

State of Arkansas

As Engrossed: H4/9/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1919

By: Representative McAlindon

By: Senators J. Dotson, M. McKee, C. Penzo

For An Act To Be Entitled

AN ACT TO CREATE THE PUBLIC SCHOOL ACCESS AND
TRANSPARENCY ACT; TO REQUIRE PUBLIC SCHOOL ACCESS TO
LEARNING MATERIALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PUBLIC SCHOOL ACCESS AND
TRANSPARENCY ACT; AND TO REQUIRE PUBLIC
ACCESS TO LEARNING MATERIALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Public School Access
and Transparency Act".

SECTION 2. DO NOT CODIFY. Legislative intent.

The purpose of this act is to amend the Freedom of Information Act of
1967, § 25-19-101 et seq., to:

(1) Prevent the abuse of copyright claims by public records
custodians for public schools; and

(2) Guarantee access to school learning materials, thus ensuring
transparency and accountability in public education in the state.

SECTION 3. Arkansas Code § 25-19-103(7), concerning the definition of
"public records" under the Freedom of Information Act of 1967, is amended to
read as follows:

(7)(A) "Public records" means writings, recorded sounds, films,



1 tapes, electronic or computer-based information, or data compilations in any
2 medium required by law to be kept or otherwise kept and that constitute a
3 record of the performance or lack of performance of official functions that
4 are or should be carried out by a public official or employee, a governmental
5 agency, or any other agency or improvement district that is wholly or
6 partially supported by public funds or expending public funds. All records
7 maintained in public offices or by public employees within the scope of their
8 employment shall be presumed to be public records, including without
9 limitation learning materials used in or maintained by a public school or
10 public school district.

11 (B) "Public records" does not mean software acquired by
12 purchase, lease, or license;
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14 SECTION 4. Arkansas Code § 25-19-103, concerning definitions under the
15 Freedom of Information Act of 1967, is amended to add an additional
16 subdivision to read as follows:

17 (10)(A) "Learning materials" means curricula, syllabi, lesson
18 plans, instructional materials, assignments, presentations, books, articles,
19 video recordings, audio recordings, digital resources, or other resources
20 that are maintained and used by public schools for classroom instruction,
21 regardless of format or medium.

22 (B) "Learning materials" does not include tests or other
23 student assessments used by public schools or public school districts.
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25 SECTION 5. Arkansas Code § 25-19-105, concerning the examination and
26 copying of public records under the Freedom of Information Act of 1967, is
27 amended to add an additional subsection to read as follows:

28 (i)(1) Access to learning materials, as defined in § 25-19-103, shall
29 not be denied to any resident on the grounds that disclosure, inspection, or
30 copying of the learning materials would constitute an infringement of
31 copyright under federal law.

32 (2) A custodian of learning materials shall not enter into an
33 agreement or purports to restrict public access to learning materials based
34 on copyright, on intellectual property rights, or any similar legal theory.

35 (3)(A) A person who receives access to copyrighted learning
36 materials under this section shall not publish, distribute, or utilize the

1 copyrighted learning materials for any purpose other than public inspection.

2 (B) Any copies of copyrighted learning materials under
3 this section shall not exceed any amounts permissible under fair use
4 provisions of the copyright laws of the United States under 17 U.S.C. § 101
5 et seq., as it existed on January 1, 2025.

6 (4)(A) Consistent with subsection (g) of this section, access
7 for public inspection shall not be denied to digital learning materials,
8 including without limitation subscription-based services or other programs
9 that can be accessed with personal electronic devices.

10 (B) To the extent that copying digital learning materials
11 under subdivision (i)(4)(A) of this section is impractical, a resident
12 requesting to copy the digital learning materials shall be provided the
13 opportunity to physically inspect the digital learning materials during
14 normal business hours.

15 (5)(A) Subject to subdivision (i)(2) of this section, access to
16 learning materials, including without limitation the physical inspection of
17 digital learning materials, shall not be conditioned upon a resident seeking
18 access to the learning materials being required to enter into any form of
19 nondisclosure agreement or waiver of rights under this chapter.

20 (B) For purposes of this section, "nondisclosure
21 agreement" means a confidentiality agreement or contract provision that
22 prohibits the disclosure of information by a party to the contract to a
23 third-party.

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25 SECTION 6. DO NOT CODIFY. Severability. If any provision of this act
26 or its application to any person or circumstance is held invalid, the
27 invalidity does not affect other provisions or applications of this act that
28 can be given effect without the invalid provision or application and, to this
29 end, the provisions of this act are severable.

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31 /s/McAlindon
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