FILED
09-14-2026
Clerk of Circuit Court
Waukesha County
2026CV001622

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

CITIZENS DEFENDING LIBERTY
1241 North Franklin Place
Milwaukee, WI 53202

Plaintiff,

Declaratory Judgment
Case Code: 30701

v.

HIGHER EDUCATIONAL AIDS BOARD
an agency of the State of Wisconsin
4822 Madison Yards Way
Madison, WI 53705

TAMMIE DEVOOGHT BLANEY
in her official capacity as Executive Secretary
of the Higher Educational Aids Board
4822 Madison Yards Way
Madison, WI 53705

Defendants.

SUMMONS

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is 515 West Moreland Boulevard, Waukesha, Wisconsin 53188, and to

the Wisconsin Institute for Law & Liberty, Plaintiff's attorneys, whose address is 1241 North Franklin Place, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: September 13, 2026.

Respectfully Submitted,

WISCONSIN INSTITUTE
FOR LAW & LIBERTY

Electronically signed by Rebecca C. Furdek

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COMPLAINT

Plaintiff Citizens Defending Liberty alleges as follows against Defendants:

INTRODUCTION

1. The Higher Educational Aids Board administers the Minority Teacher Loan Program, authorized by Wis. Stat. § 39.40 and further defined in Wis. Admin. Code § HEA Ch. 11.

2. Through the Minority Teacher Loan Program, the State of Wisconsin offers forgivable loans to certain undergraduate students pursuing a teacher's license—if and only if such students also happen to be racial "minority students."

3. Race discrimination is unconstitutional. The Equal Protection Clause of the U.S. Constitution "requires all individuals to be treated equally without regard to one's race, ancestry, origin, or ethnicity." *Rabiebna v. Higher Educ. Aids Bd.*, 2026 WI 20, ¶ 23, 420 Wis. 2d 562, 36 N.W.3d 611.

4. As such, state programs with racial classifications are "odious" and "inherently invidious, regardless of how benign or laudable" they may appear. *Id.* ¶ 24 (citations omitted); *see also Parents Involved in Cmty. Schs. v. Seattle Sch. Dist.* No. 1, 551 U.S. 701, 748 (2007) (Thomas, J., concurring) ("[S]tate entities may not experiment with race-based means to achieve ends they deem socially desirable.").

5. State programs with racial classifications must therefore satisfy each of the rigorous equal-protection standards outlined in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023) ("*SFFA*"), and *Louisiana v. Callais*, 608 U.S. 85 (2026).

6. This is a civil rights action challenging discriminatory race-based criteria in the Minority Teacher Loan Program that Higher Educational Aids Board leadership knowingly administers in violation of the U.S. Constitution.

7. Plaintiff is an association of Wisconsin taxpayers who object to their tax dollars facilitating unconstitutional discrimination. Plaintiff seeks a declaration that the Minority Teacher Loan Program violates the U.S. Constitution, a declaration that Wis. Stat. § 39.40 authorizing the Minority Teacher Loan Program violates the U.S. Constitution, and an injunction preventing the program's race-based qualifications.

PARTIES

8. Plaintiff Citizens Defending Liberty is an unincorporated association of taxpayers organized under the laws of the State of Wisconsin. "In Wisconsin, taxpayers may challenge the illegal expenditures of public funds." *Rabiebna*, 2026 WI 20, ¶ 18. This is because "[a]ny illegal expenditure of public funds . . . . results either in the governmental unit having less money to spend for legitimate governmental objectives, or in the levy of additional taxes to make up for the loss resulting from the expenditure." *Id*. (quoting *S.D. Realty Co. v. Sewerage Comm'n of City of Milwaukee*, 15 Wis. 2d 15, 21–23, 112 N.W.2d 177 (1961)).

9. Defendant Higher Educational Aids Board (the "Board") is a Wisconsin state agency organized under Subchapter II of Chapter 39 of the Wisconsin Statutes. The Board is headquartered in Madison, Wisconsin, and is responsible for administering the Minority Teacher Loan Program under Wis. Stat. § 39.40.

10. Defendant Tammie DeVooght Blaney is executive secretary of the Board pursuant to Wis. Stat. § 39.29. She is headquartered in Madison, Wisconsin, and is responsible for carrying out policy directives of the Board, as well as management and operation of the Board, including the Board's administration of the Minority Teacher Loan Program. She is sued in her official capacity.

