

Wisconsin Institute for Law and Liberty: Wisconsin Supreme Court rules Appleton schools violated Open Meetings Law

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June 29, 2017 - Milwaukee, WI - In a victory for open and transparent government in Wisconsin, the Wisconsin Supreme Court ruled unanimously today that the Appleton Area School District violated the Open Meetings Law by excluding the public from meetings of a formal book review committee. The case garnered significant statewide interest, with amicus briefs from the Department of Justice and a coalition of the Wisconsin Freedom of Information Council, the Wisconsin Newspapers Association, and the Wisconsin Broadcasters Association.

Over a period of six months, a special committee created by the Appleton Area School District reviewed potential works of fiction to include in a ninth grade reading curriculum. That committee was comprised of teachers and district administrators, who winnowed down a list of over 90 books, forwarding a list of 24 recommended books to the school board. None of its numerous meetings were open to the public, depriving parents, taxpayers, and even other teachers of their right to observe the process. On behalf of John Krueger, an Appleton resident and parent, WILL sued AASD.

The Wisconsin Supreme Court today declared that AASD should have held those meetings open to the public. "Where a governmental entity adopts a rule

authorizing the formation of committees and conferring on them the power to take collective action, such committees are ‘created by . . . rule’ under § 19.82(1) and the open meetings law applies to them.”

“We’re thrilled with the court’s decision today,” said Tom Kamenick, Deputy Counsel and open government specialist at WILL. “Government officials around the state need to understand that they can’t avoid the Open Meetings Law by delegating the authority to create a committee down the chain of command.”

Rick Esenberg, WILL President and General Counsel, noted, “The critical thing about today’s decision is that it affirms Wisconsin’s open meetings law is to be construed and applied liberally. The school district here strained to find reasons not to follow the law. Today the Court made clear the presumption is to be in favor of transparency.”

“The court’s decision is a big win not only for parents and all Wisconsin residents but for school districts, too,” said the plaintiff, John Krueger. “It provides the clarity needed for the proper application of the law, assuring us all that Wisconsin will remain one of the most transparent states in the country.”

Find the court’s opinion and more info about the case [here](#).