
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1374 Session of
2023

INTRODUCED BY RABB, HILL-EVANS, PROBST, SMITH-WADE-EL, KINSEY,
MADDEN, HOHENSTEIN, CERRATO, SANCHEZ, SCHLOSSBERG AND KHAN,
JUNE 12, 2023

REFERRED TO COMMITTEE ON EDUCATION, JUNE 12, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in terms and courses of study,
6 providing for books and other educational resource materials.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Article XV of the act of March 10, 1949 (P.L.30,
10 No.14), known as the Public School Code of 1949, is amended by
11 adding a subarticle to read:

12 (e) Books and Other Educational Resource Materials.

13 Section 1561. Definitions.

14 The following words and phrases when used in this subarticle
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Board." The governing body of a public school entity.

18 "Committee." An educational resource material review

19 committee established under section 1563.

1 "Department." The Department of Education of the
2 Commonwealth.

3 "Institution of higher education." Any of the following:

4 (1) A university within the State System of Higher
5 Education established under Article XX-A.

6 (2) An institution designated as "State-related" by the
7 Commonwealth.

8 "Printed or audiovisual material." Any material that is
9 purchased by, donated to or otherwise made available to a
10 library at a public elementary or secondary school and available
11 in a print format, including a book, periodical, newspaper and
12 document, or available in a nonprint format, including a
13 recording of sound or image and other multimedia or digital
14 source.

15 "Professor." An individual who teaches at an institution of
16 higher education located within this Commonwealth and has
17 assigned a book or other educational resource material under
18 discussion at least twice during the three preceding academic
19 years.

20 "Protected characteristic." A characteristic of or relating
21 to a protected class, including race, color, religion, national
22 origin, sex, marital status, sexual orientation, gender identity
23 or disability or other medical condition, and a character,
24 literary element, theme, symbol or other literary content,
25 fictional or nonfictional, relating to or referencing the
26 characteristic.

27 "Protected class." One of the following:

28 (1) A group of individuals protected under the act of
29 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
30 Human Relations Act.

1 (2) Another group of individuals not explicitly
2 protected under the Pennsylvania Human Relations Act, but
3 that may experience discrimination due to the individuals'
4 sexual orientation or gender identity.

5 "Public school entity." A public school, including a school
6 district, charter school, intermediate unit or area career and
7 technical school.

8 "Qualified moderator." An individual who has professional or
9 academic background in the subject area of a book or other
10 educational resource material under discussion.

11 Section 1562. Authorization.

12 A board may, by majority vote and if the board of school
13 directors complies with the requirements of this subarticle:

14 (1) Ban or restrict access to a book or other
15 educational resource material from a school library,
16 curriculum or recommended reading list or related use of the
17 public school entity.

18 (2) Require the inclusion or acquisition of a book or
19 other educational resource material within a school library,
20 curriculum or recommended reading list or related use of the
21 public school entity.

22 Section 1563. Establishment of committee.

23 (a) Requirement.--A board may not engage in an action
24 authorized under section 1562 unless the board of school
25 directors first establishes an educational resource material
26 review committee.

27 (b) Nature and purposes.--A committee shall be advisory in
28 nature, assist with instituting policies in accordance with this
29 subarticle and inform school communities about books, curricula
30 and other educational resource materials.

1 (c) Mandatory composition.--A committee shall consist of the
2 following individuals associated with the school district of the
3 public school entity:

4 (1) Principals.

5 (2) Directors of curricula.

6 (3) Librarians.

7 (4) The superintendent or a designee of the
8 superintendent.

9 (d) Discretionary composition.--The board may permit a
10 committee to include other stakeholders, such as officers of
11 school-recognized student groups.

12 Section 1564. General training.

13 A member of a committee shall participate in training
14 developed in conjunction with the following:

15 (1) The Office of Diversity, Equity and Inclusion within
16 the Pennsylvania State System of Higher Education.

17 (2) The State Board of Education.

18 (3) The Office of Commonwealth Libraries within the
19 department.

20 (4) Teacher unions in this Commonwealth, including the
21 Pennsylvania State Education Association and the Pennsylvania
22 Federation of Teachers.

23 Section 1565. Committee meetings.

24 (a) Requirements.--Prior to a public hearing under section
25 1570, a committee shall:

26 (1) Hold an initial organizational meeting, during which
27 the members of the committee shall select a chairperson or
28 two cochairpersons.

29 (2) Hold no fewer than two meetings to conduct business
30 in furtherance of this subarticle.

1 (b) Nature of meetings.--A meeting of a committee held prior
2 to a public hearing under section 1570 need not be open to the
3 public.

4 Section 1566. Forms.

5 (a) Development and purpose.--The department, in
6 consultation with the Pennsylvania State System of Higher
7 Education and the Office of Commonwealth Libraries within the
8 department, shall develop a form to be used by a member of a
9 board who seeks to ban, restrict access to or require the
10 inclusion or acquisition of a book or other educational resource
11 material from or within a school library, curriculum or
12 recommended reading list or related use of the public school
13 entity.

14 (b) Posting.--The form shall be posted on the department's
15 publicly accessible Internet website.

