



## 1999 ASSEMBLY JOINT RESOLUTION 123

March 29, 2000 - Introduced by Representatives PLOUFF, KRUG, REYNOLDS, LASSA, HASENOHRL, BOYLE, BOCK, SINICKI, RICHARDS, J. LEHMAN, POCAN, CULLEN and CARPENTER, cosponsored by Senators PLACHE, GROBSCHMIDT and BURKE. Referred to Committee on Ways and Means.

- 1     **To amend** section 3 of article X of the constitution; **relating to:** the distribution of  
2             state funds to public school districts (first consideration).

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### *Analysis by the Legislative Reference Bureau*

This constitutional amendment, proposed to the 1999 legislature on first consideration, removes from the constitution the “uniformity provision” that requires public schools “to be as nearly uniform as practicable”. The Wisconsin supreme court, in *Kukor v. Grover*, 148 Wis. 2nd 469 (1989), determined that the provision applies to the character of instruction of the public schools and requires that state funding be sufficient to ensure that all school districts are able to meet minimum standards specified by statute.

This amendment eliminates the uniformity provision. The amendment instead requires that all state funds distributed to public school districts be distributed so as to ensure that the educational opportunities in all public school districts are as nearly equal as possible, taking into account the capacity of each school district to raise revenue and the educational needs of the pupils in each school district.

As a constitutional amendment, the proposal requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

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- 3             **Resolved by the assembly, the senate concurring, That:**

- 4             **SECTION 1.** Section 3 of article X of the constitution is amended to read:

1            [Article X] Section 3. The legislature shall provide by law for the establishment  
2 of district schools, ~~which shall be as nearly uniform as practicable;~~ and such schools  
3 shall be free and without charge for tuition to all children between the ages of 4 and  
4 20 years; and no sectarian instruction shall be allowed therein; but the legislature  
5 by law may, for the purpose of religious instruction outside the district schools,  
6 authorize the release of students during regular school hours. All state funds  
7 distributed to school districts operating district schools shall be distributed so as to  
8 ensure that the educational opportunities in all school districts operating district  
9 schools are as nearly equal as possible, taking into account each school district's  
10 capacity to raise revenue and the educational needs of each school district's pupils.

11            ***Be it further resolved, That*** this proposed amendment be referred to the  
12 legislature to be chosen at the next general election and that it be published for 3  
13 months previous to the time of holding such election.

14                            (END)