

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 738

(Senator King, *et al.*)

Education, Energy, and the Environment

Ways and Means

Freedom to Read Act

This emergency bill establishes a State policy that local school systems operate school library media programs consistent with specified standards. Each local school system is required to develop and implement a policy and procedures to review objections to materials in the school library media program, subject to certain requirements. A county board of education is prohibited from taking retaliatory actions against certain school library media program personnel for performing their job duties consistent with the standards. The bill similarly establishes that it is the policy of the State that each library must operate in a manner consistent with the following standards: (1) library materials, services, and resources exist and should be provided for the interest, information, and enlightenment of all persons the library serves; (2) a library should not exclude material from its catalogue because of the origin, background, or views of a person who created the material; and (3) a library should not prohibit or remove material from its catalogue because of partisan, ideological, or religious disapproval. The Maryland State Library Board must develop policies for the operation of libraries that are consistent with the State standards. The bill makes funding for certain libraries contingent on the adoption of a written policy consistent with the standards; the Comptroller must withhold funding from specified public libraries that do not adopt a written policy consistent with the State standards.

Fiscal Summary

State Effect: The Maryland State Library Agency (MSLA) can implement the bill's changes with existing resources. Revenues are likely not affected.

Local Effect: The bill does not materially affect local finances or operations. Local libraries (including regional resource centers) and local school systems can adopt the required standards with existing resources.

Small Business Effect: None.

Analysis

Bill Summary:

State Policy for School Library Media Programs

The bill establishes that it is the policy of the State that each local school system operate its school library media program consistent with the following standards:

- the materials, services, and resources provided in a school library media program are provided for the interest, information, and instructional support of students and school personnel of the schools the program serves;
- materials may not be excluded from a school library media program solely because of the origin, background, or views of the individual who created the material; and
- materials may not be excluded or removed from the catalogue of a school library media program because of partisan, ideological, or religious disapproval.

Each local school system must develop and implement a policy and procedures to review objections to materials in the school library media program consistent with U.S. Supreme Court legal precedent. The policy and procedures must:

- establish a uniform process to submit an objection to materials in a school library media program by a student, parent or guardian of a student enrolled in a school in the local school system, or school personnel;
- require materials under review due to an objection to remain available for use by students and school personnel until the review process has concluded; and
- establish a reasonable timeline to conduct and conclude the review process in a timely manner.

A county board of education may not dismiss, demote, suspend, discipline, reassign, transfer, or otherwise retaliate against a librarian, a certified library media specialist, or school library media program support staff for performing their job duties consistent with the standards described above.

State Standards for Libraries

The bill establishes that it is the intent of the General Assembly that a library that receives

funding from the State adopt and follow a written policy for operation of a library that is consistent with the State standards for libraries.

A “library” includes:

- the State Library Resource Center;
- a regional resource center;
- a correctional facility library;
- a county library system and the Enoch Pratt Free Library in Baltimore;
- the Maryland State Library for the Blind and Print Disabled;
- the Maryland Deaf Culture Digital Library; and
- a metropolitan cooperative service program.

“Library” does not include a school library media program established by a local school system, which are covered under separate provisions of the bill.

Retaliation Against Personnel

The bill prohibits employees of public libraries in the State from being dismissed, demoted, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting in a manner consistent with the State standards for libraries.

Current Law: The provision of library services in Maryland is essentially a county responsibility. Each county has established a public library system that, with the exception of Montgomery County, is governed by a local library board. In Montgomery County, the public library system is a county agency. The State establishes general guidelines, facilitates the sharing of library resources, supports a network of library resource centers, and provides funding assistance to local libraries.

The State Library Board, which consists of 12 members, oversees MSLA and exercises general discretion and control of library development. The board may adopt rules and regulations, establish policies and procedures for a statewide system of public libraries, and advise the Governor on library matters. The State Librarian is appointed by the board, with the advice and consent of the Senate, as the head of MSLA. The State Librarian performs the duties the board assigns and sees that the policies and the decisions of the board are carried out by MSLA.

Although not required to do so by State law, each county, including Baltimore City, has established a public library system. State law requires that a county’s library system be governed by a board of trustees; however, charter counties may establish a county library

agency in lieu of a board. Currently, Montgomery County is the only county to have a library agency, rather than a board of trustees.

The board of trustees or library agency for each public library system determines local library policies, adopts operating rules and regulations, handles local library personnel matters, and appoints a director to manage the library system. The boards of trustees and library agencies must report annually to the county governing bodies and the State Librarian.

As required by State law, a county library provides free library services to residents of the county. A library may establish policies governing the use of the library by individuals living outside the county. Free library services include the use of all library materials and services available for reference and circulation, regardless of format.

The State plays an important role in the coordination of statewide and regional library resources. The State Library Resource Center, located at the Central Library of the Enoch Pratt Free Library System in Baltimore City, makes available specialized library materials and resources to libraries throughout the State. The center is also the central depository for all State publications and is the headquarters for the Maryland Interlibrary Loan Organization.

The State Library Board has designated three county libraries as regional resource centers. Located in Charlotte Hall, Hagerstown, and Salisbury, the centers serve Southern Maryland, Western Maryland, and the Eastern Shore regions, respectively. The centers provide member libraries with greater access to library materials and resources than an individual library can provide on its own.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 785 (Delegate D. Jones, *et al.*) - Ways and Means.

Information Source(s): Maryland Commission on Civil Rights; Maryland Association of Counties; Comptroller's Office; Maryland State Department of Education; Maryland State Library Agency; Department of Budget and Management; Baltimore City Public Schools; Baltimore County Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2024
km/clb Third Reader - March 26, 2024
Revised - Amendment(s) - March 26, 2024

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510