

AN ACT

relating to a school district's library materials and catalog, the establishment of local school library advisory councils, and parental rights regarding public school library catalogs and access by the parent's child to library materials.

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

SECTION 1. Section 26.004(b), Education Code, is amended to read as follows:

(b) A parent is entitled to access to all written records of a school district concerning the parent's child, including:

- (1) attendance records;
- (2) test scores;
- (3) grades;
- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) health and immunization information;
- (9) teacher and school counselor evaluations;
- (10) reports of behavioral patterns; ~~and~~
- (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child; and
- (12) records relating to school library materials the

child obtains from a school library.

SECTION 2. Subchapter B, Chapter 33, Education Code, is amended by adding Sections 33.020 and 33.0205 to read as follows:

Sec. 33.020. DEFINITIONS. In this subchapter:

(1) "Harmful material" has the meaning assigned by Section 43.24, Penal Code.

(2) "Indecent content" means content that portrays sexual or excretory organs or activities in a way that is patently offensive.

(3) "Library material" means any book, record, file, or other instrument or document in a school district's library catalog. The term does not include instructional material, as defined by Section 31.002, or materials procured for the TexShare consortium under Subchapter M, Chapter 441, Government Code.

(4) "Profane content" means content that includes grossly offensive language that is considered a public nuisance.

Sec. 33.0205. CONSTRUCTION OF SUBCHAPTER. Nothing in this subchapter may be construed as limiting the acquisition of instructional material, as defined by Section 31.002, necessary for the teaching of, instruction in, or demonstration of knowledge of the essential knowledge and skills adopted under Section 28.002.

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

(d) The standards adopted under Subsection (c) must:

(1) be reviewed and updated at least once every five years; and

(2) include a collection development policy that:

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

(i) harmful material[, ~~as defined by Section 43.24, Penal Code~~];

(ii) library material rated sexually explicit material by the selling library material vendor; ~~or~~

(iii) library material that is pervasively vulgar or educationally unsuitable as referenced in Board of Education v. 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) recognizes that obscene content is not protected by the First Amendment to the United States Constitution;

(C) is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, ~~and~~ online catalogs, library mobile applications, and any other library catalog a student may access;

(D) recognizes that parents are the primary decision makers regarding a student's access to library material;

(E) encourages schools to provide library catalog transparency;

1 (F) recommends schools communicate effectively
2 with parents regarding collection development; ~~and~~

3 (G) prohibits the removal of material based
4 solely on the:

5 (i) ideas contained in the material; or

6 (ii) personal background of:

7 (a) the author of the material; or

8 (b) characters in the material; and

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

13 (e) A school district may adopt local policies and
14 procedures in addition to the standards adopted under Subsection
15 (c) that do not conflict with the standards adopted under that
16 subsection or other requirements of this code.

17 SECTION 4. Subchapter B, Chapter 33, Education Code, is
18 amended by adding Sections 33.023, 33.024, 33.025, 33.026, and
19 33.027 to read as follows:

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

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

27 (2) submit to the district or school a list of library

1 materials that the parent's child may not be allowed to check out or
2 otherwise access for use outside of the school library.

3 (b) The procedures adopted under Subsection (a)(2) must
4 allow for a parent to submit a list of library materials through:

5 (1) an electronic or physical form; or

6 (2) the district's or school's online library catalog
7 system.

8 (c) A school district or open-enrollment charter school may
9 not allow a student to check out or otherwise use outside the school
10 library a library material the student's parent has included in a
11 list submitted under Subsection (a)(2).

12 (d) Notwithstanding Section 31.0211(c), a school district
13 or open-enrollment charter school may use funds from the district's
14 or school's instructional materials and technology allotment under
15 Section 31.0211 for costs associated with complying with this
16 section.

17 Sec. 33.024. PARENTAL ACCESS TO STUDENT LIBRARY RECORDS.
18 Each school district and open-enrollment charter school that uses a
19 learning management system or an online learning portal shall,
20 through the system or portal, provide to each parent of a child
21 enrolled in the district or school a record of each time the
22 parent's child checks out or otherwise uses outside the school
23 library a library material. The record must include, as
24 applicable, the title, author, genre, and return date of the
25 library material.

26 Sec. 33.025. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a)
27 Subject to Subsection (b), the board of trustees of each school

1 district may establish a local school library advisory council to
2 assist the district in ensuring that local community values are
3 reflected in each school library catalog in the district. A school
4 district that does not establish a local school library advisory
5 council must ensure that the district's procedures for adding or
6 removing library materials to or from a school library catalog
7 comply with:

8 (1) the library standards approved under Section
9 [33.021](#); and

10 (2) the meeting requirements under Subsections (g) and
11 (h).

