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HOUSE JOINT RESOLUTION NO. 440
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 14, 2025)
(Patron Prior to Substitute—Delegate Simon)

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

WHEREAS, the libraries in the Commonwealth's public schools are an important source of learning and exploration for students in the Commonwealth; and

WHEREAS, the books in circulation in the libraries of the Commonwealth's public schools are selected and curated by professionally trained school librarians and media specialists; and

WHEREAS, there are times at which some parents of public school students object to the inclusion of certain books in public school libraries while other parents support or approve the inclusion of such books in public school libraries; and

WHEREAS, § 22.1-16.8 of the Code of Virginia was enacted by the 2022 Session of the General Assembly for the purpose of directing the Department of Education to adopt model policies, and each school board to adopt policies consistent with but that may be more comprehensive than such model policies, for ensuring the parental notification of any instructional material that includes sexually explicit content, as that term is defined in applicable law, and to provide parents the opportunity to request their children be provided, as an alternative, nonexplicit instructional material; and

WHEREAS, the Department of Education adopted the model policies required pursuant to § 22.1-16.8 of the Code of Virginia in August of 2022, which focused on books used in the classroom and specifically clarified that any books contained in public school libraries would, under such policies, be considered "instructional material" only if students were required to read such books for completion of an assignment or as a part of an academic or extracurricular educational program; and

WHEREAS, some school divisions subsequently removed books from circulation in public school libraries based on the school division's determination that such books contained sexually explicit content, in accordance with § 22.1-16.8 of the Code of Virginia, or based on the school division's determination that other content contained in such books was objectionable; and

WHEREAS, some of the decisions by school divisions to remove certain books from public school libraries were made upon the recommendation of "challenge committees," consisting of parents of students in the school division and school librarians or other media specialists, while in other cases, such decisions were made without any recommendation of a school librarian or media specialist and were, instead, made upon the direction of a school board, individual school board members, individual school principals, division superintendents, or other school administrators; and

WHEREAS, the variations in procedure, process, and standards for the removal of certain books from public school libraries by school divisions across the Commonwealth presents significant questions relating to compliance with § 22.1-16.8 of the Code of Virginia and the protection of the opportunities for learning and intellectual exploration created by public school libraries; 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 certain books from public school libraries. The Joint Legislative Audit and Review Commission shall focus its study on any books removed from public school libraries after July 1, 2020, based on certain content included in such books.

In conducting its study, the Joint Legislative Audit and Review Commission shall survey each of the 135 school divisions in the Commonwealth to identify (i) which school divisions removed any books from a library in any of its public schools on the basis of certain content contained therein after July 1, 2020; (ii) for each removed book identified pursuant to clause (i): (a) the title, author, and any other identifying information; (b) the fiscal year of removal; (c) the name of the school from whose library such book was removed; (d) whether it was removed upon the recommendation of a "challenge committee" and, if not, whether it was removed at the direction of the school board or one or more school board members, a school principal, a division superintendent, or another school administrator; (e) how the review was initiated, the role of the school's librarian or media specialist in the removal process, and which, if any, other school board employees were involved in the removal process and the role each individual played; and (f) if § 22.1-16.8 of the Code of Virginia or a policy adopted in accordance therewith was used to justify such removal; (iii) which school divisions have appointed a committee or other body to review the content of books currently contained in or proposed book purchases for inclusion in public school libraries and, if so, whether (a) such committee or body includes a school librarian or media specialist employed by the school division and (b) the meetings of such committee or body are advertised and open to the public; and (iv) in consultation with any relevant state agencies, what resources are available at the state level to support school administrators in

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60 making decisions relating to the removal of books from public school libraries.

61 Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by local
62 school divisions in the Commonwealth. All agencies of the Commonwealth shall provide assistance to the
63 Joint Legislative Audit and Review Commission for this study, upon request.

64 The Joint Legislative Audit and Review Commission shall complete its meetings by August 1, 2025, and
65 the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its
66 findings and recommendations no later than October 1, 2025. The executive summary shall state whether the
67 Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor
68 a report of its findings and recommendations for publication as a House or Senate document. The executive
69 summary and report shall be submitted as provided in the procedures of the Division of Legislative
70 Automated Systems for the processing of legislative documents and reports and shall be posted on the
71 General Assembly's website.