

By: Senator(s) England

To: Education

SENATE BILL NO. 2434

1 AN ACT TO CREATE THE ACADEMIC TRANSPARENCY ACT OF 2022; TO
 2 REQUIRE EACH PUBLIC SCHOOL TO LIST ON A PUBLICLY ACCESSIBLE
 3 PORTION OF ITS WEBSITE THE LEARNING MATERIALS AND ACTIVITIES THAT
 4 WERE USED FOR STUDENT INSTRUCTION AT THE SCHOOL DURING THE MOST
 5 RECENTLY COMPLETED SCHOOL YEAR; TO REQUIRE A SCHOOL TO LIST ONLY
 6 THE INFORMATION NECESSARY TO IDENTIFY THE SPECIFIC LEARNING
 7 MATERIALS AND ACTIVITIES USED FOR INSTRUCTION; TO ALLOW SCHOOL
 8 BOARDS WITH LESS THEN 500 STUDENTS TO BE EXEMPT FROM THE
 9 REQUIREMENTS OF THE ACT; TO SET CERTAIN EXEMPTIONS THAT THE ACT
 10 SHALL NOT BE CONSTRUED TO DO; TO SET CERTAIN REQUIREMENTS OF THE
 11 ACT; TO AUTHORIZE THE ATTORNEY GENERAL, COUNTY ATTORNEY OF THE
 12 COUNTY IN WHICH AN ALLEGED VIOLATION OCCURRED, OR A RESIDENT OF
 13 THE SCHOOL DISTRICT TO BRING AN ACTION FOR INJUNCTIVE RELIEF WHEN
 14 AN ALLEGED VIOLATION OF THE ACT HAS OCCURRED; TO REQUIRE CERTAIN
 15 PROCEDURES FOR THE PURCHASING OF LEARNING MATERIALS; AND FOR
 16 RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** This act shall be known and may be cited as the
 19 "Academic Transparency Act of 2022."

20 **SECTION 2.** For purposes of this act, unless the context
 21 requires otherwise, the following terms shall have the meanings
 22 ascribed herein:

23 (a) "Learning materials," includes, but is not limited
 24 to, the following meanings:



25 (i) Textbooks, reading materials, videos, digital
26 materials, websites and other online applications; and

27 (ii) Works created by a teacher or staff member
28 employed under the authority of the school's governing board,
29 including syllabi, outlines, handouts, presentations and
30 audio or video materials.

31 (b) "Used for student instruction" means:

32 (i) Assigned, distributed or otherwise presented
33 to students in any course for which students receive academic
34 credit or in any educational capacity in which participation of
35 the student body is required by the school or in which a majority
36 of students in a given grade level participate.

37 (ii) Any materials which students are required to
38 select, if the available selection is restricted to specific
39 titles.

40 (c) "Activities," includes, but is not limited to, the
41 following meanings: assemblies, guest lectures or other
42 educational events facilitated by the institution's staff,
43 including those conducted by outside individuals or organizations,
44 excluding student presentations.

45 **SECTION 3.** (1) Each public school in this state shall
46 prominently list on a publicly accessible portion of its website
47 by July 1, 2023, the following information:

48 (a) The learning materials and activities that were
49 used for student instruction at the school during the most



50 recently completed school year, organized at a minimum by subject
51 area and grade.

52 (b) Any procedures in effect for the documentation,
53 review, or approval by the principal, administrators
54 or other teachers regarding the learning materials and activities
55 used for student instruction at the school.

56 (2) A school shall be required to list only the information
57 necessary to identify the specific learning materials and
58 activities used for instruction, including the title and the
59 author, organization or internet address associated with each
60 material and activity.

61 (3) A school shall not be required to list learning
62 materials and activities pursuant to this section under any of
63 the following circumstances:

64 (a) If the school's governing board is responsible for
65 the operation of schools with fewer than five hundred (500)
66 students cumulatively; and

67 (b) If the materials or activities are selected
68 independently by instructors at a school site with fewer than
69 fifty students enrolled.

70 (4) Each school with a catalog or documented inventory of
71 the resources available to students in its school library shall
72 post on a publicly accessible portion of its website the listing
73 of available resources.



74 (5) This section shall not be construed to require a school
75 to post or distribute a learning material or educational activity
76 in a manner that would constitute an infringement of copyright
77 under federal or state law.

78 (6) Nothing in this section shall be construed to require
79 either:

80 (a) The digital reproduction of the materials
81 themselves, nor

82 (b) The separate reporting of individual components of
83 materials produced as a single volume, except that for digital
84 volumes containing works by multiple authors, the school shall
85 provide either a table of contents or internet address that
86 discloses the discreet works and authors contained within the
87 volume.

88 **SECTION 4.** (1) To prepare and host the listing of materials
89 and activities pursuant to Section 3 of this act, a school may:

90 (a) Post and update the listing of learning materials
91 and activities on an ongoing basis during each school year,
92 provided the listing is completed by July 1 following the
93 completion of the school year.

94 (b) Utilize collaborative online document or
95 spreadsheet software that allows multiple authorized users to
96 update or make additions to posted content on an ongoing basis, as
97 long as a link to the listing is publicly accessible via the
98 school website.



99 (2) The listing of materials for each school year shall
100 remain available via the school website until at least the
101 completion of the following year's listing.

102 **SECTION 5.** The Attorney General, the county attorney for the
103 county in which an alleged violation of this section occurred, or
104 a resident of the school district in which the school is located
105 may bring an action for injunctive relief in the circuit court in
106 which the school is located to compel the governing board of the
107 school to bring the school into compliance with this act.

108 **SECTION 6.** (1) The school board of the school or any staff
109 employed thereby and acting in the course of their official duties
110 shall not purchase or contract for copyrighted digital learning
111 materials used for student instruction at the school, including
112 the renewal of subscription-based materials for which students are
113 provided individual login credentials or access via electronic
114 personal devices, unless provision is made to allow parents and
115 guardians of enrolled students to review the materials within ten
116 (10) days of the submission of a written request to the school.
117 The means of provision shall include at least one of the
118 following:

119 (a) Providing access to the materials at the school
120 site during the school's normal hours of operation within ten (10)
121 days of written request.

122 (b) Providing temporary remote access or login
123 credentials to at least one (1) copy of the materials for review



124 for at least a twenty-four-hour period following each request, not
125 to exceed one request per item per household during each
126 thirty-day period.

127 (2) The parent or guardian shall not be required as a
128 condition of reviewing the materials to enter into terms of a
129 nondisclosure agreement nor waive any rights beyond complying with
130 federal copyright law.

131 **SECTION 7.** This act shall take effect and be in force from
132 and after July 1, 2022.

