



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1211

schools; materials; activities; posting; review
(NOW: materials; activities; review; posting; schools)

Purpose

Expands requirements providing parent or guardian access to materials used for student instruction. Requires each school operated by a school district or charter school to post on its website a list of learning materials and activities, including specified information and according to specified time frames depending on the topic. Outlines a local complaint process which must be exhausted before a party pursues legal action.

Background

A school district governing board (governing board) must approve basic textbooks used for common school and high school courses of study. The governing board must: 1) make available, for 60 days for public review, a copy of each textbook being considered for selection at the school district office; and 2) require all committees authorized to review and select textbooks to be open to the public. For textbooks used for high school courses, the governing board must also provide information on the proposed textbooks on the school district website and provide opportunity for public comment for at least 60 days (A.R.S. §§ [15-721](#) and [15-722](#)).

On written request, school personnel designated by a governing board must allow parents or guardians to access instructional materials used or being considered for use by the school district by making at least one copy of the material available for review. A parent or guardian may take printed books and materials from the school district premises for up to 48 hours and may only review all other materials on the district premises ([A.R.S. § 15-730](#)).

A parent of a student in a public educational institution has the right to review learning materials and activities in advance and may withdraw the student from a class or program using learning material, or from an activity, to which the parent objects on the basis that it is harmful and request an alternative assignment. A charter school may require parents, as a condition of student enrollment, to waive the right to object to learning materials or activities if the school provides a complete list of books and materials before the student enrolls ([A.R.S. § 15-113](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Right to Review

1. Applies, to charter schools, the statutory requirements for designated school district personnel to allow a parent or guardian to review instructional materials used, or being considered for use, for student instruction.

2. Expands the statutory requirements to allow a parent or guardian to review instructional materials used, or being considered for use, by requiring:
 - a) teacher training materials to be made available in the same manner as student instructional materials;
 - b) materials to be available at each school site within 10 days after a written request; and
 - c) requiring designated personnel to allow access to a classroom library within 10 days after written request.
3. Requires a governing board to make each textbook being considered for use available at the specific school site for parents to review on written request.
4. Requires each school operated by a school district, charter school, accommodation school and the Arizona State Schools for the Deaf and the Blind Campus (public school) to make all learning materials and activities that have been used or that have been planned for use at the school available at the school site for parents to review on written request.
5. Prohibits, unless parents and guardians of enrolled students are provided the opportunity to review the materials, a governing board, charter school governing body (governing body) or staff persons acting in the course of official duties from purchasing, contracting or renewing instructional materials:
 - a) that are copyrighted; and
 - b) for which students are provided individual login credentials or access via electronic personal devices.
6. Requires means of review for the copyrighted material to include:
 - a) access at the school site to the materials that have been used within 10 school days after receiving the written request; or
 - b) temporary remote access or login credentials to a copy of the materials for at least 24 hours following written request.
7. Limits requests in a 30-day period for temporary remote access or login credentials to one, per item, per household.
8. States that a parent or guardian is not required to enter into a nondisclosure agreement or waive any rights, beyond federal copyright law compliance, as a condition of reviewing instructional materials.
9. Directs each school to allow a parent or guardian to copy, scan, duplicate or photograph any portion of original materials to the extent practicable and within the limits of fair use under the federal Copyright Act.
10. Specifies that the right to review materials and activities at the school site applies to parents considering enrolling their children.
11. Defines *nondisclosure agreement* and *original materials*.

Posting Requirements

12. Requires each school operated by a school district or charter school to disclose on a publicly-accessible portion of its website:
 - a) procedures or processes in effect for a parent to access in advance to review the current learning materials and activities used for student instruction at the school;
 - b) procedures or processes in effect, and any change from the prior school year (SY), for the school principal or other staff to document, review or approve lesson plans or the learning materials and activities used at the school for student instruction and teacher training;
 - c) a listing of the learning materials and activities used for student instruction at the school in the current SY; and
 - d) a listing of the teacher training materials and activities used at the school in the current SY.

