



Comments on HB 900

Relating to the regulation of books sold to or included in public school libraries.

March 21, 2023

The **Association of Texas Professional Educators (ATPE)** offers the following input on **HB 900** by Rep. Patterson. HB 900 would create new standards for the purchase and accessibility in public schools of books that contain varying degrees of sexual content.

The bill seeks to create two classifications of books that contain descriptions of sexual conduct: one class that provides individual parents the opportunity to determine the degree to which their own children would have access and the other a class of works deemed inappropriate in a public school setting. The bill places the responsibility for determining a work's classification on the seller of the work, not the public school.

ATPE supports parental involvement in education.

Parental involvement is predicated on transparency, accessibility, and the opportunity to provide actionable input on the education of one's own child. Under the first of HB 900's two classifications, "sexually relevant material," parents are provided with accessible and transparent information about one aspect of books available in the school library, as well as the ability to exercise parental discretion regarding their own child's ability to access those books.

ATPE supports community involvement in education.

The second classification under HB 900, "sexually explicit material," prohibits a work from being present at all in a local school setting. This would seem to be and in fact is at odds with the concept of letting individual parents choose what is best for their children. However, public schools, unlike private educational settings, are not funded by individual parents for the sole purpose of providing an educational benefit to their respective children. They are supported by the community to serve the community benefit of an educated population. As such, the community rightfully has a stake in the determination of the content provided by or available at the public schools in that community. HB 900 recognizes the community's role by allowing books that affront current community standards to be excluded from the schoolhouse altogether, superseding the role of the individual parent's choice.

The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with approximately 90,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public school educators.

ATPE supports positive working environments for educators.

One of the primary detriments of the current working environment in public schools has been the dramatic increase in political rancor, including the widespread and largely unfounded accusations of inappropriate materials in public school libraries. By placing the onus of the proposed system on vendors rather than on overburdened and under-resourced schools, particularly on school librarians, the author of HB 900 seeks to shift the burden of this politically rancorous issue out of public schools and away from public school employees.

Unfortunately, while this is the author's stated goal, we feel the bill as filed does not quite hit the mark. We urge that additional language be added to ensure neither schools nor school employees face legal liability when questions about a book's classification of a book or the possession of an unclassified book inevitably arise.

We respectfully request the addition of the following language in sections two and four of the bill, respectively:

- In section two, "(d) Nothing in this section may be construed as imposing a duty on or creating a cause of action against an employee of a school district or open-enrollment charter school."
- In section four, "Sec. 35.005. LIABILITY. Nothing in this chapter may be construed to create a cause of action against a school district, open-enrollment charter school or an employee of a school district or open-enrollment charter school. A school district or open-enrollment charter school is not liable for any claim or damage resulting from a school book vendor's violation of this chapter."

Thank you for your consideration. For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.