

By: Hickland

H.B. No. 4448

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an automated artificial intelligence review of library
3 material purchased by public schools; providing an administrative
4 penalty.

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

6 SECTION 1. Chapter 35, Education Code, is amended by adding
7 Section 35.0022 to read as follows:

8 Sec. 35.0022. AUTOMATED ARTIFICIAL INTELLIGENCE LIBRARY
9 MATERIAL REVIEW. (a) Not later than 90 days before purchasing
10 library material from a library material vendor, a school district
11 or open-enrollment charter school must ensure the material is
12 submitted to a third party approved by the agency to conduct an
13 automated artificial intelligence review of the material to
14 determine whether the material should be rated as sexually explicit
15 material or sexually relevant material.

16 (b) Not later than the 20th business day after an automated
17 artificial intelligence review is conducted under Subsection (a),
18 an individual employed or contracted by the third party shall
19 verify the results of the review.

20 (c) If an automated artificial intelligence review
21 conducted under Subsection (a) rates a library material as sexually
22 explicit material or sexually relevant material, the third party
23 must provide to the school district or open-enrollment charter
24 school a detailed report that contains:

1 (1) the specific content flagged as sexually explicit
2 or sexually relevant;

3 (2) the historical, educational, or other context in
4 which the content appears; and

5 (3) the rationale for why the material was rated as
6 sexually explicit or sexually relevant.

7 (d) A school district or open-enrollment charter school:

8 (1) may not purchase a library material that has been
9 determined to contain sexually explicit material; and

10 (2) must require parental consent in accordance with
11 Section 35.005 for a library material determined to contain
12 sexually relevant material.

13 (e) A school district or open-enrollment charter school
14 shall maintain documentation regarding each automated artificial
15 intelligence review conducted under this section.

16 (f) The commissioner shall adopt and post on the agency's
17 Internet website a list of third parties approved to conduct an
18 automated artificial intelligence review under Subsection (a). In
19 adopting the list, the commissioner:

20 (1) may not approve a third party that holds a
21 financial interest in a library material vendor;

22 (2) must require bias mitigation protocols and
23 cultural competency testing;

24 (3) must ensure the third party has received training
25 on the definitions of sexually explicit and sexually relevant
26 material under Section 35.001; and

27 (4) must require the third party to update the third

1 party's automated artificial intelligence review system at least
2 quarterly.

3 (g) The agency shall conduct quarterly audits of not less
4 than five percent of library materials submitted for review under
5 Subsection (a) to ensure accuracy in ratings and compliance with
6 the First Amendment to the United States Constitution, Section 8,
7 Article I, Texas Constitution, other federal and state law, and
8 school district and open-enrollment charter school policies. In
9 conducting audits under this subsection, the agency may establish
10 an oversight committee composed of educators, librarians, legal
11 experts, and community representatives to verify the accuracy of an
12 automated artificial intelligence review system.

13 (h) The agency shall remove a third party from the list
14 adopted under Subsection (f) if the agency's audit under Subsection
15 (g) determines that the third party's automated artificial
16 intelligence review system has less than a 95 percent rate of
17 accuracy in rating library material as sexually explicit material
18 or sexually relevant material.

19 (i) The agency shall assess an administrative penalty
20 against a school district or open-enrollment charter school that
21 violates Subsection (a) or (d)(1) in an amount not to exceed \$10,000
22 for each library material acquired in violation of that provision.

23 (j) If, based on automated artificial intelligence reviews
24 and audits conducted under this section, the commissioner
25 determines that a library material vendor has not rated or
26 incorrectly rated three or more library materials in violation of
27 this chapter, the commissioner shall place that library material

1 vendor on a list posted and maintained in a conspicuous place on the
2 agency's Internet website. A school district or open-enrollment
3 charter school may not purchase library material from a library
4 material vendor on the list.

5 (k) A parent of or person standing in parental relation to a
6 student enrolled in a school district or open-enrollment charter
7 school that violates this section may bring an action for
8 injunctive relief against the district or school to compel the
9 district or school to comply with this section.

10 SECTION 2. Section 35.005, Education Code, is amended to
11 read as follows:

12 Sec. 35.005. PARENTAL CONSENT REQUIRED FOR USE OF CERTAIN
13 LIBRARY MATERIALS. A school district or open-enrollment charter
14 school may not allow a student enrolled in the district or school to
15 reserve, check out, or otherwise use outside the school library
16 library material the library material vendor or the automated
17 artificial intelligence review has rated as sexually relevant
18 material under Section 35.002(a) or 35.0022(a) unless the district
19 or school first obtains written consent from the student's parent
20 or person standing in parental relation.

21 SECTION 3. Not later than the first day of the 2026-2027
22 school year, the commissioner of education shall adopt the list of
23 approved third parties as required under Section 35.0022(f),
24 Education Code, as added by this Act.

25 SECTION 4. This Act applies beginning with the 2026-2027
26 school year.

27 SECTION 5. This Act takes effect September 1, 2025.