

State of Wisconsin



2009 Senate Bill 407

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 306

AN ACT to repeal 39.41 (1m) (dm) and 39.41 (1m) (em); and **to amend** 39.41 (1m) (a) (intro.), 39.41 (1m) (b), 39.41 (1m) (c) 1., 39.41 (1m) (c) 2., 39.41 (1m) (d), 39.41 (1m) (e), 39.41 (1m) (f), 39.41 (1m) (fm), 39.41 (2) (b), 39.41 (3) (b) and 39.41 (5) (b) of the statutes; **relating to:** eligibility for academic excellence higher education scholarships.

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

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

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

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

39.41 (1m) (b) ~~By Subject to par. (e), by~~ February 15 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects who may be designated as a scholar by the executive secretary under par. (c) 3.

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

39.41 (1m) (f) If 2 or more seniors from the school operated by the Wisconsin Center for the Blind and Visually Impaired have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1., the executive secretary shall make the designation under par. (c) 1. of the senior who may be eligible for a higher education scholarship as a scholar ~~and, if,~~ if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the executive secretary shall designate, in order of priority, one or more of the remaining seniors with the same grade point average, or, if there is no remaining senior with the same grade point average, one or more of the remaining seniors with the next high-

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

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

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

SECTION 10h. 39.41 (2) (b) of the statutes is amended to read:

39.41 (2) (b) For each year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the institution or district school, and makes satisfactory progress toward an associate degree, a bachelor's degree, or a vocational diploma, the student shall be exempt from all tuition and fees, including segregated fees, in the subsequent year or, if the scholar does not enroll in a participating institution of higher education in the subsequent year, in the 2nd year following the year in which the scholar received the scholarship, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996-97 academic year or for any academic year thereafter may not exceed \$2,250 per academic year. No scholar is eligible for an exemption for more than 4 years in the University of Wisconsin System or more than 3 years at a district school.

SECTION 10k. 39.41 (3) (b) of the statutes is amended to read:

39.41 (3) (b) For each year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the private institution, and makes satisfactory progress toward a bachelor's degree, the student is eligible for a higher education scholarship as determined under par. (a) in the subsequent year or, if the scholar does not enroll in a participating institution of higher education in the subsequent year, in the 2nd year following the year in which the scholar received the

scholarship. No scholar is eligible for a higher education scholarship for more than 4 years at a private institution of higher education.

SECTION 10p. 39.41 (5) (b) of the statutes is amended to read:

39.41 (5) (b) Each designated scholar who is eligible for ~~a~~ an original higher education scholarship under sub. (2) (a) or (3) (a) shall notify the board as soon as practicable of the institution of higher education he or she will be attending in the next academic year. Each designated scholar who is eligible for a subsequent higher education scholarship under sub. (2) (a) or (3) (a) shall notify the board as soon as practicable whether he or she will be enrolling in a participating institution of higher education in the academic year immediately following the academic year in which he or she received an original or subsequent scholarship under sub. (2) (a) or (3) (a), or in the 2nd academic year, following that academic year and of

the institution of higher education in which he or she will be enrolling.

SECTION 10v. Nonstatutory provisions.

(1) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) of the statutes does not apply to the action of the legislature in enacting this act.

SECTION 11. Initial applicability.

(1) ELIGIBILITY FOR ACADEMIC EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS.

(a) The treatment of section 39.41 (1m) (d), (dm), (e), (em), (f), and (fm) of the statutes first applies to an academic excellence higher education scholarship awarded for the 2010–11 academic year.

(b) The treatment of section 39.41 (2) (b), (3) (b), and (5) (b) of the statutes first applies to a scholar who is enrolled in an institution of higher education in the 2009–10 academic year.