

State of Misconsin 2015 - 2016 LEGISLATURE

LRBs0276/1 ARG:wlj/ahe/kjf

ASSEMBLY SUBSTITUTE AMENDMENT 1, TO ASSEMBLY BILL 314

January 27, 2016 - Offered by Representative R. Brooks.

AN ACT to repeal 39.41 (1m) (h) and 39.41 (1m) (i); to renumber and amend
39.41 (1m) (g); to amend 39.41 (1) (ag), 39.41 (1m) (a) (intro.), 39.41 (1m) (a)
1. to 6., 39.41 (1m) (b), 39.41 (1m) (c) 4., 39.41 (1m) (c) 5., 39.41 (1m) (e), 39.41
(1m) (j), 39.41 (1m) (m), 39.41 (2) (a), 39.41 (2) (b), 39.41 (2) (c), 39.41 (3) (a),
39.41 (3) (b), 39.41 (4) (a) and 39.41 (5) (a) 1.; to repeal and recreate 39.41 (1m)
(d); and to create 39.41 (1m) (c) 3m., 39.41 (1m) (g) 2. and 39.41 (1m) (k) of the
statutes; relating to: academic excellence higher education scholarships.

Analysis by the Legislative Reference Bureau

This substitute amendment establishes minimum eligibility criteria for, and changes the amount of, academic excellence scholarships awarded to high school seniors by the Higher Educational Aids Board and also changes part of the process for awarding these scholarships.

Under current law, HEAB administers the Academic Excellence Higher Education Scholarship Program under which HEAB awards scholarships to certain scholars, designated on the basis of grade point average, who enroll, on a full-time basis, in a public or private institution of higher education in this state. Under the

program, a scholarship recipient is exempt from up to \$2,250 in tuition and fees for each academic year that the recipient is enrolled full time, maintains at least a 3.000 GPA, and makes satisfactory progress toward an associate or a bachelor's degree or a vocational diploma.

Currently, the scholarships may be awarded to seniors with the highest GPAs in each high school having at least 80 pupils. The number of scholarships available for each high school is scaled based on the enrollment of the high school, with one scholarship available for the senior with the highest GPA in a high school having 80 pupils and six scholarships available for the six seniors with the six highest GPAs in a high school having 2,500 or more pupils. For high schools having fewer than 80 pupils, there are ten additional scholarships available statewide for seniors with the highest GPAs.

This substitute amendment changes the amount of a scholarship for a scholarship recipient attending a public institution of higher education to 50 percent of the tuition and fees at that institution and changes the amount of a scholarship for a scholarship recipient attending a private institution of higher education to 50 percent of the tuition and fees charged a resident undergraduate student at the University of Wisconsin-Madison. As under current law, the amount of the scholarship is paid in equal parts by HEAB and by the institution, which must match HEAB's payment as a condition of participating in the scholarship program. The substitute amendment eliminates a provision restricting participation in the program to institutions that provided HEAB notice of their wish to participate by October 1, 1998. The substitute amendment also requires an institution participating in the program to offer an internship to each scholarship recipient during one of the years of the student's enrollment in the institution.

