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End of Legislative Session Highlights

2009-2010 Bills of Interest to Wisconsin Technical Colleges

The Wisconsin Legislature concluded its regular 2009-2010 session on April 23rd, following several days of intense floor activity, marathon session days and two Assembly “all-nighters.” This report highlights the 21 most significant bills affecting technical colleges this session.

Effectively, any bill not passed in identical form by both houses “died” on April 23rd with regular session adjournment. While legislative activity such as committee work will continue through the summer and fall, the next regular legislative session (and chance to introduce and consider bills) begins with the inauguration of a new legislature and new Governor on January 3, 2011. All 99 Assembly seats and 17 of 33 Senate seats are on the ballot in Fall, 2010.

This report is divided into two parts: bills affecting technical colleges that became law (or that passed and are on the Governor’s desk), and, significant bills affecting technical colleges that did not pass.

Among bills that became law or passed, several are favorable to technical colleges. Other bills that passed will raise new administrative or cost issues. However, no bill that passed or became law was among those we formally opposed this session.

The most favorable bills that passed/became law include the state budget bill (page 4), the “CORE” jobs bill (page 11), the “Green to Gold” manufacturing loans bill (page 9), a bill regulating “diploma mills” (page 7), a bill concerning licensing professional engineers (page 6), and a bill changing how recovered property taxes are shared (page 6).

Bills that passed or became law that may raise administrative or cost issues for the colleges or system include a longitudinal data systems bill (page 10), a bill affecting the format and fees for open records (page 8), a bill changing requirements to be a school nurse (page 12),

and a bill expanding tuition remissions for certain part-time students (page 9). A complete index follows on page 3.

The most significant bills affecting the colleges that did not pass this session include both exceptionally good initiatives, bad initiatives, and the full range between. Perhaps the session's biggest disappointment was the failure to have the Senate vote on the bill expanding flexibility for funding residence halls (page 14). That bill passed the Assembly and was recommended for passage by a Senate Committee.

Other favorable bills of note that did not make it include the historic "Wisconsin Jobs Initiative" bill (page 15), and a bill restoring the Wisconsin Conservation Corps (page 20). The conservation corps bill included a provision that would have brought participants to technical colleges to explore educational opportunities as part of their overall WCC program.

Among the bills that did not pass that we opposed or about which we had major concerns, the most prominent include: a bill mandating evening classes (page 13), a bill reforming credit card marketing at colleges that included an unfunded mandate requiring some students take a financial literacy class (page 18), a bill significantly expanding the veterans tuition remission program (page 19), and a bill requiring the election of technical college district board members (page 21).

An index follows on the next page.

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I. Bills that Became Law or are on the Governor's Desk

AB 75 (2009 Act 28) – The 2009-2011 State Budget Bill

In a time of fiscal crisis, this was an enormously positive budget bill for Wisconsin technical colleges. Signed in late June, 2009, it increased the colleges' general aid funding and student financial aid by millions of dollars compared with the original bill introduced in February, 2009. This was exceptional in an environment that began with the economy rapidly slowing and with projected deficits rapidly growing. All state funding streams were told to prepare for deep cuts as the 2009-11 budget bill was developed.

Just as important as the increases we secured, the budget did not make any across-the-board cuts to general aid funding. This was a major victory in the face of cuts ranging from 3.5% to more than 10% imposed on most state funding streams. General purpose revenue (GPR) cuts were imposed on K-12 school aid, municipal shared revenue, the UW System, and others. While categorical aid to technical colleges was cut 1% across-the-board, this was significantly less than cuts imposed on almost all other state funding.

We began the budget process with a large projected state deficit for 2009-11. When the estimated deficit unexpectedly jumped by an additional \$1.6 billion in Spring, 2009, the budget-writing Joint Finance Committee (JFC) paused for several days in the midst of the budget process to reconsider its previous votes and to make deep new cuts. At least one proposal circulated to address this gap included 5% cuts to both WTCS general and categorical aid. This would have resulted in \$14 million in cuts over the biennium to technical colleges. We avoided these cuts and avoided any reconsideration of the earlier JFC vote to provide the colleges a modest increase in general aid.

WTCS General Aid – All proposed cuts were restored and a massive potential cut of 5% (\$5.9 million per year) was not imposed. General aid was instead increased by \$920,600 annually, totaling \$1.84 million over the biennium. This was the first increase since 2000-2001. This represented a net improvement of more than \$2.6 million annually (\$5.23 million over the biennium) compared with the original budget bill as introduced.

Wisconsin Higher Education Grant (WHEG) – The state's main need-based financial aid program for WTCS students was increased by 3.5% annually, by \$614,200 in 2009-10 and by \$1.25 million in 2010-11 (a total increase of \$1.86 million over the biennium). This represents an improvement of more than \$1.16 million above the amount originally proposed in the budget as introduced. A potential 5% across-the-board cut was not imposed.

WTCS Categorical Aid (Except WAT Grants) – These specific WTCS grants to districts totaling \$17.6 million annually were cut by 1% across-the-board, like most state funding. This was a cut of \$176,304 annually (\$352,608 over the biennium). A potential additional across-the-board cut of 5% was not imposed.

Workforce Advancement Training (WAT) Grants – This program providing \$3 million annually for grants to businesses to train workers at technical colleges was cut by 1% (\$30,000 annually), like most state funding. Flexibility was improved by reducing the \$1 million annual set-aside for small business grants to \$500,000 and by streamlining small business applications.