12 (b) The board of trustees of a school district shall
13 establish a local school library advisory council if the parents of
14 at least 10 percent of the students enrolled in the district or 50
15 or more parents of students enrolled in the district, whichever is
16 fewer, present to the board a petition to establish a local school
17 library advisory council. A council established under this
18 subsection may not be abolished until the third anniversary of the
19 date on which the council was established.

20 (c) Except as provided by Section 33.026(f), a school
21 district that establishes a local school library advisory council
22 must consider the recommendations of the local school library
23 advisory council before:

24 (1) adding library materials to a school library
25 catalog;

26 (2) removing library materials from a school library
27 catalog following a challenge under Section 33.027; or

1 (3) making changes to policies or guidelines related
2 to a school library catalog.

3 (d) The local school library advisory council's duties
4 include recommending:

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

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

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

14 (4) the removal of any library materials that the
15 council determines to be harmful material or material containing
16 indecent content or profane content that is inconsistent with local
17 community values or age appropriateness;

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

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

22 (e) Any recommendation made by the local school library
23 advisory council must adhere to the library standards approved
24 under Section [33.021](#).

25 (f) The local school library advisory council must consist
26 of at least five members, with each member appointed by the board of
27 trustees, and with each trustee appointing an equal number of

members. A majority of the voting members of the council must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair of the council. The board of trustees may also appoint one or more persons to serve as nonvoting members of the council from any of the following groups:

- (1) classroom teachers employed by the district;
- (2) librarians employed by the district;
- (3) school counselors certified under Subchapter B, Chapter 21, employed by the district;
- (4) school administrators employed by the district;
- (5) the business community; and
- (6) the clergy.

(g) The local school library advisory council shall meet at least two times each year and at other times as necessary to fulfill the council's duties under this subchapter. For each meeting, the council shall:

- (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

1 meeting;

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

3 and

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

7 (h) As soon as practicable after receipt of the minutes and
8 audio or video recording under Subsection (g)(4), the school
9 district shall post the minutes and audio or video recording on the
10 district's Internet website, if the district has an Internet
11 website.

12 Sec. 33.026. ACQUISITION OF LIBRARY MATERIALS. (a) The
13 board of trustees of a school district shall adopt a policy for the
14 acquisition of library materials, including procedures for the
15 procurement of library materials and the receipt of donated library
16 materials. The policy must require the board to:

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

22 (2) make the list of library materials not described
23 by Subsection (f) that have been donated to or that are proposed to
24 be procured by a school library accessible for review by the public
25 for at least 30 days before final approval;

26 (3) approve or reject the list of library materials
27 that have been donated to or that are proposed to be procured by a

1 school library in an open meeting; and

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

4 (b) Each member of the board of trustees of a school
5 district is entitled to:

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

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

12 (c) For purposes of Subsection (a)(3), the board of trustees
13 shall approve or reject a list of library materials that have been
14 donated to or that are proposed to be procured by a school library
15 at the first open meeting of the board held on or after the 30th day
16 after the date the list is made accessible for review by the public
17 as required by Subsection (a)(2).

18 (d) If a school district established a local school library
19 advisory council, the council shall meet to determine the council's
20 recommendations regarding library materials that have been donated
21 to or that are proposed to be procured by a school library before
22 the date of the open meeting of the board of trustees described by
23 Subsection (a)(3). The local school library advisory council
24 meeting may occur during the period the list is available for review
25 by the public as required by Subsection (a)(2).

26 (e) A school district may not add a donated library material
27 to the school library catalog or otherwise make the donated library

1 material available for student use unless the board of trustees of
2 the district approves the addition of that donated library material
3 to the school library catalog for the grade levels for which the
4 material is intended.

5 (f) This section does not apply to library materials that
6 have been donated to or that are to be procured by a school library
7 that:

8 (1) replace a damaged copy of a library material with
9 the same International Standard Book Number that is currently in
10 the school library catalog;

11 (2) are additional copies of a library material with
12 the same International Standard Book Number that is currently in
13 the school library catalog; or

14 (3) have the same International Standard Book Number
15 and have been approved for the same grade levels by the board of
16 trustees of the school district from a previous proposed list of
17 library materials.

18 (g) The agency shall adopt and make available a model policy
19 for the acquisition of library materials that a school district may
20 adopt to comply with the requirements of this section.

21 Sec. 33.027. CHALLENGE OR APPEAL REGARDING LIBRARY
22 MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS.

23 (a) A parent of or person standing in parental relation to a
24 student enrolled in a school district, a person employed by the
25 district, or a person residing in the district may submit:

26 (1) to the district a written challenge to any library
27 material in the catalog of a school library in the district using

1 the form adopted under Subsection (e); or

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

5 (b) Not later than the fifth day after the date on which a
6 school district receives a written challenge under Subsection
7 (a)(1), the district shall provide a copy of the challenge to the
8 district's local school library advisory council if the district
9 established a council under Section 33.025. The council shall make
10 a recommendation for action by the district not later than the 90th
11 day after the date on which the council receives the copy.