The substitute amendment also requires a student to have a GPA of at least 3.5 and a score of at least 28 on the American College Test in order to qualify for a scholarship. The substitute amendment also makes changes to the process and procedure under which some scholarships are awarded. Among these changes, for a high school having at least 80 pupils, the scholarship recipient is designated by HEAB, rather than the school district of the public high school or governing body of the private or tribal high school in which the student is enrolled, based on a ranking of students provided by the school district or governing body to HEAB. In addition, if a scholarship that is authorized for a high school having at least 80 pupils is not awarded because the high school has an insufficient number of seniors who meet eligibility criteria, the scholarship is instead awarded by HEAB to a senior in another, similarly sized high school who meets eligibility criteria and has the highest ACT score.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	39.41 (1) (ag) "Faculty of the high school" means the principal administrative
2	unit of the faculty personnel of a high school designated under sub. (1m) (j).
3	SECTION 2. 39.41 (1m) (a) (intro.) of the statutes is amended to read:
4	39.41 (1m) (a) (intro.) Subject to par. (d), by February 25 of each school year,
5	the school board of each school district operating one or more high schools and the
6	governing body of for each public, private high school and of each, and tribal high
7	school for which the executive secretary receives a list of rankings under par. (d) 1.
8	the executive secretary shall:
9	Section 3. 39.41 (1m) (a) 1. to 6. of the statutes are amended to read:
10	39.41 (1m) (a) 1. For each high school with an enrollment of at least 80 pupils
11	but less fewer than 500 pupils, designate the senior with the highest grade point
12	average in all subjects, but not less than 3.500 or the equivalent, and with a score of
13	at least 28 on the American college test as a scholar.
14	2. For each high school with an enrollment of at least 500 pupils but less fewer
15	than 1,000 pupils, designate the 2 seniors with the 2 highest grade point averages
16	in all subjects, but not less than 3.500 or the equivalent, and with scores of at least
17	28 on the American college test as scholars.
18	3. For each high school with an enrollment of at least 1,000 pupils but less fewer
19	than 1,500 pupils, designate the 3 seniors with the 3 highest grade point averages
20	in all subjects, but not less than 3.500 or the equivalent, and with scores of at least
21	28 on the American college test as scholars.
22	4. For each high school with an enrollment of at least 1,500 pupils but less fewer
23	than 2,000 pupils, designate the 4 seniors with the 4 highest grade point averages
24	in all subjects, but not less than 3.500 or the equivalent, and with scores of at least
25	28 on the American college test as scholars.

- 5. For each high school with an enrollment of <u>at least 2,000 or more</u> pupils <u>but</u> fewer than 2,500 pupils, designate the 5 seniors with the 5 highest grade point averages in all subjects, <u>but not less than 3.500 or the equivalent</u>, and with scores of at least 28 on the American college test as scholars.
- 6. For each high school with an enrollment of 2,500 or more pupils, designate the 6 seniors with the 6 highest grade point averages in all subjects, but not less than 3.500 or the equivalent, and with scores of at least 28 on the American college test as scholars.

Section 4. 39.41 (1m) (b) of the statutes is amended to read:

39.41 (1m) (b) Subject to par. (e), by February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school may, for each high school with an enrollment of less fewer than 80 pupils, nominate the senior with the highest grade point average in all subjects, but not less than 3.500 or the equivalent, and with a score of at least 28 on the American college test who may be designated as a scholar by the executive secretary under par. (c) 3. If the senior with the highest grade point average in all subjects does not have a score of at least 28 on the American college test, the school board or governing body shall nominate the senior with the next highest grade point average in all subjects, but not less than 3.500 or the equivalent, and with a score of at least 28 on the American college test for designation as a scholar. In addition, the school district or governing body may identify as an alternate nominee the senior who, after the nominee, has the next highest grade point average in all subjects, but not less than 3.500 or the equivalent, and a score of at least 28 on the American college test, and the executive secretary may designate

1	as a scholar under par. (c) 3. an alternate nominee if the executive secretary receives
2	fewer than 10 nominations under this paragraph of seniors who are not alternates.
3	Section 5. 39.41 (1m) (c) 3m. of the statutes is created to read:
4	39.41 (1m) (c) 3m. Subject to par. (k), designate the following number of
5	scholars:
6	a. From among seniors enrolled in high schools with an enrollment of at least
7	80 pupils but fewer than 500 pupils, the number calculated under par. (k) $1.$ a.
8	b. From among seniors enrolled in high schools with an enrollment of at least
9	500 pupils but fewer than $1{,}000$ pupils, the number calculated under par. (k) 1. b.
10	c. From among seniors enrolled in high schools with an enrollment of at least
11	1,000 pupils but fewer than 1,500 pupils, the number calculated under par. (k) 1. c.
12	d. From among seniors enrolled in high schools with an enrollment of at least
13	1,500 pupils but fewer than 2,000 pupils, the number calculated under par. (k) 1. d.
14	e. From among seniors enrolled in high schools with an enrollment of at least
15	$2,\!000$ pupils but fewer than $2,\!500$ pupils, the number calculated under par. (k) 1. e.
16	f. From among seniors enrolled in high schools with an enrollment of 2,500 or
17	more pupils, the number calculated under par. (k) 1. f.
18	Section 6. 39.41 (1m) (c) 4. of the statutes is amended to read:
19	39.41 (1m) (c) 4. For each public, private, or tribal high school with an
20	enrollment of at least 80 pupils, notify the school board of the school district
21	operating the public high school or the governing body of the private or tribal high
22	school of the number of scholars to be requirement under par. (d) 1. to provide to the
23	executive secretary a list of rankings of seniors who may be designated as scholars
24	under par. (a) <u>or (c) 3m</u> .
25	SECTION 7. 39.41 (1m) (c) 5. of the statutes is amended to read:

