

HB560 INTRODUCED



1 HB560
2 TBDM399-1
3 By Representative Givens
4 RFD: Education Policy
5 First Read: 10-Apr-25



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SYNOPSIS:

This bill would require each local board of education to adopt a policy: (i) prohibiting the possession, acquisition, or purchase of library materials that are harmful to minors; (ii) requiring the local board to approve any library material before it may be placed in a school library catalog in the district; and (iii) allowing parents to access school library catalogs and the library records of their child.

This bill would require each local board of education to establish a local school library advisory council and consider its recommendations relating to the acquisition of library materials and school library policies.

This bill would establish a mechanism for parents, employees of the local board of education, or residents of the school district to challenge the appropriateness of library materials, and would require the challenged material to be permanently removed if the board approves the challenge.

This bill would allow parents to submit a list of library materials that their child may not check out from the school library.

This bill would also authorize the State Board



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29 of Education to adopt rules.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to public school libraries; to provide
37 definitions; to require local boards of education to adopt
38 policies prohibiting the acquisition of library materials that
39 are harmful to minors; to require local boards of education to
40 approve library materials before they may be placed in school
41 library catalogs; to require local boards of education to
42 establish a local advisory council and consider the
43 recommendations of the advisory council; to provide a
44 mechanism to submit a written challenge for school library
45 materials; to provide for the rights of parents relating to
46 their child's access to library materials; and to authorize
47 the State Board of Education to adopt rules.

48 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

49 Section 1. For the purposes of this act, the following
50 terms have the following meanings:

51 (1) HARMFUL TO MINORS. The same meaning as provided in
52 Section 13A-12-200.1, Code of Alabama 1975.

53 (2) LIBRARY MATERIAL. Any book, record, file, or other
54 instrument or document in a public school library catalog. The
55 term does not include classroom instructional material.

56 (3) LOCAL BOARD OF EDUCATION or LOCAL BOARD. The



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57 governing body of a public K-12 school or public charter
58 school.

59 (4) LOCAL SCHOOL ADVISORY COUNCIL or ADVISORY COUNCIL.
60 The local school advisory council created pursuant to Section
61 2.

62 (5) PARENT. The parent or legal guardian of a student
63 enrolled at a public K-12 school.

64 Section 2. (a) No later than October 1, 2026, each
65 local board of education shall establish a local school
66 library advisory council to assist the local board of
67 education in ensuring that local community values are
68 reflected in each school library catalog in the district. Each
69 local school library advisory council shall have duties
70 including, but not limited to, recommending all of the
71 following to the local board of education:

72 (1) Policies and procedures for the acquisition of
73 library materials consistent with local community values.

74 (2) Whether library materials proposed for acquisition
75 are appropriate for each grade level of the school or campus
76 for which the library materials are proposed to be acquired.

77 (3) If feasible, joint use agreements or strategies for
78 collaboration between the local board of education and local
79 public libraries and community organizations.

80 (4) The removal of any library materials that the
81 council determines to be harmful to minors or inconsistent
82 with local community values.

83 (5) Policies and procedures for processing written
84 challenges received under Section 4, and the action to be



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85 taken by the local board of education in response to a
86 challenge.

87 (b) (1) Each local school library advisory council must
88 consist of at least five members, provided that each member of
89 the local board of education shall appoint an equal number of
90 members to the council. A majority of voting members of the
91 advisory council must be parents of students enrolled in the
92 district who are not employed by the local board of education.
93 The local board shall designate one of the council members to
94 serve as chair.

95 (2) Each local board may also appoint one or more of
96 the following individuals to serve as nonvoting members of the
97 council:

98 a. Classroom teachers employed by the local board of
99 education.

100 b. Librarians employed by the local board of education.

101 c. School counselors.

102 d. School administrators employed by the local board of
103 education.

104 e. Representatives from the business community.

105 f. Members of the clergy.

106 (c) Each local board shall consider the recommendations
107 of the advisory council before:

108 (1) Adding library materials to a school library
109 catalog;

110 (2) Removing library materials from a school library
111 catalog following a written challenge; and

112 (3) Making changes to policies or guidelines related to



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113 a school library catalog.

114 (d) (1) Each advisory council shall meet at least twice
115 each year and at other times as necessary to fulfill its
116 duties. Each advisory council shall meet in advance of any
117 meeting of the local board of education where library
118 materials are up for a vote in order to determine the advisory
119 council's recommendation on the materials. The meeting may
120 occur during the period the list is available for public
121 review under Section 3(a).

122 (2) For each meeting, the advisory council shall:

123 a. Comply with the notice requirements provided in the
124 Open Meetings Act, Chapter 25A of Title 36, Code of Alabama
125 1975;

126 b. Make an audio and video recording;

127 c. Prepare and maintain minutes that, at a minimum,
128 state the subject and content of each deliberation and each
129 vote, order, decision, or other action taken by the council;
130 and

131 d. No later than 10 days after the meeting, submit the
132 minutes and audio or video records to the local board of
133 education.

134 (e) As soon as practicable, each local board of
135 education shall post the minutes and audio or video recordings
136 of each advisory council meeting on the website of the local
137 board of education.

138 Section 3. (a) No later than October 1, 2025, each
139 local board of education shall adopt a policy for the
140 acquisition of library materials. The policy shall only apply



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141 to library materials acquired on or after October 1, 2025, and
142 must include, at a minimum, all of the following:

143 (1) A collection development policy that prohibits the
144 possession, acquisition, or purchase of library materials that
145 are harmful to minors.

