ASSEMBLY BILL NO. 445–ASSEMBLYMEMBER MONROE-MORENO

MARCH 17, 2025

Referred to Committee on Education

SUMMARY—Revises provisions relating to libraries. (BDR 34-1071)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[**~~omitted material~~**]** is material to be omitted.

AN ACT relating to libraries; requiring the Department of Education and the State Library, Archives and Public Records Administrator to develop a model policy on the access of certain persons to library materials; providing required components of such a policy; requiring the board of trustees of each school district, the governing body of each charter school and the governing body of each public library to adopt the model policy or develop a policy that is not less protective of the rights of certain persons to access library materials and includes certain provisions; providing that library staff are immune from criminal or civil liability for certain acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to purchase all new library books and supplies to be used by pupils of the school district. (NRS 393.170) Existing law also provides for the creation of publicly supported libraries and information centers to meet the informational needs of all citizens. (NRS 379.002) **Sections 1 and 2** of this bill require the Department of Education and the State Library, Archives and Public Records Administrator to develop a model policy on the access of persons to library materials of a school library or public library, respectively, that: (1) includes model policies for the selection of materials for libraries; (2) prohibits the censorship of library materials; (3) ensures certain persons are permitted to reserve, check out and access library materials; (4) establishes criteria for the removal of library materials from a library; and (5)

includes a model form for certain interested persons to request the removal of specific library materials. **Sections 1 and 2** require the board of trustees of each school district, the governing body of each charter school and the governing body of a public library to: (1) adopt the model policy; or (2) develop and adopt a policy that is not less protective of the rights of certain persons to access library materials than the model policy and that includes a process to request and review requests for the removal of library materials that is substantially similar to the model policy. **Sections 1 and 2** additionally: (1) require the model policy to include the process by which a form to request removal is reviewed by a committee appointed by the superintendent of schools, the governing body of a charter school or the governing body of a public library, as applicable; (2) sets forth the members of the committee; and (3) requires the board of trustees of a school district, the governing body of a charter school or the governing body of a public library, as applicable, to review recommendations made by the committee and determine whether to remove or limit access to the library materials. Furthermore, **sections 1 and 2** set forth: (1) the content and characteristics of the subject, author or perceived or intended audience of the library materials that cannot be used to justify removal of or limiting access to library materials; and (2) prohibitions on certain subsequent requests for the removal of library materials. **Section 1** requires the Department to adopt regulations that set forth the process for a person to appeal, to the Superintendent of Public Instruction, a determination made by the board of trustees of a school district or the governing body of a charter school concerning the removal of library materials.

Sections 1 and 2 provide that the staff members of a school library or public library are immune from criminal or civil liability for certain good faith acts related to their duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop a model policy on the access of pupils to library materials of a school library that:

(a) Includes model policies for the selection of materials for school libraries which are designed to ensure that each school library includes library materials that present a diverse range of developmentally relevant information, stories, perspectives and ideas, including, without limitation, diverse and inclusive materials;

(b) Prohibits the censorship of library materials;

(c) Ensures pupils are permitted to reserve, check out and access any library materials which are appropriate for the age and grade level of the pupil, including, without limitation, diverse and inclusive material;

(d) Establishes criteria for the removal of library materials from the school library pursuant to a written policy for the preservation and curation of library materials or upon request from an employee of the school district or charter school, a pupil

enrolled in the school district or charter school or the parent or legal guardian of such a pupil; and

(e) Includes a model form for an employee of the school district or charter school, a pupil enrolled in the school district or charter school or the parent or legal guardian of such a pupil to submit to the principal of the school, or his or her designee, to request the removal of library materials from the school library and specify the reasons why the library materials should be removed.

2. A policy developed pursuant to this section must, without limitation:

(a) Require the principal of the school, or his or her designee, to submit the request for the removal of library materials to the superintendent of schools of the school district or the governing body of the charter school, as applicable;

(b) Require the superintendent of schools or the governing body of the charter school, as applicable, after receiving the request submitted pursuant to paragraph (a), to appoint a committee to review the request to remove library materials that consists of:

(1) The superintendent of schools, his or her designee or a member of the governing body of the charter school, as applicable;

(2) The principal of the school in which the library materials requested for removal are located, or his or her designee;

(3) One school library staff member of the school in which the library materials requested for removal are located;

(4) If the request for the removal of library materials is for library materials located at a public school within a school district, including, without limitation, a charter school that is sponsored by a school district, one representative selected by the board of trustees of the school district who must not be the person who submitted the request for removal of the library materials;

(5) One teacher who teaches pupils enrolled in a grade for which the library materials are appropriate who must not be the person who submitted the request for removal of the library materials;

