



Connecticut Association of Boards of Education

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PRESENTS POLICY HIGHLIGHTS

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An Act Concerning School and Public Libraries Being Considered Update on New CABE Policy Services

A bill drafted by the Committee on Children, *An Act Concerning School and Public Libraries*, received a public hearing and was voted out of committee with Joint Favorable language. As the legislative process continues, it appears likely the Committee will discuss this bill with the Education Committee. The bill aims to prevent the censorship of books in public and school libraries and provides legal protections to librarians and staff.

As it stands now, this Proposed Substitute Bill No. 1271 includes language that will likely impact school board policy in the coming year. It requires that each local and regional board of education, after consulting with the *superintendent of schools*, the *director of curriculum*, and a *librarian* employed by the board, adopt a **collection development and maintenance policy**, **library display and program policy**, and **library material review and reconsideration policy**. Library materials would include any material belonging to, on loan to, or otherwise in the custody of a school library media center, including but not limited to nonfiction and fiction books, magazines, reference books, supplemental titles, multimedia and digital materials, software, and other material not required as part of classroom instruction.

Each such policy will be required to ensure that library materials are evaluated and made accessible in accordance with the protections against discrimination set forth in the general statutes, including, but not limited to, discrimination based on race, color, sex, gender identity, religion, national origin, sexual orientation, or disability. In developing each of these three policies, the bill requires the board to have “control over the content” and update them as necessary every five years.

The bill goes on to describe what each policy minimally requires. The **collection development and maintenance policy** lists five such provisions:

1. Recognize that library and other educational materials should be provided for the interest, information, and enlightenment of all students and represent a wide range of varied and diverging viewpoints in the collection as a whole;
2. Require student access to age-appropriate and grade-level appropriate material, and provide access to library and other educational material that is relevant to the research, independent reading interests, and educational needs of students based on a student’s age, development, or grade level;

3. Recognize the importance of the school library media center as a place for voluntary inquiry, the dissemination of information and ideas, and the promotion of free expression and free access to ideas by students;
4. Acknowledge that a school library media specialist is professionally trained to curate and develop a collection that provides students with access to the widest array of age-appropriate and grade-level appropriate library and other educational material; and
5. Establish a procedure for a certified school library media specialist to continually review library and other educational material within a school library media center using professionally accepted standards, which shall include, but not be limited to, the material's relevance, physical condition of the material, availability of duplicates or copies of the material, availability of more recent age-appropriate or grade-level-appropriate material and continued demand for the material.

The **library display and program policy** minimally requires that it:

1. Recognize that library displays should be provided for the interest, information, and enlightenment of all students, represent a wide range of varied and diverging viewpoints, require student access to age and grade-appropriate content, and provide access to content that is relevant to the research, independent interests and educational needs of students;
2. Recognize the importance of displays and student programs as resources for voluntary inquiry and the dissemination of information and ideas and to promote free expression and free access to ideas by students; and
3. Acknowledge that a school library media specialist is professionally trained to curate and develop displays and programs that provide students with access to the widest array of age and grade-appropriate library and other educational material.

The **material review and reconsideration policy** includes an **appeals process** and minimally requires that the board:

1. Establish a process for individuals with a vested interest to challenge any library and other educational materials, display, or student program ("Individual with vested interest" means any school staff member employed by a board of education, parent or guardian of a student currently enrolled in a school at the time a reconsideration form is filed);
2. Limit consideration of requests to reconsider and remove material, displays, or student programs to the parents and guardians of students and eligible students currently enrolled in the school or school district;
3. Require that no library and other educational material, display, or program shall be removed from library media centers, or programs be canceled because of the origin, background, or viewpoints expressed in such material, display, or program or because of the origin, background or viewpoints of the creator of such material, display or program;
4. Require that library and other educational materials, displays, and student programs may only be excluded for legitimate pedagogical purposes or for professionally accepted standards of collection maintenance practices as adopted in the *collection development and maintenance policy* or the *display and program policy*;
5. Require that any process for petitioners to challenge any library and other educational material, display, or student program shall neither favor nor disfavor any group based on protected characteristics;

