



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-3871/1  
ARG:skw

## 2023 ASSEMBLY BILL 381

August 11, 2023 - Introduced by Representatives MURPHY, ANDRACA, ARMSTRONG, BALDEH, EDMING, GOEBEN, GUNDRUM, JACOBSON, JOERS, MURSAU, O'CONNOR and STUBBS, cosponsored by Senators BALLWEG, CABRAL-GUEVARA, FEYEN, SMITH, SPREITZER, TOMCZYK and ROYS. Referred to Committee on State Affairs.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to repeal* 36.11 (27), 39.28 (6), 39.30 (2) (intro.), (a) and (b), 39.30 (2) (f)  
2             and 39.30 (3m) and (4); *to amend* 20.285 (1) (e), 36.66 (1) (a), 36.66 (2), 36.66  
3             (3) (a) and (c), 36.66 (4), 36.66 (5), 36.66 (6) (a) (intro.), 36.66 (6) (b), 38.42 (1)  
4             (a), 38.42 (3) (c), 38.42 (6) (b), 39.285 (title), 39.30 (2) (title), 39.30 (2) (d), 39.30  
5             (2) (e), 39.39 (2) (b), 39.435 (1), 39.435 (2), 39.435 (3), 39.435 (4) (a) and 39.435  
6             (8); *to repeal and recreate* 39.30 (3); and *to create* 36.66 (1) (c), 39.285 (4),  
7             39.30 (1m), 39.30 (2) (g) and 39.435 (2m) of the statutes; **relating to:** Wisconsin  
8             grants and other financial aid for higher education.

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### ***Analysis by the Legislative Reference Bureau***

This bill makes changes to the Wisconsin grant program administered by the Higher Educational Aids Board and other changes related to financial aid for higher education.

#### ***Wisconsin grants***

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident undergraduate students enrolled at least half-time in University of Wisconsin System schools, technical colleges, private nonprofit colleges, and tribal colleges in this state. HEAB limits its award of these grants to 10 semesters or the equivalent. For students enrolled in UW System schools,

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technical colleges, and tribal colleges, HEAB must award Wisconsin grants based on a formula that accounts for expected parental and student contributions and is consistent with generally accepted definitions and nationally approved needs analysis methodology. For students enrolled in private nonprofit colleges, the amount of the grant that HEAB awards is based on a mathematical calculation specified by statute. All Wisconsin grants are subject to a minimum and maximum grant amount.

This bill makes the following changes to the Wisconsin grant program:

1. The bill removes the requirement that a student must be enrolled at least half-time to be eligible for a Wisconsin grant. The bill also specifies that, to be eligible for a Wisconsin grant, a student must be enrolled in a degree, certificate, or other program leading to a recognized educational credential and be maintaining satisfactory academic progress.

2. The bill extends, from 10 semesters to 12 semesters or the equivalent, the limit on the total number of semesters a student may receive a Wisconsin grant. The bill also specifies that, if a student receiving a grant is enrolled less than full time in a semester or session, only the fraction of the student's enrollment, in proportion to full-time enrollment, is applied toward this 12-semester limit.

3. The bill eliminates the statutory mathematical calculation used to determine the amount of a Wisconsin grant awarded to a student enrolled in a private nonprofit college. Instead, the bill aligns the statutory language for HEAB to determine the amount of a Wisconsin grant for each of the four types of higher education institution. Under the bill, HEAB must award Wisconsin grants based on the current federal need analysis formula. This standard accommodates changes to the federal need analysis methodology included in the federal FAFSA Simplification Act of 2019 that are scheduled to take effect in the 2024-25 academic year.

