

## SB 1583 A -6 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Prepared By:** Taylor Bickel

**Meeting Dates:** 3/5, 3/6

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#### **WHAT THE MEASURE DOES:**

The measure prohibits discrimination when selecting textbooks, instructional materials, program materials, or library books for public schools. The measure declares an emergency and is effective on passage.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

*Senate Vote: Passed. Ayes, 17; Nays, 12; Excused, 1.*

#### Detailed Summary:

Prohibits a district school board, committee, or administrator from denying the use of textbooks, instructional materials, program materials, or library books in public elementary and secondary schools on the basis that the materials include a perspective, study, or story of, or are created by, any individual or group against whom discrimination is prohibited. Declares an emergency, effective on passage.

#### **ISSUES DISCUSSED:**

- First-Amendment protections
- Local control
- Number of challenges against library books in school libraries
- Representation of youth in library and instructional materials
- Concerns of parents
- Provisions of the amendment
- Existing process for adoption of materials for public schools
- Current anti-discrimination laws
- Appropriateness of various materials

#### **EFFECT OF AMENDMENT:**

-6 The amendment replaces the measure. The amendment establishes the Task Force on Discrimination in Public School Materials and directs the task force to study issues related to the adoption of textbooks, instructional materials, and library books in public schools and requires the task force to submit a report to the Legislature that may include recommendations for legislation. The amendment declares an emergency and is effective on passage.

#### Detailed Summary:

Creates the Task Force on Discrimination in Public School Materials. Outlines the membership of the task force. Directs the task force to study instances related to the exclusion of materials in public schools based on protected class, the current policies of school districts related to adopting materials including efforts to prevent discrimination, and reasons a school district may not make a material available in a school. Directs the task force to review methods for evaluating materials for use in a public school, existing rules and policies related to the availability of materials in public schools, and the potential legal impacts on school districts related to the selection or prohibition of materials on the basis of a protected class. Outlines the requirements for the operation of the task force. Requires the task force to submit a report that may include recommendations for legislation to

an interim committee of the Legislative Assembly related to education by November 30, 2024. Declares an emergency, effective on passage.

**BACKGROUND:**

ORS 337.141 instructs the State Board of Education to adopt a list of textbooks and other instructional materials that may be used by a school district, as well as guidelines and criteria for a school board to select textbooks and instructional materials not included on the Board's list. The Board guidelines for independent adoption of materials are outlined in [OAR 581-022-2350](#). The Oregon Department of Education (ODE) also publishes [criteria for the selection](#) of textbooks and instructional materials organized by subject matter.

The Oregon Intellectual Freedom Clearinghouse (OIFC), established in 1987 by the State Library of Oregon, publishes an annual report on challenges to materials, services, and programs in Oregon public libraries and school libraries. The process for reporting challenges to the OIFC is voluntary, and the accuracy of the report depends on the number of institutions that choose to report challenges. Therefore, the report may not be exhaustive of all challenges against library materials in Oregon public schools.

[According to the 2023 report](#), there were 46 challenges made against materials in public libraries between July 1, 2022, and June 30, 2023, 18 percent of which occurred at school libraries. Several of these challenges included multiple titles. A total of 93 titles were challenged during this time period, the highest in a single year since the group began collecting data. Commonly cited reasons for challenges against materials were claims that the materials were sexually explicit and challenges due to LGBTQIA2S+ content in the materials.

Recent challenges to library materials in public schools have garnered public interest. In 2023, the [Canby School District removed 35 books](#) from school libraries pending a review process after two community members requested the books be removed. After completing the review process, the district continued to use all the books in question in the district libraries except for one.

ORS 659.850 prohibits discrimination in public education. The enforcement of discrimination statutes related to education is a complaint and appeals based process. After the complaints process is exhausted at the local level, an appeal may be made at the state level. The process for complaints related to discrimination in education is outlined in [OAR 581-002-0001](#) thru [OAR 581-002-0023](#) and presented on the [ODE website](#).