

MassSenate

An Act Regarding Free Expression

S.2696

Fact Sheet & Highlights

An Act regarding free expression promotes freedom of information and freedom of thought in Massachusetts schools and public libraries. It creates responsible protocols for how books and other library materials are put on the shelves, and how local authorities can determine the appropriateness of a book if it is challenged.

Policies for acquisition and removal of library materials would be required for school districts and local education agencies. A similar existing requirement for municipal public libraries would be enhanced by requiring municipal public libraries' policies to incorporate the American Library Association's Library Bill of Rights and to include a statement that library materials shall not be selected or removed based on personal or political bias.

The details of the legislation are below.

Preserving Students' Free Access to Age-Appropriate Library Books

Sets Expectations for School Library Materials. Ensures students' free and open access to library books and other school library materials by establishing clear standards for library teachers and other employees to follow as they select school library materials. Requires that school library materials be age-appropriate, serve an educational purpose, and be chosen based on a teacher or employee's professional training—leaving aside any of their own personal, political, or doctrinal views that could affect whether or not they place the book on the shelf.

Allows Local Districts to Craft Policies. Requires all school districts and local education agencies to adopt their own policies on how to select library materials. All policies must align with [American Library Association standards](#). Directs the Massachusetts Board of Library Commissioners to share sample policies and make resources available to help local school committees and other school library administrators create or revise their own policies.

Sets the Threshold for Removing a Book. Guards against spurious or unfounded challenges to school library books by keeping a book in question on the shelves unless and until a public hearing process has played out and the appropriate authority has voted to remove it. Standardizes a patchwork of local practices by laying out the process for authorities to respond to a book challenge and prescribing the threshold that must be met for an authority to remove it. After publishing a notice and holding a public hearing, a review committee of local school personnel would decide whether the material is devoid of educational, literary, artistic, personal, or social value, or whether the material is not age-appropriate for any student. The local school committee would then vote on whether to remove the challenged material. A student, parent, or guardian could contest the school committee's decision to remove library materials by challenging the decision in court.

Promoting Free Access to Information at Local Public Libraries

Offers Assistance to Municipal Public Libraries. Requires local public libraries to maintain policies covering the selection and use of library material, the development of library collections, and the process to respond to any challenges to remove or restrict access to books and other materials. Requires such policies to include a statement that library materials shall not be selected, proscribed, or removed based on personal, political, or doctrinal disapproval or bias. Directs the Board of Library Commissioners to make resources available to help library trustees or administrators create or amend their policies.

Protecting Librarians from Reprisals

Holds Librarians Harmless. Protects school employees from professional, civil, or criminal penalties based on their selection of library materials. Prohibits the revocation of professional certification or department-issued professional license on the basis of the employee's selection of library materials, provided that the decision was made in good faith and in accordance with the school's library materials policy. Prohibits the local district from taking other adverse actions against the employee for such professional decisions, including dismissal, discipline, probation, or involuntary transfer. Protects librarian licensure and certification at municipal libraries.

Tracking Implementation of Local Policies

Collects Data from Schools and Public Libraries. Requires the Board of Library Commissioners to collect data on challenges to books and other educational materials in libraries around the state and file an annual report with the Legislature.