

PROPOSED

SENATE AMENDMENTS TO S.B. 1211

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

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

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

19 15-113. Rights of parents; public educational institutions;
20 definitions

21 A. A parent of a student in a public educational institution has the
22 right to review learning materials and activities in advance. EACH SCHOOL
23 THAT IS OPERATED BY A SCHOOL DISTRICT, CHARTER SCHOOL, ACCOMMODATION SCHOOL
24 AND ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND CAMPUS SHALL MAKE ALL
25 LEARNING MATERIALS AND ACTIVITIES USED AT THE SCHOOL OR CAMPUS AVAILABLE ON

1 WRITTEN REQUEST FOR REVIEW BY PARENTS, INCLUDING REVIEW BY PARENTS WHO ARE
2 CONSIDERING ENROLLING THEIR CHILDREN IN THE SCHOOL, AT THE SCHOOL SITE
3 DURING SCHOOL HOURS AND AT LEAST THIRTY MINUTES BEFORE THE BEGINNING AND
4 AFTER THE END OF EACH SCHOOL DAY. A parent who objects to any learning
5 material or activity on the basis that the material or activity is harmful
6 may request to withdraw that parent's student from the activity or from the
7 class or program in which the material is used and request an alternative
8 assignment.

9 B. A charter school may require parents to waive the right to object
10 to learning materials or activities pursuant to subsection A of this
11 section as a condition of enrollment if the charter school provides a
12 complete list of books and materials to be used each school year before the
13 student enrolls. If the charter school introduces books or materials that
14 were not disclosed ~~prior to~~ BEFORE THE STUDENT'S enrollment, the parent
15 retains the right to object to those materials pursuant to subsection A of
16 this section.

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

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

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

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

29 E. For the purposes of this section:

30 1. "Objects to any learning material or activity on the basis that
31 the material or activity is harmful" means objecting to the material or

1 activity because of sexual content, violent content or profane or vulgar
2 language.

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

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

5 (b) A charter school.

6 (c) An accommodation school.

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

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

10 15-113.01. Materials and activities; posting required;
11 definitions

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

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

18 2. THE PROCEDURES OR PROCESSES IN EFFECT FOR THE SCHOOL PRINCIPAL OR
19 OTHER STAFF TO DOCUMENT, REVIEW OR APPROVE LESSON PLANS OR THE LEARNING
20 MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION AND TEACHER TRAINING
21 AT THE SCHOOL AND ANY CHANGE IN THOSE PROCEDURES OR PROCESSES FROM THE
22 PRIOR SCHOOL YEAR.

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

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

27 (b) VIDEOS AND AUDIO RECORDINGS.

28 (c) DIGITAL MATERIALS.

29 (d) WEBSITES.

30 (e) INSTRUCTIONAL HANDOUTS AND WORKSHEETS.

31 (f) ONLINE APPLICATIONS FOR A PHONE, LAPTOP OR TABLET.

32 (g) GRADE LEVEL OR SCHOOLWIDE ASSEMBLIES.

1 (h) GUEST LECTURES.

2 (i) ACTION-ORIENTED CIVICS LEARNING ASSIGNMENTS OR PROJECTS.

3 (j) SERVICE LEARNING PROJECTS.

4 4. A LISTING OF THE TEACHER TRAINING MATERIALS AND ACTIVITIES USED
5 AT THE SCHOOL IN THE CURRENT SCHOOL YEAR.

6 B. FOR ALL LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT
7 INSTRUCTION OR TEACHER TRAINING ON TOPICS OF NONDISCRIMINATION, DIVERSITY,
8 EQUITY, INCLUSION, RACE, ETHNICITY, SEX, GENDER, BIAS, ACTION-ORIENTED
9 CIVICS, SERVICE LEARNING OR SOCIAL AND EMOTIONAL COMPETENCIES, OR ANY
10 COMBINATION OF THESE TOPICS WITH OTHER CONCEPTS, THE INFORMATION REQUIRED
11 BY SUBSECTION A, PARAGRAPHS 3 AND 4 OF THIS SECTION:

12 1. MUST BE DISPLAYED AT LEAST SEVENTY-TWO HOURS BEFORE THE FIRST USE
13 OF THE LEARNING MATERIAL OR ACTIVITY.