Veterans Tuition Remission Funding – Total funding of \$6.56 million annually shared between technical colleges and UW schools to defray some 20% of veterans’ remission costs was cut by 1% annually (\$65,600 annually), like most state funding. Veterans who first enrolled after August 14, 2009, were required to use any available “Post 9/11” federal benefits toward tuition. Colleges were required to “hold harmless” veterans by paying back to them any net federal funding lost by using the Post 9/11 program benefits for tuition. This created a major administrative challenge for the colleges and for vets. It also blunted the benefit of offsetting some of the colleges’ unfunded mandate with federal funds.

Capital Projects Limit – The budget increased from \$1 million to \$1.5 million the amount a technical college may expend on a capital project before a districtwide referendum is required.

WTCS Non-Resident Tuition – The budget bill allowed the WTCS to set non-resident tuition at 150% of resident tuition (instead of full instructional cost) to encourage non-resident enrollment while maintaining provisions prohibiting a non-resident from displacing a resident student.

Tuition for Certain Undocumented Persons (WTCS and UW) – The budget provided that an undocumented citizen of another country may pay resident tuition if he/she: graduated from a Wisconsin high school, has lived in Wisconsin continuously for 3 years since starting high school, and has applied or will apply for permanent residency status.

Bill history and text (Warning: bill text is 1,700+ pages):
<http://www.legis.state.wi.us/2009/data/AB75hst.html>

AB 105 and SB 46 (2009 Act 21) – Arbitration and Fair Share Agreements during Contract Hiatus Periods

This bill passed and was signed into law on June 8, 2009, as Act 21.

Act 21 changes employer and employee rights during a contract hiatus (after the previous contract expires and before a new agreement is reached) under the Municipal Employment Relations Act (MERA), which includes technical college districts. The new law requires that employers and employees continue to arbitrate grievances during a hiatus period. It also requires that the employer continue to honor “fair share” agreements (collecting union dues as part of the payroll process) in a hiatus period. *Recommended position: None/monitor.*

Bill history and text (SB 46 passed; AB 105 was laid on the table):

AB 105: <http://www.legis.state.wi.us/2009/data/AB105hst.html>

SB 46: <http://www.legis.state.wi.us/2009/data/SB46hst.html>

AB 159 (2009 Act 171) – Municipalities Sharing Omitted Property Taxes

This bill passed and was signed into law on March 15, 2009, as Act 171.

Formerly, when a taxpayer was over-assessed for property taxes, the municipality collecting the taxes made a refund and sought a share of the reimbursement from each taxing entity including the technical college district. However, when a property was under-taxed and the omitted taxes were later recovered, the collecting municipality was allowed to keep all of the recovered amount and did not share it with other taxing entities. Act 171 requires collecting municipalities to share recovered taxes with all taxing entities.

Also, a municipality formerly was required to distribute to each taxing entity its share of total property tax assessments on personal property such as business machinery and equipment, whether or not those taxes were actually collected. The municipality later could chargeback taxing entities for the uncollected portion of these taxes. Act 171 also streamlines this chargeback process. *Recommended position: Support.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB159hst.html>

AB 288 – Professional Engineer (PE) Credential/Licensing

This bill passed the Assembly in late October and passed the Senate on April 22nd, the final day of Senate session. It awaits the Governor's consideration.

After months of work by the District Boards Association and WTCS staff, the Wisconsin Engineering Examining Board and interested professional engineering groups agreed to support the bill as introduced. This supported our position and represented a victory protecting technical college graduates.

This bill changed several requirements necessary to earn the professional engineer (PE) credential. Last session, a similar bill would have - for the first time - imposed a minimum of a bachelor's degree to become a PE in Wisconsin. We opposed that provision and secured an amendment in the Senate removing it. Without a similar amendment in the Assembly (an attempt to add our amendment failed), the bill did not clear both houses and died with the session's conclusion.

This session's bill addressed our concern and continues the long tradition of allowing a PE candidate to earn either a 2 or 4-year engineering degree. All candidates would combine this academic work (which is approved by the state Examining Board), with years of high-level professional leadership experience (also approved by the Examining Board). Under the bill, a candidate could have either a 2-year engineering-related degree from a technical college plus at least 6 years of suitable experience, or a 4-year engineering degree plus at least 4 years of suitable experience.

Importantly, current law allows some individuals to become a PE in Wisconsin without sitting for the PE examination. The bill requires that all Wisconsin PE's pass the examination after meeting the approved academic and work experience requirements. We supported that provision.

Representatives of professional engineering groups sought to impose the bachelor's degree minimum arguing that it is the standard in many states and should be everywhere. However, a number of states do not require a bachelor's degree to become a PE including New York and California, both considered to be "tough" licensing states. There is no data suggesting Wisconsin has had any problems or deficiencies among PE's who attended technical college programs. Unlike many other licensed professions such as nursing, the PE is a professional credential requiring years of professional leadership experience approved by the board. It is not based on examinations administered immediately following formal schooling. *Recommended position: Support.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB288hst.html>

AB 464 and SB 308 (2009 Act 140) – Emergency Worker Employees Arriving Late to Work

The Senate version of these proposals was signed into law as Wisconsin 2009 Act 140 on March 3, 2010.