JURISDICTION AND VENUE

11. This is an action for declaratory and injunctive relief under Wis. Stat. §§ 806.04 and 813.01.

12. This Court has jurisdiction pursuant to Wis. Stat. §§ 753.03 and 806.04.

13. This Court has venue pursuant to Wis. Stat. §§ 801.50(2) and 801.50(3)(a).

BACKGROUND

14. The Minority Teacher Loan program is authorized by Wis. Stat. § 39.40 and Wis. Admin. Code § HEA Ch. 11.

15. Through the Minority Teacher Loan Program, the State of Wisconsin offers loans to students enrolled in an educational program leading to a teacher's license in a discipline deemed a teacher shortage area in Wisconsin by the U.S. Department of Education.[1]

16. According to the Board's guidance, a wide range of disciplines in the categories of Standard Disciplines, Special Education, and Career and Technology Education are experiencing shortages for the 2026–27 academic year.

a. The following Standard Disciplines have recognized shortages: English as a second language, bilingual education, foreign languages, library media, mathematics, music, reading, and sciences.

b. The following Special Education disciplines have recognized shortages: cognitive disabilities, cross categorical, deaf and hard of hearing, early childhood-special education, emotional/behavioral disorders, learning

[1] *Wisconsin Minority Teacher Loan Program Information*, Wis. Higher Educ. Aids Board (last accessed Sept. 9, 2026), available here.

disabilities, school speech and language disabilities, and visual disabilities.

c. The following Career and Technology Education disciplines have recognized shortages: business education, family and consumer education, and technology education.[2]

17. To qualify for the Minority Teacher Loan Program, a student must be a sophomore, junior, or senior undergraduate enrolled at least half-time at a University of Wisconsin System institution or a non-profit, independent college or university in Wisconsin.[3]

18. In addition, a qualifying student must have an overall GPA of 3.0 or above based on a 4.0 scale, be enrolled in an educational program that leads to a license in a qualifying "discipline identified as a teacher shortage area" by the U.S. Department of Education, and agree to teach in a public or private elementary or secondary school, or a tribal school, in a Wisconsin school district with a 40% or higher minority student population.[4]

19. Qualifying students may receive loans of up to $10,000 annually under the Minority Teacher Loan Program for up to three years, for a total of $30,000. After graduating, the Board forgives 25 percent of the loan and 25 percent interest on that loan for each school year, to the extent the recipient: (1) is employed full-time in a

[2] *See id.*

[3] *See* Wis. Stat. § 39.40(3)(a) (citing Wis. Stat. § 20.235(1)(cr)).

[4] *See* Wis. Stat. § 39.40(2); *see also id.*

high-demand area related to the recipient's discipline; (2) is employed at a qualifying school in which minority students constitute at least 40% of the membership; and (3) receives a qualifying performance rating at his or her employment.[5]

20. Furthermore, a student is only eligible for the Minority Teacher Loan Program if he or she also happens to be a member of a "minority population," defined as a Black American, an American Indian or Alaskan native, a Hispanic,[6] a person of Asian or Pacific Island origin, or a "person whose ancestry includes 2 or more races."[7]

21. Because of these race-based criteria, an otherwise qualifying white student with the qualifying GPA, year in school, and intention to teach in a school district with a 40% or higher minority student population is categorically disqualified.

22. Similarly, an otherwise-qualifying minority student not identifying within this closed set of races, ethnicities, and national origins is categorically disqualified.

23. Notably, however, under the plain terms of Wis. Stat. § 39.40(1)(e), a student whose ancestry "includes 2 or more races"—even races not on the list—may be eligible for the Minority Teacher Loan Program.

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[5] *See* Wis. Stat. §§ 39.40(2m), (3). If a recipient does not meet these enumerated forgiveness criteria, they must repay the loan at a five percent interest rate, with such payments deposited into the general fund as general purpose revenue. *See* Wis. Stat. §§ 39.40(3)(a), (4).

[6] "Hispanic" is defined to include "a person of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or origin is Spanish." (citing Wis. Stat. § 16.287).

[7] *See* Wis. Stat. § 39.40(1); *see also supra*, n. 1.

24. The Minority Teacher Loan Program is subsidized by Wisconsin taxpayer funds through state appropriations, pursuant to Wis. Stat. § 20.235(1)(cr).[8]

25. Millions of dollars have been awarded under the Minority Teacher Loan Program.

26. During the 2025–26 academic year, under Defendants' supervision, $259,500 was appropriated to be spent on the Minority Teacher Loan Program.[9]

27. Defendants continue to administer the Minority Teacher Loan Program for the 2026-2027 academic year, and the legislature has appropriated an additional $259,500 for its continuance.[10]

28. Plaintiff Citizens Defending Liberty is an association whose members have paid, and continue to pay, taxes that fund the administration of race-based forgivable loans overseen by the Board.

CAUSE OF ACTION

VIOLATION OF THE FOURTEENTH AMENDMENT (EQUAL PROTECTION CLAUSE)

29. Plaintiff realleges and incorporates all preceding allegations of the Complaint.

30. "At the heart of the Equal Protection Clause is the principle that race-, national origin-, ancestry-, or alienage-based discrimination is unconstitutional

[8] *See* Wis. Stat. § 39.40(3)(a) (citing Wis. Stat. § 20.235(1)(cr)).

