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# BARBARA DITTRICH

STATE REPRESENTATIVE • 99<sup>th</sup> ASSEMBLY DISTRICT

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**Assembly Committee on Education  
Rep. Dittrich Testimony on Assembly Bill 5  
February 6, 2025**

Thank you Chairman Kitchens and members of the Assembly Committee on Education for hearing Assembly Bill 5 (AB 5) today. This bill is vital in restoring the relationship between parents and school districts. I believe we have seen an outcry from parents around our state, and frankly around the country, regarding the lack of transparency in our public schools when it comes to materials being used in the classroom.

I have often said that when the COVID-19 pandemic and subsequent lockdowns of 2020 took classrooms and instruction online, it allowed parents greater access to what their children were learning. Unfortunately, in some instances, the materials being used were not deemed appropriate, either by parents or basic societal decency. This resulted in the outcry we have seen in our local school board meetings, the local and national news, and social media. Angry parents rose up in protest in attempts to protect their children and gain a better understanding of what their children were being taught. Too often they ran into roadblocks from both school boards and instructors who felt they were being personally attacked.

This bill is an attempt to bring parents and school districts together by providing a framework that schools and parents can operate. AB 5 would allow school district residents to present a written request to view materials to the school board. The respective school board would then have 14 days to comply with the request to inspect a textbook, curriculum, or instructional materials. Finally, school boards must adopt procedures to ensure compliance occurs within 14 days. This establishes a time frame that with which school districts must respond to and fulfill a request, gives parameters to what requests must be fulfilled and what is too far reaching, and how the requests must be fulfilled.

The purpose is to make certain that parents know precisely what their children are being taught, while not targeting our teachers. Children have a much richer educational experience when educators and families can work together instead of engaging in political rhetoric.

Thank you for your consideration. I am happy to answer any questions for the committee.



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# CORY TOMCZYK

STATE SENATOR • 29<sup>TH</sup> SENATE DISTRICT

**Assembly Bill 5**  
**Assembly Committee on Education**  
**February 6, 2025**

Assembly Bill (AB) 5 is very simple and creates more transparency in our schools. As a parent and grandparent, I want to know what my children and grandchildren are learning in their schools. As a taxpayer, I want to know that students are being taught accurate information and not being taught a certain ideology – whether it be my own or otherwise. I want to know what books they are reading and what points of view they are getting their information from. This isn't political. This isn't meant to try and catch teachers doing something nefarious. This is so that parents know what is being taught to their kids while they are in the school they have chosen to send their child to.

Would you send your child to a sleepover and not know the parents whose home they will be sleeping in? Would you send your child to a daycare where you did not see the facility and meet the staff? Would you send your child to a camp without knowing that it is safe and secure? I highly doubt it. So why should their schools be any different?

AB 5 requires that schools must respond to a written request from a district resident to inspect the books, curricula, and materials that is being used to educate children. This must be responded to within 14 days. If schools have nothing to hide, then this should be no problem. If schools don't want to have to respond to each inquiry, they should put this information on the school's website for all to access.

I encourage you to support this commonsense bill. It increases transparency and allows parents to have a peace of mind to know exactly what their child is learning in school.



February 6, 2025

**Assembly Committee on Education  
Department of Public Instruction Testimony  
2025 AB 5 Requiring School Boards to Make Instructional Materials Available**

I want to thank Chair Kitchens and members of the committee for the opportunity to give testimony on AB 5. My name is Laura Adams, Policy Initiatives Advisor for the Department of Public Instruction (DPI) and with me today is Tom McCarthy, Deputy State Superintendent.

We are here to testify in opposition to AB 5.

DPI strongly supports the rights of families and community members to transparently understand the instruction happening in their local communities. We also strongly support the right of each local school district and school participating in the Choice program to make their own local decisions on curriculum and instruction within the parameters of state and federal law.

