

1 IN THE SENATE

BY SENATORS WALSH AND MCNEALY

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SENATE BILL NO. 266

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act to prevent deception of the public  
7 resulting from fraudulent or substandard  
8 academic degrees; and providing for an  
9 effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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Section 1. PURPOSE. It is the policy of this state to pre-  
12 vent deception of the public resulting from the conferring and  
13 use of fraudulent or substandard degrees. Since degrees, diplomas  
14 and similar measures of academic achievement are constantly used  
15 by employers in judging the training of prospective employees;  
16 by public and private professional groups in determining qualifi-  
17 cations for admission to and continuance of practice; and by the  
18 general public in assessing the extent of competence of persons  
19 engaged in a wide range of activities necessary to the general  
20 welfare, regulation by law of such evidences of academic achieve-  
21 ment is in the public interest. To the same end, the protection  
22 of legitimate institutions and of those holding degrees from them  
23 is also in the public interest.

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Sec. 2. DEFINITIONS. As used in this Act:

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(1) "Degree granting institution" means a school,  
27 academy, institute, junior college, college, university, or person  
28 or entity of whatever kind which furnishes or offers to furnish  
29 instruction leading toward or prerequisite to an academic or pro-  
fessional degree beyond the secondary school level, and which

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1 requires that in order to obtain a degree or diploma the recipient  
2 thereof satisfactorily complete an appropriate course of class,  
3 laboratory or research study in person under a faculty whose  
4 members hold appropriate academic degrees at least one academic  
5 year of which instruction must be in residence; or an educational  
6 organization or entity qualifying to grant degrees under Sec. 5  
7 of this Act.

8 (2) "Degree" means any designation, mark, appellation,  
9 series of letters or words, or other symbol which signifies, pur-  
10 ports or is generally taken to signify satisfactory completion of  
11 the requirements of an academic or professional program of study  
12 beyond the secondary school level.

13 Sec. 3. AWARD OF DEGREES. A degree or any object in  
14 evidence thereof may be awarded only by a degree granting insti-  
15 tution. Anything in this Act to the contrary notwithstanding,  
16 a degree granting institution may award honorary degrees: pro-  
17 vided that any such degree be clearly represented to be honorary  
18 and that any diploma, certificate or other tangible object issued  
19 or purporting to be in evidence thereof be clearly and conspicu-  
20 ously marked in a manner which will convey to the general public  
21 that the degree is honorary.

22 Sec. 4. PERIOD BEFORE AWARD. (a) Unless a degree granting  
23 institution is in operation on the effective date of this Act, it  
24 shall not award any academic degree or diploma or other certifi-  
25 cate therefor until one year after it has filed a written notice,  
26 with and until such notice has received the approval of the  
27 Department of Education. The notice shall contain the name and  
28 address of the degree granting institution; the names and  
29 addresses of the president or other administrative head and of

1 each member of the board of trustees or other governing board;  
2 the names of members of the faculty, with the highest academic  
3 degree held by each; a full description of the degree or degrees  
4 to be awarded and the course or courses of study prerequisite  
5 thereto; and such additional information as the Department of Edu-  
6 cation may prescribe. An amendment to the notice shall be filed  
7 with the Department of Education prior to the award of any degree  
8 or diploma or other certificate therefor not contained in the  
9 original notice or prior amendments thereto. A degree or diploma  
10 or other certificate therefor authorized in an amendment shall not  
11 be awarded until one year after the filing of the amendment with  
12 and the approval of the Department of Education.

13 (b) A degree granting institution shall keep the notice  
14 which it shall have filed with the Department of Education current  
15 at all times. For this purpose, it shall report, by appropriate  
16 amendment of the notice, any change in any fact reported therein  
17 within 30 days of its occurrence.

18 (c) All degree granting institutions in operation on the  
19 effective date of this Act shall file notices as required by this  
20 section within 180 days of said date and thereafter the provisions  
21 of this section shall be fully applicable to them, except that  
22 the one year waiting period prescribed in paragraph (a) hereof  
23 shall not be required for any type of degree being awarded by said  
24 institution during the academic year 1961-1962.

25 (d) The Department of Education shall not approve any  
26 notice or amendment thereto filed pursuant to this section unless  
27 it finds the facts stated therein to be correct and further finds  
28 that such facts constitute compliance with the requirements of  
29 this Act for degree granting institutions.

