



General Assembly

Amendment

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LCO No. 7777



Offered by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

SEN. MAHER, 26th Dist.

SEN. COHEN, 12th Dist.

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SEN. WINFIELD, 10th Dist.

SEN. MARONEY, 14th Dist.

To: Subst. Senate Bill No. 1271

File No. 204

Cal. No. 154

"AN ACT CONCERNING SCHOOL AND PUBLIC LIBRARIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

4 (1) "Library and other educational material" means any material
5 belonging to, on loan to or otherwise in the custody of a school library
6 media center, including, but not limited to, nonfiction and fiction books,
7 magazines, reference books, supplementary titles, multimedia and
8 digital material, software and other material not required as part of
9 classroom instruction.

10 (2) "School library staff member" means a school library media
11 specialist, school librarian, any certificated or noncertificated staff
12 member whose assignment is in the school library or any individual

13 carrying out or assisting with the functions of a school library media
14 specialist or school librarian.

15 (3) "Individual with a vested interest" means any school staff member
16 employed by a local or regional board of education, parent or guardian
17 of a student currently enrolled in a school at the time a reconsideration
18 form is filed under subsection (e) of this section and any student
19 currently enrolled in a school at the time a reconsideration form is filed
20 under subsection (e) of this section.

21 (4) "Remove" means deliberately taking library material out of a
22 library's collection. "Remove" does not include the process of clearing
23 such collection of any materials that are no longer useful.

24 (b) Each local and regional board of education, after consulting with
25 the superintendent of schools, the director of curriculum and a librarian
26 employed by such board, shall adopt a (1) collection development and
27 maintenance policy, (2) library display and program policy, and (3)
28 library material review and reconsideration policy. Each such policy
29 shall ensure that all library materials are evaluated and made accessible
30 in accordance with the protections against discrimination set forth in
31 section 10-15c of the general statutes, including, but not limited to,
32 discrimination based on race, color, sex, gender identity, religion,
33 national origin, sexual orientation or disability. In developing each such
34 policy, the board shall have control over the content of each such policy,
35 provided such policies are in accordance with the provisions of this
36 section. Each local and regional board of education shall review, and
37 update as necessary, each such policy every five years.

38 (c) The collection development and maintenance policy shall, at a
39 minimum:

40 (1) Recognize that library and other educational materials should (A)
41 be provided for the interest, information and enlightenment of all
42 students, and (B) represent a wide range of varied and diverging
43 viewpoints in the collection as a whole;

44 (2) Require student access to age-appropriate and grade-level-
45 appropriate material, and provide access to library and other
46 educational material that is relevant to the research, independent
47 reading interests and educational needs of students based on a student's
48 age, development or grade level;

49 (3) Recognize the importance of the school library media center as a
50 place for voluntary inquiry, the dissemination of information and ideas
51 and the promotion of free expression and free access to ideas by
52 students;

53 (4) Acknowledge that a school library media specialist is
54 professionally trained to curate and develop a collection that provides
55 students with access to the widest array of age-appropriate and grade-
56 level-appropriate library and other educational material; and

57 (5) Establish a procedure for a certified school library media specialist
58 to continually review library and other educational material within a
59 school library media center using professionally accepted standards,
60 which shall include, but need not be limited to, the material's relevance,
61 physical condition of the material, availability of duplicates or copies of
62 the material, availability of more recent age-appropriate or grade-level-
63 appropriate material and continued demand for the material.

64 (d) The library display and program policy shall, at a minimum:

65 (1) Recognize that library displays should (A) be provided for the
66 interest, information and enlightenment of all students, (B) represent a
67 wide range of varied and diverging viewpoints, (C) require student
68 access to age-appropriate and grade-level-appropriate content, and (D)
69 provide access to content that is relevant to the research, independent
70 interests and educational needs of students;

71 (2) Recognize the importance of displays and student programs as
72 resources for voluntary inquiry and the dissemination of information
73 and ideas and to promote free expression and free access to ideas by
74 students; and

75 (3) Acknowledge that a school library media specialist is
76 professionally trained to curate and develop displays and programs that
77 provide students with access to the widest array of age-appropriate and
78 grade-level-appropriate library and other educational material.

