

2022 Regular Session

HOUSE BILL NO. 787

BY REPRESENTATIVE GAROFALO

EDUCATION: Provides relative to training and curriculum in public schools

1 AN ACT

2 To enact R.S. 17:354 and 3996(B)(67), relative to elementary and secondary education; to
3 require each public school governing authority to disclose instructional materials and
4 activities; to specify the content of the information to be included; to provide for
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:354 and 3996(B)(67) are hereby enacted to read as follows:

8 §354. Transparency in training and curriculum

9 A. It is the intent of the legislature to ensure public transparency in schools'
10 instructional, training, and learning materials and to give parents and students
11 reasonable access to review such materials.

12 B. As used in this Section, the following terms shall have the following
13 meanings:

14 (1) "Activities" include but need not be limited to assemblies, guest lectures,
15 and other educational events facilitated by the teachers or school employees,
16 including those conducted by outside individuals or organizations and excluding
17 student presentations.

18 (2) "Learning materials" include but need not be limited to all textbooks,
19 reading materials, videos, activities, digital materials, and websites and other online
20 applications.

1 (3) "Original materials" means learning materials authored, created, licensed,
2 owned, or written by the school, school district, teachers, or school employees that
3 are used for student instruction.

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

10 C. Each public school governing authority shall display the following
11 information on the school website in an easily accessible location:

12 (1) All instructional or training materials or activities used for teacher and
13 school employee training including but not limited to matters of nondiscrimination,
14 diversity, equity, inclusion, race, ethnicity, sex, gender, or bias, or any combination
15 of these concepts with other concepts.

16 (2) All learning or curricular materials or activities used for student
17 instruction including but not limited to matters of nondiscrimination, diversity,
18 equity, inclusion, race, ethnicity, sex, gender, or bias, or any combination of these
19 concepts with other concepts. Such display of materials or activities shall include
20 but need not be limited to:

21 (a) The title, author, organization, and any website associated with each
22 material and activity.

23 (b) A link to the learning material or activity, if publicly available on the
24 internet. If not freely and public available, a brief description of the learning
25 materials and information on how to request a copy of the learning material shall be
26 provided.

27 (c) If the learning material was created for nonpublic use, the identity of the
28 teacher or school employee or official or outside presenter who created it. Such

1 identification may be indicated by a personal title and last initial if referring to a
2 teacher or school employee or official in lieu of a full name, for privacy purposes.

3 (3) Any procedures for the documentation, review, or approval of the
4 training, learning, or curricular materials used for teacher and employee training or
5 student instruction at the school, including by the principal, curriculum
6 administrators, or other teachers.

7 (4) Nothing in this Subsection shall be construed to require the digital
8 reproduction or posting of copies of learning materials themselves where such
9 reproduction or posting would infringe upon copyright law. In such cases, the public
10 school governing authority shall provide a link to a publicly available website
11 describing and offering access to the materials, when possible. Upon request, if the
12 materials are not offered free of charge, the public school governing authority shall
13 provide the learning materials for public inspection at the school building where
14 learning materials or activities are used for student instruction no later than thirty
15 days after such request. In cases of remote or virtual learning, the materials or
16 activities shall be posted at the school building where coursework would normally
17 occur. To the extent practicable, each public school governing authority shall make
18 any and all learning materials, including original materials, available for public
19 inspection and allow the public to copy, scan, duplicate, or photograph portions of
20 materials within the limits of fair use set by 17 U.S.C. 107.

21 D. The information required to be made available by Subsection C of this
22 Section shall be displayed online or otherwise made available prior to the first
23 instance of training or instruction. Such information shall be organized by school,
24 grade, teacher, and subject and remain displayed on the school website for at least
25 two years. The date of the latest modification or update to such information shall be
26 displayed on the same website location.

27 E. To prepare and host the listing of materials and activities pursuant to
28 Subsection C of this Section, a public school governing authority may utilize a
29 collaborative online document or spreadsheet software that allows multiple

1 authorized users to update or make additions to posted content on an ongoing basis,
2 as long as a link to the listing is publicly accessible via the school or school district
3 website.

4 F. The listing of materials and activities pursuant to Subsection C of this
5 Section shall be created and displayed in searchable or sortable electronic formats.

6 G. The attorney general, state superintendent of education, legislative
7 auditor, district attorney for the jurisdictional district, or parish attorney for the
8 parish in which an alleged violation of this Section occurs may initiate a suit in the
9 district or parish court in the jurisdiction in which the public school governing
10 authority is located for the purpose of complying with this Section.

11 H. An attorney acting on behalf of a school, school district, or public school
12 governing authority may request a legal opinion of the district attorney, parish
13 attorney, or the attorney general as to whether a particular piece of training, learning,
14 or curricular material is applicable under this Section.

15 I. On complaint, the Louisiana state court in the district in which the public
16 school resides has jurisdiction to order the production of any learning materials or
17 other materials or activities as outlined in this Section that were improperly withheld
18 from the complainant. In such a case, the court shall determine the matter de novo
19 and may examine the contents of such materials in camera to determine whether such
20 materials or any part thereof shall be withheld. The court may assess against the
21 public school governing authority reasonable attorney fees and other reasonable
22 litigation costs incurred in any case under this Section in which the complainant has
23 substantially prevailed. In the event of noncompliance with the court order, the court
24 may punish for contempt the responsible school official or employee. Courts shall
25 not entertain complaints under this Subsection unless complainants have first
26 attempted to remedy the noncompliance by contacting school officials or the public
27 school governing authority.

28 J. The provisions of this Section are severable. If any provision of this
29 Section or the application of this Section to any person or circumstance is declared

1 or held to be invalid for any reason, such declaration or holding shall not affect the
2 validity of the remaining portions of this Section and the application of its provisions
3 to any other persons or circumstances.

4 * * *

5 §3996. Charter schools; exemptions; requirements

6 * * *

7 B. Notwithstanding any state law, rule, or regulation to the contrary and
8 except as may be otherwise specifically provided for in an approved charter, a
9 charter school established and operated in accordance with the provisions of this
10 Chapter and its approved charter and the school's officers and employees shall be
11 exempt from all statutory mandates or other statutory requirements that are
12 applicable to public schools and to public school officers and employees except for
13 the following laws otherwise applicable to public schools with the same grades:

14 * * *

15 (67) Transparency in training and curriculum, R.S. 17:354.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 787 Original

2022 Regular Session

Garofalo

Abstract: Requires public school governing authorities to disclose certain information relative to training, activities, and learning materials on school and school district websites.

Proposed law requires public school governing authorities to post information on websites pertaining to activities, training, and instructional materials, including but not limited to those that deal with the following:

- (1) Nondiscrimination.
- (2) Diversity.
- (3) Equity.
- (4) Inclusion.
- (5) Race.

- (6) Ethnicity.
- (7) Sex.
- (8) Gender.
- (9) Bias.

Proposed law provides for the protection of the privacy of teachers and school employees relative to original materials posted pursuant to proposed law.

Proposed law is applicable to all public schools, including charter schools.

Proposed law provides relative to legal action pertaining to noncompliance with proposed law.

(Adds R.S. 17:354 and 3996(B)(67))