

By: Paxton, et al.

S.B. No. 13

A BILL TO BE ENTITLED

AN ACT

relating to a school district's library materials and catalog, the creation 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 Section 33.020 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.

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;

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

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

(i) ideas contained in the material; or

(ii) personal background of:

(a) the author of the material; or

(b) characters in the material; and

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

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

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

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

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

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

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

(1) an electronic or physical form; or

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

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

7 Sec. 33.024. PARENTAL ACCESS TO STUDENT LIBRARY RECORDS.
8 Each school district and open-enrollment charter school that uses a
9 learning management system or an online learning portal shall,
10 through the system or portal, provide to each parent of a child
11 enrolled in the district or school a record of each time the
12 parent's child checks out or otherwise uses outside the school
13 library a library material. The record must include, as
14 applicable, the title, author, genre, and return date of the
15 library material.

16 Sec. 33.025. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a)
17 The board of trustees of each school district shall establish a
18 local school library advisory council to assist the district in
19 ensuring that local community values are reflected in each school
20 library catalog in the district.

21 (b) Except as provided by Section 33.026(f), a school
22 district must consider the recommendations of the local school
23 library 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 (c) 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:

16 (A) harmful material or material containing
17 indecent content or profane content; or

18 (B) inconsistent with local community values;

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

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

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

26 (e) The local school library advisory council must consist
27 of at least five members, with each member appointed by the board of

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.

(f) 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 chapter. 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 meeting;

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

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

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

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

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

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

(3) approve or reject the list of library materials

1 that have been donated to or that are proposed to be procured by a
2 school library in an open meeting; and

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

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

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

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

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

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

27 (e) A school district may not add a donated library material

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

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

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

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

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

19 Sec. 33.027. CHALLENGE OR APPEAL REGARDING LIBRARY
20 MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS.

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

24 (1) to the district a written challenge to any library
25 material in the catalog of a school library in the district using
26 the form adopted under Subsection (e); or

27 (2) to the district's board of trustees an appeal of an

1 action taken by the district in response to a written challenge
2 received under Subdivision (1).

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

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

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

22 (1) a written challenge submitted under Subsection
23 (a)(1) at the first open meeting of the board held after the local
24 school library advisory council has made a recommendation under
25 Subsection (b) regarding the challenge; or

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

1 (e) The agency shall adopt and post on the agency's Internet
2 website a form to be used in making a written challenge under
3 Subsection (a)(1). Each school district shall post the form on the
4 district's Internet website, if the district has an Internet
5 website. The form shall require the person submitting the form to
6 identify how the challenged library material violates the library
7 standards approved under Section 33.021.

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

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

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

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

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

23 (g) A school district that receives a challenge to a library
24 material under Subsection (a)(1) shall prohibit students enrolled
25 in the district from accessing the library material until the
26 district takes action in response to the challenge.

27 (h) If a challenge to a library material submitted under

1 Subsection (a)(1) results in the board of trustees, with the
2 recommendation of the local school library advisory council,
3 removing the library material from a school library catalog, the
4 board shall notify each teacher assigned as the classroom teacher
5 at the grade level for which the library material was determined to
6 be not appropriate and instruct the teacher to remove any copy of
7 the library material from the teacher's classroom library, if
8 applicable.

9 (i) 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, not
12 removing the library material from a school library catalog, the
13 board is not required to take any action in response to a written
14 challenge of the library material submitted before the second
15 anniversary of the date of the determination to not remove the
16 library material.

17 SECTION 5. It is the intent of the legislature that every
18 provision, section, subsection, sentence, clause, phrase, or word
19 in this Act, and every application of the provisions in this Act to
20 every person, group of persons, or circumstances, is severable from
21 each other. If any application of any provision in this Act to any
22 person, group of persons, or circumstances is found by a court to be
23 invalid for any reason, the remaining applications of that
24 provision to all other persons and circumstances shall be severed
25 and may not be affected.

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

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

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

7 SECTION 7. Not later than April 1, 2026, the Texas State
8 Library and Archives Commission shall adopt the standards for
9 school library collection development as required under Section
10 [33.021](#), Education Code, as amended by this Act.

11 SECTION 8. This Act applies beginning with the 2025-2026
12 school year.

13 SECTION 9. To the extent of any conflict, this Act prevails
14 over another Act of the 89th Legislature, Regular Session, 2025,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 SECTION 10. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section [39](#), Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2025.