6. Provide for the creation of a *request for reconsideration* form that may be submitted by an individual with vested interest to the principal of the school in which the library and other educational material are being challenged to initiate a review of such material. The form requires such individual to specify which portion or portions of such material the individual objects to and provide an explanation of the reasons for such objection. The completed form will not be accepted without including the individual's full legal name, address, and telephone number;
7. Require the principal, or the principal's designee, to promptly forward the request for reconsideration to the superintendent of schools. The superintendent or his/her designee is required to appoint a *review committee* consisting of the superintendent or designee, the principal of the school where the challenge occurs, the director of curriculum or equivalent position, a board representative, at least one grade-level-appropriate teacher familiar with the library material (provided the teacher selected is not the individual who submitted the form), a parent or guardian of a student age fourteen years or older enrolled in the district (provided the parent or guardian selected is not the individual who submitted the form), and a certified librarian employed by the board or employed by another board of education in the state. In such cases where a form is submitted by a student enrolled in grades nine to twelve, and when appropriate and at the discretion of the superintendent, a student enrolled in grades nine to twelve may serve on the review committee if such student did not submit the form, provided the superintendent consults with the principal of the school involved before making this determination.
8. Require that any library and other educational material being challenged remain available in the school library media center according to such material's catalog record and be available for a student to reserve, check out, or access until the review committee makes a final decision;
9. Require the review committee to evaluate the request for reconsideration form, read the challenged material in its entirety, evaluate the challenged material against the school district's collection development and maintenance policy, and make a written decision on whether or not to remove the challenged material not later than sixty school days from the date of receiving such request. The review committee will provide a copy of the committee's decision and report to the individual with a vested interest who submitted the form and to the principal of the school;
10. Permit the individual with a vested interest who submitted the request for reconsideration form to appeal the review committee's decision to the board. The board, after evaluating the challenged material under the district's collection development and maintenance policy, shall provide a written statement of the reasons for the reconsideration of or refusal to reconsider the library and other educational material, provide any final decision that is contrary to the decision of the review committee, and publish such reasons or decisions on the Internet website of the school district;
11. Provide that once a decision has been made by the review committee on any library and other educational material cannot be subject to a new request for review and reconsideration for three years;
12. Permit a school district to consolidate any requests for review and reconsideration of the same challenged library and other educational material; and
13. Prohibit the removal, exclusion, or censoring of any book on the sole basis that a person with vested interest finds such book offensive.

The proposed bill also provides protection to school staff implementing the policies in good faith and a pathway for school staff to bring action for emotional distress, defamation, libel, slander, damage to reputation, or any other relevant tort against any person who harasses such school library media specialist, school library staff member, teacher, administrator, school staff member or board of education member for implementing the policies described. The bill requires that boards of education make these policies accessible to the public on the district website, inside the school library, or included in the school library's policy manual. Section 2 of the bill addresses requirements for public requirements.

While this bill continues to make it through the legislative process, boards of education need to pay particular attention to what would be required of them in the appeals process. Rather than simply ensuring the policy was followed, boards may find themselves in the middle of the committee's decision and the complainant's demands. In addition, the reporting requirements place the onus on the board to explain its reasons for reconsideration or refusal to reconsider. To reach such a consequential decision, the board would be required to review the challenged material to inform their evaluation.

Announcing CABE's New Enhanced Policy Audit Service

For boards of education seeking to determine whether their policy manuals were current and in compliance, CABE's policy services were available to assist with an audit or update the entire manual. Recognizing that boards may benefit from a little more than an audit and a little less than a comprehensive policy overhaul, we are offering new targeted services.

Our **Enhanced Policy Audit Service** provides a comprehensive review of the district policy manual, ensuring it meets all required standards.

This new service will provide the district with:

- **A detailed report** highlighting the strengths and weaknesses of the district manual
- **All district missing mandated policies provided electronically**
- **Modifications made to existing mandated policies to bring them into compliance, provided in electronic form**

These policies will be ready to go before the Board for adoption. This new service allows CABE's Policy Department to address your **district's specific needs efficiently and effectively**.

For Boards seeking a more targeted approach to CABE's **Complete Customized Policy Service**, we now offer a **Targeted Custom Policy Service**, focusing on a specific policy series of your choice.

For more information on these new services and costs, please reach out to CABE's Policy Department at 860-571-7446.