(6) One parent or legal guardian of a pupil enrolled in the school district or the charter school, as applicable, who must not be the person who submitted the request for removal of the library materials or the spouse of such a person;

(7) If the request for removal of the library materials was submitted by a pupil enrolled in grade 9, 10, 11 or 12, at the discretion of the superintendent of schools or the governing body

of the charter school, as applicable, one pupil enrolled in grade 9, 10, 11 or 12 within the school district or the charter school, as applicable, who must not be the person who submitted the request for removal of library materials; and

(8) Any additional members the superintendent of schools or governing body of the charter school deems necessary;

(c) Require the committee appointed pursuant to paragraph (b) to evaluate the request for the removal of library materials and the library materials identified in the request and, not later than 60 days after receiving the request:

(1) Prepare a written report that includes a recommendation of whether to remove the library materials or limit access to the library materials; and

(2) Submit the report prepared pursuant to this paragraph to the board of trustees of the school district or the governing body of the charter school, as applicable;

(d) Require the committee appointed pursuant to paragraph (b) to submit a copy of the report prepared pursuant to paragraph (c) to the principal of the school in which the library materials requested for removal are located and to the person who submitted the request;

(e) Require the board of trustees of the school district or governing body of the charter school, as applicable, to:

(1) Review the report submitted pursuant to paragraph (c);

(2) Determine whether the library materials requested for removal will be removed or access to the library materials will be limited;

(3) Provide a written statement describing the reasons the determination was made;

(4) Post the written statement in an easily accessible location on the Internet website maintained by the school district or charter school; and

(5) If the board of trustees or governing body, as applicable, determines that the library materials requested for removal will be removed pursuant to subparagraph (2), require a school library staff member to remove the library materials from circulation;

(f) Allow the board of trustees of a school district or governing body of a charter school to consolidate more than one request for the removal of library materials into a single determination if the requests concern the same library materials;

(g) Require that any library materials requested for removal remain in circulation, available to check out and in the appropriate location within the school library until a determination is made pursuant to paragraph (e);

(h) Prohibit a subsequent request for the removal of library materials from being submitted less than 1 year after a determination has been made pursuant to paragraph (e) concerning the same library materials; and

(i) Prohibit a determination made pursuant to paragraph (e) from being based upon disagreement with a viewpoint, idea or concept expressed in the library materials or based upon the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:

(1) The subject of the library materials;

(2) The author of the library materials; or

(3) The perceived or intended audience for the library materials, except that the age of the intended audience may be considered in determining if the materials are developmentally appropriate.

3. The board of trustees of each school district and the governing body of each charter school shall adopt:

(a) The model policy developed by the Department pursuant to subsection 1; or

(b) A policy on the access of pupils to library materials of a school library that:

(1) Is not less protective of the rights of pupils to access library materials than the model policy developed by the Department pursuant to subsection 1; and

(2) Includes the adoption of a form described in paragraph (e) of subsection 1 and a process for the review of requests for the removal of library materials that is substantially similar to the process described in subsection 2.

4. The Department shall adopt regulations that set forth the process for a person to appeal a determination made pursuant to paragraph (e) of subsection 2 to the Superintendent of Public Instruction.

5. A school library staff member is immune from criminal or civil liability for good faith acts:

(a) Relating to providing access to or assisting pupils in accessing library materials of a school library; or

(b) Performed in compliance with a policy adopted pursuant to subsection 3.

6. Nothing in this section shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to a policy adopted pursuant to subsection 3.

7. As used in this section:

(a) "Censorship":

(1) Means to block, suppress or remove library material based on disagreement with a viewpoint, idea or concept, or solely because an individual finds certain content offensive.

(2) Does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain pupils.

(b) "Diverse and inclusive material":

(1) Means material:

(I) That reflects the history, contributions or experiences of Native Americans and Native American tribes, persons of marginalized sexual orientation or gender identity, persons with disabilities, persons from various socioeconomic statuses, immigrants or refugees, persons from various religious backgrounds or persons from various racial and ethnic backgrounds, including, without limitation, persons who are African-American, Basque, Hispanic or Asian or Pacific Islander; or

(II) That contains the author's points of view concerning contemporary problems and issues, whether international, national or local.

(2) Does not include material that is inappropriate for all of the grades or age groups served by a school library.

(c) "Library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records and photographs.

(d) "School library staff member" means a school library media specialist, school librarian, any licensed or unlicensed employee of a school assigned to duties in a school library or any person carrying out or assisting with the functions of a school library media specialist or school librarian.

