

Senate Engrossed House Bill

~~school library books; parental review~~  
(now: school library; review; policy)

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

# HOUSE BILL 2439

AN ACT

AMENDING SECTION 15-102, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-189.07; AMENDING SECTIONS 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. BEGINNING JANUARY 1, 2023, PROCEDURES BY WHICH PARENTS HAVE  
17 ACCESS TO THE SCHOOL'S LIBRARY COLLECTION OF AVAILABLE BOOKS AND MATERIALS  
18 AND PARENTS MAY RECEIVE A LIST OF BOOKS AND MATERIALS BORROWED FROM THE  
19 LIBRARY BY THEIR CHILDREN. THE POLICY MUST PROVIDE THAT THE FOLLOWING ARE  
20 EXEMPT FROM THE PROCEDURES PRESCRIBED PURSUANT TO THIS PARAGRAPH:  
21 (a) SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN  
22 EQUIVALENT POSITION.  
23 (b) SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE  
24 LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO  
25 SECTION 15-362, SUBSECTION D.  
26 ~~3.~~ 4. Procedures by which parents who object to any learning  
27 material or activity on the basis that the material or activity is harmful  
28 may withdraw their children from the activity or from the class or program  
29 in which the material is used. Objection to a learning material or  
30 activity on the basis that the material or activity is harmful includes  
31 objection to the material or activity because it questions beliefs or  
32 practices in sex, morality or religion.  
33 ~~4.~~ 5. If a school district offers any sex education curricula  
34 pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by  
35 the state board of education, procedures to prohibit the school district  
36 from providing sex education instruction to a pupil unless the pupil's  
37 parent provides written permission for the child to participate in the sex  
38 education curricula.  
39 ~~5.~~ 6. Procedures by which parents will be notified in advance of  
40 and given the opportunity to opt their children in to any instruction,  
41 learning materials or presentations regarding sexuality, in courses other  
42 than formal sex education curricula.

1           ~~6.~~ 7. Procedures by which parents may learn about the nature and  
2 purpose of clubs and activities that are part of the school curriculum,  
3 extracurricular clubs and activities that have been approved by the  
4 school.

5           ~~7.~~ 8. Procedures by which parents may learn about parental rights  
6 and responsibilities under the laws of this state, including the  
7 following:

8           (a) The right to opt in to a sex education curriculum if one is  
9 provided by the school district.

10           (b) Open enrollment rights pursuant to section 15-816.01.

11           (c) The right to opt out of assignments pursuant to this section.

12           (d) The right to opt out of immunizations pursuant to section  
13 15-873.

14           (e) The promotion requirements prescribed in section 15-701.

15           (f) The minimum course of study and competency requirements for  
16 graduation from high school prescribed in section 15-701.01.

17           (g) The right to opt out of instruction on acquired immune  
18 deficiency syndrome pursuant to section 15-716.

19           (h) The right to review test results pursuant to section 15-743.

20           (i) The right to participate in gifted programs pursuant to section  
21 15-779.01.

22           (j) The right to access instructional materials pursuant to section  
23 15-730.

24           (k) The right to receive a school report card pursuant to section  
25 15-746.

26           (l) The attendance requirements prescribed in sections 15-802,  
27 15-803 and 15-821.

28           (m) The right to public review of courses of study, ~~and~~ textbooks  
29 **AND LIBRARY BOOKS AND MATERIALS** pursuant to sections 15-721 and 15-722.

30           (n) The right to be excused from school attendance for religious  
31 purposes pursuant to section 15-806.

32           (o) Policies related to parental involvement pursuant to this  
33 section.

34           (p) The right to seek membership on school councils pursuant to  
35 section 15-351.

36           (q) Information about the student accountability information system  
37 as prescribed in section 15-1041.

38           (r) The right to access the failing schools tutoring fund pursuant  
39 to section 15-241.

