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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2929 Session of  
2022

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INTRODUCED BY RABB, HOHENSTEIN, KINKEAD, GUENST AND SANCHEZ,  
NOVEMBER 29, 2022

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REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 29, 2022

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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 books and other educational resource materials  
7 in public school entities.

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

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

13 (e) Books and Other Educational Resource Materials in  
14 Public School Entities.

15 Section 1561. Definitions.

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

19 "Committee." An educational resource material review  
20 committee established under section 1563.

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

3 "Institution of higher education." Any of the following:

4 (1) A university within the State System of Higher  
5 Education established under Article XX-A.

6 (2) An institution designated as "State-related" by the  
7 Commonwealth.

8 "Professor." An individual who teaches at an institution of  
9 higher education located within this Commonwealth and has  
10 assigned the book or other educational resource material under  
11 discussion at least twice during the three (3) preceding  
12 academic years.

13 "Public school entity." A public school, including a school  
14 district, charter school, intermediate unit or area career and  
15 technical school.

16 "Qualified moderator." An individual who has professional or  
17 academic background in the subject area of the book or other  
18 educational resource material under discussion.

19 Section 1562. Authorization.

20 A board of school directors of a public school entity may do  
21 the following if the board of school directors complies with the  
22 requirements of this subarticle:

23 (1) Vote to ban or restrict access to a book or other  
24 educational resource material from a school library,  
25 curriculum or recommended reading list or related use of the  
26 public school entity.

27 (2) Vote to require the inclusion or acquisition of a  
28 book or other educational resource material within a school  
29 library, curriculum or recommended reading list or related  
30 use of the public school entity.

1 Section 1563. Establishment of committee.

2 (a) Requirement.--A board of school directors of a public  
3 school entity may not engage in any of the actions under section  
4 1562 unless the board of school directors first establishes an  
5 educational resource material review committee.

6 (b) Nature and purposes.--A committee shall be advisory in  
7 nature and assist with instituting policies in accordance with  
8 this subarticle and informing school communities about books,  
9 curricula and other educational resource materials.

10 (c) Mandatory composition.--A committee shall consist of the  
11 following individuals associated with the school district of the  
12 public school entity:

13 (1) Principals.

14 (2) Directors of curricula.

15 (3) Librarians.

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

18 (d) Discretionary composition.--A committee may include  
19 other stakeholders, such as officers of school-recognized  
20 student groups.

21 Section 1564. General training.

22 Each member of a committee shall undergo training developed  
23 in conjunction with the following:

24 (1) The Office of Diversity, Equity and Inclusion within  
25 the Pennsylvania State System of Higher Education.

26 (2) The State Board of Education.

27 (3) The Office of Commonwealth Libraries within the  
28 department.

29 (4) Teacher unions in this Commonwealth, including the  
30 Pennsylvania State Education Association and the Pennsylvania

1 Federation of Teachers.

2 Section 1565. Committee meetings.

3 (a) Requirements.--Prior to any public hearing under section  
4 1570, a committee shall:

5 (1) Hold an initial organizational meeting, during which  
6 the members of the committee shall select a chairperson or  
7 two cochairpersons.

8 (2) Hold no fewer than two meetings to conduct business  
9 in furtherance of this subarticle.

10 (b) Nature of meetings.--Meetings of a committee prior to  
11 any public hearing under section 1570 shall not be required to  
12 be open to the public.

13 Section 1566. Forms.

14 (a) Development and purpose.--The department, in  
15 consultation with the Pennsylvania State System of Higher  
16 Education and the Office of Commonwealth Libraries within the  
17 department, shall develop a form to be used by a member of a  
18 board of school directors of a public school entity who seeks to  
19 ban, restrict access to or require the inclusion or acquisition  
20 of a book or other educational resource material from or within  
21 a school library, curriculum or recommended reading list or  
22 related use of the public school entity.

23 (b) Posting.--The form shall be posted on the publicly  
24 accessible Internet website of the department.

25 (c) Contents.--A completed form shall:

26 (1) identify categories of concern and specific  
27 sections, passages or pages of the book or other educational  
28 resource material that merit the ban or restriction; or

29 (2) identify the reasons for requiring the inclusion or  
30 acquisition of the book or other educational resource

1 material.

2 (d) Duties.--Prior to any public hearing under section 1570,  
3 a committee shall:

4 (1) Address any concerns regarding the form.

