
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1506 Session of
2023

INTRODUCED BY FRIEL, GUENST, HOWARD, MADDEN, SANCHEZ, KHAN,
SCHLOSSBERG, PROBST, PIELLI, BELLMON, T. DAVIS, HILL-EVANS,
OTTEN, SALISBURY, BOROWSKI, CEPEDA-FREYITZ, BRENNAN AND
DONAHUE, JUNE 26, 2023

REFERRED TO COMMITTEE ON EDUCATION, JUNE 26, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in terms and courses of study,
6 providing for prohibited review of curriculum, instructional
7 materials and voluntary inquiry material in public school
8 entities.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Article XV of the act of March 10, 1949 (P.L.30,
12 No.14), known as the Public School Code of 1949, is amended by
13 adding a subarticle to read:

14 (e) Prohibited Review of Curriculum, Instructional
15 Materials and Voluntary Inquiry Material in Public
16 School Entities.

17 Section 1561. Findings and declaration of policy.

18 The General Assembly finds and declares as follows:

19 (1) The sharing of all ideas and the freedom to read are
20 essential for a strong democracy.

1 (2) Suppressing the freedom to read and denying access
2 to literature, history and knowledge are antidemocratic
3 approaches that have only been employed by regimes seeking to
4 limit free speech and debate.

5 (3) The unreasonable restriction of access to books and
6 instructional materials in schools violates students' freedom
7 to learn and impairs their ability to think independently and
8 is contrary to the First Amendment to the Constitution of the
9 United States.

10 (4) Students have a right to access a diverse range of
11 age-relevant information, stories, perspectives and ideas.

12 (5) PEN America identified 457 books that were
13 challenged or banned in this Commonwealth from July 2021 to
14 July 2022.

15 (6) The Supreme Court has held that, as centers for
16 voluntary inquiry and the dissemination of information and
17 ideas, school libraries enjoy a special affinity with the
18 rights of free speech and press.

19 (7) In *Board of Education, Island Trees Union Free*
20 *School District No. 26 v. Pico*, the court noted that removal
21 of books is constitutionally permitted only if it is done
22 based on the educational appropriateness of the book, not
23 because it was intended to deny students access to books with
24 which school officials disagree.

25 Section 1562. Definitions.

26 The following words and phrases when used in this subarticle
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Committee." An educational resource material review
30 committee established under section 1567.

1 "Department." The Department of Education of the
2 Commonwealth.

3 "Instructional expert." A public school administrator,
4 instructional staff or school librarian with expert knowledge in
5 the subject areas in which they hold a certification.

6 "Instructional materials." Textbooks and supplementary
7 materials used as a part of required classroom instruction.

8 "Parent or guardian." A biological parent, adoptive parent,
9 legal guardian or other person with legal custody of a child.

10 "Public school entity." A public school, including a school
11 district, charter school, intermediate unit or area career and
12 technical school.

13 "Qualifying complainant." A student or a parent or guardian
14 of a student enrolled in the public school entity where a
15 complaint is filed.

16 "Qualifying complaint." A complaint concerning an
17 instructional material's literary or educational merit.

18 "Soft censorship." The removal of instructional and
19 voluntary inquiry materials outside of established processes.

20 "Voluntary inquiry materials." Nonfiction and fiction books,
21 magazines, reference books, supplementary titles, multimedia and
22 digital materials, software and instructional material and other
23 materials not required as part of classroom instruction.

24 "Weeding." The process of clearing the collections in the
25 library or media center of materials that have outlived their
26 usefulness.

27 Section 1563. Prohibited censorship.

28 (a) Removal.--Voluntary inquiry materials of sound factual
29 authority shall not be removed from library shelves or
30 classrooms due to any of the following reasons:

1 (1) Partisan approval or disapproval.

2 (2) The author's race, nationality, gender identity,
3 sexual orientation or political or religious views.

4 (3) School board of directors' or complainants'
5 discomfort, personal morality or political or religious
6 views.

7 (4) The author's points of view concerning the problems
8 and issues of our time, whether international, national or
9 local.

10 (5) The race, nationality, gender identity, sexual
11 orientation or political or religious views of the
12 protagonist or other characters.

13 (6) Content that is relevant to the research,
14 independent reading interests and educational needs of older
15 students based on their age, development or grade level.

16 (7) Content related to sexual health that addresses
17 physical, mental, emotional and social dimensions of human
18 sexuality, including puberty, sex and relationships.

