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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB552/SECS</u>	Sponsor	<u>Sedillo Lopez</u>
Tracking Number	<u>.231097.3</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>Public Peace, Health, Safety & Welfare (Protection of School Library Materials)</u>		
		Original Date	<u>3/13/2025</u>
Analyst	<u>Bedeaux</u>	Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

The Senate Education Committee Substitute for Senate Bill 552 (SB552/SECS) enacts a new section of the Public School Code entitled the Protection of School Library Materials Act. The bill provides guidelines for the removal of resources from school libraries.

SB552/SECS would require every school district and state-chartered charter school to establish written policies to ensure compliance with the First Amendment of the United States Constitution and Article 2, Section 17 of the New Mexico Constitution, whichever offers greater protection of free speech. Written policies would also be required to protect against harassment and discrimination based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin or ancestry, with respect to the author, content, and intended audience of a library resource.

Under SB552/SECS, parents may request that a library resource be reconsidered, prompting a review of the resource. A public school library may remove a resource from its collection if the following circumstances are met:

1. The individual requesting the review is a parent or legal guardian of a student who is currently enrolled in the public school of which the request is made;
2. The review occurs in compliance with policies adopted by the local education provider pursuant to SB552/SECS;
3. Removal of the resource does not violate the First Amendment and does not constitute discrimination based on a protected category; and
4. A school's recommendation to remove the resource is approved by the school board or the state-chartered charter school governing body.

Resource reviews would not apply to the removal of resources that occur during routine collection, maintenance, and deaccession policies. Resources may not be considered for removal more than once every two years.

SB552/SECS also provides that public school library staff may not be terminated, demoted, disciplined, or retaliated against for refusing to remove a library resource that has not been reviewed in accordance with policies adopted pursuant to the bill, or if they believe in good faith that they are acting in accordance with such policies.

The bill would be effective July 1, 2025 and require policies be adopted by September 1, 2025.

FISCAL IMPACT

SB552/SECS does not contain an appropriation.

School districts and state-chartered charter schools may incur minor costs associated with adopting policies to implement SB552/SECS. LESC staff estimate the costs of the bill will be minimal.

SUBSTANTIVE ISSUES

National Context. SB552/SECS proposes a process by which books and other resources are systematically reviewed prior to their removal from a school library. Book bans and censorship have become a growing topic of debate, with advocates on [both sides of the political spectrum](#) recommending censorship of topics they deem inappropriate for school children. In 2023, the [American Library Association](#) (ALA) received requests to censor or remove more than 4,200 unique titles, a 65 percent increase over 2022 and a significant increase since 2014, when censorship was requested of 183 unique titles.

SB552/SECS provides that only parents of currently enrolled students may request a book review, potentially reducing the influence of external advocacy organizations in New Mexico schools. According to ALA, 24 percent of censorship requests come from parents, while 21 percent come from advocacy organizations.

First Amendment and Freedom of Speech. SB552/SECS requires school district and state-chartered charter school policies to comply with the First Amendment of the U.S. Constitution and Article 2, Section 17 of the New Mexico Constitution related to freedom of speech. In a 1982 U.S. Supreme Court case [Island Trees School District v. Pico by Pico](#), commonly known as *Pico*, the court issued a ruling narrowly construed to apply to school board actions on school library materials. *Pico* revolves around a group of five students who filed a lawsuit against the Island Trees Board of Education in New York, alleging the board's decision to ban several books from school libraries violated the students' freedom of speech. The U.S. Supreme Court ruled in favor of the students five-to-four. The plurality opinion in *Pico* notes the purpose of a book ban matters; a ban that eliminates the diversity of ideas for nationalistic, political, or religious reasons is a violation of the First Amendment, but a can be justified for nondiscriminatory reasons, such as vulgarity or educational unsuitability.

Under SB552/SECS, school boards and state-chartered charter school governing bodies would be required to review resources and make a determination that censorship or removal of a resource does not constitute discrimination or a violation of the First Amendment under *Pico*. The ALA reports the most common reasons for requested censorship are related to materials that contain sexually explicit content, rape, drugs, and profanity, which appear to be acceptable reasons for materials to be removed under SB552/SECS. However, another common reason for requested censorship reported by ALA—the inclusion of LGBTQ+ content—may be considered

discriminatory under SB552/SECS provided the bill’s provisions preventing discrimination based on sex, sexual orientation, gender identity, and gender expression.

ADMINISTRATIVE IMPLICATIONS

School districts and state-chartered charter schools would be required to adopt policies for the removal of library resources that comply with the provisions of the bill.

The Public Education Department (PED) would be required to review and approve each school district and charter school’s policies. PED may wish to provide guidance to school districts and state-chartered charter schools regarding the removal of school library resources, but the bill does not require the department to do so. PED guidance could reduce administrative burdens for school districts and state-chartered charter schools and result in a more standardized process for review and approval of school policies. Analysis from PED points out that the bill does not charge the department with enforcement of the law, raising questions about how instances of noncompliance will be addressed.

OTHER SIGNIFICANT ISSUES

Other states have recently adopted measures similar to SB552/SECS. In 2023, Illinois [enacted a measure](#) that prohibits libraries from removing books due to partisan or doctrinal disapproval. The measure requires Illinois libraries to adopt the ALA’s [Library Bill of Rights](#), which states “materials should not be excluded because of the origin, background, or views of those contributing to their creation.” Also in 2023, California [enacted a similar measure](#) providing that local education agencies may not prohibit the use of a book “on the basis that it includes the study of the role and contributions of any individual [who is] Native American, African American, Latino American, Asian American, Pacific Islanders, European American, LGBTQ+ American, persons with disabilities, or members of other ethnic, cultural, religious, and socioeconomic statuses groups.” The measure establishes that a violation of this provision constitutes unlawful discrimination as made punishable under California law.

RELATED BILLS

Related to House Bill 27, Librarian Protection Act, which requires public libraries to adopt the ALA Library Bill of Rights and prohibit the banning of books based on partisan or doctrinal grounds.

Related to House Bill 558, No Sexually Explicit Material in Schools, which provides for the removal of school materials that are deemed sexually explicit and are not part of sexual education or biology curricula.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)
- Department of Cultural Affairs (DCA)
- Department of Justice (NMDOJ)