

By: Paxton, et al.

S.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a school district's library materials and catalog, the
3 creation of local school library advisory councils, and parental
4 rights regarding public school library catalogs and access by the
5 parent's child to library materials.

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

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

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

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

1 child obtains from a school library.

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

4 Sec. 33.020. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

23 (2) include a collection development policy that:

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

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

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

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

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

8 (B) recognizes that obscene content is not
9 protected by the First Amendment to the United States Constitution;

10 (C) is required for all library materials
11 available for use or display, including material contained in
12 school libraries, classroom libraries, ~~and~~ online catalogs, and
13 library mobile applications;

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

16 (E) encourages schools to provide library
17 catalog transparency;

18 (F) recommends schools communicate effectively
19 with parents regarding collection development; ~~and~~

20 (G) prohibits the removal of material based
21 solely on the:

22 (i) ideas contained in the material; or

23 (ii) personal background of:

24 (a) the author of the material; or

25 (b) characters in the material; and

26 (H) demonstrates a commitment to compliance with
27 the Children's Internet Protection Act (Pub. L. No. 106-554),

1 including through the use of technology protection measures, as
2 defined by that Act.

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

7 SECTION 4. Subchapter B, Chapter 33, Education Code, is
8 amended by adding Sections 33.023, 33.024, 33.025, 33.026, and
9 33.027 to read as follows:

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

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

17 (2) submit to the district or school a list of library
18 materials that the parent's child may not be allowed to check out or
19 otherwise access for use outside of the school library.

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

22 (1) an electronic or physical form; or

23 (2) the district's or school's online library catalog
24 system.

25 (c) A school district or open-enrollment charter school may
26 not allow a student to check out or otherwise use outside the school
27 library a library material the student's parent has included in a

1 list submitted under Subsection (a)(2).

2 Sec. 33.024. PARENTAL ACCESS TO STUDENT LIBRARY RECORDS.

3 Each school district and open-enrollment charter school that uses a
4 learning management system or an online learning portal shall,
5 through the system or portal, provide to each parent of a child
6 enrolled in the district or school a record of each time the
7 parent's child checks out or otherwise uses outside the school
8 library a library material. The record must include, as
9 applicable, the title, author, genre, and return date of the
10 library material.

11 Sec. 33.025. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a)

12 The board of trustees of each school district shall establish a
13 local school library advisory council to assist the district in
14 ensuring that local community values are reflected in each school
15 library catalog in the district.

16 (b) Except as provided by Section 33.026(d), a school
17 district must consider the recommendations of the local school
18 library advisory council before:

19 (1) adding library materials to a school library
20 catalog;

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

23 (3) making changes to policies or guidelines related
24 to a school library catalog.

25 (c) The local school library advisory council's duties
26 include recommending:

27 (1) policies and procedures for the acquisition of

1 library materials consistent with local community values;

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

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

9 (4) the removal of any library materials that the
10 council determines to be:

11 (A) harmful material or material containing
12 indecent content or profane content; or

13 (B) inconsistent with local community values;

14 (5) the policies and procedures for processing
15 challenges received under Section 33.027; and

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

18 (d) Any recommendation made by the local school library
19 advisory council must adhere to the library standards approved
20 under Section [33.021](#).

21 (e) The local school library advisory council must consist
22 of at least five members, with each member appointed by the board of
23 trustees, and with each trustee appointing an equal number of
24 members. A majority of the voting members of the council must be
25 persons who are parents of students enrolled in the district and who
26 are not employed by the district. One of those members shall serve
27 as chair of the council. The board of trustees may also appoint one

1 or more persons to serve as nonvoting members of the council from
2 any of the following groups:

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

11 (f) The local school library advisory council shall meet at
12 least two times each year. For each meeting, the council shall:

- 13 (1) at least 72 hours before the meeting:
 - 14 (A) post notice of the date, hour, place, and
15 subject of the meeting on a bulletin board in the central
16 administrative office of each campus in the school district; and
 - 17 (B) ensure that the notice required under
18 Paragraph (A) is posted on the district's Internet website, if the
19 district has an Internet website;

20 (2) prepare and maintain minutes of the meeting that
21 state the subject and content of each deliberation and each vote,
22 order, decision, or other action taken by the council during the
23 meeting;

24 (3) make an audio or video recording of the meeting;
25 and

26 (4) not later than the 10th day after the meeting,
27 submit the minutes and audio or video recording of the meeting to

1 the district.

