

# HOUSE . . . . . No. 5489

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 9, 2026.

The committee on Ways and Means, to whom was referred the Senate Bill regarding free expression (Senate, No. 2726), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5489.

For the committee,

AARON MICHLEWITZ.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

By striking out all after the enacting clause and inserting in place thereof the following:—

1           SECTION 1. Section 82 of chapter 71 of the General Laws, as appearing in the 2024  
2 Official Edition, is hereby amended by striking out, in lines 4 to 11, inclusive, the words  
3 “without limitation, the rights and responsibilities of students, collectively and individually, (a)  
4 to express their views through speech and symbols, (b) to write, publish and disseminate their  
5 views, (c) to assemble peaceably on school property for the purpose of expressing their opinions.  
6 Any assembly planned by students during regularly scheduled school hours shall be held only at  
7 a time and place approved in advance by the school principal or his designee” and inserting in  
8 place thereof the following words:- , without limitation, the rights and responsibilities of  
9 students, collectively and individually, to: (a) express their views through speech and symbols;  
10 (b) write, publish and disseminate their views; (c) assemble peaceably on school property for the  
11 purpose of expressing their opinions; provided, that any assembly planned by students during  
12 regularly scheduled school hours shall be held only at a time and place approved in advance by  
13 the school principal or the principal’s designee; and (d) receive information, including, but not  
14 limited to, school library materials determined to be educational and age-appropriate for  
15 inclusion in a school library pursuant to section 82A; provided, that said determination shall be  
16 made by the school library teacher, as defined in subsection (a) of said section 82A.

17 SECTION 2. Said chapter 71 is hereby further amended by inserting after section 82 the  
18 following 5 sections:-

19 Section 82A. (a) For the purposes of this section and sections 82B to 82E, inclusive, the  
20 following words shall, unless the context clearly requires otherwise, have the following  
21 meanings:

22 “School library materials”, textbooks, instructional materials, curricula, books or other  
23 library resources.

24 “School library teacher”, the school library teacher in the district licensed by the  
25 department, or in the absence of such a school library teacher, the school official responsible for  
26 the selection of school library materials and the use of school library materials and facilities.

27 (b) Any determination that school library materials are appropriate for inclusion in a  
28 school library shall require that the materials: (i) are age appropriate; and (ii) serve an  
29 educational purpose.

30 (c) In making the determination pursuant to subsection (b), the school library teacher  
31 shall: (i) use their professional training; and (ii) not base their determination on personal,  
32 political or doctrinal views.

33 Section 82B. (a) Each school committee or other administrative authority of a school  
34 library shall establish a written policy for: (i) the selection of school library materials; and (ii) the  
35 use of school library materials and library facilities. Each written policy shall be in accordance  
36 with the standards adopted by the American Library Association. Annually, not later than July 1,  
37 each school district shall file its written policy with the department.

38 (b) The board of library commissioners, through its affiliate, the Massachusetts Library  
39 System, Inc., in consultation with the department, shall make sample policies available for  
40 districts.

41 (c)(1) A written policy pursuant to subsection (a) shall include a complaint process. The  
42 policy shall require a process for responding to complaints, challenges and other attempts to  
43 remove or restrict school library materials based upon the objections of a person or group  
44 consistent with the requirements in section 82C.

45 (2) The written policy shall require that if school library material is the subject of a  
46 complaint, challenge or attempt to remove or restrict its use, it shall remain on the shelves  
47 pending a vote of the school committee pursuant to section 82C; provided, that the challenged  
48 material was selected for inclusion in the school library by a school library teacher and consistent  
49 with section 82A.

50 (d) Annually, not later than July 1, each school district shall submit to the department a  
51 report consisting of a list of complaints, challenges and other attempts to remove or restrict  
52 school library materials that were based upon objections of a group or person and the response  
53 from the district. The report shall include, for each complaint, challenge or attempt to remove or  
54 restrict school library materials, the: (i) school name and location; (ii) title and author of the  
55 school library materials; and (iii) outcomes of such complaint, challenge or attempt to remove or  
56 restrict school library materials.

57 Section 82C. (a) The selection of school library materials by a school library teacher for  
58 inclusion in a school library shall not be overruled; provided, however, that if there is a

59 complaint or challenge the school committee shall follow the procedures established in this  
60 section for a review of the school library materials.

61 (b)(1) For any review of the school library materials selected by a school library teacher,  
62 the school committee and the superintendent shall appoint a review committee of school  
63 personnel to review the school library materials.

64 (2) The review committee shall hold a public hearing, with notice of the hearing provided  
65 to the district. After the public hearing, the review committee shall submit a recommendation to  
66 the school committee on whether the school library materials are consistent with the  
67 requirements in section 82A.

68 (3) The school committee shall vote, after receipt of the review committee's  
69 recommendations, on whether the school library materials shall be removed from a school  
70 library. School library materials shall only be removed from the school library if the school  
71 committee finds that, based on clear and convincing evidence, the school library material is: (i)  
72 devoid of any educational, literary, artistic, personal or social value; or (ii) not age appropriate  
73 for any child who attends the school.

74 (c) A decision of the school committee to remove school library materials from a school  
75 library may be appealed by any student, parent or guardian pursuant to section 5 of chapter 249,  
76 including on the grounds that the decision was not supported by clear and convincing evidence.

