

Senate Bill 1098

Sponsored by Senators FREDERICK, JAMA, Representative MCLAIN, Senators GELSER BLOUIN, GOLDEN, MANNING JR, Representatives FRAGALA, NELSON; Senators CAMPOS, MEEK, PATTERSON, PHAM K, REYNOLDS, Representatives GAMBA, GOMBERG, ISADORE, NGUYEN H

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Prohibits the exclusion of certain school books based on the topic or author of the book. (Flesch Readability Score: 68.9).

Prohibits discrimination when selecting or retaining school library materials, textbooks or instructional materials or when developing and implementing a curriculum.

Prescribes requirements for the removal of library materials, textbooks and instructional materials. Directs the Department of Education to provide technical assistance for school library programs.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to access to materials in schools; creating new provisions; amending ORS 336.082, 337.075,
3 337.141 and 337.260; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS 337.030**
6 **to 337.260.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Classroom library" means any collection of library materials made available to stu-
9 dents at a public school of this state in:

10 (A) A single classroom; or

11 (B) A common area accessible by two or more classrooms.

12 (b)(A) "Library materials" includes educational or literary materials that are nonfiction
13 or fiction and that are available in print or an electronic format.

14 (B) "Library materials" does not include textbooks or instructional materials that are
15 selected as provided by ORS 337.120, 337.141 or 337.260.

16 (c) "School library" means any collection of library materials made available to students
17 at a public school of this state:

18 (A) At a central location of the school;

19 (B) At a common area for one or more grades of the school; or

20 (C) Through an online remote education program.

21 (2) To comply with the prohibition on discrimination required by ORS 659.850, a licensed
22 teacher with a library media endorsement, a district school board, an administrator or any
23 other person responsible for the selection or retention of library materials in a school library
24 or a classroom library may not prohibit the selection or retention of, or refuse to select or
25 retain, library materials on the basis that the library materials include a perspective, study
26 or story of, or are created by, any individual or group against whom discrimination is pro-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **hibited under ORS 659.850.**

2 **(3) Library materials may not be removed from a school library or a classroom library**
 3 **at the request of a person who is not responsible for the selection or retention of the library**
 4 **materials unless:**

5 **(a) The request is made as a formal written request by a parent or guardian of a student**
 6 **of the school or an employee of the school;**

7 **(b) A committee from the school or school district considers the request made under**
 8 **paragraph (a) of this subsection to ensure compliance with subsection (2) of this section and,**
 9 **if after consideration of the request agrees to the removal, provides a public written expla-**
 10 **nation for the removal; and**

11 **(c) The removal is not made until the committee provides the public written explanation**
 12 **described in paragraph (b) of this subsection.**

13 **SECTION 3. (1) The Department of Education shall provide technical assistance and**
 14 **guidance to assist in strengthening school library programs in this state and to assist in**
 15 **compliance with the requirements of section 2 of this 2025 Act.**

16 **(2) Technical assistance and guidance described in subsection (1) of this section may be**
 17 **provided to:**

18 **(a) Licensed teachers with a library media endorsement and other licensed and unli-**
 19 **censed staff of a school library, as that term is defined in section 2 of this 2025 Act;**

20 **(b) Teachers with a classroom library, as that term is defined in section 2 of this 2025**
 21 **Act;**

22 **(c) School districts; and**

23 **(d) District school boards.**

24 **SECTION 4. ORS 337.075 is amended to read:**

25 **337.075. (1) Except as provided by subsection (2) of this section,** the State Board of Educa-
 26 **tion may adopt or reject any textbook or instructional materials** contained in any proposal. If the
 27 **terms and conditions for furnishing a textbook or instructional materials** in all proposals relating
 28 **to that textbook or instructional materials** are considered by the board to be unreasonable or the
 29 **textbook [is] or instructional materials are** considered to be unsuitable pursuant to guidelines and
 30 **criteria established by the board, the board may reject the textbook or instructional materials.**

31 **(2) The board may not reject any textbook or instructional materials on the basis that**
 32 **the textbooks or instructional materials include a perspective, study or story of, or are cre-**
 33 **ated by, any individual or group against whom discrimination is prohibited under ORS**
 34 **659.850.**

35 **[(2)] (3) At the same or subsequent sessions, the board may receive new proposals for a textbook**
 36 **or instructional materials** previously rejected and adopt the textbook **or instructional materials**
 37 **in the same manner as other textbooks or instructional materials** are required to be adopted. *[No*
 38 *proposal shall]* **A proposal may not** be considered unless the publisher has delivered without charge
 39 **two copies of each textbook or instructional materials** contained in the proposal to the Depart-
 40 **ment of Education at least 60 days before the meeting.**

