

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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May 31, 2007

Scott:

1. Note that I did not modify the Prefatory Note, other than to change “draft” to “bill.”
2. HEAB’s Web site states that WHEG grants, like talent incentive grants, may not be awarded for more than 10 semesters. Section 39.435 (2), stats., however, includes this limitation only for talent incentive grants, not for WHEG grants. HEAB’s administrative rules do not mention the limitation at all. In light of the 135 credit limitation created in this draft for WHEG grants, if you want to explicitly state that the 10–semester limitation does not apply to WHEG grants, please let me know.
3. I understand that currently there is no “basic education program” in the WTCS, so much of the language in the draft is problematical. The technical colleges offer basic education courses that are remedial or developmental in nature, but one cannot get a degree or diploma in basic education or, for example, English as a second language. One cannot “complete” a basic education program. Similarly, as I understand it, “workplace education” is not a program.
4. The definition of “adult basic education” also fails to include many courses that the WTCS considers basic education. These are courses that are primarily remedial or developmental but are not necessarily ESL, family literacy, GED, high school equivalency, or workplace education.
5. The draft includes ESL in “basic education,” although I understand that many students in ESL classes already have bachelor’s degrees. In addition, the inclusion of ESL may make the “transition” data that the bill requires WTCS to report suspect.
6. DPI grants GED certificates and high school equivalency diplomas, not WTCS, so in order to report the information required under s. 38.04 (21) (cm), as created in the draft, WTCS will have to get it from DPI.
7. Based on our conversation, I changed “adult basic education” in current ss. 38.24 (1m) (b) and 38.27 (1) (a) to “adult basic skills.” I think this has the effect of making no substantive change to the two provisions, but you may wish to consult with WTCS to make sure.

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Note that I added an initial applicability provision clarifying that the changes made with respect to WHEG grants will first apply to grants awarded for the 2009–10

academic year. Ordinarily, new eligibility criteria for WHEG grants start fresh with a new academic year and are not changed midstream. Given the 13-month delayed effective date and the likelihood that this draft will not be enacted any sooner than this fall as the earliest or, more likely, next spring, it appears that the 2009-10 academic year will be the first academic year commencing after the effective date of the draft.

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