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

39.41 (1m) (c) 5. For each public, private, or tribal high school with an enrollment of less fewer than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school that the school board or governing body may nominate a senior and an alternate under par. (b) who may be designated as a scholar by the executive secretary.

SECTION 8. 39.41 (1m) (d) of the statutes is repealed and recreated to read:

39.41 (1m) (d) 1. By February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school shall identify, for each high school with an enrollment of at least 80 pupils, each senior who has a grade point average in all subjects of at least 3.500 or the equivalent and who has a score of at least 28 on the American college test. The school board or governing body shall create a list of all such seniors for each high school, ranking them, from highest to lowest, in order of grade point average but, in instances where 2 or more seniors have the same grade point average, ordering these seniors with the same grade point average according to their score on the American college test. In instances where 2 or more seniors have the same grade point average and the same score on the American college test, the faculty of the high school shall determine the relative ranking of these seniors and certify the order of ranking of these seniors to the school board or governing body. This list of rankings shall identify, on the list, each senior's grade point average and American college test score. The school board or governing body shall provide this list of rankings to the executive secretary by February 25 of each school year.

2. From each high school for which the executive secretary receives a list of rankings under subd. 1., the executive secretary shall designate scholars under par.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- (a) according to the order of ranking of seniors on this list of rankings. After the applicable number of seniors to be designated as scholars under par. (a) have accepted the designation as a scholar as provided in subd. 3., the remaining seniors on this list of rankings shall be considered alternates and the executive secretary shall proceed as provided in par. (k) 2.
- 3. Upon receiving notice of his or her designation as a scholar under par. (a), a senior shall give notice to the executive secretary that the senior accepts or declines the designation or shall request an extension of time to accept or decline the designation, which extension may be granted only in writing, upon a showing of good cause, and may not exceed 30 days. The senior shall give this notice accepting or declining the designation, or requesting an extension, in writing and within 10 days of the date of the executive secretary's notice of designation, or by May 1 of the school year in which the senior receives notice of the designation, whichever is later. If the senior requests an extension of time to accept or decline the designation and the request is granted, the senior shall give notice in writing that he or she accepts or declines the designation by the end of the extension period. If a senior does not give timely notice under this subdivision, the designation is revoked and the executive secretary shall designate as a scholar the next senior on the list of rankings under subd. 1. The executive secretary shall repeat this process as necessary until the executive secretary receives timely acceptance of the designation. The executive secretary shall follow this procedure until the executive secretary has designated scholars for the applicable number of seniors to be designated under par. (a) or until the executive secretary has exhausted the list of rankings of seniors. A senior designated as a scholar under par. (a) is not considered to be a designated scholar for

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

purposes of sub. (2) (a) or (3) (a) unless the senior has accepted the designation as provided in this subdivision.

4. For each high school, if the number of eligible seniors on the list of rankings under subd. 1. who accept designation as a scholar is less than the applicable number of seniors to be designated as scholars under par. (a), the executive secretary shall determine the number of scholars the executive secretary was authorized to designate under par. (a) but could not designate because of an insufficient number of eligible seniors who accept the designation.

