

SECOND REGULAR SESSION

HOUSE BILL NO. 3311

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

7037H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 168.770, RSMo, and to enact in lieu thereof two new sections relating to school libraries.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 168.770, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 168.770 and 168.771, to read as follows:

168.770. 1. For purposes of this section, the following terms mean:

(1) "School librarian", a teacher who holds a certificate of license to teach under section 168.021 and is certified as a library media specialist by the department of elementary and secondary education;

(2) "School library information and technology program", a school-based program that is staffed by a school librarian and that:

(a) Provides a broad, flexible array of services, resources, and instruction that support student mastery of the essential academic learning requirements and state standards in all subject areas;

(b) **Promotes the freedom to read;**

(c) **Respects the identity of students;**

(d) **Provides opportunities for students to read and learn independently;** and

(e) **Supports** the implementation of any school improvement plan of the district;

(3) **"Standards", the most current version of the Missouri school library program standards approved by the Missouri Association of School Librarians to promote effective school library programs and that shall be adopted by a school district.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 2. Before July 1, 2019, the department of elementary and secondary education shall
18 develop a process for recognition of a district's school library information and technology
19 program.

20 3. The department of elementary and secondary education may promulgate rules to
21 implement the provisions of this section. Any rule or portion of a rule, as that term is defined
22 in section 536.010, that is created under the authority delegated in this section shall become
23 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
24 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
25 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
26 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
27 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,
28 shall be invalid and void.

**168.771. 1. The school board of each school district shall adopt a collection
2 development and maintenance policy, a library program and display policy, and a
3 library material review and reconsideration policy ensuring that all library resources
4 are evaluated and made accessible in accordance with the following standards:**

5 **(1) That the library resources are in compliance with the First Amendment of
6 the Constitution of the United States as set forth in *Board of Education, Island Trees
7 Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982), and Article I, Section 8 of
8 the Constitution of Missouri concerning the freedom of speech;**

9 **(2) That school libraries are places for voluntary inquiry and the dissemination
10 of information and ideas;**

11 **(3) That there are protections against harassment and discrimination including,
12 but not limited to, discrimination based on race, color, sex, gender identity, religion,
13 national origin, sexual orientation, or disability; and**

14 **(4) That there is support for academic standards including, but not limited to,
15 the Missouri learning standards and the most current Missouri school library program
16 standards approved by the Missouri Association of School Librarians to promote
17 effective school library programs.**

18 **2. (1) Except as otherwise provided, a school board of each school district may
19 remove a library resource from its permanent collection only if the library resource has
20 been reviewed in accordance with an established policy for the reconsideration and the
21 school district:**

22 **(a) Acknowledges that the school library is intended to promote free expression
23 and free access to ideas by students, and censorship of library and other educational
24 material is not in the general interest of students;**

25 **(b) Proscribes library resources from being removed from the school library for**
26 **doctrinal or partisan reasons, or because of the origin, background, or viewpoints**
27 **expressed by the author;**

28 **(c) Allows a complaint regarding library resources to be made only by a student,**
29 **staff member, or parent or guardian of a student of the particular school;**

30 **(d) Requires that any challenged library resource remains within the school**
31 **library and be available for a student to reserve, check out, or access until there is a final**
32 **decision reached by the review committee;**

33 **(e) Requires a review committee, which includes at a minimum, one principal at**
34 **the appropriate grade level, one librarian or media specialist, one classroom teacher, the**
35 **department head in the subject area of the challenged material, and one community**
36 **member, to:**

37 **a. Evaluate the request for reconsideration and removal;**

38 **b. Read the challenged library resource in its entirety; and**

39 **c. Make a recommendation on whether to remove the resource within sixty**
40 **school days from the date of receiving the request;**

41 **(f) Prescribes that the complainant may appeal the review committee's decision**
42 **to the school board of a school district. The school board shall provide a written**
43 **statement of reasons for the removal or nonremoval of a library resource and any final**
44 **determination that is contrary to the recommendations of the review committee; and**

45 **(g) Allows that once a decision has been made by the review committee, the**
46 **library resource cannot be subject to a new review for a period of four years.**

47 **(2) Displays and programs shall not be limited, proscribed, or censored for**
48 **doctrinal or partisan reasons or because of the origin, background, or viewpoints**
49 **expressed.**

50 **(3) Notwithstanding any provision of law, a written request for reconsideration**
51 **of a library resource is not considered student data as described in section 161.096 and is**
52 **subject to public scrutiny.**

53 **3. Nothing in this section precludes any person responsible for school library**
54 **content from removing resources that have become outdated or to accommodate new**
55 **materials, provided that the decision is not made based on personal, political, or**
56 **doctrinal views.**

57 **4. No school library staff member shall be subject to termination, demotion,**
58 **discipline, or retaliation for refusing to remove a library resource before it has been**
59 **reviewed in accordance with the applicable school board's policy for the reconsideration**

60 of library resources or for making displays, acquisitions, or programming decisions that
61 are made in good faith and in accordance with the standards under this section.

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