

BILL ANALYSIS

C.S.S.B. 13
By: Paxton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that additional structure and transparency is needed with respect to the processes and standards for school library book acquisition to ensure that school library collections are appropriate for school campuses based on developmental suitability and on community values. The bill sponsor has further informed the committee that the creation of local school library advisory councils consisting of parents, educators, and local community members would help ensure that library materials not only meet state standards but also reflect local values. C.S.S.B. 13 seeks to provide for, among other things, parental access to school library catalogs and student library records, the establishment of local school library advisory councils, the adoption of policies for the acquisition of library materials, and the challenge of library materials.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 13 amends the Education Code to specify that the entitlement of a parent to access all written records of a public school district concerning the parent's child includes records relating to school library materials the child obtains from a school library and to set out provisions relating to school library standards, parental access to school library materials, and the creation of local school library advisory councils.

Library Standards

C.S.S.B. 13 expands the requirements for the collection development policy included in the standards adopted by the Texas State Library and Archives Commission (TSLAC) for school library collection development by requiring the policy to do the following:

- prohibit the possession, acquisition, and purchase of:
 - library material containing indecent content or profane content;
 - library material that refers a person to a website containing content prohibited under the policy, including by use of a link or QR code; or
 - sexually explicit material; and
- demonstrate a commitment to compliance with the federal Children's Internet Protection Act, including through the use of technology protection measures, as defined by that act.

With respect to the requirement in current law for the standards to include a collection development policy that is required for all library materials available for use or display, the bill specifies that the requirement includes material contained in library mobile applications and any other library catalog a student may access. The bill authorizes a district to adopt local policies and procedures in addition to the standards adopted by TSLAC for school library collection development that do not conflict with those adopted standards or other requirements of the Education Code.

C.S.S.B. 13 requires TSLAC, not later than April 1, 2026, to adopt the standards for school library collection development as required under the bill's provisions.

Parental Access to Library Catalog and Certain Library Materials

C.S.S.B. 13 requires a district or open-enrollment charter school to adopt procedures that provide for a parent of a child enrolled in the district or charter school to do the following:

- access the catalog of available library materials at each school library in the district or charter school; and
- submit to the district or charter school a list of library materials that the parent's child may not be allowed to check out or otherwise access for use outside of the school library.

The bill requires those submission procedures to allow for a parent to submit a list of library materials through an electronic or physical form or the district's or charter school's online library catalog system. The bill prohibits a district or 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 the submitted list.

Parental Access to Student Library Records

C.S.S.B. 13 requires each district and 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 charter school a record of each time the parent's child checks out or otherwise uses outside the school library a library material. The record must include, as applicable, the title, author, genre, and return date of the library material.

Local School Library Advisory Council

C.S.S.B. 13 authorizes the board of trustees of each district to establish a local school library advisory council to assist the district in ensuring that local community values are reflected in each school library catalog in the district. However, the bill requires a district's board of trustees to establish a local school library advisory council if the parents of at least 20 percent of the students enrolled in the district present to the board a petition to establish a local school library advisory council. A council established following such a petition may not be abolished until the third anniversary of the date on which the council was established.

C.S.S.B. 13, except as provided by the bill's provisions, requires a district that establishes a local school library advisory council to consider the recommendations of the local school library advisory council before doing the following:

- adding library materials to a school library catalog;
- removing library materials from a school library catalog following a challenge under the bill's provisions; or
- making changes to policies or guidelines related to a school library catalog.

C.S.S.B. 13 establishes that the local school library advisory council's duties include recommending the following:

- policies and procedures for the acquisition of library materials consistent with local community values;

- to the board of trustees whether library materials proposed for acquisition under the bill's provisions are appropriate for each grade level of the school or campus for which the library materials are proposed to be acquired;
- if feasible, joint use agreements or strategies for collaboration between the district and local public libraries and community organizations;
- 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;
- the policies and procedures for processing challenges received under the bill's provisions; and
- the action to be taken by the district in response to such a challenge.