16 (c) Contents.--A completed form shall identify:

17 (1) categories of concern and specific sections,
18 passages or pages of the book or other educational resource
19 material that merit the ban or restriction; or

20 (2) reasons for requiring the inclusion or acquisition
21 of the book or other educational resource material.

22 (d) Duties.--Prior to a public hearing under section 1570, a
23 committee shall:

24 (1) Address any concern regarding the form.

25 (2) Review any completed form by a member of the board.

26 (e) Public record.--A completed form shall be accessible for
27 inspection and duplication in accordance with the act of
28 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
29 Section 1567. Notarized attestation.

30 A member of the board who seeks to ban, restrict access to or

1 require the inclusion or acquisition of a book or other
2 educational resource material from or within a school library,
3 curriculum or recommended reading list or related use of the
4 public school entity must:

5 (1) complete the form under section 1566;
6 (2) sign a notarized attestation form that the member
7 has read the book or other educational resource material in
8 its entirety within the current calendar year; and

9 (3) attach to the form a receipt documented by a school
10 librarian or director of curriculum provided to the member.
11 The receipt shall state whether the book or other educational
12 resource material is within a school library, curriculum or
13 recommended reading list or related use of the public school
14 entity.

15 Section 1568. Specific training.

16 Members of a committee shall participate in a training by a
17 Pennsylvania State System of Higher Education professor, or a
18 designee, who has taught or otherwise written about a book or
19 other educational resource material in question, as confirmed by
20 the department and a librarian chosen by the Office of
21 Commonwealth Libraries within the department.

22 Section 1569. Report.

23 (a) Preparation.--A committee shall prepare a report
24 containing a discussion of a book or other educational resource
25 material and the recommendation of the committee regarding the
26 proposed ban, restriction, inclusion or acquisition of the book
27 or other educational resource material.

28 (b) Requirements.--The report shall be:

29 (1) Transmitted to the board at least 24 hours before
30 the scheduled meeting of the board during which the proposed

1 ban, restriction, inclusion or acquisition will be
2 considered.

3 (2) Posted on the public school entity's publicly
4 accessible Internet website.

5 (c) Template.--The Pennsylvania State System of Higher
6 Education shall develop a template for the written report by the
7 committee.

8 Section 1570. Public hearings.

9 (a) Duty to hold.--A board shall hold a public hearing
10 regarding the proposed ban, restriction, inclusion or
11 acquisition of a book or other educational resource material.

12 (b) Moderator.--

13 (1) Except as provided in paragraph (2), the public
14 hearing shall be moderated by at least one professor from an
15 institution of higher education.

16 (2) If no professor from an institution of higher
17 education is available as moderator, the board of school
18 directors of a public school entity shall select another
19 qualified moderator for the public hearing.

20 (c) Presentation.--The chairperson or cochairpersons of the
21 committee, or a designee of the chairperson or cochairpersons of
22 the committee, shall attend the public hearing and present the
23 report under section 1569 and recommendation of the committee.

24 (d) Duties of proponent.--The member of the board who
25 proposes the ban, restriction, inclusion or acquisition of the
26 book or other educational resource material shall attend the
27 public hearing and, as requested by another member of the board
28 or any of the individuals described in subsection (c):

29 (1) Read aloud excerpts from the book or other
30 educational resource material that form the basis of the

1 proposed ban, restriction, inclusion or acquisition of the
2 book or other educational resource material.

3 (2) Provide any other related information, including
4 information contained in the completed form that proposed the
5 ban, restriction, inclusion or acquisition of the book or
6 other educational resource material.

7 (e) Public response.--The public hearing shall allow for
8 residents living within the boundaries of the school district to
9 comment on the merits and content of the book or other
10 educational resource material under discussion at the public
11 hearing.

12 (f) Vote.--

13 (1) Following completion of the public hearing, the
14 board may vote for the ban, restriction, inclusion or
15 acquisition of the book or other educational resource
16 material.

17 (2) A two-thirds vote of the members of the board is
18 required for the ban, restriction, inclusion or acquisition.

19 (3) A motion regarding the ban, restriction, inclusion
20 or acquisition may not occur unless the individual requesting
21 the ban, restriction, inclusion or acquisition is present at
22 the public hearing during which the motion is made.

23 (g) Construction.--A motion regarding the ban, restriction,
24 inclusion or acquisition of a book or other educational resource
25 material may not result in an action being taken regarding the
26 ban, restriction, inclusion or acquisition that occurs after the
27 end of the school year and before the beginning of the next
28 school year.

29 Section 1571. Exception.

30 Notwithstanding any provisions of this act, a board may not

1 remove or restrict access to printed or audiovisual material
2 available in school libraries solely on the basis of the
3 presence of characters, literary elements, themes, symbols or
4 other literary content relating to protected classes or
5 protected characteristics. A board shall apply the review
6 standards and procedures in this subarticle relating to the
7 removal or restriction of access to printed or audiovisual
8 material available in public secondary school libraries,
9 including those involving sexual content or nudity, consistently
10 and equally, free from viewpoint discrimination based on the
11 presence of characters, literary elements, themes, symbols or
12 other literary content relating to protected classes or
13 protected characteristics.

14 Section 2. This act shall take effect in 60 days.