Act 140 requires employers, including technical college districts, to allow an employee to be late for work or miss work without penalty if the employee is responding to an emergency that begins before the employee is scheduled to be at work and the employee is a volunteer firefighter, EMT, first responder, or ambulance driver. The Act imposes certain requirements on the employee to demonstrate the reason for the late arrival/absence. The employer does not need to pay the employee for any work time missed. The Act does not apply to certain employees, such as those working in emergency rooms. *Recommended position: None/monitor.*

Bill history and text:

AB 464: <http://www.legis.state.wi.us/2009/data/AB464hst.html>

SB 308: <http://www.legis.state.wi.us/2009/data/SB308hst.html>

AB 624 (also SB 431) – “Diploma Mills” and False Credentials

The Senate version of this package passed both houses as the session ended and is awaiting the Governor's consideration.

AB 624 and SB 431 restrict certain practices in order to protect Wisconsinites from “diploma mills” and misleading educational information and institutions. In addition to the WTCS and

UW System, a number of private institutions register to do business in Wisconsin through the Educational Approval Board. AB 624/SB 431 prohibit any school from using the terms “college” or “university” in its name unless the institution offers at least an associate’s degree and is accredited in a manner that is recognized by the U.S. Secretary of Education, by its foreign equivalent, or by the Council for Higher Education Accreditation. The bills also prohibit schools from using the terms “state” or “Wisconsin” in their name if doing so would mislead the public about an affiliation with the WTCS, UW, or the state itself.

The bills were amended to continue to allow the use of “college” or “university” if the entity does not purport to be a legitimate institution of higher education (“College Dry Cleaners,” or the Mustard Museum’s “Poupon University”). Additionally, the bills prohibit issuing or manufacturing false academic credentials such as bogus diplomas or transcripts. Finally, the bills adjust the law to reflect it is not employment discrimination to refuse to hire or to license, or to bar or terminate from employment/licensure, a person who uses a false academic credential.
Position: Support.

Bill history and text:

AB 624: <http://www.legis.state.wi.us/2009/data/AB624hst.html>

SB 431: <http://www.legis.state.wi.us/2009/data/SB431hst.html>

AB 638 (also SB 426) – Open Records, Format of and Fees for

The Assembly version of this package passed that house on April 13th and was concurred in by the Senate just before adjournment. It awaits the Governor’s consideration.

Currently, a requester may obtain a copy of public records maintained in written form by a public entity or official. A technical college or other entity may charge a reasonable fee for the copy. A requester may also obtain a readable copy of a record that is maintained in some form that is not readily recognizable in writing, for example, a written printout from an electronic database. Requesters may also receive photos of records that can’t be copied otherwise, and/or transcripts of audio records. These bills provide that a requester may elect to receive any record in the format in which it is maintained. This clarifies that a requester can ask for a copy, for example, of the database itself in the database program format.

Charges for record copies are already limited by law. These bills also provide that the fact a government entity may contract with a private company to maintain records does not change the law regarding maximum copy charges. Furthermore, if a government entity contracts with a private business to maintain records, the charge it assesses for any copy may not exceed the “actual, necessary and direct” costs of reproduction or transcription. *Recommended position: None/monitor.*

Bill history and text:

AB 638: <http://www.legis.state.wi.us/2009/data/AB638hst.html>

SB 426: <http://www.legis.state.wi.us/2009/data/SB426hst.html>

AB 904 (also SB 651) – “Green to Gold” Manufacturing Loans

While both versions of this proposal received significant attention, the Senate bill version was amended and prevailed in both houses late in session. It is on the Governor’s desk.

These bills reallocate existing Commerce funding streams and create a new state and federal appropriation (designed in part to leverage available federal funding) creating a large revolving loan fund for manufacturing enterprises in the state. The loans would be used to assist manufacturers with initiatives such as: increasing energy efficiency and renewable energy use in their processes and facilities to enhance competitiveness, developing manufacturing for clean and renewable energy products, and creating and retaining jobs in clean energy and “green” manufacturing. The allowable purposes for funding include training opportunities that could be provided by technical colleges. *Recommended position: Support. While not directly aimed at technical colleges, this ambitious proposal focuses significant state and federal business development resources toward new manufacturing technologies requiring highly-skilled employees often trained by technical colleges.*

Bill history and text:

AB 904: <http://www.legis.state.wi.us/2009/data/AB904hst.html>

SB 651: <http://www.legis.state.wi.us/2009/data/SB651hst.html>

SB 304 (also AB 702) – Expanding Part-Time Student Veterans Tuition Remissions

The Senate version of these bills passed both houses (clearing the Assembly on the last day of session) and is awaiting the Governor’s consideration.

State law exempts many military veterans from paying tuition at technical colleges or UW institutions. This 100% remission is limited to veterans who enroll within 10 years following the end of active duty service, and is currently limited to 128 credits. For veterans who have been away from active duty more than 10 years or who have already exhausted the full benefit, the state’s former tuition remission law still applies. This bill amends that law.

