

Senate Engrossed House Bill

~~school library books; parental review~~
(now: school library; review; policy)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 205
HOUSE BILL 2439

AN ACT

AMENDING SECTION 15-102, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-189.07; AMENDING SECTIONS 15-721 AND 15-722, ARIZONA REVISED STATUTES; RELATING TO SCHOOL INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-102, Arizona Revised Statutes, is amended to
3 read:
4 15-102. Parental involvement in the school; definition
5 A. ~~The~~ EACH SCHOOL DISTRICT governing board, in consultation with
6 parents, teachers and administrators, shall develop and adopt a policy to
7 promote the involvement of parents and guardians of children enrolled in
8 the schools within the school district, including:
9 1. A plan for parent participation in the schools that is designed
10 to improve parent and teacher cooperation in such areas as homework,
11 attendance and discipline. The plan shall provide for the administration
12 of a parent-teacher satisfaction survey.
13 2. Procedures by which parents may learn about the course of study
14 for their children and review learning materials, including the source of
15 any supplemental educational materials.
16 3. BEGINNING JANUARY 1, 2023, PROCEDURES BY WHICH PARENTS HAVE
17 ACCESS TO THE SCHOOL'S LIBRARY COLLECTION OF AVAILABLE BOOKS AND MATERIALS
18 AND PARENTS MAY RECEIVE A LIST OF BOOKS AND MATERIALS BORROWED FROM THE
19 LIBRARY BY THEIR CHILDREN. THE POLICY MUST PROVIDE THAT THE FOLLOWING ARE
20 EXEMPT FROM THE PROCEDURES PRESCRIBED PURSUANT TO THIS PARAGRAPH:
21 (a) SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN
22 EQUIVALENT POSITION.
23 (b) SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE
24 LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO
25 SECTION 15-362, SUBSECTION D.
26 ~~3.~~ 4. Procedures by which parents who object to any learning
27 material or activity on the basis that the material or activity is harmful
28 may withdraw their children from the activity or from the class or program
29 in which the material is used. Objection to a learning material or
30 activity on the basis that the material or activity is harmful includes
31 objection to the material or activity because it questions beliefs or
32 practices in sex, morality or religion.
33 ~~4.~~ 5. If a school district offers any sex education curricula
34 pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by
35 the state board of education, procedures to prohibit the school district
36 from providing sex education instruction to a pupil unless the pupil's
37 parent provides written permission for the child to participate in the sex
38 education curricula.
39 ~~5.~~ 6. Procedures by which parents will be notified in advance of
40 and given the opportunity to opt their children in to any instruction,
41 learning materials or presentations regarding sexuality, in courses other
42 than formal sex education curricula.

1 ~~6-~~ 7. Procedures by which parents may learn about the nature and
2 purpose of clubs and activities that are part of the school curriculum,
3 extracurricular clubs and activities that have been approved by the
4 school.

5 ~~7-~~ 8. Procedures by which parents may learn about parental rights
6 and responsibilities under the laws of this state, including the
7 following:

8 (a) The right to opt in to a sex education curriculum if one is
9 provided by the school district.

10 (b) Open enrollment rights pursuant to section 15-816.01.

11 (c) The right to opt out of assignments pursuant to this section.

12 (d) The right to opt out of immunizations pursuant to section
13 15-873.

14 (e) The promotion requirements prescribed in section 15-701.

15 (f) The minimum course of study and competency requirements for
16 graduation from high school prescribed in section 15-701.01.

17 (g) The right to opt out of instruction on acquired immune
18 deficiency syndrome pursuant to section 15-716.

19 (h) The right to review test results pursuant to section 15-743.

20 (i) The right to participate in gifted programs pursuant to section
21 15-779.01.

22 (j) The right to access instructional materials pursuant to section
23 15-730.

24 (k) The right to receive a school report card pursuant to section
25 15-746.

26 (l) The attendance requirements prescribed in sections 15-802,
27 15-803 and 15-821.

28 (m) The right to public review of courses of study, ~~and~~ textbooks
29 **AND LIBRARY BOOKS AND MATERIALS** pursuant to sections 15-721 and 15-722.

30 (n) The right to be excused from school attendance for religious
31 purposes pursuant to section 15-806.

