
Senate, November 13, 2025 -- Text of the Senate Bill regarding free expression (being the text of Senate document 2696, printed as amended)

The Commonwealth of Massachusetts

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

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 or board of trustees of a charter school following: (i) notice; (ii) a public hearing; and (iii) a
14 finding by a review committee of school personnel, appointed by: (A) the school superintendent,
15 in consultation with the school committee; or (B) in the case of a charter school, the board of
16 trustees, that the material is devoid of any educational, literary, artistic, personal or social value
17 or is not age appropriate for any child who attends the school.. A school committee shall only
18 consider a challenge to material in a school library from an individual who is a staff member
19 employed by a school overseen by the school committee, a parent or guardian of a student
20 currently enrolled in such a school or a student currently enrolled in such a school.

21 (c) A decision of the school committee or the board of trustees of a charter school to
22 remove materials from a school library may be challenged by a student, parent, guardian or the
23 author or creator of the materials through a petition for a writ of mandamus in the supreme
24 judicial court or superior court.

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26 content from deciding to remove materials that have become outdated or to accommodate new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

29 Section 82B. Each school district, charter school and local education agency shall
30 establish a written policy for its school library for: (i) the selection of school library materials,
31 including textbooks, instructional materials, books or other library resources; (ii) the use of
32 library materials and library facilities; and (iii) responding to challenges requesting to remove or
33 restrict library materials. The written policy shall: (i) be in accordance with standards adopted by
34 the American Library Association; (ii) be posted on the school district, charter school or local

35 education agency's website; and (iii) provide that if material selected by the school library
36 teacher or responsible school employee is the subject of a challenge requesting to remove or
37 restrict its use, such material shall remain on the shelves of the school library pending a vote of
38 the school committee or the board of trustees of a charter school made during the process for
39 responding to such challenge in accordance with subsection (b) of section 82A. The board of
40 library commissioners for the commonwealth through its affiliate, the Massachusetts Library
41 System, shall: (i) make resources available to help school committees or other administrative
42 authority of a school library create or modify written policies for the selection of library
43 materials and the use of materials and facilities in accordance with the standards adopted by the
44 American Library Association; and (ii) make sample policies available on its website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 SECTION 13. Section 33 of said chapter 78, as so appearing, is hereby amended by

98 inserting after the word “establish”, in line 3, the following words:- and implement.

99 SECTION 14. Said section 33 of said chapter 78, as so appearing, is hereby further

100 amended by inserting after the word “Association”, in line 6, the following words:- including,

101 but not limited to, its Library Bill of Rights;

102 SECTION 15. Said section 33 of said chapter 78, as so appearing, is hereby further

103 amended by striking out, in line 6, the words “be dismissed” and inserting in place thereof the

104 following words:- lose librarian licensure or certification or be dismissed, disciplined, placed on

105 probation, involuntarily transferred, be otherwise subjected to an adverse employment action,

106 fined or imprisoned.

107 SECTION 16. Said section 33 of said chapter 78, as so appearing, is hereby further

108 amended by adding the following 2 sentences:- The board of trustees of a free public library in

109 any city or town, or in the absence of such board, the city or town official possessing the

110 appointive powers of such board, shall only consider a challenge to the selection or use of library

111 materials from an individual who is a resident of the city or town.

112 A decision to remove materials from a free municipal public library may be challenged

113 by an individual residing in the city or by the author or creator of the materials, through a

114 petition for a writ of mandamus in the supreme judicial court or superior court.

115 SECTION 17. Said chapter 78 is hereby further amended by adding the following

116 section:-

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