

Floor Amendment to SB 434

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT requiring local school boards to adopt curation policies.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Short Title. This act shall be known as the Granite State Literacy Act.

8 2 Legislative Findings. School libraries, as centers for voluntary inquiry, play a unique role in
9 promoting intellectual freedom, providing equitable access to learning resources, and promoting
10 democracy by providing service to all. This act would ensure that everyone has the freedom to read
11 without censorship by preventing age-appropriate books from being banned in schools solely because
12 of disagreement with their ideas.

13 3 New Subdivision; Granite State Literacy Act. Amend RSA 189 by inserting after section 78
14 the following new subdivision:

15

Granite State Literacy Act

16 189:79 School Library Curation Policies. No later than July 1, 2027, each local school board
17 shall adopt a policy on curation of school library materials in the local school system. To assist
18 school boards in developing such policy, the department of education shall develop a model policy.
19 The department shall develop the model policy in collaboration with the New Hampshire School
20 Boards Association, the School Library Section of the New Hampshire Library Association, the early
21 childhood, family, and community health section of the department of health and human services,
22 and any other relevant agencies. The model policy may be updated as the department deems
23 necessary in collaboration with the organizations identified pursuant to this section. Such policy
24 adopted by school boards shall, at a minimum:

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26 I. Recognize that school libraries serve as centers for voluntary inquiry and the
27 dissemination of information and ideas, and that school librarians and library media specialists are
28 professionally trained to curate and develop school library collections that provide students with
29 access to the widest array of library material available to the library;

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31 II. Recognize that library material should be provided for the interest, information, and
enlightenment of all people, and require that all students be provided access to library materials
that offer diverse points of view in the collection as a whole. Such diverse points of view shall

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1 include any material representing, or authored, illustrated, or produced by, any members of a
2 protected class under RSA 354-A:27;

3 III. Promote the free expression and free access to ideas by students by prohibiting the
4 censorship of library material. "Censorship" as used in this subdivision shall mean to block,
5 suppress, or remove material based on disagreement with a viewpoint, idea, or concept, or based on
6 discrimination against a protected class as defined in RSA 354-A:27, or solely because an individual
7 finds certain content offensive, but does not mean limiting or restricting access to any material
8 deemed developmentally inappropriate for certain age groups;

9 IV. Require student access to age-, grade-, and development-appropriate library material,
10 including material that is relevant to the research, independent reading interests, and educational
11 needs of students;

12 V. Acknowledge that school librarians and school library media specialists are professionally
13 trained to curate and develop library collections that provide residents with the widest array of
14 material available to the library, and provides students with the widest array of age- and grade-
15 appropriate library material available to schools; and

16 VI. Establish a procedure for school librarians and school library media specialists to review
17 library material within a library on an ongoing basis, which shall include, but not be limited to: the
18 library material's relevance; the condition of the library material; the availability of duplicates; the
19 continued demand for the library material, and, the availability of more recent age- or grade-
20 appropriate material.

21 189:80 School Library Book Removal Policy. No later than July 1, 2027, each local school board
22 shall develop a policy establishing procedures regarding requests for removal of library material
23 within school libraries under their jurisdiction. To assist school boards in developing such policy, the
24 department of education shall develop a model policy. The department shall develop the model
25 policy in collaboration with the New Hampshire School Boards Association, the School Library
26 Section of the New Hampshire Library Association, the early childhood, family, and community
27 health section of the department of health and human services, and any other relevant agencies.
28 The model policy may be updated as the department deems necessary in collaboration with the
29 organizations identified pursuant to this section. The policy adopted by school boards shall, at a
30 minimum, require:

31 I. The creation of a request for removal form that may be submitted only by an individual
32 with a vested interest to the principal of the school in which the library material is challenged to
33 initiate a review of the material. An individual with a vested interest shall include any school staff
34 member employed by the school district, any parent or guardian of a student enrolled in the school
35 district at the time the form is filed, and any student enrolled in the district at the time the form is
36 filed;

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1 II. The principal or the principal's designee to appoint a review committee within 10
2 business days of receiving a request for removal form, consisting of the following members:

3 (a) The principal or the principal's designee;

4 (b) The school librarian, library media specialist, or a teaching staff member similarly
5 trained;

6 (c) A representative selected by the school board;

7 (d) At least one grade-appropriate teacher familiar with the library material, provided
8 the teacher selected is not the individual who submitted the form;

9 (e) A parent or guardian of a student enrolled in the school district, provided the parent
10 or guardian selected is not the individual who submitted the form; and

11 (f) If the individual who submitted the form is enrolled in grades 9 through 12, a student
12 enrolled in the district, provided the student selected is not the individual who submitted the form.

13 III. That a challenged library material remain within the school library and available for a
14 student to reserve, check out, or access until there is a final decision reached by the school board
15 pursuant to paragraph V of this section;

16 IV. The review committee shall evaluate the request for removal form, review the challenged
17 library material, and report its recommendations on whether to remove the library material to the
18 school board within 30 school days from the date of receiving the form. A copy of the committee's
19 report shall also be provided to the individual with a vested interest who filed the form and the
20 principal; and

21 V. The school board shall review the committee's report and make a final determination on
22 whether the library material is to be removed from the school library. The board shall provide and
23 make public a written statement of reasons for:

24 (a) The removal or non-removal of a library material; and

25 (b) Any final determination that is contrary to the recommendations of the review
26 committee.

27 189:81 Teaching Staff Protections.

28 I. A school librarian, school library media specialist, or any other teaching staff member that
29 engages in good faith action as required by this subdivision shall be immune from criminal and civil
30 liability.

31 II. A school librarian, school library media specialist, or any other teaching staff member
32 that engages in activities as required by this subdivision shall have a civil cause of action for
33 emotional distress, defamation, libel, slander, damage to reputation, or any other relevant tort,
34 against any person who harasses the school librarian, library media specialist, or any other teaching
35 staff member for complying with the provisions of this subdivision.

36 III. If the school librarian, school library media specialist, or any other teaching staff
37 member that engages in activities as required by this subdivision is the prevailing party in the civil

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1 cause of action, the school librarian, library media specialist, or teaching staff member shall be
2 entitled to an award of any reasonable attorney's fees and costs of suit incurred, and any injunctive
3 relief as the court may deem necessary to avoid the defendant's continued violation.

4 4 Effective Date. This act shall take effect January 1, 2027.

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AMENDED ANALYSIS

This bill requires school districts to adopt policies governing material curation and removal, and indemnifies staff for complying with such policies.