



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4169/1  
FFK:klm

## 2021 ASSEMBLY BILL 488

August 4, 2021 - Introduced by Representatives BEHNKE, THIESFELDT, DITTRICH, CALLAHAN, ARMSTRONG, BORN, BRANDTJEN, CABRAL-GUEVARA, GUNDRUM, KNODL, KUGLITSCH, MAGNAFICI, RAMTHUN, SORTWELL, TITTL, VANDERMEER, WICHGERS, ZIMMERMAN and PENTERMAN, cosponsored by Senators STROEBEL, DARLING, BRADLEY, FELZKOWSKI, NASS, TESTIN, WANGGAARD and WIMBERGER. Referred to Committee on Education.

- 1     **AN ACT** *to amend* 118.01 (1); and *to create* 118.01 (3) of the statutes; **relating**  
2             **to:** requiring school boards to make information about learning materials and  
3             educational activities used for pupil instruction available to the public.

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### *Analysis by the Legislative Reference Bureau*

This bill requires each school board to post on the home page of its Internet site information related to learning materials and educational activities used in pupil instruction in the school district and any procedure or policy in effect that applies to the documentation, review, or approval of such learning materials or educational activities. Under the bill, "used in pupil instruction" means that a learning material or educational activity is 1) assigned, distributed, or otherwise presented to pupils in a course for which pupils receive credit, 2) assigned, distributed, or otherwise presented to pupils if use of the learning material or participation in the educational activity is required by the school, 3) assigned, distributed, or otherwise presented to pupils and at least a majority of pupils in a grade level are expected to use the learning material or participate in the educational activity, 4) among learning materials from which pupils are required to select one or more materials, if the available selection of learning materials is restricted to specific titles, or 5) created by the school board or a teacher employed by the school board, including lesson plans, presentations, and videos. The bill requires each school board to include in its list of learning materials and educational activities 1) bibliographic information necessary to identify each listed learning material and educational activity, 2) the full text or a copy of a learning material or educational activity created by the school

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board or a teacher employed by the school board, and 3) a link to curricula adopted by the school board to comply with state law.

Under the bill, a school board must update the list of learning materials and educational activities at least twice each school year and must notify parents and guardians each time the list is updated. The bill specifies that one update must occur before the start of the school term and one update must occur before January 15 of the applicable school year. The bill also requires the school board to ensure that the list remains available to the public on its Internet site for at least five years.

Finally, the bill allows a school district resident to bring an action in circuit court to compel a school board to comply with the requirements created in this bill. Under the bill, the court must award reasonable attorneys fees, up to \$15,000, to the school district resident if he or she prevails in the action.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 118.01 (1) of the statutes is amended to read:

2           118.01 (1) PURPOSE. Public education is a fundamental responsibility of the  
3 state. The constitution vests in the state superintendent the supervision of public  
4 instruction and directs the legislature to provide for the establishment of district  
5 schools. The effective operation of the public schools is dependent upon a common  
6 understanding of what public schools should be and do. Establishing such goals and  
7 expectations is a necessary and proper complement to the state's financial  
8 contribution to education. Each school board should provide curriculum, course  
9 requirements, and instruction consistent with the goals and expectations  
10 established under sub. (2). Parents and guardians of pupils enrolled in the school  
11 district share with the state and school board the responsibility for pupils meeting  
12 the goals and expectations under sub. (2) and have the right to access the information  
13 under sub. (3).

14           **SECTION 2.** 118.01 (3) of the statutes is created to read:

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1           118.01 (3) LEARNING MATERIALS AND EDUCATIONAL ACTIVITIES; PUBLICLY AVAILABLE  
2 INFORMATION. (a) *Definitions*. In this subsection:

3           1. “Educational activities” include assemblies, guest lectures, and other  
4 educational events facilitated by the school board or school board employees,  
5 including educational events conducted by individuals or organizations that are not  
6 associated with the school board. “Educational activities” do not include  
7 presentations given by pupils.

8           2. “Used for pupil instruction” means that a learning material or educational  
9 activity is, or is planned to be, any of the following during the school year:

10           a. Assigned, distributed, or otherwise presented to pupils in a course for which  
11 pupils receive credit.

12           b. Assigned, distributed, or otherwise presented to pupils if use of the learning  
13 material or participation in the educational activity is required by the school.

14           c. Assigned, distributed, or otherwise presented to pupils and at least a  
15 majority of pupils in a grade level are expected to use the learning material or  
16 participate in the educational activity.

17           d. Among learning materials from which pupils are required to select one or  
18 more materials, if the available selection of learning materials is restricted to specific  
19 titles.

20           e. Created by the school board or a teacher employed by the school board,  
21 including lesson plans, presentations, and videos.

22           (b) *Accessibility*. 1. Each school board shall prominently post on the home page  
23 of the school board’s Internet site, in such a manner that the information is available  
24 to the public, a list of all of the following:

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1           a. The learning materials and educational activities that will be used for pupil  
2 instruction at each school in the school district during the school year, organized by  
3 subject area, grade level, and teacher.

4           b. Any procedures or policies in effect for the documentation, review, or  
5 approval of learning materials or educational activities used for pupil instruction,  
6 including for the documentation, review, or approval by principals, administrators,  
7 teachers, school board members, or a committee created by the school board, an  
8 administrator, or a principal.

9           2. A school board shall include in the list under subd. 1. all of the following:

10           a. Bibliographic information necessary to identify specific learning materials,  
11 including textbooks and curricula, and educational activities used for pupil  
12 instruction, including the title and the author, organization, or internet address  
13 associated with each specific learning material or educational activity.

14           b. The full text or a copy of any learning materials or educational activities  
15 created by the school board or a teacher employed by the school board, including  
16 lesson plans, presentations, and videos.

17           c. A link to any curricula adopted by the school board to comply with the school  
18 board's duties under sub. (2) or any requirement under s. 118.015, 118.017, 118.019,  
19 or 121.02 (1) (c), (h),(k), (L) or (m).

20           3. A school board shall update the list under subd. 1. at least twice each school  
21 year. Annually, a school board shall do one update by the beginning of the school term  
22 and one update by January 15. A school board shall notify parents and guardians  
23 that the list has been updated by posting notice on the school board's Internet site  
24 and providing notice in a newsletter or other written communication that is  
25 distributed to parents and guardians.

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1           4. A school board shall ensure that a list posted under subd. 1. remains  
2 available to the public on the school board's Internet site for at least 5 years from the  
3 date the list is posted on the school board's Internet site.

4           (c) *Applicability.* This subsection may not be construed to require a school  
5 board to do any of the following:

6           1. Digitally reproduce learning materials other than learning materials  
7 created by a teacher employed by the school board.

8           2. Post or distribute a learning material or educational activity in a manner  
9 that would constitute an infringement of copyright under the federal Copyright Act,  
10 17 USC 101 to 1332.

11           (d) *Enforceability.* A resident of the school district that is governed by a school  
12 board may bring an action for injunctive relief or a writ of mandamus in circuit court  
13 to compel the school board to comply with this subsection. Notwithstanding s. 814.04  
14 (1), if the school district resident prevails, the court shall award to the school district  
15 resident reasonable attorney fees not to exceed \$15,000.

16           **SECTION 3. Initial applicability.**

17           (1) This act first applies to learning materials and educational activities used  
18 in pupil instruction in the 2022-23 school year.

19           (END)