

# Education Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5417

**Title:** AN ACT CONCERNING PUBLIC SCHOOL LIBRARIES.

**Vote Date:** 3/20/2024

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/11/2024

**File No.:**

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

### SPONSORS OF BILL:

Education Committee

Rep. Susan M. Johnson, 49<sup>th</sup> Dist.

Sen. Martha Marx, 20<sup>th</sup> Dist.

Rep. Anthony L. Nolan, 39<sup>th</sup> Dist.

Rep. Christopher Rosario, 128<sup>th</sup> Dist.

### REASONS FOR BILL:

This bill requires boards of education to state a reason for removing or restricting access to public school library materials and prohibits such boards from removing or restricting access to such materials for specified reasons, including (1) partisan content or views contained in library material; (2) race, nationality, gender identity, sexual orientation, or political or religious views of an author or protagonist or other characters or as otherwise represented in the library material; (3) the personal discomfort, morality, or political or religious views of a board member or members; (4) an author's point of view on local, national, or international current events; (5) the content relates to sexual health and addresses physical, mental, emotional, or social dimensions of human sexuality, including puberty, sex and relationships based on the age, development, and grade level of the students.

As a state amid a youth mental health crisis, this bill would ensure all students have access to books that provide self-affirming, relatable stories to provide social and emotional support to those struggling students. Additionally, it would provide a framework for local school boards of education to respond to potential reading challenges and will help ensure that decisions about access to reading materials will be made through an education-based, clear procedure.

### SUBSTITUTE LANGUAGE:

The substitute language of this bill adds language about board policies and qualified complaints and makes a conforming change to the language of the original bill. Additionally, it changes "partisan approval or disapproval of any library material by the board" to "partisan content or views contained in any library material". The substitute language of this bill also adds "The" at the start of Line 52, and adds reference to age, development, and grade level.

#### **RESPONSE FROM ADMINISTRATION/AGENCY:**

None expressed.

#### **NATURE AND SOURCES OF SUPPORT:**

[Windham Free Library, Board Member, Thomas Avery:](#) expresses support for this bill stating that diversity of thought, including of partisan politics, race, religion, gender, and sexuality, is fundamental to a healthy democracy and thus the removal of such content from public school libraries would be an infringement on constitutional liberties.

[Case Memorial Library, Adult Services Librarian, Nina Bartlomiejczyk:](#) expresses support for this bill stating that it is important for children of all identities to see themselves represented in books and stories because it will aid in their growth and development as students and persons. They also state that the removal of such content is an infringement on personal liberties.

[New Haven Federation of Teachers, President, Leslie Blatteau:](#) expresses support for this bill stating, as a teacher, it is their professional obligation to teach the truth, removing or restricting certain materials from a public-school library interferes with that professional obligation.

[Children's Author, Doe Boyle:](#) expresses support for this bill stating it is essential to protect the ability of school librarians to provide access to diverse and engaging books. They also note that much of the book content referred in this bill supports cognitive development of all learners and offer essential social and emotional pathways to students' understanding of themselves and others.

[Rabbi, Herbert Brockman:](#) expresses support for this bill and reflects on the negative historical outcomes from banning or restricting books, especially as it concerns 20<sup>th</sup> century Jewish history.

[Scotts Ridge Middle School, Social Studies Teacher, Thomas Broderick:](#) expresses support for this bill stating it strikes an important balance between the need of parents to monitor what their students read, and the public's interest in making sure that school libraries have books for all students to read that accurately reflect their lived experiences.

[Children's Author and Poet, Leslie Bulion:](#) expresses support for this bill stating it gives school boards of education a non-partisan framework for responding to potential reading challenges and will help ensure that decisions about access to reading materials will be made through an education-based and clear procedure.

**Ellington Public Schools, Teacher Librarian, Sarah Burdacki:** expresses support for this bill stating that it would provide a necessary limit to the power of individuals intent on removing student's rights to read books that they may need in their lives. They also state that, being in the midst of a youth mental health crisis, access to books that provide self-affirming, relatable stories are a powerful way to provide social and emotional support to those struggling students.

**Author and Illustrator, Gaia Cornwall:** expresses support for this bill stating they trust the judgement of the professional librarians to collect and stock books and materials that benefit the whole community, as it is librarians who know their patron's needs best.

**Author and Educator, Sarah Darer Littman:** expresses support for this bill citing Supreme Court case *Pico v. Island Trees* (1982) as established precedent protecting children's right to read, stating removing or restricting books in public school libraries violates that right. They also cite a PEN America study which suggests that most books being banned across the country contain subject matter related to LGBTQ+ characters, characters of color or themes of race and racism, and themes or instances of violence and physical abuse.

**Jonathan Trumbull Library, Library Director, Lindsay Delligan:** expresses support for this bill stating it would help to guide boards of education across the state through established book challenge processes and help to create more transparency in established school policies.

