

Proposed

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 552

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ENACTING THE PROTECTION OF SCHOOL LIBRARY MATERIALS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Protection of School Library Materials Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Protection of School Library Materials Act:

A. "library resource" means printed material and non-printed material found in a public school library that supports curricular or personal information needs. "Library resource" does not include materials that are in an individual classroom library;

B. "local education provider" means a local school board as defined in Subsection H of Section 22-1-2 NMSA 1978 or .231097.1

underscored material = new  
[bracketed material] = delete

1 for state-chartered charter schools, the governing body of the  
2 charter school;

3 C. "non-printed material" includes electronic  
4 books, streaming resources, films, disc records, filmstrips,  
5 slides, prints, audiotapes, videotapes, compact discs, computer  
6 software, library programs and exhibits;

7 D. "parent" means a biological parent, an adoptive  
8 parent, a legal guardian or other person having legal custody  
9 of a person under eighteen years of age;

10 E. "printed material" includes books, magazines,  
11 newspapers, pamphlets, microfiche and microfilm;

12 F. "public school" means a school operated by a  
13 local school board or a state-chartered charter school;

14 G. "public school library staff member" means a  
15 teacher librarian, a school library media specialist, a school  
16 librarian, a certified or non-certified staff member assigned  
17 to duties in a public school library or an individual carrying  
18 out or assisting with the functions of a public school library;  
19 and

20 H. "standards" means the standards with which a  
21 local education provider is required to comply in establishing  
22 written policies regarding library resources pursuant to  
23 Section 4 of the Protection of School Library Materials Act.

24 SECTION 3. [NEW MATERIAL] WRITTEN POLICIES.--

25 A. Every local education provider shall by

1 September 1, 2025 establish written policies for the  
2 acquisition, retention, display and use of library resources  
3 that comply with the provisions of Section 4 of the Protection  
4 of School Library Materials Act. If, as of July 1, 2025, a  
5 local education provider has already established written  
6 policies that comply with the requirements of that section, the  
7 local education provider is not required to write new policies  
8 pursuant to this subsection.

9 B. Every local education provider shall by  
10 September 1, 2025 establish a written policy for the  
11 reconsideration of a library resource that complies with the  
12 provisions of Section 5 of the Protection of School Library  
13 Materials Act. If, as of July 1, 2025, a local education  
14 provider has already established written policies that comply  
15 with the requirements of that section, the local education  
16 provider is not required to write new policies pursuant to this  
17 subsection.

18 SECTION 4. [NEW MATERIAL] STANDARDS.--The written  
19 policies established by a local education provider pursuant to  
20 Subsection A of Section 3 of the Protection of School Library  
21 Materials Act shall, at a minimum, comply with the following  
22 standards:

23 A. a public school library shall comply with the  
24 first amendment to the United States constitution as  
25 interpreted by the United States supreme court in *Island Trees*

.231097.1

1 *School District v. Pico by Pico*, 457 U.S. 853 (1982), and  
2 pursuant to Article 2, Section 17 of the constitution of New  
3 Mexico concerning freedom of speech; and

4 B. a public school library shall protect against  
5 harassment and discrimination, particularly regarding a  
6 protected class based on disability, race, creed, color, sex,  
7 sexual orientation, gender identity, gender expression, family  
8 composition, religion, age, national origin or ancestry, with  
9 respect to the author, content and intended audience of a  
10 library resource.

11 SECTION 5. [NEW MATERIAL] RECONSIDERATION OF LIBRARY  
12 RESOURCES.--

13 A. A public school library may remove a library  
14 resource from its permanent collection only if that resource  
15 has been reviewed in accordance with an established policy for  
16 the reconsideration of library resources that complies with the  
17 requirements of Section 4 of the Protection of School Library  
18 Materials Act; provided that the provisions of this subsection  
19 do not apply to routine collection, maintenance and deaccession  
20 in accordance with a public school library's established  
21 collection development and maintenance policy.

22 B. Before a local education provider reconsiders a  
23 library resource pursuant to the local education provider's  
24 adopted reconsideration policies, the local education provider  
25 shall make its reconsideration policies available to the public

1 in a manner to be determined by the local education provider.

2 C. To make a request for reconsideration of a  
3 library resource, the individual making the request must be a  
4 parent of a student who is enrolled in the public school of  
5 which the request is made.

6 D. A local education provider shall not reconsider  
7 the same library resource more than once every two years;  
8 provided that the established policy for the reconsideration of  
9 a library resource adopted by a local education provider may  
10 specify a period longer than two years during which the local  
11 education provider will not reconsider the same library  
12 resource.

13 E. Once a final determination has been made for a  
14 library resource that is the subject of a request for  
15 reconsideration, the local education provider shall make the  
16 determination, and how it comports with Section 4 of the  
17 Protection of School Library Materials Act, available to the  
18 public.

19 F. A public school library shall not remove,  
20 discontinue or restrict a library resource as the result of a  
21 request for reconsideration until the determination regarding  
22 the library resource has been made available to the public  
23 pursuant to Subsection E of this section.

24 G. A written request for reconsideration of a  
25 library resource in a public school library is a public record

.231097.1

1 pursuant to the Inspection of Public Records Act.

2 SECTION 6. [NEW MATERIAL] RETALIATION PROHIBITED.--A  
3 public school library staff member shall not be subject to  
4 termination, demotion, discipline or retaliation for refusing  
5 to remove a library resource before that resource has been  
6 reviewed in accordance with the applicable local education  
7 provider's policy for the reconsideration of library resources  
8 or for making decisions that the school library staff member  
9 believes, in good faith, are in accordance with the policy of  
10 the local education provider.

11 SECTION 7. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2025.