A veteran enrolling who does not qualify for the 100% remission currently may receive a tuition waiver for only part-time studies (up to 11 credits per semester) and up to a total of 60 credits. If the veteran enrolls fulltime (12 or more credits), no remission is provided. This bill provides that a vet enrolling fulltime receive a remission for the first 11 credits carried in the term up to the maximum of 60. No funding is provided to pay for these remissions. *Recommended position: None/monitor. While this bill will likely affect a small number of individuals, it does expand the state’s unfunded mandate on technical colleges.*

Bill history and text:

SB 304: <http://www.legis.state.wi.us/2009/data/SB304hst.html>

AB 702: <http://www.legis.state.wi.us/2009/data/AB702hst.html>

SB 371 and AB 536 (2009 Act 59) – Creating a PK-16 Longitudinal Data System and Systems for Data Sharing and Studies

SB 371 was signed into law on November 9, 2009, as Act 59. It was one of a package of fast-track bills introduced in late October at the Governor's request.

This is part of a package of bills to create a state-level framework for federal “Race to the Top” and other emerging funding streams, and to meet new federal accountability requirements. SB 371 dealt specifically with higher education. Other bills in the package dealt with the use of student test results to evaluate K-12 teachers (previously banned in Wisconsin), and provisions ranging from the creation of a state grant to channel new federal student achievement funds, to new rules for establishing charter schools.

Act 59 requires the WTCS Board to enter into written agreements with the Department of Public Instruction, the UW Board of Regents, and the Wisconsin Association of Independent Colleges and Universities to “cooperatively conduct research on preschool through post-secondary education programs.” It allows each entity to evaluate and study the educational programs of other educational entities. Importantly, it requires the creation of a longitudinal data system that links student data from preschool through higher education. Finally, it creates a framework for these entities to enter into data sharing agreements and allow them to import other data, such as workforce data, into the system through agencies including the Department of Workforce Development.

The Act does not provide any funding to accomplish the mandates placed on the WTCS or others. It will be important to assess student privacy issues as an effective longitudinal database is created. *Recommended position: None/monitor.*

Bill history and text:

SB 371: <http://www.legis.state.wi.us/2009/data/SB371hst.html>

AB 536: <http://www.legis.state.wi.us/2009/data/AB536hst.html>

SB 407 (also AB 604) – Academic Excellence Scholarship Eligibility

The Senate version of this bill passed both houses and awaits the Governor's consideration.

These bills slightly change eligibility for Wisconsin Academic Excellence Scholarships. Currently, the top one or more graduating public high school seniors at each public high school receive a scholarship toward tuition if they enroll at a Wisconsin technical college, UW campus, or an independent private college/university in the state. The number of awards per high school – ranging from 1 to 6 – is determined by the school's size. The award is made to the senior(s) with the “highest” grade point average. Current law and administrative rules affect the order in which awardees and alternates are selected from among those with the highest GPA. Rules also affect how selections are made when the school “weights” different courses differently to calculate grade point averages.

Under the bill as passed, if the number of eligible students who receive the award *and choose to use it* is less than the number of awards available at that school, a student with the “next highest” GPA may be an alternate and may be awarded a scholarship. This would apply whether or not the school weights grades so long as the next highest student(s) had at least a 3.8 GPA.

Recommended position: Support.

Bill history and text:

SB 407: <http://www.legis.state.wi.us/2009/data/SB407hst.html>

AB 604: <http://www.legis.state.wi.us/2009/data/AB604hst.html>

SB 409 (also AB 641) – C.O.R.E. “Jobs” Package

The Senate version of this package was amended and adopted by both houses late in the session. It awaits the Governor’s consideration.

One of multiple “jobs” packages this session, SB 409 had the distinction of being introduced by all eighteen Senate Democrats with Senator Julie Lassa (D-Stevens Point) as the lead sponsor. It was referred to as “C.O.R.E.,” for “Connecting Opportunity, Research and Entrepreneurship.” SB 409 combined a wide range of new ideas with others that were already introduced as bills or that were discussed over time.

Among several initiatives, SB 409 incorporated all of SB 63, which created business tax credits for payment of tuition. As passed, a tax credit is provided to businesses that pay tuition for certain individuals. The credit is for 25% of tuition paid for individuals at technical colleges, the UW, an independent (not-for-profit) college or university, or a proprietary (for-profit) college if the instruction takes place in the state. However, the credit is only available when the student is “eligible for a grant from the Federal Pell Grant Program.” Pell grants are need-based awards provided only to students in a first undergraduate degree program. Thus, the credit does not apply when tuition is paid for non-degree students, degree-program students who already have a degree, or for those who have an income high enough to not be eligible for Pell grants.

Additionally, SB 409 included another initiative that directly affects technical colleges by expanding existing Workforce Advancement Training (WAT) Grant funds. WAT grants are made by the WTCS through districts to businesses and defray the cost of incumbent employee custom training at technical colleges. A match is required by the business.

WAT Grant Background: In a budget adjustment bill passed early in the session (*SB 62, 2009 Act 2*), the Senate led an effort for a one-time \$1 million increase in WAT grant funding (from a total of \$3 to \$4 million) and required that the new \$1 million be targeted to “advanced manufacturing” with a preference for welding training. The increased new funding had to be used or lost by June 30, 2009. The System office, colleges, and business and industry all responded rapidly and used all of the one-time funds in exceptionally short order.

SB 409 adds another \$1,000,000 to total WAT grant funding annually beginning July 1, 2010, once again increasing total WAT funding from \$3 to \$4 million per year. It would then expand the set-aside of total WAT grant funds for “advanced manufacturing” from \$1 million to \$1.5 million per year, but eliminate the “preference for welding” language. This effectively restores and makes permanent the prior “one time” \$1 million increase, while removing the specific target of “welding training.”

