STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4328 By: Stearman

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 11-106.1, which relates to inspection of instructional material; requiring all library media program material to be available for public inspection; requiring school libraries to maintain tangible copies of books, magazines, or literature; providing for public review of tangible material within specified time; requiring certain information to be provided on school website; describing types of information to be included; construing provision to exempt reproduction that violates copyright law; requiring listing to be electronically sortable and searchable; providing exception for certain school sites; prohibiting certain limitations on persons reviewing materials; directing Office of Attorney General to investigate alleged violations; permitting civil actions for damages; directing Office to maintain certain records; providing penalties for confirmed violations; authorizing attorney to request certain legal opinion; defining terms; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 11-106.1, is amended to read as follows:

Section 11-106.1 A. All instructional material, including but not limited to teacher manuals, films, tapes or other supplementary
instructional material in any format, used by a public school as part of the educational curriculum, shall be available for inspection by the parents or guardians of students enrolled in the school public.

B. All library media program material, regardless of format, used by a public school as part of the library media program, shall be available for inspection by the public.

C. Each school district shall develop and adopt policies pertaining to the inspection of instructional and library media program material in consultation with parents and guardians. The policies shall include procedures for granting a public request by a parent or guardian for reasonable access to instructional material or library media program material within a reasonable period of time after the request is received.

D. The State Department of Education shall ensure the following:

1. Every library controlled and operated by a public school or public charter school shall maintain a tangible copy of every book, magazine, or piece of literature for students to utilize for educational purposes;

2. For every digital book, magazine, or literature maintained, the school library shall maintain a tangible copy of such material, and make it available for public review within fourteen (14) days of request from any member of the public; and
3. When practicable, each school library shall make any and all material available for public inspection and allow the public to copy, scan, duplicate, or photograph portions of the material.

E. The State Department of Education shall ensure information about school material is provided on the school website prior to the start of each school year. For any material added after the start of the school year, it shall be included on the website within fourteen (14) days. This information shall remain published for as long as the school maintains the material and shall include:

1. All material used for the purpose of training or educating staff and faculty;

2. All material used in educating students or student instruction and shall have, at a minimum, the following available:
   a. the title, author, organization, website, and any other identifying information associated with each piece of material,
   b. a link to the material if published and available on the Internet. If the material is not publicly available, then a brief description of the material and the process in which how to request and review a copy of the material,
   c. the identity of the teacher, staff member, school official, or non-school-affiliated presenter who
created it, the full name of the person who created it and his or her position and qualifications, and

d. the full text or copy of any material, including but not limited to, presentations, videos, audio recording, e-books, or literature used in educating students, teachers, staff members, or school officials. This subsection shall not require the posting of academic assessments, tests, or skills validations:

3. Any procedures for the documentation, review, or approval of the lesson plans, training, learning, or curricular material used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers. This shall include material created, obtained, or solicited by the State Department of Education, local school boards and districts, or any outside entity; and

4. A catalog or documented inventory of the resources, literature, and media available to students in the school library, and a listing of available resources in the school library.

F. Nothing in this section shall be construed to require the digital reproduction or posting of copies of the learning material where such reproduction would infringe on the Copyright Act of 1976.
G. The listing of material pursuant to subsection E of this section shall be created and displayed in searchable or sortable electronic formats.

H. A school site with less than twenty enrolled students that uses material selected independently by instructors shall not be required to post a list of material pursuant to this section.

I. No member of the public who requests to review or reviews any material, whether copyrighted or not, shall be required to sign or enter into terms of a nondisclosure agreement, nor waive any rights beyond complying with federal copyright laws.

J. For any alleged violation of this section by the State Department of Education, local school boards of education or school districts, or any public school employee, the Office of the Attorney General shall initiate an investigation into the alleged violation of this section.

K. 1. If the Office of the Attorney General finds that the State Department of Education, local school boards of education or school districts, or any public school employee willfully violated a provision of this section, then any parent or legal guardian whose child suffered damages from such willful violation may initiate a suit in the jurisdiction where the violation occurred.

2. The Office of the Attorney General shall create and maintain a record of alleged and confirmed violations of this section for not less than twenty (20) years.
a. if a school is found to be in violation of this section more than three times in a two-year period, the school shall lose accreditation for one school year following the third violation, and

b. if a school district is found to be in violation of this section three or more times within a two-year period, the citizens of the school district may begin a recall of the elected board of education members of the school district.

L. Any attorney acting on behalf or representing any school district, public school, public charter school, or governmental entity may request a legal opinion from the Office of the Attorney General as to whether a particular piece of material fits under this section and has been disclosed and published in a manner complying with this section.

M. For the purposes of this section, "instructional:

1. "Instructional material" means instructional content that is provided to a student, regardless of the format, including printed or representational materials, audio-visual materials, and electronic or digital formats;

2. "Library media program material" means content that is provided to a student through the library media program, regardless of format, including printed material, nonprinted material, multimedia resources, and equipment and supplies;
3. "Material" means including, but not limited to, textbooks, reading material, videos, audio recordings, presentations, digital material, websites, instructional handouts and worksheets, syllabi, and applications for a phone, laptop, or tablet;

4. "Lesson plan" means the daily, weekly, or other produced guide whether by the teacher, school, or other entity providing the description and outline of the instruction to be provided to the students at school; and

5. "Public" means any parent or guardian of a child attending public schools or any Oklahoma resident.

SECTION 2. This act shall become effective November 1, 2022.