

SENATE BILL REPORT

SB 6487

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 1, 2006

Title: An act relating to false academic credentials.

Brief Description: Prohibiting false academic credentials.

Sponsors: Senators Schoesler, Rasmussen, Roach, Morton, Schmidt, Mulliken, Carrell, Stevens, Doumit, Delvin, Benson, Esser, Johnson, Deccio, Shin, Jacobsen, Regala, Hargrove, Zarelli, Honeyford, McAuliffe and Berkey.

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 1/27/06, 2/1/06 [DPS].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 6487 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Schmidt, Ranking Minority Member; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schoesler and Shin.

Staff: Susan Mielke (786-7422)

Background: State law requires that all degree-granting institutions of higher education operating in Washington obtain authorization from the Higher Education Coordinating Board (HECB) or be determined by the HECB to be exempt. More than 40 degree-granting institutions are authorized to operate in Washington. About 100 degree-granting institutions are exempt from authorization, including the six public four-year colleges and universities, long-established independent colleges and universities, and religious colleges and universities.

Anyone who claims to operate a degree-granting institution in Washington but is not authorized or exempted by the HECB is guilty of a gross misdemeanor, which is punishable by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a term not to exceed one year, or both. Each day that the violation occurs constitutes a separate violation. Additionally, the Attorney General can bring a criminal lawsuit where criminal sanctions may be imposed.

Summary of Substitute Bill: A false academic credential is defined. The definition includes academic certificates, degrees, course work, degree credits, transcripts, or certification of a degree.

It is an unfair or deceptive business practice and a crime of fraud for a person to grant or offer to grant a false academic credential, to represent that a false academic credit can be applied

toward a credential offered by another person, or to solicit another person to seek or earn a false academic credential or credit. The venue for a deceptive business practice lawsuit involving false academic credentials would be in the county where an element of the offense occurred or in any other venue authorized by law.

Additionally, it is a crime of fraud for a person to knowingly use a false academic credential or falsely claim to have a credential issued by an accredited and HECB recognized institution in a written or oral advertisement or promotion, or with the intent to obtain employment, a license, a certificate to practice, a promotion, compensation or other benefit, admission to an educational program in the state, or gain a position in government whether compensated in the position or not. Both issuing and knowingly using a false academic credential is a class C felony.

It is specified that certificated employees of public schools, employees of community and technical colleges, and those employed in civil service who issue or use a false academic credential will be guilty of a deceptive business practice and a crime of fraud.

Substitute Bill Compared to Original Bill: The repeal of the current law requiring the HECB to authorize degree-granting institutions and the sanction for operating a non-authorized institution is removed from the bill. The definition of "false academic credential" is changed, so that:

- Institutions of higher education that are currently authorized by the HECB or those who are currently exempt from that authorization can continue to operate in Washington;
- Graduates of a legitimate foreign school may use their degree(s) in the state; and
- The definition includes academic certificates in addition to associate degrees and higher levels of degrees.

Appropriation: None.

Fiscal Note: Requested on January 24, 2006.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Legislature has been making incremental progress addressing diploma mills. This is a bigger problem than what we are addressing here. Many of the people who get fake degrees are living outside of our nation and therefore have an easier time getting their immigration approved. This is to address that employers end up with untrained employees and these employees can make mistakes that injure people or damage property. This bill specifies that this behavior warrants substantial punishment and creates enhanced civil and criminal authority. It is helpful that there is no intent requirement, which aligns with the Consumer Protection Act, which does not require intent. The act alone is sufficient to be a crime. There is some concern that the definition of false academic credential is too broad.

Testimony Against: None.

Testimony Other: The definition of false academic credential is too restrictive. It may apply to someone who obtains their degree abroad from a reputable institution of higher education but the institution would not be authorized by the HECB. The repealer of the current law would put religious institutions, which are currently exempt from HECB authorization, at risk of issuing false credentials. This may have the effect of only the regional accrediting organizations having authority of accrediting institutions in Washington and the state would not have any authority. There was an investigation of the prevalence of the use of fraudulent degrees and a few teachers were found to have used false degrees to gain salary increases. A more comprehensive way to address this would include looking at how teachers are paid and how they should be compensated.

Who Testified: PRO: Jack Zurlini, Office of the Attorney General; and Lucinda Young, Washington Education Association.

OTHER: Terry Teale, Council of Presidents; Bruce Botka, HECB; Marsha Richards, Evergreen Freedom Foundation.