



2003 ASSEMBLY JOINT RESOLUTION 51

October 15, 2003 – Introduced by Representatives KRUG, TURNER, BOYLE, BERCEAU, RICHARDS, SINICKI and PLOUFF, cosponsored by Senators DECKER and CARPENTER. Referred to Committee on Education.

- 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).

Analysis by the Legislative Reference Bureau

The uniformity provision of the Wisconsin Constitution (Article X, section 3) requires “the establishment of district schools, which shall be as nearly uniform as practicable...” In *Buse v. Smith*, 74 Wis. 2d 550 (1976), the Wisconsin Supreme Court determined that an equal opportunity for education is a fundamental right but held that the uniformity provision does not require that educational opportunity be absolutely uniform. This conclusion was confirmed in *Kukor v. Grover*, 148 Wis. 2d 469 (1989), in which the court determined that the uniformity provision requires that state funding be sufficient to ensure that all school districts must be able to meet minimum standards specified by statute. In *Vincent v. Voight*, 236 Wis. 2d 588 (2000), the court again confirmed that “students have a fundamental right to an equal opportunity for a sound basic education,” but determined that the state adequately funds each school district to provide for a basic education. The court concluded that “so long as the legislature is providing sufficient resources so that school districts offer students the equal opportunity for a sound basic education ... the state school finance system will pass constitutional muster.”

This constitutional amendment, proposed to the 2003 legislature on first consideration, removes from the constitution the “uniformity provision.” The amendment instead requires that all state funds that are 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.