**Rumsey Hall School, Library Media Specialist, Valerie DiLorenzo:** expresses support for this bill stating, in their professional capacity, they create a collection of books that represents all students and one where they can learn from others, which creates a sense of community within the school. To aid in creating such collection, they state that they have access to book reviews written by certified librarians and professionals.

**Guildford Public Schools, Superintendent, Paul Freeman:** expresses support for the intent behind this bill and states it is an important step in protecting children's access to books and their right to read freely. They express concern, however, with the language of this bill, stating it is overly vague concerning which books can be removed and for what reasons such book can be removed from libraries. They state concern that with the current language, accusations may be leveled against librarians over decisions they make in removing certain materials.

**Resident, Windsor Geraci:** expresses support for this bill and provides recommendations to strengthen its language. They recommend challenges made for book removal should only be heard from parents of children in actively enrolled in a public school of that particular district. They also recommend referring to the "Miller Test," established in Supreme Court case *Miller v. California* (1973), to determine what materials are obscene when deciding to remove books from public school libraries.

**Suffield Resident, Annie Hornish:** expresses support for this bill and recommends expanding the language to include prohibiting any government official, including mayors and First Selectman's, from removing books and materials from public school libraries that pertain to the content outlined in this bill.

[Essex Board of Education, Board Chair, Lon Seidman:](#) expresses support for this bill; however, they suggest requiring boards of education have a policy and procedures in place for reexamination of library and curriculum materials, when requested by an individual. Furthermore, they state that most boards of education have employed professional librarians who are trained to review materials for relevance and age appropriateness. They also express concern with the definition of "remove" in Sect. 1(2), stating it may create confusion and disputes over what constitutes materials that are "no longer useful."

[East Hartford Public Schools, Library Media Specialist, Elizabeth Wright:](#) expresses support for this bill stating that having access to a diverse collection of books in public school libraries is critical to graduate students who can think critically, solve complex problems, internationally minded, consider diverse perspectives, and develop into global leaders who can make a difference in the world through service and action.

[American Civil Liberties Union CT \(ACLU-CT\), Policy Counsel, Jess Zaccagnino:](#) expresses strong support for this bill stating it protects the intellectual health of society at large by requiring boards of education to state a reason for removing or restricting access to public school library materials.

***The following Library Media Specialists and Teachers submitted testimony in support of this bill.*** They state that, in their professional experience, they have witnessed the importance of providing a diverse selection of books to students as books can help them through adversity and successes and help them gain understanding of other's adversity and successes.

[The Sound School, Library Media Specialist, Alicia Cook](#)  
[CT Professional Librarian, Carl DeMilia](#)  
[Former Library Media Specialist, Anne Doyle](#)  
[Retired Teacher, Suzanne Duesing](#)  
[Teen Services Librarian, Alex Ellis](#)  
[John Read Middle School, Library Media Specialist, Maria Frederick](#)  
[Boston Public Schools, Former Director of Libraries, Deborah Lang Froggatt, PhD.](#)  
[Brookside School, Library Media Specialist, Audra Good](#)  
[Barkhamsted School, Library Media Specialist, Laura Hedenberg](#)  
[Newtown Public Schools, Library Media Specialist, Suzanne Hurley](#)  
[Scotts Ridge Middle School, Teacher-Librarian, Janine Johnson](#)  
[Fitch High School and Groton Middle School, Librarian, Lizanne Johnson](#)  
[E.O. Smith High School, Librarian, Jennifer Larkin](#)  
[Regional School District 13, Teacher, Jessica Loffredo](#)  
[CT Assoc. of School Librarians, President, Jenny Lussier](#)  
[Brookfield High School, Teacher-Librarian, Kathy Malatesta](#)  
[Special Education Teacher, Chalis Marzullo](#)  
[Teacher-Librarian, Tess Mawhinney-McCool](#)  
[Retired Library Media Specialist, Mary Metheny](#)  
[Southern CT State University, Adjunct Professor, Mary Ellen Minichiello](#)  
[Long Meadow Elementary School, Library Media Specialist, Christina O'Neill](#)  
[The Gilbert School, Library Media Specialist, Karen Pfeffer](#)  
[Windsor Public Library, Children's Librarian, Alexandra Remy](#)  
[Education Professor, Susannah Richards](#)

[Broad Brook Elementary School, Retired Library Media Specialist, Elaine Shapiro](#)  
[Fairfield Public Schools, Library Media Specialist, Kevin Staton](#)  
[East Hampton High School, Library Media Specialist, Katie Tietjen](#)  
[Southwest School, Library Media Specialist, Christine Zeiser](#)

**50 additional children's authors, parents, and residents submitted testimony in support of this bill.** They state that their children have a constitutional right to read a diverse collection of books provided by qualified professionals in public school libraries. They also express that any removal or restriction of access to materials by non-library professionals should have a clear justification.

