



April 25, 2024

Senator Devin LeMahieu
Senate Majority Leader
Sen.LeMahieu@legis.wisconsin.gov

Representative Robin Vos
Speaker of the State Assembly
Rep.Vos@legis.wisconsin.gov

Majority Leader LeMahieu and Speaker Vos:

I am in receipt of your letter dated April 22, 2024, regarding the department's interaction with members of the Early Literacy Curriculum Council (ELCC) and the release of funds to implement 2023 Act 20.

I deeply appreciate the Department of Public Instruction's (DPI) partnership with the Legislature on a bipartisan basis to pass and implement Act 20. We share the goal of improving literacy education and outcomes for the people of Wisconsin.

We understand you are engaged in a legal disagreement with the Governor about his veto authority, and we have not yet formulated a viewpoint on the Constitutional issues you raise. However, there are several issues that are indisputable, and I hope we can come to an understanding about those facts, and how we might be able to go forward to ensure Act 20 can be carried out.

Whether or not Act 100's vetoes are upheld, the entire bill is vetoed, or the entire bill becomes law as passed, does not change the implementation timelines we agreed to which are in Act 20, nor does it change the ever pressing need to support our students learn to read. We must find a path forward – we owe that to our children, families, and communities.

First, I need to note that the Joint Committee on Finance (JCF) has **only approved funding (\$327,400 GPR)** for the Director of the Office of Literacy. The \$49,672,600 balance remains unapproved. Therefore, contrary to the assertion in your letter, we do not yet have the ability to expend funds for other required activities. As time passes, it will be increasingly difficult to meet the requirements of the law.

In addition, the legislature also acknowledged the need for position authority to hire the director within 2023 Act 100. Funding sources alone do not allow the department to hire a position and we need legal authority to do so. The dispute around Act 100 and your request for an injunction could not only have an impact on our legal authority to hire, it has the more practical effect of causing concern to any potential candidate for the position. At this point, we are working to hire the Director of the Office of Literacy, and when we make an offer to a candidate, we will discuss any potential risks with our selected candidate.

I must repeat, however, that the director position, while critical for the department's ability to implement Act 20, does not change the fact that **JCF is sitting on over \$49 million** which is intended for Wisconsin schools and students.

JCF can place money into several **different appropriations**, and if you have other concerns with reporting on expenses, the department – like all state agencies – have reporting mechanisms to show the public how funds are utilized. Throughout this process, we have engaged in good faith with legislative and committee leadership in partnership to both pass and implement Act 20. There is no need to suggest we will use these funds inappropriately, and we simply cannot move forward until the JCF, under your direction, releases the already-appropriated funds.

I stand ready to continue to work with you, members of JCF, and the education committees, as well as the ELCC, to move forward with the implementation of 2023 Act 20. This is critical, transformational work that requires us to rise above on behalf of our kids.

Sincerely,

A handwritten signature in cursive script that reads "Jill Underly".

Jill K. Underly, PhD
State Superintendent
Wisconsin Department of Public Instruction

Cc: Early Literacy Council Members