40           B. The policy adopted by the governing board pursuant to this  
41 section may also include the following components:

42           1. A plan by which parents will be made aware of the district's  
43 parental involvement policy and this section, including:

1 (a) Rights under the family educational rights and privacy act of  
2 1974 (20 United States Code section 1232g) relating to access to  
3 children's official records.  
4 (b) The parent's right to inspect the school district policies and  
5 curriculum.  
6 2. Efforts to encourage the development of parenting skills.  
7 3. Communicating to parents techniques that are designed to assist  
8 the child's learning experience in the home.  
9 4. Efforts to encourage access to community and support services  
10 for children and families.  
11 5. Promoting communication between the school and parents  
12 concerning school programs and the academic progress of the parents'  
13 children.  
14 6. Identifying opportunities for parents to participate in and  
15 support classroom instruction at the school.  
16 7. Efforts to support, with appropriate training, parents as shared  
17 decision-makers and to encourage membership on school councils.  
18 8. Recognizing the diversity of parents and developing guidelines  
19 that promote widespread parental participation and involvement in the  
20 school at various levels.  
21 9. Developing preparation programs and specialized courses for  
22 certificated employees and administrators that promote parental  
23 involvement.  
24 10. Developing strategies and programmatic structures at schools to  
25 encourage and enable parents to participate actively in their children's  
26 education.  
27 C. The governing board may adopt a policy to provide to parents the  
28 information required by this section in an electronic form.  
29 D. A parent shall submit a written request for information pursuant  
30 to this section during regular business hours to either the school  
31 principal at the school site or the superintendent of the school district  
32 at the office of the school district. Within ten days after receiving the  
33 request for information, the school principal or the superintendent of the  
34 school district shall either deliver the requested information to the  
35 parent or submit to the parent a written explanation of the reasons for  
36 denying the requested information. If the request for information is  
37 denied or the parent does not receive the requested information within  
38 fifteen days after submitting the request for information, the parent may  
39 ~~submit a written~~ request ~~for~~ the information ~~to~~ IN WRITING FROM the school  
40 district governing board, which shall formally consider the request at the  
41 next scheduled public meeting of the governing board if the request can be  
42 properly noticed on the agenda. If the request cannot be properly noticed  
43 on the agenda, the governing board shall formally consider the request at  
44 the next subsequent public meeting of the governing board.

1 E. For the purposes of this section, "parent" means the natural or  
2 adoptive parent or legal guardian of a minor child.

3 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes,  
4 is amended by adding section 15-189.07, to read:

5 15-189.07. Library collection; parental access; public  
6 review; exemption

7 A. EACH CHARTER SCHOOL GOVERNING BODY SHALL DO ALL OF THE  
8 FOLLOWING:

9 1. BEGINNING JANUARY 1, 2023, IN CONSULTATION WITH PARENTS,  
10 TEACHERS AND ADMINISTRATORS, DEVELOP AND ADOPT PROCEDURES BY WHICH PARENTS  
11 HAVE ACCESS TO THE CHARTER SCHOOL'S LIBRARY COLLECTION OF AVAILABLE BOOKS  
12 AND MATERIALS AND MAY RECEIVE A LIST OF BOOKS AND MATERIALS BORROWED FROM  
13 THE LIBRARY BY THEIR CHILDREN.

14 2. MAKE AVAILABLE ON THE CHARTER SCHOOL'S WEBSITE FOR REVIEW BY THE  
15 PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023  
16 FOR ANY OF THE CHARTER SCHOOL'S SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST  
17 SIXTY DAYS AFTER THE PURCHASE. EACH CHARTER SCHOOL SITE SHALL MAKE  
18 AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE PUBLIC A LIST OF ALL  
19 BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023 FOR THE SCHOOL LIBRARY  
20 FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE PURCHASE. THIS PARAGRAPH  
21 DOES NOT APPLY TO THE PURCHASE OF A BOOK OR MATERIAL THAT IS INTENDED TO  
22 REPLACE A LOST OR DAMAGED BOOK OR MATERIAL.

23 3. ENSURE THAT EACH CHARTER SCHOOL SITE NOTIFIES THE PARENTS OF  
24 EACH PUPIL ENROLLED AT THE CHARTER SCHOOL SITE OF THE OPENING AND CLOSING  
25 DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 2 OF THIS SECTION  
26 WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

27 B. CHARTER SCHOOL SITES WITHOUT A FULL-TIME LIBRARY MEDIA  
28 SPECIALIST OR AN EQUIVALENT POSITION ARE EXEMPT FROM THE REQUIREMENTS OF  
29 THIS SECTION AND FROM ANY PROCEDURES ADOPTED PURSUANT TO THIS SECTION.

