



## *School Law FYI*

# ***Wait and See After Dane County Judge Issues Decision on Act 10***

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On December 2, 2024, a Dane County judge issued a final decision striking down portions of 2011 Wisconsin Act 10 and 2015 Wisconsin 55 related to public sector collective bargaining because they violated the equal protection guarantees in the Wisconsin Constitution. While Acts 10 and 55 limited the collective bargaining rights of most public employees, the collective bargaining rights of “general” employees were restricted more significantly than “public safety” employees. Back in July, this same judge ruled that there was no rational basis for how the laws classified certain groups of employees as “general” employees rather than “public safety” employees. Our firm wrote an FYI titled “[Act 10 Court Decision Update](#)” on the July 3, 2024 decision.

Many districts are wondering what this means now. Our suggested approach is to wait and see if there are further legal developments regarding this decision. An appeal has already been filed by the defendants. In addition, it is likely that the defendants will request a stay of the judge’s decision pending appeal. If granted, a stay would maintain the status quo of limited public collective bargaining until the Wisconsin Court of Appeals and/or the Wisconsin Supreme Court issues a final decision. It might be several months, or possibly in excess of a year, before the appeals process is completed.

There remains significant uncertainty regarding the impact and consequences of this decision. It is possible that a school district may get a request to bargain in light of this decision. Similarly, it is possible that school districts that are currently engaged in bargaining may be asked to bargain outside the restrictions of Acts 10 and 55. Should you receive such a request, you should promptly contact a member of the Boardman Clark [School Law Practice Group](#).

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