#### **NATURE AND SOURCES OF OPPOSITION:**

[House Republican Office, State Representative for Newtown, Mitch Bolinsky](#): provides one-line testimony stating their opposition to this bill.

[CTRA New Haven Chapter, President, Marjorie Bonadies](#): expresses opposition to this bill stating it pulls the decision making for age-appropriate book choices away from elected board of education members to an unelected school librarian who is not accountable to the taxpayer.

[Teachers/Parents Against Porn, Volunteer Director, Victoria Crown](#): expresses opposition to this bill stating it would open the door to unrestricted amounts of pornographic material to be brought in and paid for by taxpayer funds. Moreover, they recommend amending this bill's language to require librarians to provide a list of every sexualized book available in public school libraries to parents and local boards of education, mandate librarians get parental permission for any sexual content exposure to children in schools, and mandate librarians provide to parents an explanation as to why they support providing pornographic materials in school library collections.

[Parent, Jennifer Damon](#): expresses opposition to this bill and cite 18 USC 1470, stating this bill violates United States Code by transferring obscene material to persons under the age of 16 years and providing such material through public school libraries. They also state that this bill will contribute to the decline of morality and innocence of children.

[Parent, Olga Strongin-Eusko](#): expresses opposition to this bill stating its language is ambiguous and parents should have the transparency and ability to decide what content their children have access to.

[Resident of West Hartford, Brian Gedicks](#): expresses opposition to this bill stating it threatens the balance of interests between school boards, superintendents, parents, the community, and librarians by weaponizing government power to place most of the decision-making authority with government school staff.

[Teacher, Melissa Gibbons](#): expresses opposition to this bill stating it oversteps control of local school boards and exposes children to developmentally inappropriate content. They suggest allowing and providing such content in public libraries for parents to sign out for their children, rather than in public school libraries.

**National Hispanic Christian Leadership Conference CT (NHCLC), Coordinator of Legislative Affairs, Victor Gomez:** expresses opposition to this bill stating the American Library Association's (ALAs) "Library Bill of Rights" should not influence legislation in CT as it seeks to remove the responsibility of parents to raise, care for, and educate their children.

**Parent, Manju Gopinathan:** expresses opposition to this bill stating these provisions build a wall to keep parents and the community out, while sanctioning something as important as the propriety of the content available in school libraries to an administrative staff, while absolving elected school board officials from having to explain their decisions to the voting public. They suggest the legislature instead support the principles of open dialogue that help set community standards and what content is appropriate to best help children succeed.

**Middletown Board of Education, Member, Adam Hayn:** expresses opposition to this bill stating it would curb the influence of local boards of education, which have proven to be more responsive to their respective communities than state or federal agencies. They also state this bill will effectively create a system that curtails the freedom of speech of local communities.

**National Hispanic Leadership Conference CT (NHCLC), Executive Director, Abraham Hernandez:** expresses opposition to this bill and a particular concern with lines 26-28, stating there have been incidents in the past where children were exposed to material that was not developmentally appropriate at public school libraries and school book fairs, which has left them deeply disturbed.

**World Library Association, Executive Director, Dan Kleinman:** expresses opposition to this bill stating it defies the Supreme Court decision in *Pico v. Island Trees* (1982), the U.S. Constitution, and the CT Constitution by allowing vulgar material in public school libraries and eliminating the peoples right to apply for redress of grievances to their local boards of education.

**Resident, Nick Postovoit:** expresses opposition to this bill and outlines three crucial points they state demands consideration. Firstly, they state this bill disregards the moral and religious convictions of numerous constituents who vehemently oppose the exposure of sexually explicit material to their children. Secondly, they state this bill does not focus on the improvement of education in the state, rather it promotes agendas that diverge from the core principles of education. Lastly, they state this bill encroaches upon conservative and libertarian principles by disempowering the constituents who have entrusted board of education members with the responsibility of safeguarding their children's educational journey.

**Family Institute of CT, Director of Public Policy, Leslie Wolfgang:** expresses opposition to this bill stating school media specialists are not neutral actors. They state this bill is inspired by the American Library Association (ALA) and highlight such organization is headed by a "self-described Marxist," which they suggest underpins the language of this bill.

***62 additional parents, community leaders, and anonymous constituents submitted testimony in opposition to this bill.*** They express that they do not support banning books; however, they state opposition to the provisions in this bill that would remove parental rights to apply for redress of grievances to their elected school board officials when they have

concerns about their children's access to obscene sexual illustrations and commentary, obscene sexual nudity, and profanity in public school libraries. Generally, they state support for providing such materials in public libraries for parents to sign-out for their children, rather than in public school libraries over which parents have limited supervision.

**Reported by: James Magson**

**Date: 4/1/24**