Quite simply, there is no need for this proposed law. Schools already provide access to instructional materials to families and community members. Almost all schools in the elementary grades send home regular communications informing families about current instructional work. Many schools also already post information about their instructional materials and curriculum on their websites, and information about instructional materials, goals, and a child's progress is provided to families during regular school-family meetings or conferences. Additionally, existing state statutes require that a list of texts adopted by a school board be filed with the school board clerk and that any school providing instruction in human growth and development provide an outline of the instruction to families in advance (Wis. Stats. §§[118.03\(1\)](#) and [118.019\(3\)](#)), ensuring that family or community members have transparent access to instructional materials. Further, any individual may make an open records request for a district's curriculum at any time.

Wisconsin is already experiencing an educator workforce shortage. This bill would have the impact of making the teaching profession less attractive at a time when 4 out of every 10 Wisconsin teachers leave the job in their first 6 years and only 68% of individuals who complete an educator preparation program enter the Wisconsin workforce (Wisconsin Department of Public Instruction, 2024).

We respectfully note that the intention of this bill might conflict with the intention of AB 6 because if educators have to produce instructional materials for inspection, that is time taken away from direct instructional time.

Thank you for allowing DPI to share this testimony. Please direct any questions to Laura Adams, Policy Initiatives Advisor, at [laura.adams@dpi.wi.gov](mailto:laura.adams@dpi.wi.gov).

Citations:

Rep. 2022 Educator Preparation Program and Workforce Analysis Report. Madison, Wisconsin:

Wisconsin Department of Public Instruction, 2024,  
<https://dpi.wi.gov/sites/default/files/imce/education-workforce/pdf/2022-wi-epp-workforce-annual-report.pdf>.



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.  
330 E. Kilbourn Ave., Suite 725, Milwaukee, WI 53202-3141  
414-727-WILL  
Fax 414-727-6385  
[www.will-law.org](http://www.will-law.org)

**Testimony in Support of Assembly Bill 5**  
Assembly Committee on Education  
February 6, 2025

Chairman Kitchens, Vice-Chairman Goeben, and Members of the Committees on Education:

Thank you for providing me with the opportunity to testify in favor of Assembly Bill 5. My name is Lauren Greuel and I am Associate Counsel at the Wisconsin Institute for Law & Liberty (“WILL”). I am here today to discuss why passing curriculum transparency legislation is beneficial to student outcomes and necessary to build collaboration and trust between schools and their communities.

Research has demonstrated again and again that parental involvement is a key factor that influences the educational outcomes of their students. As such, fostering collaboration, transparency, and trust between parents and their child’s school is one of the most important things that a school district can do.

This fall, a new wave of concern over how students are doing in Wisconsin schools began because the Department of Public Instruction (“DPI”) chose to redefine student achievement standards, ultimately leaving communities in the dark about how their schools are performing and how proficient their students are.<sup>1</sup>

Now more than ever parents want to know how their student is doing in school, and what is being taught in the classroom. However, we continually receive complaints at WILL that when parents request curriculum, instructional materials, and educational records they are often faced with hurdles from school districts.

Oftentimes, districts want to do the right thing and give parents access the records they are requesting, but they do not have an efficient process to handle the backlog of requests. Or they have an efficient process, but parents are confused about who to contact and how to phrase their requests.

However, districts also hide behind the nebulous language of the open records statute in Wisconsin which states that a request shall be filled “as soon as

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<sup>1</sup> Dr. Will Flanders, *Wisconsin DPI Re-Defines Mediocre Student Achievement to ‘Meets Expectations,’* Wisconsin Institute for Law and Liberty, November 19, 2024 (available at: <https://will-law.org/wisconsin-dpi-re-defines-mediocre-student-achievement-to-meets-expectations/>).

practicable and without delay,” leaving parents waiting for months and months, or even worse, quoting them thousands of dollars for a small set of records.

For example, WILL was contacted by a parent who requested records from the Yorkville School District on November 3, 2023 and the District took until October 23, 2024 to produce the records— a whopping 11 months later. In another instance, a parent requested records from the Amery School District on March 1, 2024 and *still* has not received the records the parent requested.

Even lawyers at WILL have trouble getting districts to comply with our requests in a fair and timely manner. In two recent examples, WILL was quoted \$11,000 after requesting records in Sun Prairie<sup>2</sup> and \$2,000 after requesting records in Marinette.<sup>3</sup>

A common argument against more transparency is that both federal and state law already requires access to student records.

