



1 profane or vulgar language.

2 (3) "Procedures or processes" means procedures or processes that may vary by subject,  
3 area or grade.

4 (4) "Public educational institution" means any of the following:

5 (i) A school district, including its schools; or

6 (ii) A charter school.

7 (5) "Used for student instruction":

8 (i) Means assigned, distributed or otherwise presented to students in any course for which  
9 students receive academic credit or in any educational capacity in which the school requires the  
10 student body to participate or in which a majority of students, in a given grade level, participate;  
11 and

12 (ii) Includes learning materials or activities from which students are required to choose one  
13 or more from a selection of materials that is restricted to specific titles.

14 **16-112-4. Publication and posting by municipality.**

15 (a) Every municipality shall publish or prominently place on the municipal website, at least  
16 annually, a directory summarizing the subject matter of all currently applicable ordinances, codes  
17 and substantive policy statements. The municipality shall keep copies of the directory and all  
18 substantive policy statements at one location. The directory, ordinances, codes and substantive  
19 policy statements and any materials incorporated by reference in the documents shall be open to  
20 public inspection at the office of the municipality or posted on the municipal website.

21 (b) The municipality may post on its website links to the website of each school that posts  
22 materials pursuant to this chapter and that is located within the municipality.

23 **16-112-5. Parents' and guardians' rights in educational materials.**

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

29 (b) To ensure a parent's or guardian's right to review learning materials and activities as  
30 described in subsection (a) of this section, beginning in the 2022-2023 school year, each school  
31 committee or school district governing board and charter school governing body shall ensure that  
32 each school under its authority prominently discloses on a publicly accessible portion of its website  
33 all of the following:

34 (1) The procedures or processes in effect at the school for a parent or guardian to access in

1 advance to review the current learning materials and activities used for student instruction at the  
2 school;

3 (2) The procedures or processes in effect for the school principal or other staff to document,  
4 review or approve lesson plans or the learning materials and activities used for student instruction  
5 or teacher training at the school and any change in those procedures or processes from the prior  
6 year;

7 (3) A listing of the learning materials and activities used for instruction at the school in the  
8 current year, including the following, organized, at a minimum, by subject area and grade:

9 (i) Textbooks, articles and other required reading materials;

10 (ii) Videos and audio recordings;

11 (iii) Digital materials;

12 (iv) Websites;

13 (v) Online applications for a phone, laptop or tablet;

14 (vi) Instructional handouts and worksheets;

15 (vii) Grade level or school wide assemblies;

16 (viii) Guest lecturers;

17 (ix) Action-oriented civics learning assignments or projects, including the contacting of  
18 elected officials, advocating for or commenting on a political or social issue or participating in  
19 political or social demonstrations;

20 (x) Service-learning, internships or other forms of collaboration with outside organizations  
21 after regular school hours for course credit or as a class project or assignment; and

22 (xi) Other educational events facilitated by the school's staff, including those events  
23 conducted by outside individuals or organizations;

24 (4) A listing of the teacher training materials and activities used at the school in the current  
25 year;

26 (5) A listing of available resources in the school library at each school that maintains a  
27 catalog or documented inventory of those resources; and

28 (6) A copy of each survey or the full text of any question included on a survey administered  
29 at the school that solicits personal information about a student, and that requires the authorization  
30 of the school district or charter school.

31 (c) The information required by this section shall be displayed online at least seven (7)  
32 days before the start of each school year, if available, or, at the latest, three (3) calendar days before  
33 the first use of each training or learning material or activity, survey or library resource in the current  
34 year. Information posted pursuant to this section may be posted on an ongoing basis; provided that,

1 parents or guardians are notified of additions made during the school year at least three (3) calendar  
2 days before the first use of the material or activity. The listing of materials shall remain accessible  
3 via the school website until at least the conclusion of the following school year.