146 (2) Except as provided by subsection (b), procedures
147 for the procurement of library materials and the receipt of
148 donated library materials, provided that the following
149 procedures must be included:

150 a. The local board of education must approve any
151 library material that has been donated to or which is to be
152 procured by a school library in the district before it may be
153 placed in a school library catalog. In determining whether to
154 approve or reject a library material, the local board shall
155 consider the advice and recommendations of the local school
156 library advisory council.

157 b. If the local board rejects the acquisition of a
158 library material, the material may not be placed in any school
159 library catalog in the district.

160 c. No donated library materials may be placed in a
161 school library catalog unless the local board approved the
162 addition of the library material for the grade levels for
163 which the material is intended.

164 (3) The maintenance and publication of a list of all
165 library materials that have been donated to or which are
166 proposed to be procured by a school library in the district.
167 The list must be available for review by the public at least
168 30 days before the local board of education votes on final



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169 approval of the materials on that list.

170 (4) That votes whether to approve or reject library
171 materials for inclusion in a school library must be made by
172 members of the local board of education in a meeting that is
173 open to the public. Library materials may be approved or
174 rejected individually, or in groups reflecting the lists
175 published under subdivision (3). If the local board votes on
176 library materials as a group, each board member must be given
177 the opportunity to review the list of materials that are up
178 for a vote and propose changes to the list in advance of the
179 vote.

180 (b) This section does not apply to library materials
181 that have been donated to or which are to be procured by a
182 school library that:

183 (1) Replace a damaged copy of a library material with
184 the same International Standard Book Number that is currently
185 in the school library catalog;

186 (2) Are additional copies of a library material with
187 the same International Standard Book Number that is currently
188 in the school library catalog; or

189 (3) Have the same International Standard Book Number
190 and have previously been approved for the same grade levels by
191 the local board of education.

192 Section 4. (a) (1) A parent of a student enrolled in a
193 public K-12 school, an individual employed by the local board
194 of education, or an individual residing in the school district
195 may submit a written challenge to the local board of education
196 regarding any library material in the catalog of a school



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197 library under the purview of the local board of education.

198 (2) The State Board of Education shall adopt and
199 publish a form for written challenges. The form shall require
200 the individual submitting the form to identify how the
201 challenged material violates the library standards of the
202 local board of education or is harmful to minors.

203 (b) No later than five business days after the local
204 board of education receives a written challenge under this
205 section, the local board shall provide a copy of the challenge
206 to the local school library advisory council. The advisory
207 council shall review the challenge and make a recommendation
208 for action no later than 90 days after the date on which the
209 advisory council receives the copy.

210 (c) At the first meeting of the local board of
211 education after it receives the advisory council's
212 recommendation on a written challenge, the local board shall
213 vote whether to accept or reject the challenge. In taking
214 action on a written challenge, the local board shall consider
215 all of the following:

216 (1) The advice of the local school library advisory
217 council.

218 (2) Whether the challenged library material is suitable
219 for the subject and grade level for which the library material
220 is intended by considering factors including, but not limited
221 to, the following:

222 a. Whether the library material adheres to the local
223 board of education's collection development policy.

224 b. Whether the library material is harmful to minors.



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225 c. Any reviews of the library material conducted by
226 academic experts specializing in the subject covered by the
227 library material or in the education of students in the
228 subject and grade level for which the library material is
229 intended.

230 (d) A local board of education that receives a written
231 challenge to a library material shall prohibit students
232 enrolled in the district from accessing the library material
233 until the district takes action in response to the challenge.

234 (e) (1) If the local board of education approves the
235 challenge, the library material shall be permanently removed
236 from the school library catalog, and the local board shall:
237 (i) notify each teacher assigned to the relevant grade level
238 of the determination; and (ii) require that any copy of the
239 library material be removed from the teacher's classroom
240 library.

241 (2) If the challenge is rejected, the local board is
242 not required to take any further action in response to the
243 challenge, and the library material shall be returned to the
244 library catalog.

245 Section 5. No later than October 1, 2025, each local
246 board of education shall adopt policies reflecting the
247 following:

248 (1) Parents may access the catalog of available library
249 materials at each public school under the purview of the local
250 board of education.

251 (2) Parents may access a record of each time the
252 parent's child checks out library material or otherwise uses



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253 library material outside of the school library.

254 (3) If the local board of education uses a learning
255 management system or online learning portal, the local board,
256 through the system or portal, shall provide each parent of a
257 student enrolled in the district a record of each time the
258 student checks out or otherwise uses any library material
259 outside of the school library. The record must include, as
260 applicable, the title, author, genre, and return date of the
261 library material.

262 (4)a. Each parent may submit a list of library
263 materials that his or her child may not check out or otherwise
264 access for use outside of the school library. Each local board
265 of education must allow for a parent to submit the list of
266 library materials through an electronic form, a physical form,
267 or the local board's or school's online library catalog
268 system.

269 b. If a student's parent has included a library
270 material in a list submitted under subdivision (1), the
271 student may not check out the library material or otherwise
272 use the library material outside of the school library.

273 Section 6. The State Board of Education may adopt rules
274 to implement and administer this act.

275 Section 7. This act shall become effective on October
276 1, 2025.