

Senate Education Committee

Ryan Meleedy 271-4151

SB 208-FN, requiring local school boards and public libraries to adopt curation policies.

Hearing Date: February 18, 2025

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires school districts and library board of trustees to adopt policies governing material curation and removal, and indemnifies staff for complying with such policies.

Sponsors:

Sen. Altschiller

Sen. Fenton

Sen. Long

Sen. Perkins Kwoka

Sen. Rosenwald

Sen. Watters

Rep. Selig

Rep. Wallner

Rep. Balboni

Rep. M. Murray

Who supports the bill: 593 People signed in support of SB 208-FN. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 48 People signed in opposition of SB 208-FN. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who is neutral on the bill: 1 Person signed in neutrality to SB 208-FN. To see the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Summary of testimony presented in support:

Senator Debra Altschiller

- Senator Altschiller testified in support of her prime-sponsored Senate Bill 208.
- Senator Altschiller established that high-functioning societies have access to information and libraries are a vehicle for providing a well-informed, literate democracy.
- Senator Altschiller explained that for over 300 years, public school libraries have offered access to a wide range of education resources and a safe place for all

- students. She believed that limiting access, banning, or destroying materials perceived as a threat has been a part of human history and is rising in America.
- Senator Altschiller cited a report from the American Library Association, which said 2022 was the highest level of book-banning attempts in the United States in the last 20 years.
 - Senator Altschiller explained that SB 208 has two components: one for public school libraries and the second for public libraries.
 - Senator Altschiller recognized two issues with the bill. First, although the bill is labeled as an 'FN,' it is not. The fiscal note assumes all requirements of this bill will be absorbed by the state and local staffing levels and expects to have no incremental impact on revenues or expenditures.
 - Senator Altschiller asked that the bill be bifurcated and amended to exclude everything related to public libraries beginning on page 4, line 5 because this is taken care of at the local library board of trustees' level.
 - Senator Altschiller summarized the bill's effects by stating it protects intellectual freedom, professional recognition, and training of school librarians. Senator Altschiller continued that the bill provides legal protection through immunity and affirmative legal rights.
 - Senator Altschiller explained that Senate Bill 208 provides consequences for harassment and includes financial disincentives for frivolous challenges.
 - Senator Altschiller explained that this bill balances community input with professional expertise and intellectual freedom with appropriate content curation.
 - Senator Altschiller explained that Senate Bill 208 provides clear procedures and protections for school library staff at no additional cost to taxpayers.
 - Senator Ward inquired if the library staff would be on their own in developing these policies. Senator Altschiller responded that at the local level, the curation practices outlined in the policy reflect current practice and that Senate Bill 208 simply provides a framework for every public school.
 - Senator Ward asked about page 1, line 13, if the Department of Education had an existing model policy, and if Senator Altschiller has spoken with the department. Senator Altschiller responded that she didn't believe the Department of Education currently has a model policy, and she had not reached out to the Department about this bill. Senate Bill 208 directs the Department of Education to develop a model policy in consultation with the professional development organizations of library sciences.
 - Senator Sullivan said that she couldn't support the bill in part because the bill offers librarian staff blanket immunity and infers that library staff knows better than parents. Senator Sullivan asked if, on page 1, line 27, Senator Altschiller meant to include the phrase "any material."

- Senator Altschiller expressed that the phrase “any material” needs to be read within the context of the rest of the paragraph. She explained that Senate Bill 208 does not mention parents and that a subsequent section of the bill delineates age-appropriate material by grade.
- Senator Sullivan asked if the intention of Senate Bill 208 was to exclude parents from having the final say in these policies. Senator Altschiller responded that parents can always restrict material and curriculum for their child. The intention of Senate Bill 208 is to ensure that one parent’s concern about specific material does not impede another child’s access to the material after the processes in the policy have been exhausted.
- Senator Abbas asked if, on page 3, lines 25-29, school librarians would be considered public officials because of the *'New York Times v. Sullivan'* issue. Senator Altschiller was unfamiliar with the case but acknowledged on page 3 that school librarians are teaching staff members.

Jacqueline Benson – Authors Against Book Bans

- Ms. Benson testified in support of Senate Bill 208, citing her organization’s concerns with the rise in incidents of book removals from school libraries. She explained that PEN America recorded 3,362 cases of book bans in 2022-2023, and the following year, it increased to over 10,000 banned books from school collections.
- Ms. Benson described the books being removed from the collection as books mostly representing people of color and the LGBTQ community.
- Ms. Benson surmised book bans are often based on ideological viewpoints and their relation to the content of the books rather than obscenity.
- Ms. Benson expressed that freedom of access to information is a vital part of any democracy, and that banning books is a direct contradiction to information access.
- Ms. Benson established that school librarians need support and protection from efforts by parents and other individuals seeking to impose their definitions of ‘harmful’ and ‘inappropriate’ on the rest of the community.
- Ms. Benson expressed that the bill provides reasonable guidelines for school librarians to adopt policies protecting their collections from book bans and provides for a reasonable process for contesting inappropriate materials.
- Ms. Benson expressed the liability clause in this bill offers school librarians the necessary protection, trust, and support.

Debrah Howes – President, American Federation of Teachers, New Hampshire

- Ms. Howes testified in support of Senate Bill 208.
- She explained that the bill's library curation procedure properly protects students' rights to access a wide variety of books and provides a clear procedure to challenge material.
- Ms. Howes provided that the bill includes a panel of stakeholders, including experts in the field, for any material that is challenged.
- Ms. Howes expressed that the bill preserves parents' rights to control the material their own student is exposed to, but not for other students.
- Ms. Howes summarized her support for Senate Bill 208, providing the bill protects students' First Amendment rights and parental rights and will avoid lawsuits.

Summary of testimony presented in opposition:

Ann Marie Banfield

- Ms. Banfield opposed Senate Bill 208 because it does not allow parents to have a say over the material in school libraries.
- Ms. Banfield expressed support for the introduction of a rating system, much like the one for movies, so that parents can identify inappropriate books available in the library.
- Ms. Banfield established child sexual abuse can include non-touching behaviors and cited a photocopy of examples of inappropriate images displayed in a children's book.
- Ms. Banfield expressed that it is common sense to remove obscene books from school public libraries and instead place them in the adult section of a public library.
- Ms. Banfield explained that attempts to undermine parental rights lead to parents seeking alternative schools for their children. She stated that public schools need to be family-friendly to help retain students in the public education system.
- Ms. Banfield emphasized that she would appreciate it if the School District Governance Association was included in the list of collaborative groups in Senate Bill 208.
- Senator Sullivan asked Ms. Banfield if a child were to take out a book before parents have vetted the material, if it could lead to long-term damage if they are exposed to obscene material. Ms. Banfield responded that she had witnessed this firsthand and that the children were uncomfortable with some of the material. She continued that parents need the ability to be aware of materials for current objection practices to function as intended.

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Date Hearing Report completed: February 25, 2025