

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

- (1) attendance records;
- (2) test scores;
- (3) grades;
- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) health and immunization information;
- (9) teacher and school counselor evaluations;
- (10) reports of behavioral patterns; ~~and~~
- (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child; and
- (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 Sections 33.026, 33.027, and 33.028 to read as
17 follows:

18 Sec. 33.026. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a)

19 The board of trustees of each school district shall establish a
20 local school library advisory council to assist the district in
21 ensuring that local community values are reflected in each school
22 library catalog in the district.

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

26 (1) adding library materials to a school library
27 catalog;

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

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

5 (c) The local school library advisory council's duties
6 include recommending:

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

9 (2) library materials appropriate for each grade
10 level;

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

14 (4) the removal of any library materials that the
15 council determines to be:

16 (A) harmful material or material containing
17 indecent content or profane content; or

18 (B) inconsistent with local community values;

19 (5) the policies and procedures for processing
20 challenges received under Section 33.028; and

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

23 (d) Any recommendation made by the local school library
24 advisory council must adhere to the library standards approved
25 under Section 33.021.

26 (e) The local school library advisory council must consist
27 of at least five members, with each member appointed by the board of

1 trustees, and with each trustee appointing an equal number of
2 members. A majority of the voting members of the council must be
3 persons who are parents of students enrolled in the district and who
4 are not employed by the district. One of those members shall serve
5 as chair of the council. The board of trustees may also appoint one
6 or more persons to serve as nonvoting members of the council from
7 any of the following groups:

8 (1) classroom teachers employed by the district;

9 (2) librarians employed by the district;

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

12 (4) school administrators employed by the district;

13 (5) district students;

14 (6) the business community; and

15 (7) the clergy.

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

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

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

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

25 (2) prepare and maintain minutes of the meeting that
26 state the subject and content of each deliberation and each vote,
27 order, decision, or other action taken by the council during the

1 meeting;

2 (3) make an audio or video recording of the meeting;

3 and

4 (4) not later than the 10th day after the meeting,

5 submit the minutes and audio or video recording of the meeting to

6 the district.

7 (g) As soon as practicable after receipt of the minutes and

8 audio or video recording under Subsection (f)(4), the school

9 district shall post the minutes and audio or video recording on the

10 district's Internet website, if the district has an Internet

11 website.

12 Sec. 33.027. ACQUISITION OF LIBRARY MATERIALS. (a) The

13 board of trustees of a school district shall adopt a policy for the

14 acquisition of library materials, including procedures for the

15 procurement of library materials and the receipt of donated library

16 materials. The policy must require the board to:

17 (1) approve all library materials that have been

18 donated to or that are to be procured by a school library in the

19 district, with the advice and recommendations of the district's

20 local school library advisory council established under Section

21 33.026;

22 (2) make the list of library materials that have been

23 donated to or that are proposed to be procured by a school library

24 accessible for review by the public for at least 30 days before

25 final approval;

26 (3) approve or reject the list of library materials

27 that have been donated to or that are proposed to be procured by a

1 school library in an open meeting; and

2 (4) ensure compliance with the library standards
3 approved under Section 33.021.

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

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

9 (2) propose changes to each list described by
10 Subdivision (1) before the board votes to approve or reject the
11 list.

12 (c) A school district may not add a donated library material
13 to the school library catalog or otherwise make the donated library
14 material available for student use unless the board of trustees of
15 the district approves the addition of that donated library material
16 to the school library catalog for the grade levels for which the
17 material is intended.

18 (d) This section does not apply to library materials that
19 have been donated to or that are to be procured by a school library
20 that:

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

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

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

1 Sec. 33.028. CHALLENGE OR APPEAL REGARDING LIBRARY
2 MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS.

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

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

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

12 (b) Not later than the fifth day after the date on which a
13 school district receives a written challenge under Subsection
14 (a)(1), the district shall provide a copy of the challenge to the
15 district's local school library advisory council established under
16 Section 33.026. The council shall make a recommendation for action
17 by the district not later than the 90th day after the date on which
18 the council receives the copy.

19 (b-1) If the procedures recommended by the local school
20 library advisory council and adopted by the board of trustees
21 permit the appointment of library material review committees that
22 consist of persons who are not members of the council to review
23 materials challenged under Subsection (a)(1), the council may base
24 the council's recommendation for action to be taken by the district
25 under Subsection (b) on the recommendation of a library material
26 review committee if the committee consists of at least five persons
27 appointed by the board of trustees, a majority of whom are parents

1 of students enrolled in the school district and are not employed by
2 the district.

3 (c) The agency shall adopt and post on the agency's Internet
4 website a form to be used in making a written challenge under
5 Subsection (a)(1). Each school district shall post the form on the
6 district's Internet website, if the district has an Internet
7 website. The form shall require the person submitting the form to
8 identify how the challenged library material violates the library
9 standards approved under Section 33.021.

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

13 (1) the advice of the district's local school library
14 advisory council; and

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

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

21 (B) reviews, if any, of the material conducted by
22 academic experts specializing in the subject covered by the library
23 material or in the education of students in the subject and grade
24 level for which the library material is intended.

25 SECTION 4. It is the intent of the legislature that every
26 provision, section, subsection, sentence, clause, phrase, or word
27 in this Act, and every application of the provisions in this Act to

1 every person, group of persons, or circumstances, is severable from
2 each other. If any application of any provision in this Act to any
3 person, group of persons, or circumstances is found by a court to be
4 invalid for any reason, the remaining applications of that
5 provision to all other persons and circumstances shall be severed
6 and may not be affected.

7 SECTION 5. Before the first day of the 2024-2025 school
8 year, the board of trustees of each school district shall:

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

12 (2) adopt a policy for the acquisition of library
13 materials as required by Section 33.027, Education Code, as added
14 by this Act.

15 SECTION 6. This Act applies beginning with the 2024-2025
16 school year.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect on the 91st day after the last day of the
22 legislative session.