



## **Academic Transparency Act**

**A. Each public school in this state shall prominently list on a publicly accessible portion of its website by July 1:**

- (1) The learning materials and activities that were used for student instruction at the school during the most recently completed school year, organized at a minimum by subject area and grade.
- (2) Any procedures in effect for the documentation, review, or approval by the principal, administrators, or other teachers regarding the learning materials and activities used for student instruction at the school.

**B. For the purposes of this section:**

1. Learning materials include, but are not limited to, the following: all textbooks and reading materials, videos, digital materials, websites and other online applications.
2. "Used for student instruction":
  - (a) Means assigned, distributed, or otherwise presented to students in any course for which students receive academic credit or in any educational capacity in which participation of the student body is required by the school or in which a majority of students in a given grade level participate.
  - (b) Applies also to any materials from among which students are required to select one or more, if the available selection is restricted to specific titles.
3. Activities include, but are not limited to assemblies, guest lectures, or other educational events facilitated by the institution's staff, including those conducted by outside individuals or organizations, excluding student presentations.
4. A school shall be required to list only the information necessary to identify the specific learning materials and activities used for instruction, including the title and the author, organization, or internet address associated with each material and activity. Nothing in this section shall be construed to require either:
  - (a) The digital reproduction of the materials themselves, nor
  - (b) The separate reporting of individual components of materials produced as a single volume, except that for digital volumes containing works by multiple authors, the school shall provide either a table of contents or internet address that discloses the discreet works and authors contained within the volume.

**C. A school shall not be required to list learning materials and activities pursuant to this section under any of the following circumstances:**

1. The school's governing board is responsible for the operation of schools with fewer than five hundred students cumulatively,
2. The materials or activities are selected independently by instructors at a school site with fewer than fifty students enrolled.

**D. To prepare and host the listing of materials and activities pursuant to paragraph A, a school may, but is not required to:**

1. Post and update the listing of learning materials and activities on an ongoing basis during each school year, provided the listing is completed by July 1 following the completion of the school year.
2. Utilize collaborative online document or spreadsheet software that allows multiple authorized users to update or make additions to posted content on an ongoing basis, as long as a link to the listing is publically accessible via the school website.

**E. The listing of materials for each school year shall remain available via the school website until at least the completion of the following year's listing.**



## **Additional Provisions for Consideration**

**(including provisions from state legislation modeled on or complementary to Academic Transparency)**

### **Enhanced transparency of school/teacher created works**

- “Learning materials also include works created by a teacher or staff member employed under the authority of the school’s governing board, including syllabi, outlines, handouts, presentations, and audio or video materials.”
- “Each school shall also post the full text or a copy of any learning materials or educational activities, including presentations and videos, used for student instruction at the school, if those works were created by the school’s governing board or a teacher or staff member employed under the authority of the governing board. This section does not require the posting of academic assessments or academic tests.”

### **Differentiation of materials used by individual teachers**

- “...organized at a minimum by subject area, grade, and teacher.”

### **Explicit copyright disclaimer**

- “This section may not be construed to require a school to post or distribute a learning material or educational activity in a manner that would constitute an infringement of copyright under the federal Copyright Act, 17 USC 101 to 1332.”

### **Enforcement mechanism**

- “The attorney general, the county attorney for the county in which an alleged violation of this section occurred, or a resident of the school district in which the school is located may bring an action for injunctive relief or a writ of mandamus in [superior/circuit] court to compel the governing board of the school to bring the school into compliance with this subsection. If a resident prevails, the court shall award to the resident reasonable attorney fees not to exceed \$15,000.”

### **Alternative reporting timelines / advance reporting**

- “Materials and activities shall be listed [within 30 days of the use] OR [within 30 days of the completion of each semester]. OR [The listing of materials and activities shall be updated at least twice each school year, including at the beginning of the school term to include any materials planned for use during the school year, and one update by June 30 following the completion of the school year].”

### **Transparency of school library resources**

- “Each school with a catalog or documented inventory of the resources available to students in its school library shall post on a publicly accessible portion of its website the listing of available resources.”

### **Ensuring parental access to digital materials used for student instruction**

- “The governing board of the school or any staff employed thereby and acting in the course of their official duties shall not purchase or contract for copyrighted digital learning materials used for student instruction at the school, including the renewal of subscription-based materials for which students are provided individual login credentials or access via electronic personal devices, unless provision is made to allow parents and guardians of enrolled students to review the materials within 10 days of the submission of a written request to the school. The means of provision shall include at least one of the following:
  1. Providing access to the materials at the school site during the school’s normal hours of operation within 10 days of written request.
  2. Providing temporary remote access or login credentials to at least one copy of the materials for review for at least a 24-hour period following each request, not to exceed one request per item per household during each 30-day period.
- “The parent or guardian shall not be required as a condition of reviewing the materials to enter into terms of a nondisclosure agreement nor waive any rights beyond complying with federal copyright law.”
  1. "Nondisclosure agreement means a confidentiality agreement or contract provision that prohibits the disclosure of information by a party to the contract."