

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1940/1dn
PG:cjs:ph

April 2, 2013

Ryan:

You may wish to have Russ Kava or Dave Loppnow in the Fiscal Bureau review this draft to ensure that it achieves your intent.

Note that because the bill directs DOR to determine whether a school district has violated an administrative rule promulgated by DPI, it may be subject to a constitutional challenge. Article X, section 1 of the Wisconsin Constitution vest the supervision of public instruction in the state superintendent. Under *Thompson v. Craney*, 199 Wis. 2d 674 (1996), giving any other officer authority over public instruction is unconstitutional.

If you have questions or need more information, please let me know.

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