**BILL ANALYSIS**

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| Senate Research Center | S.B. 13 |
| 89R6171 PRL-D | By: Paxton et al. |
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**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 13 addresses the issue of sexually explicit content in school libraries by providing increased structure and transparency to the processes and standards for school library book acquisition and review policies to ensure that school library collections are appropriate for their campuses based on developmental suitability for those grade levels and on community values. S.B. 13 accomplishes these goals using a multifaceted approach.

S.B. 13 holds school libraries to the same standards our nation already recognizes for protecting children from inappropriate content. The Supreme Court has upheld the Federal Communications Commission (FCC) standards for the regulation of content that may air between 6 AM and 10 PM—the hours in which children may reasonably be in the audience. If this content cannot be on TV or radio when there is a reasonable risk of children being in the audience, then this content should not be in school libraries—somewhere that children are always the audience.

S.B. 13 also proposes local school library advisory councils charged with overseeing school districts' acquisition of new materials and reviewing any challenged materials. The council consists of parents, educators, and local community members who will make recommendations for the inclusion of library materials in school libraries based on developmental appropriateness and community values. These councils are modeled after the school health advisory councils (SHACs). SHACs provide local oversight in selecting a school district's health curriculum to ensure that these materials not only meet state standards but also reflect local values. These principles are at the core of this proposed legislation.

Additionally, S.B. 13 affirms that a parent has the right to access school records of the materials their child checks out from the school library. While some school districts already provide parents easy mechanisms for checking student library records, which promotes transparency and parental engagement, all school districts should provide such access. All parents should be afforded such transparency, as they are the ultimate decider in all aspects of their child's education, including in the school library.

As proposed, S.B. 13 amends current law 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.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 26.004(b), Education Code, as follows:

(b) Entitles a parent to access to all written records of a school district concerning the parent's child, including records relating to school library materials the child obtains from a school library. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 33, Education Code, by adding Section 33.020, as follows:

Sec. 33.020. DEFINITIONS. Defines "harmful material," "indecent content," "library material," and "profane content."

SECTION 3. Amends Section 33.021, Education Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Requires that the standards adopted under Subsection (c) (relating to requiring the Texas State Library and Archives Commission to adopt standards for school library collection development):

(1) makes no changes to this subdivision; and

(2) include a collection development policy that:

(A) prohibits the possession, acquisition, and purchase of:

(i) harmful material, rather than harmful material as defined by Section 43.24 (Sale, Distribution, or Display of Harmful Material to Minor), Penal Code;

(ii)-(iii) makes nonsubstantive changes to these subdivisions; or

(iv) library material containing indecent content or profane content;

(B) makes no changes to this paragraph;

(C) is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, online catalogs, and library mobile applications;

(E) makes no changes to this paragraph;

(F)-(G) makes nonsubstantive changes to these paragraphs; and

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

(e) Authorizes a school district to adopt local policies and procedures in addition to the standards adopted under Subsection (c) that do not conflict with the standards adopted under that subsection or other requirements of the Education Code.

SECTION 4. Amends Subchapter B, Chapter 33, Education Code, by adding Sections 33.023, 33.024, 33.025, 33.026, and 33.027, as follows:

Sec. 33.023. PARENTAL ACCESS TO LIBRARY CATALOG AND ACCESS BY THE PARENT'S CHILD TO CERTAIN LIBRARY MATERIALS. (a) Requires a school district or open-enrollment charter school to adopt procedures that provide for a parent of a child enrolled in the district or school to:

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

(2) submit to the district or school a list of library materials that the parent's child is prohibited from being allowed to check out or otherwise access for use outside of the school library.

(b) Requires that the procedures adopted under Subsection (a)(2) allow for a parent to submit a list of library materials through an electronic or physical form or the district's or school's online library catalog system.

(c) Prohibits a school district or open-enrollment charter school from allowing a student to check out or otherwise use outside the school library a library material the student's parent has included in a list submitted under Subsection (a)(2).

Sec. 33.024. PARENTAL ACCESS TO STUDENT LIBRARY RECORDS. Requires each school district and open-enrollment charter school that uses a learning management system or an online learning portal, through the system or portal, to provide to each parent of a child enrolled in the district or school a record of each time the parent's child checks out or otherwise uses outside the school library a library material. Requires that the record include, as applicable, the title, author, genre, and return date of the library material.

Sec. 33.025. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a) Requires the board of trustees of each school district (board) to establish a local school library advisory council (council) to assist the district in ensuring that local community values are reflected in each school library catalog in the district.

(b) Requires a school district, except as provided by Section 33.026(d), to consider the recommendations of the council before adding library materials to a school library catalog, removing library materials from a school library catalog following a challenge under Section 33.027, or making changes to policies or guidelines related to a school library catalog.

