

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 572

5 By: Senator J. Dotson
6 By: Representative McAlindon
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE PUBLIC SCHOOL ACCESS AND
10 TRANSPARENCY ACT; TO REQUIRE PUBLIC ACCESS TO
11 LEARNING MATERIALS; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO CREATE THE PUBLIC SCHOOL ACCESS AND
15 TRANSPARENCY ACT; AND TO REQUIRE PUBLIC
16 ACCESS TO LEARNING MATERIALS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Title.

22 This act shall be known and may be cited as the "Public School Access
23 and Transparency Act".
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25 SECTION 2. DO NOT CODIFY. Legislative intent.

26 The purpose of this act is to amend the Freedom of Information Act of
27 1967, § 25-19-101 et seq., to:

28 (1) Prevent the abuse of copyright claims by public records
29 custodians; and

30 (2) Guarantee access to school learning materials, thus ensuring
31 transparency and accountability in public education in the state.
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33 SECTION 3. Arkansas Code § 25-19-103(7), concerning the definition of
34 "public records" under the Freedom of Information Act of 1967, is amended to
35 read as follows:

36 (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 used for classroom instruction, regardless of format or medium.

21 (B) "Learning materials" does not include tests or other
 22 student assessments used by public schools or public school districts.

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 24 SECTION 5. Arkansas Code § 25-19-105, concerning the examination and
 25 copying of public records under the Freedom of Information Act of 1967, is
 26 amended to add an additional subsection to read as follows:

27 (i)(1) Access to learning materials shall not be denied to any
 28 resident on the grounds that disclosure, inspection, or copying of the
 29 learning materials would constitute an infringement of copyright under
 30 federal law.

31 (2) A custodian of learning materials, including without
 32 limitation a public school, public school district, public official, public
 33 school employee, or government entity, shall not enter into an agreement or
 34 contract that purports to restrict public access to learning materials based
 35 on copyright, intellectual property rights, or any similar legal theory.

36 (3)(A) Consistent with subsection (g) of this section, access

1 shall not be denied to digital learning materials, including without
2 limitation subscription-based services or other programs that can be accessed
3 with personal electronic devices.

4 (B) To the extent that copying digital learning materials
5 under subdivision (i)(3)(A) of this section is impractical, a resident
6 requesting to copy the digital learning materials shall be provided the
7 opportunity to physically inspect the digital learning materials during
8 normal business hours.

9 (4)(A) Access to learning materials, including without
10 limitation the physical inspection of digital learning materials, shall not
11 be conditioned upon a resident seeking access to the learning materials being
12 required to enter into any form of nondisclosure agreement or waiver of
13 rights under this chapter.

14 (B) For purposes of this section, "nondisclosure
15 agreement" means a confidentiality agreement or contract provision that
16 prohibits the disclosure of information by a party to the contract to a
17 third-party.

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

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