

Senate Engrossed

~~schools; materials; activities; posting; review~~
(now: materials; activities; review; posting; schools)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1211

AN ACT

AMENDING SECTIONS 9-837 AND 15-113, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-113.01; AMENDING SECTIONS 15-721, 15-722 AND 15-730, ARIZONA REVISED STATUTES; RELATING TO STUDENT INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-837, Arizona Revised Statutes, is amended to
3 read:

4 9-837. Directory of documents; public inspection; posting;
5 school materials

6 A. The municipality shall publish, ~~or~~ or prominently place on the
7 municipal website, ~~at~~ at least annually a directory summarizing the subject
8 matter of all currently applicable ordinances, codes and substantive
9 policy statements. The municipality shall keep copies of this directory
10 and all substantive policy statements at one location. The directory,
11 ordinances, codes, ~~AND~~ AND substantive policy statements and any materials
12 incorporated by reference in the documents shall be open to public
13 inspection at the office of the municipality or **POSTED ON** the municipal
14 website.

15 B. A MUNICIPALITY MAY POST ON ITS WEBSITE LINKS TO THE WEBSITE OF
16 EACH SCHOOL THAT POSTS MATERIALS PURSUANT TO SECTION 15-113.01 AND THAT IS
17 LOCATED WITHIN THAT MUNICIPALITY.

18 Sec. 2. Section 15-113, Arizona Revised Statutes, is amended to
19 read:

20 15-113. Rights of parents; public educational institutions;
21 definitions

22 A. A parent of a student in a public educational institution has
23 the right to review learning materials and activities in advance. **EACH**
24 **SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT, CHARTER SCHOOL,**
25 **ACCOMMODATION SCHOOL AND ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND**
26 **CAMPUS SHALL MAKE ALL LEARNING MATERIALS AND ACTIVITIES THAT HAVE BEEN**
27 **USED OR THAT HAVE BEEN PLANNED FOR USE AT THE SCHOOL OR CAMPUS AVAILABLE**
28 **ON WRITTEN REQUEST FOR REVIEW BY PARENTS, INCLUDING REVIEW BY PARENTS WHO**
29 **ARE CONSIDERING ENROLLING THEIR CHILDREN IN THE SCHOOL, AT THE SCHOOL**
30 **SITE.** A parent who objects to any learning material or activity on the
31 basis that the material or activity is harmful may request to withdraw
32 that parent's student from the activity or from the class or program in
33 which the material is used and request an alternative assignment.

34 B. A charter school may require parents to waive the right to
35 object to learning materials or activities pursuant to subsection A of
36 this section as a condition of enrollment if the charter school provides a
37 complete list of books and materials to be used each school year before
38 the student enrolls. If the charter school introduces books or materials
39 that were not disclosed ~~prior to~~ **BEFORE THE STUDENT'S** enrollment, the
40 parent retains the right to object to those materials pursuant to
41 subsection A of this section.

1 C. A charter school may require that any request to review learning
2 materials or activities or to withdraw the student from learning materials
3 or activities pursuant to subsection A of this section be made in writing.

4 D. A public educational institution shall obtain signed, written
5 consent from a student's parent or guardian before doing either of the
6 following:

7 1. Using video, audio or electronic materials that may be
8 inappropriate for the age of the student.

9 2. Providing sex education instruction to the student. At the same
10 time the public educational institution seeks consent, it shall inform the
11 student's parent or guardian of the parent's or guardian's right to review
12 the ~~instructional~~ LEARNING materials and activities.

13 E. For the purposes of this section:

14 1. "Objects to any learning material or activity on the basis that
15 the material or activity is harmful" means objecting to the material or
16 activity because of sexual content, violent content or profane or vulgar
17 language.

18 2. "Public educational institution" means any of the following:

19 (a) A school district, including its schools.

20 (b) A charter school.

21 (c) An accommodation school.

22 (d) The Arizona state schools for the deaf and the blind.

