



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2344/1
FFK:klm

2023 ASSEMBLY BILL 642

November 8, 2023 - Introduced by Representatives DITTRICH, O'CONNOR, MAGNAFICI, MICHALSKI, GUNDRUM, MURPHY, GOEBEN, WICHGERS, ROZAR and RETTINGER, cosponsored by Senators QUINN, NASS and TOMCZYK. Referred to Committee on Education.

1 **AN ACT** *to amend* 43.30 (1m) and 119.04 (1); and *to create* 120.12 (29) of the
2 statutes; **relating to:** parental notification related to school library materials.

Analysis by the Legislative Reference Bureau

This bill requires school boards to develop and implement a policy under which the custodial parent or guardian of a pupil who is under the age of 16 is notified of each document or material the pupil checks out from a school library as soon as is practicable, but no later than 24 hours after the checkout. Under current law, subject to various exceptions, library records that identify who borrows or uses a library material may not be disclosed. One of the exceptions is for custodial parents of a child who is under the age of 16. Specifically, current law requires, upon the request of a custodial parent or guardian of a child who is under the age of 16, a library supported by public funds to disclose to the custodial parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by the child.

The bill also requires a school board to annually notify parents and guardians of pupils enrolled in the school district of whether or not the school board provides pupils access to the electronic collection of resources known as Badger Link that is maintained by the Division for Libraries and Technology in the Department of Public Instruction.

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

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

1 **SECTION 1.** 43.30 (1m) of the statutes is amended to read:

2 43.30 **(1m)** Records of any library which is in whole or in part supported by
3 public funds, including the records of a public library system, indicating the identity
4 of any individual who borrows or uses the library's documents or other materials,
5 resources, or services may not be disclosed except by court order or to persons acting
6 within the scope of their duties in the administration of the library or library system,
7 to persons authorized by the individual to inspect such records, to custodial parents
8 or guardians of children under the age of 16 under sub. (4) or s. 120.12 (29) (b), to
9 libraries under subs. (2) and (3), or to law enforcement officers under sub. (5).

10 **SECTION 2.** 119.04 (1) of the statutes is amended to read:

11 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
12 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
13 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445,
14 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125
15 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
16 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10),
17 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935, 118.30 to
18 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5),
19 and (15) to (27), and (29), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
20 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are
21 applicable to a 1st class city school district and board but not, unless explicitly

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1 provided in this chapter or in the terms of a contract, to the commissioner or to any
2 school transferred to an opportunity schools and partnership program.

3 **SECTION 3.** 120.12 (29) of the statutes is created to read:

4 120.12 (29) SCHOOL LIBRARY MATERIALS; PARENTAL NOTIFICATION. (a) Annually
5 notify parents and guardians of pupils enrolled in the school district of whether or
6 not the school board provides pupils enrolled in the school district access to the
7 electronic resources maintained by the department under s. 43.05 (11) and, if so, at
8 what schools in the school district access to the electronic resources is provided to
9 pupils.

10 (b) Develop and implement a policy under which the school board notifies a
11 custodial parent, as defined in s. 43.30 (1b) (ag), or guardian of a pupil who is under
12 the age of 16 of each document or material, in any format, the pupil borrows from a
13 school library as soon as practicable, but no later than 24 hours after the pupil
14 borrows the document or material from a school library.

15 (END)