79 (e) The library material review and reconsideration policy shall, at a
80 minimum:

81 (1) Establish a process for individuals with a vested interest to
82 challenge any library and other educational materials, display or
83 student program;

84 (2) Limit consideration of requests to reconsider and remove
85 material, displays or student programs to the parents and guardians of
86 students and eligible students currently enrolled in the school or school
87 district;

88 (3) Require that no library and other educational material, display or
89 program shall be removed from library media centers, or programs be
90 cancelled, because of the origin, background or viewpoints expressed in
91 such material, display or program, or because of the origin, background
92 or viewpoints of the creator of such material, display or program;

93 (4) Require that library and other educational materials, displays and
94 student programs shall only be excluded for legitimate pedagogical
95 purposes or for professionally accepted standards of collection
96 maintenance practices as adopted in the collection development and
97 maintenance policy or the display and program policy;

98 (5) Require that any process for petitioners to challenge any library
99 and other educational material, display or student program shall neither
100 favor nor disfavor any group based on protected characteristics;

101 (6) Provide for the creation of a request for reconsideration form that
102 may be submitted by an individual with a vested interest to the
103 principal of the school in which the library and other educational
104 material is being challenged to initiate a review of such material. The

105 form shall require such individual to specify which portion or portions
106 of such material such individual objects to and provide an explanation
107 of the reasons for such objection. Such individual shall not submit a
108 request for reconsideration form without including such individual's
109 full legal name, address and telephone number;

110 (7) Require the principal, or the principal's designee, to promptly
111 forward the request for reconsideration to the superintendent of schools
112 for the school district. The superintendent, or the superintendent's
113 designee, shall appoint a review committee consisting of: (A) The
114 superintendent, or the superintendent's designee, (B) the principal of the
115 school in which the library and other educational material is being
116 challenged, or the principal's designee, (C) the director of curriculum,
117 or a person in an equivalent position, employed by such board, (D) a
118 representative from the local or regional board of education, (E) at least
119 one grade-level-appropriate teacher familiar with the library material,
120 provided the teacher selected is not the individual who submitted the
121 form, (F) a parent or guardian of a student age thirteen years or younger
122 enrolled in the school district, provided the parent or guardian selected
123 is not the individual who submitted the form, (G) a parent or guardian
124 of a student age fourteen years or older enrolled in the school district,
125 provided the parent or guardian selected is not the individual who
126 submitted the form, and (H) a certified school librarian employed by
127 such board or employed by another board of education in the state. In
128 cases where such form is submitted by a student enrolled in grades nine
129 to twelve, inclusive, and when appropriate and at the discretion of the
130 superintendent, a student enrolled in grades nine to twelve, inclusive,
131 may serve on the review committee if such student did not submit the
132 reconsideration form, provided the superintendent consults with the
133 principal of the school involved in such reconsideration request prior to
134 making this determination whether to include such student on the
135 review committee;

136 (8) Require that any library and other educational material being
137 challenged remain available in the school library media center

138 according to such material's catalog record and be available for a
139 student to reserve, check out or access until a final decision is made by
140 the review committee;

141 (9) Require the review committee to evaluate the request for
142 reconsideration form, read the challenged material in its entirety,
143 evaluate the challenged material against the school district's collection
144 development and maintenance policy and make a written decision on
145 whether or not to remove the challenged material not later than sixty
146 school days from the date of receiving such request. The review
147 committee shall provide a copy of the committee's decision and report
148 to the individual with a vested interest who submitted the form and to
149 the principal of the school;

150 (10) Permit the individual with a vested interest who submitted the
151 request for reconsideration form to appeal the review committee's
152 decision to the local or regional board of education for the school
153 district. The board shall determine whether the reconsideration process
154 was followed and publish the decision on the Internet web site of the
155 school district;

156 (11) Provide that once a decision has been made by the review
157 committee on any library and other educational material, such material
158 cannot be subject to a new request for review and reconsideration for a
159 period of three years;

160 (12) Permit a school district to consolidate any requests for review
161 and reconsideration of the same challenged library and other
162 educational material; and

163 (13) Prohibit the removal, exclusion or censoring of any book on the
164 sole basis that a person with a vested interest finds such book offensive.