23 Sec. 3. Title 15, chapter 1, article 1, Arizona Revised Statutes,
24 is amended by adding section 15-113.01, to read:

25 15-113.01. Materials and activities: posting required:
26 definitions

27 A. EACH SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT OR CHARTER
28 SCHOOL SHALL DISCLOSE ON A PUBLICLY ACCESSIBLE PORTION OF ITS WEBSITE ALL
29 OF THE FOLLOWING:

30 1. THE PROCEDURES OR PROCESSES IN EFFECT AT THE SCHOOL FOR A PARENT
31 TO HAVE ACCESS IN ADVANCE TO REVIEW THE CURRENT LEARNING MATERIALS AND
32 ACTIVITIES USED FOR STUDENT INSTRUCTION AT THE SCHOOL.

33 2. THE PROCEDURES OR PROCESSES IN EFFECT FOR THE SCHOOL PRINCIPAL
34 OR OTHER STAFF TO DOCUMENT, REVIEW OR APPROVE LESSON PLANS OR THE LEARNING
35 MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION AND TEACHER TRAINING
36 AT THE SCHOOL AND ANY CHANGE IN THOSE PROCEDURES OR PROCESSES FROM THE
37 PRIOR SCHOOL YEAR.

38 3. A LISTING OF THE LEARNING MATERIALS AND ACTIVITIES USED FOR
39 STUDENT INSTRUCTION AT THE SCHOOL IN THE CURRENT SCHOOL YEAR, INCLUDING
40 THE FOLLOWING, ORGANIZED, AT A MINIMUM, BY SUBJECT AREA, GRADE AND
41 TEACHER:

42 (a) TEXTBOOKS, ARTICLES AND OTHER REQUIRED READING MATERIALS.

43 (b) VIDEOS AND AUDIO RECORDINGS.

- 1 (c) DIGITAL MATERIALS.
- 2 (d) WEBSITES.
- 3 (e) INSTRUCTIONAL HANDOUTS AND WORKSHEETS.
- 4 (f) ONLINE APPLICATIONS FOR A PHONE, LAPTOP OR TABLET.
- 5 (g) GRADE LEVEL OR SCHOOLWIDE ASSEMBLIES.
- 6 (h) GUEST LECTURES.
- 7 (i) ACTION-ORIENTED CIVICS LEARNING ASSIGNMENTS OR PROJECTS.
- 8 (j) SERVICE LEARNING PROJECTS.
- 9 4. A LISTING OF THE TEACHER TRAINING MATERIALS AND ACTIVITIES USED
- 10 AT THE SCHOOL IN THE CURRENT SCHOOL YEAR.
- 11 B. FOR ALL LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT
- 12 INSTRUCTION OR TEACHER TRAINING ON TOPICS OF DISCRIMINATION, DIVERSITY,
- 13 EQUITY, INCLUSION, RACE, ETHNICITY, SEX, GENDER, BIAS, ACTION-ORIENTED
- 14 CIVICS, SERVICE LEARNING OR SOCIAL AND EMOTIONAL COMPETENCIES, OR ANY
- 15 COMBINATION OF THESE TOPICS WITH OTHER CONCEPTS, THE INFORMATION REQUIRED
- 16 BY SUBSECTION A, PARAGRAPHS 3 AND 4 OF THIS SECTION:
- 17 1. MUST BE DISPLAYED AT LEAST SEVENTY-TWO HOURS BEFORE THE FIRST
- 18 USE OF THE LEARNING MATERIAL OR ACTIVITY.
- 19 2. MUST INCLUDE:
- 20 (a) THE TITLE, AUTHOR AND ORGANIZATION ASSOCIATED WITH THE MATERIAL
- 21 OR ACTIVITY.
- 22 (b) IF THE MATERIAL OR ACTIVITY IS FREELY AND PUBLICLY AVAILABLE ON
- 23 THE INTERNET, A LINK TO THE MATERIAL OR ACTIVITY.
- 24 (c) IF THE MATERIAL OR ACTIVITY IS NOT FREELY AND PUBLICLY
- 25 AVAILABLE ON THE INTERNET, A BRIEF DESCRIPTION OF THE MATERIAL OR ACTIVITY
- 26 AND INFORMATION ON HOW TO REQUEST REVIEW OF A COPY OF THE MATERIAL OR
- 27 ACTIVITY.
- 28 (d) IF THE MATERIAL OR ACTIVITY WAS CREATED FOR NONPUBLIC USE, THE
- 29 IDENTITY OF THE TEACHER, STAFF MEMBER, SCHOOL OFFICIAL OR OUTSIDE
- 30 PRESENTER WHO CREATED THE MATERIAL OR ACTIVITY, WHICH MAY BE INDICATED BY
- 31 A PERSONAL TITLE AND LAST INITIAL IF REFERRING TO A TEACHER, STAFF MEMBER
- 32 OR SCHOOL OFFICIAL.
- 33 C. FOR ALL LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT
- 34 INSTRUCTION OR TEACHER TRAINING ON TOPICS OTHER THAN THOSE DESCRIBED IN
- 35 SUBSECTION B OF THIS SECTION, THE INFORMATION REQUIRED BY SUBSECTION A,
- 36 PARAGRAPHS 3 AND 4 OF THIS SECTION:
- 37 1. MUST INCLUDE AT LEAST THE TITLE AND THE AUTHOR OR ORGANIZATION
- 38 ASSOCIATED WITH THE MATERIAL OR ACTIVITY, AND, IF ACCESSED ONLINE, AN
- 39 INTERNET ADDRESS ASSOCIATED WITH EACH MATERIAL OR ACTIVITY, EXCEPT THAT
- 40 INSTRUCTIONAL WORKSHEETS OR HANDOUTS MAY BE LISTED BY TITLE OR INTERNET
- 41 ADDRESS ALONE.
- 42 2. MUST BE DISPLAYED ONLINE BEGINNING NOT MORE THAN SEVEN SCHOOL
- 43 DAYS AFTER THE FIRST USE OF EACH LEARNING MATERIAL OR ACTIVITY.

