

Legal Memorandum

Date: February 21, 2014
To: State Superintendent Tony Evers
From: Attorneys Janet Jenkins, Laura Varriale, and Ryan Nilsestuen
Subject: 2013 Senate Bill 619

You asked whether the legislature would be able to modify the model academic standards adopted under 2013 Senate Bill 619 (“SB 619”). It is our legal opinion that the legislature would be able to do so.

Under SB 619, the Model Academic Standards Board recommends model academic standards to the state superintendent. SB 619 at § 4. Based on these recommendations, the state superintendent prepares model academic standards. *Id.* After the state superintendent’s model academic standards are reviewed by the Legislative Council, the state superintendent is required to submit the standards to the Joint Committee for Review of Administrative Rules (“JCRAR”). *Id.* If the JCRAR approves the state superintendent’s model academic standards, the state superintendent proceeds to implement the standards. *Id.*

However, if the JCRAR rejects the state superintendent’s model academic standards, the JCRAR is required to “prepare a bill that incorporates by reference” the standards prepared by the Model Academic Standards Board. *Id.* The bill is then introduced “in each house of the legislature as provided under [Wis. Stat. §§] 227.19(5)(e) to (g) and (6)(b)...” *Id.*

While SB 619 provides that the bill must incorporate the Model Academic Standards Board’s standards by reference, nothing in SB 619 or Wis. Stat. §§ 227.19(5)(e) to (g) and (6)(b) prohibits the legislature from modifying the bill once it has been introduced. In other words, once JCRAR introduces the bill into the Senate and the Assembly, the Senate or Assembly could pass any amendment to modify the model academic standards contained in the bill.