

Joint Committee on Tourism, Arts and Cultural Development

Bill Summary 194th Legislative Session

<u>BILL NUMBER</u>	House, No. 3598
<u>TITLE</u>	An Act regarding free expression
<u>SPONSOR</u>	Representative Saunders of Belchertown
<u>HEARING DATE</u>	Tuesday, July 22, 2025 at 01:00 PM - 05:00 PM, B-2
<u>REPORTING DEADLINE</u>	Saturday, September 20, 2025
<u>SIMILAR MATTERS</u>	H3594 (Moran J), S2328 (Cyr)

PRIOR HISTORY

Similar matter filed in 2023-2024 under H4235 in Education Committee. Education discharged bill to TACD. Bill accompanied TACD redraft S2839, which was reported favorably and referred to Senate Ways and Means. No further action was taken.

CURRENT LAW

Chapter 71 oversees Public Schools. Section 82 refers to right of students to freedom of expression in secondary schools.

Chapter 78 oversees Librarians. Section 15 refers to management and maintenance of libraries. Section 19 refers to State Aid. Section 33 relates to choosing of collection materials and employee protection.

Chapter 249 covers judicial matters, including judicial review of administrative decisions. Section 5 allows individuals to seek relief through the courts to compel a public official or body to perform their duty.

SUMMARY

SECTIONS RELATED TO SCHOOL LIBRARIES

Section 1. Findings and Declarations: General Court finds and declares libraries to be a public good, book banning undermines that and requires a response. Librarians should be protected. Materials should not be removed for partisan or non-professional/biased reasons. Libraries who use state resources need to comply with state regulations.

Section 2. School Based Library Personnel: Amends M.G.L. section 82 chapter 71 by stating a fourth right related to freedom of speech for students related to accessing materials curated in a proper manner by school librarians/administrators

Section 3. School-based Collection Development and Display Policy: Determinations on materials in library collections shall be age appropriate, serves an education purpose, and is based on training rather than political/personal/religious views.

Policy on School-based Library Collections: School committees must establish a written policy for selection of materials and in case of book challenges, in accordance with American Library Association standards. Policy examples can be found from the Mass Library System (MLS).

Responding to complaints: Establishes process for book challenges and complaints. Says item stays on shelf while school board votes. Selection of materials can't be overruled except by school committee, after notice/public hearing, that material is devoid of any educational/literary/artistic/personal/ or social value OR is not age appropriate for any children in that school. The School Committee's decision can be challenged pursuant to M.G.L. section 5 chapter 249 - to supreme or superior court. None of this prevents proper removal of materials from school libraries that have become outdated provided the decision is made properly.

Employee protections: Prevents employees from being fired/disciplined due to materials selections made in good faith/following above provisions.

SECTIONS RELATED TO PUBLIC LIBRARIES

Sections 4 through 10. Gender Neutral Language Changes.

Section 11. Collection Development Policies: Amends M.G.L section 15 chapter 78: Requires the Massachusetts Board of Library Commissioners (MBLC) to provide resources to help create collection development policies and challenge policies. Also requires the MLS to provide similar assistance to school committees.

Section 12. Adding a Requisite for State Aid: Amends M.G.L section 19b chapter 78 by setting a new minimum standard that in order to be eligible for state aid as provided in section 19a, public libraries must have a collection development policy that follows the American Library Association's (ALA) Library Bill of Rights.

Sections 13 and 14. Municipal Librarian Employee Protections: Protects librarians for implementing proper collection development policies and also provides additional protections including probation,

discipline, fines and more.

Section 15. Reporting: Adding a new section to M.G.L chapter 78 that requires MBLC to submit an annual report on book challenges to the legislature.