



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 03/07 /25

Bill No: [SB552/sSEC](#)

Agency Name and Code: PED - 924

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: The [House Appropriations and Finance Committee Substitute for House Bill 2](#) includes \$15,500 from the public education reform fund (PERF) to the Public Education Department (PED) To remediate legacy cash deficits within the K-3 plus fund, reading materials fund and school library material fund.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The Senate Education Committee amendment to Senate Bill 552 (SB552/sSEC) would create the Protection of School Library Materials Act in the Public School Code. It would provide for public school library resources to be managed in a manner that upholds free speech protections and prevents discrimination, while establishing in law a requirement for structured processes for the reconsideration and potential removal of library materials.

By September 1, 2025, the bill would require each local school board and charter school governing body to establish and submit to the PED written policies for the acquisition, retention, display, use, and reconsideration of library resources which comply with the provisions of the law.

The bill has an effective date of July 1, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

By September 1, 2025, the bill would require each local school board and charter school governing body to establish and submit to the PED written policies for the acquisition, retention, display, and use of library resources. These policies would need to comply with the First Amendment of the U.S. Constitution or Article 2, Section 17 of the New Mexico Constitution, whichever offers greater protection of speech. Additionally, the policies would be required to protect against harassment and discrimination concerning protected classes 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.

The bill would mandate that each local school board and charter school governing body establish a written policy for the reconsideration of library resources. Under this policy, a public school library could remove a library resource from its collection only after a review in accordance with the reconsideration policy, except for routine collection maintenance. Requests for reconsideration could be made only by parents of students enrolled at the school, and a resource would not be subject to reconsideration more than once in a two-year period, although a period longer than two years is permitted. Final determinations on reconsideration requests would be made publicly available, including the standards used in making the determination.

The proposed Protection of School Library Materials Act and the existing [School Library Material Act](#) of 2003 address different aspects of school library management with minimal overlap.

The School Library Material Act focuses on the funding and distribution of library materials. It establishes the school library material fund to facilitate the purchase of materials for school libraries. The act specifies the eligibility of students for free use of library materials and details the procedures for the distribution of funds and materials, defines terms such as "school library material," "membership," and "qualified student," and outlines the responsibilities of the PED in administering the fund. The purpose of the fund is to provide an account from which the department may distribute money to school districts, state institutions and governmentally

controlled schools to pay for the cost of purchasing school library material. The act empowers the PED to:

- enforce rules for the handling, safekeeping and distribution of school library material and money from the fund;
- enforce inventory and accounting procedures to be followed by school districts, state institutions and governmentally controlled schools; and
- withdraw or withhold the privilege of participating in the free use of school library material in case of noncompliance with the provisions of the School Library Material Act or rules adopted pursuant to that act.

[Rule 6.75.5 NMAC, Relating to the Implementation of the School Library Material Act](#), governs the procedures for the allocation, distribution, and use of funds to purchase materials for school libraries. It does not introduce new requirements beyond those in the School Library Material Act but serves to provide detailed administrative guidance to ensure the Act's effective implementation.

PERFORMANCE IMPLICATIONS

A 2003 report [examined](#) studies linking school libraries to student achievement since 1990. The review highlighted numerous studies that have found a positive relationship between well-resourced school libraries staffed by professional teacher librarians and improved student academic performance. These studies indicated that school libraries adhering to professional American Library Association (ALA) principles of intellectual freedom, as outlined in its [Library Bill of Rights](#), play a crucial role in fostering a reading culture and supporting literacy development. The report also made the case that, beyond academic achievement, school libraries contribute to the development of information literacy skills, critical thinking, and independent learning.

ADMINISTRATIVE IMPLICATIONS

The PED would be required to collect and approve school district and charter school library material policies between July 1, 2025, and September 1, 2025. The bill would not provide for the PED to enforce the Protection of School Library Material Act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 27 (HB27) would prevent ideologically based book bans in public libraries, requiring public libraries to adopt policies that comply with the ALA's [Library Bill of Rights](#), thereby safeguarding against the removal of materials due to partisan or doctrinal disapproval.

TECHNICAL ISSUES

The bill contains a circular reference between Sections 3 and 5. Section 3.B of the bill requires a written policy for the reconsideration of a library resources that complies with the provisions of Section 5 of the act. Section 5.A requires that a public school library only remove a resource from its permanent collection if it has been reviewed in accordance with an applicable reconsideration policy established pursuant to Section 3 of the act, when it is this section that establishes the policy. It would be better for Section 5.A. to read, "A public school library may remove a library resource from its permanent collection only if that resource has been reviewed in accordance with the

applicable reconsideration policy established pursuant to ~~[Section 3 of the Protection of School Library Materials Act]~~ [this section.](#)”

While the proposed Protection of School Library Materials Act and the current School Library Material Act address somewhat distinct issues with regard to school library materials, as noted above, it may be better for the two acts to be merged, rather than be created as two separate acts.

OTHER SUBSTANTIVE ISSUES

Professional library associations have consistently advocated for intellectual freedom and opposed censorship in response to legislation affecting library materials, including bills like SB552/sSEC.

The ALA upholds the principles of intellectual freedom, as outlined in its [Library Bill of Rights](#) and Freedom to Read Statement, which is as follows:

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Arkansas Act 372, signed into law on March 31, 2023, exemplifies legislation aimed at restricting access to specific library materials. The act allows individuals to challenge the appropriateness of books in public libraries and subjects librarians and booksellers to potential criminal penalties, including up to a year in prison, for distributing materials deemed harmful to minors. The law does not clearly define terms like "obscene" or "appropriateness," leading to concerns about subjective interpretations. In December 2024, [a federal judge permanently enjoined](#) Sections 1 and 5 of Act 372, declaring those sections unconstitutional that would establish criminal penalties for librarians and booksellers who violate the act .

The movement to restrict certain books, particularly those addressing LGBTQ+ themes, race, and sexuality, has gained momentum in various parts of the country. In September 2024 it was [reported](#) by the *New York Times* that over 10,000 books were removed from public schools in the 2023-2024 school year, nearly three times the number banned in the prior school year, with most occurring in Florida and Iowa shortly after enactment of new state laws provided for ready challenges to library material collections.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

In states lacking specific legislation governing school library materials, policies are determined at the local level by school districts and library boards. This approach may result in significant variations in library content and accessibility. Without state-level guidelines, decisions about which materials are included or excluded from school libraries often depend on local community standards, administrative discretion, and individual challenges. This can lead to inconsistencies and potential conflicts over what constitutes appropriate educational content.

AMENDMENTS

The sponsor may wish to amend the bill to provide more time between the effective date of the bill and the deadline for revising or creating policies that conform to the provisions of the bill. The sponsor may also wish to consider addressing the internal circular reference between Sections 3 and 5 of the bill and merging the provisions of the bill into the School Library Materials Act. The sponsor may wish to consider merging the proposed provisions of SB552/sSEC into the existing School Library Materials Act.