

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4328

By: Stearman

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 11-106.1, which relates to inspection of  
9 instructional material; requiring all library media  
10 program material to be available for public  
11 inspection; requiring school libraries to maintain  
12 tangible copies of books, magazines, or literature;  
13 providing for public review of tangible material  
14 within specified time; requiring certain information  
15 to be provided on school website; describing types of  
16 information to be included; construing provision to  
17 exempt reproduction that violates copyright law;  
18 requiring listing to be electronically sortable and  
19 searchable; providing exception for certain school  
20 sites; prohibiting certain limitations on persons  
21 reviewing materials; directing Office of Attorney  
22 General to investigate alleged violations; permitting  
23 civil actions for damages; directing Office to  
24 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

1 instructional material in any format, used by a public school as  
2 part of the educational curriculum, shall be available for  
3 inspection by the ~~parents or guardians of students enrolled in the~~  
4 school public.

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

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

15 ~~C.~~ D. The State Department of Education shall ensure the  
16 following:

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

21 2. For every digital book, magazine, or literature maintained,  
22 the school library shall maintain a tangible copy of such material,  
23 and make it available for public review within fourteen (14) days of  
24 request from any member of the public; and

1        3. When practicable, each school library shall make any and  
2 all material available for public inspection and allow the public to  
3 copy, scan, duplicate, or photograph portions of the material.

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

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

12        2. All material used in educating students or student  
13 instruction and shall have, at a minimum, the following available:

14            a. the title, author, organization, website, and any  
15            other identifying information associated with each  
16            piece of material,

17            b. a link to the material if published and available on  
18            the Internet. If the material is not publicly  
19            available, then a brief description of the material  
20            and the process in which how to request and review a  
21            copy of the material,

22            c. the identity of the teacher, staff member, school  
23            official, or non-school-affiliated presenter who  
24

1 created it, the full name of the person who created it  
2 and his or her position and qualifications, and

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

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

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

20 F. Nothing in this section shall be construed to require the  
21 digital reproduction or posting of copies of the learning material  
22 where such reproduction would infringe on the Copyright Act of 1976.

1 G. The listing of material pursuant to subsection E of this  
2 section shall be created and displayed in searchable or sortable  
3 electronic formats.

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

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

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

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

22 2. The Office of the Attorney General shall create and  
23 maintain a record of alleged and confirmed violations of this  
24 section for not less than twenty (20) years.

1           a. if a school is found to be in violation of this  
2           section more than three times in a two-year period,  
3           the school shall lose accreditation for one school  
4           year following the third violation, and

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

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

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

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

21           2. "Library media program material" means content that is  
22 provided to a student through the library media program, regardless  
23 of format, including printed material, nonprinted material,  
24 multimedia resources, and equipment and supplies;

1        3. "Material" means including, but not limited to, textbooks,  
2 reading material, videos, audio recordings, presentations, digital  
3 material, websites, instructional handouts and worksheets, syllabi,  
4 and applications for a phone, laptop, or tablet;

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

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

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

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