The bill contains a number of additional initiatives including: increasing annual limits on “angel” investment tax credits, creating a state office of Regulatory Assistance, making grants to the WiSys Technology Foundation (handling research patents at UW campuses other than Madison), creating a business plan competition and emerging technology center in the UW System, creating new “rural outsourcing” grants, requiring the Department of Commerce to award grants to a high-technology business development corporation and grants for converting manufacturing facilities, creating “micro loans” toward new business creation, and increasing funding for existing economic development programs. *Recommended position: Support with caveats. Tuition tax credits should not be limited to Pell-eligible students. WAT Grant funding does not increase college funding or capacity to serve dislocated workers or other students.*

Bill history and text:

SB 409: <http://www.legis.state.wi.us/2009/data/SB409hst.html>

AB 641: <http://www.legis.state.wi.us/2009/data/AB641hst.html>

SB 414 (also AB 616) (2009 Act 160) – Requirements to be a School Nurse

SB 414 and AB 616 were introduced at the request of the Department of Public Instruction (DPI). Each bill received a hearing through which the Boards Association and WTCS secured the co-sponsors’ and DPI’s support for amendments to protect WTCS nursing graduates. The amended SB 414 passed both houses and was signed into law as 2009 Act 160 on March 16th.

Act 160 establishes a number of new requirements necessary for an individual to be considered a “school nurse.” It also changes requirements concerning who may administer medication to pupils in a K-12 setting. Unfortunately, these bills as initially introduced would have required that any school nurse in Wisconsin hold at least a bachelor’s degree. This language was introduced without input from the WTCS or District Boards Association.

Registered nurses (RN’s) are licensed after passing examinations and meeting other requirements including graduating from an approved associate degree or bachelor’s degree program in nursing. An RN is an RN regardless of the degree earned, and all RN’s pass the same examinations regardless of degree earned. There is no meaningful difference in examination pass rates depending on the degree earned.

While school nursing may require specific competencies beyond the initial RN designation, there is no legitimate connection between the underlying degree earned itself and the competencies required to practice school nursing. Despite this, the Association of School Nurses and others

testified that the bachelor's degree should be a minimum requirement. One representative of a 4-year nursing program testified that associate degree nurses do well in practice so long as they are providing "direct care" in a "highly supervised" clinical setting. This opinion was not accompanied by any evidence, but seemed to imply that associate degree nurses are in some way less competent than bachelor's degree nurses.

DPI noted that only a small portion of Wisconsin school nurses, (about 8% according to DPI), do not already have a bachelor's degree. However, no data was presented to show what degree was possessed when the school nurse was first hired. Many Wisconsin K-12 teachers hold a masters degree. Very few of those teachers had already earned a masters degree when first hired.

We requested that the bills require licensure of an RN as a school nurse based on specific training and competencies in public health topics relevant to school settings rather than using the degree as a standard. As a compromise, we were able to secure amendments that take the specific requirements out of statute and require DPI to promulgate administrative rules instead. This keeps the bachelor's minimum out of state law itself, but does not prevent DPI from using the bachelor's standard in its rules. DPI suggested that it will include the bachelor's degree minimum in administrative rules after the bill becomes law. *Recommended position: Do not oppose as amended to assure that the statutory requirements to be a school nurse do not require a bachelor's degree.*

Bill history and text:

SB 414: <http://www.legis.state.wi.us/2009/data/SB414hst.html>

AB 616: <http://www.legis.state.wi.us/2009/data/AB616hst.html>

II. Significant Bills Affecting Technical Colleges that Did Not Pass

AB 51 – Mandating Evening Classes

AB 51 received a hearing last July but was never voted out of committee.

Separate from the AB 51 bill itself described below, the bill's lead sponsor, Representative Marlin Schneider (D-Wisconsin Rapids), wrote to all district and state board members in late November expressing his continuing concerns related to this issue. We believe that all District Boards responded to that letter. Representative Schneider then apparently requested an audit of the WTCS by the Legislative Audit Bureau focusing on the colleges' services to working adults.

On January 13th, the Joint Committee on Audit held a hearing to consider that request. The committee has not yet voted on whether to conduct the audit, or on its scope, but could still do so until the session formally ends in December, 2010.

This bill would have mandated that each district offer one-third of all class periods each semester beginning after 5 p.m. It would also have mandated that every course be taught in class periods after 5 p.m. at least once every three school years. Technical colleges decide when to offer courses driven by learner need balanced with factors such as facility and faculty availability and cost. The colleges already teach a huge array of courses after 5 p.m. Hundreds more are taught on-line and without any specific times. Taken together, this already accounts for more than 30% of offerings at almost all colleges.

Also, a number of courses must be taught during the day. Aspects of surveying, pilot training, utility line worker, law enforcement, truck driver training, urban forestry and other programs can be daylight dependent. Technical colleges also run student-based restaurant facilities, dental hygiene labs, and childcare facilities that are all part of the curriculum and have carefully balanced service and instructional hours. Other courses must be taught when a private sector partner will host students for clinicals or allow the use of their facilities. Hospitals, for example, sometimes don't take clinical students at night because they are already lightly staffed compared with day shifts. Phlebotomy and clinical lab tech students may need to meet when there are suitable patients to work with under supervision.

