

**Testimony in Opposition to House Bill 196
Public Schools and County Boards of Education - Publication of School
Library Catalogs**

**Ways and Means
Thursday, 1/27, 2022
1:00 p.m.**

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The Maryland State Education Association opposes House Bill 196, which would require public schools to provide a copy of the school's library catalog to the county board of education on or before the start of each school year, require the county board to post information about the library catalogs on their website, and require each public school to send parents or guardians access to the library catalog at the start of each school year.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students for the careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Transparency is vital to the function of democracy and public institutions. In the interest of transparency, political contributions, school district employee salaries, board meetings, and many other essential elements of governance are made public. This legislation does not fit that pattern. Rather, it would represent a new iteration of a decades-long battle over who decides what educational materials students can access.

Writing the plurality opinion for the 1982 Supreme Court case *Board of Education v. Pico*, which addressed the right of school boards to remove books deemed a "moral danger" from school libraries, Justice Brennan argued that "the First Amendment protects not only individual self-expression, but also the right to receive information



and ideas. The right to receive inures in the right to send, for without both a listener and a speaker, freedom of expression is as empty as the sound of one hand clapping.”¹

This legislation purports to solve a transparency problem that does not exist; parents and guardians are not, and never have been, barred from their children’s school libraries. It would, however, add to already-crushing administrative burdens in schools, some of which do not even have fully staffed and well-stocked libraries due to staffing and budget shortfalls. Cataloging books for public review is not an effective use of our education system’s time or resources, which should be devoted to ensuring the growth and flourishing of students rather than contributing to manufactured, politicized debates over what they read.

We urge the committee to issue an Unfavorable Report on House Bill 196.

¹ Rodney A. Smolla, *Freedom of Speech for Libraries and Librarians*, 76-77 (1993) (citing *Pico*, 457 U.S. at 866-67).