

2001 ASSEMBLY BILL 492

September 17, 2001 – Introduced by Representatives UNDERHEIM, MCCORMICK, WIECKERT, JENSEN, STASKUNAS, AINSWORTH, DUFF, SYKORA, STARZYK, LIPPERT, KRAWCZYK, M. LEHMAN, PETROWSKI, LADWIG, MILLER, OTT, VRAKAS and JESKEWITZ, cosponsored by Senators ROESSLER and HUELSMAN. Referred to Committee on Education Reform.

1 **AN ACT to renumber** 44.73 (6); and **to create** 44.73 (6) (b), (c) and (d) of the
2 statutes; **relating to:** use of educational telecommunications access program
3 grants.

Analysis by the Legislative Reference Bureau

Currently, a statute authorizes the technology for educational achievement in Wisconsin (TEACH) board to award educational telecommunications access grants to private schools, including sectarian schools, that had in effect in 1997 contracts for access to data lines or video links. In a decision issued on April 27, 2001 (*Freedom from Religion Foundation, Inc. v. Mark D. Bugher*, No. 99-2850), the United States Court of Appeals for the Seventh Circuit affirmed a district court decision that held that awarding these grants to sectarian schools violated the Establishment Clause of the United States and Wisconsin constitutions because the provision of direct aid to sectarian schools has the principal effect of advancing religion. More specifically, the Seventh Circuit noted that the grant program was unconstitutional because there were no statutory probations or administrative enforcements to ensure that the grants were not used for religious purposes.

This bill provides that a recipient of an educational telecommunications access grant may use the grant moneys only for educational technology purposes and may not use grant moneys for sectarian worship, sectarian instruction, or proselytization. In addition, the bill requires each private school that receives a grant to file an annual expenditure report with the TEACH board and to segregate grant moneys in a separate account that is subject to state audit. Finally, the bill requires a private