As a matter of principle, local college boards, administration, and faculty and staff are in the best position to decide when to offer our classes. These mandates would increase costs and hurt local control. *Position: Oppose.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB51hst.html>

AB 509 (also SB 378) – Exempting Residence Hall Fees from Capital Project Limits Triggering a Referendum

In a major disappointment, the Senate refused to bring this bill to the floor as the session ended. AB 509 passed the full Assembly on a 64-31 vote on January 19th. All but 2 Democrats voted in favor, as did 14 Republicans and 1 Independent. Democrats Marlin Schneider (D-Wisconsin Rapids) and Peggy Krusick (D-Milwaukee) joined 29 Republicans voting against the bill.

The Senate companion bill, SB 378, was introduced by Senator Jim Holperin (D-Conover). The Senate held a hearing (on the Assembly-passed version of the bill) and voted the bill out of committee on a 3-2 party-line vote in February making it ready for a vote by the full Senate.

Western Technical College, Boards Association, and WTCS representatives sought support from Senate leaders to schedule AB 509 for a Senate floor vote. Senate leadership expressed concerns that the bill did not assure that no taxpayer funds or student tuition would be used for the

project. This restriction had been agreed upon by Western and the WTCS Board in the project approval process. We helped draft an amendment placing this restriction into the bill itself.

Ultimately, the Senate leadership would not schedule the bill for a vote despite the amendment and despite direct advocacy by individual senators and members of the Assembly. In the end, we were told that the bill would not be given a vote because it would give unelected technical college boards more flexibility than elected K-12 boards. Of course, no tax dollars were ever at stake and K-12 districts do not operate residence halls.

Led by Representative Jennifer Shilling (D-La Crosse), AB 509 was developed at the request of Western Technical College but would have applied to all districts. It was supported by other districts, the Boards Association and the WTCS. Western partnered with a developer to build a residence hall replacing older student housing. The bill provided that if a district develops, purchases or leases a student residence hall, the student lease payments are exempted from the funds counted toward the \$1.5 million capital projects limit triggering a districtwide referendum. This would have allowed a district to issue general obligation bonds for the project and to pay off that debt using the lease revenue stream.

The bill preserved the accountable approval system for projects by local and state boards. It also preserved the requirement to hold a referendum for capital projects of more than \$1.5 million unless the funds came from gifts, grants, federal funds or residence hall lease revenue. *Position: Support.*

Bill history and text:

AB 509: <http://www.legis.state.wi.us/2009/data/AB509hst.html>

SB 378: <http://www.legis.state.wi.us/2009/data/SB378hst.html>

AB 513 – “Wisconsin Jobs Initiative”

This bill never received a hearing. Building on his history of leadership to secure significant new funding for technical colleges and technical college students, Representative Cory Mason (D-Racine) introduced the extraordinary AB 513 creating the “Wisconsin Jobs Initiative,” (WJI). The WJI would have placed Wisconsin technical colleges at the center of the state’s economic recovery efforts. It was co-sponsored by 17 Assembly Democrats and by Senator Spencer Coggs (D-Milwaukee). The WJI had three major components, as follows. It would have been funded by increasing income taxes on Wisconsinites with incomes of more than \$1 million annually, also described below:

Technical College Funding – The bill would have created new WTCS categorical grants for technical college districts to fund programs reducing unemployment. The grants were also designed to serve as a “match” for new federal funding proposed by President Obama.

Representative Mason’s WJI would have largely matched the “Path to Prosperity” bill he introduced last session, and a similar proposal he attempted to include in the 2009-2011 state

budget bill. It would have focused grants to district-designed projects that assisted dislocated workers and/or adults who did not have a high school diploma. Funds could be used to recruit, enroll, instruct, provide support services for, or pay the tuition and fees for these individuals. Grants could also be obtained to expand district capacity in programs with waiting lists or that address projected workforce needs in the district. All grants under this section would be awarded with a preference for districts that contain areas of the state with the highest unemployment rates.

For these grants, the bill would have provided a new appropriation to the colleges of **\$52 million** in 2010 and **\$30 million** in 2011. **This would have represented an increase of some 37% in total state investment in Wisconsin technical colleges in 2010 alone** (based on total current state funding of approximately \$140 million).

This was the single most significant proposal to invest in technical colleges ever made in the Wisconsin Legislature. It would have put Wisconsin first in line among states to match federal funding and would have placed technical colleges clearly at the center of an aggressive and profound jobs bill and economic recovery strategy.

Financial Aid Support – The bill would also have dramatically closed the unfunded gap for state need-based student financial aid programs. These programs are comprised of the Wisconsin Higher Education Grant (“WHEG”) programs at Wisconsin technical colleges, the UW System, and at tribal colleges, and the Tuition Grant (“TG”) Program at independent/private colleges and universities (e.g., Marquette, Ripon, etc.).

The bill would have *increased current funding* by the following amounts:

	<u>2009-10</u>	<u>2010-11</u>
WHEG Technical Colleges	\$ 8 million	\$ 16.1 million
WHEG UW System	\$ 5.6 million	\$ 11.5 million
WHEG Tribal Colleges	\$.1 million	\$.26 million
TG Private/Independents	\$ 1.9 million	\$ 3.2 million

This would have represented a stunning 44% increase in need-based aid for technical college students in the first year and an additional 33% in the second year (current WTCS appropriations are approximately \$18.16 million in 2009-10 and \$18.74 million in 2010-11).

