

# Wisconsin Institute for Law & Liberty: Teacher's union lawsuit attempts to bankrupt Wisconsin and end school choice for families in need

Posted on Wednesday, Feb 25, 2026

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

**The News:** The Wisconsin Institute for Law & Liberty (WILL) has released a statement in response to a lawsuit filed on behalf of Wisconsin PTA, several Wisconsin school districts, multiple teachers' unions, individual parents, educators and students, and the Wisconsin Public Education Network, alleging that the Wisconsin Legislature has failed to adequately fund public schools.

**The Statement:** WILL President and General Counsel, Rick Esenberg, stated, "WILL exists to defend parents, taxpayers, and students, from reckless lawsuits like this. The lawsuit is an assault on democracy, seeking to install rule by judges rather than by the governor and legislature. The plaintiffs ignore basic facts about public education in Wisconsin and blame Wisconsin's parental choice programs and charter schools for their own failures. Parental choice has been instrumental in providing better academic outcomes to tens of thousands of Wisconsin families. It has survived legal challenges before and will do so again. The plaintiffs would do better to solve their own problems rather than seek scapegoats and a work around our Constitution and democratic republic."

**What The Lawsuit Alleges:** The lawsuit claims that the Wisconsin Legislature is not meeting its constitutionally required obligation to provide children with "an equal opportunity for a sound basic education."

They specifically take aim at Wisconsin's private school parental programs stating, *"At a time when public schools are making significant cuts to educational programming and services, private school vouchers are costing State taxpayers nearly \$700 million in the 2025-26 school year alone. This violates the Wisconsin Supreme Court's ruling that private school vouchers are constitutionally permitted, so long as the State is already meeting its obligations to provide for public schools."*

But that framing presents a false tradeoff. Wisconsin's parental choice programs have repeatedly been upheld as constitutional by the Wisconsin Supreme Court. The State can, and does, support both systems. It is also important to keep the funding context in mind. Public school districts spend significantly more money per student than schools participating in private school parental choice programs.

**Real Financial Consequences:** If successful, this lawsuit would invite courts to create seemingly infinite funding for public schools and could end funding for choice and independent charter schools in Wisconsin. Contrary to the rhetoric in their court filing, the state is spending [MORE on public schools](#) than a decade ago after adjusting for inflation (\$7,693 in 2014 versus \$8,361 now). Overall spending in this time frame has jumped even more, from \$16,820 per student in 2014 to \$18,592 today.

And the best [evidence does not suggest](#) that more general funding will lead to improved student achievement. In fact, as spending has increased over the past 10 years, [achievement has declined](#).

WILL will continue to defend school choice in Wisconsin. Empowering families with meaningful educational options is both constitutional and essential to ensuring that every child has access to the education that best meets their needs.

### **Read More:**

- [WILL Examined Relationship between School Funding and Academic Achievement](#), March 2019

Read and share the [press release](#) online.

Watch WILL's coverage on [FOX6 News Milwaukee](#) here.