1 D. INFORMATION POSTED PURSUANT TO THIS SECTION MAY BE POSTED ON AN
2 ONGOING BASIS. THE LISTING OF LEARNING MATERIALS AND ACTIVITIES FOR EACH
3 SCHOOL YEAR SHALL REMAIN ACCESSIBLE VIA THE SCHOOL WEBSITE FOR AT LEAST
4 TWO YEARS.

5 E. SUBSECTION A, PARAGRAPH 3 OF THIS SECTION DOES NOT REQUIRE:

6 1. THE DIGITAL REPRODUCTION OF THE LEARNING MATERIALS OR
7 ACTIVITIES.

8 2. THE DISCLOSURE OF ACADEMIC ASSESSMENTS.

9 3. THE SEPARATE REPORTING OF INDIVIDUAL COMPONENTS OF LEARNING
10 MATERIALS THAT ARE PRODUCED AS A SINGLE VOLUME, EXCEPT THAT FOR DIGITAL
11 VOLUMES CONTAINING WORKS BY MULTIPLE AUTHORS, THE SCHOOL SHALL PROVIDE
12 EITHER A TABLE OF CONTENTS OR INTERNET ADDRESS THAT DISCLOSES THE DISCRETE
13 WORKS AND AUTHORS CONTAINED WITHIN THE VOLUME. ARTICLES, VIDEOS OR OTHER
14 MATERIALS FROM WEBSITES SHALL BE IDENTIFIED, IF POSSIBLE, WITH AN INTERNET
15 ADDRESS SPECIFIC TO THE RELEVANT CONTENT USED FOR STUDENT INSTRUCTION.

16 F. THIS SECTION DOES NOT REQUIRE A SCHOOL TO POST OR DISTRIBUTE A
17 LEARNING MATERIAL OR ACTIVITY USED FOR STUDENT INSTRUCTION OR TRAINING IN
18 A MANNER THAT WOULD CONSTITUTE AN INFRINGEMENT OF COPYRIGHT UNDER THE
19 COPYRIGHT ACT (P.L. 94-553; 90 STAT. 2541 TO 2598; 17 UNITED STATES CODE
20 SECTIONS 101 TO 1332).

21 G. IN PREPARING THE LISTING OF LEARNING MATERIALS AND ACTIVITIES
22 PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS SECTION, THE SCHOOL:

23 1. MAY USE COLLABORATIVE ONLINE DOCUMENT OR SPREADSHEET SOFTWARE OR
24 AN ONLINE LEARNING MANAGEMENT SYSTEM THAT ALLOWS MULTIPLE AUTHORIZED USERS
25 TO UPDATE OR ADD TO POSTED CONTENT ON AN ONGOING BASIS, PROVIDED THAT THE
26 INFORMATION IS PUBLICLY ACCESSIBLE VIA A POSTED LINK ON THE SCHOOL WEBSITE
27 OR THAT, IF USING AN ONLINE LEARNING MANAGEMENT SYSTEM, TEMPORARY REMOTE
28 ACCESS IS PROVIDED ON DEMAND PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION.