19 (b) Soft censorship prohibition.--Instructional materials
20 and voluntary inquiry materials shall not be removed from
21 circulation of a public school entity except in accordance with
22 the process outlined in section 1568. The following apply:

23 (1) Each public school entity and the department shall
24 furnish on their publicly accessible Internet websites a
25 censorship complaint form where qualifying complainants can
26 report experiences of materials removed or hidden without
27 abiding by the formal process outlined in this subarticle.

28 (2) The Secretary of Education or a designee shall
29 investigate reports of soft censorship.

30 Section 1564. Curriculum review by parents and students.

1 Public school entities shall adopt policies to ensure that
2 parents or guardians have the following:

3 (1) Access to information about the curriculum,
4 including academic standards to be achieved, instructional
5 materials and assessment techniques.

6 (2) A process for the review of instructional materials.

7 (3) The right to have their children excused from
8 specific instruction that conflicts with their beliefs, upon
9 receipt by the public school entity of a written request from
10 the parents or guardians.

11 Section 1565. Qualifying complaints on instructional materials.

12 (a) Written request.--A qualifying complainant shall remit a
13 written request to the school principal, teacher, certified
14 school librarian or relevant staff member regarding an
15 instructional material. A separate request must be submitted for
16 each instructional material.

17 (b) Assistance.--The teacher or staff member may offer to
18 assist the parent or guardian or student to find an alternative
19 to the instructional materials that would better meet the needs
20 and interests of the parent or guardian or student.

21 (c) Removal.--Materials shall not be removed or restricted
22 from use by other students as a result of individual qualifying
23 complaints.

24 Section 1566. Powers.

25 The responsibility for selection, purchase and weeding of
26 voluntary inquiry materials shall be delegated by the board of
27 school directors to the instructional experts employed by the
28 school entity.

29 Section 1567. Qualifying complaints on voluntary inquiry
30 materials.

1 (a) Removal.--A board of school directors or administrators
2 of a public school entity may not remove voluntary inquiry
3 materials that have been challenged outside the process outlined
4 in section 1568.

5 (b) Establishment.--Each intermediate unit shall establish
6 an educational resource material review committee. The selection
7 of the committee shall be the responsibility of the
8 superintendent advisory council of the intermediate unit.

9 (c) Membership.--An educational resource review committee
10 shall minimally consist of the following individuals associated
11 with the intermediate unit:

12 (1) Principal.

13 (2) Director of curriculum or similar position.

14 (3) Certified school librarian from the public school
15 entity or other school entity if the entity has no certified
16 school librarian.

17 (4) The superintendent or a designee of the
18 superintendent.

19 (5) Faculty members from an elementary, middle and high
20 school located within the intermediate unit.

21 (6) Special education director.

22 (d) Selection.--Members must be selected from multiple
23 school districts with no more than two members from a single
24 school district.

25 Section 1568. Process.

26 If a qualifying complaint cannot be resolved informally
27 without removing the voluntary inquiry material from
28 circulation, the following guidelines shall be followed:

29 (1) The principal or designee shall furnish the
30 qualifying complainant with a district form for

1 reconsideration of materials. The form shall require a
2 qualifying complainant to explain the objection to the
3 material's literary, educational value or age appropriateness
4 and include an attestation that the qualifying complainant
5 has read the voluntary inquiry material in its entirety. The
6 qualifying complainant shall file the objection with the
7 educational resource review committee.

8 (2) A qualifying complainant can submit one complaint at
9 a time. Complaints are limited to 10 complaints per year for
10 each qualifying complainant.

11 (3) Voluntary inquiry material shall not be removed from
12 the collection until the review process is complete.

13 (4) The educational resource review committee shall
14 establish a process and criteria for reconsideration that
15 includes, at a minimum:

16 (i) Reading and examining the voluntary inquiry
17 material in question and the submitted request for
18 reconsideration.

19 (ii) Communicating with the individual making the
20 request for reconsideration and clarifying the
21 objections.

22 (iii) Checking general acceptance of the material by
23 reading authoritative reviews and conducting other
24 research as necessary.

25 (iv) Evaluating the positive and negative aspects of
26 the voluntary resource material as a whole, not on
27 selected passages read out of context.

28 (v) Preparing a report that includes a
29 recommendation regarding the request for reconsideration.

30 (vi) Preparing a minority report should the

1 committee fail to reach an agreement.

2 (vii) Submitting each report to the superintendent
3 of the school district in question no later than 60 days
4 after the reconsideration is filed, unless an exception
5 is granted by the board of school directors.

6 (5) In the event that the committee's findings support
7 removal or restriction based on the age appropriateness of
8 the materials, a copy of the report shall be submitted to the
9 department for the department's evaluation and concurrence.

10 Section 2. This act shall take effect in 60 days.