SECTION 9. 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 fewer than 80 pupils have the same grade point average and, except for the limitation of one nominated senior and one alternate, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private or tribal high school for designation under par. (b) as a scholar by the executive secretary and shall also select an alternate nominee. If that the nominated senior or the alternate is designated as a scholar by the executive secretary, but does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select, in order of priority, one or more of the remaining seniors with the same grade point average and with a score of at least 28 on the American college test for certification as a scholar or, if there is no remaining senior with the same grade point average and with a score of at least 28 on the American college test, one or more of the remaining seniors with the next highest grade point average, but not less than 3.800 3.500 or the equivalent, and with a score of at least 28 on the American college test for certification as a scholar, and

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

the school board of the school district operating the high school or the governing body of the private or tribal 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. **SECTION 10.** 39.41 (1m) (g) of the statutes is renumbered 39.41 (1m) (g) 1. and amended to read: 39.41 (1m) (g) 1. Notwithstanding par. (a) and except as provided in subd. 2., 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 or tribal 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 11.** 39.41 (1m) (g) 2. of the statutes is created to read: 39.41 (1m) (g) 2. Any designation under subd. 1. after the 2015–16 school year shall be made by the executive director. **Section 12.** 39.41 (1m) (h) of the statutes is repealed. **Section 13.** 39.41 (1m) (i) of the statutes is repealed. **Section 14.** 39.41 (1m) (j) of the statutes is amended to read: 39.41 (1m) (j) In the event that If 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and score on the American college test 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

1	or tribal high school shall make the designation of rank the seniors as determined
2	and certified by the faculty of the high school for purposes of <u>under</u> par. (d) or (i).
3	Section 15. 39.41 (1m) (k) of the statutes is created to read:
4	39.41 (1m) (k) 1. Based on the numbers determined by the executive secretary
5	under par. (d) 4., the executive secretary shall calculate the total number of scholars
6	authorized to be designated under par. (a) but that could not be designated because
7	of an insufficient number of eligible seniors who accept the designation, for all of the
8	following:
9	a. High schools with an enrollment of at least 80 pupils but fewer than 500
10	pupils.
11	b. High schools with an enrollment of at least 500 pupils but fewer than 1,000
12	pupils.
13	c. High schools with an enrollment of at least 1,000 pupils but fewer than 1,500
14	pupils.
15	d. High schools with an enrollment of at least 1,500 pupils but fewer than 2,000
16	pupils.
17	e. High schools with an enrollment of at least 2,000 pupils but fewer than 2,500
18	pupils.
19	f. High schools with an enrollment of 2,500 or more pupils.
20	2. After alternates on the list of rankings under par. (d) 1. are determined as
21	provided in par. (d) 2., the executive secretary shall create a new list of rankings of
22	alternates as provided in this subdivision. The executive secretary shall separate the
23	lists of rankings received by the executive secretary under par. (d) 1. into 6 groups
24	to correspond with the 6 groupings of high schools by size of enrollment under subd.

1. and shall include on these lists only seniors the executive secretary has

determined to be alternates. Within each of these groups, the executive secretary shall consolidate the lists of rankings of alternates and reorder the rankings, from highest to lowest, according to the seniors' American college test scores. The executive secretary shall designate seniors as scholars under par. (c) 3m. based on the order of ranking, within each group, of seniors by American college test score. If 2 or more seniors have the same American college test score and the number of scholars authorized for designation under par. (c) 3m. is less than the number of seniors with the same American college test score, the executive secretary shall determine by lottery which senior or seniors, among those with the same American college test scores, are designated as scholars under par. (c) 3m.

3. Upon receiving notice of his or her designation as a scholar under par. (c) 3m., a senior shall give notice to the executive secretary that the senior accepts or declines the designation or shall request an extension of time to accept or decline the designation, which extension may be granted only in writing, upon a showing of good cause, and may not exceed 30 days. The senior shall give this notice accepting or declining the designation, or requesting an extension, in writing and within 5 days of the date of the executive secretary's notice of designation, or by May 1 of the school year in which the senior receives notice of the designation, whichever is later. If the senior requests an extension of time to accept or decline the designation and the request is granted, the senior shall give notice in writing that he or she accepts or declines the designation by the end of the extension period. If a senior does not give timely notice under this subdivision, the designation is revoked and the executive secretary shall designate as a scholar the next senior on the executive secretary's applicable consolidated list of rankings under subd. 2. The executive secretary shall repeat this process as necessary until the executive secretary receives timely

acceptance of the designation. The executive secretary shall follow this procedure until the executive secretary has made all designations authorized under par. (c) 3m. or until the executive secretary has exhausted the applicable consolidated list of rankings under subd. 2. A senior designated as a scholar under par. (c) 3m. is not considered to be a designated scholar for purposes of sub. (2) (a) or (3) (a) unless the senior has accepted the designation as provided in this subdivision.