Any recommendation made by the local school library advisory council must adhere to the library standards approved by TSLAC.

C.S.S.B. 13 requires the local school library advisory council to consist of at least five members, with each member appointed by the board of trustees, and with each trustee appointing an equal number of members. The bill 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. One of those members must serve as chair of the council. The bill authorizes the board of trustees to also appoint one or more persons to serve as nonvoting members of the council from any of the following groups:

- classroom teachers employed by the district;
- librarians employed by the district;
- certified school counselors employed by the district;
- school administrators employed by the district;
- the business community; and
- the clergy.

C.S.S.B. 13 requires the local school library advisory council to meet at least two times each year and at other times as necessary to fulfill the council's duties and requires the council to take the following actions for each meeting:

- at least 72 hours before the meeting:
 - 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 district; and
 - ensure that the required notice is posted on the district's website, if the district has a website;
- 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;
- make an audio or video recording of the meeting; and
- not later than the 10th day after the date of the meeting, submit the minutes and audio or video recording of the meeting to the district.

The bill requires a district, as soon as practicable after receipt of the minutes and audio or video recording of a meeting, to post the minutes and audio or video recording on the district's website, if the district has a website.

Acquisition of Library Materials

C.S.S.B. 13 requires the board of trustees of a district, before the first day of the 2025-2026 school year, 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. The bill requires the policy to require the board to do the following:

- 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 local school library advisory council if the district established a council;

- 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;
- 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
- ensure compliance with the library standards approved by TSLAC.

The bill entitles each member of the board of trustees of a district to 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 to propose changes to each list before the board votes to approve or reject the list.

C.S.S.B. 13 requires the board of trustees to approve or reject a list of library materials that have been donated to or that are proposed to be procured by a school library at the first open meeting of the board held on or after the 30th day after the date the list is made accessible for review by the public. The bill requires a local school library advisory council, if the district established a council, to meet to determine the council's recommendations regarding library materials that have been donated to or that are proposed to be procured by a school library before the date of the board of trustee's open meeting. The local school library advisory council meeting may occur during the period the list is available for review by the public. The bill prohibits a district from adding a donated library material to the school library catalog or otherwise making the donated library material available for student use unless the board of trustees approves the addition of that donated library material to the school library catalog for the grade levels for which the material is intended.

C.S.S.B. 13, relating to the acquisition of library materials, expressly does not apply to library materials that have been donated to or that are to be procured by a school library that, as follows:

- replace a damaged copy of a library material with the same International Standard Book Number (ISBN) that is currently in the school library catalog;
- are additional copies of a library material with the same ISBN that is currently in the school library catalog; or
- have the same ISBN and have been approved for the same grade levels by the board of trustees of the district from a previous proposed list of library materials.

The bill requires the Texas Education Agency (TEA), as soon as practicable after the bill's effective date, to adopt and make available a model policy for the acquisition of library materials that a district may adopt to comply with the bill's requirements.

Challenge or Appeal Regarding Library Materials

C.S.S.B. 13 authorizes a parent of or person standing in parental relation to a student enrolled in a district, a person employed by the district, or a person residing in the district to do the following:

- submit to the district a written challenge to any library material in the catalog of a school library in the district using the written challenge form adopted under the bill's provisions; or
- submit to the district's board of trustees an appeal of an action taken by the district in response to such a written challenge.

C.S.S.B. 13 requires a district, not later than the fifth day after the date on which the district receives such a written challenge, to provide a copy of the challenge to the district's local school library advisory council if the district established a council. The council must make a recommendation for action by the district not later than the 90th day after the date on which the council receives the copy. The bill requires the board of trustees to take action on:

- a submitted written challenge at the first open meeting of the board held after:
 - the 90th day after the date on which the district receives a written challenge; or
 - if applicable, the local school library advisory council has made a recommendation regarding the challenge; or

- an appeal at the first open meeting of the board held after the date the appeal is filed.

