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HOUSE JOINT RESOLUTION NO. 440

Offered January 13, 2025

Prefiled January 5, 2025

Directing the Joint Legislative Audit and Review Commission to study the removal of books from public school libraries in the Commonwealth. Report.

Patrons—Simon, Lopez, Cohen, Cousins, Delaney, Martinez, Simonds and Willett

Referred to Committee on Rules

WHEREAS, the libraries in Virginia's public schools are an important source of learning and exploration for Virginia's school children; and

WHEREAS, the books in circulation at Virginia's public school libraries are selected by professionally trained librarians and media specialists; and

WHEREAS, at times certain books in public school libraries are found objectionable by some parents while supported by other parents; and

WHEREAS, § 22.1-16.8 of the Code of Virginia was enacted in 2022 and directed the Department of Education to adopt model policies to ensure parental notification of instructional material in the classroom that includes content deemed to be sexually explicit, and directed each school board to adopt similar or more comprehensive policies; and

WHEREAS, parents are to be given the opportunity under the adopted policies to request alternative nonexplicit instructional material for their children; and

WHEREAS, the Department of Education adopted such model policies in August 2022 that focused on books used in the classroom and specifically provided that books in school libraries would only be considered instructional material if required for completion of an assignment or as part of an academic or extracurricular educational program; and

WHEREAS, some school divisions have removed books from circulation in school libraries because they are deemed to contain "sexually explicit content" as defined in § 2.2-2827 of the Code of Virginia or other content that is found to be objectionable; and

WHEREAS, certain book removal actions have occurred at the recommendation of challenge committees composed of parents and school librarians or media specialists, while other removals have occurred without recommendation from the school librarian or media specialist and instead at the direction of a school board, individual school board members, individual school principals, individual superintendents, or other school administrators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the removal of books from public school libraries in the Commonwealth. The focus of the study shall be on books removed from public school libraries between July 1, 2020, and December 31, 2024, and the reasons for the removal of such books.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall survey all 132 school divisions in the Commonwealth of Virginia to identify (i) which school divisions removed books from any of its school libraries between July 1, 2020, and December 31, 2024; (ii) for each book removed: (a) the title and author, (b) the fiscal year removed, (c) the name of the school from which the book was removed, (d) whether it was removed upon recommendation of a challenge committee, a librarian, or a media specialist or at the direction of the school board or one or more members of such school board, or a school principle, a superintendent, or another school administrator, (e) how the review was initiated, the role of the school's librarian or media specialist, and which other school division employees were involved, if any, and the role such employees played in the removal process, and (g) if § 22.1-16.8 of the Code of Virginia or a policy adopted pursuant to such section was used to justify the removal of the book; and (iii) which school divisions have appointed a challenge committee to review the content of current library books or proposed school library book purchases, and if so, whether the committee includes a librarian or media specialist employed by the school division and whether the committee meetings are advertised and open to the public. Additionally, JLARC shall contact all relevant state agencies to determine what resources exist at the state level to support school administrators in these decisions.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by August 1, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than October 1, 2025. The executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor

59 a report of its findings and recommendations for publication as a House or Senate document. The executive
60 summary and report shall be submitted as provided in the procedures of the Division of Legislative
61 Automated Systems for the processing of legislative documents and reports and shall be posted on the
62 General Assembly's website.