

Education groups challenge constitutionality of Wisconsin's school finance system

Posted on Wednesday, Feb 25, 2026

A coalition of education stakeholders has filed suit seeking an order declaring Wisconsin's school finance system is unconstitutional, arguing it fails to adequately fund students' education.

Filed in Eau Claire County, [the suit](#) doesn't specify what the education interests believe the state would need to invest in K-12 education to make the system constitutional.

Attorney Jeff Mandell, who represents the plaintiffs, said the ultimate goal is for the courts to set the parameters for what lawmakers would need to put into the system to make it constitutional. He anticipated once the courts issued such an order, the Legislature would be given the opportunity to address it in the following two-year budget.

He also noted state aid to public schools is \$2 billion less than it was in 2009 when adjusting for inflation.

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"We do not have what we need for our schools to thrive," Mandell said during a virtual news conference.

The 2025-27 state budget invested \$17.4 billion in K-12 education. According to the Legislative Fiscal Bureau, that will put the state's share of public school costs at 66.3% in the first year of the biennium and 64.5% in the second.

The plaintiffs include five school districts, four teachers unions, two education

advocacy organizations and eight individuals. The defendants include the Legislature, GOP leaders and members of the Joint Finance Committee.

Assembly Speaker Robin Vos, R-Rochester, vowed to vigorously defend against the lawsuit.

“This complaint is another meritless attempt by liberal activists to defund the state’s highly successful school-voucher program and interfere with the Legislature’s authority to fund public schools,” Vos said late yesterday.

The office of Senate Majority Leader Devin LeMahieu, R-Oostburg didn’t immediately return calls seeking comment.

A split state Supreme Court in 2000 upheld the constitutionality of Wisconsin’s school finance system, concluding that it effectively equalized the tax base among districts. That ruling also rejected a challenge to the spending caps that limit what districts can spend between general state aid and property taxes.

The suit filed Monday raises six claims, including that insufficient funding in the current system denies students an equal opportunity for a sound basic education and isn’t uniform as practicable across districts. It also argues the current special education reimbursement system is deficient.

It also argues that the nearly \$700 million the state put into private school vouchers in the 2025-26 school year violates a Wisconsin Supreme Court ruling that the choice program is permitted only so long as “the State is already meeting its obligations to provide for public schools.”

The suit also argues charter schools have become an alternative public school option redirecting state money to schools that are “unaccountable to taxpayers and operate outside of the constitutionally mandated school district system.”