

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. A new section of the Public School Code is
enacted to read:

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

SECTION 2. A new section of the Public School Code is
enacted to read:

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

A. "library resource" means printed and digital or
electronic books and other educational media and includes:

- (1) magazines, newspapers or pamphlets;

1 (2) online reference and periodical databases,
2 streaming resources or computer software;

3 (3) microfiche or microfilm;

4 (4) films, filmstrips, audiotapes, video
5 tapes, disc records, compact discs or slides;

6 (5) library programs or exhibits; and

7 (6) other printed or unprinted material
8 related to speech; and

9 B. "library staff member" means a public school
10 librarian, teacher librarian, library media specialist or a
11 school employee assigned to duties in a library or a school
12 employee who carries out or assists with the functions of a
13 public school library."

14 SECTION 3. A new section of the Public School Code is
15 enacted to read:

16 "[NEW MATERIAL] WRITTEN POLICIES.--By September 1, 2025,
17 each local school board and charter school governing body shall
18 establish and submit to the department for approval:

19 A. written policies for the acquisition, retention,
20 display and use of library resources that comply with the
21 provisions of Section 4 of the Protection of School Library
22 Materials Act; and

23 B. a written policy for the reconsideration of a
24 library resource that complies with the provisions of Section 5
25 of the Protection of School Library Materials Act."

1 SECTION 4. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] STANDARDS.--The written policies
4 established by a local school board or charter school governing
5 body pursuant to Subsection A of Section 3 of the Protection of
6 School Library Materials Act shall:

7 A. comply with the first amendment to the United
8 States constitution or Article 2, Section 17 of the
9 constitution of New Mexico concerning freedom of speech,
10 whichever is more protective of speech; and

11 B. protect against harassment and discrimination,
12 particularly regarding a protected class based on disability,
13 race, creed, color, sex, sexual orientation, gender identity,
14 gender expression, family composition, religion, age, national
15 origin or ancestry, with respect to the author, content and
16 intended audience of a library resource."

17 SECTION 5. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] RECONSIDERATION OF LIBRARY RESOURCES.--

20 A. A public school library may remove a library
21 resource from its permanent collection only if that resource
22 has been reviewed in accordance with the applicable
23 reconsideration policy established pursuant to Section 3 of the
24 Protection of School Library Materials Act; provided that the
25 provisions of this subsection do not apply to routine

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1 collection, maintenance and deaccession in accordance with a
2 public school library's established collection development and
3 maintenance policy.

4 B. Each local school board and charter school
5 governing body shall make its established reconsideration
6 policy available to the public.

7 C. A request for reconsideration of a library
8 resource may be made only by a parent of a student enrolled at
9 that school.

10 D. A library resource shall not be subject to
11 reconsideration more than once in a two-year period; provided
12 that an established reconsideration policy may specify a period
13 longer than two years.

14 E. A final determination on a request for
15 reconsideration shall be available to the public and shall
16 include the standards used in making the determination.

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

22 G. A written request for reconsideration of a
23 library resource is a public record pursuant to the Inspection
24 of Public Records Act."

25 SECTION 6. A new section of the Public School Code is

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1 enacted to read:

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

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

underscoring material = new
~~[bracketed material]~~ = delete