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The Honorable Chair Vanessa Atterbeary  
Ways & Means Committee  
Room 131  
House Office Building  
Annapolis, Maryland 21401

January 31, 2024

Testimony of FreeState Justice  
IN OPPOSITION TO  
House Bill 25: Public Schools - Sexually Explicit Materials  
- Prohibited in Libraries and Media Centers

To the Honorable Chair Vanessa Atterbeary, Vice Chair Jheanelle K. Wilkins, and esteemed members of the House Ways and Means Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) civil rights advocacy organization. Each year, we provide free legal services to hundreds of LGBTQIA+ Marylanders who would not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQIA+ community. As part of this work, we routinely represent and advocate on behalf of LGBTQIA+ youth in Maryland, who continue to face intense discrimination in and out of school.

We write today in opposition to House Bill 25 because the bill as written is particularly overbroad and redundant with current school policy already prohibiting sexually explicit and pornographic materials from schools as stated in the bill's fiscal note. The text in the bill lacks specificity in defining the materials that should be prohibited as "sexually explicit," which could create confusion and inconsistency in its implementation. The lack of clarity could also make it difficult for school districts to comply with the legislation, leading to additional administrative burdens. Additionally, if each county has its own policy, it could create unequal access to materials for students based on their location.

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

Overall, reading is a foundational skill critical to future learning and exercising our democratic freedoms. Parents have the right to guide their children's reading, but parents and other individuals should not be making decisions for other parents' children. Specifically, a small group of individuals should not dictate what books other people's children can read. Materials found in school libraries are tools for understanding complex issues. Limiting young people's access to these materials does not protect them from life's complex and challenging issues; it just makes it more difficult to handle those complexities.

Removing and banning books or reading materials from school libraries is a slippery slope to government censorship and the erosion of our country's commitment to freedom of expression. We recognize that there will be disagreements over specific content. However, individuals should not decide what is appropriate for other readers or parents. Selecting materials that fulfill the needs and interests of library users at different stages in their personal development is a necessary part of providing library services. Reading materials in the library are available to students for personal selection; they are not required books. Banning these materials will remove access for all members of the school community.

School educators and librarians are professionals trained not to impose their thoughts and opinions on which ideas are right but to make knowledge and ideas available so students can choose what to read and believe. Further, librarians and educators respect the rights of parents to decide what materials their children are exposed to. They work closely with parents to help them decide the best books for their children. Access to specific material should be determined individually, and any parent can request their child not be allowed to check out schoolbooks for whatever reason. This allows specific control in each household without limiting other households' access to materials. Libraries provide access to books that offer teachable moments for readers of all ages and expand our understanding of people with different backgrounds, ideas, and beliefs.

Please reject any efforts to ban access to materials beyond those already excluded from school libraries due to inappropriate content with no educational basis and allow parents to decide what their children can read on an individual basis.

For these reasons, FreeState Justice urges an unfavorable report on House Bill 25.

Lauren Pruitt,  
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