

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1919

5 By: Representative McAlindon  
6 By: Senator J. Dotson  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE PUBLIC SCHOOL ACCESS AND  
10 TRANSPARENCY ACT; TO REQUIRE PUBLIC SCHOOL ACCESS TO  
11 LEARNING MATERIALS; AND FOR OTHER PURPOSES.  
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## Subtitle

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15 TO CREATE THE PUBLIC SCHOOL ACCESS AND  
16 TRANSPARENCY ACT; AND TO REQUIRE PUBLIC  
17 ACCESS TO LEARNING MATERIALS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. DO NOT CODIFY. Title.

22 This act shall be known and may be cited as the "Public School Access  
23 and Transparency Act".  
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25 SECTION 2. DO NOT CODIFY. Legislative intent.

26 The purpose of this act is to amend the Freedom of Information Act of  
27 1967, § 25-19-101 et seq., to:

28 (1) Prevent the abuse of copyright claims by public records  
29 custodians; and

30 (2) Guarantee access to school learning materials, thus ensuring  
31 transparency and accountability in public education in the state.  
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33 SECTION 3. Arkansas Code § 25-19-103(7), concerning the definition of  
34 "public records" under the Freedom of Information Act of 1967, is amended to  
35 read as follows:

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



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

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

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

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

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

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

27 (i)(1) Access to learning materials shall not be denied to any  
28 resident on the grounds that disclosure, inspection, or copying of the  
29 learning materials would constitute an infringement of copyright under  
30 federal law.

31 (2) A custodian of learning materials, including without  
32 limitation a public school, public school district, public school official,  
33 or public school employee, shall not enter into an agreement or contract that  
34 purports to restrict public access to learning materials based on copyright,  
35 intellectual property rights, or any similar legal theory.

36 (3)(A) Consistent with subsection (g) of this section, access

1 shall not be denied to digital learning materials, including without  
2 limitation subscription-based services or other programs that can be accessed  
3 with personal electronic devices.

4 (B) To the extent that copying digital learning materials  
5 under subdivision (i)(3)(A) of this section is impractical, a resident  
6 requesting to copy the digital learning materials shall be provided the  
7 opportunity to physically inspect the digital learning materials during  
8 normal business hours.

9 (4)(A) Access to learning materials, including without  
10 limitation the physical inspection of digital learning materials, shall not  
11 be conditioned upon a resident seeking access to the learning materials being  
12 required to enter into any form of nondisclosure agreement or waiver of  
13 rights under this chapter.

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

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

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