(c) Provides that the council's duties include recommending:

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

(2) to the board whether library materials proposed for acquisition under Section 33.026 are appropriate for each grade level of the school or campus for which the library materials are proposed to be acquired;

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

(4) the removal of any library materials that the council determines to be harmful material or material containing indecent content or profane content or inconsistent with local community values;

(5) the policies and procedures for processing challenges received under Section 33.027; and

(6) the action to be taken by the district in response to a challenge received under Section 33.027.

(d) Requires that any recommendation made by the council adhere to the library standards approved under Section 33.021 (Library Standards).

(e) Requires the council to consist of at least five members, with each member appointed by the board, and with each trustee appointing an equal number of members. Requires a majority of the voting members of the council to be persons who are parents of students enrolled in the district and who are not employed by the district. Requires one of those members to serve as chair of the council. Authorizes the board to also appoint one or more persons to serve as nonvoting members of the council from certain groups.

(f) Requires the council to meet at least two times each year. Requires the council, for each meeting, to:

(1) at least 72 hours before the meeting:

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

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

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

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

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

(g) Requires the school district, as soon as practicable after receipt of the minutes and audio or video recording under Subsection (f)(4), to post the minutes and audio or video recording on the district's Internet website, if the district has an Internet website.

Sec. 33.026. ACQUISITION OF LIBRARY MATERIALS. (a) Requires the board to adopt a policy for the acquisition of library materials, including procedures for the procurement of library materials and the receipt of donated library materials. Requires that the policy require the board to:

(1) approve all library materials that have been donated to or that are to be procured by a school library in the district, with the advice and recommendations of the district's council established under Section 33.025;

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

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

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

(b) Entitles each member of the board to:

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

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

(c) Prohibits a school district from adding a donated library material to the school library catalog or otherwise make the donated library material available for student use unless the board approves the addition of that donated library material to the school library catalog for the grade levels for which the material is intended.

(d) Provides that this section does not apply to library materials that have been donated to or that are to be procured by a school library that replace a damaged copy of a library material that is currently in the school library catalog, are additional copies of a library material that is currently in the school library catalog, or have been approved for the same grade levels by the board from a previous proposed list of library materials.

Sec. 33.027. CHALLENGE OR APPEAL REGARDING LIBRARY MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS. (a) Authorizes a parent of or person standing in parental relation to a student enrolled in a school district, a person employed by the district, or a person residing in the district to submit:

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

(2) to the board an appeal of an action taken by the district in response to a written challenge received under Subdivision (1).

(b) Requires the district, not later than the fifth day after the date on which a school district receives a written challenge under Subsection (a)(1), to provide a copy of the challenge to the district's council established under Section 33.025. Requires the council to make a recommendation for action by the district not later than the 90th day after the date on which the council receives the copy.

(c) Authorizes the council, if the procedures recommended by the council and adopted by the board permit the appointment of library material review committees that consist of persons who are not members of the council to review library materials challenged under Subsection (a)(1), to base the council's recommendation for action to be taken by the district under Subsection (b) on the recommendation of a library material review committee if the committee consists of at least five persons appointed by the board, a majority of whom are parents of students enrolled in the school district and are not employed by the district.

(d) Requires the Texas Education Agency (TEA) to adopt and post on TEA's Internet website a form to be used in making a written challenge under Subsection (a)(1). Requires each school district to post the form on the district's Internet website, if the district has an Internet website. Requires that the form require the person submitting the form to identify how the challenged library material violates the library standards approved under Section 33.021.

(e) Requires the board, in taking action on a written challenge submitted under Subsection (a)(1) or an appeal under Subsection (a)(2), of a school district to consider:

(1) the advice of the district's council; and

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

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

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

(f) Requires a school district that receives a challenge to a library material under Subsection (a)(1) to prohibit students enrolled in the district from accessing the library material until the district takes action in response to the challenge.

(g) Requires the board, if a challenge to a library material submitted under Subsection (a)(1) results in the board, with the recommendation of the council, removing the library material from a school library catalog, to notify each teacher assigned as the classroom teacher at the grade level for which the library material was determined to be not appropriate and instruct the teacher to remove any copy of the library material from the teacher's classroom library, if applicable.

SECTION 5. Severability clause.

SECTION 6. Requires the board, before the first day of the 2025–2026 school year, to establish and appoint members of the local school library advisory council as required by Section 33.025, Education Code, as added by this Act, and adopt a policy for the acquisition of library materials as required by Section 33.026, Education Code, as added by this Act.

SECTION 7. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 8. Effective date: upon passage or September 1, 2025.