

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION – RIGHTS OF PARENTS AND GUARDIANS IN PUBLIC
EDUCATIONAL INSTRUCTION ACT

Introduced By: Senators de la Cruz, Rogers, DeLuca, and E Morgan

Date Introduced: February 16, 2023

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. TITLE 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 112

4 RIGHTS OF PARENTS AND GUARDIANS IN PUBLIC EDUCATIONAL INSTRUCTION

5 ACT

6 **16-112-1. Short title.**

7 This chapter shall be known and may be cited as the "Rights of Parents and Guardians in
8 Public Educational Instruction Act."

9 **16-112-2. Legislative purpose.**

10 It is the purpose of this chapter to enable parents and guardians to have a voice in the
11 materials taught to their kindergarten through grade twelve (K-12) children.

12 **16-112-3. Definitions.**

13 As used in this chapter, the following words and terms shall have the following meanings
14 unless the context shall clearly indicate another or different meaning or intent:

15 (1) "Lesson plan" means the daily, weekly, or other routinely produced guide, description
16 or outline of the instruction to be provided by a teacher to students at school.

17 (2) "Objects to any learning material or activity on the basis that the material or activity is
18 harmful" means objecting to the material or activity because of sexual content, violent content or

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 2023-2024 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 INSTRUCTION ACT

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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