

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

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

2. "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.

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

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

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

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

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

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

(a) TEXTBOOKS ARTICLES AND OTHER REQUIRED READING MATERIALS

(b) VIDEOS AND AUDIO RECORDINGS

### (c) DIGITAL MATERIALS.

(d) WEBSITES.

(e) INSTRUCTIONAL HANDOUTS AND WORKSHEETS.

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

(q) GRADE LEVEL OR SCHOOLWIDE ASSEMBLIES.

- (h) GUEST LECTURES.
- (i) ACTION-ORIENTED CIVICS LEARNING ASSIGNMENTS OR PROJECTS.
- (j) SERVICE LEARNING PROJECTS.

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

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

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

## 2. MUST INCLUDE:

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

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

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

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

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

1. MUST INCLUDE AT LEAST THE TITLE AND THE AUTHOR OR ORGANIZATION  
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.

## 2. "GUEST LECTURE":

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

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

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

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

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

6. "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. 4. Section 15-721, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

15-722. High schools: course of study: textbooks: approval: definition

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

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

1. Provide information on the school district's website, if the school district maintains a website, on the basic textbooks that are 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.

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

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

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

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

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

1. Instructional materials OR TEACHER TRAINING MATERIALS currently used by or being considered for use by ~~the~~ ANY SCHOOL WITHIN THE school district OR THE CHARTER SCHOOL 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 DURING SCHOOL HOURS AND AT LEAST THIRTY MINUTES BEFORE THE BEGINNING AND AFTER THE END OF EACH SCHOOL DAY WITHIN TEN SCHOOL DAYS AFTER THE WRITTEN REQUEST. 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.~~

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