2 (g) As soon as practicable after receipt of the minutes and
3 audio or video recording under Subsection (f)(4), the school
4 district shall post the minutes and audio or video recording on the
5 district's Internet website, if the district has an Internet
6 website.

7 Sec. 33.026. ACQUISITION OF LIBRARY MATERIALS. (a) The
8 board of trustees of a school district shall adopt a policy for the
9 acquisition of library materials, including procedures for the
10 procurement of library materials and the receipt of donated library
11 materials. The policy must require the board to:

12 (1) approve all library materials that have been
13 donated to or that are to be procured by a school library in the
14 district, with the advice and recommendations of the district's
15 local school library advisory council established under Section
16 33.025;

17 (2) make the list of library materials that have been
18 donated to or that are proposed to be procured by a school library
19 accessible for review by the public for at least 30 days before
20 final approval;

21 (3) approve or reject the list of library materials
22 that have been donated to or that are proposed to be procured by a
23 school library in an open meeting; and

24 (4) ensure compliance with the library standards
25 approved under Section 33.021.

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

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

4 (2) propose changes to each list described by
5 Subdivision (1) before the board votes to approve or reject the
6 list.

7 (c) A school district may not add a donated library material
8 to the school library catalog or otherwise make the donated library
9 material available for student use unless the board of trustees of
10 the district approves the addition of that donated library material
11 to the school library catalog for the grade levels for which the
12 material is intended.

13 (d) This section does not apply to library materials that
14 have been donated to or that are to be procured by a school library
15 that:

16 (1) replace a damaged copy of a library material that
17 is currently in the school library catalog;

18 (2) are additional copies of a library material that
19 is currently in the school library catalog; or

20 (3) have been approved for the same grade levels by the
21 board of trustees of the school district from a previous proposed
22 list of library materials.

23 Sec. 33.027. CHALLENGE OR APPEAL REGARDING LIBRARY
24 MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS.

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

1 (1) to the district a written challenge to any library
2 material in the catalog of a school library in the district using
3 the form adopted under Subsection (d); or

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

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

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

25 (d) The agency shall adopt and post on the agency's Internet
26 website a form to be used in making a written challenge under
27 Subsection (a)(1). Each school district shall post the form on the

1 district's Internet website, if the district has an Internet
2 website. The form shall require the person submitting the form to
3 identify how the challenged library material violates the library
4 standards approved under Section 33.021.

5 (e) In taking action on a written challenge submitted under
6 Subsection (a)(1) or an appeal under Subsection (a)(2), the board
7 of trustees of a school district shall consider:

8 (1) the advice of the district's local school library
9 advisory council; and

10 (2) whether the library material challenged under
11 Subsection (a)(1) or appealed under Subsection (a)(2) is suitable
12 for the subject and grade level for which the library material is
13 intended, including by considering:

14 (A) whether the library material adheres to the
15 library standards approved under Section 33.021; and

16 (B) reviews, if any, of the library material
17 conducted by academic experts specializing in the subject covered
18 by the library material or in the education of students in the
19 subject and grade level for which the library material is intended.

20 (f) A school district that receives a challenge to a library
21 material under Subsection (a)(1) shall prohibit students enrolled
22 in the district from accessing the library material until the
23 district takes action in response to the challenge.

24 (g) If a challenge to a library material submitted under
25 Subsection (a)(1) results in the board of trustees, with the
26 recommendation of the local school library advisory council,
27 removing the library material from a school library catalog, the

1 board shall notify each teacher assigned as the classroom teacher
2 at the grade level for which the library material was determined to
3 be not appropriate and instruct the teacher to remove any copy of
4 the library material from the teacher's classroom library, if
5 applicable.

6 SECTION 5. It is the intent of the legislature that every
7 provision, section, subsection, sentence, clause, phrase, or word
8 in this Act, and every application of the provisions in this Act to
9 every person, group of persons, or circumstances, is severable from
10 each other. If any application of any provision in this Act to any
11 person, group of persons, or circumstances is found by a court to be
12 invalid for any reason, the remaining applications of that
13 provision to all other persons and circumstances shall be severed
14 and may not be affected.

15 SECTION 6. Before the first day of the 2025-2026 school
16 year, the board of trustees of each school district shall:

17 (1) establish and appoint members of the local school
18 library advisory council as required by Section 33.025, Education
19 Code, as added by this Act; and

20 (2) adopt a policy for the acquisition of library
21 materials as required by Section 33.026, Education Code, as added
22 by this Act.

23 SECTION 7. This Act applies beginning with the 2025-2026
24 school year.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2025.