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## **OLR Bill Analysis**

### **sSB 1271**

#### ***AN ACT CONCERNING SCHOOL AND PUBLIC LIBRARIES.***

#### **SUMMARY**

This bill requires local and regional boards of education (“school boards”) and public library boards of trustees or other governing bodies (“governing bodies”) to each adopt policies on (1) collection development and maintenance, (2) library display and programs, and (3) library material review and reconsideration. Under current law, public libraries (but not school libraries) must adopt collection development, collection management, and collection reconsideration policies to be eligible for state grants; under the bill they must instead adopt policies meeting the bill’s requirements.

The bill requires the policies to, among other things, ensure that library materials are evaluated and made accessible to conform with applicable state non-discrimination laws, which generally prohibit discrimination based on race, color, sex, gender identity, religion, national origin, sexual orientation, or disability. It also specifically requires the policies adopted under the bill to, among other things:

1. recognize that library and other materials should represent a wide range of varied and diverging viewpoints;
2. establish a process for receiving, considering, and making decisions on requests for reconsideration or removal of library material and a process for appealing decisions; and
3. prohibit removing library material (a) on the sole basis that someone finds the book offensive or (b) because of the origin, background or viewpoints of the material’s creator or as expressed in the material.

The bill’s policy requirements for school boards and public library

governing bodies are largely the same in content and procedures, but there are some requirements specific to the different policies. For example, the school policy must (1) address student access to age-appropriate and grade-level-appropriate material and (2) require a superintendent who receives a reconsideration request to appoint a library material review committee to consider the request.

Lastly, the bill also grants employees immunity from liability when they perform their duties under the bill and allows them to bring legal action for defamation or damage to their reputations related to the same.

EFFECTIVE DATE: Upon passage

## **DEFINITIONS**

The bill defines “library and other educational material” as any material belonging to, on loan to, or in the custody of a school library media center or public library, including nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, and software. In the case of school libraries, it also includes other material not required as part of classroom instruction.

An “individual with a vested interest” is (1) for school policies, a school staff member employed by a school board, a student enrolled when a reconsideration form is filed, or a parent or guardian of such a student and (2) for public libraries, a resident of the town where the public library is located or the town in which the contract library is located when the reconsideration form is filed.

## **REQUIRED LIBRARY POLICIES**

### ***General Requirements***

The bill requires school boards and public library governing bodies to each adopt, for their respective libraries, a (1) library collection development and maintenance policy, (2) library display and program policy, and (3) library material review and reconsideration policy. The bill requires that these policies ensure that library materials are evaluated and made accessible so they conform with applicable state laws prohibiting discrimination based on race, color, sex, gender

identity, religion, national origin, sexual orientation, or disability.

Under the bill, in developing each policy, the school boards and governing bodies have control over the content of the policy, as long as the policies conform with the bill's provisions. Each school board and public library governing body must review, and update as necessary, each policy every five years.

***Collection Development and Maintenance Policy***

The bill requires collection development and maintenance policies for both schools and public libraries to:

1. recognize that library and other materials should (a) be provided for students' or residents' (as applicable) interest, information, and enlightenment and (b) represent a wide range of varied and diverging viewpoints in the collection;
2. recognize the school library media center's or public library's importance as a place for voluntary inquiry, disseminating information and ideas, and promoting free expression and free access to ideas by students or residents, as applicable;
3. establish a procedure for certified school library media specialists or public librarians to continually review library and other material within a school library media center or public library (as applicable) using professionally accepted standards, including the material's relevance, physical condition, availability of duplicates or copies, availability of more recent age-appropriate or grade-level-appropriate material, and continued demand for the material; and
4. acknowledge that librarians and school library media specialists are professionally trained to curate and develop collections providing the widest array of library and other materials.

***School Specific Requirements.*** For schools, the bill includes an additional requirement. The policy must require giving students access to (1) age-appropriate and grade-level-appropriate material and (2)

library and other educational materials that are relevant to students' research, independent reading interests, and educational needs based on a student's age, development, or grade level. School policies must acknowledge that school library media specialists are professionally trained to curate a collection providing age-appropriate and grade-level-appropriate library and other materials.

