

Amendment to HB 1311

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

2

3 1 New Paragraphs; Duties of State Board of Education. Amend RSA 186:11 by inserting after
4 paragraph IX-d the following new paragraphs:

5 IX-e. Require school districts to adopt a policy governing collection development for the
6 district's library media centers. The policy shall be posted on the district website. This paragraph
7 shall not prohibit a school district from adopting procedures required under paragraph IX-c of this
8 section. The collection development policy shall, at minimum:

9 (a) Govern collection development for the district's library media centers. Such policy
10 shall outline criteria for the selection and deaccession of library materials and shall be written in
11 substantial compliance with the aims and goals of RSA 354-A:27, including prohibitions on
12 proscribing or including materials primarily on the basis of authors' or subjects' age, sex, gender
13 identity, race, creed, color, marital status, familial status, physical or mental disability, national
14 origin or sexual orientation. Such policy shall further state that material shall not be proscribed or
15 selected primarily on the basis of viewpoint.

16 (b) Govern the reconsideration of library materials by school staff. Such policy shall be
17 written in substantial compliance with the aims and goals of RSA 354-A:27, including prohibitions
18 on removing materials primarily on the basis of authors' or subjects' age, sex, gender identity, race,
19 creed, color, marital status, familial status, physical or mental disability, national origin or sexual
20 orientation. Such policy shall further state that material shall not be removed primarily on the basis
21 of viewpoint. Such policy shall establish a process by which parents and permanent guardians may
22 submit a request for reconsideration to the school superintendent or principal where the student is
23 enrolled alleging that certain library material is unsuitable on the basis of those selection criteria
24 outlined in the district's collection development policy. Such reconsideration policy shall define a
25 process for review of the material that is the subject of the request and a timeline for resolution of
26 the request. Such policy shall stipulate that access to the material that is subject to the request
27 shall not be removed or restricted while review is pending.

28 IX-f. Require school districts to adopt a policy governing complaints submitted by parents or
29 guardians of students who allege that material is harmful to minors, age-inappropriate, or otherwise
30 offensive or inappropriate for use in the child's school. The policy shall be posted on the district
31 website. The complaint resolution process shall, at a minimum, provide that:

Amendment to HB 1311
- Page 2 -

1 (a) Complaints be submitted in writing to the principal of the school where the student
2 is enrolled, contain a reasonably detailed description of the material that is alleged to be harmful to
3 minors, age-inappropriate, or otherwise offensive or inappropriate for use in the child's school, and
4 propose an action to be taken by the school district relative to the material.

5 (b) The school principal or designee take reasonable steps to investigate the allegations
6 in the complaint, including but not limited to, reviewing the material complained of, meeting with
7 the parent or guardian who submitted the complaint in person, or communicating with the parent or
8 guardian by email or telephone, within 20 days of receipt of the complaint.

9 (c) The school principal or designee determine whether the material that is the subject of
10 the complaint is harmful to minors, age-inappropriate, or otherwise offensive or inappropriate for
11 use in the child's school or for use in the context in which the material is being used.

12 (d) The school principal or designee, within 30 days of receipt of the complaint,
13 determine whether student access to, or use of, the material that is the subject of the complaint will
14 remain in place without change, be removed, be restricted, be modified, or have other action taken
15 with respect to the material.

16 (e) The school principal or designee, within 5 calendar days of making the determination
17 required in subparagraph (d), provide a written response to the complainant explaining his or her
18 decision, which includes:

19 (1) Whether the material has been determined to be harmful to minors, age-
20 inappropriate, or otherwise offensive or inappropriate for use in the child's school;

21 (2) A description of why the principal or designee reached his or her conclusions; and

22 (3) An explanation of the value the principal or designee finds the material provides,
23 if any.

24 (f) The complainant may appeal the determination of the principal or designee to the
25 school board in writing within 30 calendar days of receipt of the determination of the principal or
26 designee, or at the next regularly scheduled meeting of the school board.

27 (g) The local school board shall place the appeal on its agenda no more than 60 days
28 after receiving notice of the appeal. The school board shall permit the parent or guardian to be
29 heard as part of the agenda at a regularly scheduled board meeting.

30 (h) The school board shall make the challenged material available to the public upon its
31 receipt of notice of the appeal through the time of its final determination by placing a copy of the
32 work and instructions describing how to access the work at the front reception desk of the school
33 building where the work was found.

34 (i) The school board shall, within 30 calendar days of the meeting at which the appeal is
35 heard, take a recorded roll call vote on the appeal and issue a written decision that:

36 (1) Reflects the vote of each of the members; and

37 (2) Describes the reason(s) for the school board's decision with reference to:

Amendment to HB 1311

- Page 3 -

1 (A) Whether the material has been determined to be harmful to minors, age-
2 inappropriate, or otherwise offensive or inappropriate for use in the child's school;

3 (B) A description of why the school board reached its conclusions; and

4 (C) An explanation of the value the school board finds the material provides.

5 (j) Any of the time limitations identified in this paragraph may be extended by
6 agreement of the parties.

7 IX-g. When used in this chapter, "library materials" shall mean books, videos, databases,
8 newspapers, magazines and other such periodicals, charts, graphs, movies, games, maps, interactive
9 applications and software, and other such enrichment or entertainment materials made available in
10 a school or classroom library in any printed or electronic format, inclusive of fiction and non-fiction.

11 2 Effective Date. This act shall take effect January 1, 2025.