

2022 -- H 7335

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- THE 2022 TRANSPARENCY IN EDUCATION
CURRICULUM MATERIALS ACT

Introduced By: Representative P Morgan

Date Introduced: February 04, 2022

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 112

4 THE 2022 TRANSPARENCY IN EDUCATION CURRICULUM MATERIALS ACT

5 **16-112-1. Purpose.**

6 Public education is a fundamental responsibility of the state. The purpose of this chapter is
7 to ensure public transparency in the instructional, training, and learning materials of schools, and
8 to give parents, students, and the general public reasonable access to review such materials.

9 **16-112-2. Definitions.**

10 As used in this chapter, the following terms shall have the following meanings, unless
11 another meaning is clearly indicated by the context.

12 (1) "Activities" include, but are not limited to, assemblies, guest lectures, or other
13 educational events facilitated by the institution's faculty or staff, including those conducted by
14 outside individuals or organizations, excluding student presentations.

15 (2) "Learning materials" include, but are not limited to, the following: all textbooks,
16 reading materials, videos, activities, digital materials, websites, posters, bulletin board materials
17 and other online applications.

18 (3) "Original materials" means learning materials created, owned or licensed by the school

1 district, school, faculty, or staff that are used for student instruction.

2 (4) "Used for student instruction" means assigned, distributed, or otherwise presented to
3 students in any course for which students receive academic credit, or in any educational capacity
4 in which participation of the student body is required by the school or in which a majority of
5 students in a given grade level participate or in any extracurricular club or activity. This term also
6 applies to any materials from among which students are required to select one or more options, if
7 the available selection is restricted to specific titles.

8 **16-112-3. Transparency in training and curriculum.**

9 (a) The governing body of a public school including, but not limited to, public charter
10 schools and so-called traditional public schools, shall ensure that the following is displayed and
11 posted on the school website in an easily accessible location:

12 (1) All instructional or training materials, or activities, used for staff and faculty training,
13 including, but not limited to, any procedures for the documentation, review, or approval of the
14 training, learning, or curricular materials used for staff and faculty training or student instruction at
15 the school, including by the principal, curriculum administrators, or other teachers.

16 (2) All learning or curricular materials, or activities, used for student instruction, including
17 teacher manuals. Such display of materials or activities shall identify, at a minimum:

18 (i) The title, author, organization, and any website associated with each material and
19 activity;

20 (ii) A link to the learning material, if publicly available on the Internet or if not freely and
21 publicly available, a brief description of the learning material and information on how to request
22 review, of a copy of the learning material and a copy to be made available for review in the school
23 library on request; and

24 (iii) If the learning material was created for non-public use, the identity of the teacher, staff
25 member, school official, or outside presenter who created it. Such identification may be indicated
26 by a personal title and last initial if referring to a teacher, staff member, or school official.

27 (b) The information required by subsection (a) of this section shall be: accessible from the
28 institution's Internet website home page by use of not more than three (3) links; searchable by
29 keywords and phrases; and accessible to the public without requiring registration or use of a
30 username, a password, or any user identification.

31 (c) The information required by subsection (a) of this section shall be displayed online prior
32 to the first instance of training or instruction or at the latest, seven (7) days after the training or
33 instruction. Such information shall be organized by school, grade, teacher, and subject, and remain
34 displayed on the school website for at least two (2) years.

1 (d) To prepare and host the listing of materials and activities pursuant to subsection (a) of
2 this section, a school may, but is not required to, utilize a collaborative online document or
3 spreadsheet software that allows multiple authorized users to update or make additions to posted
4 content on an ongoing basis, as long as a link to the listing is publicly accessible via the school
5 website.

6 (e) All instructional materials for the required instruction shall be reviewed and approved
7 prior to first use, and at least once every two (2) years thereafter, by the local education authority
8 in consultation with parents, educators, and others regarding the accuracy and suitability of the
9 materials.