4. The bill modifies provisions related to minimum and maximum grant amounts, which are currently established by statute. Under current law, the minimum annual grant amount is \$250. For students enrolled in UW System schools, technical colleges, and tribal colleges, the maximum annual grant amount is \$3,150. For students enrolled in private nonprofit colleges, HEAB establishes the maximum annual grant amount, subject to the limitation that HEAB may not make initial grant awards exceeding 122 percent of the amount appropriated for this purpose. This bill repeals all of these provisions. Instead, HEAB must annually establish a minimum and maximum amount for grants and must integrate the minimum and maximum grant amounts into its formula for awarding grants.

5. The bill specifies that a Wisconsin grant is available to a student enrolled in a private nonprofit college only if the private nonprofit college is headquartered in Wisconsin.

6. The bill repeals a provision related to private nonprofit colleges that requires HEAB to prescribe and make available at locations in the state convenient to the public Wisconsin grant application forms and, upon request, to advise and assist applicants in making out these forms.

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7. The bill also requires HEAB to ensure that eligible UW System students enrolled in a certificate program currently known as the farm-and-industry short course are included in the award of Wisconsin grants.

***Talent incentive grants***

Under current law, HEAB awards talent incentive grants to uniquely needy students enrolled at least half-time in the UW System, a technical college, a private nonprofit college, or a tribal college. Awarded to first-year students with the greatest financial need, the grant may be continued in the students' sophomore, junior, and senior years. However, HEAB may not award a grant to a student for more than 10 semesters or their equivalent, and HEAB may not award a grant to a student more than six years after its initial grant award to the student.

The bill allows HEAB to award a talent incentive grant to a student for up to 12 semesters or their equivalent.

***Grants to meet emergency financial need***

Under current law, the UW System and technical colleges may award a grant to an eligible student at a two-year UW System campus or a technical college to pay the student's expense resulting from a financial emergency. An "eligible student" is defined as a student whose "expected family contribution" is less than \$5,000. An eligible student may receive up to two grants in a total amount of not more than \$500 per academic year. Each two-year UW System campus and technical college must collect certain information related to the grant program and submit a report by June 30 to, respectively, the Board of Regents of the UW System or the Technical College System Board.

The bill modifies the definition of "eligible student" for the purpose of these grants. The bill eliminates the term "expected family contribution," which is a need-based methodology derived from federal standards that were changed in the federal FAFSA Simplification Act of 2019. Under the bill, an eligible student is defined as a student whose financial need meets the eligibility criteria for a federal Pell grant. The bill also allows these grants to be awarded to any UW System student, not just to students at two-year UW System campuses. The bill increases the maximum amount of the grants awarded to a UW System or technical college student in an academic year from \$500 to \$1,000. The bill also changes the reporting deadline for the program from June 30 to September 1.

***Selective Service registration as a condition for financial aid***

The bill repeals provisions that prohibit HEAB and the UW System from providing state financial assistance to a person required to register with the federal Selective Service system who is not so registered.

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:***

**ASSEMBLY BILL 381****SECTION 1**

1           **SECTION 1.** 20.285 (1) (e) of the statutes is amended to read:

2           20.285 (1) (e) *Grants to meet emergency financial need.* As a continuing  
3 appropriation, the amounts in the schedule for distribution to ~~the college campuses~~  
4 institutions for purposes of making grants under s. 36.66.

5           **SECTION 2.** 36.11 (27) of the statutes is repealed.

6           **SECTION 3.** 36.66 (1) (a) of the statutes is amended to read:

7           36.66 (1) (a) “Eligible student” means a student enrolled in ~~a college campus~~  
8 ~~whose expected family contribution, as defined in s. 39.437 (3) (a), is less than \$5,000~~  
9 an institution whose financial need meets the eligibility criteria for a grant from the  
10 Federal Pell Grant Program.

11           **SECTION 4.** 36.66 (1) (c) of the statutes is created to read:

12           36.66 (1) (c) “Institution” includes any former college campus that was  
13 partnered with the institution as a branch campus in the system restructuring plan  
14 approved by the Higher Learning Commission on or about June 28, 2018.

