

By: Paxton

S.B. No. 419

A BILL TO BE ENTITLED

AN ACT

relating to parental access to a public school's library catalog and consent for student access to certain public school library materials.

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

SECTION 1. Subchapter B, Chapter 33, Education Code, is amended by adding Section 33.026 to read as follows:

Sec. 33.026. PARENTAL ACCESS TO LIBRARY CATALOG AND CONSENT FOR STUDENT ACCESS TO CERTAIN LIBRARY MATERIALS. (a) In this section, "library material" means any book, record, file, or other instrument or document listed in a school district's library catalog.

(b) A school district shall adopt procedures for:

(1) providing parental access to the catalog of available library materials at each school library in the district; and

(2) a parent to provide to the district a list of library materials that the parent's student may not be allowed to check out or otherwise access for use outside of the school library.

(c) In adopting procedures under Subsection (b), a school district shall allow for a parent to provide a list of library materials, as described by that subsection, through:

(1) an electronic or physical form; or

(2) use of the school's online library catalog.

1        (d) A school district may not allow a student to check out or  
2 otherwise use outside the school library a library material the  
3 student's parent has included in a list submitted under Subsection  
4 (c).

5        SECTION 2. Section 12.104(b), Education Code, as amended by  
6 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B.  
7 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular  
8 Session, 2021, is reenacted and amended to read as follows:

9        (b) An open-enrollment charter school is subject to:

10            (1) a provision of this title establishing a criminal  
11 offense;

12            (2) the provisions in Chapter 554, Government Code;  
13 and

14            (3) a prohibition, restriction, or requirement, as  
15 applicable, imposed by this title or a rule adopted under this  
16 title, relating to:

17                    (A) the Public Education Information Management  
18 System (PEIMS) to the extent necessary to monitor compliance with  
19 this subchapter as determined by the commissioner;

20                    (B) criminal history records under Subchapter C,  
21 Chapter 22;

22                    (C) reading instruments and accelerated reading  
23 instruction programs under Section 28.006;

24                    (D) accelerated instruction under Section  
25 28.0211;

26                    (E) high school graduation requirements under  
27 Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N) the requirement under Section 21.006 to report an educator's misconduct;

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures under Section 37.0832;

(R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) establishment of residency under Section 25.001;

(V) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; ~~and~~

(Y) [~~(X)~~] parental options to retain a student under Section 28.02124; and

(Z) requirements related to parental access to the library catalog and consent for student use of school library materials under Section 33.026.

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

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2023.