



2009 SENATE BILL 407

November 20, 2009 - Introduced by Senators MILLER, TAYLOR and HANSEN, cosponsored by Representatives BALLWEG, SMITH, POPE-ROBERTS, HEBL, A. OTT, TOWNSEND, BIES, BROOKS and LEMAHIEU. Referred to Committee on Agriculture and Higher Education.

1 **AN ACT to repeal** 39.41 (1m) (dm) and 39.41 (1m) (em); and **to amend** 39.41 (1m)
2 (a) (intro.), 39.41 (1m) (b), 39.41 (1m) (c) 1., 39.41 (1m) (c) 2., 39.41 (1m) (d),
3 39.41 (1m) (e), 39.41 (1m) (f) and 39.41 (1m) (fm) of the statutes; **relating to:**
4 eligibility for academic excellence higher education scholarships.

Analysis by the Legislative Reference Bureau

Under current law, the Higher Educational Aids Board (HEAB) administers the Academic Excellence Higher Education Scholarship Program under which HEAB awards scholarships to certain designated scholars who enroll, on a full-time basis, in a public or private institution of higher education in this state that is participating in the program. Currently, those scholarships may be awarded to the senior with the highest grade point average from each high school in this state enrolling at least 80 but less than 500 pupils, to the two seniors with the two highest grade point averages from each high school in this state enrolling at least 500 but less than 1,000 pupils, to the three seniors with the three highest grade point averages from each high school in this state enrolling at least 1,000 but less than 1,500 pupils, to the four seniors with the four highest grade point averages from each high school in this state enrolling at least 1,500 but less than 2,000 pupils, to the five seniors with the five highest grade point averages from each high school in this state enrolling at least 2,000 but less than 2,500 pupils, and to the six seniors with the six highest grade point averages from each high school in this state enrolling 2,500 or more pupils. In addition, those scholarships may be awarded to the senior with the highest grade point average from the school operated by the Wisconsin Center for the Blind and

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Visually Impaired and the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and not more than ten scholarships statewide may be awarded to seniors with the highest grade point averages from high schools enrolling less than 80 pupils.

Currently, if two or more seniors from a high school have the same grade point average and are otherwise eligible for a scholarship, the applicable number of seniors are designated as scholars according to written tie-breaking criteria as required by HEAB by rule and the remaining seniors with the same grade point average are certified as alternates, who may be awarded a scholarship if a designated scholar does not enroll in a participating institution of higher education. In the case of a high school that weights different courses differently to determine a pupil's grade point average, a senior with the next highest grade point average may also be certified as a scholar if the senior who is designated as a scholar does not enroll in a participating institution of higher education and there is no other senior with the same grade point average as the designated scholar.

This bill permits those seniors with the next highest grade point average, but not less than 3.800 or the equivalent, to be certified as alternates and permits such an alternate to receive a scholarship if a senior who is designated as a scholar or an alternate with the same grade point average does not enroll in a participating institution of higher education in all cases, regardless of how the high school weights its courses. The bill also changes the date by which a school must designate a scholar from February 15 to February 25 of a school year.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 39.41 (1m) (a) (intro.) of the statutes is amended to read:

2 39.41 (**1m**) (a) (intro.) Subject to par. (d), by February 15 25 of each school year,
3 the school board of each school district operating one or more high schools and the
4 governing body of each private high school shall:

5 **SECTION 2.** 39.41 (1m) (b) of the statutes is amended to read:

6 39.41 (**1m**) (b) By Subject to par. (e), by February 15 25 of each school year, the
7 school board of each school district operating one or more high schools and the
8 governing body of each private high school may, for each high school with an
9 enrollment of less than 80 pupils, nominate the senior with the highest grade point

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1 average in all subjects who may be designated as a scholar by the executive secretary
2 under par. (c) 3.

3 **SECTION 3.** 39.41 (1m) (c) 1. of the statutes is amended to read:

4 39.41 (1m) (c) 1. ~~For~~ Subject to par. (f), for the school operated by the Wisconsin
5 Center for the Blind and Visually Impaired, designate the senior with the highest
6 grade point average in all subjects as a scholar.

7 **SECTION 4.** 39.41 (1m) (c) 2. of the statutes is amended to read:

8 39.41 (1m) (c) 2. ~~For~~ Subject to par. (fm), for the school operated by the
9 Wisconsin Educational Services Program for the Deaf and Hard of Hearing,
10 designate the senior with the highest grade point average in all subjects as a scholar.

