

By: Paxton, et al.

S.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a school district's library materials and catalog, the
3 creation of local school library advisory councils, and parental
4 rights regarding public school library catalogs and access by the
5 parent's child to library materials.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 26.004(b), Education Code, is amended to
8 read as follows:

9 (b) A parent is entitled to access to all written records of
10 a school district concerning the parent's child, including:

- 11 (1) attendance records;
- 12 (2) test scores;
- 13 (3) grades;
- 14 (4) disciplinary records;
- 15 (5) counseling records;
- 16 (6) psychological records;
- 17 (7) applications for admission;
- 18 (8) health and immunization information;
- 19 (9) teacher and school counselor evaluations;
- 20 (10) reports of behavioral patterns; ~~and~~
- 21 (11) records relating to assistance provided for
22 learning difficulties, including information collected regarding
23 any intervention strategies used with the child; and
- 24 (12) records relating to school library materials the

1 child obtains from a school library.

2 SECTION 2. Chapter 26, Education Code, is amended by adding
3 Section 26.017 to read as follows:

4 Sec. 26.017. NOTICE REGARDING SCHOOL LIBRARY MATERIALS.

5 (a) Before each school year, a school district shall provide
6 written notice to a parent of each child enrolled in the district
7 regarding the option to receive notice each time the child obtains a
8 school library material from a school library in the district.

9 (b) For each parent who elects to receive notice under
10 Subsection (a), the school district shall notify the parent by
11 e-mail each time the parent's child obtains a school library
12 material from a school library in the district. The notice must
13 include, as applicable, the title, author, genre, and return date
14 of the school library material.

15 SECTION 3. Subchapter B, Chapter 33, Education Code, is
16 amended by adding Section 33.020 to read as follows:

17 Sec. 33.020. DEFINITIONS. In this subchapter:

18 (1) "Harmful material" has the meaning assigned by
19 Section 43.24, Penal Code.

20 (2) "Indecent content" means content that portrays
21 sexual or excretory organs or activities in a way that is patently
22 offensive.

23 (3) "Library material" means any book, record, file,
24 or other instrument or document in a school district's library
25 catalog. The term does not include instructional material, as
26 defined by Section 31.002, or materials procured for the TexShare
27 consortium under Subchapter M, Chapter 441, Government Code.

1 (4) "Profane content" means content that includes
2 grossly offensive language that is considered a public nuisance.

3 SECTION 4. Section 33.021, Education Code, is amended to
4 read as follows:

5 Sec. 33.021. LIBRARY STANDARDS. (a) The Texas State
6 Library and Archives Commission~~[, in consultation with the State~~
7 ~~Board of Education,~~] shall submit proposed ~~[adopt]~~ standards for
8 school library services to the State Board of Education for
9 approval or disapproval.

10 (b) The standards approved under Subsection (a) must
11 include a collection development policy that:

12 (1) prohibits the acquisition or retention of:

13 (A) harmful material; and

14 (B) material containing indecent content or
15 profane content;

16 (2) demonstrates a commitment to compliance with the
17 Children's Internet Protection Act (Pub. L. No. 106-554),
18 including through the use of technology protection measures, as
19 defined by that Act; and

20 (3) prohibits the removal of library materials solely
21 because of the ideas expressed in the library materials.

22 (c) A school district shall adhere to ~~[consider]~~ the
23 standards approved under Subsection (a) in developing,
24 implementing, or expanding library services.

25 (d) A school district may adopt local policies and
26 procedures in addition to the standards approved under Subsection
27 (a) that do not conflict with the standards approved under

1 Subsection (a) or other requirements of this code.

2 SECTION 5. Subchapter B, Chapter 33, Education Code, is
3 amended by adding Sections 33.026, 33.027, and 33.028 to read as
4 follows:

5 Sec. 33.026. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a)
6 The board of trustees of each school district shall establish a
7 local school library advisory council to assist the district in
8 ensuring that local community values are reflected in each school
9 library catalog in the district.