14 2. MUST INCLUDE:

15 (a) THE TITLE, AUTHOR AND ORGANIZATION ASSOCIATED WITH THE MATERIAL
16 OR ACTIVITY.

17 (b) IF THE MATERIAL OR ACTIVITY IS FREELY AND PUBLICLY AVAILABLE ON
18 THE INTERNET, A LINK TO THE MATERIAL OR ACTIVITY.

19 (c) IF THE MATERIAL OR ACTIVITY IS NOT FREELY AND PUBLICLY AVAILABLE
20 ON THE INTERNET, A BRIEF DESCRIPTION OF THE MATERIAL OR ACTIVITY AND
21 INFORMATION ON HOW TO REQUEST REVIEW OF A COPY OF THE MATERIAL OR ACTIVITY.

22 (d) IF THE MATERIAL OR ACTIVITY WAS CREATED FOR NONPUBLIC USE, THE
23 IDENTITY OF THE TEACHER, STAFF MEMBER, SCHOOL OFFICIAL OR OUTSIDE PRESENTER
24 WHO CREATED THE MATERIAL OR ACTIVITY, WHICH MAY BE INDICATED BY A PERSONAL
25 TITLE AND LAST INITIAL IF REFERRING TO A TEACHER, STAFF MEMBER OR SCHOOL
26 OFFICIAL.

27 C. FOR ALL LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT
28 INSTRUCTION OR TEACHER TRAINING ON TOPICS OTHER THAN THOSE DESCRIBED IN
29 SECTION B OF THIS SECTION, THE INFORMATION REQUIRED BY SUBSECTION A,
30 PARAGRAPHS 3 AND 4 OF THIS SECTION:

31 1. MUST INCLUDE AT LEAST THE TITLE AND THE AUTHOR OR ORGANIZATION
32 ASSOCIATED WITH THE MATERIAL OR ACTIVITY, AND, IF ACCESSED ONLINE, AN

1 INTERNET ADDRESS ASSOCIATED WITH EACH MATERIAL OR ACTIVITY, EXCEPT THAT
2 INSTRUCTIONAL WORKSHEETS OR HANDOUTS MAY BE LISTED BY TITLE OR INTERNET
3 ADDRESS ALONE.

4 2. MUST BE DISPLAYED ONLINE BEGINNING NOT MORE THAN SEVEN SCHOOL
5 DAYS AFTER THE FIRST USE OF EACH LEARNING MATERIAL OR ACTIVITY.

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

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

11 1. THE DIGITAL REPRODUCTION OF THE LEARNING MATERIALS OR ACTIVITIES.

12 2. THE DISCLOSURE OF ACADEMIC ASSESSMENTS.

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

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

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

27 1. MAY USE COLLABORATIVE ONLINE DOCUMENT OR SPREADSHEET SOFTWARE
28 THAT ALLOWS MULTIPLE AUTHORIZED USERS TO UPDATE OR ADD TO POSTED CONTENT ON
29 AN ONGOING BASIS, PROVIDED THAT THE INFORMATION IS PUBLICLY ACCESSIBLE VIA
30 A POSTED LINK ON THE SCHOOL WEBSITE.