While this bill has a similar purpose to federal law and our open records law, this bill provides much needed clarity and guidance to accomplish these important policy goals.

Under federal law, specifically the Protection of Pupil Rights Amendment (“PPRA”), parents have a right to access instructional materials used in the education of their children.<sup>4</sup> This federal law requires schools to develop policies and procedures for granting these requests within “a reasonable period of time after the request is received.”<sup>5</sup>

Under Wisconsin Open Records law, “all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.”<sup>6</sup> As such, authorities must either fill the request or notify the requester of the denial of the request “as soon as practicable and without delay.”<sup>7</sup>

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<sup>2</sup> Dan Lennington, *In Case You Missed It: Sun Prairie Schools Charging \$11,000 for Records Surrounding Locker Room Incident*, Wisconsin Institute for Law & Liberty, May 18, 2023 (available at: <https://will-law.org/in-case-you-missed-it-sun-prairie-schools-charging-11000-for-records-surrounding-locker-room-incident/>).

<sup>3</sup> Lauren Greuel, *WILL Prepares Legal Challenge Against Wisconsin School District for Financial Mismanagement*, Wisconsin Institute for Law and Liberty, June 25, 2024 (available at: <https://will-law.org/will-prepares-legal-challenge-against-wisconsin-school-district-for-financial-mismanagement/>).

<sup>4</sup> 20 U.S.C. § 1232h(c)(1)(C)i-ii.

<sup>5</sup> *Id.*

<sup>6</sup> Wis. Stat. § 19.31.

<sup>7</sup> Wis. Stat. § 19.35(4)(a).

“Within a reasonable period of time”<sup>8</sup> and “as soon as practicable and without delay”<sup>9</sup> should mean as soon as possible, but as I have already described, parents and community members are often left wondering about their requests for months and months after they are made. This bill, on the other hand, specifically says that “the school board shall comply with a written request under this paragraph by no later than 14 days after the date on which the school board receives the written request.”<sup>10</sup>

Another common criticism of additional transparency efforts is that it will cause additional and unnecessary burdens on school districts?

This is not true for several reasons:

1. Schools are already required, by state and federal law, to provide these materials (curriculum and instructional materials) to requesters and parents and should be doing so “within a reasonable period of time”<sup>11</sup> and “as soon as practicable and without delay.”<sup>12</sup>
2. State law already requires schools to file a list of textbooks adopted for necessary use with the school clerk.<sup>13</sup> As such, the list already exists, and all schools will need to do is post the existing list on the website.
3. One of the reasons our open records laws do not have a specific timeline for compliance is because requests can range in size and specificity, making it difficult to know how much time it will take to fulfill. This bill, on the other hand, only requires schools to respond within 14 days after receiving a request from “a resident of a school district” to inspect the “curriculum and instructional material” being used in a school in the school district.<sup>14</sup> Knowing who can request this and what can be requested will ensure school districts can comply more quickly with this section if it becomes law, and thus, not create any additional burdens on the school district.
4. This bill specifically says that “this subsection may not be construed to require a school board to take any action that would constitute an infringement of copyright under the federal Copyright Act, 17 U.S.C. 101 to

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<sup>8</sup> 20 U.S.C. § 1232h(c)(1)(C)i-ii.

<sup>9</sup> Wis. Stat. § 19.35(4)(a).

<sup>10</sup> 2025 Wis. Assem. Bill 5, Sen. Bill 22 (available at: <https://docs.legis.wisconsin.gov/2025/proposals/reg/asm/bill/ab5>).

<sup>11</sup> 20 U.S.C. § 1232h(c)(1)(C)i-ii.

<sup>12</sup> Wis. Stat. § 19.35(4)(a).

<sup>13</sup> Wis. Stat. § 118.03(1).

<sup>14</sup> 2025 Wis. Assem. Bill 5, Sen. Bill 22 (available at: <https://docs.legis.wisconsin.gov/2025/proposals/reg/asm/bill/ab5>).

1511.”<sup>15</sup> This ensures that districts are not potentially violating the federal Copyright Act by providing copies of textbooks in these records.

Do other states have similar laws?

