

SENATE No. 2696

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, November 6, 2025.

The committee on Senate Ways and Means to whom was referred the Senate Bill regarding free expression (Senate, No. 2328), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2696).

For the committee,
Michael J. Rodrigues

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An Act regarding free expression.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after
2 section 82 the following 3 sections:-

3 Section 82A. (a) A determination that materials are appropriate for inclusion in a school
4 library by a school library teacher licensed by the department or, in the absence of such school
5 library teacher, by the school employee responsible for the selection and display of library
6 materials shall: (i) be age appropriate; (ii) serve an educational purpose; and (iii) be based on the
7 teacher's or employee's professional training and not on personal, political or doctrinal views.
8 For the purposes of this section a school library shall mean a library within a school department
9 of a city or town, a regional school, an independent vocational school or a vocational school or
10 agricultural school operated by a county.

11 (b) No challenged material selected for inclusion in a school library collection pursuant to
12 subsection (a) shall be removed except upon a determination and vote by the school committee
13 following notice, a public hearing and a finding by a review committee of school personnel,

appointed by the school committee and the superintendent, that the material is devoid of any educational, literary, artistic, personal or social value or is not age appropriate for any child who attends the school.

(c) A decision of the school committee to remove materials from a school library may be challenged by a student, parent or guardian through a petition for a writ of mandamus in the supreme judicial court or superior court.

(d) Nothing in this section shall preclude school employees responsible for school library content from deciding to remove materials that have become outdated or to accommodate new materials; provided, however, that the decision to remove materials shall not be made based on personal, political or doctrinal views.

Section 82B. Each school district, charter school and local education agency shall establish a written policy for its school library for: (i) the selection of school library materials, including textbooks, instructional materials, books or other library resources; (ii) the use of library materials and library facilities; and (iii) responding to challenges requesting to remove or restrict library materials based on the objections of a person or group. The written policy shall: (i) be in accordance with standards adopted by the American Library Association; (ii) be posted on the school district, charter school or local education agency's website; and (iii) provide that if material selected by the school library teacher or responsible school employee is the subject of a challenge requesting to remove or restrict its use, such material shall remain on the shelves of the school library pending a vote of the school committee made during the process for responding to such challenge in accordance with subsection (b) of section 82A. The board of library commissioners for the commonwealth through its affiliate, the Massachusetts Library System,

shall: (i) make resources available to help school committees or other administrative authority of a school library create or modify written policies for the selection of library materials and the use of materials and facilities in accordance with the standards adopted by the American Library Association; and (ii) make sample policies available on its website.

Annually, school districts, charter schools and local education agencies shall submit a report to the department, which shall include information on all challenges requesting to remove or restrict educational materials from its schools during the previous calendar year.

Section 82C. No school employee shall lose the employee's department-issued license or professional certification or be dismissed, disciplined, placed on probation, involuntarily transferred, be otherwise subjected to an adverse employment action, fined or imprisoned for the selection of library materials when the selection is made in good faith and in accordance with the policy adopted pursuant to section 82B.

SECTION 2. Section 10 of chapter 78 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 8, the words “, male or female,”.

SECTION 3. Said section 10 of said chapter 78, as so appearing, is hereby further amended by striking out, in line 13, the word “chairman” and inserting in place thereof the following word:- chair.

SECTION 4. Said section 10 of said chapter 78, as so appearing, is hereby further amended by striking out, in line 16, the word “selectmen” and inserting in place thereof the following words:- select board.

56 SECTION 5. Section 14 of said chapter 78, as so appearing, is hereby amended by
57 striking out, in line 5, the word “his” and inserting in place thereof the following words:- the
58 member’s.

59 SECTION 6. Said section 14 of said chapter 78, as so appearing, is hereby further
60 amended by striking out, in line 13, the word “chairman” and inserting in place thereof the
61 following word:- chair.

62 SECTION 7. Said section 14 of said chapter 78, as so appearing, is hereby further
63 amended by striking out, in line 18, the word “his” and inserting in place thereof the following
64 word:- the director’s.

65 SECTION 8. Said section 14 of said chapter 78, as so appearing, is hereby further
66 amended by striking out, in line 21, the word “his” and inserting in place thereof the following
67 words:- the deputy director’s.

68 SECTION 9. Said section 14 of said chapter 78, as so appearing, is hereby further
69 amended by striking out, in line 19, the word “him” and inserting in place thereof the following
70 words:- the director.

71 SECTION 10. Said section 14 of said chapter 78, as so appearing, is hereby further
72 amended by striking out, in line 22, the word “him” and inserting in place thereof the following
73 words:- the deputy director.

74 SECTION 11. Section 15 of said chapter 78, as so appearing, is hereby amended by
75 adding the following paragraph:-

76 The board of library commissioners shall make resources available to assist the board of
77 trustees or other administrative authority of a free municipal public library, to create or modify
78 written policies for the: (i) selection of library material; (ii) development of library collections;
79 (iii) use of materials and facilities; and (iv) process, in accordance with the standards adopted by
80 the American Library Association and as required by section 19B, to respond to challenges
81 requesting to remove or restrict the use materials from the library.

82 SECTION 12. Section 19B of said chapter 78 is hereby amended by striking out clause
83 (7), as so appearing, and inserting in place thereof the following 2 clauses:-

84 (7) include in their annual report the total number of nonresident loans and nonresident
85 circulation as a percentage of the library's total circulation, as certified by the librarian and
86 subject to an audit by the state auditor; and

87 (8) adopt and make public a written policy for the selection and use of library materials
88 and facilities in accordance with section 33; provided, however, that such policy shall
89 incorporate the American Library Association's Library Bill of Rights and state that materials
90 shall not be selected, proscribed or removed because of personal, political or doctrinal views or
91 bias.

92 SECTION 13. Section 33 of said chapter 78, as so appearing, is hereby amended by
93 inserting after the word "establish", in line 3, the following words:- and implement.

94 SECTION 14. Said section 33 of said chapter 78, as so appearing, is hereby further
95 amended by inserting after the word "Association", in line 6, the following words:- including,
96 but not limited to, its Library Bill of Rights;

SECTION 15. Said section 33 of said chapter 78, as so appearing, is hereby further amended by striking out, in line 6, the words “be dismissed” and inserting in place thereof the following words:- lose librarian licensure or certification or be dismissed, disciplined, placed on probation, involuntarily transferred, be otherwise subjected to an adverse employment action, fined or imprisoned.

SECTION 16. Said chapter 78 is hereby further amended by adding the following section:-

Section 35. Annually, not later than November 1, the board of library commissioners shall submit to the clerks of the house of representatives and senate, the joint committee on tourism, arts and cultural development, the joint committee on education, the joint committee on municipalities and regional government and the house and senate committees on ways and means a report on challenges requesting to remove or restrict books or other educational materials in the commonwealth which shall include: (i) information on the library that is the subject of the challenge, including the name and location of the library; (ii) the title and author of the challenged material; (iii) the outcome of the challenge.