11 **SECTION 5.** 39.41 (1m) (d) of the statutes is amended to read:

12 39.41 (1m) (d) ~~Except as provided in par. (dm),~~ by By February 15 25 of each
13 school year, if 2 or more seniors from the same high school of at least 80 pupils have
14 the same grade point average and, except for the limitation on the number of
15 designated scholars, are otherwise eligible for designation under par. (a), the faculty
16 of the high school shall select the applicable number of seniors for designation under
17 par. (a) as scholars and shall certify, in order of priority, any remaining seniors as
18 alternates for a scholar with the same grade point average as alternates for the
19 scholars or, if there is no remaining senior with the same grade point average, any
20 remaining seniors with the next highest grade point average, but not less than 3.800
21 or the equivalent, as alternates for the scholars. If a senior from that high school
22 designated as a scholar under par. (a) does not qualify for a higher education
23 scholarship under sub. (2) (a) or (3) (a), an alternate for the scholar with the same
24 grade point average as any senior from that high school designated as a scholar
25 under par. (a) shall be eligible for a higher education scholarship as a scholar under

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1 sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board. If an
2 alternate with the same grade point average as a scholar under par. (a) does not
3 qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an alternate
4 with the next highest grade point average, but not less than 3.800 or the equivalent,
5 shall be eligible for a higher education scholarship as a scholar under sub. (2) (a) or
6 (3) (a) until the scholarship may be awarded by the board.

7 **SECTION 6.** 39.41 (1m) (dm) of the statutes is repealed.

8 **SECTION 7.** 39.41 (1m) (e) of the statutes is amended to read:

9 39.41 **(1m)** (e) ~~Except as provided under par. (em), if~~ If 2 or more seniors from
10 the same high school of less than 80 pupils have the same grade point average and,
11 except for the limitation of one nominated senior, are otherwise eligible for
12 nomination under par. (b), the faculty of the high school shall select the senior who
13 may be nominated by the school board of the school district operating the public high
14 school or the governing body of the private high school for designation under par. (b)
15 as a scholar by the executive secretary. If that senior is designated as a scholar by
16 the executive secretary and, but does not qualify for a higher education scholarship
17 under sub. (2) (a) or (3) (a), the faculty of the high school shall select, in order of
18 priority, one or more of the remaining seniors with the same grade point average for
19 certification as a scholar or, if there is no remaining senior with the same grade point
20 average, one or more of the remaining seniors with the next highest grade point
21 average, but not less than 3.800 or the equivalent, for certification as a scholar, and
22 the school board of the school district operating the high school or the governing body
23 of the private high school shall certify to the board one or more of these seniors as
24 eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a)
25 until the scholarship may be awarded by the board.

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1 **SECTION 8.** 39.41 (1m) (em) of the statutes is repealed.

2 **SECTION 9.** 39.41 (1m) (f) of the statutes is amended to read:

3 39.41 **(1m)** (f) If 2 or more seniors from the school operated by the Wisconsin
4 Center for the Blind and Visually Impaired have the same grade point average and,
5 except for the limitation of one designated senior, are otherwise eligible for
6 designation under par. (c) 1., the executive secretary shall make the designation
7 under par. (c) 1. of the senior who may be eligible for a higher education scholarship
8 as a scholar ~~and, if, If~~ that senior does not qualify for a higher education scholarship
9 under sub. (2) (a) or (3) (a), the executive secretary shall designate, in order of
10 priority, one or more of the remaining seniors with the same grade point average, or,
11 if there is no remaining senior with the same grade point average, one or more of the
12 remaining seniors with the next highest grade point average, but not less than 3.800
13 or the equivalent, as eligible for a higher education scholarship as a scholar under
14 sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

15 **SECTION 10.** 39.41 (1m) (fm) of the statutes is amended to read:

16 39.41 **(1m)** (fm) If 2 or more seniors from the school operated by the Wisconsin
17 Educational Services Program for the Deaf and Hard of Hearing have the same grade
18 point average and, except for the limitation of one designated senior, are otherwise
19 eligible for designation under par. (c) 2., the executive secretary shall make the
20 designation under par. (c) 2. of the senior who may be eligible for a higher education
21 scholarship as a scholar ~~and, if, If~~ that senior does not qualify for a higher education
22 scholarship under sub. (2) (a) or (3) (a), the executive secretary shall designate, in
23 order of priority, one or more of the remaining seniors with the same grade point
24 average, or, if there is no remaining senior with the same grade point average, one
25 or more of the remaining seniors with the next highest grade point average, but not

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1 less than 3.800 or the equivalent, as eligible for a higher education scholarship as a
2 scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

3 **SECTION 11. Initial applicability.**

4 (1) ELIGIBILITY FOR ACADEMIC EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS. This
5 act first applies to an academic excellence higher education scholarship awarded for
6 the 2010–11 academic year.

7 (END)