

REFERENCE TITLE: schools; materials; activities; posting; review

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

SB 1211

Introduced by

Senators Barto: Gowan, Kerr, Livingston, Mesnard, Petersen, Townsend;
Representatives Bolick, Burges, Diaz, Fillmore, Griffin, Kavanagh, Nguyen,
Toma

AN ACT

AMENDING SECTIONS 9-837, 15-113 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. THE MUNICIPALITY MAY POST ON ITS WEBSITE LINKS TO THE WEBSITE OF
16 EACH SCHOOL THAT POSTS MATERIALS PURSUANT TO SECTION 15-113 AND THAT IS
17 LOCATED WITHIN THE 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 online posting of learning materials and
22 activities; resolution of complaints; definitions

23 A. A parent of a student in a public educational institution has
24 the right to review learning materials and activities in advance. A
25 parent who objects to any learning material or activity on the basis that
26 the material or activity is harmful may request to withdraw that parent's
27 student from the activity or from the class or program in which the
28 material is used and request an alternative assignment.

29 B. TO ENSURE A PARENT'S RIGHT TO REVIEW LEARNING MATERIALS AND
30 ACTIVITIES AS DESCRIBED IN SUBSECTION A OF THIS SECTION, BEGINNING IN THE
31 2022-2023 SCHOOL YEAR, EACH SCHOOL DISTRICT GOVERNING BOARD AND CHARTER
32 SCHOOL GOVERNING BODY SHALL ENSURE THAT EACH SCHOOL UNDER ITS AUTHORITY
33 PROMINENTLY DISCLOSES ON A PUBLICLY ACCESSIBLE PORTION OF ITS WEBSITE ALL
34 OF THE FOLLOWING:

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

38 2. THE PROCEDURES OR PROCESSES IN EFFECT FOR THE SCHOOL PRINCIPAL
39 OR OTHER STAFF TO DOCUMENT, REVIEW OR APPROVE LESSON PLANS OR THE LEARNING
40 MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION OR TEACHER TRAINING
41 AT THE SCHOOL AND ANY CHANGE IN THOSE PROCEDURES OR PROCESSES FROM THE
42 PRIOR YEAR.

43 3. A LISTING OF THE LEARNING MATERIALS AND ACTIVITIES USED FOR
44 INSTRUCTION AT THE SCHOOL IN THE CURRENT YEAR, INCLUDING THE FOLLOWING,
45 ORGANIZED, AT A MINIMUM, BY SUBJECT AREA AND GRADE:

- 1 (a) TEXTBOOKS, ARTICLES AND OTHER REQUIRED READING MATERIALS.
- 2 (b) VIDEOS AND AUDIO RECORDINGS.
- 3 (c) DIGITAL MATERIALS.
- 4 (d) WEBSITES.
- 5 (e) ONLINE APPLICATIONS FOR A PHONE, LAPTOP OR TABLET.
- 6 (f) INSTRUCTIONAL HANDOUTS AND WORKSHEETS.
- 7 (g) GRADE LEVEL OR SCHOOLWIDE ASSEMBLIES.
- 8 (h) GUEST LECTURES.
- 9 (i) ACTION-ORIENTED CIVICS LEARNING ASSIGNMENTS OR PROJECTS,
- 10 INCLUDING THE CONTACTING OF ELECTED OFFICIALS, ADVOCATING FOR OR
- 11 COMMENTING ON A POLITICAL OR SOCIAL ISSUE OR PARTICIPATING IN POLITICAL OR
- 12 SOCIAL DEMONSTRATIONS.
- 13 (j) SERVICE-LEARNING, INTERNSHIPS OR OTHER FORMS OF COLLABORATION
- 14 WITH OUTSIDE ORGANIZATIONS AFTER REGULAR SCHOOL HOURS FOR COURSE CREDIT OR
- 15 AS A CLASS PROJECT OR ASSIGNMENT.
- 16 (k) OTHER EDUCATIONAL EVENTS FACILITATED BY THE SCHOOL'S STAFF,
- 17 INCLUDING THOSE CONDUCTED BY OUTSIDE INDIVIDUALS OR ORGANIZATIONS.
- 18 4. A LISTING OF THE TEACHER TRAINING MATERIALS AND ACTIVITIES USED
- 19 AT THE SCHOOL IN THE CURRENT YEAR.
- 20 5. A LISTING OF AVAILABLE RESOURCES IN THE SCHOOL LIBRARY AT EACH
- 21 SCHOOL THAT MAINTAINS A CATALOG OR DOCUMENTED INVENTORY OF THOSE
- 22 RESOURCES.
- 23 6. A COPY OF EACH SURVEY OR THE FULL TEXT OF ANY QUESTION INCLUDED
- 24 ON A SURVEY ADMINISTERED AT THE SCHOOL THAT SOLICITS PERSONAL INFORMATION
- 25 ABOUT A STUDENT AS LISTED IN SECTION 15-117, SUBSECTION A AND THAT
- 26 REQUIRES THE AUTHORIZATION OF THE SCHOOL DISTRICT OR CHARTER SCHOOL
- 27 PURSUANT TO SECTION 15-117, SUBSECTION B.
- 28 C. THE INFORMATION REQUIRED BY SUBSECTION B OF THIS SECTION SHALL
- 29 BE DISPLAYED ONLINE AT LEAST SEVEN DAYS BEFORE THE START OF EACH SCHOOL
- 30 YEAR, IF AVAILABLE, OR, AT THE LATEST, THREE CALENDAR DAYS BEFORE THE
- 31 FIRST USE OF EACH TRAINING OR LEARNING MATERIAL OR ACTIVITY, SURVEY OR
- 32 LIBRARY RESOURCE IN THE CURRENT YEAR. INFORMATION POSTED PURSUANT TO THIS
- 33 SECTION MAY BE POSTED ON AN ONGOING BASIS, PROVIDED THAT PARENTS ARE
- 34 NOTIFIED OF ADDITIONS MADE DURING THE SCHOOL YEAR AT LEAST THREE CALENDAR
- 35 DAYS BEFORE THE FIRST USE OF THE MATERIAL OR ACTIVITY. THE LISTING OF
- 36 MATERIALS SHALL REMAIN ACCESSIBLE VIA THE SCHOOL WEBSITE UNTIL AT LEAST
- 37 THE CONCLUSION OF THE FOLLOWING SCHOOL YEAR.
- 38 D. IN PREPARING THE LISTING OF LEARNING MATERIALS AND ACTIVITIES
- 39 PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION, THE SCHOOL:
- 40 1. SHALL LIST THE INFORMATION NECESSARY TO IDENTIFY THE SPECIFIC
- 41 LEARNING MATERIALS AND ACTIVITIES USED FOR STUDENT INSTRUCTION, INCLUDING
- 42 AT LEAST THE TITLE AND THE AUTHOR, ORGANIZATION OR INTERNET ADDRESS
- 43 ASSOCIATED WITH EACH LEARNING MATERIAL AND ACTIVITY. A SHORT DESCRIPTION
- 44 OF THE LEARNING MATERIAL OR ACTIVITY MAY BE INCLUDED AS NECESSARY.
- 45 SUBSECTION B, PARAGRAPH 3 OF THIS SECTION DOES NOT REQUIRE:

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

3 (b) THE DISCLOSURE OF ACADEMIC ASSESSMENTS.

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

11 2. MAY USE COLLABORATIVE ONLINE DOCUMENT OR SPREADSHEET SOFTWARE
12 THAT ALLOWS MULTIPLE AUTHORIZED USERS TO UPDATE OR MAKE ADDITIONS TO
13 POSTED CONTENT ON AN ONGOING BASIS, PROVIDED THAT THE INFORMATION IS
14 PUBLICLY ACCESSIBLE VIA A POSTED LINK ON THE SCHOOL WEBSITE.

15 3. MAY SATISFY THE REQUIREMENTS OF SUBSECTION B, PARAGRAPH 3 OF
16 THIS SECTION BY POSTING A COPY OR THE FULL TEXT OF THE LESSON PLANS
17 SUBMITTED TO THE SCHOOL PRINCIPAL OR OTHER STAFF BY INSTRUCTORS AT THE
18 SCHOOL IN THE CURRENT YEAR, PROVIDED THAT ANY LEARNING MATERIALS AND
19 ACTIVITIES NOT RECORDED ON THE LESSON PLANS ARE ALSO LISTED VIA A PUBLICLY
20 ACCESSIBLE PORTION OF THE SCHOOL WEBSITE.

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

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

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

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

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

41 H. THIS SECTION DOES NOT REQUIRE A SCHOOL TO POST OR DISTRIBUTE A
42 TRAINING OR LEARNING MATERIAL OR ACTIVITY IN A MANNER THAT WOULD
43 CONSTITUTE AN INFRINGEMENT OF COPYRIGHT UNDER THE COPYRIGHT ACT
44 (P.L. 94-553; 90 STAT. 2541 TO 2598; 17 UNITED STATES CODE SECTIONS 101 TO
45 1332).

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

3 1. THE PARTY SHALL SUBMIT A COMPLAINT IN WRITING WITH THE SPECIFIC
4 FACTS OF THE ALLEGED VIOLATION TO THE PRINCIPAL OF THE SCHOOL. THE
5 PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN WRITING,
6 INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE COMPLAINT,
7 WITHIN FIFTEEN DAYS AFTER RECEIVING THE WRITTEN COMPLAINT.