31 2. MAY SATISFY THE REQUIREMENTS OF SUBSECTION A, PARAGRAPH 3 OF THIS
32 SECTION BY POSTING A COPY OR THE FULL TEXT OF THE LESSON PLANS SUBMITTED TO

1 THE SCHOOL PRINCIPAL OR OTHER STAFF BY INSTRUCTORS AT THE SCHOOL IN THE
2 CURRENT YEAR, PROVIDED THAT ANY LEARNING MATERIALS AND ACTIVITIES NOT
3 RECORDED ON THE LESSON PLANS ARE ALSO LISTED VIA A PUBLICLY ACCESSIBLE
4 PORTION OF THE SCHOOL WEBSITE, AND THAT ANY MATERIALS OR ACTIVITIES ON
5 TOPICS DESCRIBED IN SUBSECTION B OF THIS SECTION ARE PRESENTED IN
6 EQUIVALENT DETAIL AS REQUIRED BY SUBSECTION B OF THIS SECTION.

7 3. SHALL DISPLAY THE LISTING IN SEARCHABLE OR SORTABLE ELECTRONIC
8 FORMATS.

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

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

15 1. THE PARTY SHALL SUBMIT A COMPLAINT IN WRITING WITH THE SPECIFIC
16 FACTS OF THE ALLEGED VIOLATION TO THE PRINCIPAL OF THE SCHOOL. THE
17 PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN WRITING, INCLUDING
18 A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE COMPLAINT, WITHIN FIFTEEN
19 SCHOOL DAYS AFTER RECEIVING THE WRITTEN COMPLAINT.

20 2. IF THE ACTION TAKEN BY THE PRINCIPAL OF THE SCHOOL DOES NOT
21 RESOLVE THE COMPLAINT TO THE SATISFACTION OF THE COMPLAINANT, THE PARTY
22 SHALL SUBMIT A COMPLAINT IN WRITING WITH THE SPECIFIC FACTS OF THE ALLEGED
23 VIOLATION TO THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
24 GOVERNING BODY OR THE ADMINISTRATOR DESIGNATED BY THE GOVERNING BOARD OR
25 GOVERNING BODY. THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL
26 GOVERNING BODY OR DESIGNATED ADMINISTRATOR SHALL INVESTIGATE THE COMPLAINT
27 AND RESPOND IN WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO
28 RESOLVE THE COMPLAINT, WITHIN TWENTY-FIVE SCHOOL DAYS AFTER RECEIVING THE
29 WRITTEN COMPLAINT.

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

1 THE COMPLAINT TO THE SATISFACTION OF THE COMPLAINANT, THE PARTY MAY PURSUE
2 LEGAL ACTION TO ENFORCE THIS SECTION.

3 J. IF A COMPLAINT IS NOT RESOLVED AFTER PURSUING RESOLUTION PURSUANT
4 TO SUBSECTION I OF THIS SECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
5 AUDITOR GENERAL, ATTORNEY GENERAL OR COUNTY ATTORNEY FOR THE COUNTY IN
6 WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS, OR A STUDENT OR PARENT
7 OF A STUDENT ENROLLED IN THE SCHOOL DISTRICT OR CHARTER SCHOOL IN WHICH AN
8 ALLEGED VIOLATION OF THIS SECTION OCCURS, MAY INITIATE A SUIT IN SUPERIOR
9 COURT TO BRING ACTION FOR INJUNCTIVE RELIEF OR A WRIT OF MANDAMUS TO COMPEL
10 THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY TO
11 BRING THE SCHOOL INTO COMPLIANCE WITH THIS SECTION. IF A STUDENT OR PARENT
12 OF A STUDENT PREVAILS, THE COURT SHALL AWARD REASONABLE ATTORNEY FEES TO
13 THE STUDENT OR PARENT. IN THE EVENT OF NONCOMPLIANCE WITH THE ORDER OF THE
14 COURT, THE COURT MAY PUNISH THE RESPONSIBLE OFFICIAL OR EMPLOYEE FOR
15 CONTEMPT.

16 K. AN ATTORNEY ACTING ON BEHALF OF A SCHOOL DISTRICT OR CHARTER
17 SCHOOL MAY REQUEST A LEGAL OPINION OF THE ATTORNEY GENERAL OR THE COUNTY
18 ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION
19 OCCURS AS TO WHETHER THE ACTIONS TAKEN BY THE SCHOOL DISTRICT OR CHARTER
20 SCHOOL COMPLY WITH THIS SECTION.

