

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1464

By: Representative Cozart
By: Senator Irvin

For An Act To Be Entitled

AN ACT TO ADD TO THE ARKANSAS CODE A PROVISION
AFFORDING AN OPPORTUNITY TO CHALLENGE INSTRUCTIONAL
MATERIALS AND ASSOCIATED EVENTS AND ACTIVITIES; AND
FOR OTHER PURPOSES.

Subtitle

TO ADD TO THE ARKANSAS CODE A PROVISION
AFFORDING AN OPPORTUNITY TO CHALLENGE
INSTRUCTIONAL MATERIALS AND ASSOCIATED
EVENTS AND ACTIVITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended to add an additional section to read as follows:

6-16-152. Challenge to instructional material and associated events and activities.

(a) The General Assembly finds that:

(1) The proper means through which parents and legal guardians may influence curriculum, instructional materials, and the events and activities supplemental to instruction is with a public school district administration and local public school district board of directors; and

(2) Under § 6-13-620(8), each public school district board of directors has the power, and is required, to approve the selection of curriculum and ensure that public school students are offered and taught the courses of study and educational content required by the State Board of



Education.

(b) Each public school district shall develop and adopt policies, in consultation with parents and legal guardians, regarding:

(1) The right of a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis to a student to inspect, upon request, any instructional material used as part of the educational curriculum for a public school student; and

(2) A procedure for granting a person under subdivision (b)(1) of this section:

(A) Reasonable access to instructional material within a reasonable period of time after a public school district receives a request to inspect instructional material; and

(B) The opportunity to challenge or express concerns about:

(i) Instructional material; and

(ii) Events and activities associated with classroom instruction.

(c)(1) The procedure established under subdivision (b)(2) of this section shall provide an opportunity to appeal the appropriateness of instructional material and events and activities associated with classroom instruction to public school district officials, which shall include without limitation the public school:

(A) Principal;

(B) District superintendent; and

(C) District board of directors.

(2) However, the public school district board of directors shall make a final determination of an appeal made under subdivision (c)(1) of this section, which shall include the decision whether to:

(A) Retain the challenged instructional material in whole or in part, limit the availability of the challenged instructional material, or remove the challenged instructional material from the public school; or

(B) Maintain, modify, or cancel a challenged classroom event or activity associated with classroom instruction.

(3) The primary consideration for determining the appropriateness of instructional material or an event or activity associated with classroom instruction is whether the instructional material or event or

activity associated with classroom instruction is:

(A) Misleading;

(B) Factually inaccurate; or

(C) Otherwise inappropriate for the intended educational

use.

(d) As used in this section:

(1)(A) "Instructional material" means instructional content that is provided to a public school student, regardless of its format, that includes without limitation printed or representational materials, audio-visual materials, and materials in electronic or digital format, such as materials accessible through the internet.

(B) "Instructional material" does not include academic tests or academic assessments; and

(2) "Curriculum" means:

(A) Sequences of public school student learning expectations, pacing, materials, and resources that are used to teach the Arkansas academic standards; and

(B) Processes for evaluating mastery of the Arkansas academic standards at particular points in time throughout the kindergarten through grade twelve (K-12) educational program.

(e) The rights provided under this section transfer to a public school student when he or she attains eighteen (18) years of age.