



**AN ACT TO AMEND THE [STATE FREEDOM OF INFORMATION ACT]  
TO ENSURE ACCESS TO PUBLIC SCHOOL LEARNING MATERIALS**

**BE IT ENACTED BY THE [GENERAL ASSEMBLY] OF THE STATE OF [STATE]:**

**SECTION 1. Title.** This act shall be known and may be cited as the “Public School Access and Transparency Act.”

**SECTION 2. Purpose.** The purpose of this Act is to amend the [State Freedom of Information Act] to prevent the abuse of copyright claims by public records custodians and to ensure access to school learning materials, thus ensuring transparency and accountability in public education.

**SECTION 3. Amendments to the [State Freedom of Information Act].**

(a) [State Code for Freedom of Information Act] is amended, in relevant part, to read as follows:

[x] “Public records” means ~~---~~, including learning materials used in or maintained by any public school or public school district.

[y](a) “Learning materials” means curricula, syllabi, lesson plans, instructional materials, assignments, presentations, books, articles, video and audio recordings, digital resources, or other resources used for classroom instruction, regardless of format or medium.

(b) “Learning materials” does not include tests or other student assessments.

(b) [State Code for Freedom of Information Act] is amended to add the following [sub)section:

[x]

(a) Access to learning materials, as defined by § [code in section above], shall not be denied to any requester on grounds that such disclosure, or inspection and copying, would constitute an infringement of copyright under federal law.

(b) No public school, public school district, or other public official, employee, or government entity that is a custodian of learning materials, shall enter into an agreement or contract that purports to restrict public access under this chapter to learning materials on the basis of copyright, intellectual property rights, or any similar legal theory.

(c) Consistent with [cross-reference, as needed], access shall not be denied to digital learning materials, including subscription-based services or other programs that can be accessed with electronic personal devices. To the extent copying of these public records is impractical, requesters shall be provided the opportunity for physical inspection during normal business hours.

(d) Access to learning materials, including physical inspection of digital materials, shall not be conditioned on a requester seeking access entering into any form of nondisclosure agreement or waiver of rights under this chapter. For purposes of this subdivision, “nondisclosure agreement” means a confidentiality agreement or contract provision that prohibits the disclosure of information by a party to the contract.

**SECTION 5. DO NOT CODIFY. Severability.** If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are severable.