



The State of Wisconsin
Department of Justice
Madison

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53702

February 10, 1981

Bronson C. La Follette
Attorney General

David J. Hanson
Deputy Attorney General

Mr. Virgil M. Staples
Superintendent
New Berlin Public Schools
4333 South Slope Road
New Berlin, Wisconsin 53151

Dear Mr. Staples:

Pursuant to sec. 19.98, Stats., you request advice whether a committee consisting of a staff librarian and faculty personnel, appointed by the superintendent pursuant to school district policies adopted by the school board to review a citizen's request for reconsideration of the inclusion of a book or material in the school library, is a governmental body within the meaning of sec. 19.82(1), Stats. You advise that the committee determines whether the questioned materials violate the principles set forth in written policy adopted by the school board and makes a report to the superintendent who informs the citizen and the board of the decision. The board's policy further states that an appeal of the decision may be made through the superintendent to the board of education.

I am of the opinion that such committee is a governmental body within the meaning of the law. Section 19.82(1), Stats., provides:

(1) "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation; or a formally constituted subunit of any of the foregoing, but excludes any such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.

The committee appears to be created by rule of the school district board, although selection of personnel and actual appointment is made by the superintendent, acting for the board. This office has previously stated that ad hoc committees, composed of citizens and board members appointed by the school board to advise the board with respect to building programs, or curriculum were governmental bodies although their functions were purely advisory. Whereas in your case the board utilizes staff who may or may not have a direct professional interest in the book called into question, and whereas you may view it as an

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internal administrative matter, the final responsibility of inclusion or exclusion, subject to constitutional constraints, is with the board and the committee is acting in aid of such board.

Sincerely yours,

William H. Wilker
William H. Wilker
Assistant Attorney General

WHW:pas