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HOUSE BILL NO. 236

Offered January 14, 2026

Prefiled January 8, 2026

A BILL to amend the Code of Virginia by adding in Title 42.1 a chapter numbered 2.1, consisting of sections numbered 42.1-45.1 through 42.1-45.4, relating to local, regional, and school library material.

Patron—Gardner

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 42.1 a chapter numbered 2.1, consisting of sections numbered 42.1-45.1 through 42.1-45.4, as follows:

CHAPTER 2.1.**LOCAL, REGIONAL, AND SCHOOL LIBRARY MATERIAL.****§ 42.1-45.1. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Censorship" means the act of suppressing, restricting, removing, or prohibiting the acquisition of library material on the basis of disagreement with the material's origin or background; any views, ideas, or concepts expressed in the material; or the identity of any individual who contributed to its creation, including the race, gender, sexuality, or religious or political views of any such individual. "Censorship" does not include the act of suppressing, restricting, removing, or prohibiting the acquisition of library material on the basis that (i) such material is deemed developmentally inappropriate; (ii) the average person, applying contemporary standards, would find that the material, taken as a whole, appeals to the prurient interest; (iii) the material, taken as a whole, clearly depicts or describes, in a patently offensive way, sexual conduct; or (iv) the material, taken as a whole, clearly lacks serious literary, artistic, educational, political, or scientific value.

"Developmentally inappropriate" means not structured to account for a child's age and misaligned with the cognitive, emotional, or social development of the age group of the intended audience as informed by standards and guidance from the American Library Association or any other similar well-recognized and well-established educational or developmental authority.

"Government body" means any government decision-making body or governing body, such as a library board, that exercises authority over the purchasing, selection, curation, and location of local or regional library material.

"Individual with a vested interest in the local or regional library" means any individual who resides in the locality or region that is served by the local or regional library.

"Individual with a vested interest in the school library" means any teacher in the school division in which the school library is located, any parent of a student enrolled in the school at the time that a request for reconsideration form is filed, and any student enrolled in the school at the time that a request for reconsideration form is filed.

"Librarian" means a professionally trained employee in a local, regional, or school library who is responsible for the selection, purchase, curation, display, and removal of library material.

"Library material" means any material, whether in physical or electronic form, including books, videos, subscription or locally curated databases, audio materials, government documents, interactive applications and software, or other similar materials, that is owned by, on loan to, or otherwise in the custody of a local, regional, or school library.

"Request for reconsideration" means a request to reclassify library material, move library material to a different section of the library, or remove library material from the library.

§ 42.1-45.2. Local or regional library material policy.

A. The Librarian of Virginia shall develop and the Library Board shall adopt and periodically amend as necessary a model policy on the selection, purchase, curation, display, and removal of library material and the request for reconsideration of library material in a local or regional library. Such model policy shall, at a minimum:

1. Recognize that local and regional libraries serve as centers for voluntary inquiry and the dissemination of information and ideas;

2. Prohibit the censorship of library material;

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

4. Establish criteria and a procedure, based on professional standards, for the periodic review and

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

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

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

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

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

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

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

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

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

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

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

§ 42.1-45.3. School library collection policy.

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

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

2. Prohibit the censorship of school library material;

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

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

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

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

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

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

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

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

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

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

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

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

§ 42.1-45.4. Declaratory and injunctive relief.

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

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

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

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

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