WTCS students have traditionally faced the largest unmet “need gap” of any students. The need gap is the amount left unfunded when all available personal, family and financial aid resources are totaled and compared to educational costs. Representative Mason’s proposal would have closed the gap and increased financial aid for technical college students by a larger amount than has ever been proposed.

Angel Investment Funding and Commerce Grants to Business – Finally, the bill would have created new tools for business and job expansion and retention. It would have expanded the state’s “Angel Investment” tax credit to support qualified new businesses develop in the state. It would also have created new grants in the Department of Commerce to help businesses make

capital expenditures for facilities or equipment that retains jobs or creates new jobs. These grants would have targeted economically distressed areas of the state.

Despite being joined by 18 co-sponsors, Representative Mason's WJI proposal faced major challenges. In addition to the difficulty passing any major new state funding commitment in tough fiscal times, this bill would have been funded by increasing income tax rates on extremely wealthy individuals. It would have created a new top tax bracket for earnings above \$1 million annually and increased the rate from 7.75% to 8.75%.

While it is difficult for most Wisconsinites and most legislators to worry about a 1% increase in taxes on incomes over \$1 million annually, many legislators - including some members of the Democratic majority caucuses – were loath to support any tax increase. Representative Mason made it clear from the initial proposal that he was willing to consider an alternative funding source.

AB 513 reflected Representative Mason's understanding of and support for an enormously important concept: Wisconsin's technical colleges, and student access to them, must be at the center of any authentic jobs and economic recovery bill. *Position: Support, with a preference for an alternate revenue source.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB513hst.html>

AB 578 – Mandating Environmentally Sensitive Building Cleaning

AB 578 was introduced and received a hearing in November. After questions arose about the bill, a substitute amendment was introduced to replace the original bill with new provisions. The amended bill was on the calendar and awaiting a vote by the full Assembly, but was tabled when the Senate adjourned for the session.

The amended bill would have created a new state Council on Healthy and Environmentally Sensitive Cleaning and required the state Department of Health Services (DHS) to consult with the new council to promulgate administrative law assuring most public buildings, including all buildings owned by technical college districts, used certain cleaning products and systems.

DHS would have mandated the use of specific cleaning products and cleaning “systems.” Products would include general purpose cleaners, restroom, glass, laundry, and carpet cleaners, toilet paper and paper towels, and vacuum cleaners and carpet extractors. A “cleaning system” includes specific products, materials for applying products, equipment, and cleaning instructions. Products and systems would need to meet certain Environmental Protection Agency standards, or the standards set by one of several private groups approved by DHS such as TerraChoice Environmental Marketing (EcoLogo), Green Seal or Greenguard Environmental Institute (GEI).

As amended, it did not appear that the bill created any penalties for non-compliance. *Position: None/monitor. Technical college districts are supportive of providing safe and “green”*

facilities. The colleges themselves are in the best position to select products and processes that best protect public health, the environment, and the careful stewardship of public resources.

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB578hst.html>

AB 745 (also SB 525) – Credit Cards and Financial Literacy Education for Students

Neither version of this bill received a vote by its full respective body. These bills would have limited or prohibited activities related to credit card marketing and card sponsorship by colleges and universities. They also would have mandated colleges and universities require some students complete financial literacy training.

Related to marketing and sponsorship, the bills would have prohibited:

- Credit card issuers from offering college students any tangible inducement (a gift) to apply for a credit card;
- Credit card issuers from marketing credit card offerings physically on district campuses (the amendment clarifies that districts may allow a bank, credit union or ATM's to be located on their campuses and that the ban on marketing credit cards on campus does not include doing so inside a bank or credit union branch on a campus);
- Credit card companies from issuing cards to individuals under age 21 except under certain circumstances (these provisions appeared to match new federal law already affecting adults under age 21);
- Colleges from directly marketing cards for card issuers;
- Colleges from receiving any payment for allowing credit card marketing aimed at students; and
- Colleges from selling or providing student names, addresses and email addresses for purposes of credit card marketing.

The above provisions reflect an amendment made after the District Boards Association and WTCS testified with concerns about the original language. The amended version met our concern that campus-sponsored debit (versus credit) cards be allowed. These cards are increasingly used for unified student purchasing of books, food and other campus goods and services. The amended bill may still have raised constitutional concerns by barring the release of public “directory” information by a college about its students to one specific class of requester (credit card issuers).

The bills would also have required colleges to provide financial literacy information on the college website and to students during any on-campus orientation program. Importantly, the bills also mandated that colleges require students age 21 and younger to complete an on-line financial literacy tutorial once during their undergraduate career. The bills did not provide any funding to meet these provisions.

We testified that the on-line tutorial requirement was inappropriate for most technical college students and represented a significant unfunded mandate. The average age of WTCS students is

greater than 30 and many students have been financially independent for years. Based on our testimony, the substitute amendment changed the mandate from requiring all students complete the tutorial to requiring only students 21 and younger complete it. The amended bill also removed language that would have prohibited a student from registering if he/she failed to complete the tutorial. *Recommended position: While the amended bill was much improved, we do not support mandating student tutorials without new funding to cover the mandate.*

Bill history and text:

AB 745: <http://www.legis.state.wi.us/2009/data/AB745hst.html>

SB 525: <http://www.legis.state.wi.us/2009/data/SB525hst.html>

AB 781 – Expanding Veterans Tuition Remissions

This bill received an Assembly hearing but was sent to the Joint Finance Committee. It was expected to stay there, but was “pulled” to the Assembly floor and passed unanimously at 2:38 a.m. on April 21st. The Senate did not consider the bill.

