

## 2005 SENATE BILL 76

February 22, 2005 – Introduced by Senators RISSER and ERPENBACH, cosponsored by Representatives GRONEMUS, HAHN, TOWNS and ALBERS. Referred to Committee on Higher Education and Tourism.

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

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### ***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 a senior with the next highest grade point average, but not less than 3.800 or the equivalent, to be certified as an alternate and 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.

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

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

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

2           39.41 **(1m)** (b) By Subject to par. (e), by February 15 of each school year, the  
3 school board of each school district operating one or more high schools and the  
4 governing body of each private high school may, for each high school with an  
5 enrollment of less than 80 pupils, nominate the senior with the highest grade point  
6 average in all subjects who may be designated as a scholar by the executive secretary  
7 under par. (c) 3.

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

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

4           **SECTION 3.** 39.41 (1m) (c) 2. of the statutes is amended to read:

5           39.41 (1m) (c) 2. ~~For~~ Subject to par. (fm), for the school operated by the  
6 Wisconsin Educational Services Program for the Deaf and Hard of Hearing,  
7 designate the senior with the highest grade point average in all subjects as a scholar.

8           **SECTION 4.** 39.41 (1m) (d) of the statutes is amended to read:

9           39.41 (1m) (d) ~~Except as provided in par. (dm), by~~ By February 15 of each school  
10 year, if 2 or more seniors from the same high school of at least 80 pupils have the same  
11 grade point average and, except for the limitation on the number of designated  
12 scholars, are otherwise eligible for designation under par. (a), the faculty of the high  
13 school shall select the applicable number of seniors for designation under par. (a) as  
14 scholars and shall certify, in order of priority, any remaining seniors as alternates for  
15 a scholar senior with the same grade point average as an alternate for the scholar  
16 or, if there is no remaining senior with the same grade point average, a senior with  
17 the next highest grade point average, but not less than 3.800 or the equivalent, as  
18 an alternate for the scholar. If a senior from that high school designated as a scholar  
19 under par. (a) does not qualify for a higher education scholarship under sub. (2) (a)  
20 or (3) (a), an alternate for the scholar with the same grade point average as any senior  
21 from that high school designated as a scholar under par. (a) shall be eligible for a  
22 higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the  
23 scholarship may be awarded by the board. If an alternate with the same grade point  
24 average as a scholar under par. (a) does not qualify for a higher education scholarship  
25 under sub. (2) (a) or (3) (a), an alternate with the next highest grade point average,

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1 but not less than 3.800 or the equivalent, shall be eligible for a higher education  
2 scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be  
3 awarded by the board.

4 **SECTION 5.** 39.41 (1m) (dm) of the statutes is repealed.

5 **SECTION 6.** 39.41 (1m) (e) of the statutes is amended to read:

6 39.41 **(1m)** (e) ~~Except as provided under par. (em), if~~ If 2 or more seniors from  
7 the same high school of less than 80 pupils have the same grade point average and,  
8 except for the limitation of one nominated senior, are otherwise eligible for  
9 nomination under par. (b), the faculty of the high school shall select the senior who  
10 may be nominated by the school board of the school district operating the public high  
11 school or the governing body of the private high school for designation under par. (b)  
12 as a scholar by the executive secretary. If that senior is designated as a scholar by  
13 the executive secretary and, but does not qualify for a higher education scholarship  
14 under sub. (2) (a) or (3) (a), the faculty of the high school shall select, in order of  
15 priority, one or more of the remaining seniors with the same grade point average for  
16 certification as a scholar or, if there is no remaining senior with the same grade point  
17 average, a senior with the next highest grade point average, but not less than 3.800  
18 or the equivalent, for certification as a scholar. and the school board of the school  
19 district operating the high school or the governing body of the private high school  
20 shall certify to the board one or more of these seniors as eligible for a higher education  
21 scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be  
22 awarded by the board.

23 **SECTION 7.** 39.41 (1m) (em) of the statutes is repealed.

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

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

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

14           39.41 (1m) (fm) If 2 or more seniors from the school operated by the Wisconsin  
15 Educational Services Program for the Deaf and Hard of Hearing have the same grade  
16 point average and, except for the limitation of one designated senior, are otherwise  
17 eligible for designation under par. (c) 2., the executive secretary shall make the  
18 designation under par. (c) 2. of the senior who may be eligible for a higher education  
19 scholarship as a scholar ~~and, if, If~~ that senior does not qualify for a higher education  
20 scholarship under sub. (2) (a) or (3) (a), the executive secretary shall designate, in  
21 order of priority, one or more of the remaining seniors with the same grade point  
22 average, or, if there is no remaining senior with the same grade point average, a  
23 senior with the next highest grade point average, but not less than 3.800 or the  
24 equivalent, as eligible for a higher education scholarship as a scholar under sub. (2)  
25 (a) or (3) (a) until the scholarship may be awarded by the board.