10 **16-112-4. Compliance.**

11 (a) Each public school and charter school shall designate an administrator to be responsible
12 for ensuring the implementation of this section. The administrator may assign duties under this
13 section to one or more administrative employees.

14 (b) Each public school and charter school shall update the list of curricular, training and
15 learning material at least twice each school year. Annually, a governing body of the public school
16 or public charter school shall do one update by the beginning of the school term, and one update
17 by January 15. A school board shall notify parents and guardians that the list has been updated by
18 posting notice on the school board's Internet site and providing notice in a newsletter or other
19 written communication that is distributed to parents and guardians.

20 (c) Not later than January 1 of each year, each public school and charter school shall make
21 available to the public on the institution's Internet site a written report regarding the institution's
22 compliance with this section.

23 **16-112-5. Oversight and remedies.**

24 (a) The attorney general, the commissioner of elementary and secondary education, or a
25 resident of the school district in which an alleged violation of this chapter occurs may initiate a suit
26 in the superior court in the jurisdiction in which the school district, public school, public charter
27 school, or other governmental entity responsible for the oversight of public secondary or
28 elementary schools is located, for the purpose of complying with this chapter.

29 (b) Legal counsel acting on behalf of a school district, public school, public charter school,
30 or governmental entity responsible for the oversight of public secondary or elementary schools may
31 request a legal opinion from the attorney general as to whether a particular piece of training,
32 learning, or curricular material should be displayed on the school website pursuant to this chapter.

33 (c) Upon the filing of a complaint, the superior court in which the public school resides has
34 jurisdiction to order the production of any learning materials or other materials or activities, as

1 specified in this chapter, improperly withheld from the complainant. In such a case, the court shall
2 determine the matter de novo, and may examine the contents of such materials in camera to
3 determine whether such materials or any part thereof shall be withheld. The court may assess
4 against the governing body of the public school reasonable attorney fees and other litigation costs
5 reasonably incurred in any case under this section in which the complainant has substantially
6 prevailed. Violations of this chapter shall be subject to a civil fine of five hundred dollars (\$500)
7 for each instance of a violation.

8 (d) In the event of noncompliance with the order of the court, the court may punish for
9 contempt the responsible official or employee. Courts should not entertain complaints under this
10 subsection unless complainants have first attempted to remedy the noncompliance by contacting
11 school officials and the school's governing body.

12 **16-112-6. Copyright compliance.**

13 Nothing in this chapter shall be construed to require the digital reproduction or posting of
14 copies of the learning materials themselves, where such reproduction would infringe upon
15 copyrighted material; provided, however, that in such cases, the school should offer a link to a
16 publicly available website describing and offering access to the learning materials, if possible; and
17 upon request, if the materials are not offered free of charge, provide the learning materials for public
18 inspection, as required under this chapter, at the school building where the learning materials or
19 activities are used for student instruction, no later than thirty (30) days after requested. To the extent
20 practicable, each school shall make any and all learning materials, including original materials,
21 available for public inspection and allow the public to copy, scan, duplicate, or photograph portions
22 of original materials within the limits of "fair use" under the Copyright Act of 1976. 17 U.S.C. §
23 107.

24 **16-112-7. Severability.**

25 The provisions of this chapter are hereby declared to be severable. If any provision of this
26 chapter or the application thereof to any person or circumstance is declared or held to be invalid
27 for any reason, such declaration or holding shall not affect the validity of the remaining portions of
28 this chapter and the application of its provisions to any other persons or circumstances, and to this
29 end the provisions of this chapter are declared to be severable.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- THE 2022 TRANSPARENCY IN EDUCATION
CURRICULUM MATERIALS ACT

1 This act would create the 2022 Transparency in Education Curriculum Materials Act,
2 requiring the governing body of a public school to ensure that all instructional or training materials
3 used for faculty and staff training, as well as all learning or curricular materials used for student
4 instruction, be displayed on the school's website in an easily accessible location.

5 This act would take effect upon passage.

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