13. Requires the listing for student instructional materials and activities to be:
 - a) organized, at a minimum, by subject area, grade and teacher; and
 - b) displayed in electronic formats that are searchable or sortable at a minimum within each separately-posted section or course.

14. Includes, in materials and activities used for student instruction that must be listed:
 - a) textbooks, articles and required reading materials;
 - b) videos, audio recordings, digital materials and websites;
 - c) instructional handouts and worksheets;
 - d) online applications for a phone, laptop or tablet;
 - e) grade level or schoolwide assemblies and guest lectures;
 - f) action-oriented civics learning assignments or projects; and
 - g) service-learning projects.

15. Requires learning materials and activities for student instruction or teacher training on the following topics to be displayed at least 72 hours before first use:
 - a) discrimination, diversity, equity and inclusion;
 - b) race, ethnicity, sex, gender and bias;
 - c) action-oriented civics,
 - d) service-learning or social and emotional competencies; and
 - e) any combination of these topics with other concepts.

16. Requires information for materials and activities, on the specified topics requiring posting 72 hours before use, to include:
 - a) the title, author and organization associated with the material or activity;
 - b) a link, if freely and publicly available on the internet;
 - c) if not available on the internet, a brief description and information on how to request review of a copy of the material or activity; and
 - d) if created for nonpublic use, the identity of the creator, which may be indicated by a personal title and last initial for a teacher, staff member or school official.

17. Requires information for materials and activities, on topics other than the specified topics, to be displayed within seven school days after first use and to include:
 - a) at least the title and author or associated organization; and
 - b) if accessed online, the internet address associated with each material or activity.

18. Allows instructional worksheets or handouts on topics other than the outlined topics to be listed by title or internet address alone.
19. Requires posted learning material and activity information for each SY to remain accessible via the school website for at least two years.
20. Specifies that the posted learning material and activity information may be posted on an ongoing basis.
21. Specifies that the requirement to post the learning materials and activities information does not require:
 - a) digital reproduction of learning materials or activities;
 - b) disclosure of academic assessments;
 - c) separate reporting of individual components of learning materials produced as a single volume; or
 - d) a school to post or distribute learning material or an activity that would constitute an infringement of the federal Copyright Act.
22. Requires the school, for digital volumes containing works by multiple authors, to provide a table of contents or internet address disclosing the discrete works and authors.
23. Requires materials obtained from websites to be identified with an internet address specific to the content used for student instruction, if possible.
24. Allows a school preparing the list of learning materials and activities to use collaborative online document or spreadsheet software or an online learning management system that allows multiple users to update or add to posted content if:
 - a) the information is publicly accessible via a school website link; or
 - b) for an online learning management system, remote access is provided through temporary login credentials as prescribed.
25. Allows a school to satisfy listing requirements by posting a copy or the full text of lesson plans submitted to the school principal or other staff by school instructors in the current year, or by providing temporary login credentials to the school's online learning management system via a publicly-accessible link on the school website, if:
 - a) materials and activities that are used for instruction and not in the lesson plans are listed via a publicly-accessible portion of the school website according to the prescribed requirements; and
 - b) any temporary login credentials are automatically generated on request and provide access for any grade levels requested for at least 72 hours at least once per 30-day period for each requestor.
26. Allows the access provided via temporary login credentials to be limited to the materials and activities used at the school.
27. Specifies that the temporary login credentials are not required to provide access to academic assessments, answer keys, student-generated content, student performance records or other student-identifying information.