Yes, as of February 2024, at least 11 states of different political persuasions and most of our neighboring states, have enacted state law on curriculum transparency through their state legislature: Alaska, Arizona, California, Connecticut, Florida, Idaho, Louisiana, Michigan, Minnesota, Pennsylvania, and Texas.<sup>16</sup>

In Michigan, each school district shall ensure that a parent or legal guardian may “review the curriculum, textbooks, and teaching materials of the school in which the school is enrolled at a reasonable time and place and in a reasonable manner.”<sup>17</sup>

In Minnesota, each school district is required to have a procedure in which a parent or guardian can review the “content of the instructional materials to be provided” and if the parent “objects to the content, to make reasonable arrangement with school personnel for alternative instruction.”<sup>18</sup>

AB 5 would provide parents and residents of a school district with the assurance that *parents and residents in our neighboring states already have*.

In all, AB 5 will provide the structure necessary to effectuate the purposes of federal law and Wisconsin open records law in order to improve educational outcomes, shed light on what and how students are being taught, and build trust between schools and the surrounding community, without creating additional unnecessary burdens on school districts.

Thank you for your time. I am happy to answer any questions you may have.

Lauren Greuel  
Associate Counsel  
Wisconsin Institute for Law & Liberty  
[Lauren@will-law.org](mailto:Lauren@will-law.org)

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<sup>15</sup> 2025 Wis. Assem. Bill 5, Sen. Bill 22 (available at: <https://docs.legis.wisconsin.gov/2025/proposals/reg/asm/bill/ab5>).

<sup>16</sup> *State Curriculum Transparency Laws*, Educational Liberty Alliance (available at: <https://www.edlibertyall.org/curriculum-transparency>).

<sup>17</sup> Mich. Stat. § 380.1137(1)(a).

<sup>18</sup> Minn. Stat. § 120B.20.





## Southeastern Wisconsin Schools Alliance

Feb. 6, 2025

Representative Kitchens and members of the Assembly Education Committee,

I am Cathy Olig, the executive director of the Southeastern Wisconsin Schools Alliance (SWSA), which represents twenty-six public school districts serving approximately 180,000 students in southeastern Wisconsin.

I am writing to express our concerns with AB 3, 4, 5, and 6. While the proposals may have some merit they are matters of local control, and in some cases duplicative of what is already being done in schools. Further, the bills do not address the critical issues and needs of public school districts, which include:

- The increasing costs of special education services and a reimbursement rate that only covers 30% leave the remaining amount to come from a school district's general fund. This is often millions of dollars that a school district must transfer to provide federally mandated services that students need and deserve.
- Rising cost of doing business: increased costs for curriculum, student support needs, utilities, insurance, healthcare, transportation, food service, and wages. School districts are not immune to inflation, yet general school district revenues per pupil lag inflation by more than \$3300 since 2009. The current funding system is not sustainable.
- Advancing literacy and overall student achievement. Act 20 remains an unfunded mandate.
- Recruiting and retaining professional educators and support staff. All districts are experiencing staffing shortages in every single job category. Schools face increased labor costs in a competitive labor market, where it's common to see educators move districts at an increased rate or leave the profession entirely. This harms students and their learning.

**The proposals do not help address any of the critical needs listed above.** We are asking to work with you to develop sound education policy to support student achievement. Public schools need general, flexible, spendable revenue that keeps pace with inflation. Increasing special education funding to at least 60% reimbursement (sum sufficient) would provide more predictable, stable funding that supports all students due to less of a transfer from the school district's general fund.

We want to collaborate with you to help address immediate staffing needs and longer-term educator pipeline issues that all schools face. This would make a difference for all students in Wisconsin, regardless of what type of school they attend.





Southeastern Wisconsin  
Schools Alliance

While this letter expresses our concerns, we want to emphasize that we value the long-term relationships that SWSA districts have built with legislators. **How can we start working together to implement solutions that ensure all Wisconsin students have an exceptional education to build a strong future workforce?**

Please meet with your school district leaders to understand the state of public schools. We are happy to speak with you and want to work together to help support Wisconsin students and schools.

Sincerely,

Cathy Olig  
Executive Director