77 Section 82D. Nothing in sections 82A to 82C, inclusive, and section 82E shall preclude  
78 school library teachers from deciding to remove school library materials that have become  
79 outdated or to accommodate new school library materials; provided, that the decision shall be  
80 consistent with the requirements in subsection (c) of section 82A.

81           Section 82E. No school library teacher shall lose their librarian licensure or certification  
82 and no employee acting as a school library teacher shall be dismissed, disciplined, placed on  
83 probation, involuntarily transferred, fined or imprisoned for the selection of school library  
84 materials when the selection is made consistent with subsection (c) of section 82A and in  
85 accordance with the policy adopted pursuant to section 82B.

86           SECTION 3. Section 10 of chapter 78 of the General Laws, as appearing in the 2024  
87 Official Edition, is hereby amended by striking out, in line 8, the words “, male or female,”.

88           SECTION 4. Said section 10 of said chapter 78, as so appearing, is hereby further  
89 amended by striking out, in line 13, the word “chairman” and inserting in place thereof the  
90 following word:- chair.

91           SECTION 5. Section 14 of said chapter 78, as so appearing, is hereby amended by  
92 striking out, in line 5, the word “his” and inserting in place thereof the following words:- the  
93 member’s.

94           SECTION 6. Said section 14 of said chapter 78, as so appearing, is hereby further  
95 amended by striking out, in line 13, the word “chairman” and inserting in place thereof the  
96 following word:- chair.

97           SECTION 7. Said section 14 of said chapter 78, as so appearing, is hereby further  
98 amended by striking out, in lines 18 and 21, the word “his”, each time it appears, and inserting in  
99 place thereof, in each instance, the following word:- their.

100 SECTION 8. Said section 14 of said chapter 78, as so appearing, is hereby further  
101 amended by striking out, in line 19, the word “him” and inserting in place thereof the following  
102 words:- the director.

103 SECTION 9. Said section 14 of said chapter 78, as so appearing, is hereby further  
104 amended by striking out, in line 22, the word “him” and inserting in place thereof the following  
105 words:- the deputy director.

106 SECTION 10. Said chapter 78 is hereby further amended by striking out section 15 and  
107 inserting in place thereof the following section:-

108 Section 15. (a) The board of library commissioners shall advise the librarian or trustees of  
109 any free public library, and may, on request, advise the librarian or other person in charge of the  
110 library of any state or county institution, relative to the selection or cataloguing of books and any  
111 other matter pertaining to the maintenance or administration of such library.

112 (b) The board of library commissioners shall make resources available to assist the board  
113 of trustees or other administrative authority of a free municipal public library to create or modify  
114 written policies, in accordance with the standards adopted by the American Library Association  
115 and as required by section 19B, for the: (i) selection of library material; (ii) development of their  
116 library collections; (iii) use of materials and facilities; and (iv) process to respond to book  
117 challenges.

118 (c) The board of library commissioners through its affiliate, the Massachusetts Library  
119 System, Inc., shall make a model policy, in accordance with the standards adopted by the  
120 American Library Association, available for school districts, as defined in section 2 of chapter  
121 70; provided, that the board of library commissioners shall provide resources to help any school

122 committee or other administrative authority of a school library create or modify written policies  
123 for the selection of library materials and the use of materials and facilities in accordance with the  
124 standards adopted by the American Library Association.

125 SECTION 11. Section 19B of said chapter 78, as appearing in the 2024 Official Edition,  
126 is hereby amended by striking out, in line 22, the word “auditor” and inserting in place thereof  
127 the following words:- auditor, and.

128 SECTION 12. Said section 19B of said chapter 78, as so appearing, is hereby further  
129 amended by adding the following clause:-

130 (8) adopt and post to their website a written policy for the selection and use of library  
131 materials and facilities in accordance with section 33; provided, that such policy shall  
132 incorporate the American Library Association’s Library Bill of Rights and require that no  
133 materials shall be selected, proscribed or removed because of personal, political or doctrinal  
134 views.

135 SECTION 13. Section 33 of said chapter 78, as so appearing, is hereby amended by  
136 inserting after the word “establish”, in line 3, the following words:- and implement.

137 SECTION 14. Said section 33 of said chapter 78, as so appearing, is hereby further  
138 amended by inserting after the word “Association”, in line 6, the following words:- including,  
139 but not limited to, the American Library Association’s Library Bill of Rights.

140 SECTION 15. Said section 33 of said chapter 78, as so appearing, is hereby further  
141 amended by adding the following sentence:- No librarian shall lose librarian licensure or

142 certification and no employee shall be dismissed, disciplined, placed on probation, involuntarily  
143 transferred, fined or imprisoned for the selection of library materials.

144 SECTION 16. Said chapter 78 is hereby further amended by adding the following  
145 section:-

146 Section 35. Annually, not later than September 1, the board of library commissioners  
147 shall submit a report on book challenges in the commonwealth and the impact on communities to  
148 the clerks of the house of representatives and the senate, the house and senate committees on  
149 ways and means, the joint committee on tourism, arts and cultural development, the joint  
150 committee on education and the joint committee on municipalities and regional government. The  
151 report shall include, for each book challenge, the: (i) location, including the name of the  
152 municipal library and the department; (ii) title and author of the book; and (iii) outcome of such  
153 challenge. The report may also include recommendations to support programming that expands  
154 access to library materials.