12 (c) If the procedures recommended by the local school
13 library advisory council, if applicable, and adopted by the board
14 of trustees permit the appointment of library material review
15 committees that consist of persons who are not members of the
16 council to review library materials challenged under Subsection
17 (a)(1), the council may base the council's recommendation for
18 action to be taken by the district under Subsection (b) on the
19 recommendation of a library material review committee if the
20 committee consists of at least five persons appointed by the board
21 of trustees, a majority of whom are parents of students enrolled in
22 the school district and are not employed by the district. Sections
23 33.025(g) and (h) apply to a library material review committee
24 authorized by this subsection in the same manner as a local school
25 library advisory council.

26 (d) The board of trustees shall take action on:

27 (1) a written challenge submitted under Subsection

1 (a)(1) at the first open meeting of the board held after:

2 (A) the 90th day after the date on which the
3 school district receives a written challenge under Subsection
4 (a)(1); or

5 (B) if applicable, the local school library
6 advisory council has made a recommendation under Subsection (b)
7 regarding the challenge; or

8 (2) an appeal under Subsection (a)(2) at the first
9 open meeting of the board held after the date the appeal is filed.

10 (e) The agency shall adopt and post on the agency's Internet
11 website a form to be used in making a written challenge under
12 Subsection (a)(1). Each school district shall post the form on the
13 district's Internet website, if the district has an Internet
14 website. The form shall require the person submitting the form to
15 identify how the challenged library material violates the library
16 standards approved under Section [33.021](#).

17 (f) In taking action on a written challenge submitted under
18 Subsection (a)(1) or an appeal under Subsection (a)(2), the board
19 of trustees of a school district shall consider:

20 (1) if applicable, the advice of the district's local
21 school library advisory council; and

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

26 (A) whether the library material adheres to the
27 library standards approved under Section [33.021](#); and

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

5 (g) A school district that receives a challenge to a library
6 material under Subsection (a)(1) shall prohibit students enrolled
7 in the district from accessing the library material until the
8 district takes action in response to the challenge.

9 (h) If a challenge to a library material submitted under
10 Subsection (a)(1) results in the board of trustees, with the
11 recommendation of the local school library advisory council, if
12 applicable, removing the library material from a school library
13 catalog, the board shall notify each teacher assigned as the
14 classroom teacher at the grade level for which the library material
15 was determined to be not appropriate and instruct the teacher to
16 remove any copy of the library material from the teacher's
17 classroom library, if applicable.

18 (i) If a challenge to a library material submitted under
19 Subsection (a)(1) results in the board of trustees, with the
20 recommendation of the local school library advisory council, if
21 applicable, not removing the library material from a school library
22 catalog, the board is not required to take any action in response to
23 a written challenge of the library material submitted before the
24 second anniversary of the date of the determination to not remove
25 the library material.

26 SECTION 5. It is the intent of the legislature that every
27 provision, section, subsection, sentence, clause, phrase, or word

1 in this Act, and every application of the provisions in this Act to
2 every person, group of persons, or circumstances, is severable from
3 each other. If any application of any provision in this Act to any
4 person, group of persons, or circumstances is found by a court to be
5 invalid for any reason, the remaining applications of that
6 provision to all other persons and circumstances shall be severed
7 and may not be affected.

8 SECTION 6. As soon as practicable after the effective date
9 of this Act, the Texas Education Agency shall adopt and make
10 available a model policy for the acquisition of library materials
11 as required by Section 33.026(g), Education Code, as added by this
12 Act.

13 SECTION 7. Before the first day of the 2025-2026 school
14 year, the board of trustees of each school district shall adopt a
15 policy for the acquisition of library materials as required by
16 Section 33.026, Education Code, as added by this Act.

17 SECTION 8. Not later than April 1, 2026, the Texas State
18 Library and Archives Commission shall adopt the standards for
19 school library collection development as required under Section
20 [33.021](#), Education Code, as amended by this Act.

21 SECTION 9. This Act applies beginning with the 2025-2026
22 school year.

23 SECTION 10. To the extent of any conflict, this Act prevails
24 over another Act of the 89th Legislature, Regular Session, 2025,
25 relating to nonsubstantive additions to and corrections in enacted
26 codes.

27 SECTION 11. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect September 1, 2025.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 13 passed the Senate on March 19, 2025, by the following vote: Yeas 23, Nays 8; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; May 31, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 23, Nays 8.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Secretary of the Senate</div>
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I hereby certify that S.B. No. 13 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 86, Nays 55, two present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; May 31, 2025, House adopted Conference Committee Report by the following vote: Yeas 81, Nays 48, two present not voting.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Chief Clerk of the House</div>
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Approved:

Date

Governor