

BILL ANALYSIS

Senate Research Center
89R14423 PRL-D

C.S.S.B. 13
By: Paxton et al.
Education K-16
3/5/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session, Senator Paxton passed 88(R) S.B. 13 in the Senate to address the issue of sexually explicit books in school libraries. Unfortunately, the House of Representatives did not pass this legislation, and the bill that did pass, 88(R) H.B. 900, only addressed some aspects of the problem.

Since the issue of sexually explicit books being found in school libraries is indeed still a problem in our state, this bill revisits 88(R) S.B. 13, with a few minor changes to account for 88(R) H.B. 900 now being in statute and a few additional components of this issue that have been brought to light since the last legislative session.

This bill provides 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.

Key Provisions:

- Holds school libraries to the same standards we already recognize for protecting children from inappropriate content, the Federal Communications Commission (FCC) standards, which were upheld by the Supreme Court to regulate content between 6 AM and 10 PM — the hours in which children may reasonably be in the audience. If this content cannot be on the 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.
- Creates Local School Library Advisory Councils to oversee school districts' procurement of new library materials and to review any challenged materials
 - Consist of parents, educators, and local community members
 - Make recommendations to the school districts regarding the appropriateness of library materials that are either:
 - proposed to be added to a school library collection (either by purchase or donation); or
 - challenged for review and possible removal from the school library collection through the challenge process prescribed by the bill
 - Recommendations for the inclusion of library materials in school libraries are based on developmental appropriateness and community values.
 - Modeled after the School Health Advisory Councils (SHACs), which provide local oversight in selecting a school district's health curriculum, to ensure that these materials meet state standards but also reflect local values
- Challenged books undergoing a review cannot be accessible for students to access until the conclusion of the review.
- Parents have the right to access the school's records of the materials their child checks out from the school library. If a school uses an online learning management system or portal, the school must provide to parents their child's library check out records through the system/portal, including the title, author, genre, and return date of the checked out item.
- Requires parental access to the school's library catalog, and that parents may submit to their child's school a list of library materials that their child is not allowed to check out

- Clarifies that the state's mandatory school library collection development standards apply to books accessible on library mobile applications that students access through the school, not just those found in the school's library catalog

Committee Substitute:

- Prohibits library material that contains links or QR codes to websites which contain content that would violate the Mandatory Library Collection Development Standards
- Clarifies that the library standards apply to any library material that a student can access through their school, whether that's a traditional online catalog or a library app
- Clarifies that the exception for a library material not needing to be approved for acquisition if it has already been approved previously only applies if the additional copies to be acquired have the same ISBN as the approved library material
- Provides a two-year moratorium before a challenged library material may be challenged again

Second Committee Substitute:

- Removes "district students" from the list of potential nonvoting members of the Local School Library Advisory Council
- Clarifies the implementation timeline regarding when the Texas State Library and Archives Commission must adopt updates to the mandatory school library collection development standards by specifying that these updates shall be adopted by April 1, 2026

C.S.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 (TSLAC) 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) makes a nonsubstantive change to this subdivision;

(iii) library material that is pervasively vulgar or educationally unsuitable as referenced in Board of Education v. Pico, rather than Pico v. Board of Education, 457 U.S. 853 (1982);

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

(v) library material that refers a person to an Internet website containing content prohibited under this subsection, including by use of a link or QR code, as defined by Section 443.001, Health and Safety Code;

(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, library mobile applications and any other library catalog a student may access;

(D)-(E) makes no changes to these paragraphs;

(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 with the same International Standard Book Number that is currently in the school library catalog, are additional copies of a library material with the same International Standard Book Number that is currently in the school library catalog, or have the same International Standard Book Number and 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.

(h) Provides that if a challenge to a library material submitted under Subsection (a)(1) results in the board, with the recommendation of the local school library advisory council, 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.

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. Requires TSLAC, not later than April 1, 2026, to adopt the standards for school library collection development as required under Section 33.021, Education Code, as amended by this Act.

SECTION 8. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 9. Provides that, to the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. Effective date: upon passage or September 1, 2025.