

House Engrossed

school library books; parental review

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

# **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. PROCEDURES BY WHICH PARENTS SHALL HAVE ACCESS TO THE SCHOOL'S  
17 LIBRARY CATALOG OF AVAILABLE BOOKS OR MATERIALS AND BY WHICH PARENTS MAY  
18 RECEIVE A LIST OF BOOKS OR MATERIALS BORROWED FROM THE LIBRARY BY THEIR  
19 CHILDREN.

20       ~~3.~~ 4. Procedures by which parents who object to any learning  
21 material or activity on the basis that the material or activity is harmful  
22 may withdraw their children from the activity or from the class or program  
23 in which the material is used. Objection to a learning material or  
24 activity on the basis that the material or activity is harmful includes  
25 objection to the material or activity because it questions beliefs or  
26 practices in sex, morality or religion.

27       ~~4.~~ 5. If a school district offers any sex education curricula  
28 pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by  
29 the state board of education, procedures to prohibit the school district  
30 from providing sex education instruction to a pupil unless the pupil's  
31 parent provides written permission for the child to participate in the sex  
32 education curricula.

33       ~~5.~~ 6. Procedures by which parents will be notified in advance of  
34 and given the opportunity to opt their children in to any instruction,  
35 learning materials or presentations regarding sexuality, in courses other  
36 than formal sex education curricula.

37       ~~6.~~ 7. Procedures by which parents may learn about the nature and  
38 purpose of clubs and activities that are part of the school curriculum,  
39 extracurricular clubs and activities that have been approved by the  
40 school.

41       ~~7.~~ 8. Procedures by which parents may learn about parental rights  
42 and responsibilities under the laws of this state, including the  
43 following:

44       (a) The right to opt in to a sex education curriculum if one is  
45 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.

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

(m) The right to public review of courses of study and textbooks 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.

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

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

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

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

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

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

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

19       D. A parent shall submit a written request for information pursuant  
20 to this section during regular business hours to either the school  
21 principal at the school site or the superintendent of the school district  
22 at the office of the school district. Within ten days after receiving the  
23 request for information, the school principal or the superintendent of the  
24 school district shall either deliver the requested information to the  
25 parent or submit to the parent a written explanation of the reasons for  
26 denying the requested information. If the request for information is  
27 denied or the parent does not receive the requested information within  
28 fifteen days after submitting the request for information, the parent may  
29 ~~submit a written~~ request ~~for~~ to IN WRITING FROM the school  
30 district governing board, which shall formally consider the request at the  
31 next scheduled public meeting of the governing board if the request can be  
32 properly noticed on the agenda. If the request cannot be properly noticed  
33 on the agenda, the governing board shall formally consider the request at  
34 the next subsequent public meeting of the governing board.

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

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

39       15-189.07. Library books; library catalog access; approval;  
40                   public review

41       EACH CHARTER SCHOOL GOVERNING BODY SHALL DO ALL OF THE FOLLOWING:

42       1. IN CONSULTATION WITH PARENTS, TEACHERS AND ADMINISTRATORS,  
43 DEVELOP AND ADOPT PROCEDURES BY WHICH PARENTS HAVE ACCESS TO THE CHARTER  
44 SCHOOL'S LIBRARY CATALOG OF AVAILABLE BOOKS AND MATERIALS AND MAY RECEIVE  
45 A LIST OF BOOKS AND MATERIALS BORROWED FROM THE LIBRARY BY THEIR CHILDREN.

1       2. APPROVE ALL BOOKS IN THE CHARTER SCHOOL'S LIBRARY.  
2       3. MAKE AVAILABLE ON THE CHARTER SCHOOL'S WEBSITE FOR REVIEW BY THE  
3 PUBLIC A LIST OF ALL BOOKS PURCHASED FOR ANY OF THE CHARTER SCHOOL'S  
4 SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE PURCHASE IS  
5 APPROVED. EACH CHARTER SCHOOL SITE SHALL MAKE AVAILABLE ON THE SCHOOL'S  
6 WEBSITE FOR REVIEW BY THE PUBLIC A LIST OF ALL BOOKS PURCHASED FOR THE  
7 SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE PURCHASE IS  
8 APPROVED. THIS PARAGRAPH DOES NOT APPLY TO THE PURCHASE OF A BOOK THAT IS  
9 INTENDED TO REPLACE A LOST OR DAMAGED BOOK. SCHOOLS WITHOUT A FULL-TIME  
10 LIBRARY MEDIA SPECIALIST OR AN EQUIVALENT POSITION ARE EXEMPT FROM THIS  
11 PARAGRAPH.

12      4. ENSURE THAT EACH CHARTER SCHOOL SITE NOTIFIES THE PARENTS OF  
13 EACH PUPIL ENROLLED AT THE CHARTER SCHOOL SITE OF THE OPENING AND CLOSING  
14 DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 3 OF THIS SECTION  
15 WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

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

18      15-721. Common schools: library books; course of study;  
19                   textbooks: approval: selection: definition

20      A. The governing board shall approve for common schools **ALL BOOKS**  
21 **IN THE SCHOOL'S LIBRARY**, the course of study, the basic textbook for each  
22 course and all units recommended for credit under each general subject  
23 title **prior to implementation of BEFORE IMPLEMENTING** the course.

