AN ACT to repeal 39.41 (1) (c); to renumber 39.41 (1) (a); to amend 39.41 (1m) (a) (intro.), 39.41 (1m) (b), 39.41 (1m) (c) (intro.) and 5, 39.41 (1m) (d), 39.41 (1m) (e), 39.41 (1m) (g), 39.41 (1m) (h), 39.41 (1m) (i) and 39.41 (1m) (j) and to create 39.41 (1m) (m) of the statutes, relating to the academic excellence higher education scholarship program and the state superintendent executive secretary.
SECTION 11. 39.41 (1m) (e) of the statutes is amended to read:
39.41 (1m) (e) If 2 or more seniors from the same high school of less than 80 pupils have the same grade point average, and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the board of the school district operating the public high school or the governing body of the private high school may make the nomination of the senior who may be designated for designation under par. (b) as a scholar by the state superintendent executive secretary. If that senior is designated as a scholar by the executive secretary and does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), faculty of the high school shall select one or more of the remaining seniors with the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1, the executive secretary shall make the designation under par. (c) 1 of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 12. 39.41 (1m) (f) of the statutes is created to read:
39.41 (1m) (f) If 2 or more seniors from the Wisconsin school for the visually handicapped have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1, the executive secretary shall make the designation under par. (c) 1 of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 13. 39.41 (1m) (fm) of the statutes is created to read:
39.41 (1m) (fm) If 2 or more seniors from the Wisconsin school for the deaf have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 2, the executive secretary shall make the designation under par. (c) 2 of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 14. 39.41 (1m) (g) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:
39.41 (1m) (g) Notwithstanding par. (a), if a high school of at least 80 pupils closes or merges in the 1991-92 school year or in any school year thereafter, the school board of the school district operating the high school or the governing body of the private high school shall, subject to par. (d), for each of the 2 school years following the closure or merger, designate the same number of scholars from among the pupils enrolled in the high school at the time of closure or merger as the number of scholars designated for that high school in the school year the high school closed or merged. Any seniors designated under this paragraph shall be eligible for an original scholarship under this section.

SECTION 15. 39.41 (1m) (h), (i), (j) and (m) of the statutes are created to read:
39.41 (1m) (h) Notwithstanding par. (a), if a public high school of at least 80 pupils closed following the 1989-90 school year and a pupil from the closed high school was designated a scholar under this section for either of the 2 school years following the closure by the school board of a school district operating a high school that enrolled pupils from the closed high school, such school board shall designate the senior with the next highest grade point average for that school year as a scholar. Any scholar designated under this paragraph shall be eligible for a higher education scholarship under sub. (2) (b) or (3) (b) as determined under par. (a), notwithstanding that the scholar did not receive a higher education scholarship for the academic year immediately following the school year in which the pupil from the closed high school was designated a scholar under this section.

(i) Notwithstanding par. (d), if the school board of a school district operating a high school or the governing body of a private high school has complied with s. 39.41 (1m) (d), 1991 stats., for the 1993-94 school year and a senior from that high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar. The school board of the school district operating the high school or the governing body of the private high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(j) In the event that 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and are otherwise eligible for designation under par. (a), the school board of the school district operating the high school or the governing body of the private high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.
(m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its seniors on the basis of grades in academic subjects, the school board of the school district operating the high school or the governing body of the private high school or, for purposes of par. (d), the faculty of the high school may request a waiver from the executive secretary in order to fulfill its requirements under par. (a), (b) or (d) on the basis of grade point averages in academic subjects.

Vetoed in Part

SECTION 16. 39.41 (4) (b) of the statutes is amended to read:

39.41 (4) (b) The board shall make the payments under sub. (2) (c) and (3) from the appropriation under s. 20.235 (1) (b) subject to the availability of

Vetoed in Part

SECTION 17. 39.41 (8) of the statutes is amended to read:

39.41 (8) The state superintendent of school districts shall promulgate rules establishing criteria for the designation of scholars under sub. (1m) (c) 3.

SECTION 18. Initial applicability. This act first applies to higher education scholarships awarded for the 1994-95 academic year.