

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/9/25

A Bill

HOUSE BILL 1919

By: Representative McAlindon
By: Senators J. Dotson, M. McKee, C. Penzo

For An Act To Be Entitled

AN ACT TO CREATE THE PUBLIC SCHOOL ACCESS AND
TRANSPARENCY ACT; TO REQUIRE PUBLIC SCHOOL ACCESS TO
LEARNING MATERIALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PUBLIC SCHOOL ACCESS AND
TRANSPARENCY ACT; AND TO REQUIRE PUBLIC
ACCESS TO LEARNING MATERIALS.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Public School Access and Transparency Act".

SECTION 2. DO NOT CODIFY. Legislative intent.

The purpose of this act is to amend the Freedom of Information Act of 1967, § 25-19-101 et seq., to:

(1) Prevent the abuse of copyright claims by public records custodians for public schools; and

(2) Guarantee access to school learning materials, thus ensuring transparency and accountability in public education in the state.

SECTION 3. Arkansas Code § 25-19-103(7), concerning the definition of "public records" under the Freedom of Information Act of 1967, is amended to read as follows:

(7)(A) "Public records" means writings, recorded sounds, films,



tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records, including without limitation learning materials used in or maintained by a public school or public school district.

(B) "Public records" does not mean software acquired by purchase, lease, or license;

SECTION 4. Arkansas Code § 25-19-103, concerning definitions under the Freedom of Information Act of 1967, is amended to add an additional subdivision to read as follows:

(10)(A) "Learning materials" means curricula, syllabi, lesson plans, instructional materials, assignments, presentations, books, articles, video recordings, audio recordings, digital resources, or other resources that are maintained and used by public schools for classroom instruction, regardless of format or medium.

(B) "Learning materials" does not include tests or other student assessments used by public schools or public school districts.

SECTION 5. Arkansas Code § 25-19-105, concerning the examination and copying of public records under the Freedom of Information Act of 1967, is amended to add an additional subsection to read as follows:

(i)(1) Access to learning materials, as defined in § 25-19-103, shall not be denied to any resident on the grounds that disclosure, inspection, or copying of the learning materials would constitute an infringement of copyright under federal law.

(2) A custodian of learning materials shall not enter into an agreement or purports to restrict public access to learning materials based on copyright, on intellectual property rights, or any similar legal theory.

(3)(A) A person who receives access to copyrighted learning materials under this section shall not publish, distribute, or utilize the

copyrighted learning materials for any purpose other than public inspection.

(B) Any copies of copyrighted learning materials under this section shall not exceed any amounts permissible under fair use provisions of the copyright laws of the United States under 17 U.S.C. § 101 et seq., as it existed on January 1, 2025.

(4)(A) Consistent with subsection (g) of this section, access for public inspection shall not be denied to digital learning materials, including without limitation subscription-based services or other programs that can be accessed with personal electronic devices.

(B) To the extent that copying digital learning materials under subdivision (i)(4)(A) of this section is impractical, a resident requesting to copy the digital learning materials shall be provided the opportunity to physically inspect the digital learning materials during normal business hours.

(5)(A) Subject to subdivision (i)(2) of this section, access to learning materials, including without limitation the physical inspection of digital learning materials, shall not be conditioned upon a resident seeking access to the learning materials being required to enter into any form of nondisclosure agreement or waiver of rights under this chapter.

(B) For purposes of this section, "nondisclosure agreement" means a confidentiality agreement or contract provision that prohibits the disclosure of information by a party to the contract to a third-party.

SECTION 6. DO NOT CODIFY. Severability. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application and, to this end, the provisions of this act are severable.

/s/McAlindon