32 (o) Policies related to parental involvement pursuant to this
33 section.

34 (p) The right to seek membership on school councils pursuant to
35 section 15-351.

36 (q) Information about the student accountability information system
37 as prescribed in section 15-1041.

38 (r) The right to access the failing schools tutoring fund pursuant
39 to section 15-241.

40 B. The policy adopted by the governing board pursuant to this
41 section may also include the following components:

42 1. A plan by which parents will be made aware of the district's
43 parental involvement policy and this section, including:

1 (a) Rights under the family educational rights and privacy act of
2 1974 (20 United States Code section 1232g) relating to access to
3 children's official records.
4 (b) The parent's right to inspect the school district policies and
5 curriculum.
6 2. Efforts to encourage the development of parenting skills.
7 3. Communicating to parents techniques that are designed to assist
8 the child's learning experience in the home.
9 4. Efforts to encourage access to community and support services
10 for children and families.
11 5. Promoting communication between the school and parents
12 concerning school programs and the academic progress of the parents'
13 children.
14 6. Identifying opportunities for parents to participate in and
15 support classroom instruction at the school.
16 7. Efforts to support, with appropriate training, parents as shared
17 decision-makers and to encourage membership on school councils.
18 8. Recognizing the diversity of parents and developing guidelines
19 that promote widespread parental participation and involvement in the
20 school at various levels.
21 9. Developing preparation programs and specialized courses for
22 certificated employees and administrators that promote parental
23 involvement.
24 10. Developing strategies and programmatic structures at schools to
25 encourage and enable parents to participate actively in their children's
26 education.
27 C. The governing board may adopt a policy to provide to parents the
28 information required by this section in an electronic form.
29 D. A parent shall submit a written request for information pursuant
30 to this section during regular business hours to either the school
31 principal at the school site or the superintendent of the school district
32 at the office of the school district. Within ten days after receiving the
33 request for information, the school principal or the superintendent of the
34 school district shall either deliver the requested information to the
35 parent or submit to the parent a written explanation of the reasons for
36 denying the requested information. If the request for information is
37 denied or the parent does not receive the requested information within
38 fifteen days after submitting the request for information, the parent may
39 ~~submit a written~~ request ~~for~~ the information ~~to~~ IN WRITING FROM the school
40 district governing board, which shall formally consider the request at the
41 next scheduled public meeting of the governing board if the request can be
42 properly noticed on the agenda. If the request cannot be properly noticed
43 on the agenda, the governing board shall formally consider the request at
44 the next subsequent public meeting of the governing board.

1 E. For the purposes of this section, "parent" means the natural or
2 adoptive parent or legal guardian of a minor child.

3 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes,
4 is amended by adding section 15-189.07, to read:

5 15-189.07. Library collection; parental access; public
6 review; exemption

7 A. EACH CHARTER SCHOOL GOVERNING BODY SHALL DO ALL OF THE
8 FOLLOWING:

9 1. BEGINNING JANUARY 1, 2023, IN CONSULTATION WITH PARENTS,
10 TEACHERS AND ADMINISTRATORS, DEVELOP AND ADOPT PROCEDURES BY WHICH PARENTS
11 HAVE ACCESS TO THE CHARTER SCHOOL'S LIBRARY COLLECTION OF AVAILABLE BOOKS
12 AND MATERIALS AND MAY RECEIVE A LIST OF BOOKS AND MATERIALS BORROWED FROM
13 THE LIBRARY BY THEIR CHILDREN.

14 2. MAKE AVAILABLE ON THE CHARTER SCHOOL'S WEBSITE FOR REVIEW BY THE
15 PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023
16 FOR ANY OF THE CHARTER SCHOOL'S SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST
17 SIXTY DAYS AFTER THE PURCHASE. EACH CHARTER SCHOOL SITE SHALL MAKE
18 AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE PUBLIC A LIST OF ALL
19 BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023 FOR THE SCHOOL LIBRARY
20 FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE PURCHASE. THIS PARAGRAPH
21 DOES NOT APPLY TO THE PURCHASE OF A BOOK OR MATERIAL THAT IS INTENDED TO
22 REPLACE A LOST OR DAMAGED BOOK OR MATERIAL.

