

## 2007 DRAFTING REQUEST

### Bill

Received: 05/01/2007

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: **Sondy Pope-Roberts (608) 266-3520**

By/Representing: **Danica Sorensen**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Add. Drafters:

Subject: **Education - school boards**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.PopeRoberts@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Payment of AP exam costs

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### Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 05/01/2007	kfollett 05/01/2007		_____			
/1			pgreensl 05/02/2007	_____	sbasford 05/02/2007	cduerst 06/01/2007	

FE Sent For: *N/A*

<END>

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/?	pgrant	1/1/jf 5/10	5/2 P8	5/2 P8/TNN			

FE Sent For:

<END>

## Grant, Peter

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**From:** Sorensen, Danica  
**Sent:** Tuesday, May 01, 2007 11:20 AM  
**To:** Grant, Peter  
**Subject:** Draft - AP Test payments

**Attachments:** DPI memo.pdf

Peter,

Let me know if you have any questions, thanks!

Danica Sorensen  
Office of Rep. Pope-Roberts



DPI memo.pdf (77  
KB)

A QUALITY  
EDUCATION  
FOR  
EVERY  
CHILD



**State of Wisconsin  
Department of Public Instruction**

Elizabeth Burmaster, State Superintendent

**DATE:** October 25, 2006

**TO:** Law Revision Committee staff

**FROM:** Michael Borrett *MB*  
Policy and Budget Director

**SUBJECT:** Proposals for Remedial Legislation

In response to the Joint Legislative Council memo of September 14, 2006, the Department of Public Instruction submits the following proposal to be considered for remedial legislation to be introduced during the 2007 legislative session.

**Payment for Advanced Placement Examinations**

Proposed statutory change: s. 120.12 (22) - Pay the costs of advanced placement examinations taken by pupils enrolled in the school district who are eligible for free or reduced-price lunches in the federal school lunch program under 42 USC 1758 utilizing local, state, federal or private funds.

**Rationale:** The intent of the original legislation, to pay advanced placement (AP) exam costs for low-income students, is retained. However, the requested language clarifies that local, state, federal or other authorized sources of funding may be used to pay such costs and will remove concerns about supplanting if state or federal funds are used. There has been some concern expressed by the U.S. Department of Education that the current statute implies that only state and/or local funds should pay for these exams, thus preventing the award of federal funds. This change has been recommended to the department by representatives of the College Board and the U.S. Department of Education.

**Fiscal Impact:** The net fiscal impact for Wisconsin school districts should be positive in that they will be more eligible to seek and use funds from federal and/or private grant and funding programs. Specifically, a federal AP grant may be available to Wisconsin school districts if this technical clarification is made.

Please let me know if you have any questions.

DN

LRB-2641/1  
PG: kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

1 AN ACT *to amend* 120.12 (22) of the statutes; **relating to:** payment of the costs  
2 of advanced placement examinations taken by certain pupils ~~(suggested as~~  
3 ~~remedial legislation by the Department of Public Instruction).~~

***Analysis by the Legislative Reference Bureau***

Current law directs each school board to pay the costs of advanced placement examinations taken by pupils who are eligible for free or reduced-price lunches under the federal School Lunch Program. This bill provides that the school board may use federal, state, local, or private funds to pay these costs.

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

***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 Public Instruction and introduced by the Law Revision Committee under s. 13.83 (1) (c) 1, and 5, as a result of the Revisor of Statutes' case and opinion review under s. 13.93 (2) (d), 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.

4 SECTION 1. 120.12 (22) of the statutes is amended to read:



LRB-2641/12n

PG: jif

DN  
Date

Representative Pope-Roberts:

~~suggested language~~~~I'm unsure of the ~~security~~ for this~~

~~bill~~ ~~because~~ As far as <sup>far</sup> I can tell, nothing in  
 current law restricts ~~the~~ the source of funds  
~~prevents a school district from using~~  
 that a school district may  
 use <sup>use</sup> to pay for

advanced placement tests. If ~~DPI~~ <sup>wishes</sup> wishes  
 to clarify ~~that~~ the use of state funds

~~federal funds for this purpose does not~~

to "remove concerns about supplanting it <sup>if</sup>

state <sup>or</sup> federal funds are used," I think

a <sup>more</sup> more direct statement to that effect

would be ~~clearer and more~~ effective <sup>more</sup> more

likely to accomplish that ~~stated~~ purpose.

In addition, note that ~~to~~

current laws <sup>direct</sup> direct school boards to pay for many ~~the~~ costs without specifying the source of funds. See, for example, ss. 118.05(2) <sup>8</sup> (fees for operation of the school convocation camp); 118.15(2)(a) (fees for children attending technical colleges); 118.153 (paying contracting agencies for children-at-risk programs); 118.25(3) and (5) (paying the costs of health exams); 118.51(17), 118.52(12) and 118.55(5) and (20)(d) (paying tuition to nonresident school districts or institutions of higher education); 120.12(6) (paying insurance premiums), 120.12(17) (paying tuition for pupils attending the UW), 120.13(10) (paying for meals for pupils);

120.13(16)<sup>16</sup> (paying ~~for~~ the membership  
fee in a school board organization),  
and 120.13(32)<sup>32</sup> (paying for school board<sup>board</sup>  
orientation programs). If this bill  
~~is~~ becomes law as written, I  
think <sup>may be raised</sup> questions about ~~the~~ the source of  
funds that may be used for the  
purposes specified in these provisions.

If you have questions <sup>or</sup> need  
more information, please let me know.

PG

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2641/1dn  
PG:kjf:pg

May 2, 2007

Representative Pope-Roberts:

As far as I can tell, nothing in current law restricts the source of funds that a school district may use to pay for advanced placement tests. If DPI wishes to "remove concerns about supplanting if state or federal funds are used," I think a more direct statement to that effect would be more likely to accomplish that purpose.

In addition, note that current laws direct school boards to pay for many costs without specifying the source of funds. See, for example, ss. 118.05 (2) (fees for operation of the school conservation camp); 118.15 (2) (a) (fees for children attending technical colleges); 118.153 (paying contracting agencies for children-at-risk programs); 118.25 (3) and (5) (paying the costs of health exams); 118.51 (17), 118.52 (12), and 118.55 (5) and (7r) (d) (paying tuition to nonresident school districts or institutions of higher education); 120.12 (6) (paying insurance premiums); 120.12 (17) (paying tuition for pupils attending the UW); 120.13 (10) (paying for meals for pupils); 120.13 (16) (paying the membership fee in a school board organization); 120.13 (32) (paying for school board orientation programs). If this bill becomes law as written, I think questions may be raised about the source of funds that may be used for the purposes specified in these provisions.

If you have questions or need more information, please let me know.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [peter.grant@legis.wisconsin.gov](mailto:peter.grant@legis.wisconsin.gov)

**Duerst, Christina**

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**From:** Sorensen, Danica  
**Sent:** Friday, June 01, 2007 12:11 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-2641/1 Topic: Payment of AP exam costs

Please Jacket LRB 07-2641/1 for the ASSEMBLY.