10 (b) Except as provided by Section 33.027(d), a school
11 district must consider the recommendations of the local school
12 library advisory council before:

13 (1) adding library materials to a school library
14 catalog;

15 (2) removing library materials from a school library
16 catalog following a challenge under Section 33.028; or

17 (3) making changes to policies or guidelines related
18 to a school library catalog.

19 (c) The local school library advisory council's duties
20 include recommending:

21 (1) policies and procedures for the acquisition of
22 library materials consistent with local community values;

23 (2) library materials appropriate for each grade
24 level;

25 (3) if feasible, joint use agreements or strategies
26 for collaboration between the school district and local public
27 libraries and community organizations;

1 (4) the removal of any library materials that the
2 council determines to be:

3 (A) harmful material or material containing
4 indecent content or profane content; or

5 (B) inconsistent with local community values;

6 (5) the policies and procedures for processing
7 challenges received under Section 33.028; and

8 (6) the action to be taken by the district in response
9 to a challenge received under Section 33.028.

10 (d) Any recommendation made by the local school library
11 advisory council must adhere to the library standards approved
12 under Section 33.021.

13 (e) The local school library advisory council must consist
14 of at least five members, with each member appointed by the board of
15 trustees, and with each trustee appointing an equal number of
16 members. A majority of the voting members of the council must be
17 persons who are parents of students enrolled in the district and who
18 are not employed by the district. One of those members shall serve
19 as chair of the council. The board of trustees may also appoint one
20 or more persons to serve as nonvoting members of the council from
21 any of the following groups:

22 (1) classroom teachers employed by the district;

23 (2) librarians employed by the district;

24 (3) school counselors certified under Subchapter B,
25 Chapter 21, employed by the district;

26 (4) school administrators employed by the district;

27 (5) district students;

1 (6) the business community; and

2 (7) the clergy.

3 (f) The local school library advisory council shall meet at
4 least two times each year. For each meeting, the council shall:

5 (1) at least 72 hours before the meeting:

6 (A) post notice of the date, hour, place, and
7 subject of the meeting on a bulletin board in the central
8 administrative office of each campus in the school district; and

9 (B) ensure that the notice required under
10 Paragraph (A) is posted on the district's Internet website, if the
11 district has an Internet website;

12 (2) prepare and maintain minutes of the meeting that
13 state the subject and content of each deliberation and each vote,
14 order, decision, or other action taken by the council during the
15 meeting;

16 (3) make an audio or video recording of the meeting;
17 and

18 (4) not later than the 10th day after the meeting,
19 submit the minutes and audio or video recording of the meeting to
20 the district.

21 (g) As soon as practicable after receipt of the minutes and
22 audio or video recording under Subsection (f)(4), the school
23 district shall post the minutes and audio or video recording on the
24 district's Internet website, if the district has an Internet
25 website.

26 Sec. 33.027. ACQUISITION OF LIBRARY MATERIALS. (a) The
27 board of trustees of a school district shall adopt a policy for the

1 acquisition of library materials, including procedures for the
2 procurement of library materials and the receipt of donated library
3 materials. The policy must require the board to:

4 (1) approve all library materials that have been
5 donated to or that are to be procured by a school library in the
6 district, with the advice and recommendations of the district's
7 local school library advisory council established under Section
8 33.026;

9 (2) make the list of library materials that have been
10 donated to or that are proposed to be procured by a school library
11 accessible for review by the public for at least 30 days before
12 final approval;

13 (3) approve or reject the list of library materials
14 that have been donated to or that are proposed to be procured by a
15 school library in an open meeting; and

16 (4) ensure compliance with the library standards
17 approved under Section 33.021.

18 (b) Each member of the board of trustees of a school
19 district is entitled to:

20 (1) review each list of library materials that have
21 been donated to or that are proposed to be procured by a school
22 library in the district; and

23 (2) propose changes to each list described by
24 Subdivision (1) before the board votes to approve or reject the
25 list.

