



House of Representatives

General Assembly

File No. 367

February Session, 2024

Substitute House Bill No. 5417

House of Representatives, April 9, 2024

The Committee on Education reported through REP. CURREY of the 11th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC SCHOOL LIBRARIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2024*) (a) As used in this section:
- 2 (1) "Library material" means books, periodicals or any other sources,
3 in print or nonprint format, available for reference purposes or to be
4 circulated for voluntary inquiry by students. "Library material" does not
5 include materials required as a part of classroom instruction;
- 6 (2) "Remove" means deliberately taking library material out of a
7 library's collection. "Remove" does not include the process of clearing
8 such collection of any materials that are no longer useful;
- 9 (3) "Restrict access" means placing library material in any manner to
10 limit circulation or accessibility; and
- 11 (4) "Qualified complaint" means a request by a student, or a parent or
12 guardian of a student, to remove or restrict access to library material in
13 the collection of the school library or media center of the school in which

14 such student is enrolled.

15 (b) Not later than January 1, 2025, each local and regional board of
16 education shall establish a policy for the evaluation of any library
17 material that is the subject of a qualified complaint or otherwise subject
18 to removal or restricted access. Such policy shall include, but need not
19 be limited to, (1) developing a complaint form for filing qualified
20 complaints, which form shall be posted on the Internet web site of each
21 school under such board's jurisdiction, (2) prescribing a process for the
22 submission of a qualified complaint, (3) establishing a library material
23 review committee that shall include, but need not be limited to, (A) the
24 principal of the school in which the library material is located, (B) the
25 director of curriculum, or a person in an equivalent position, employed
26 by such board, (C) a certified school librarian employed by such board
27 or employed by another board of education in the state, (D) the
28 superintendent of the school district, or the superintendent's designee,
29 and (E) one or more teachers employed by such board, (4) specifying the
30 process for a library material review committee's evaluation of library
31 material and the time frame and manner in which such committee is
32 required to respond to a qualified complaint, (5) requiring that no
33 library material may be removed or subject to restricted access unless a
34 library material review committee completes an evaluation of such
35 library material and a final decision is made, as prescribed by the policy
36 established by such board, to remove or restrict access to such library
37 material, and (6) requiring that a final decision, made in any manner
38 prescribed by the policy established by such board, about whether such
39 library material will be removed or subjected to restricted access is
40 posted on the Internet web site of such board. Such board shall review
41 such policy and make any necessary updates not less frequently than
42 every five years after establishing such policy.

43 (c) Each local or regional board of education shall provide a reason
44 for the removal or restricted access to any library material belonging to
45 the collection of a school library or media center as a result of the process
46 prescribed by the policy established pursuant to subsection (b) of this
47 section. No board shall remove or restrict access to library material

48 because of any of the following:

49 (1) Partisan content or views contained in any library material;

50 (2) An author's race, nationality, gender identity, sexual orientation
51 or political or religious views;

52 (3) The personal discomfort, morality or political or religious views
53 of a member or members of the board;

54 (4) An author's points of view concerning current events, whether
55 international, national or local;

56 (5) The race, nationality, gender identity, sexual orientation or
57 political or religious views of a protagonist or other characters or as
58 otherwise represented in the library material; or

59 (6) The content of the library material is related to sexual health and
60 addresses physical, mental, emotional or social dimensions of human
61 sexuality, including, but not limited to, puberty, sex and relationships
62 based on the age, development and grade level of students.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	New section

ED Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact. It requires local and regional school districts to develop a process to evaluate school library books and other materials that are potentially subject to removal or restricted access. It is anticipated that districts can meet this requirement with existing resources.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5417*****AN ACT CONCERNING PUBLIC SCHOOL LIBRARIES.*****SUMMARY**

This bill requires local and regional boards of education, by January 1, 2025, to establish a policy for evaluating any library material that is subject to removal or restricted access or that is the subject of a complaint. The bill specifies the policy's minimum requirements and requires school boards to review the policy and make necessary updates at least every five years. Under the bill, the policies do not apply to library collection materials being cleared because they are no longer useful or classroom instruction materials.

Relatedly, the bill requires school boards to provide a reason for removing or restricting access to any library material in a school library's or media center's collection as a result of the policy. It also prohibits boards from removing or restricting material for specified reasons (e.g., partisan content or views contained in any library material).

EFFECTIVE DATE: July 1, 2024

POLICY REQUIREMENTS***Applicability***

Under the bill, the policy applies to library material that is the subject of a "qualified complaint" or is otherwise subject to removal (i.e., deliberately taking it out of the collection) or restricted access (i.e., limiting circulation or availability). A qualified complaint is a request by an enrolled student, or the student's parent or guardian, to remove or restrict access to library material in the school library or media center.

Under the bill, “library material” means books, periodicals or any other sources, in print or nonprint format, available for reference purposes or to be circulated for voluntary inquiry by students; it excludes materials required as part of classroom instruction. Additionally, the bill does not apply to the process of clearing a library collection of material that is no longer useful.

Content

The bill requires school boards to adopt a policy by January 1, 2025, that has at least the following:

1. a complaint form, which must be posted on the website of each school under the board’s jurisdiction, and a complaint-filing process;
2. a library material review committee (see below), including the (a) committee’s evaluation process and (b) timeframe and manner in which it must respond to qualified complaints; and
3. requirements that (a) no library material be removed or subjected to restricted access unless the committee has completed its evaluation and made a final decision to remove or restrict the material and (b) final decisions be posted on the board’s website.

The bill requires that the library material review committee include at least the following: (1) the school principal, (2) the director of curriculum or a person in an equivalent position who is employed by the board, (3) a certified school librarian (employed by the board or another school board in the state), (4) the district’s superintendent or his or her designee, and (5) one or more teachers employed by the board.

Prohibited Reasons for Removal or Restrictions

The bill requires school boards to provide a reason for removing or restricting access to any library material in a school library’s or media center’s collection as a result of the process established in the board’s policy. It prohibits boards from removing or restricting library material for the following reasons:

1. partisan content or views contained in any library material;
2. the race, nationality, gender identity, sexual orientation, or political or religious views of (a) an author or (b) a protagonist or other characters or as otherwise represented in the library material;
3. the personal discomfort, morality, or political or religious views of a board member or members;
4. an author's point of view on local, national, or international current events; and
5. the content's relating to sexual health and addressing physical, mental, emotional, or social dimensions of human sexuality, including puberty, sex, and relationships, based on the age, development, and grade level of the students.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 28 Nay 17 (03/20/2024)