165 (f) Any school library media specialist or school library staff member
166 who, in good faith, implements the policies described in this section
167 shall be immune from any liability, civil or criminal, that might
168 otherwise be incurred or imposed and shall have the same immunity

169 with respect to any judicial proceeding that results from such
170 implementation.

171 (g) Each local and regional board of education shall make the (1)
172 collection development and maintenance policy, (2) library program
173 and display policy, and (3) library material review and reconsideration
174 policy adopted under this section available on the board's or governing
175 body's Internet web site, or, if no such Internet web site exists, inside the
176 school library or included as part of such school library's policy manual.

177 Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section:

178 (1) "Library and other educational material" means any material
179 belonging to, on loan to or otherwise in the custody of a public library,
180 including, but not limited to, nonfiction and fiction books, magazines,
181 reference books, supplementary titles, multimedia and digital material
182 and software.

183 (2) "Public library staff member" means a staff member of a public
184 library, a public librarian, any staff member whose assignment is in the
185 public library or any individual carrying out or assisting with the
186 functions of a public library.

187 (3) "Individual with a vested interest" means any individual residing
188 in the town in which the public library is located or the town in which
189 the contract library is located at the time a reconsideration form is filed
190 under subsection (e) of this section.

191 (4) "Remove" means deliberately taking library material out of a
192 library's collection. "Remove" does not include the process of clearing
193 such collection of any materials that are no longer useful.

194 (b) The board of trustees, or other governing body, of each public
195 library shall adopt a (1) collection development and maintenance policy,
196 (2) library display and program policy, and (3) library material review
197 and reconsideration policy. Each such policy shall ensure that all library
198 materials are evaluated and made accessible in accordance with the

199 protections against discrimination set forth in section 46a-64 of the
200 general statutes, including, but not limited to, discrimination based on
201 race, color, sex, gender identity, religion, national origin, sexual
202 orientation or disability. In developing each such policy, the board shall
203 have control over the content of each such policy, provided such policies
204 are in accordance with the provisions of this section. The board of
205 trustees or other governing body shall review, and update as necessary,
206 each such policy every five years.

207 (c) The collection development and maintenance policy shall, at a
208 minimum:

209 (1) Recognize that library materials should (A) be provided for the
210 interest, information and enlightenment of all residents, and (B)
211 represent a wide range of varied and diverging viewpoints in the
212 collection as a whole;

213 (2) Recognize the importance of the public library as a place for
214 voluntary inquiry, the dissemination of information and ideas and the
215 promotion of free expression and free access to ideas by residents;

216 (3) Acknowledge that librarians are professionally trained to curate
217 and develop a collection that provides resident with access to the widest
218 array of library and other educational materials; and

219 (4) Establish a procedure for a librarian to continually review library
220 and other educational material within a public library using
221 professionally accepted standards, which shall include, but not be
222 limited to, the material's relevance, the physical condition of the
223 material, the availability of duplicates or copies of the material, the
224 availability of more recent age-appropriate or grade-level-appropriate
225 material and the continued demand for the material.

226 (d) The library display and program policy shall, at a minimum:

227 (1) Recognize that library displays should (A) be provided for the
228 interest, information and enlightenment of all residents, (B) represent a

229 wide range of varied and diverging viewpoints, and (C) provide access
230 to content that is relevant to the research, independent interests and
231 educational needs of residents;

232 (2) Recognize the importance of displays and programs as resources
233 for voluntary inquiry and the dissemination of information and ideas
234 and to promote free expression and free access to ideas by residents;

235 (3) Acknowledge that librarians are professionally trained to curate
236 and develop displays and programs; and

237 (4) Differentiate between library displays and programs that are
238 created or curated by librarians or staff members of the public library
239 and those displays and programs created by members of the public or
240 community groups and exhibited in the public library.