C.S.S.B. 13 requires TEA to adopt and post on its website a form to be used in making a written challenge and requires each district to post the form on the district's website, if the district has a website. The bill requires the form to require the person submitting the form to identify how the challenged library material violates the library standards approved by TSLAC. The bill requires the board of trustees of a district, in taking action on a written challenge or an appeal, to consider the following:

- if applicable, the advice of the district's local school library advisory council; and
- whether the challenged or appealed library material is suitable for the subject and grade level for which the library material is intended, including by considering:
 - whether the library material adheres to the library standards approved by TSLAC; and
 - 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.

C.S.S.B. 13 requires a district that receives a challenge to a library material to prohibit students enrolled in the district from accessing the library material until the district takes action in response to the challenge. If a challenge to a library material results in the board of trustees, with the recommendation of the local school library advisory council, if applicable, removing the library material from a school library catalog, the board must 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. However, if a challenge to a library material results in the board, with the recommendation of the council, if applicable, not removing the library material from a school library catalog, the board is not required to take any action in response to a written challenge of the library material submitted before the second anniversary of the date of the determination to not remove the library material.

Definitions

C.S.S.B. 13 defines the following terms for purposes of the bill's provisions and statutory provisions regarding library services:

- "indecent content" as content that portrays sexual or excretory organs or activities in a way that is patently offensive;
- "library material" as any book, record, file, or other instrument or document in a school district's library catalog, excluding instructional material, as defined by statutory provisions regarding instructional materials and technology, and materials procured for the TexShare Library Consortium; and
- "profane content" as content that includes grossly offensive language that is considered a public nuisance.

The bill establishes that, for those purposes, "harmful material" has the meaning assigned by Penal Code provisions regarding the sale, distribution, or display of harmful material to a minor.

Severability; Applicability

It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in the bill's provisions, and every application of the bill's provisions to every person, group of persons, or circumstances, is severable from each other. If any application of any provision in the bill to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances must be severed and may not be affected.

C.S.S.B. 13 applies beginning with the 2025-2026 school year. To the extent of any conflict, the bill's provisions prevail over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 13 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and substitute expand the requirement for the collection development policy included in the standards adopted by TSLAC for school library collection development to prohibit the possession, acquisition, and purchase of certain material, the substitute requires the policy to prohibit the possession, acquisition, and purchase of sexually explicit material, which the engrossed did not do.

Whereas the engrossed required the board of trustees of each district to establish a local school library council, the substitute authorizes the board of trustees of each district to do so, but also requires the board of trustees of a district to establish such a council if the parents of at least 20 percent of the students enrolled in the district present to the board a petition to establish the council. The substitute includes a provision absent from the engrossed establishing that a council established following such a petition may not be abolished until the third anniversary of the date on which the council was established.

The substitute includes a requirement absent from the engrossed for TEA, as soon as practicable after the bill's effective date, to adopt and make available a model policy for the acquisition of library materials that a district may adopt to comply with the bill's provisions.

The substitute omits the provisions from the engrossed that did the following:

- authorized a local school library advisory council, if the procedures recommended by the council and adopted by the board of trustees of a district permit the appointment of library material review committees that consist of persons who are not members of the council to review challenged library materials, to base the council's recommendation for action to be taken by the district on the recommendation of a library material review committee if the committee consists of at least five persons appointed by the board of trustees, a majority of whom are parents of students enrolled in the district and are not employed by the district; and
- required the board of trustees of each district, before the first day of the 2025-2026 school year, to establish and appoint members of the local school library advisory council.

Whereas the engrossed required the board of trustees of a district to take action on a written challenge at the first open meeting of the board held after the local school library advisory council has made a recommendation regarding the challenge, the substitute requires the board to take action on such a challenge at the first open meeting of the board held after either the 90th day after the date on which the district receives a challenge or, if applicable, the local school library advisory council has made a recommendation regarding the challenge.