15           **SECTION 5.** 36.66 (2) of the statutes is amended to read:

16           36.66 (2) From the appropriation under s. 20.285 (1) (e), no later than  
17 September 1, 2016, and by September 1 of each year thereafter, the board shall  
18 distribute funds to ~~the college campuses~~ institutions for payment of grants under  
19 this section. These funds may not be used by the ~~college campuses~~ institutions for  
20 any other purpose. The amount distributed by the board to each ~~college campus~~  
21 institution shall be determined by the board based on the anticipated need and  
22 demand for grants at each ~~college campus~~ institution.

23           **SECTION 6.** 36.66 (3) (a) and (c) of the statutes are amended to read:

24           36.66 (3) (a) Subject to pars. (b) to (d), each ~~college campus~~ institution may  
25 award grants to eligible students to pay the student’s expense resulting from a

**ASSEMBLY BILL 381****SECTION 6**

1 financial emergency. In evaluating a grant application, the college-campus  
2 institution shall, in its discretion and based on its best judgment, determine whether  
3 the student has incurred a legitimate financial emergency.

4 (c) ~~A college-campus~~ An institution may not award more than 2 grants under  
5 this section to the same student in any academic year. The total of all grants made  
6 to a student under this section in the same academic year may not exceed \$500  
7 \$1,000.

8 **SECTION 7.** 36.66 (4) of the statutes is amended to read:

9 36.66 (4) Each college-campus institution shall create or adopt a brief  
10 application process and designate an employee with the authority to disburse the  
11 grant funds to eligible students. A decision on a grant application, and disbursement  
12 of grant funds to a student if a grant is awarded, shall be made within 5 business days  
13 of the student's application.

14 **SECTION 8.** 36.66 (5) of the statutes is amended to read:

15 36.66 (5) If a student applies for a 2nd grant under this section within the same  
16 academic year, a college-campus an institution shall require the student to undergo  
17 a financial counseling session with a financial aid professional before the grant may  
18 be awarded.

19 **SECTION 9.** 36.66 (6) (a) (intro.) of the statutes is amended to read:

20 36.66 (6) (a) (intro.) Each college-campus institution shall collect, for each  
21 academic year, the following information related to the grant program under this  
22 section:

23 **SECTION 10.** 36.66 (6) (b) of the statutes is amended to read:

24 36.66 (6) (b) By ~~June 30, 2017, and by June 30~~ September 1 of each year  
25 ~~thereafter~~, each college-campus institution shall report to the board the information

**ASSEMBLY BILL 381****SECTION 10**

1 collected under par. (a), for the academic year ending in that calendar year, and the  
2 board shall submit a report of this information to the chief clerk of each house of the  
3 legislature, for distribution to the appropriate standing committees under s. 13.172  
4 (3) having jurisdiction over matters relating to colleges and universities.

5 **SECTION 11.** 38.42 (1) (a) of the statutes is amended to read:

6 38.42 (1) (a) "Eligible student" means a student enrolled in a technical college  
7 whose ~~expected family contribution, as defined in s. 39.437 (3) (a), is less than \$5,000~~  
8 financial need meets the eligibility criteria for a grant from the Federal Pell Grant  
9 Program.

10 **SECTION 12.** 38.42 (3) (c) of the statutes is amended to read:

11 38.42 (3) (c) A technical college may not award more than 2 grants under this  
12 section to the same student in any academic year. The total of all grants made to a  
13 student under this section in the same academic year may not exceed \$500 \$1,000.

14 **SECTION 13.** 38.42 (6) (b) of the statutes is amended to read:

15 38.42 (6) (b) ~~By June 30, 2017, and by June 30~~ September 1 of each year  
16 ~~thereafter~~, each district shall report to the board the information collected under par.  
17 (a), for the academic year ending in that calendar year, and the board shall submit  
18 a report of this information to the chief clerk of each house of the legislature, for  
19 distribution to the appropriate standing committees under s. 13.172 (3) having  
20 jurisdiction over matters relating to colleges and universities.