241 (e) The library material review and reconsideration policy shall, at a
242 minimum:

243 (1) Establish a process for individuals with a vested interest to
244 challenge any library and other educational material, display or
245 program;

246 (2) Limit consideration of requests to reconsider material, displays or
247 programs to individuals residing in the town in which the library is
248 located or the town in which the contract library is located;

249 (3) Require that no library material, display or program shall be
250 removed, or programs be cancelled, because of the origin, background
251 or viewpoints expressed in such material, display or program or
252 because of the origin, background or viewpoints of the creator of such
253 material, display or program;

254 (4) Require that library materials, displays and programs shall only
255 be excluded for legitimate pedagogical purposes or for professionally
256 accepted standards of collection maintenance practices as adopted in the
257 collection development and maintenance policy or the display and

258 program policy;

259 (5) Require that any process for petitioners to challenge any library
260 material, display or program shall neither favor nor disfavor any group
261 based on protected characteristics;

262 (6) Provide for the creation of a request for reconsideration form that
263 may be submitted by an individual to the library director to initiate a
264 review of such material. The form shall require such individual to
265 specify which portion or portions of such material such individual
266 objects to and provide an explanation of the reasons for such objection.
267 Such individual shall not submit a request for reconsideration form
268 without including such individual's full legal name, address and
269 telephone number;

270 (7) Acknowledge that reconsideration requests are not confidential
271 patron records under section 11-25 of the general statutes;

272 (8) Require that any library material being challenged remain
273 available in the library according to its catalog record and be available
274 for a resident to reserve, check out or access until a final decision is made
275 by the library director;

276 (9) Require the library director to evaluate the request for
277 reconsideration form, read the challenged material in its entirety,
278 evaluate the challenged material against the collection development and
279 maintenance policy and make a written decision on whether or not to
280 remove the challenged material not later than sixty days from the date
281 of receiving such request. The library director shall provide a copy of
282 the library director's decision and report to the individual who
283 submitted the form;

284 (10) Permit the individual who submitted the request for
285 reconsideration form to appeal, in writing, the library director's decision
286 to the board of trustees or other governing body for the library. The
287 board, after evaluating the challenged material under the collection
288 development and maintenance policy, shall (A) consult with (i) the

289 library director, (ii) the State Librarian, or the State Librarian's designee,
290 (iii) a representative of the cooperating library service unit, as defined
291 in section 11-9e of the general statutes, (iv) the president of the
292 Connecticut Library Association, or the president's designee, and (v) the
293 president of the Association of Connecticut Library Boards, or the
294 president's designee, (B) deliberate on such request for reconsideration,
295 (C) provide a written statement of the reasons for the reconsideration or
296 refusal to reconsider the library material, and (D) provide any final
297 decision that is contrary to the decision of the library director;

298 (11) Provide that once a decision has been made by the library
299 director or the board of trustees or other governing board on the
300 reconsideration of any library material, such material cannot be subject
301 to a new request for reconsideration for a period of three years;

302 (12) Permit a library director to consolidate any requests for
303 reconsideration of the same challenged library material; and

304 (13) Prohibit the removal, exclusion or censoring of any book on the
305 sole basis that an individual finds such book offensive.

306 (f) Any librarian or staff member of a public library who, in good
307 faith, implements the policies described in this section shall be immune
308 from any liability, civil or criminal, that might otherwise be incurred or
309 imposed and shall have the same immunity with respect to any judicial
310 proceeding that results from such implementation.

311 (g) The board of trustees, or other governing body, of each public
312 library shall make available the (1) collection development and
313 maintenance policy, (2) library display and program policy, and (3)
314 library material review and reconsideration policy adopted under this
315 section on the board's or governing body's Internet web site, or, if no
316 such Internet web site exists, inside the library or included as part of
317 such library's policy manual.

318 Sec. 3. Subsection (i) of section 11-24b of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective from*

320 *passage*):

321 (i) No principal public library shall be eligible to receive a state grant
322 in accordance with the provisions of subsections (b), (c) and (d) of this
323 section if such principal public library does not maintain and adhere to
324 a collection development [, collection management and collection
325 reconsideration policies] and maintenance policy, a library display and
326 program policy and a library material review and reconsideration policy
327 that have been [approved] adopted by the board of trustees or other
328 governing body of such library pursuant to section 2 of this act. Such
329 [collection reconsideration] material review and reconsideration policy
330 shall offer residents a clear process to request a reconsideration of
331 library materials. In the instance of a book challenge, these policies shall
332 govern."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	11-24b(i)