***Library Display and Program Policy***

The bill requires the library display and program policy for both schools and public libraries to:

1. recognize that library displays should (a) be provided for students' and residents' (as applicable) interest, information, and enlightenment; (b) represent a wide range of varied and diverging viewpoints; and (c) provide access to content that is relevant to students' or residents' research, independent interests, and educational needs;
2. recognize the importance of displays and programs as resources for voluntary inquiry, disseminating information and ideas, and promoting free expression and free access to ideas; and
3. acknowledge that a school library media specialist or public librarian is professionally trained to curate and develop displays and programs.

***Policy Differences.*** Additionally, the bill requires the school policies to recognize that displays should give students access to age-appropriate and grade-level-appropriate content and acknowledge that library media specialists are trained to develop these age-appropriate displays and programs.

The display policy for public libraries must make a distinction between displays and programs created or curated by library staff and those that are created or curated by the public or community groups and exhibited at the public library.

***Library Material Review and Reconsideration Policy***

Under the bill, the library material review and reconsideration policies must include a process for requesting that library materials be removed, create a reconsideration request form, details of the request process including a 60-day deadline for the library material review committee or the library director to issue a decision on removal, and an appeals process.

Under the bill, “remove” means deliberately taking library material out of a library’s collection, but does not include the process of clearing no longer useful materials out of the collection.

***Requirements Applicable to Both Schools and Public Libraries.***

The bill requires the reconsideration policy for both schools and public libraries to:

1. establish a process for individuals with a vested interest to challenge any library and other educational material, display, or program;
2. prohibit removing library material, displays, or programs (or, in the case of programs, cancelling them) because of the origin, background, or viewpoints expressed in the material, display, or program, or because of the origin, background, or viewpoints of the material’s creator;
3. require that library materials, displays, and programs can only be excluded for legitimate educational purposes or for professionally accepted standards of collection maintenance practices adopted under the collection development and maintenance policy or the display and program policy;
4. require that any process for petitioners to challenge any library material, display, or program cannot favor nor disfavor any group based on protected characteristics;
5. require the individual submitting the request for reconsideration to include his or her full legal name, address, and telephone

number;

6. require that any library material being challenged remain available in the library media center or library according to its catalog record and be available for students or residents to reserve, check out, or access until the review committee or library director makes a final decision;
7. permit a school district or library director, as applicable, to consolidate any requests for review and reconsideration of the same challenged library material; and
8. prohibit the removal, exclusion, or censoring of any book on the sole basis that someone finds the book offensive.

### ***Reconsideration Request and Appeals Process Policy Differences***

While the policies for school libraries and public libraries are broadly similar under the bill, there are some differences in the reconsideration request process and appeals process.

***School Library Policy, Decisions, and Appeals.*** Under the bill, the policy must create a request for reconsideration form that may be submitted to the principal of the school where the library and other educational material is being challenged to start the material review, and the form must require the individual to specify which part of the material he or she objects to and provide an explanation for the objection. The bill requires that these forms provide an opportunity for a request submission by individuals with a vested interest (students, parents, and staff members, as described above). However, the bill also requires the policy to limit consideration of requests to reconsider and remove material, displays, or student programs to the parents and guardians of students and eligible students currently enrolled in the school.

Regarding the school's process, the policy must require the principal or a designee to promptly forward the request for reconsideration to the school district superintendent. The superintendent or designee must appoint a review committee consisting of (1) the superintendent or

designee; (2) the principal of the library's school or the principal's designee; (3) the curriculum director, or the equivalent position of the school board; (4) a school board representative; (5) at least one grade-level-appropriate teacher familiar with the library material; (6) a parent or guardian of a student age 13 or older enrolled in the school district; (7) a parent or guardian of a student age 14 or older enrolled in the school district; and (8) a certified school librarian working for the school board or employed by another school board in the state. The individual who submitted the request for reconsideration cannot be a member of the review board.