24      B. If any course does not include a basic textbook, the governing  
25 board shall approve all supplemental books used in the course **prior to**  
26 **approval of BEFORE APPROVING** the course.

27      C. If any course includes a basic textbook and uses supplemental  
28 books, the governing board may approve all supplemental books and teaching  
29 aids, including instructional computer software, that are used in the  
30 course **prior to approval of BEFORE APPROVING** the course.

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

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

40      F. The governing board shall:

41       1. Enforce the course of study and select all textbooks used in the  
42 common schools and purchase the textbooks from the publishers. **THE**  
43 **GOVERNING BOARD MAY BUDGET AND SPEND** district school **funds may be budgeted**  
44 **and expended by the governing board** MONIES for teaching aids, including  
45 instructional computer software. For courses that do not require that

1 each student have a textbook other than for classroom instruction, the  
2 school district need only purchase one textbook for each student in the  
3 largest group that would be receiving classroom instruction at any one  
4 time.

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

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

11 4. **MAKE AVAILABLE ON THE SCHOOL DISTRICT'S WEBSITE FOR REVIEW BY**  
12 **THE PUBLIC A LIST OF ALL BOOKS PURCHASED FOR ANY OF THE DISTRICT'S SCHOOL**  
13 **LIBRARIES FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE PURCHASE IS**  
14 **APPROVED. EACH SCHOOL OPERATED BY THE SCHOOL DISTRICT SHALL MAKE**  
15 **AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE PUBLIC A LIST OF ALL**  
16 **BOOKS PURCHASED FOR THE SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS**  
17 **AFTER THE PURCHASE IS APPROVED. THIS PARAGRAPH DOES NOT APPLY TO THE**  
18 **PURCHASE OF A BOOK THAT IS INTENDED TO REPLACE A LOST OR DAMAGED BOOK.**  
19 **SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN EQUIVALENT**  
20 **POSITION ARE EXEMPT FROM THIS PARAGRAPH. SCHOOL DISTRICT LIBRARIES THAT**  
21 **HAVE AGREEMENTS WITH COUNTY FREE LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR**  
22 **OTHER ENTITIES PURSUANT TO SECTION 15-362, SUBSECTION D ARE EXEMPT FROM**  
23 **THIS PARAGRAPH.**

24 5. ENSURE THAT EACH COMMON SCHOOL THAT IS OPERATED BY THE SCHOOL  
25 DISTRICT NOTIFIES THE PARENTS OF EACH PUPIL ENROLLED IN THE SCHOOL OF THE  
26 OPENING AND CLOSING DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 4  
27 OF THIS SUBSECTION WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.  
28 SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE LIBRARY  
29 DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO SECTION  
30 15-362, SUBSECTION D ARE EXEMPT FROM THIS PARAGRAPH.

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

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

40 15-722. High schools; library books; course of study;  
41 textbooks; approval; definition

42 A. The governing board shall approve for high schools **ALL BOOKS IN**  
43 **THE SCHOOL'S LIBRARY**, the course of study and all units that are  
44 recommended for credit under each general subject title before  
45 implementing the course.

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

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

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

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

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

19       5. **MAKE AVAILABLE ON THE SCHOOL DISTRICT'S WEBSITE FOR REVIEW BY**  
20 **THE PUBLIC A LIST OF ALL BOOKS PURCHASED FOR ANY OF THE DISTRICT'S SCHOOL**  
21 **LIBRARIES FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE PURCHASE IS**  
22 **APPROVED. EACH SCHOOL OPERATED BY THE SCHOOL DISTRICT SHALL MAKE**  
23 **AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE PUBLIC A LIST OF ALL**  
24 **BOOKS PURCHASED FOR THE SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS**  
25 **AFTER THE PURCHASE IS APPROVED. THIS PARAGRAPH DOES NOT APPLY TO THE**  
26 **PURCHASE OF A BOOK THAT IS INTENDED TO REPLACE A LOST OR DAMAGED BOOK.**  
27 **SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN EQUIVALENT**  
28 **POSITION ARE EXEMPT FROM THIS PARAGRAPH. SCHOOL DISTRICT LIBRARIES THAT**  
29 **HAVE AGREEMENTS WITH COUNTY FREE LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR**  
30 **OTHER ENTITIES PURSUANT TO SECTION 15-362, SUBSECTION D ARE EXEMPT FROM**  
31 **THIS PARAGRAPH.**

32       6. **ENSURE THAT EACH HIGH SCHOOL THAT IS OPERATED BY THE SCHOOL**  
33 **DISTRICT NOTIFIES THE PARENTS OF EACH PUPIL ENROLLED IN THE SCHOOL OF THE**  
34 **OPENING AND CLOSING DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 5**  
35 **OF THIS SUBSECTION WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.**  
36 **SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE LIBRARY**  
37 **DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO SECTION**  
38 **15-362, SUBSECTION D ARE EXEMPT FROM THIS REQUIREMENT.**

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

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

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

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