5 (2) Review any completed form by a member of the board  
6 of school directors of the public school entity.

7 (e) Public document.--Each completed form shall be  
8 accessible for inspection and duplication in accordance with the  
9 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
10 Know Law.

11 Section 1567. Notarized attestation.

12 A member of the board of school directors of a public school  
13 entity who seeks to ban, restrict access to or require the  
14 inclusion or acquisition of a book or other educational resource  
15 material from or within a school library, curriculum or  
16 recommended reading list or related use of the public school  
17 entity shall complete the form under section 1566 and shall sign  
18 a notarized attestation form that the member has read the book  
19 or other educational resource material in its entirety within  
20 the current calendar year, with a receipt documented by a school  
21 librarian or director of curriculum provided to the member.

22 Section 1568. Specific training.

23 Members of a committee shall participate in a training by a  
24 Pennsylvania State System of Higher Education professor, or a  
25 designee, who has taught or otherwise written about the book or  
26 other educational resource material in question, as confirmed by  
27 the department and a librarian chosen by the Office of  
28 Commonwealth Libraries within the department.

29 Section 1569. Report.

30 (a) Preparation.--A committee shall prepare a report

1 containing a discussion of the book or other educational  
2 resource material and the recommendation of the committee  
3 regarding the proposed ban, restriction, inclusion or  
4 acquisition of the book or other educational resource material.

5 (b) Requirements.--The report shall be:

6 (1) Transmitted to the board of school directors of the  
7 public school entity at least 24 hours before the scheduled  
8 meeting of the board of school directors during which the  
9 proposed ban, restriction, inclusion or acquisition will be  
10 considered.

11 (2) Posted on the publicly accessible Internet website  
12 of the public school entity.

13 (c) Template.--The Pennsylvania State System of Higher  
14 Education shall develop the template for the written report by  
15 the committee.

16 Section 1570. Public hearing.

17 (a) Requirement.--A board of school directors of a public  
18 school entity shall hold a public hearing regarding the proposed  
19 ban, restriction, inclusion or acquisition of the book or other  
20 educational resource material.

21 (b) Moderator.--

22 (1) Except as provided in paragraph (2), the public  
23 hearing shall be moderated by at least one professor from an  
24 institution of higher education.

25 (2) If no professor from an institution of higher  
26 education is available as moderator, the board of school  
27 directors of a public school entity shall select another  
28 qualified moderator for the public hearing.

29 (c) Presentation.--The chairperson or cochairpersons of the  
30 committee, or a designee of the chairperson or cochairpersons of

1 the committee, shall attend the public hearing and present the  
2 report under section 1569 and the recommendations of the  
3 committee.

4 (d) Duties of proponent.--The member of the board of school  
5 directors of a public school entity who is proposing the ban,  
6 restriction, inclusion or acquisition of the book or other  
7 educational resource material shall attend the public hearing  
8 and shall, as requested by another member of the board of school  
9 directors or any of the individuals described in subsection (c):

10 (1) Read aloud excerpts from the book or other  
11 educational resource material that form the basis of the  
12 proposed ban, restriction, inclusion or acquisition of the  
13 book or other educational resource material.

14 (2) Provide any other related information, including  
15 information contained in the completed form that proposed the  
16 ban, restriction, inclusion or acquisition of the book or  
17 other educational resource material.

18 (e) Public response.--The public hearing shall allow for  
19 residents living within the boundaries of the school district to  
20 comment on the merits and content of the book or other  
21 educational resource material under discussion at the public  
22 hearing.

23 (f) Vote.--Following completion of the public hearing, the  
24 board of school directors of a public school entity may vote for  
25 the ban, restriction, inclusion or acquisition of the book or  
26 other educational resource material. The following apply:

27 (1) A two-thirds vote of the members of the board of  
28 school directors shall be required for the ban, restriction,  
29 inclusion or acquisition.

30 (2) A motion regarding the ban, restriction, inclusion

1 or acquisition may not occur unless the individual requesting  
2 the ban, restriction, inclusion or acquisition is present at  
3 the public hearing during which the motion is made.

4 (g) Construction.--A motion regarding the ban, restriction,  
5 inclusion or acquisition of a book or other educational resource  
6 material may not result in an action being taken regarding the  
7 ban, restriction, inclusion or acquisition that occurs after the  
8 end of the school year and before the beginning of the next  
9 school year.

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