



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4778/1  
FFK:emw

## 2023 ASSEMBLY BILL 638

November 8, 2023 - Introduced by Representatives DITTRICH, NEDWESKI, O'CONNOR, MAGNAFICI, MICHALSKI, GUNDRUM, MURPHY, ALLEN, GOEBEN, BINSFELD, BRANDTJEN, BEHNKE, WICHGERS, ROZAR, RETTINGER and MOSES, cosponsored by Senators KNODL, BALLWEG, CABRAL-GUEVARA, NASS and TOMCZYK. Referred to Committee on Education.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to amend* 118.03 (1) and 118.03 (4); and *to create* 118.03 (1m) and  
2           118.032 of the statutes; **relating to:** requiring school boards to make textbooks,  
3           curricula, and instructional materials available for inspection by school district  
4           residents.

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### *Analysis by the Legislative Reference Bureau*

This bill requires a school board to comply with a school district resident's written request to inspect a textbook, curriculum, or instructional material within 14 days.

Under the bill, a school board must comply with a school district resident's written request to inspect curricula or instructional materials used in a school in the school district by no later than 14 days after the school board receives the written request. The bill also requires each school board to adopt procedures under which the school board is able to produce for inspection any curriculum or instructional material used in a school in the school district in fewer than 14 days. The bill defines "curriculum" as a curriculum plan adopted by a school board to comply with state law and defines "instructional material" as any course content or resource included in a curriculum.

Similarly, the bill requires a school board to comply with a school district resident's written request to inspect a textbook on the school board's list of adopted textbooks by no later than 14 days after the school board receives the written request. Under the bill, a school board must also adopt procedures under which the school board is capable of producing for inspection any textbook included on the school

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board's list of adopted textbooks in no more than 14 days. Current law requires each school board to adopt all textbooks necessary for use in schools in the school district and file a list of adopted textbooks with the school district clerk. Under the bill, each school board must also post the list of adopted textbooks on the school board's website.

Finally, the bill specifies that nothing in the bill may be construed to require a school board to take an action that would violate federal copyright law and that the bill does not limit any rights a school district resident has to inspect or copy records under open records law.

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

1           **SECTION 1.** 118.03 (1) of the statutes is amended to read:

2           118.03 (1) The school board shall adopt all the textbooks necessary for use in  
3 the schools under its charge. The school board shall file the list of the adopted books  
4 shall be filed textbooks with the school district clerk and shall post the list on the  
5 school board's website.

6           **SECTION 2.** 118.03 (1m) of the statutes is created to read:

7           118.03 (1m) (a) Upon written request, a resident of a school district may inspect  
8 a copy of any textbook adopted under sub. (1) at a location designated by the school  
9 board for the public to access records under s. 19.34 and at no cost to the resident.  
10 The school board shall comply with a written request under this paragraph by no  
11 later than 14 days after the date on which the school board receives the written  
12 request.

13           (b) A school board shall adopt procedures under which the school board is able  
14 to make available for inspection a copy of any textbook adopted under sub. (1) in  
15 fewer than 14 days.

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1 (c) 1. This subsection may not be construed to require a school board to take any  
2 action that would constitute an infringement of copyright under the federal  
3 Copyright Act, 17 USC 101 to 1511.

4 2. Nothing in this subsection limits a school district resident's rights to access  
5 or copy records, as defined in s. 19.32 (2), under subch. II of ch. 19.

6 **SECTION 3.** 118.03 (4) of the statutes is amended to read:

7 118.03 (4) Any person violating ~~this section~~ sub. (1), (2), or (3) may be fined not  
8 less than \$25 nor more than \$100.

9 **SECTION 4.** 118.032 of the statutes is created to read:

10 **118.032 Curricula and instructional materials; inspection.** (1) In this  
11 section:

12 (a) "Curriculum" means a curriculum plan adopted by a school board to comply  
13 with a school board duty under s. 118.01 (2), 118.015, 118.017, 118.019, or 121.02 (1)  
14 (c), (h), (k), (L), or (m).

15 (b) "Instructional material" means any course content or resource included in  
16 a curriculum.

17 (2) (a) Upon written request, a resident of a school district may inspect a copy  
18 of any curriculum or instructional material used in a school in the school district at  
19 a location designated by the school board for the public to access records under s.  
20 19.34 and at no cost to the resident. The school board shall comply with a written  
21 request under this paragraph by no later than 14 days after the date on which the  
22 school board receives the written request.

23 (b) A school board shall establish procedures under which the school board is  
24 able to make available for inspection a copy of any curriculum or instructional  
25 material used in a school under its charge in fewer than 14 days.

**ASSEMBLY BILL 638****SECTION 4**

1 (c) 1. This subsection may not be construed to require a school board to take any  
2 action that would constitute an infringement of copyright under the federal  
3 Copyright Act, 17 USC 101 to 1511.

4 2. Nothing in this subsection limits a school district resident's rights to access  
5 or copy records, as defined in s. 19.32 (2), under subch. II of ch. 19.

6 **SECTION 5. Initial applicability.**

7 (1) This act first applies to textbooks adopted for use and curricula and  
8 instructional materials used in the school year beginning after the effective date of  
9 this subsection.

10 (END)