29 2. MAY SATISFY THE REQUIREMENTS OF SUBSECTION A, PARAGRAPH 3 OF
30 THIS SECTION BY POSTING A COPY OR THE FULL TEXT OF THE LESSON PLANS
31 SUBMITTED TO THE SCHOOL PRINCIPAL OR OTHER STAFF BY INSTRUCTORS AT THE
32 SCHOOL IN THE CURRENT YEAR, OR BY PROVIDING TEMPORARY LOGIN CREDENTIALS
33 VIA A PUBLICLY ACCESSIBLE LINK ON THE SCHOOL WEBSITE TO THE SCHOOL'S
34 ONLINE LEARNING MANAGEMENT SYSTEM FOR ANY GRADE LEVELS REQUESTED, PROVIDED
35 THAT BOTH OF THE FOLLOWING APPLY:

36 (a) ANY LEARNING MATERIALS AND ACTIVITIES THAT ARE USED FOR STUDENT
37 INSTRUCTION AND THAT ARE NOT RECORDED ON THE LESSON PLANS OR THE ONLINE
38 LEARNING MANAGEMENT SYSTEM ARE ALSO LISTED VIA A PUBLICLY ACCESSIBLE
39 PORTION OF THE SCHOOL WEBSITE, AND THAT ANY MATERIALS OR ACTIVITIES ON
40 TOPICS DESCRIBED IN SUBSECTION B OF THIS SECTION ARE PRESENTED IN
41 EQUIVALENT OR GREATER DETAIL AS REQUIRED BY SUBSECTION B OF THIS SECTION.

42 (b) ANY TEMPORARY LOGIN CREDENTIALS ARE AUTOMATICALLY GENERATED
43 IMMEDIATELY ON REQUEST AND PROVIDE ACCESS FOR THE REQUESTED GRADE LEVELS

1 FOR NOT LESS THAN SEVENTY-TWO HOURS AT LEAST ONCE PER THIRTY-DAY PERIOD
2 FOR EACH REQUESTOR. THE ACCESS PROVIDED VIA THE LOGIN CREDENTIALS MAY BE
3 LIMITED TO THE LEARNING MATERIALS AND ACTIVITIES USED FOR INSTRUCTION AT
4 THE SCHOOL AND IS NOT REQUIRED TO PROVIDE ACCESS TO ACADEMIC ASSESSMENTS,
5 ANSWER KEYS, STUDENT GENERATED CONTENT, STUDENT PERFORMANCE RECORDS OR
6 OTHER STUDENT IDENTIFYING INFORMATION.

7 3. SHALL DISPLAY THE LISTING IN ELECTRONIC FORMATS THAT ARE
8 SEARCHABLE OR SORTABLE AT A MINIMUM WITHIN EACH SEPARATELY POSTED SECTION
9 OR COURSE.

10 H. A SCHOOL WHOSE LEARNING MATERIALS OR ACTIVITIES ARE SELECTED
11 INDEPENDENTLY BY INSTRUCTORS AT A SCHOOL SITE WITH FEWER THAN TWENTY
12 ENROLLED STUDENTS IS NOT REQUIRED TO POST A LISTING OF LEARNING MATERIALS
13 AND ACTIVITIES PURSUANT TO THIS SECTION.

14 I. A PARTY MAY NOT INITIATE LEGAL ACTION TO ENFORCE THIS SECTION
15 UNLESS THE PARTY ADHERES TO THE FOLLOWING PROCESS:

16 1. THE PARTY, WHICH SHALL BE LIMITED TO THE SUPERINTENDENT OF
17 PUBLIC INSTRUCTION, THE AUDITOR GENERAL, THE ATTORNEY GENERAL, THE COUNTY
18 ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION
19 OCCURS OR A STUDENT OR THE PARENT OF A STUDENT ENROLLED IN THE SCHOOL
20 DISTRICT OR CHARTER SCHOOL IN WHICH AN ALLEGED VIOLATION OF THIS SECTION
21 OCCURS, SHALL SUBMIT A COMPLAINT IN WRITING WITH THE SPECIFIC FACTS OF THE
22 ALLEGED VIOLATION TO THE PRINCIPAL OF THE SCHOOL. THE PARTY MAY NOT
23 SUBMIT MORE THAN ONE COMPLAINT OF AN ALLEGED VIOLATION TO THE PRINCIPAL IN
24 ANY THIRTY-DAY PERIOD. THE COMPLAINT MAY IDENTIFY MULTIPLE MATERIALS
25 WITHIN A SINGLE COURSE THAT HAVE NOT BEEN POSTED IN COMPLIANCE WITH THIS
26 SECTION. THE PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN
27 WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE
28 COMPLAINT, WITHIN FIFTEEN SCHOOL DAYS AFTER RECEIVING THE WRITTEN
29 COMPLAINT.

30 2. IF THE ACTION TAKEN BY THE PRINCIPAL OF THE SCHOOL DOES NOT
31 RESOLVE THE COMPLAINT IN A MANNER THAT ENSURES THAT EACH MATERIAL OR
32 ACTIVITY IDENTIFIED IN THE COMPLAINT IS POSTED WITH THE EQUIVALENT LEVEL
33 OF DETAIL AS REQUIRED BY THIS SECTION, THE PARTY SHALL SUBMIT A COMPLAINT
34 IN WRITING WITH THE SPECIFIC FACTS OF THE ALLEGED VIOLATION TO THE SCHOOL
35 DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY OR THE
36 ADMINISTRATOR DESIGNATED BY THE GOVERNING BOARD OR GOVERNING BODY. THE
37 SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING BODY OR
38 DESIGNATED ADMINISTRATOR SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN
39 WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE
40 COMPLAINT, WITHIN TWENTY-FIVE SCHOOL DAYS AFTER RECEIVING THE WRITTEN
41 COMPLAINT.

42 3. IF THE ACTION TAKEN BY THE SCHOOL DISTRICT GOVERNING BOARD,
43 CHARTER SCHOOL GOVERNING BODY OR DESIGNATED ADMINISTRATOR DOES NOT RESOLVE

1 THE COMPLAINT IN A MANNER THAT ENSURES THAT EACH MATERIAL OR ACTIVITY
2 IDENTIFIED IN THE COMPLAINT IS POSTED WITH THE EQUIVALENT LEVEL OF DETAIL
3 AS REQUIRED BY THIS SECTION, THE PARTY MAY PURSUE LEGAL ACTION TO ENFORCE
4 THIS SECTION.

5 J. IF A COMPLAINT IS NOT RESOLVED AFTER PURSUING RESOLUTION
6 PURSUANT TO SUBSECTION I OF THIS SECTION, THE SUPERINTENDENT OF PUBLIC
7 INSTRUCTION, AUDITOR GENERAL, ATTORNEY GENERAL OR COUNTY ATTORNEY FOR THE
8 COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS, OR A STUDENT
9 OR PARENT OF A STUDENT ENROLLED IN THE SCHOOL DISTRICT OR CHARTER SCHOOL
10 IN WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS, MAY INITIATE A SUIT
11 IN SUPERIOR COURT TO BRING ACTION FOR INJUNCTIVE RELIEF OR A WRIT OF
12 MANDAMUS TO COMPEL THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
13 GOVERNING BODY TO ENSURE THAT EACH MATERIAL OR ACTIVITY IDENTIFIED IN THE
14 SUIT IS POSTED WITH THE EQUIVALENT LEVEL OF DETAIL AS REQUIRED BY THIS
15 SECTION. IF A STUDENT OR PARENT OF A STUDENT PREVAILS, THE COURT SHALL
16 AWARD REASONABLE ATTORNEY FEES TO THE STUDENT OR PARENT. IN THE EVENT OF
17 NONCOMPLIANCE WITH THE ORDER OF THE COURT, THE COURT MAY PUNISH THE
18 RESPONSIBLE OFFICIAL OR EMPLOYEE FOR CONTEMPT. IF THE EMPLOYMENT OF AN
19 INDIVIDUAL AT THE SCHOOL HAS BEEN DISCONTINUED OR AN INTERNET ADDRESS THAT
20 FUNCTIONED AT THE TIME OF INITIAL POSTING SUBSEQUENTLY CEASES TO FUNCTION,
21 THE GOVERNING BOARD OR GOVERNING BODY MAY NOT BE HELD LIABLE FOR NOT
22 POSTING OR UPDATING THE LISTING OF LEARNING MATERIALS AND ACTIVITIES FOR
23 THAT INDIVIDUAL OR ITEM BEYOND WHAT HAS PREVIOUSLY BEEN POSTED.