26 (c) A school district may not add a donated library material
27 to the school library catalog or otherwise make the donated library

1 material available for student use unless the board of trustees of
2 the district approves the addition of that donated library material
3 to the school library catalog for the grade levels for which the
4 material is intended.

5 (d) This section does not apply to library materials that
6 have been donated to or that are to be procured by a school library
7 that:

8 (1) replace a damaged copy of a library material that
9 is currently in the school library catalog;

10 (2) are additional copies of a library material that
11 is currently in the school library catalog; or

12 (3) have been approved for the same grade levels by the
13 board of trustees of the school district from a previous proposed
14 list of library materials.

15 Sec. 33.028. CHALLENGE OR APPEAL REGARDING LIBRARY
16 MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS.

17 (a) A parent of or person standing in parental relation to a
18 student enrolled in a school district, a person employed by the
19 district, or a person residing in the district may submit:

20 (1) to the district a written challenge to any library
21 material in the catalog of a school library in the district using
22 the form adopted under Subsection (c); or

23 (2) to the district's board of trustees an appeal of an
24 action taken by the district in response to a written challenge
25 received under Subdivision (1).

26 (b) Not later than the fifth day after the date on which a
27 school district receives a written challenge under Subsection

1 (a)(1), the district shall provide a copy of the challenge to the
2 district's local school library advisory council established under
3 Section 33.026. The council shall make a recommendation for action
4 by the district not later than the 90th day after the date on which
5 the council receives the copy.

6 (b-1) If the procedures recommended by the local school
7 library advisory council and adopted by the board of trustees
8 permit the appointment of library material review committees that
9 consist of persons who are not members of the council to review
10 materials challenged under Subsection (a)(1), the council may base
11 the council's recommendation for action to be taken by the district
12 under Subsection (b) on the recommendation of a library material
13 review committee if the committee consists of at least five persons
14 appointed by the board of trustees, a majority of whom are parents
15 of students enrolled in the school district and are not employed by
16 the district.

17 (c) The agency shall adopt and post on the agency's Internet
18 website a form to be used in making a written challenge under
19 Subsection (a)(1). Each school district shall post the form on the
20 district's Internet website, if the district has an Internet
21 website. The form shall require the person submitting the form to
22 identify how the challenged library material violates the library
23 standards approved under Section 33.021.

24 (d) In taking action on a written challenge submitted under
25 Subsection (a)(1) or an appeal under Subsection (a)(2), the board
26 of trustees of a school district shall consider:

27 (1) the advice of the district's local school library

1 advisory council; and

2 (2) whether the library material challenged under
3 Subsection (a)(1) or appealed under Subsection (a)(2) is suitable
4 for the subject and grade level for which the library material is
5 intended, including by considering:

6 (A) whether the material adheres to the library
7 standards approved under Section 33.021; and

8 (B) reviews, if any, of the material conducted by
9 academic experts specializing in the subject covered by the library
10 material or in the education of students in the subject and grade
11 level for which the library material is intended.

12 SECTION 6. It is the intent of the legislature that every
13 provision, section, subsection, sentence, clause, phrase, or word
14 in this Act, and every application of the provisions in this Act to
15 every person, group of persons, or circumstances, is severable from
16 each other. If any application of any provision in this Act to any
17 person, group of persons, or circumstances is found by a court to be
18 invalid for any reason, the remaining applications of that
19 provision to all other persons and circumstances shall be severed
20 and may not be affected.

21 SECTION 7. Before the first day of the 2023-2024 school
22 year, the board of trustees of each school district shall:

23 (1) establish and appoint members of the local school
24 library advisory council as required by Section 33.026, Education
25 Code, as added by this Act; and

26 (2) adopt a policy for the acquisition of library
27 materials as required by Section 33.027, Education Code, as added

1 by this Act.

2 SECTION 8. This Act applies beginning with the 2023-2024
3 school year.

4 SECTION 9. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.