1 (e) By regulation the Department of Education shall provide  
2 for recognition by it of national and regional educational  
3 accrediting agencies. Any degree granting institution or appli-  
4 cant for status as a degree granting institution which offers  
5 resident instruction may offer annually in lieu of any notice or  
6 amendment thereto required by this section, evidence that it is  
7 accredited generally or in respect of its degree programs by a  
8 recognized educational accrediting agency. If the Department of  
9 Education finds that the institution is so accredited, it shall  
10 not require the filing of any notice or amendment thereto by  
11 such institution pursuant to this section, nor shall Sec. 6 of  
12 this Act apply to any such institution.

13 Sec. 5. DEGREES BY OTHER THAN RESIDENCE INSTITUTIONS. (a)  
14 Any educational organization or entity which could not qualify as  
15 a degree granting institution solely because it does not conduct  
16 instruction in residence may qualify as such an institution upon  
17 approval by the Department of Education. Such approval shall be  
18 given only if the department finds that the applicant, organiza-  
19 tion or entity:

20 (1) maintains physical facilities suitable and suffi-  
21 cient to the giving of a program or programs of instruction of  
22 degree caliber in the field or fields wherein it proposes to grant  
23 degrees;

24 (2) maintains a suitable and sufficient faculty for  
25 instruction in its degree granting program or programs;

26 (3) maintains its student records in a safe and suit-  
27 able place so that there is reasonable assurance that they are  
28 and will remain available for all normal purposes for a reasonable  
29 period of time;

1 (4) complies with all provisions of this Act other than  
2 the requirement for instruction in residence.

3 (b) In making any finding pursuant to this section, the  
4 Department of Education may consider as evidence the action of  
5 any recognized accrediting agency with respect to the applicant,  
6 organization or entity, but shall not be bound thereby.

7 (c) Nothing in this Act shall be construed to be a legisla-  
8 tive finding with respect to the suitability as a preparation for  
9 the granting of degrees of instruction given entirely out of  
10 residence.

11 Sec. 6. RIGHT OF INSPECTION: PENALTY FOR REFUSAL OR OBSTRUC-  
12 TION. Any duly authorized officer, employee or other representa-  
13 tive of the Department of Education may enter upon the premises  
14 of and inspect or otherwise examine the same and any books, papers  
15 or other records pertaining to the educational activities of any  
16 degree granting institution. For failure to permit such entry,  
17 inspection or examination or for obstruction thereof, the Depart-  
18 ment of Education may invalidate any notice filed with it by the  
19 degree granting institution pursuant to Sec. 4 of this Act and  
20 may refuse to accept another notice from or on behalf of said  
21 institution or any person connected with the administration there-  
22 of until such refusal or obstruction has been withdrawn. Any  
23 action taken pursuant to this section shall be in addition to any  
24 other penalty which may be imposed for violation of this Act.

25 Sec. 7. UNLAWFUL REPRESENTATIONS. Neither the fact of fil-  
26 ing nor the permission to grant any degree or degrees shall be  
27 held to mean that the Department of Education has passed upon the  
28 merits of, or given approval to, a particular course of instruc-  
29 tion or degree granting institution. It shall be unlawful to

1 make, or cause to be made, to any person any representation con-  
2 trary to the provisions of this section.

3       Sec. 8. PENALTIES. Any person, firm, corporation, partner-  
4 ship, association, degree granting institution, or other entity  
5 making any false statement in any notice or amendment thereto  
6 filed pursuant to Sec. 4 of this Act shall be guilty of perjury.  
7 Any other violation of this Act shall be subject to a fine of not  
8 less than \$1,000 nor more than \$10,000 or to a term of imprison-  
9 ment not to exceed 10 years, or both. Each violation constitutes  
10 a separate offense.

11       Sec. 9. INJUNCTIONS. The Department of Education acting  
12 through the attorney general, may proceed by injunction against  
13 any violation of this Act, but no such proceeding and no order  
14 issued therein or as a result thereof shall bar the imposition of  
15 any other penalty which may be imposed for violation of this Act.

16       Sec. 10. EXEMPTIONS. This Act shall not apply to any degree,  
17 diploma or other certificate which is of use primarily in connec-  
18 tion with a religious calling or to any degree granting institu-  
19 tion engaged only in educational programs in the field of religion.

20       Sec. 11. EFFECTIVE DATE. This Act takes effect on the day  
21 after its passage and approval or on the day it becomes law with-  
22 out such approval.

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