23 3. ENSURE THAT EACH CHARTER SCHOOL SITE NOTIFIES THE PARENTS OF
24 EACH PUPIL ENROLLED AT THE CHARTER SCHOOL SITE OF THE OPENING AND CLOSING
25 DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 2 OF THIS SECTION
26 WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

27 B. CHARTER SCHOOL SITES WITHOUT A FULL-TIME LIBRARY MEDIA
28 SPECIALIST OR AN EQUIVALENT POSITION ARE EXEMPT FROM THE REQUIREMENTS OF
29 THIS SECTION AND FROM ANY PROCEDURES ADOPTED PURSUANT TO THIS SECTION.

30 Sec. 3. Section 15-721, Arizona Revised Statutes, is amended to
31 read:

32 15-721. Common schools; course of study; textbooks; approval;
33 selection; library books and materials; definition

34 A. The governing board shall approve for common schools the course
35 of study, the basic textbook for each course and all units recommended for
36 credit under each general subject title ~~prior to implementation of~~ BEFORE
37 IMPLEMENTING the course.

38 B. If any course does not include a basic textbook, the governing
39 board shall approve all supplemental books used in the course ~~prior to~~
40 ~~approval of~~ BEFORE APPROVING the course.

41 C. If any course includes a basic textbook and uses supplemental
42 books, the governing board may approve all supplemental books and teaching
43 aids, including instructional computer software, that are used in the
44 course ~~prior to approval of~~ BEFORE APPROVING the course.

1 D. If the course includes a basic textbook and uses supplemental
2 books that have not been approved by the governing board at the time of
3 approval of the course, a teacher may use the supplemental books at any
4 time during the school year. Use of the supplemental books shall be
5 brought to the attention of the governing board during the school year in
6 which they are added for ratification.

7 E. Notwithstanding any other law, subsections B and C OF THIS
8 SECTION do not apply to supplemental books used in courses or programs
9 instituted pursuant to article 4 of this chapter.

10 F. The governing board shall:

11 1. Enforce the course of study and select all textbooks used in the
12 common schools and purchase the textbooks from the publishers. THE
13 GOVERNING BOARD MAY BUDGET AND SPEND district school ~~funds may be budgeted~~
14 ~~and expended by the governing board~~ MONIES for teaching aids, including
15 instructional computer software. For courses that do not require that
16 each student have a textbook other than for classroom instruction, the
17 school district need only purchase one textbook for each student in the
18 largest group that would be receiving classroom instruction at any one
19 time.

20 2. Require that all meetings of committees authorized for the
21 purposes of textbook review and selection be open to the public as
22 prescribed in title 38, chapter 3, article 3.1.

23 3. Make available at the school district office for review by the
24 public, for a period of sixty days prior to formal selection of textbooks,
25 a copy of each textbook that is being considered for selection.

26 4. MAKE AVAILABLE ON THE SCHOOL DISTRICT'S WEBSITE FOR REVIEW BY
27 THE PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1,
28 2023 FOR ANY OF THE DISTRICT'S SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST
29 SIXTY DAYS AFTER THE PURCHASE. EACH SCHOOL OPERATED BY THE SCHOOL
30 DISTRICT SHALL MAKE AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE
31 PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023
32 FOR THE SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE
33 PURCHASE. THIS PARAGRAPH DOES NOT APPLY TO THE PURCHASE OF A BOOK OR
34 MATERIAL THAT IS INTENDED TO REPLACE A LOST OR DAMAGED BOOK OR MATERIAL.

35 5. ENSURE THAT EACH COMMON SCHOOL THAT IS OPERATED BY THE SCHOOL
36 DISTRICT NOTIFIES THE PARENTS OF EACH PUPIL ENROLLED IN THE SCHOOL OF THE
37 OPENING AND CLOSING DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 4
38 OF THIS SUBSECTION WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

39 G. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION F,
40 PARAGRAPHS 4 AND 5 OF THIS SECTION:

41 1. SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN
42 EQUIVALENT POSITION.

43 2. SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE
44 LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO
45 SECTION 15-362, SUBSECTION D.