21 **SECTION 14.** 39.28 (6) of the statutes is repealed.

22 **SECTION 15.** 39.285 (title) of the statutes is amended to read:

23 **39.285 (title) Board review of proposed formulae; minimum and**  
24 **maximum grant amounts.**

25 **SECTION 16.** 39.285 (4) of the statutes is created to read:

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1           39.285 (4) By March 1 of each year, the board shall establish a minimum and  
2           maximum amount for grants awarded for the next fiscal year under s. 39.30 and  
3           39.435, except for grants awarded under s. 39.435 (2) or (5). The board shall integrate  
4           the minimum and maximum grant amounts into the formula for awarding grants.

5           **SECTION 17.** 39.30 (1m) of the statutes is created to read:

6           39.30 (1m) GRANT PROGRAM. There is established, to be administered by the  
7           board, a grant program for postsecondary resident students who satisfy the  
8           eligibility criteria under 20 USC 1091 (a) (1) and (2) and are enrolled in accredited,  
9           private, nonprofit institutions of higher education headquartered in this state.

10          **SECTION 18.** 39.30 (2) (title) of the statutes is amended to read:

11          39.30 (2) (title) ELIGIBILITY RESTRICTIONS.

12          **SECTION 19.** 39.30 (2) (intro.), (a) and (b) of the statutes are repealed.

13          **SECTION 20.** 39.30 (2) (d) of the statutes is amended to read:

14          39.30 (2) (d) No grant shall may be awarded under this section to members of  
15          religious orders who are pursuing a course of study leading to a degree in theology,  
16          divinity or religious education.

17          **SECTION 21.** 39.30 (2) (e) of the statutes is amended to read:

18          39.30 (2) (e) The board may not make a grant under this section to a student  
19          whose name appears on the statewide support lien docket under s. 49.854 (2) (b),  
20          unless the student provides to the board a payment agreement that has been  
21          approved by the county child support agency under s. 59.53 (5) and that is consistent  
22          with rules promulgated under s. 49.858 (2) (a).

23          **SECTION 22.** 39.30 (2) (f) of the statutes is repealed.

24          **SECTION 23.** 39.30 (2) (g) of the statutes is created to read:

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1           39.30 (2) (g) The board may award a grant under this section to the same  
2 student for up to 12 semesters of full-time enrollment or, as determined by the board,  
3 the equivalent of 12 semesters of full-time enrollment. If the student receiving the  
4 grant is enrolled less than full time in any semester or session, only the fraction of  
5 the student's enrollment, in proportion to full-time enrollment, shall be applied  
6 toward this 12-semester limit.

7           **SECTION 24.** 39.30 (3) of the statutes is repealed and recreated to read:

8           39.30 (3) GRANT AWARDS. (a) The board shall award grants under this section  
9 based on the current federal need analysis formula consistent with generally  
10 accepted definitions and nationally approved need analysis methodology.

11           (b) The awarding of grants under this section is subject to any formula  
12 approved or modified by the board under s. 39.285 (1).

13           **SECTION 25.** 39.30 (3m) and (4) of the statutes are repealed.

14           **SECTION 26.** 39.39 (2) (b) of the statutes is amended to read:

15           39.39 (2) (b) Promulgate rules to administer this section, including rules  
16 establishing loan amounts and the criteria and procedures for loan forgiveness and  
17 for selecting loan recipients. Loan recipients shall be selected on the basis of  
18 financial need, as determined by the board, using the needs need analysis  
19 methodology used under s. 39.435.

20           **SECTION 27.** 39.435 (1) of the statutes is amended to read:

21           39.435 (1) There is established, to be administered by the board, a grant  
22 program for postsecondary resident students ~~enrolled at least half-time and~~  
23 ~~registered as freshmen, sophomores, juniors, or seniors in accredited institutions of~~  
24 ~~higher education or in tribally controlled colleges in this state~~ who satisfy the  
25 eligibility criteria under 20 USC 1091 (a) (1) and (2). Except as authorized under sub.