Sec. 2. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Library, Archives and Public Records Administrator shall develop a model policy on the access of patrons to library materials of a public library that:

(a) Includes model policies for the selection of materials for public libraries that are designed to ensure that each public library includes library materials that present a diverse range of information, stories, perspectives and ideas, including, without limitation, diverse and inclusive materials;

(b) Prohibits the censorship of library materials;

(c) Ensures residents of the municipality served by the library are permitted to reserve, check out and access any library

materials, including, without limitation, diverse and inclusive material;

(d) Establishes criteria for the removal of library materials from the public library pursuant to a written policy for the preservation and curation of library materials or upon request from a resident of the municipality which is served by the public library; and

(e) Includes a model form for a resident of the municipality which is served by the public library to submit to the governing body of the public library to request the removal of library materials from the public library and specify the reasons why the library materials should be removed.

2. A policy developed pursuant to this section must, without limitation:

(a) Require the governing body of a public library, after receiving a request for the removal of library materials from the public library, to appoint a committee to review the request to remove library materials that consists of:

(1) One member of the governing body of the public library;

(2) One librarian employed by the public library;

(3) One staff member employed by the public library who is not a librarian and who is familiar with the library materials requested for removal;

(4) One resident of the municipality which is served by the public library who must not be the person who submitted the request for removal of library materials; and

(5) Any additional members the governing body deems necessary.

(b) Require the committee appointed pursuant to paragraph (a) to evaluate the request for the removal of library materials and the library materials identified in the request and, not later than 60 days after receiving the request:

(1) Prepare a written report that includes a recommendation of whether to remove the library materials or limit access to the library materials; and

(2) Submit the report prepared pursuant to this paragraph to the governing body of the public library;

(c) Require the committee appointed pursuant to paragraph (a) to submit a copy of the report prepared pursuant to paragraph (b) to the person who submitted the request;

(d) Require the governing body of the public library to:

(1) Review the report submitted pursuant to paragraph (b);

(2) Determine whether the library materials requested for removal will be removed or access to the library materials will be limited;

(3) Provide a written statement describing the reasons the determination was made;

(4) Post the written statement in an easily accessible location on the Internet website maintained by the public library; and

(5) If the governing body determines that the library materials requested for removal will be removed pursuant to subparagraph (2), require the librarians of the public library to remove the library materials from circulation;

(e) Allow the governing body of the public library to consolidate more than one request for the removal of library materials into a single determination if the requests concern the same library materials;

(f) Require that any library materials requested for removal remain in circulation, available to check out and in the appropriate location within the public library until a determination is made pursuant to paragraph (d);

(g) Prohibit a subsequent request for the removal of library materials from being submitted less than 5 years after a determination has been made pursuant to paragraph (d) concerning the same library materials; and

(h) Prohibit a determination made pursuant to paragraph (d) from being based upon disagreement with a viewpoint, idea or concept expressed in the library materials or based upon the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:

(1) The subject of the library materials;

(2) The author of the library materials; or

(3) The perceived or intended audience for the library materials.

3. The governing body of the public library shall adopt:

(a) The model policy developed by the State Library, Archives and Public Records Administrator pursuant to subsection 1; or

(b) A policy on the access of library patrons to library materials of a public library that:

(1) Is not less protective of the rights of library patrons to access library materials than the model policy developed by the State Library, Archives and Public Records Administrator pursuant to subsection 1; and

(2) Includes the adoption of a form described in paragraph (d) of subsection 1 and a process for the review of requests for the removal of library materials that is substantially similar to the process described in subsection 2.

4. Any staff member of a public library, including, without limitation, a librarian employed by a public library, is immune from criminal or civil liability for good faith acts:

(a) Relating to providing access to or assisting library patrons in accessing library materials of the public library; or

(b) Performed in compliance with a policy adopted pursuant to subsection 3.

5. Nothing in this section shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to a policy adopted pursuant to subsection 3.

6. As used in this section:

(a) "Censorship":

(1) Means to block, suppress or remove library material based on disagreement with a viewpoint, idea or concept, or solely because an individual finds certain content offensive.

(2) Does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain age groups.

(b) "Diverse and inclusive material" means material:

(1) That reflects the history, contributions or experiences of:

(I) Native Americans and Native American tribes;

(II) Persons of marginalized sexual orientation or gender identity;

(III) Persons with disabilities;

(IV) Persons from various racial and ethnic backgrounds, including, without limitation, persons who are African-American, Basque, Hispanic or Asian or Pacific Islander;

(V) Persons from various socioeconomic statuses;

(VI) Immigrants or refugees; and

(VII) Persons from various religious backgrounds; or

(2) That contains the author's points of view concerning contemporary problems and issues, whether international, national or local.

(c) "Governing body" means the trustees of a consolidated, county or district library, the governing authority of a city library, the regional library board of a regional library or any other executive body which governs the operations of a public library, not including the governing board of a regional network of libraries.

(d) "Library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records and photographs.

(e) "Municipality" means a county, district, city, town or other political subdivision served by a public library.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on July 1, 2025.

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