24 K. AN ATTORNEY ACTING ON BEHALF OF A SCHOOL DISTRICT OR CHARTER
25 SCHOOL MAY REQUEST A LEGAL OPINION OF THE ATTORNEY GENERAL OR THE COUNTY
26 ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION
27 OCCURS AS TO WHETHER THE ACTIONS TAKEN BY THE SCHOOL DISTRICT OR CHARTER
28 SCHOOL COMPLY WITH THIS SECTION.

29 L. FOR PRIVACY PURPOSES, A TEACHER OR STAFF MEMBER EMPLOYED BY A
30 SCHOOL MAY REQUEST THAT THE SCHOOL USE THE TEACHER'S OR STAFF MEMBER'S
31 PERSONAL TITLE AND LAST INITIAL INSTEAD OF THE TEACHER'S OR STAFF MEMBER'S
32 FULL NAME WHEN POSTING MATERIALS.

33 M. FOR THE PURPOSES OF THIS SECTION:

34 1. "ACTION-ORIENTED CIVICS LEARNING ASSIGNMENTS OR PROJECTS"
35 INCLUDES ASSIGNMENTS OR PROJECTS THAT REQUIRE STUDENTS TO CONTACT ELECTED
36 OFFICIALS OR OTHER OUTSIDE ENTITIES ADVOCATING FOR A POLITICAL OR SOCIAL
37 CAUSE OR TO PARTICIPATE IN POLITICAL OR SOCIAL DEMONSTRATIONS.

38 2. "GUEST LECTURE":

39 (a) INCLUDES A PRESENTATION OR EDUCATIONAL EVENT CONDUCTED BY AN
40 OUTSIDE INDIVIDUAL OR ORGANIZATION, INCLUDING THOSE FACILITATED BY THE
41 SCHOOL'S STAFF.

42 (b) DOES NOT INCLUDE STUDENT PRESENTATIONS GIVEN BY STUDENTS
43 ENROLLED AT THE SCHOOL.

1 3. "LESSON PLAN" MEANS THE DAILY, WEEKLY OR OTHER ROUTINELY
2 PRODUCED GUIDE, DESCRIPTION OR OUTLINE OF THE INSTRUCTION TO BE PROVIDED
3 BY A TEACHER TO STUDENTS AT THE SCHOOL.

4 4. "SERVICE LEARNING PROJECTS" INCLUDES BOTH OF THE FOLLOWING:

5 (a) ANY REQUIREMENT TO PARTICIPATE IN INTERNSHIPS OR OTHER FORMS OF
6 COLLABORATION WITH OUTSIDE ORGANIZATIONS AFTER REGULAR SCHOOL HOURS FOR
7 COURSE CREDIT OR AS A CLASS PROJECT OR ASSIGNMENT.

8 (b) THE SPECIFIC INTERNSHIPS OR ORGANIZATIONS SELECTED BY STUDENTS
9 IF THE SELECTION IS MADE FROM A LIST OF SPECIFIC INTERNSHIPS OR
10 ORGANIZATIONS DETERMINED BY THE SCHOOL OR ITS STAFF.

11 5. "SOCIAL AND EMOTIONAL COMPETENCIES" INCLUDES STUDENT
12 RELATIONSHIP SKILLS, SOCIAL-AWARENESS, COLLECTIVE GOAL-MAKING AND
13 EMOTIONAL SELF-MANAGEMENT.

14 6. "USED FOR STUDENT INSTRUCTION":

15 (a) MEANS ASSIGNED, DISTRIBUTED OR OTHERWISE PRESENTED TO STUDENTS
16 IN ANY COURSE FOR WHICH STUDENTS RECEIVE ACADEMIC CREDIT OR IN ANY
17 EDUCATIONAL CAPACITY IN WHICH THE SCHOOL REQUIRES THE STUDENT BODY TO
18 PARTICIPATE OR IN WHICH A MAJORITY OF STUDENTS IN A GIVEN GRADE LEVEL
19 PARTICIPATE.

