the  
23 school, unless the solicitor first secures a solicitor’s permit from the department. If  
24 the solicitor represents more than one school, a separate permit shall be obtained for  
25 each school the solicitor represents.

**BILL****SECTION 18**

1           **SECTION 18.** 440.52 (8) (c) 3. of the statutes is amended to read:

2           440.52 (8) (c) 3. Presenting information to prospective students relating to the  
3 school, ~~a course~~, or a ~~course of instruction~~ program that is false, fraudulent, or  
4 misleading.

5           **SECTION 19.** 440.52 (8) (g) of the statutes is amended to read:

6           440.52 (8) (g) *Recovery on contracts.* No recovery shall be had by any school or  
7 its assignee on any contract for or in connection with a ~~course or course of instruction~~  
8 program if the representative who sold or solicited the ~~course~~ program was not the  
9 holder of a solicitor's permit under this subsection at the time of the sale or  
10 solicitation.

11           **SECTION 20.** 440.52 (10) (a) of the statutes is amended to read:

12           440.52 (10) (a) *Authority.* All proprietary schools shall be examined and  
13 approved by the department before operating in this state. Approval shall be granted  
14 to schools meeting the criteria established by the department for a period not to  
15 exceed one year. No school may advertise in this state unless approved by the  
16 department. All approved schools shall submit quarterly reports, including  
17 information on enrollment, number of teachers and their qualifications, ~~course~~  
18 ~~offerings~~ programs, number of graduates, number of graduates successfully  
19 employed, and such other information as the department considers necessary. If a  
20 school closure results in losses to students, parents, or sponsors, the department may  
21 authorize the full or partial payment of those losses from the appropriation under s.  
22 20.165 (1) (jt).

NOTE: This SECTION replaces "course offerings" with "programs."

23           **SECTION 21.** 440.52 (10) (b) of the statutes is amended to read:

