

# State of Wisconsin



2021 Senate Bill 463

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

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

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

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

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

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

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

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

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

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

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

c. 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.

d. 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.

e. Created by the school board or a teacher employed by the school board, including syllabi, outlines, handouts, presentations, and videos.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

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

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

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

3. A school board shall update the list under subd. 1. at least twice each school year. Annually, a school board

shall do one update by the beginning of the school term and one update by January 15. A school board shall notify parents and guardians that the list has been updated by posting notice on the school board's Internet site and providing notice in a newsletter or other written communication that is distributed to parents and guardians.

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

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

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

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

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

### **SECTION 3. Initial applicability.**

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

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