20 (b) INCLUDES LEARNING MATERIALS OR ACTIVITIES FROM WHICH STUDENTS
21 ARE REQUIRED TO CHOOSE ONE OR MORE FROM A SELECTION OF MATERIALS THAT IS
22 RESTRICTED TO SPECIFIC TITLES.

23 Sec. 4. Section 15-721, Arizona Revised Statutes, is amended to
24 read:

25 15-721. Common schools; course of study; textbooks; approval;
26 selection; definition

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

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

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

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

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

4 F. The governing board shall:

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

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

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

20 4. MAKE AVAILABLE AT EACH SCHOOL THAT IS OPERATED BY THE SCHOOL
21 DISTRICT A COPY OF EACH TEXTBOOK THAT IS BEING CONSIDERED FOR SELECTION
22 FOR REVIEW, ON WRITTEN REQUEST, BY PARENTS, EXCEPT THAT A SCHOOL DISTRICT
23 IS NOT REQUIRED TO MAKE AVAILABLE AT A SCHOOL SITE A TEXTBOOK THAT IS NOT
24 BEING CONSIDERED FOR USE AT THAT SPECIFIC SCHOOL SITE. FOR THE PURPOSES
25 OF THIS PARAGRAPH, "PARENTS" INCLUDES PARENTS AND GUARDIANS WHO ARE
26 CONSIDERING ENROLLING THEIR CHILDREN IN A SCHOOL THAT IS OPERATED BY THE
27 SCHOOL DISTRICT.

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

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

37 15-722. High schools; course of study; textbooks; approval;
38 definition

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

42 B. The governing board shall approve for high schools the basic
43 textbook for each course and may purchase the textbooks from the

1 publishers if approved by the governing board. Before ~~the approval of~~
2 APPROVING any basic textbook for high schools, the governing board shall
3 do all of the following:

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

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

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

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

17 5. MAKE AVAILABLE AT EACH SCHOOL THAT IS OPERATED BY THE SCHOOL
18 DISTRICT A COPY OF EACH TEXTBOOK THAT IS BEING CONSIDERED FOR APPROVAL FOR
19 REVIEW, ON WRITTEN REQUEST, BY PARENTS, EXCEPT THAT A SCHOOL DISTRICT IS
20 NOT REQUIRED TO MAKE AVAILABLE AT A SCHOOL SITE A TEXTBOOK THAT IS NOT
21 BEING CONSIDERED FOR USE AT THAT SPECIFIC SCHOOL SITE. FOR THE PURPOSES
22 OF THIS PARAGRAPH, "PARENTS" INCLUDES PARENTS AND GUARDIANS WHO ARE
23 CONSIDERING ENROLLING THEIR CHILDREN IN A SCHOOL THAT IS OPERATED BY THE
24 SCHOOL DISTRICT.

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

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

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

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

42 G. For the purposes of this section, "textbook" means printed
43 instructional materials or digital content, or both, and related printed

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

6 Sec. 6. Section 15-730, Arizona Revised Statutes, is amended to
7 read:

8 15-730. Access to instructional and teacher training
9 materials by parents and guardians; definitions

10 A. On written request, school personnel designated by ~~the~~ A SCHOOL
11 DISTRICT governing board OR CHARTER SCHOOL GOVERNING BODY shall ~~permit~~
12 ALLOW parents ~~or~~ AND guardians access to BOTH:

13 1. Instructional materials OR TEACHER TRAINING MATERIALS currently
14 used by or being considered for use by ~~the~~ ANY SCHOOL WITHIN THE school
15 district OR THE CHARTER SCHOOL by making ~~available~~ at least one copy of
16 the instructional ~~material~~ OR TEACHER TRAINING MATERIALS AVAILABLE for
17 review by the parents ~~or~~ AND guardians AT EACH SCHOOL SITE WITHIN TEN
18 SCHOOL DAYS AFTER THE WRITTEN REQUEST. Parents ~~or~~ AND guardians may take
19 printed textbooks, printed supplementary books and printed subject matter
20 materials from the school ~~district~~ premises for a period of not more than
21 forty-eight hours. ~~Parents or guardians may review all other materials,~~
22 ~~including films, only on the school district premises.~~

23 2. A CLASSROOM LIBRARY WITHIN TEN SCHOOL DAYS AFTER THE WRITTEN
24 REQUEST.

