

HOUSE No. 4229

The Commonwealth of Massachusetts

PRESENTED BY:

John Francis Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding free expression.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>12/4/2023</i>

HOUSE No. 4229

By Representative John Francis Moran of Boston, a petition (subject to Joint Rule 12) of John Francis Moran relative to the right of students to freedom of expression in public schools. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act regarding free expression.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 82 of chapter 71 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting, in line 8 of the first paragraph, after the word
3 “opinions” the following words:- , and (d) to receive information determined to be appropriate
4 for inclusion in school libraries by school library teachers licensed by the department of
5 elementary and secondary education, or in the absence of such school library teachers, the school
6 official responsible for the selection of library materials and the use of school library materials
7 and facilities.

8 SECTION 2. Section 82 of said chapter 71, as so appearing, is hereby further amended by
9 striking from the last sentence in line 11 of the first paragraph the words “his designee” and
10 inserting in place thereof the following words:- their designee. Any determination by a school
11 library teacher licensed by the department of elementary and secondary education, or in the
12 absence of such school library teacher the school employee responsible for the selection of

13 library materials and the use of school library materials and facilities, that materials are
14 appropriate for inclusion in a school library shall be based on their professional training and not
15 on political or personal views. Such a determination shall not be overruled except upon a
16 judgment issued by a vote of the school committee, after notice and public hearing and
17 recommendation by a review committee of school personnel and the superintendent, that, based
18 on clear and convincing evidence, the material is devoid of any educational, literary, artistic or
19 social value or is not age appropriate for any children who attend the school. Challenged
20 materials deemed appropriate by the school library teacher, or in the absence of such school
21 library teacher the school employee responsible for the selection of library materials and the use
22 of school library materials and facilities, shall remain on the shelves pending a judgment issued
23 by a vote of the school committee. A decision of the school committee to remove a school library
24 book that has been deemed appropriate by a school library teacher, or in the absence of such
25 school library teacher the school official responsible for the selection of library materials and the
26 use of school library materials and facilities, may be challenged by any student, parent, or
27 guardian pursuant to section 5 of chapter 249, including on the grounds that the decision was not
28 supported by clear and convincing evidence.

29 SECTION 3. Section 82 of said chapter 71, as so appearing, is hereby further amended by
30 striking from the first sentence in line 18 of the last paragraph the word “secondary”.

31 SECTION 4. Section 19B of chapter 78 of the General Laws, as appearing in the 2020
32 Official Edition, is hereby amended by inserting in line 22 after the word “auditor” the following
33 words:- and (8) adopt and make public a written policy for the selection and use of library
34 materials and facilities in accordance with section thirty three of chapter seventy eight, provided
35 such policy shall incorporate the American Library Association’s Library Bill of Rights and

36 indicate that materials should not be selected, proscribed or removed because of doctrinal or
37 partisan disapproval.

38 SECTION 5. Section 33 of said chapter 78, as so appearing, is hereby amended by
39 inserting in line 6 after the words “American Library Association” the following words:- ,
40 including the Library Bill of Rights.

41 SECTION 6. Section 33 of said chapter 78, as so appearing, is hereby further amended by
42 inserting in line 6 after the word “dismissed” the following words:- , disciplined, placed on
43 probation, lose librarian licensure or certification, be fined, or imprisoned.