

Sunlight in Learning Act:
Consolidated Model Language for Transparency in K-12 Curriculum

This consolidated model language for transparency in K-12 curriculum draws upon both the **Goldwater Institute** [Academic Transparency](#) and **Manhattan Institute** [Transparency in Training and Curriculum](#) models, with additional contributions and consolidation by **Stanley Kurtz**.

A. The governing body of a public school, including public charter schools, shall ensure that the following information is displayed on the school website in an easily and publicly accessible location:

(1) All instructional or training materials and activities used for staff and faculty training.

(2) All learning materials and activities used for student instruction. Such display of materials or activities shall identify, at a minimum:

i. The title, author, organization, and any website associated with each material and activity;

ii. A link to the learning material, if publicly available on the Internet; or, if not freely and publicly available, a brief description of the learning material and information on how to request review of a copy of the learning material; and

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

iv. The full text or a copy of any learning materials or educational activities, including presentations, videos, and audio recordings, used for student instruction at the school, if those works were created by the school's governing board or a teacher of staff member employed under the authority of the governing board. This section does not require the posting of academic assessments or academic tests.

v. If the activity involves service-learning, internships, or collaboration with outside organizations after regular school hours for course credit, the name of the organization should be listed, along with the number of students engaged in service learning, internships, or collaboration with that organization. The name of the students involved shall not be posted.

(3) Any procedures for the documentation, review, or approval of the lesson plans, training, learning, or curricular materials, or activities used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.

(4) At each school with a catalog or documented inventory of the resources available to students in its school library, a listing of available resources in the library.

B. For the purposes of this section:

(1) “Learning materials” include, but are not limited to, the following: all textbooks, reading materials, videos, audio recordings, presentations, digital materials, websites, instructional handouts and worksheets, syllabi, and online applications for a phone, laptop or tablet.

(2) “Used for student instruction”:

(i) 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.

(ii) 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) “Original materials” means learning materials owned or licensed by the school district, school, faculty, or staff that are used for student instruction.

(4) “Activities” include but are not limited to assemblies, guest lectures, action-oriented civics learning-assignments or projects, including the actual or simulated contacting of government officials or any requirement to advocate for or comment on a contemporary political or social issue or participate in organized political activity, social demonstrations, or other field trips or projects, service-learning, internships, or other forms of collaboration with outside organizations after regular school hours for course credit or as a class project or assignment, or other educational events facilitated by the institution’s faculty or staff, including those conducted by outside individuals or organizations, excluding presentations given by students enrolled at the school.

(5) "Lesson plan" means the daily, weekly or other routinely produced guide, description or outline of the instruction to be provided by a teacher to students at the school.

C. Nothing in subsection (A) shall be construed to require the digital reproduction or posting of copies of the learning materials themselves, where such reproduction would infringe upon copyrighted material; but in such cases, the school should offer a link to a publicly available website describing and offering access to the learning materials, if possible; and upon request, if the materials are not offered free of charge, provide the learning materials for public inspection, as required under subsection (A)(2)(ii) of this section, at the school building where the learning materials or activities are used for student instruction, and no later than 30 days after requested. To the extent practicable, each school shall make any and all learning materials, including original materials, available for public inspection and allow the public to copy, scan, duplicate, or photograph portions of original materials within the limits of “fair use” under Section 107 of the Copyright Act. Copyrighted digital learning materials shall be made available for public inspection as required under subsection (L) and (M).

D. Subsection (A) does not require the separate reporting of individual components of learning materials that are published together as a single volume. Articles, videos, or other materials from websites that are used for student instruction should be identified, where possible, with an internet address specific to the relevant content used for student instruction.

E. The information required by subsection (A) of this section shall be displayed online prior to the first instance of training or instruction, or, at latest, 14 days after the training or instruction. Such information shall be organized by school, grade, teacher, and subject, and remain displayed on the school website for at least two years. For privacy purposes, teachers and staff employed by the school may request that a school use a personal title and last initial in lieu of a full name. The date of the latest modification or update to such information shall be displayed on the same website location.

F. To prepare and host the listing of materials and activities pursuant to subsection (A), a school:

(1) May, but is not required to, utilize a 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 publicly accessible via the school website.

(2) May, but is not required to, satisfy the requirements of subsection (A)(2) by posting a copy or the full text of the lesson plans submitted to the school principal or other staff by instructors at the school in the current year, provided that the lesson plans provide equivalent detail of the learning materials and activities used for student instruction as required by subsection (A)(2), and that any such learning materials and activities not recorded on the lesson plans are also disclosed via a publicly accessible portion of the school website in the manner prescribed by subsection (A)(2)

G. The listing of materials and activities pursuant to subsection (A) shall be created and displayed in searchable or sortable electronic formats.

H. A school whose materials or activities are selected independently by instructors at a school site with fewer than twenty enrolled students is not required to post a list of learning materials and activities pursuant to this section.

I. The attorney general, state superintendent of public instruction, auditor general, district or county attorney for the district or county in which an alleged violation of this section occurs, or a resident of the school district in which an alleged violation of this section occurs, may initiate a suit in the district or county court in the jurisdiction in which the school district, public school, public charter school or other governmental entity responsible for the oversight of public secondary or elementary schools is located for the purpose of complying with this section.

J. An attorney acting on behalf of a school district, public school, public charter school, or governmental entity responsible for the oversight of public secondary or elementary schools may request a legal opinion of the county or district attorney or the attorney general as to whether a particular piece of training, learning, or curricular material or activity fits under this subsection and has been disclosed in a manner complying with this subsection.

K. On complaint, the [appropriate state] court in the [district] in which the school resides has

jurisdiction to order the production of any learning materials or other materials or activities, as specified in this section, improperly withheld from the complainant. In such a case, the court shall determine the matter de novo, and may examine the contents of such materials in camera to determine whether such materials or any part thereof shall be withheld. The court may assess against the governing body of the school reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed. In the event of noncompliance with the order of the court, the court may punish for contempt the responsible official or employee. Courts should not entertain complaints under this section unless complainants have first attempted to remedy the alleged noncompliance by contacting school officials, and if not resolved to the satisfaction of the complainant by school officials within 15 days, by contacting the school's governing body, who shall have 45 days to resolve the alleged noncompliance.

L. Neither the [state department of education] nor the governing board of a public school, including a public charter school, nor any staff employed thereby and acting in the course of their official duties, shall purchase or contract for copyrighted learning materials to be 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 30 days of the submission of a written request to the school. The means of provision shall include at least one the following:

(1) Providing access to the materials at the school site during the school's normal hours of operation within 30 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.

M. The parent or guardian reviewing copyrighted digital materials 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.