

BILL: Senate Bill 738
TITLE: Freedom to Read Act
DATE: February 23, 2024
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Education, Energy, and the Environment
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The Maryland Association of Boards of Education (MABE) opposes including school libraries in the scope of this legislation to reform the administration of public libraries. MABE recognizes the intended public policy changes contained in Senate Bill 738 to establish a new set of operating standards and procedures regarding the management of materials available in public libraries. However, the bill would also, for the first time, bring school libraries under the authority of the State Library System. MABE strongly opposes this shift away from school libraries being fully integrated within the public school system.

State law and regulations clearly reflect the longstanding public policy that school libraries are to be operated by and for local school systems. School libraries, unlike public libraries, are staffed and operated in accordance with state regulations under COMAR 13A.05.04.01. These regulations govern the roles of school librarians and media specialists, and the instructional alignment of school library materials. These provisions are uniquely designed to guide the operation of school libraries, and MABE believes these standards should remain in place to ensure that school libraries remain an integral component of the school system, and not the State Library System.

Again, MABE opposes only the provisions of this bill proposing a radical shift away from school system governance authority over school libraries and our school library staff. Specifically, MABE requests an amendment to strike lines 2 through 8 on page 2 of the bill. These provisions inappropriately condition the employment of school system employees working in school libraries on standards developed not by the State Board of Education or local school system but by the State Library Board. Similarly, MABE requests an amendment to remove “SCHOOL LIBRARY” from line 2 on page 3 in order preserve the clear distinction between the role and operations of school libraries from public libraries.

These amendments are needed, in MABE’s view, because Senate Bill 738 would amend the Education Article to empower the State Library Agency and its Board with the new authority to “ENSURE THAT EACH LIBRARY THAT RECEIVES STATE FUNDS IS OPERATED IN A MANNER CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.” The bill further explains that “STATE STANDARDS FOR LIBRARIES” MEANS THE PHILOSOPHY FOR THE OPERATION OF A LIBRARY THAT ADHERES TO THE STANDARDS ENUMERATED IN § 18 23–102.1(A) OF THIS SUBTITLE.” MABE’s concern is not with the new state standards for public libraries, but that the bill would place limitations on school system supervision of school library staff based on the staff’s adherence to the new state standards, rather than the COMAR regulations governing school libraries or local school system policy. MABE believes that while these newly proposed standards may be appropriate for public libraries, the state regulations governing school libraries define a much more specific educational and instructionally-aligned role for school libraries.

Maryland’s state regulations adopted by the State Board of Education to govern “Public School Library Programs” (COMAR 13A.05.04.01) state:

“Each local school system shall establish in each school a unified school library media program for the use of all students which shall include, but not be limited to:

- (1) An organized and centrally managed collection of instructional materials and technologies;

- (2) Instruction emphasizing information literacy skills integrated into all content areas;
- (3) Appropriate materials and technologies to support the instructional programs of the local school systems; and
- (4) Certified school library media personnel and support staff.

State regulations further clarify that school libraries are intended to support instruction in accordance with local school system policies. Specifically, regulations describe the roles of school libraries, including: “Evaluating and selecting instructional materials and technologies in accordance with local board of education policies” and “Implementing procedures for the acquisition, organization, circulation, and removal of instructional materials and technologies.” In these ways, MABE believes that longstanding state law and regulations should be maintained regarding the oversight and operation of school libraries as integral to local school system instructional policies, rather than a new statewide policy applicable to not only all public libraries but also school libraries.

MABE’s top legislative priority focuses on strong support for governance authority for local boards of education to adopt education policies and school system budgets reflecting local priorities and resources. MABE supports broad discretion for local board decision-making authority in exercising legislative, judicial, and executive functions in accord with state and federal law and principles of equity and excellence for all students. MABE advocates that state and local initiatives not reduce local board governance or budgetary authority or create unfunded mandates.

MABE believes the principle of local governance by boards of education is fundamental to a sound system of public education; and that a sound system of public education is fundamental to sustaining the well-educated citizenry essential to a flourishing democracy. By retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and academic and financial accountability.

State law provides that “educational matters that affect the counties shall be under the control of a county board of education” and that local boards “determine, with the advice of the county superintendent, the educational policies of the county school system.” Local boards exercise this governance authority in compliance with state and federal laws and in conjunction with the policies and regulations adopted by the State Board of Education.

Each local board plays a vital role in governing the local school system and engaging local communities and promoting participation by parents and other community members in the education process. Local boards are the primary advocates for local, state, and federal funding to support the teaching and learning of students and efficient and effective school system administration. Through MABE’s board development program and other professional development activities, each board is striving to continuously improve its ability to govern in a manner that best meets the needs of all students in the local school system.

Local governance authority of boards of education in Maryland and throughout the nation is often challenged by state, federal, and private sector initiatives. MABE advocates that the General Assembly, Governor, and State Board engage in collaborative development of new policies and programs. MABE appreciates the strong historical record of the General Assembly’s recognition and support for the governance role of local boards.

For these reasons, MABE requests a favorable report on Senate Bill 738, with the amendments described and provided above.