8 2. IF THE ACTION TAKEN BY THE PRINCIPAL OF THE SCHOOL DOES NOT
9 RESOLVE THE COMPLAINT, THE PARTY SHALL SUBMIT A COMPLAINT IN WRITING WITH
10 THE SPECIFIC FACTS OF THE ALLEGED VIOLATION TO THE SCHOOL DISTRICT
11 GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY OR THE ADMINISTRATOR
12 DESIGNATED BY THE GOVERNING BOARD OR GOVERNING BODY. THE SCHOOL DISTRICT
13 GOVERNING BOARD, CHARTER SCHOOL GOVERNING BODY OR DESIGNATED ADMINISTRATOR
14 SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN WRITING, INCLUDING A
15 DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE COMPLAINT, WITHIN
16 TWENTY-FIVE DAYS AFTER RECEIVING THE WRITTEN COMPLAINT.

17 3. IF THE ACTION TAKEN BY THE SCHOOL DISTRICT GOVERNING BOARD,
18 CHARTER SCHOOL GOVERNING BODY OR DESIGNATED ADMINISTRATOR DOES NOT RESOLVE
19 THE COMPLAINT, THE PARTY MAY PURSUE LEGAL ACTION TO ENFORCE THIS SECTION.

20 J. IF A COMPLAINT IS NOT RESOLVED AFTER PURSUING RESOLUTION PURSUANT
21 TO SUBSECTION I OF THIS SECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
22 AUDITOR GENERAL, ATTORNEY GENERAL OR COUNTY ATTORNEY FOR THE COUNTY IN
23 WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS, OR A STUDENT OR PARENT
24 OF A STUDENT ENROLLED IN THE SCHOOL DISTRICT OR CHARTER SCHOOL IN WHICH AN
25 ALLEGED VIOLATION OF THIS SECTION OCCURS, MAY INITIATE A SUIT IN SUPERIOR
26 COURT TO BRING ACTION FOR INJUNCTIVE RELIEF OR A WRIT OF MANDAMUS TO
27 COMPEL THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING
28 BODY TO BRING THE SCHOOL INTO COMPLIANCE WITH THIS SECTION. IF A STUDENT
29 OR PARENT OF A STUDENT PREVAILS, THE COURT SHALL AWARD TO THE STUDENT OR
30 PARENT REASONABLE ATTORNEY FEES OF NOT MORE THAN \$15,000.

31 K. AN ATTORNEY ACTING ON BEHALF OF A SCHOOL DISTRICT OR CHARTER
32 SCHOOL MAY REQUEST A LEGAL OPINION OF THE ATTORNEY GENERAL OR THE COUNTY
33 ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION
34 OCCURS AS TO WHETHER THE ACTIONS TAKEN BY THE SCHOOL DISTRICT OR CHARTER
35 SCHOOL COMPLY WITH THIS SECTION.

36 ~~F.~~ L. For the purposes of this section:

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

40 ~~F.~~ 2. "Objects to any learning material or activity on the basis
41 that the material or activity is harmful" means objecting to the material
42 or activity because of sexual content, violent content or profane or
43 vulgar language.

44 3. "PROCEDURES OR PROCESSES" INCLUDES PROCEDURES OR PROCESSES THAT
45 MAY VARY BY SUBJECT AREA OR GRADE.

~~2.~~ 4. "Public educational institution" means any of the following:

- (a) A school district, including its schools.
- (b) A charter school.
- (c) An accommodation school.
- (d) The Arizona state schools for the deaf and the blind.

5. "USED FOR STUDENT INSTRUCTION":

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

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

Sec. 3. Section 15-730, Arizona Revised Statutes, is amended to read:

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

A. On written request, school personnel designated by the governing board shall ~~permit~~ ALLOW parents ~~or~~ AND guardians access to instructional materials OR TEACHER TRAINING MATERIALS currently used by or being considered for use by the school district by making available at least one copy of the instructional ~~material~~ OR TEACHER TRAINING MATERIALS AVAILABLE for review by the parents ~~or~~ AND guardians AT EACH SCHOOL SITE. Parents ~~or~~ AND guardians may take printed textbooks, printed supplementary books and printed subject matter materials from the school district premises for a period of not more than forty-eight hours. ~~Parents or guardians may review all other materials, including films, only on the school district premises.~~

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

1. ACCESS TO THE MATERIALS AT THE SCHOOL SITE DURING THE SCHOOL'S NORMAL HOURS OF OPERATION WITHIN TEN SCHOOL DAYS AFTER RECEIVING THE WRITTEN REQUEST.

2. TEMPORARY REMOTE ACCESS OR THE PROVISION OF LOGIN CREDENTIALS TO AT LEAST ONE COPY OF THE MATERIALS FOR AT LEAST TWENTY-FOUR HOURS

1 FOLLOWING THE WRITTEN REQUEST, NOT TO EXCEED ONE REQUEST PER ITEM PER
2 HOUSEHOLD DURING ANY THIRTY-DAY PERIOD.

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

6 D. FOR THE PURPOSES OF THIS SECTION, "NONDISCLOSURE AGREEMENT"
7 MEANS A CONFIDENTIALITY AGREEMENT OR CONTRACT PROVISION THAT PROHIBITS THE
8 DISCLOSURE OF INFORMATION BY A PARTY TO THE CONTRACT.