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

25 M. FOR THE PURPOSES OF THIS SECTION:

26 1. "ACTION-ORIENTED CIVICS LEARNING ASSIGNMENTS OR PROJECTS"
27 INCLUDES ASSIGNMENTS OR PROJECTS THAT REQUIRE STUDENTS TO CONTACT ELECTED
28 OFFICIALS OR OTHER OUTSIDE ENTITIES ADVOCATING FOR A POLITICAL OR SOCIAL
29 CAUSE OR TO PARTICIPATE IN POLITICAL OR SOCIAL DEMONSTRATIONS.

1 2. "GUEST LECTURE":

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

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

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

10 4. "SERVICE LEARNING PROJECTS" INCLUDES INTERNSHIPS OR OTHER FORMS
11 OF COLLABORATION WITH OUTSIDE ORGANIZATIONS AFTER REGULAR SCHOOL HOURS FOR
12 COURSE CREDIT OR AS A CLASS PROJECT OR ASSIGNMENT.

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

16 6. "USED FOR STUDENT INSTRUCTION":

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

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

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

27 15-721. Common schools; course of study; textbooks; approval;
28 selection; definition

29 A. The governing board shall approve for common schools the course
30 of study, the basic textbook for each course and all units recommended for
31 credit under each general subject title ~~prior to implementation of~~ BEFORE
32 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 each
23 student have a textbook other than for classroom instruction, the school
24 district need only purchase one textbook for each student in the largest
25 group that would be receiving classroom instruction at any one time.

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

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

1 4. MAKE AVAILABLE DURING SCHOOL HOURS AND AT LEAST THIRTY MINUTES
2 BEFORE THE BEGINNING AND AFTER THE END OF EACH SCHOOL DAY AT EACH SCHOOL
3 THAT IS OPERATED BY THE SCHOOL DISTRICT A COPY OF EACH TEXTBOOK THAT IS
4 BEING CONSIDERED FOR SELECTION FOR REVIEW, ON WRITTEN REQUEST, BY PARENTS,
5 EXCEPT THAT A SCHOOL DISTRICT IS NOT REQUIRED TO MAKE AVAILABLE AT A SCHOOL
6 SITE A TEXTBOOK THAT IS NOT BEING CONSIDERED FOR USE AT THAT SPECIFIC
7 SCHOOL SITE. FOR THE PURPOSES OF THIS PARAGRAPH, "PARENTS" INCLUDES
8 PARENTS AND GUARDIANS WHO ARE CONSIDERING ENROLLING THEIR CHILDREN IN A
9 SCHOOL THAT IS OPERATED BY THE SCHOOL DISTRICT.

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

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

19 15-722. High schools; course of study; textbooks; approval;
20 definition

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

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

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

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

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

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

11 5. MAKE AVAILABLE DURING SCHOOL HOURS AND AT LEAST THIRTY MINUTES
12 BEFORE THE BEGINNING AND AFTER THE END OF EACH SCHOOL DAY AT EACH SCHOOL
13 THAT IS OPERATED BY THE SCHOOL DISTRICT A COPY OF EACH TEXTBOOK THAT IS
14 BEING CONSIDERED FOR APPROVAL FOR REVIEW, ON WRITTEN REQUEST, BY PARENTS,
15 EXCEPT THAT A SCHOOL DISTRICT IS NOT REQUIRED TO MAKE AVAILABLE AT A SCHOOL
16 SITE A TEXTBOOK THAT IS NOT BEING CONSIDERED FOR USE AT THAT SPECIFIC
17 SCHOOL SITE. FOR THE PURPOSES OF THIS PARAGRAPH, "PARENTS" INCLUDES
18 PARENTS AND GUARDIANS WHO ARE CONSIDERING ENROLLING THEIR CHILDREN IN A
19 SCHOOL THAT IS OPERATED BY THE SCHOOL DISTRICT.

