

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3292/3dn

MJL:hmh:pg

May 24, 2001

Representative Underheim:

This draft includes the proposed language from the attorney general's office that I did not have available at the time that I was preparing the first draft of the bill.

Please note the following concerns:

- 1) The attorney general's language prohibits school districts from using grant money for religious purposes. Because public schools may not constitutionally promote religious activity, I think this prohibition is unnecessary.
- 2) The district court and court of appeals decisions on the telecommunications access program use only the term "religious," not "anti-religious." By prohibiting use of the funds for any "anti-religious" purpose, the bill introduces an ambiguous term that may invite additional litigation.
- 3) The documentation requirement is problematic as worded because it requires a school to report no later than 90 days after it expends the grant money. If a school wishes to avoid reporting to the board, it could simply not spend all the funds. I would recommend not using the expenditure of all funds as the "trigger" but instead picking a specific date each year by which the report must be submitted.

I discussed with Dagny an alternative approach, namely to require the TEACH board to make the grant payable to the telecommunications access provider. This approach is similar to the payment method under the Milwaukee Parental Choice Program; the check is made payable to the parents of children attending the private schools.

If you have any questions or would like the bill redrafted to incorporate this alternative approach, please let me know.

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