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Powers v. State

Supreme Court of Wyoming - January 28, 2014 - P.3d - 2014 WY 15

State superintendent of public instruction, individually and as superintendent, and two voters, individually and on behalf of Wyoming citizens, filed an action seeking a declaratory judgment and preliminary injunction that would prevent Senate Enrolled Act 0001, which among other things created a new position of director of the Wyoming Department of Education and assigned to the director nearly all of the duties that were previously the superintendent's responsibility, from taking effect. The action was filed on the day that the act was signed into law.

The District Court denied the motion for a preliminary injunction and certified four questions of law to the Supreme Court.

As a matter of first impression, the Supreme Court of Wyoming held that the legislative act unconstitutionally deprives the state superintendent of the power of "general supervision of the public schools" entrusted to the state superintendent by the Wyoming Constitution.

Under the act, which made the director the administrative head and chief executive officer of the department of education, the state superintendent no longer has any supervisory role in the department and is relegated to the role of general observer with limited and discrete powers and duties.