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

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

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

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

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

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

14 15-730. Access to instructional and teacher training materials
15 by parents and guardians; definitions

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

19 1. Instructional materials OR TEACHER TRAINING MATERIALS currently
20 used by or being considered for use by ~~the~~ ANY SCHOOL WITHIN THE school
21 district OR THE CHARTER SCHOOL by making ~~available~~ at least one copy of the
22 instructional ~~material~~ OR TEACHER TRAINING MATERIALS AVAILABLE for review
23 by the parents ~~or~~ AND guardians AT EACH SCHOOL SITE DURING SCHOOL HOURS AND
24 AT LEAST THIRTY MINUTES BEFORE THE BEGINNING AND AFTER THE END OF EACH
25 SCHOOL DAY WITHIN TEN SCHOOL DAYS AFTER THE WRITTEN REQUEST. Parents ~~or~~
26 AND guardians may take printed textbooks, printed supplementary books and
27 printed subject matter materials from the school ~~district~~ premises for a
28 period of not more than forty-eight hours. ~~Parents or guardians may review~~
29 ~~all other materials, including films, only on the school district premises.~~

30 2. A CLASSROOM LIBRARY WITHIN TEN SCHOOL DAYS AFTER THE WRITTEN
31 REQUEST.

1 B. THE GOVERNING BOARD OR GOVERNING BODY OR ANY STAFF PERSON WHO IS
2 EMPLOYED BY THE GOVERNING BOARD OR GOVERNING BODY AND WHO IS ACTING IN THE
3 COURSE OF THE STAFF PERSON'S OFFICIAL DUTIES MAY NOT PURCHASE OR CONTRACT
4 FOR COPYRIGHTED INSTRUCTIONAL MATERIALS USED FOR STUDENT INSTRUCTION AT ANY
5 SCHOOL UNDER THE AUTHORITY OF THE GOVERNING BOARD OR GOVERNING BODY,
6 INCLUDING THE RENEWAL OF SUBSCRIPTION-BASED DIGITAL MATERIALS FOR WHICH
7 STUDENTS ARE PROVIDED INDIVIDUAL LOGIN CREDENTIALS OR ACCESS VIA ELECTRONIC
8 PERSONAL DEVICES, UNLESS PARENTS AND GUARDIANS OF ENROLLED STUDENTS ARE
9 PROVIDED THE OPPORTUNITY TO REVIEW THE MATERIALS WITHIN TEN SCHOOL DAYS
10 AFTER SUBMITTING A WRITTEN REQUEST TO THE GOVERNING BOARD OR GOVERNING BODY
11 OR THE SCHOOL IN WHICH THE STUDENT IS ENROLLED. THE MEANS OF REVIEW SHALL
12 INCLUDE AT LEAST ONE OF THE FOLLOWING:

13 1. ACCESS TO THE MATERIALS AT THE SCHOOL SITE WITHIN TEN SCHOOL DAYS
14 AFTER RECEIVING THE WRITTEN REQUEST.

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

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

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

26 E. FOR THE PURPOSES OF THIS SECTION:

27 1. "NONDISCLOSURE AGREEMENT" MEANS A CONFIDENTIALITY AGREEMENT OR
28 CONTRACT PROVISION THAT PROHIBITS THE DISCLOSURE OF INFORMATION BY A PARTY
29 TO THE CONTRACT.

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

1 Sec. 7. Severability

2 If a provision of this act or its application to any person or
3 circumstance is held invalid, the invalidity does not affect other
4 provisions or applications of the act that can be given effect without the
5 invalid provision or application, and to this end the provisions of this
6 act are severable."

7 Amend title to conform

NANCY BARTO

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01/26/2022
11:03 AM
C: HN