25 B. THE GOVERNING BOARD OR GOVERNING BODY OR ANY STAFF PERSON WHO IS
26 EMPLOYED BY THE GOVERNING BOARD OR GOVERNING BODY AND WHO IS ACTING IN THE
27 COURSE OF THE STAFF PERSON'S OFFICIAL DUTIES MAY NOT PURCHASE OR CONTRACT
28 FOR COPYRIGHTED INSTRUCTIONAL MATERIALS USED FOR STUDENT INSTRUCTION AT
29 ANY SCHOOL UNDER THE AUTHORITY OF THE GOVERNING BOARD OR GOVERNING BODY,
30 INCLUDING THE RENEWAL OF SUBSCRIPTION-BASED DIGITAL MATERIALS FOR WHICH
31 STUDENTS ARE PROVIDED INDIVIDUAL LOGIN CREDENTIALS OR ACCESS VIA
32 ELECTRONIC PERSONAL DEVICES, UNLESS PARENTS AND GUARDIANS OF ENROLLED
33 STUDENTS ARE PROVIDED THE OPPORTUNITY TO REVIEW THE MATERIALS WITHIN TEN
34 SCHOOL DAYS AFTER SUBMITTING A WRITTEN REQUEST TO THE GOVERNING BOARD OR
35 GOVERNING BODY OR THE SCHOOL IN WHICH THE STUDENT IS ENROLLED. THE MEANS
36 OF REVIEW SHALL INCLUDE AT LEAST ONE OF THE FOLLOWING:

37 1. ACCESS TO THE MATERIALS THAT HAVE BEEN USED AT THE SCHOOL SITE
38 WITHIN TEN SCHOOL DAYS AFTER RECEIVING THE WRITTEN REQUEST.

39 2. TEMPORARY REMOTE ACCESS OR THE PROVISION OF LOGIN CREDENTIALS TO
40 AT LEAST ONE COPY OF THE MATERIALS FOR AT LEAST TWENTY-FOUR HOURS
41 FOLLOWING THE WRITTEN REQUEST, NOT TO EXCEED ONE REQUEST PER ITEM PER
42 HOUSEHOLD DURING ANY THIRTY-DAY PERIOD.

1 C. A PARENT OR GUARDIAN IS NOT REQUIRED AS A CONDITION OF REVIEWING
2 THE MATERIALS UNDER THIS SECTION TO ENTER INTO TERMS OF A NONDISCLOSURE
3 AGREEMENT OR WAIVE ANY RIGHTS BEYOND COMPLYING WITH FEDERAL COPYRIGHT LAW.

4 D. TO THE EXTENT PRACTICABLE, EACH SCHOOL SHALL ALLOW THE PARENT OR
5 GUARDIAN TO COPY, SCAN, DUPLICATE OR PHOTOGRAPH PORTIONS OF ORIGINAL
6 MATERIALS WITHIN THE LIMITS OF FAIR USE UNDER SECTION 107 OF THE COPYRIGHT
7 ACT (P.L. 94-553; 90 STAT. 2541 TO 2598).

8 E. FOR THE PURPOSES OF THIS SECTION:

9 1. "NONDISCLOSURE AGREEMENT" MEANS A CONFIDENTIALITY AGREEMENT OR
10 CONTRACT PROVISION THAT PROHIBITS THE DISCLOSURE OF INFORMATION BY A PARTY
11 TO THE CONTRACT.

12 2. "ORIGINAL MATERIALS" MEANS MATERIALS THAT ARE OWNED OR LICENSED
13 BY THE SCHOOL DISTRICT, PUBLIC SCHOOL, FACULTY OR STAFF AND THAT ARE USED
14 FOR STUDENT INSTRUCTION.

15 Sec. 7. Severability

16 If a provision of this act or its application to any person or
17 circumstance is held invalid, the invalidity does not affect other
18 provisions or applications of the act that can be given effect without the
19 invalid provision or application, and to this end the provisions of this
20 act are severable.