To understand AB 781, suffice it to say that there are two interpretations of the Wisconsin GI Bill’s tuition remission “promise.” First, there is an understanding that the state promised veterans they may attend college without paying tuition for up to 128 credits. This may be realized by colleges remitting (not charging) tuition. Those remissions may also be *offset by the veteran using “Post-911” federal educational benefits, when available.* Second, there is an interpretation that the state promised veterans a tuition remission for 128 credits *in addition to* any and all federal benefits. AB 781 was intended to implement this second interpretation.

The original version of AB 781 would have extended the 100% tuition remission for veterans attending technical colleges or UW institutions by 64 credits (from 128 to 192 credits) *if* the veteran was required to use any federal benefits toward tuition. After an early March hearing, a substitute amendment was introduced. Under that version, technical colleges and the UW would have been required to provide the full 128 credit remission to a veteran regardless of any federal benefits used toward tuition.

AB 781 as amended would have increased the number of credits to be remitted at technical colleges but would not have provided any funding for these remissions. The bill would have clarified, but not fixed, the maddeningly complex interaction between various veterans’ benefits programs covering different vets in very different ways. These complexities are dependent on factors such as the various federal program(s) the vet is eligible for, the timeframe of the vet’s service and his/her eligibility for the “Post-911” benefit, the length and type of military service, and the number of prior college credits earned.

Background on current law: Some of the confusion concerning tuition remissions is a function of provisions passed in AB 75, the state’s 2009-11 biennium budget bill. That bill attempted to reduce a largely unfunded mandate (about 15-20% is state-funded) on colleges by requiring vets eligible for Post-911 federal benefits to use those benefits before tapping the state remission.

Both the WTCS and UW had requested full state funding of the mandate. Instead of providing any new state support, the provision was offered to capture more federal funds. This led some legislators and veterans groups to interpret the state as renegeing on its tuition promise.

However, as the budget bill progressed, a provision was also added to “hold harmless” vets who use the Post-911 education benefit. This requires colleges to pay back to a vet any amount of total federal benefits lost due to that vet using the Post-911 education benefit to pay part of tuition. *Recommended position: The Association continues to strongly support full state funding of tuition remissions.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB781hst.html>

AB 910 (also SB 690) – Restoring the Wisconsin Conservation Corps

AB 910 passed the Assembly on the last day of session. However, the Senate did not take up either bill version.

This bill would have recreated a Wisconsin Conservation Corps (“WCC”) and a state WCC Board to govern it. The WCC Board would have included one member who is a technical college faculty member appointed to the WCC Board by the WTCS Board. The WCC Board would have contracted with an entity experienced in natural resource conservation and youth training to manage projects statewide with the WCC Board’s approval and oversight.

The managing entity would have overseen conservation projects proposed by local governments or nonprofit corporations across a wide range of project types such as trail construction, invasive species management, erosion control or prairie restoration, among many. The projects would have been completed with trained work crews made up of 18-25 year-olds. At least one-half of the work crew members must have had no prior college experience and been from lower income backgrounds.

Importantly, the proposal of a project by a local government or nonprofit corporation must have included plans for “training of the work crew members, providing transportation to each project work site, making available educational opportunities for work crew members while they were employed on a project, and for assisting work crew members in making full use of all benefits provided under a youth corps program.” The proposal must also have included a plan “for the crew members to visit a technical college at least once every three months while they are employed on a project in order to familiarize them with application and enrollment procedures, programs, and course offerings.”

The WCC Board and sponsor would have been required to seek funding from existing appropriations attached to UW Extension supporting national service programs. WCC projects would have become the priority for this funding for a minimum of 240 WCC workers.

After the bill was introduced, there was movement to expand training and educational opportunities beyond technical colleges to include UW (2-year) colleges. No formal amendment to the bill was offered, however. *Recommended position: Support.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB910hst.html>

SB 249 – Mandating the Election of Technical College District Boards

This bill never received a hearing. SB 249 was sponsored by Senator Alberta Darling (R-River Hills), joined by two Republican Senate colleagues and seven Assembly Republicans.

This bill was almost identical to bills introduced in each of the past two sessions. It would have removed all current district board members from office as of July 1, 2011, and replaced them with members elected in non-partisan spring general elections from nine sub-districts (formed to be of approximately equal population) within each college district. There would no longer have been specific categories of board service. Candidates would have needed to reside in the sub-district in which they run and serve. Terms would have been four years and staggered so that at least two members would be elected each spring. Rules concerning nomination papers, campaigns and campaign finance would have been the same as for State Assembly contests. An early spring primary would have been held if more than two candidates ran for one board seat. No public campaign funding would have been provided and there were no provisions for compensation of elected board members.

Detailed information about the value and importance of the longstanding appointed district board governance model is available at www.districtboards.org. *Position: Oppose.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB249hst.html>

This report was prepared by Paul Gabriel, who is responsible for the content including any analysis or opinion. For more information, contact Paul Gabriel at 608 266-9430 or pgabriel@districtboards.org.