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Rabiebna v. Higher Educational Aids Board

Supreme Court of Wisconsin - June 18, 2026 - N.W.3d - 2026 WI 20 - 2026 WL 1752797

Individual taxpayers brought action seeking injunctive relief and declaratory judgment enjoining the Higher Educational Aids Board (HEAB) from administering the Minority Undergraduate Retention Grant Program, which was a program that was established by state statute, that provided financial aid to students who were attending Wisconsin private and technical colleges and who belonged to specified race-, ancestry-, national-origin-, and foreign-citizenship-based groups, and that allegedly violated the Equal Protection Clause of the Fourteenth Amendment.

The Circuit Court entered summary judgment for HEAB and related defendant. Taxpayers appealed. The Court of Appeals reversed and remanded with directions. HEAB and related defendant appealed.

The Supreme Court held that:

- Individual taxpayers had standing to bring action;
- Defendants failed to demonstrate that promotion of diversity of student bodies was compelling governmental interest as to Program;
- Defendants failed to demonstrate that equalizing education opportunities for certain students by offering them financial aid was compelling governmental interest as to Program when Program was established; and
- Program was not narrowly tailored to either of those two purported compelling government interests.