28. Allows a teacher or school staff member to request the school use a personal title and last initial instead of the teacher's or staff member's full name when posting materials.
29. Exempts, from the outlined posting requirements, a school whose instructors at a site with fewer than 20 enrolled students independently select learning materials or activities.
30. Defines *action-oriented civics learning assignments or projects, guest lecture, service-learning projects, social emotional competencies and used for student instruction.*

Enforcement of Posting Requirements

31. Prohibits a party from initiating legal enforcement action unless the party adheres to the prescribed local complaint process.
32. Precludes a governing board or governing body from being held liable for not posting or updating a listing of learning materials and activities beyond what was previously posted if:
 - a) an individual's employment at the school has been discontinued; or
 - b) an internet address that functioned at initial posting subsequently ceases to function.
33. Allows the following parties to submit, to the school principal, a written complaint with the specific facts of the alleged violation:
 - a) the Superintendent of Public Instruction;
 - b) the Auditor General;
 - c) the Attorney General (AG) or applicable county attorney; or
 - d) a student or parent of a student enrolled in the school district or charter school in which an alleged violation occurs.
34. Limits a party to one complaint in a 30-day period and allows a complaint to identify multiple materials within a single course that have not been posted in compliance with material-posting requirements.
35. Directs a school principal, within 15 school days after receiving a complaint, to investigate and provide a written response that describes any action taken to resolve the complaint.
36. Directs the party, if the school principal's action does not resolve the complaint in a manner that ensures the materials or activities identified in the complaint are posted with the required level of detail, to submit a written complaint with the specific facts of the alleged violation to:
 - a) the governing board;
 - b) governing body; or
 - c) administrator designated by the governing board or governing body.
37. Requires, within 25 school days, the governing board, governing body or designated administrator to investigate the complaint and provide a written response describing any action taken to resolve the complaint.
38. Allows a party to pursue legal action to enforce posting requirements if the respective authority does not resolve the complaint in a manner that ensures the materials or activities identified in the complaint are posted with the required level of detail.

39. Authorizes the following individuals to initiate a suit in superior court to bring action for injunctive relief or a writ of mandamus to compel the governing board or governing body to ensure each material or activity identified in the complaint is posted with the equivalent level of detail required:
 - a) the Superintendent of Public Instruction;
 - b) the Auditor General;
 - c) the AG or applicable county attorney; or
 - d) a student or parent of a student enrolled in the school district or charter school in which an alleged violation occurs.
40. Allows an attorney acting on behalf of a school district or charter school to request a legal opinion by the AG or respective county attorney as to whether the actions taken by the school district or charter school comply with posting requirements.

Miscellaneous

41. Authorizes a municipality to post on its website links to the website of each school in the municipality that posts the required information and learning materials and activities used for student instruction and teacher training.
42. Contains a severability clause.
43. Makes technical and conforming changes.
44. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adopted the strike-everything amendment.

Amendments Adopted by Committee of the Whole

1. Removes the prescribed times when a public school must make learning materials and activities available at the school site or campus.
2. Replaces *nondiscrimination* with *discrimination* in the list of topics for which student instruction or teacher training materials and activities must be displayed at least 72 hours before first use as prescribed.
3. Requires the searchable or sortable learning material lists to be searchable or sortable within each separately-posted section or course.
4. Adds, to the methods by which a school may satisfy learning material and activity posting requirements, providing remote access to the school's online learning management system through automatically-generated temporary login credentials that meet outlined requirements.
5. Specifies that a public school must make materials and activities that have been both used and planned for use available at the school site for parental review.

6. Specifies that the option to provide for parental review of copyrighted materials through access at the school site within 10 school days is for materials that have been used at the school.
7. Outlines circumstances in which a governing board or governing body may not be held liable for not posting or updating listings beyond what was previously posted.
8. Limits complaint submissions per party and specifies the entities authorized to submit a complaint for a violation of material and activity posting requirements.
9. Authorizes a party to escalate a complaint if the complaint is not resolved in a manner that ensures materials or activities are posted with the required level of detail, rather than if the complaint is not resolved to the complainant's satisfaction.
10. Allows a party to file suit in superior court to ensure each material or activity identified in the complaint is posted as required, rather than to bring the school into compliance.
11. Modifies the definition of *service-learning projects*.

Senate Action

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Prepared by Senate Research

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LB/slp