

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1464

5 By: Representative Cozart
6 By: Senator Irvin
7

For An Act To Be Entitled

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

15 TO ADD TO THE ARKANSAS CODE A PROVISION
16 AFFORDING AN OPPORTUNITY TO CHALLENGE
17 INSTRUCTIONAL MATERIALS AND ASSOCIATED
18 EVENTS AND ACTIVITIES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 6-16-152. Challenge to instructional material and associated events
27 and activities.

28 (a) The General Assembly finds that:

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

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



1 Education.

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

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

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

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

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

15 (i) Instructional material; and

16 (ii) Events and activities associated with classroom
17 instruction.

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

23 (A) Principal;

24 (B) District superintendent; and

25 (C) District board of directors.

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

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

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

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

1 activity associated with classroom instruction is:

2 (A) Misleading;

3 (B) Factually inaccurate; or

4 (C) Otherwise inappropriate for the intended educational

5 use.

6 (d) As used in this section:

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

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

14 (2) "Curriculum" means:

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

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

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

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