

REFERENCE TITLE: schools; learning materials; activities

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

HB 2247

Introduced by
Representatives Finchem: Barton

AN ACT

AMENDING SECTION 15-113, ARIZONA REVISED STATUTES; RELATING TO LEARNING MATERIALS AND ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-113, Arizona Revised Statutes, is amended to
3 read:

4 15-113. Rights of parents; learning materials and activities;
5 public educational institutions; definitions

6 A. A parent of a CURRENT OR PROSPECTIVE student in a public
7 educational institution has the right to review learning materials and
8 activities in advance. A parent who objects to any learning material or
9 activity on the basis that the material or activity is harmful may request
10 to withdraw that parent's student from the activity or from the class or
11 program in which the material is used and request an alternative
12 assignment.

13 B. TO ENSURE A PARENT'S RIGHT TO REVIEW LEARNING MATERIALS AND
14 ACTIVITIES AS DESCRIBED IN SUBSECTION A OF THIS SECTION, BEGINNING IN THE
15 2022-2023 SCHOOL YEAR, EACH SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT
16 AND EACH CHARTER SCHOOL SHALL PROMINENTLY DISCLOSE ON A PUBLICLY
17 ACCESSIBLE PORTION OF ITS WEBSITE:

18 1. ANY PROCEDURES OR PROCESSES IN EFFECT FOR A PARENT TO HAVE
19 ACCESS IN ADVANCE TO REVIEW THE CURRENT LEARNING MATERIALS AND ACTIVITIES
20 USED FOR STUDENT INSTRUCTION AT THE SCHOOL.

21 2. EITHER:

22 (a) IF ANY PROCEDURES OR PROCESSES ARE IN EFFECT FOR THE SCHOOL
23 PRINCIPAL OR OTHER STAFF TO DOCUMENT, REVIEW OR APPROVE LESSON PLANS OR
24 THE LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION AT THE
25 SCHOOL, A DESCRIPTION OF THE PROCEDURES OR PROCESSES.

26 (b) IF NO PROCEDURES OR PROCESSES ARE IN EFFECT FOR THE SCHOOL
27 PRINCIPAL OR OTHER STAFF TO DOCUMENT, REVIEW OR APPROVE LESSON PLANS OR
28 THE LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION AT THE
29 SCHOOL, A CLEAR STATEMENT THAT NO SUCH PROCEDURES OR PROCESSES ARE IN
30 EFFECT AT THE SCHOOL.

31 3. IF PROCEDURES OR PROCESSES AS DESCRIBED IN PARAGRAPH 2,
32 SUBDIVISION (a) OF THIS SECTION ARE IN EFFECT AT THE SCHOOL, AT LEAST ONE
33 OF THE FOLLOWING:

34 (a) A COPY OF THE LESSON PLANS OR A LISTING OF THE LEARNING
35 MATERIALS AND ACTIVITIES USED IN THE LESSON PLANS SUBMITTED TO THE SCHOOL
36 PRINCIPAL OR OTHER STAFF BY INSTRUCTORS AT THE SCHOOL IN THE CURRENT YEAR.

37 (b) A LISTING OF THE LEARNING MATERIALS AND ACTIVITIES USED FOR
38 INSTRUCTION AT THE SCHOOL IN THE CURRENT YEAR, ORGANIZED AT A MINIMUM BY
39 SUBJECT AREA AND GRADE, INCLUDING THE FOLLOWING:

40 (i) TEXTBOOKS AND REQUIRED READING MATERIALS.

41 (ii) VIDEOS.

42 (iii) DIGITAL MATERIALS.

43 (iv) WEBSITES.

44 (v) ONLINE APPLICATIONS.

45 (vi) GRADE LEVEL OR SCHOOLWIDE ASSEMBLIES.

(vii) GUEST LECTURES.

(viii) OTHER EDUCATIONAL EVENTS FACILITATED BY THE PUBLIC EDUCATIONAL INSTITUTION'S STAFF, INCLUDING THOSE CONDUCTED BY OUTSIDE INDIVIDUALS OR ORGANIZATIONS.

C. LEARNING MATERIALS AND ACTIVITIES REQUIRED TO BE DISCLOSED PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION SHALL BE POSTED WITHIN TEN DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION AND ON OR BEFORE JULY 1 FOLLOWING THE COMPLETION OF EACH SCHOOL YEAR THEREAFTER AND MAY BE POSTED ON AN ONGOING BASIS BEFORE THE DATES PRESCRIBED IN THIS SUBSECTION. MATERIALS POSTED PURSUANT TO THIS SECTION SHALL REMAIN ACCESSIBLE VIA THE SCHOOL WEBSITE FOR AT LEAST TWELVE MONTHS.