4 (d) In preparing the listing of learning materials and activities, the school:

5 (1) Shall list the information necessary to identify the specific learning materials and  
6 activities used for student instruction, including at least the title and the author, organization or  
7 Internet address associated with each learning material and activity. A short description of the  
8 learning material or activity may be included as necessary. This section does not require:

9 (i) The digital reproduction of the learning materials or activities;

10 (ii) The disclosure of academic assessments; or

11 (iii) The separate reporting of individual components of learning materials that are  
12 produced as a single volume, except that for digital volumes containing works by multiple authors,  
13 the school shall provide either a table of contents or Internet address that discloses the discrete  
14 works and authors contained within the volume. Articles, videos or other materials from websites  
15 shall be identified, if possible, with an Internet address specific to the relevant content used for  
16 student instruction;

17 (2) May use collaborative online document or spreadsheet software that allows multiple  
18 authorized users to update or make additions to posted content on an ongoing basis; provided that,  
19 the information is publicly accessible via a posted link on the school website; and

20 (3) May satisfy the requirements of this section by posting a copy or the full text of the  
21 lesson plans submitted to the school principal or other staff by instructors at the school in the current  
22 year; provided that, any learning materials and activities not recorded on the lesson plans are also  
23 listed via a publicly accessible portion of the school website.

24 **16-112-6. Waiver.**

25 (a) A charter school may require parents or guardians to waive the right to object to learning  
26 materials or activities pursuant to this chapter as a condition of enrollment if the charter school  
27 provides a complete list of books and materials to be used each school year before the student  
28 enrolls. If the charter school introduces books or materials that were not disclosed prior to  
29 enrollment, the parent or guardian retains the right to object to those materials pursuant to this  
30 chapter.

31 (b) A charter school may require that any request to review learning materials or activities  
32 or to withdraw the student from learning materials or activities pursuant to this chapter be made in  
33 writing.

34 (c) A public educational institution shall obtain signed, written consent from a student's

1 parent or guardian before doing either of the following:

2 (1) Using video, audio or electronic materials that may be inappropriate for the age of the  
3 student; or

4 (2) Providing sex education instruction to the student. At the same time the public  
5 educational institution seeks consent, it shall inform the student's parent or guardian of his or her  
6 right to review the learning materials and activities.

7 (d) This section does not require a school to post or distribute a training or learning material  
8 or activity in a manner that would constitute an infringement of copyright under the copyright act  
9 (P. L. 94-553; 90 stat. 2541 to 2598; 17 USC §§ 101 to 1332).

10 **16-112-7. Remedies.**

11 (a) The parent or guardian may not initiate legal action to enforce this chapter unless the  
12 party adheres to the following process:

13 (1) The party shall submit a complaint in writing with the specific facts of the alleged  
14 violation to the principal of the school. The principal shall investigate the complaint and respond  
15 in writing, including a description of any action taken to resolve the complaint, within fifteen (15)  
16 days after receiving the written complaint.

17 (2) If the action taken by the principal of the school does not resolve the complaint, the  
18 party shall submit a complaint in writing with the specific facts of the alleged violation to the school  
19 district governing board or charter school governing body or the administrator designated by the  
20 governing board or governing body. The school district governing board, charter school governing  
21 body or designated administrator shall investigate the complaint and respond in writing, including  
22 a description of any action taken to resolve the complaint, within twenty-five (25) days after  
23 receiving the written complaint.

24 (3) If the action taken by the school district governing board, charter school governing  
25 body or designated administrator does not resolve the complaint, the party may pursue legal action  
26 to enforce this chapter.

27 (4) If a complaint is not resolved after pursuing resolution pursuant to this section, the parent  
28 or guardian may initiate a suit in superior court to bring action for injunctive relief to compel the  
29 school district or charter school to bring the school into compliance with this chapter.

30 **16-112-8. Liberal Construction.**

31 This chapter, being necessary for the welfare of the state and its inhabitants, shall be  
32 liberally construed in order to effectuate its purposes.

33 **16-112-9. Severability.**

34 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any

1 [court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate](#)  
2 [the remainder of the chapter but shall be confined in its operation to the clause, sentence, paragraph,](#)  
3 [section, or part directly involved in the controversy in which that judgment shall have been](#)  
4 [rendered.](#)

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION – RIGHTS OF PARENTS AND GUARDIANS IN PUBLIC  
EDUCATIONAL INSTITUTIONS ACT

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1           This act would enable parents and guardians to review public school learning materials in  
2 advance and object if they decide that the material is harmful. The act would provide that a parent  
3 or guardian may then withdraw his or her student from the activity or class, where the material is  
4 used and request an alternative assignment. The act would also require, that in order to ensure the  
5 parent's or guardian's rights, every school committee or charter school governing body must  
6 disclose on their website a list of the learning materials and activities used for instruction organized  
7 by subject area and grade level.

8           This act would take effect upon passage.

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LC004514  
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