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1 (5), such grants shall be made only to students enrolled in nonprofit public  
2 institutions or tribally controlled colleges in this state.

3 **SECTION 28.** 39.435 (2) of the statutes is amended to read:

4 39.435 (2) The board shall award talent incentive grants to uniquely needy  
5 students enrolled at least half-time as first-time freshmen at public and private  
6 nonprofit institutions of higher education located in this state and to sophomores,  
7 juniors, and seniors who received such grants as freshmen. No grant under this  
8 subsection may exceed \$1,800 for any academic year. The board may award a grant  
9 under this subsection to the same student for up to ~~10~~ 12 semesters or their  
10 equivalent, but may not award such a grant to the same student more than 6 years  
11 after the initial grant is awarded to that student. A student need not maintain  
12 continuous enrollment at an institution of higher education to remain eligible for a  
13 grant under this subsection. The board shall promulgate rules establishing  
14 eligibility criteria for grants under this subsection. No provision of this subsection  
15 applies to a grant under sub. (1).

16 **SECTION 29.** 39.435 (2m) of the statutes is created to read:

17 39.435 (2m) The board may award a grant under sub. (1) to the same student  
18 for up to 12 semesters of full-time enrollment or, as determined by the board, the  
19 equivalent of 12 semesters of full-time enrollment. If the student receiving the grant  
20 is enrolled less than full time in any semester or session, only the fraction of the  
21 student's enrollment, in proportion to full-time enrollment, shall be applied toward  
22 this 12-semester limit.

23 **SECTION 30.** 39.435 (3) of the statutes is amended to read:

24 39.435 (3) ~~Grants under sub. (1) shall not be less than \$250 during any one~~  
25 ~~academic year, unless the joint committee on finance approves an adjustment in the~~

**ASSEMBLY BILL 381****SECTION 30**

1 ~~amount of the minimum grant. Grants under sub. (1) shall not exceed \$3,000 during~~  
2 ~~any one academic year, except that beginning in academic year 2009-10, grants~~  
3 ~~under sub. (1) shall not exceed \$3,150 during any one academic year. The board shall,~~  
4 by rule, establish a reporting system to periodically provide student economic data  
5 related to applicants for grants under sub. (1) and shall promulgate other rules the  
6 board deems necessary to assure uniform administration of the program.

7 **SECTION 31.** 39.435 (4) (a) of the statutes is amended to read:

8 39.435 (4) (a) The board shall award grants under this section based on a the  
9 current federal need analysis formula that ~~accounts for expected parental and~~  
10 ~~student contributions and~~ is consistent with generally accepted definitions and  
11 nationally approved needs need analysis methodology.

12 **SECTION 32.** 39.435 (8) of the statutes is amended to read:

13 39.435 (8) The board shall award grants under this section to University of  
14 Wisconsin System students from the appropriation under s. 20.235 (1) (fe). The  
15 board shall ensure that University of Wisconsin System students enrolled in an  
16 agricultural short course who are eligible under sub. (1) are awarded grants as  
17 provided in sub. (4).

18 **SECTION 33. Initial applicability.**

19 (1) GRANTS AWARDED. The treatment of ss. 20.285 (1) (e), 36.11 (27), 36.66 (1) (a)  
20 and (c), (2), (3) (a) and (c), (4), (5), and (6) (a), 38.42 (1) (a) and (3) (c), 39.28 (6), 39.285  
21 (4), 39.30 (1m), (2) (intro.), (a), (b), (d), (e), (f), and (g), (3), (3m), and (4), and 39.435  
22 (1), (2), (2m), (3), and (4) (a) first applies to grants and other financial assistance  
23 awarded for the 2024-25 academic year.