D. IF A SCHOOL PREPARES A LIST OF LEARNING MATERIALS AND ACTIVITIES PURSUANT TO SUBSECTION B, PARAGRAPH 3, SUBDIVISION (b) OF THIS SECTION, THE SCHOOL:

1. SHALL LIST ONLY THE INFORMATION NECESSARY TO IDENTIFY THE SPECIFIC LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION, INCLUDING AT LEAST THE TITLE AND THE AUTHOR, ORGANIZATION OR INTERNET ADDRESS ASSOCIATED WITH EACH LEARNING MATERIAL OR ACTIVITY. SUBSECTION B, PARAGRAPH 3, SUBDIVISION (b) OF THIS SECTION DOES NOT REQUIRE EITHER:

(a) THE DIGITAL REPRODUCTION OF THE LEARNING MATERIALS OR ACTIVITIES.

(b) THE SEPARATE REPORTING OF INDIVIDUAL COMPONENTS OF LEARNING MATERIALS THAT ARE PRODUCED AS A SINGLE VOLUME, EXCEPT THAT FOR DIGITAL VOLUMES CONTAINING WORKS BY MULTIPLE AUTHORS, THE SCHOOL SHALL PROVIDE EITHER A TABLE OF CONTENTS OR INTERNET ADDRESS THAT DISCLOSES THE DISCRETE WORKS AND AUTHORS CONTAINED WITHIN THE VOLUMES.

2. MAY USE COLLABORATIVE ONLINE DOCUMENT OR SPREADSHEET SOFTWARE THAT ALLOWS MULTIPLE AUTHORIZED USERS TO UPDATE OR MAKE ADDITIONS TO POSTED CONTENT ON AN ONGOING BASIS.

~~B.~~ E. A charter school may require parents to waive the right to object to learning materials or activities pursuant to subsection A of this section as a condition of enrollment if the charter school provides a complete list of books and materials to be used each school year before the student enrolls. If the charter school introduces books or materials that were not disclosed prior to enrollment, the parent retains the right to object to those materials pursuant to subsection A of this section.

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

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

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

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

5 H. LEARNING MATERIALS AND ACTIVITIES USED BY A PUBLIC EDUCATIONAL
6 INSTITUTION ARE PUBLIC RECORDS PURSUANT TO TITLE 39, CHAPTER 1.

7 ~~F.~~ I. For the purposes of this section:

8 1. "LESSON PLAN" MEANS THE DAILY, WEEKLY OR OTHER ROUTINELY
9 PRODUCED GUIDE, DESCRIPTION OR OUTLINE OF THE INSTRUCTION TO BE PROVIDED
10 BY A TEACHER TO STUDENTS AT THE SCHOOL, WHICH MAY INCLUDE THE RESOURCES,
11 EXERCISES OR ASSESSMENTS USED TO PROMOTE STUDENT LEARNING.

12 ~~F.~~ 2. "Objects to any learning material or activity on the basis
13 that the material or activity is harmful" means objecting to the material
14 or activity because of sexual content, violent content or profane or
15 vulgar language.

16 3. "PARENT" MEANS THE PARENT OF A CURRENT OR PROSPECTIVE STUDENT.

17 4. "PROCEDURES OR PROCESSES" INCLUDES PROCEDURES OR PROCESSES THAT
18 MAY VARY BY SUBJECT AREA OR GRADE.

19 ~~F.~~ 5. "Public educational institution" means any of the following:

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

21 (b) A charter school.

22 (c) An accommodation school.

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

24 6. "USED FOR STUDENT INSTRUCTION":

25 (a) MEANS ASSIGNED, DISTRIBUTED OR OTHERWISE PRESENTED TO STUDENTS
26 IN ANY COURSE FOR WHICH STUDENTS RECEIVE ACADEMIC CREDIT OR IN ANY
27 EDUCATIONAL CAPACITY IN WHICH THE PUBLIC EDUCATIONAL INSTITUTION REQUIRES
28 THE STUDENT BODY TO PARTICIPATE OR IN WHICH A MAJORITY OF STUDENTS IN A
29 GIVEN GRADE LEVEL PARTICIPATE.

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