

REFERENCE TITLE: school library books; parental review

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

HB 2439

Introduced by
Representatives Pingerelli: Biasiucci, Burges, Carroll, Chaplik, Diaz,
Fillmore, Griffin, Hoffman, Kaiser, Payne, Toma, Udall, Senators Borrelli,
Boyer

AN ACT

AMENDING SECTIONS 15-102, 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 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~~ the information ~~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. Section 15-721, Arizona Revised Statutes, is amended to
38 read:

39 15-721. Common schools; library books; course of study;
40 textbooks; approval; selection; definition

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

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

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

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

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

17 F. The governing board shall:

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

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

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

33 4. MAKE AVAILABLE AT THE SCHOOL DISTRICT ADMINISTRATIVE OFFICE FOR
34 REVIEW BY THE PUBLIC, FOR A PERIOD OF AT LEAST SIXTY DAYS BEFORE BOARD
35 APPROVAL OF THE PURCHASE, A LIST OF ALL BOOKS, BY SCHOOL SITE, BEING
36 CONSIDERED FOR SCHOOL LIBRARIES. FOR A CONCURRENT PERIOD OF AT LEAST
37 SIXTY DAYS, EACH SCHOOL OPERATED BY THE SCHOOL DISTRICT SHALL MAKE
38 AVAILABLE IN THE SCHOOL OFFICE FOR REVIEW BY THE PUBLIC A LIST OF ALL
39 BOOKS BEING REQUESTED FOR PURCHASE FOR THE SCHOOL LIBRARY.

40 5. NOTIFY PARENTS AND THE COMMUNITY AT LARGE OF THE OPENING AND
41 CLOSING DATES OF THE PUBLIC REVIEW PERIODS FOR TEXTBOOKS AND BOOKS BEING
42 CONSIDERED FOR THE SCHOOL LIBRARY BY THE MOST EXPEDIENT MEANS POSSIBLE.

43 G. For the purposes of this section, "textbook" means printed
44 instructional materials or digital content, or both, and related printed
45 or nonprinted instructional materials, that are written and published

1 primarily for use in school instruction and that are required by a state
2 educational agency or a local ~~educational~~ EDUCATION agency for use by
3 pupils in the classroom, including materials that require the availability
4 of electronic equipment in order to be used as a learning resource.

5 Sec. 3. Section 15-722, Arizona Revised Statutes, is amended to
6 read:

7 15-722. High schools; library books; course of study;
8 textbooks; approval; definition

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

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

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

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

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

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

31 5. MAKE AVAILABLE AT THE SCHOOL DISTRICT ADMINISTRATIVE OFFICE FOR
32 REVIEW BY THE PUBLIC, FOR A PERIOD OF AT LEAST SIXTY DAYS BEFORE BOARD
33 APPROVAL OF THE PURCHASE, A LIST OF ALL BOOKS, BY SCHOOL SITE, BEING
34 CONSIDERED FOR SCHOOL LIBRARIES. FOR A CONCURRENT PERIOD OF AT LEAST
35 SIXTY DAYS, EACH SCHOOL OPERATED BY THE SCHOOL DISTRICT SHALL MAKE
36 AVAILABLE IN THE SCHOOL OFFICE FOR REVIEW BY THE PUBLIC A LIST OF ALL
37 BOOKS BEING REQUESTED FOR PURCHASE FOR THE SCHOOL LIBRARY.

38 6. NOTIFY PARENTS AND THE COMMUNITY AT LARGE OF THE OPENING AND
39 CLOSING DATES OF THE PUBLIC REVIEW PERIODS FOR TEXTBOOKS AND BOOKS BEING
40 CONSIDERED FOR SCHOOL LIBRARIES BY THE MOST EXPEDIENT MEANS POSSIBLE.

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

44 D. If any course includes a basic textbook and uses supplemental
45 books or instructional computer software, the governing board may approve

1 all supplemental books and instructional computer software that are used
2 in the course before usage.

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

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

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