

By: Patterson

H.B. No. 183

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation and the review of certain library
3 materials included in public school libraries.

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

5 SECTION 1. Chapter 35, Education Code, is amended by
6 designating Section 35.001 as Subchapter A and adding a subchapter
7 heading to read as follows:

8 SUBCHAPTER A. GENERAL PROVISIONS

9 SECTION 2. Section 35.001, Education Code, is amended by
10 amending Subdivision (1) and adding Subdivision (1-a) to read as
11 follows:

12 (1) "Board" means the State Board of Education.

13 (1-a) "Library material vendor" includes any entity
14 that sells library material to a public primary or secondary school
15 in this state.

16 SECTION 3. Chapter 35, Education Code, is amended by
17 designating Sections 35.002, 35.0021, 35.003, 35.004, 35.005,
18 35.006, 35.007, and 35.008 as Subchapter B and adding a subchapter
19 heading to read as follows:

20 SUBCHAPTER B. LIBRARY MATERIAL RATINGS

21 SECTION 4. Section 35.004, Education Code, is amended to
22 read as follows:

23 Sec. 35.004. LIABILITY. A school district or
24 open-enrollment charter school or a teacher, librarian, or other

1 staff member employed by a district or school is not liable for any
2 claim or damage resulting from a library material vendor's
3 violation of this subchapter [~~chapter~~].

4 SECTION 5. Section 35.007, Education Code, is amended to
5 read as follows:

6 Sec. 35.007. RULES. The commissioner may adopt rules as
7 necessary to administer this subchapter [~~chapter~~].

8 SECTION 6. Section 35.008, Education Code, is amended to
9 read as follows:

10 Sec. 35.008. ASSISTANCE OF AGENCY. The agency may provide
11 assistance to school districts and open-enrollment charter schools
12 in complying with this subchapter [~~chapter~~].

13 SECTION 7. Chapter 35, Education Code, is amended by adding
14 Subchapter C to read as follows:

15 SUBCHAPTER C. STATE REVIEW OF LIBRARY MATERIAL

16 Sec. 35.151. PARENTAL REQUEST FOR REVIEW. (a) The board
17 shall develop and make available on the board's Internet website a
18 form that the parent of a student enrolled in a school district or
19 open-enrollment charter school in this state may use to submit a
20 request to the board to review library material in the catalog of
21 the district or school library that the parent believes:

22 (1) is inappropriate for use by students in one or more
23 of the grade levels for which the material is available; or

24 (2) contains sexually explicit material.

25 (b) The board shall maintain on the board's Internet website
26 a list of library material for which a request for review submitted
27 under Subsection (a) is pending. The list must specify the grade

1 levels for which the material is under review.

2 Sec. 35.152. BOARD REVIEW OF LIBRARY MATERIAL. (a) Not
3 later than three weeks after the date the board receives a request
4 for review of library material under Section 35.151, the board
5 shall review the library material and:

6 (1) if the board determines that the material is
7 appropriate for use by students in certain grade levels and does not
8 contain sexually explicit material, add the material to a list of
9 approved material maintained on the board's Internet website and
10 specify the grade levels for which the material was approved;

11 (2) if the board determines that the material is
12 inappropriate for use by students in certain grade levels or
13 contains sexually explicit material, add the material to a list of
14 rejected material maintained on the board's Internet website and
15 specify the grade levels for which the material was rejected; or

16 (3) if the board cannot make a determination under
17 Subdivision (1) or (2), refer the request for review to the agency
18 under Section 35.153.

19 (b) If the board determines that a library material is
20 appropriate for use by students in some grade levels but not all
21 grade levels, the board may add the material to both the list of
22 approved material for the grade levels for which the material was
23 approved and the list of rejected material for the grade levels for
24 which the material was rejected.

25 (c) The board may adopt criteria necessary for approval of
26 library material under this section.

27 Sec. 35.153. AGENCY REVIEW OF LIBRARY MATERIAL. (a) Not

1 later than three weeks after the date on which the agency receives a
2 referral from the board under Section 35.152(a)(3), the agency
3 shall review the library material referred to the agency and direct
4 the board to add the material to:

5 (1) if the agency makes the determination described by
6 Section 35.152(a)(1), the list of approved material described by
7 that subdivision; or

8 (2) if the agency makes the determination described by
9 Section 35.152(a)(2), the list of rejected material described by
10 that subdivision.

11 (b) If the agency determines that a library material is
12 appropriate for use by students in some grade levels but not all
13 grade levels, the agency may direct the board to add the material to
14 both the list of approved material for the grade levels for which
15 the material was approved and the list of rejected material for the
16 grade levels for which the material was rejected.

17 (c) If the board has adopted criteria for the review of
18 library material under Section 35.152(c), the agency shall use the
19 adopted criteria to complete the agency's review under this
20 section.

21 Sec. 35.154. USE OF CERTAIN LIBRARY MATERIAL PROHIBITED. A
22 school district or open-enrollment charter school may not allow a
23 student enrolled in the district or school to reserve, check out, or
24 otherwise use outside the school library any library material on:

25 (1) the list of library material for which a request
26 for review is pending under Section 35.151(b), if the student is in
27 a grade level for which the material is under review; or

1 (2) the list of rejected material described by Section
2 35.152(a)(2), if the student is in a grade level for which the
3 material was rejected.

4 Sec. 35.155. RULES. (a) The board may adopt rules as
5 necessary to implement a provision of this subchapter that the
6 board is responsible for implementing.

7 (b) The commissioner may adopt rules as necessary to
8 implement a provision of this subchapter that the commissioner or
9 agency is responsible for implementing.

10 SECTION 8. Not later than January 1, 2026, the State Board
11 of Education shall develop and make available on the board's
12 Internet website the form on which a parent of a student enrolled in
13 a school district or open-enrollment charter school may submit a
14 request for review of library material as required by Section
15 35.151, Education Code, as added by this Act.

16 SECTION 9. This Act takes effect September 1, 2025.