

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.

- 1 (b) Open enrollment rights pursuant to section 15-816.01.
- 2 (c) The right to opt out of assignments pursuant to this section.
- 3 (d) The right to opt out of immunizations pursuant to section
4 15-873.
- 5 (e) The promotion requirements prescribed in section 15-701.
- 6 (f) The minimum course of study and competency requirements for
7 graduation from high school prescribed in section 15-701.01.
- 8 (g) The right to opt out of instruction on acquired immune
9 deficiency syndrome pursuant to section 15-716.
- 10 (h) The right to review test results pursuant to section 15-743.
- 11 (i) The right to participate in gifted programs pursuant to section
12 15-779.01.
- 13 (j) The right to access instructional materials pursuant to section
14 15-730.
- 15 (k) The right to receive a school report card pursuant to section
16 15-746.
- 17 (l) The attendance requirements prescribed in sections 15-802,
18 15-803 and 15-821.
- 19 (m) The right to public review of courses of study and textbooks
20 pursuant to sections 15-721 and 15-722.
- 21 (n) The right to be excused from school attendance for religious
22 purposes pursuant to section 15-806.
- 23 (o) Policies related to parental involvement pursuant to this
24 section.
- 25 (p) The right to seek membership on school councils pursuant to
26 section 15-351.
- 27 (q) Information about the student accountability information system
28 as prescribed in section 15-1041.
- 29 (r) The right to access the failing schools tutoring fund pursuant
30 to section 15-241.
- 31 B. The policy adopted by the governing board pursuant to this
32 section may also include the following components:
 - 33 1. A plan by which parents will be made aware of the district's
34 parental involvement policy and this section, including:
 - 35 (a) Rights under the family educational rights and privacy act of
36 1974 (20 United States Code section 1232g) relating to access to
37 children's official records.
 - 38 (b) The parent's right to inspect the school district policies and
39 curriculum.
 - 40 2. Efforts to encourage the development of parenting skills.
 - 41 3. Communicating to parents techniques that are designed to assist
42 the child's learning experience in the home.
 - 43 4. Efforts to encourage access to community and support services
44 for children and families.

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 ~~educational~~ 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.