1 ~~G.~~ H. For the purposes of this section, "textbook" means printed
2 instructional materials or digital content, or both, and related printed
3 or nonprinted instructional materials, that are written and published
4 primarily for use in school instruction and that are required by a state
5 educational agency or a local ~~educational~~ EDUCATION agency for use by
6 pupils in the classroom, including materials that require the availability
7 of electronic equipment in order to be used as a learning resource.

8 Sec. 4. Section 15-722, Arizona Revised Statutes, is amended to
9 read:

10 15-722. High schools; course of study; textbooks; approval;
11 library books and materials; definition

12 A. The governing board shall approve for high schools the course of
13 study and all units that are recommended for credit under each general
14 subject title before implementing the course.

15 B. The governing board shall approve for high schools the basic
16 textbook for each course and may purchase the textbooks from the
17 publishers if approved by the governing board. Before ~~the approval of~~
18 APPROVING any basic textbook for high schools, the governing board shall
19 do all of the following:

20 1. Provide information on the school district's website, if the
21 school district maintains a website, on the basic textbooks that are
22 proposed for approval.

23 2. Require that all meetings of committees authorized for the
24 purposes of textbook review and selection be open to the public pursuant
25 to title 38, chapter 3, article 3.1.

26 3. Provide an opportunity for public comment for at least sixty
27 days. Public comment may include written comments, oral comments and
28 comments submitted through ~~e-mail~~ EMAIL.

29 4. Make available at the school district office for review by the
30 public, for a period of at least sixty days ~~prior to the formal selection~~
31 ~~of~~ BEFORE APPROVING the textbooks, a copy of each textbook that is being
32 considered for ~~selection~~ APPROVAL.

33 5. MAKE AVAILABLE ON THE SCHOOL DISTRICT'S WEBSITE FOR REVIEW BY
34 THE PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1,
35 2023 FOR ANY OF THE DISTRICT'S SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST
36 SIXTY DAYS AFTER THE PURCHASE. EACH SCHOOL OPERATED BY THE SCHOOL
37 DISTRICT SHALL MAKE AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE
38 PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023
39 FOR THE SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE
40 PURCHASE. THIS PARAGRAPH DOES NOT APPLY TO THE PURCHASE OF A BOOK OR
41 MATERIAL THAT IS INTENDED TO REPLACE A LOST OR DAMAGED BOOK OR MATERIAL.

42 6. ENSURE THAT EACH HIGH SCHOOL THAT IS OPERATED BY THE SCHOOL
43 DISTRICT NOTIFIES THE PARENTS OF EACH PUPIL ENROLLED IN THE SCHOOL OF THE
44 OPENING AND CLOSING DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 5
45 OF THIS SUBSECTION WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

1 C. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION B,
2 PARAGRAPHS 5 AND 6 OF THIS SECTION:

3 1. SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN
4 EQUIVALENT POSITION.

5 2. SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE
6 LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO
7 SECTION 15-362, SUBSECTION D.

8 ~~C.~~ D. If any course does not include a basic textbook, the
9 governing board shall approve all supplemental books that are used in the
10 course before usage.

11 ~~D.~~ E. If any course includes a basic textbook and uses
12 supplemental books or instructional computer software, the governing board
13 may approve all supplemental books and instructional computer software
14 that are used in the course before usage.

15 ~~E.~~ F. If the course includes a basic textbook and uses
16 supplemental books that have not been approved by the governing board at
17 the time of approval of the course, a teacher may use the supplemental
18 books at any time during the school year. Use of the supplemental books
19 shall be brought to the attention of the governing board during the school
20 year in which they are added for ratification.

21 ~~F.~~ G. The governing board shall prescribe up to five textbooks for
22 each course, and the teacher, with the consent of the governing board, may
23 use any one of the prescribed textbooks for the purposes of the teacher's
24 course.

25 ~~G.~~ H. For the purposes of this section, "textbook" means printed
26 instructional materials or digital content, or both, and related printed
27 or nonprinted instructional materials, that are written and published
28 primarily for use in school instruction and that are required by a state
29 educational agency or a local ~~educational~~ EDUCATION agency for use by
30 pupils in the classroom, including materials that require the availability
31 of electronic equipment in order to be used as a learning resource.

APPROVED BY THE GOVERNOR APRIL 29, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2022.