

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: **01/18/2001**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing: **Daniel Lorentz**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Addl. Drafters: **dykmapj**

Subject: **Education - school finance  
Constitutional Amendments**

Extra Copies: **MJL**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Distribution of state funds to school districts

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**Instructions:**

1999 AJR 123

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 02/07/2001	wjackson 02/08/2001		_____			
/1			rschluet 02/09/2001	_____	lrb_docadmin 02/09/2001	lrb_docadmin 01/10/2002	

FE Sent For:

*none needed*

<END>

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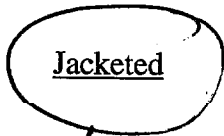
Distribution of state funds to school districts

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1999 AJR 123

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for  
Assm  
per  
PG

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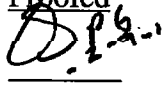
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1?	grantpr	1 WLJ 2/8	 2-8-1	 2-8-1			

FE Sent For:

<END>

**Grant, Peter.**

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**From:** Lorentz, Daniel  
**Sent:** Thursday, January 18, 2001 3:41 PM  
**To:** Grant, Peter  
**Subject:** ajr drafting request

Rep. Krug would like a re-draft of 1999 AJR 123 (LRB 4614/3), relating to the distribution of state funds to public school districts (first consideration)

Thanks.

Let me know if you've got any questions.

Daniel Lorentz  
Policy Director  
Assembly Democratic Leader Shirley Krug's Office  
State Capitol, Room 201-W  
PO Box 8952  
Madison, WI 53708  
Direct line: 608.266.5302  
Fax: 608.264.6967  
Email: Daniel.Lorentz@legis.state.wi.us

**Grant, Peter,**

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**From:** Lorentz, Daniel  
**Sent:** Wednesday, February 07, 2001 4:47 PM  
**To:** Grant, Peter

Peter--

On the re-draft of 1999 AJR 123 (LRB 4614/3)...We'd like to take you up on your suggestion--on page 2. line 9--to delete the rest of the sentence after the word "possible".

Thanks.

Daniel Lorentz  
Policy Director  
Assembly Democratic Leader Shirley Krug's Office  
State Capitol, Room 201-W  
PO Box 8952  
Madison, WI 53708  
Direct line: 608.266.5302  
Fax: 608.264.6967  
Email: Daniel.Lorentz@legis.state.wi.us

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LRB-2143/1  
PL & PSD - WJ

# 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.

LPG: please  
proof w/ stats.

REGEN

- 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).

2001

### *Analysis by the Legislative Reference Bureau*

INSERT

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.

No FF

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 two successive legislatures, and ratification by the people, before it can become effective.

- 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)

of the uniformity provision

INSERT

(Article IX section 3) of the <sup>the</sup> Wisconsin Constitution requires the establishment of district schools which shall be as nearly uniform as practicable ....

In Buse v. Smith, 74 Wis. 2d 550 (1976),

the <sup>state</sup> Wisconsin Supreme Court determined that an equal opportunity for education is a fundamental right but also held that the uniformity provision (quoted above) <sup>does</sup> 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 <sup>be</sup> sufficient to ensure that all school districts are able to meet minimum standards specified by statute.

In Vincent v. Wright, <sup>Wright</sup> 236 Wis.2d 588

(2000) <sup>again confirmed</sup> the court ~~held~~ that <sup>all</sup> students have fundamental a right to an equal opportunity for a

sound basic education <sup>but</sup> determined that

the state adequately funds each <sup>school</sup> school district to provide for a basic education. <sup>The Court</sup>

~~economically and physically.~~ <sup>The court</sup>

~~but~~ concluded ~~however~~ that so long as the

legislature is providing sufficient <sup>resources</sup> resources so

that school districts offer students the equal opportunity for a sound basic education...

the state school finance system will pass

constitutional muster <sup>must</sup>