

59 removal of library material by the local or regional librarian. Such criteria shall include the library
60 material's relevance, the condition of the library material, the availability of duplicates, the availability of
61 updated library material, and the continued demand for the library material;

62 5. Establish a model request for reconsideration form that may be submitted by an individual with a
63 vested interest in the local or regional library in order to initiate the review of specific library material and
64 that enables such an individual to review the material as a whole, identify the section of the material to which
65 the individual objects, and provide an explanation for such objections that takes into account the context in
66 which such section of the material is located;

67 6. Require library material that is subject to a request for reconsideration to remain available to reserve,
68 check out, or access during the pendency of the review of such request;

69 7. Require each government body to appoint a review committee to review any request for reconsideration
70 form submitted by an individual with a vested interest in the local or regional library. Such review committee
71 shall consist of at least one member of the government body, the chief librarian of the local or regional
72 library, a librarian employed by the local or regional library who specializes in the subject of the request for
73 reconsideration, and any additional library staff that the government body deems necessary;

74 8. Require the review committee appointed pursuant to subdivision 7 to evaluate the request for
75 reconsideration form, review the library material in question, and report in writing its decision to the
76 individual who submitted the request and to the government body within 30 business days from the date of
77 receiving the form; and

78 9. Permit the individual who filed the request for reconsideration form to appeal the review committee's
79 decision to the government body within 30 days of such decision, require the government body to evaluate the
80 review committee's decision and make a written final determination on the disposition of the request for
81 reconsideration and its reasons for such disposition, and require such written final determination to be made
82 publicly available.

83 B. Each local or regional library shall adopt policies that are consistent with the model policy developed
84 pursuant to subsection A.

85 C. Any library material for which a request for reconsideration form has been received and a review
86 conducted pursuant to policies adopted in accordance with subsection B shall not be subject to another
87 review for a period of one year.

88 D. Nothing in this section shall be construed to require a librarian employed by a local or regional
89 library to purchase or otherwise acquire any particular library material.

90 E. Any staff member of a local or regional library, including a librarian employed by a local or regional
91 library, shall be immune from civil and criminal liability arising from good faith actions performed pursuant
92 to this section.

93 F. No government body shall reduce funding for a local or regional library due to the library's
94 compliance with the provisions of this section.

95 **§ 42.1-45.3. School library collection policy.**

96 A. The Superintendent of Public Instruction, in collaboration with the Librarian of Virginia, shall
97 establish and periodically amend as necessary a model policy on the selection, purchase, curation, display,
98 and removal of library material and the request for reconsideration of library material in a school library.
99 Such model policy shall, at a minimum:

100 1. Recognize that school libraries serve as centers for voluntary inquiry and the dissemination of
101 information and ideas;

102 2. Prohibit the censorship of school library material;

103 3. Provide standards for the selection and curation of school library material by the school librarian
104 while also recognizing that school library material should be provided for the interest, information, and
105 enlightenment of all school library users and should present a wide range of points of view;

106 4. Establish criteria and a procedure, based on professional standards, for the periodic review and
107 removal of school library material by the school librarian. Such criteria shall include the school library
108 material's relevance, the condition of the school library material, the availability of duplicates, the
109 availability of updated school library material, and the continued demand for the school library material;

110 5. Establish a model request for reconsideration form that may be submitted by an individual with a
111 vested interest in the school library in order to initiate the review of specific school library material and that
112 enables such an individual to review the material as a whole, identify the section of the material to which the
113 individual objects, and provide an explanation for such objections that takes into account the context in
114 which such section of the material is located;

115 6. Require school library material that is subject to a request for reconsideration to remain available to
116 reserve, check out, or access during the pendency of the review of such request;

117 7. Require each school board to appoint a review committee to review any request for reconsideration
118 form submitted by an individual with a vested interest in the school library. Such review committee shall
119 consist of at least one member of the school board, the division superintendent or his designee, the principal
120 of the school in which the form is submitted or such principal's designee, a school librarian with an

121 endorsement in library media preK-12 who is employed at the school in which the form is submitted, and a
 122 grade-appropriate teacher, provided that such teacher selected is not the individual who submitted the form;

123 8. Require the review committee appointed pursuant to subdivision 7 to evaluate the request for
 124 reconsideration form, review the school library material in question, and report in writing its decision to the
 125 individual who submitted the request and to the school board within 30 business days from the date of
 126 receiving the form; and

127 9. Permit the individual who filed the request for reconsideration form to appeal the review committee's
 128 decision to the school board within 30 days of such decision, require the school board to evaluate the review
 129 committee's decision and make a written final determination on the disposition of the request for
 130 reconsideration and its reasons for such disposition, and require such written final determination to be made
 131 publicly available.

132 B. Each school board shall adopt policies that are consistent with the model policy developed pursuant to
 133 subsection A.

134 C. Any school library material for which a request for reconsideration form has been received and a
 135 review conducted pursuant to policies adopted in accordance with subsection B shall not be subject to
 136 another review for a period of one year.

137 D. Nothing in this section shall be construed to require a school librarian to purchase or otherwise
 138 acquire any particular school library material.

139 E. Any staff member of a school library, including a librarian employed by the school board, shall be
 140 immune from civil and criminal liability arising from good faith actions performed pursuant to this section.

141 **§ 42.1-45.4. Declaratory and injunctive relief.**

142 A. A librarian who has been subjected to discipline, termination, or threats of discipline or termination
 143 for refusing to engage in the censorship of library materials in violation of policies established pursuant to
 144 this chapter may seek relief against the relevant government body or school board in any court of competent
 145 jurisdiction for declaratory and injunctive relief including reinstatement, back pay, restoration of benefits,
 146 and such other equitable relief as may be appropriate and necessary to make the librarian whole.

147 B. Any individual with a vested interest in a local or regional library or individual with a vested interest
 148 in a school library may seek relief in any court of competent jurisdiction for declaratory and injunctive relief
 149 against the relevant government body or school board for engaging in censorship of library materials in
 150 violation of policies established pursuant to this chapter. However, a student or a student's parent shall only
 151 be permitted to challenge censorship of library materials in the school library of the school that the student
 152 attends.

153 C. An author whose library materials have been subjected to censorship may bring an action in any court
 154 of competent jurisdiction for declaratory and injunctive relief against the relevant government body or school
 155 board for engaging in such censorship in violation of policies established pursuant to this chapter.

156 D. Any school board employee or employee in a local or regional library who acts pursuant to direct
 157 orders from a local, state, or federal governing body shall not be liable for censorship.

158 E. Any action or proceeding instituted pursuant to the provisions of this section shall be commenced no
 159 later than one year after the date on which the violation in question is committed.