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)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-102, Arizona Revised Statutes, is amended to read:

15-102. Parental involvement in the school; definition

A. The EACH SCHOOL DISTRICT governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

1. A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline. The plan shall provide for the administration of a parent-teacher satisfaction survey.

2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.

3. BEGINNING JANUARY 1, 2023, PROCEDURES BY WHICH PARENTS HAVE ACCESS TO THE SCHOOL'S LIBRARY COLLECTION OF AVAILABLE BOOKS AND MATERIALS AND PARENTS MAY RECEIVE A LIST OF BOOKS AND MATERIALS BORROWED FROM THE LIBRARY BY THEIR CHILDREN. THE POLICY MUST PROVIDE THAT THE FOLLOWING ARE EXEMPT FROM THE PROCEDURES PRESCRIBED PURSUANT TO THIS PARAGRAPH:

(a) SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN EQUIVALENT POSITION.

(b) SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO SECTION 15-362, SUBSECTION D.

4. Procedures by which parents who object to any learning material or activity on the basis that the material or activity is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that the material or activity is harmful includes objection to the material or activity because it questions beliefs or practices in sex, morality or religion.

5. If a school district offers any sex education curricula pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by the state board of education, procedures to prohibit the school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate in the sex education curricula.

6. Procedures by which parents will be notified in advance of and given the opportunity to opt their children in to any instruction, learning materials or presentations regarding sexuality, in courses other than formal sex education curricula.
6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.

7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following:
   (a) The right to opt in to a sex education curriculum if one is provided by the school district.
   (b) Open enrollment rights pursuant to section 15-816.01.
   (c) The right to opt out of assignments pursuant to this section.
   (d) The right to opt out of immunizations pursuant to section 15-873.
   (e) The promotion requirements prescribed in section 15-701.
   (f) The minimum course of study and competency requirements for graduation from high school prescribed in section 15-701.01.
   (g) The right to opt out of instruction on acquired immune deficiency syndrome pursuant to section 15-716.
   (h) The right to review test results pursuant to section 15-743.
   (i) The right to participate in gifted programs pursuant to section 15-779.01.
   (j) The right to access instructional materials pursuant to section 15-730.
   (k) The right to receive a school report card pursuant to section 15-746.
   (m) The right to public review of courses of study, and library books and materials pursuant to sections 15-721 and 15-722.
   (n) The right to be excused from school attendance for religious purposes pursuant to section 15-806.
   (o) Policies related to parental involvement pursuant to this section.
   (p) The right to seek membership on school councils pursuant to section 15-351.
   (q) Information about the student accountability information system as prescribed in section 15-1041.
   (r) The right to access the failing schools tutoring fund pursuant to section 15-241.

B. The policy adopted by the governing board pursuant to this section may also include the following components:
1. A plan by which parents will be made aware of the district's parental involvement policy and this section, including:
(a) Rights under the family educational rights and privacy act of 1974 (20 United States Code section 1232g) relating to access to children's official records.

(b) The parent's right to inspect the school district policies and curriculum.

2. Efforts to encourage the development of parenting skills.

3. Communicating to parents techniques that are designed to assist the child's learning experience in the home.

4. Efforts to encourage access to community and support services for children and families.

5. Promoting communication between the school and parents concerning school programs and the academic progress of the parents' children.

6. Identifying opportunities for parents to participate in and support classroom instruction at the school.

7. Efforts to support, with appropriate training, parents as shared decision-makers and to encourage membership on school councils.

8. Recognizing the diversity of parents and developing guidelines that promote widespread parental participation and involvement in the school at various levels.

9. Developing preparation programs and specialized courses for certificated employees and administrators that promote parental involvement.

10. Developing strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education.

C. The governing board may adopt a policy to provide to parents the information required by this section in an electronic form.

