

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 25 (Delegate Mangione)  
Ways and Means

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**Public Schools - Sexually Explicit Materials - Prohibited in Libraries and Media Centers**

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This bill prohibits sexually explicit materials, as defined by the bill, in a public elementary, middle, and secondary school library or media center. Each local board of education must adopt policies and procedures to implement the bill. **The bill takes effect July 1, 2024.**

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**Fiscal Summary**

**State Effect:** None. The bill pertains only to local school systems.

**Local Effect:** Local school systems can likely prohibit sexually explicit materials in a public elementary, middle, and secondary school library or media center using existing resources; however, some may need to temporarily reallocate resources from existing priorities. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** “Sexually explicit materials” is defined as books and auditory and visual materials that contain graphic or obscene depictions of sexual activity that are not: (1) age-appropriate or (2) used as part of the approved instructional materials for instruction on Family Life and Human Sexuality as part of the comprehensive health education program required under the Maryland Health Education Standards.

**Current Law:** On the recommendation of the local superintendent and subject to the provisions of the Education Article, each local board must adopt procedures for the

selection and purchase of the following necessary items, at the lowest price consistent with good quality, for use in the public schools: textbooks, supplementary readers, materials of instruction, visual and auditory aids, stationery, and school supplies.

There are no general *statutory* requirements for the selection of materials for a public school library or media center. However, each local board must adopt procedures for the selection and purchase for use in each public school library or media center of a collection of books and visual material concerning African American history. The collection in each library or media center must be appropriate for students in each age group and reading level in the school.

In general, according to regulations, each local school system must establish a unified school library media program that includes a centrally managed collection of instructional materials and technologies, instruction in information literacy skills, appropriate materials and technologies to support instructional programs, and certified school library media personnel and support staff.

Regulations require each local school system to have policies and procedures for the selection of instructional materials and technologies in accordance with local board of education policies. In addition, each local school system must implement procedures for the acquisition, organization, circulation, and removal of instructional materials and technologies.

Each local school system must have school library media program implementation documents that include selection and removal policies and procedures that are reviewed and updated on a periodic basis.

The superintendent of each local school system must certify to the State Superintendent that the school library media programs, including the selection and removal policies, meet or are working toward meeting the specified requirements. The certification is part of a periodic review schedule established by the Maryland State Department of Education (MSDE).

### *Maryland Health Education Standards*

With the assistance of the local health department (LHD), each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. MSDE and the Maryland Department of Health must jointly develop public standards and guidelines for school health programs and offer assistance to the local boards of education and LHDs in their implementation. Each local school system must designate a school health services program coordinator, but it may authorize the LHD to designate a coordinator.

Each local school system must (1) provide in public schools a comprehensive health education program with sufficient frequency and duration to meet the requirements of the State curriculum for all students in prekindergarten through grade 8 and (2) offer in public schools a comprehensive health education program in grades 9 through 12 that enables students to meet graduation requirements and to select health education electives. Access to the curriculum must be provided for nondiploma-bound students.

In order to graduate from public high school in Maryland, students must complete a credit of health.

New health education standards were adopted by the State Board of Education in December 2019; and the [Maryland Comprehensive Health Education Framework](#) was revised based on those standards. There are Family Life and Human Sexuality standards for prekindergarten through grade 8 and for two semesters of high school. MSDE advises that the current framework contains all the elements required by the bill.

**Local Expenditures:** Baltimore City Public Schools, Frederick County Public Schools and St. Mary's County Public Schools do not anticipate any fiscal impact. Frederick County is in the process of transitioning guidelines for acquiring library materials to a regulation by July 1, 2024, while St. Mary's County already has established policies, regulations, and processes for vetting instructional materials, including those in their media centers.

In contrast, Anne Arundel County Public Schools foresees a significant fiscal impact on the library media team. The school system highlights the need for redevelopment of processes, extensive research, and committee work. Additionally, they suggest that the evaluation of publications containing sexual content would be unsustainable and costly, requiring the addition of nine library media specialists.

However, the Department of Legislative Services advises that the requirements of the bill can likely be met using existing resources by temporarily directing resources from existing priorities. Public school libraries and media centers are already required to regularly review and update selection and removal policies.

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### **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George’s County Public Schools; Frederick County Public Schools; St. Mary’s County Public Schools; Department of Legislative Services

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