[9] *See* Wis. Stat. § 20.235(1)(cr)

[10] *See id.*

except in the most extraordinary instances where such a remedy is required." *Rabiebna*, 2026 WI 20, ¶ 23.

31. In *SFFA*, the U.S. Supreme Court laid out five independent tests that a racial classification must survive to pass such constitutional scrutiny. First, the government must identify one of two compelling governmental interests: "remediating specific, identified instances of past discrimination that violated the Constitution or a statute" or "avoiding imminent and serious risks to human safety in prisons, such as a race riot." 600 U.S. at 207. Second, the program must be narrowly tailored and cannot rely on "imprecise," "overbroad," or "underinclusive" racial categories. *Id.* at 216–17. Third, race can never be used as a "negative." *Id.* at 218–19. Fourth, race can never be used as a "stereotype." *Id.* at 220–21. And fifth, all race-based programs must have a "logical end point." *Id.* at 221–22.

32. Just this year, in *Callais*, the Supreme Court emphasized two more requirements for a state institution to establish a compelling interest. First, the institution "must identify the specific instances of past discrimination that it aims to remediate, and in light of that specification, must determine the precise scope of the injury it seeks to remedy." 146 S. Ct. at 1153 (citation omitted). "Second, after identifying the specific instance of discrimination, the institution that makes the racial distinction must have a strong basis in evidence to conclude that its remedial action is necessary." *Id.* (citation omitted) (cleaned up).

33. The Minority Teacher Loan Program discriminates based on race by excluding some students from its benefits solely because of their race, ethnicity, or national origin.

34. The race-based criteria used by Defendants in administering the Minority Teacher Loan Program are nearly identical to those that the Wisconsin Supreme Court recently declared an unconstitutional violation of the Equal Protection Clause. *See Rabiebna*, 2026 WI 20, ¶ 61.

35. In *Rabiebna*, the Wisconsin Supreme Court applied *SFFA* to recognize that each student "must be treated based on his or her experiences as an individual—not on the basis of race." *See id.* ¶ 23 (quoting *SFFA*, 600 U.S. at 231).

36. Just like the race-based program struck down in *Rabiebna*, the Minority Teacher Loan Program restricts its eligibility to a statutorily-defined "minority." *See id*. ¶ 6; *see* Wis. Stat. § 39.40.

37. And yet, Defendants have never identified a compelling government interest to support this race-based discrimination within the Minority Teacher Loan Program.

38. One stated goal that the Board appears to have historically cited is "to increase the number of minority teachers."[11]

39. As the Wisconsin Supreme Court recently reaffirmed, the U.S. Supreme Court has only "recognized two compelling interests justifying the governmental use

[11] *See, e.g.*, *Board Report #26-04, 2023-2025 Biennial Budget Report* at 11, HEAB (Nov. 12, 2025), available here.

of racial classifications": (1) avoiding race riots in prisons; and (2) "remediating specific identified instances of government-sanctioned discrimination." *See Rabiebna*, 2026 WI 20, ¶ 41. Neither applies in this instance, so the Board's stated goal does not suffice.

40. Even if a compelling interest was listed in the underlying statute, regulation, or agency guidance, the Minority Teacher Loan Program still is unconstitutional, as it relies on "imprecise," "overbroad," or "underinclusive" racial categories defining eligible minorities. *See SFFA*, 600 U.S. at 216–17.

41. Furthermore, there is no legal rationale for using race in the Minority Teacher Loan Program as a "negative" or a "stereotype," or any explanation why the Minority Teacher Loan Program has a "logical end point." *See id.* at 218, 221.

42. Because the Minority Teacher Loan Program cannot satisfy one—let alone all five—tests forth in *SFFA* and *Callais*, it is unconstitutional under the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

43. Unless the Court declares the race, national origin, and alienage classifications explicit in the Minority Teacher Loan Program to be unconstitutional, unlawful, and invalid, Plaintiff will be forced to continue financially supporting this discriminatory program.

REQUEST FOR RELIEF

Plaintiff therefore requests the following relief:

A. A declaration that any race, national origin, and alienage classifications, preferences, or requirements in the Minority Teacher Loan Program, including but not limited to those specifically listed herein are unconstitutional under the Equal Protection Clause of the 14th Amendment to the U.S. Constitution;

B. A related declaration that Wis. Stat. § 39.40 is unconstitutional under the Equal Protection Clause of the 14th Amendment to the U.S. Constitution because it treats students differently based on race, national origin, and alienage;

C. A permanent injunction enjoining Defendants from enforcing any such stated classifications, preferences, or requirements relating to race, national origin, and alienage in the Minority Teacher Loan Program.

D. An award of costs, attorney's fees, and any such other relief as the Court deems appropriate.

Dated: September 13, 2026.

Respectfully Submitted,

WISCONSIN INSTITUTE FOR
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