D. A parent shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten days after receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for denying the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen days after submitting the request for information, the parent may submit a written request for the information to IN WRITING FROM the school district governing board, which shall formally consider the request at the next scheduled public meeting of the governing board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the governing board shall formally consider the request at the next subsequent public meeting of the governing board.
E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

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

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

A. Each charter school governing body shall do all of the following:

1. Beginning January 1, 2023, in consultation with parents, teachers and administrators, develop and adopt procedures by which parents have access to the charter school's library collection of available books and materials and may receive a list of books and materials borrowed from the library by their children.

2. Make available on the charter school's website for review by the public a list of all books and materials purchased after January 1, 2023 for any of the charter school's school libraries for a period of at least sixty days after the purchase. Each charter school site shall make available on the school's website for review by the public a list of all books and materials purchased after January 1, 2023 for the school library for a period of at least sixty days after the purchase. This paragraph does not apply to the purchase of a book or material that is intended to replace a lost or damaged book or material.

3. Ensure that each charter school site notifies the parents of each pupil enrolled at the charter school site of the opening and closing dates of the public review required under paragraph 2 of this section within seven school days before the opening date.

B. Charter school sites without a full-time library media specialist or an equivalent position are exempt from the requirements of this section and from any procedures adopted pursuant to this section.

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

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

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

B. If any course does not include a basic textbook, the governing board shall approve all supplemental books used in the course prior to approving the course.

C. If any course includes a basic textbook and uses supplemental books, the governing board may approve all supplemental books and teaching aids, including instructional computer software, that are used in the course prior to approving the course.
D. If the course includes a basic textbook and uses supplemental books that have not been approved by the governing board at the time of approval of the course, a teacher may use the supplemental books at any time during the school year. Use of the supplemental books shall be brought to the attention of the governing board during the school year in which they are added for ratification.

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

F. The governing board shall:

1. Enforce the course of study and select all textbooks used in the common schools and purchase the textbooks from the publishers. The governing board may budget and spend district school funds for teaching aids, including instructional computer software. For courses that do not require that each student have a textbook other than for classroom instruction, the school district need only purchase one textbook for each student in the largest group that would be receiving classroom instruction at any one time.

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

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

4. Make available on the school district's website for review by the public a list of all books and materials purchased after January 1, 2023 for any of the district's school libraries for a period of at least sixty days after the purchase. Each school operated by the school district shall make available on the school's website for review by the public a list of all books and materials purchased after January 1, 2023 for the school library for a period of at least sixty days after the purchase. This paragraph does not apply to the purchase of a book or material that is intended to replace a lost or damaged book or material.

5. Ensure that each common school that is operated by the school district notifies the parents of each pupil enrolled in the school of the opening and closing dates of the public review required under paragraph 4 of this subsection within seven school days before the opening date.

G. The following are exempt from the requirements of subsection F, paragraphs 4 and 5 of this section:

1. Schools without a full-time library media specialist or an equivalent position.

2. School district libraries that have agreements with county free library districts, municipal libraries or other entities pursuant to section 15-362, subsection D.
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G. H. For the purposes of this section, "textbook" means printed instructional materials or digital content, or both, and related printed or nonprinted instructional materials, that are written and published primarily for use in school instruction and that are required by a state educational agency or a local educational agency for use by pupils in the classroom, including materials that require the availability of electronic equipment in order to be used as a learning resource.

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

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

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

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

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

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

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

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

5. Make available on the school district's website for review by the public a list of all books and materials purchased after January 1, 2023 for any of the district's school libraries for a period of at least sixty days after the purchase. Each school operated by the school district shall make available on the school's website for review by the public a list of all books and materials purchased after January 1, 2023 for the school library for a period of at least sixty days after the purchase. This paragraph does not apply to the purchase of a book or material that is intended to replace a lost or damaged book or material.

6. Ensure that each high school that is operated by the school district notifies the parents of each pupil enrolled in the school of the opening and closing dates of the public review required under paragraph 5 of this subsection within seven school days before the opening date.
C. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION B, PARAGRAPHS 5 AND 6 OF THIS SECTION:

1. SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN EQUIVALENT POSITION.
2. SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO SECTION 15-362, SUBSECTION D.

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

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

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

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

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

APPROVED BY THE GOVERNOR APRIL 29, 2022.