

# SENATE BILL NO. 868

February 09, 2022, Introduced by Senators LASATA, VICTORY, WOZNIAK, BIZON, HORN and THEIS and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1204b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        **Sec. 1204b. (1) Subject to state and federal privacy laws and**  
2 **subsection (2), by not later than July 1, 2022, and by not later**  
3 **than July 1 each year thereafter, the board of a school district or**  
4 **intermediate school district or board of directors of a public**  
5 **school academy shall ensure that both of the following are included**  
6 **on a publicly accessible portion of the school district's,**

1 intermediate school district's, or public school academy's website:

2 (a) Learning materials and activities that were used for pupil  
3 instruction at each school operated by the school district,  
4 intermediate school district, or public school academy during the  
5 immediately preceding school year, disaggregated at least by  
6 subject area and grade.

7 (b) Any procedures in effect for the documentation, review, or  
8 approval by school principals, school administrators, or teachers  
9 regarding the learning materials and activities used for pupil  
10 instruction at the schools operated by the school district,  
11 intermediate school district, or public school academy.

12 (2) For purposes of subsection (1), a school district,  
13 intermediate school district, or public school academy is required  
14 to list only the information necessary to identify the specific  
15 learning materials and activities used for pupil instruction,  
16 including the title and the author, organization, or internet  
17 address associated with each learning material and activity.  
18 Nothing in this section must be construed to require either of the  
19 following:

20 (a) The digital reproduction of learning materials themselves.

21 (b) The separate reporting of individual components of  
22 learning materials produced as a single volume. However, for  
23 digital volumes containing works by multiple authors, the school  
24 district, intermediate school district, or public school academy  
25 shall provide either a table of contents or internet address that  
26 discloses the discreet works and authors contained within the  
27 volume.

28 (3) This section does not apply with regard to either of the  
29 following:

1           (a) The board of a school district or intermediate school  
2 district or board of directors of a public school academy that does  
3 not operate schools that have 500 or more pupils enrolled in those  
4 schools.

5           (b) A school in which the learning materials and activities  
6 are selected independently by instructors of the school and in  
7 which fewer than 50 pupils are enrolled.

8           (4) For the purposes of subsection (1), the board of a school  
9 district or intermediate school district or board of directors of a  
10 public school academy may, but is not required to, do both of the  
11 following:

12           (a) Post and update the listing of learning materials and  
13 activities described in subsection (1) on an ongoing basis during  
14 each school year. This subdivision does not exempt a school  
15 district, intermediate school district, or public school academy  
16 from complying with subsection (1).

17           (b) Utilize collaborative online document or spreadsheet  
18 software that allows multiple authorized users to update or make  
19 additions to content posted under subsection (1) on an ongoing  
20 basis as long as a link to the content described in this  
21 subdivision is publicly accessible through the school district's,  
22 intermediate school district's, or public school academy's website.

23           (5) The information posted under subsection (1) must remain on  
24 the publicly accessible portion of the school district's,  
25 intermediate school district's, or public school academy's website  
26 until July 1 of the year following the year in which it was  
27 initially posted.

28           (6) As used in this section:

29           (a) "Activity" includes, but is not limited to, an assembly,

1 guest lecture, or other educational event facilitated by the school  
2 district's, intermediate school district's, or public school  
3 academy's staff or outside individuals or organizations, but does  
4 not include a pupil presentation.

5 (b) "Learning materials" includes, but is not limited to,  
6 textbooks, reading materials, videos, digital materials, websites,  
7 and other online applications.

8 (c) "Used for pupil instruction" means learning materials or  
9 activities to which either of the following applies:

10 (i) The material or activity is assigned, distributed, or  
11 otherwise presented to pupils in any course for which pupils  
12 receive academic credit or in any educational capacity in which  
13 participation of pupils is required by the school or in which a  
14 majority of pupils in a given grade level participate.

15 (ii) Pupils are required to select 1 or more of the materials  
16 or activities, if the available selection is restricted to specific  
17 titles.