Section 16. 39.41 (1m) (m) of the statutes is amended to read:

39.41 (1m) (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 or tribal 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), and the executive secretary may fulfill the requirements under par. (a), on the basis of grade point averages in academic subjects.

Section 17. 39.41 (2) (a) of the statutes is amended to read:

39.41 (2) (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full-time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in an institution within the University of Wisconsin System or in a technical college district school that is participating in the program under this section, the scholar shall receive a higher education scholarship that exempts the scholar from 50 percent of all tuition and fees, including segregated fees, at the institution or district school for one year, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed \$2,250 per academic year.

 $\mathbf{2}$

Section 18. 39.41 (2) (b) of the statutes is amended to read:

39.41 (2) (b) For each year that a scholar who receives a scholarship under par.

(a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the institution or district school, and makes satisfactory progress toward an associate degree, a bachelor's degree, or a vocational diploma, the student scholar shall be exempt from 50 percent of all tuition and fees, including segregated fees, in the subsequent year or, if the scholar does not enroll in a participating institution of higher education in the subsequent year, in the 2nd year following the year in which the scholar received the scholarship, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed \$2,250 per academic year. No scholar is eligible for an exemption for more than 4 years in the University of Wisconsin System or more than 3 years at a district school.

Section 19. 39.41 (2) (c) of the statutes is amended to read:

39.41 (2) (c) Subject to sub. (4), for each year the student that a scholar is exempt from tuition and fees under par. (a) or (b), the board shall pay the institution or district school, on behalf of the student scholar, an amount equal to 50% 25 percent of the student's scholar's tuition and fees, except that the maximum payment for a student who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed \$1,125 per academic year.

Section 20. 39.41 (3) (a) of the statutes is amended to read:

39.41 (3) (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full-time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in a private institution of higher education that is located in this state and participating in the program under

this section, the board shall pay the institution, on behalf of the pupil scholar, an amount equal to 50% 25 percent of the tuition and fees charged a resident undergraduate at the University of Wisconsin-Madison in the same academic year, except that the maximum payment for a pupil who receives an original scholarship for the 1996-97 academic year or for any academic year thereafter may not exceed \$1,125 per academic year.

Section 21. 39.41 (3) (b) of the statutes is amended to read:

39.41 (3) (b) For each year that a scholar who receives a scholarship under par.

(a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the private institution, and makes satisfactory progress toward a bachelor's degree, the student scholar is eligible for a higher education scholarship as determined under par. (a) in the subsequent year or, if the scholar does not enroll in a participating institution of higher education in the subsequent year, in the 2nd year following the year in which the scholar received the scholarship. No scholar is eligible for a higher education scholarship for more than 4 years at a private institution of higher education.

Section 22. 39.41 (4) (a) of the statutes is amended to read:

39.41 (4) (a) The board shall make the payments under subs. (2) (c) and (3) only if the institution, district school, or private institution matches the amount of the payment from institutional funds, gifts, or grants and offers an internship to each enrolled scholar during one of the years of the scholar's enrollment. Beginning in the 1992-93 school year, the matching requirement under this paragraph for the institutions within the University of Wisconsin System shall be satisfied by payments of an amount equal to the total payments from the institutions made under this paragraph in the 1991-92 school year and, if such payments are insufficient to

9

10

11

12

13

14

15

1	satisfy the matching requirement, by the waiver of academic fees established under
2	s. 36.27.
3	Section 23. 39.41 (5) (a) 1. of the statutes is amended to read:
4	39.41 (5) (a) 1. Each institution within the University of Wisconsin System,
5	technical college district school and private institution of higher education that
6	wishes to participate in the scholarship program under this section in an academic
7	year 1999-2000 and thereafter shall notify the board by October 1, 1998, of the

 $\underline{immediately\ preceding\ academic\ year}$ that the institution wishes to participate. \underline{A}

notice of intent to participate given under this subdivision continues in effect for

subsequent academic years, subject to any notice given under subd. 2.

SECTION 24. Initial applicability.

(1) ACADEMIC EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS. This act first applies to students who enroll in an institution within the University of Wisconsin System, a technical college district school, or a private institution of higher education in the 2016–17 academic year.

16 (END)