In cases where a high school student submits the form, and if the superintendent deems it appropriate, a high school student may serve on the review committee if he or she did not submit the form, but the superintendent must consult with the school principal of the library in question before deciding whether to include the student on the review committee.

The policy adopted under the bill must require the review committee to:

1. evaluate the request for reconsideration form,
2. read the challenged material in its entirety,
3. evaluate the challenged material against the school district's collection development and maintenance policy, and
4. make a written decision within 60 school days after receiving the request whether to remove the challenged material.

The committee must give a copy of the committee's decision and report to the individual who submitted the form and to the school principal.

The bill requires that the policy allow the individual who made the reconsideration request to appeal the review committee's decision to the school board. The board, after evaluating the challenged material under the school district's collection development and maintenance policy,

must:

1. provide a written statement of the reasons for the reconsideration of (or refusal to reconsider) the library material,
2. provide any final decision that is contrary to the decision of the review committee, and
3. publish the reasons or decision on the school district's website.

Under the bill, once the review committee decides, the material in question cannot be subject to a new reconsideration request for three years.

***Public Library Policy, Decisions, and Appeals.*** The public library policy must only allow individuals residing in the town in which the library or contract library is located to submit requests to reconsider and remove material, displays, or programs.

The policy must create a request for reconsideration form that an individual can submit to the library director to start the material review. The form must require the individual to specify which part of the material he or she objects to and explain the objection. The policy must also state that reconsideration requests are not confidential patron records under state law.

The policy must require the library director to:

1. evaluate the request for reconsideration form,
2. read the challenged material in its entirety,
3. evaluate the challenged material against the library's collection development and maintenance policy, and
4. make a written decision within 60 days after receiving the request about whether to remove the challenged material.

The library director must give a copy of the decision and report to the individual who submitted the form.



The policy must also permit the individual who made the reconsideration request to appeal the library director's decision in writing to the library's governing body.

The bill requires the policy to include several steps the board must take. First, after evaluating the challenged material under the collection development and maintenance policy, the board must consult with (1) the library director; (2) the state librarian or his designee; (3) a representative of the cooperating library service unit, as defined in state law; (4) the Connecticut Library Association president or her designee; and (5) the Association of Connecticut Library Boards president or her designee, and then deliberate on the reconsideration request. Finally, it must provide a written statement of the reasons for reconsidering (or refusing to reconsider) the library material and provide any final decision that is contrary to the library director's decision.

Under the bill, once the library director or governing board decides, the material in question cannot be subject to a new reconsideration request for three years.

### **LIBRARY EMPLOYEE PROTECTION PROVISIONS**

The bill includes certain protections for library staff and others involved in carrying out its provisions.

The bill grants library employees immunity from liability (civil or criminal) when they perform their duties under the bill in good faith, and the immunity includes any judicial proceeding resulting from the bill's implementation. The employees covered are any school library media specialist, public librarian, and school library or public library staffer.

The bill permits any school library media specialist, school library staffer, teacher, administrator, school staffer, school board member, public library librarian, or public library staffer to bring an action for emotional distress, defamation, libel, slander, damage to reputation, or any other relevant tort against any person who harasses any of the specialists, librarians, staff, or board members for implementing the

policies required in the bill.

***Requirement to Post Policies***

Under the bill, each school board and governing body must make the (1) collection development and maintenance policy; (2) library program and display policy; and (3) library material review and reconsideration policy adopted under the bill available on the board’s or governing body’s website, or, if there is no website, inside the school or public library or included as part of the school or public library’s policy manual.

**LIBRARY GRANTS**

By law, a public library must adopt and adhere to collection development, collection management, and collection reconsideration policies to be eligible for state library grants. The bill modifies this to say public libraries (this excludes school libraries) must adopt the policies the bill requires to be eligible for state library grants. Existing law and the bill require the reconsideration policy to offer residents a clear process to request a reconsideration of library materials.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 5 (03/06/2025)