30 Sec. 3. Section 15-721, Arizona Revised Statutes, is amended to  
31 read:

32 15-721. Common schools; course of study; textbooks; approval;  
33 selection; library books and materials; definition

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

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

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

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

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

10 F. The governing board shall:

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

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

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

26 4. MAKE AVAILABLE ON THE SCHOOL DISTRICT'S WEBSITE FOR REVIEW BY  
27 THE PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1,  
28 2023 FOR ANY OF THE DISTRICT'S SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST  
29 SIXTY DAYS AFTER THE PURCHASE. EACH SCHOOL OPERATED BY THE SCHOOL  
30 DISTRICT SHALL MAKE AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE  
31 PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023  
32 FOR THE SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE  
33 PURCHASE. THIS PARAGRAPH DOES NOT APPLY TO THE PURCHASE OF A BOOK OR  
34 MATERIAL THAT IS INTENDED TO REPLACE A LOST OR DAMAGED BOOK OR MATERIAL.

35 5. ENSURE THAT EACH COMMON SCHOOL THAT IS OPERATED BY THE SCHOOL  
36 DISTRICT NOTIFIES THE PARENTS OF EACH PUPIL ENROLLED IN THE SCHOOL OF THE  
37 OPENING AND CLOSING DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 4  
38 OF THIS SUBSECTION WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

39 G. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION F,  
40 PARAGRAPHS 4 AND 5 OF THIS SECTION:

41 1. SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN  
42 EQUIVALENT POSITION.

43 2. SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE  
44 LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO  
45 SECTION 15-362, SUBSECTION D.

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

8 Sec. 4. Section 15-722, Arizona Revised Statutes, is amended to  
9 read:

10 15-722. High schools; course of study; textbooks; approval;  
11 library books and materials; definition

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

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

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

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

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

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

33 5. MAKE AVAILABLE ON THE SCHOOL DISTRICT'S WEBSITE FOR REVIEW BY  
34 THE PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1,  
35 2023 FOR ANY OF THE DISTRICT'S SCHOOL LIBRARIES FOR A PERIOD OF AT LEAST  
36 SIXTY DAYS AFTER THE PURCHASE. EACH SCHOOL OPERATED BY THE SCHOOL  
37 DISTRICT SHALL MAKE AVAILABLE ON THE SCHOOL'S WEBSITE FOR REVIEW BY THE  
38 PUBLIC A LIST OF ALL BOOKS AND MATERIALS PURCHASED AFTER JANUARY 1, 2023  
39 FOR THE SCHOOL LIBRARY FOR A PERIOD OF AT LEAST SIXTY DAYS AFTER THE  
40 PURCHASE. THIS PARAGRAPH DOES NOT APPLY TO THE PURCHASE OF A BOOK OR  
41 MATERIAL THAT IS INTENDED TO REPLACE A LOST OR DAMAGED BOOK OR MATERIAL.

42 6. ENSURE THAT EACH HIGH SCHOOL THAT IS OPERATED BY THE SCHOOL  
43 DISTRICT NOTIFIES THE PARENTS OF EACH PUPIL ENROLLED IN THE SCHOOL OF THE  
44 OPENING AND CLOSING DATES OF THE PUBLIC REVIEW REQUIRED UNDER PARAGRAPH 5  
45 OF THIS SUBSECTION WITHIN SEVEN SCHOOL DAYS BEFORE THE OPENING DATE.

1 C. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION B,  
2 PARAGRAPHS 5 AND 6 OF THIS SECTION:

3 1. SCHOOLS WITHOUT A FULL-TIME LIBRARY MEDIA SPECIALIST OR AN  
4 EQUIVALENT POSITION.

5 2. SCHOOL DISTRICT LIBRARIES THAT HAVE AGREEMENTS WITH COUNTY FREE  
6 LIBRARY DISTRICTS, MUNICIPAL LIBRARIES OR OTHER ENTITIES PURSUANT TO  
7 SECTION 15-362, SUBSECTION D.

8 ~~C.~~ D. If any course does not include a basic textbook, the  
9 governing board shall approve all supplemental books that are used in the  
10 course before usage.

11 ~~D.~~ E. If any course includes a basic textbook and uses  
12 supplemental books or instructional computer software, the governing board  
13 may approve all supplemental books and instructional computer software  
14 that are used in the course before usage.

15 ~~E.~~ F. If the course includes a basic textbook and uses  
16 supplemental books that have not been approved by the governing board at  
17 the time of approval of the course, a teacher may use the supplemental  
18 books at any time during the school year. Use of the supplemental books  
19 shall be brought to the attention of the governing board during the school  
20 year in which they are added for ratification.

21 ~~F.~~ G. The governing board shall prescribe up to five textbooks for  
22 each course, and the teacher, with the consent of the governing board, may  
23 use any one of the prescribed textbooks for the purposes of the teacher's  
24 course.

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