41 **SECTION 5. ORS 337.141 is amended to read:**

42 **337.141. The State Board of Education shall adopt[:]**

43 **[(1) A list of textbooks and other instructional materials that may be used by a school district;**
 44 **and]**

45 **[(2)] guidelines and criteria for a district school board to select textbooks and other instruc-**

1 tional materials that are not on the list adopted under [subsection (1) of this section.] **ORS 337.050.**

2 **The guidelines and criteria must prohibit:**

3 (1) **The rejection of any textbook or instructional materials on the basis that the text-**
 4 **books or instructional materials include a perspective, study or story of, or are created by,**
 5 **any individual or group against whom discrimination is prohibited under ORS 659.850.**

6 (2) **The removal of any textbook or instructional materials on the basis of a request made**
 7 **by a person who is not a member of the district school board unless:**

8 (a) **The request is made as a formal written request by a parent or guardian of a student**
 9 **of a school of the school district or by an employee of the school district;**

10 (b) **A committee from the school district considers the request made under paragraph (a)**
 11 **of this subsection to ensure compliance with subsection (1) of this section and, if after con-**
 12 **sideration of the request agrees to the removal, provides a public written explanation for the**
 13 **removal; and**

14 (c) **The removal is not made until the committee provides the public written explanation**
 15 **described in paragraph (b) of this subsection.**

16 **SECTION 6.** ORS 337.260, as amended by section 3, chapter 202, Oregon Laws 2019, and section
 17 2, chapter 328, Oregon Laws 2023, is amended to read:

18 337.260. (1) Every district school board, the State Board of Education and every committee or
 19 [officer] **administrator** responsible for the adoption of textbooks and other instructional materials
 20 for use in the public schools shall adopt textbooks and other instructional materials on American
 21 history and government that adequately stress the services rendered by those who achieved our
 22 national independence, who established our form of constitutional government and who preserved
 23 our federal union. Textbooks and other instructional materials shall adequately address the roles
 24 in and contributions to the economic, political and social development of Oregon and the United
 25 States by men and women who:

26 [(1)] (a) Are Native American;

27 [(2)] (b) Are of European, African, Asian, Pacific Island, Chicano, Latino, Middle Eastern or
 28 Jewish descent;

29 [(3)] (c) Have disabilities;

30 [(4)] (d) Are immigrants or refugees; or

31 [(5)] (e) Are lesbian, gay, bisexual or transgender.

32 (2) **To comply with the prohibition on discrimination required by ORS 659.850, a district**
 33 **school board or a committee or administrator responsible for the adoption of textbooks or**
 34 **other instructional materials under this section may not prohibit the use of, or refuse to**
 35 **approve the use of, textbooks or instructional materials on the basis that the textbooks or**
 36 **instructional materials include a perspective, study or story of, or are created by, any indi-**
 37 **vidual or group identified in subsection (1) of this section.**

38 (3) **Textbooks or other instructional materials may not be removed from use in a public**
 39 **school at the request of a person who is not responsible for the adoption of textbooks or**
 40 **other instructional materials, as described in subsection (1) of this section, unless:**

41 (a) **The request is made as a formal written request by a parent or guardian of a student**
 42 **of a school of the school district or an employee of the school district;**

43 (b) **A committee from the school district considers the request made under paragraph (a)**
 44 **of this subsection to ensure compliance with subsection (2) of this section and, if after con-**
 45 **sideration of the request agrees to the removal, provides a public written explanation for the**

1 **removal; and**

2 **(c) The removal is not made until the committee provides the public written explanation**
3 **described in paragraph (b) of this subsection.**

4 **SECTION 7.** ORS 336.082 is amended to read:

5 336.082. (1) The State Board of Education shall encourage the development and implementation
6 of curriculum for public elementary and secondary schools in Oregon that will improve instructional
7 effectiveness or efficiency and that does not [*discriminate*] **include discrimination.**

8 (2) The State Board of Education shall stimulate the development of nondiscriminatory courses
9 of study or parts of courses to improve instructional effectiveness or efficiency in public elementary
10 and secondary schools in Oregon. The board may direct the Department of Education or contract
11 with appropriate public educational agencies to develop program materials and to establish a
12 mechanism for the purpose of introducing the materials and implementing the techniques.

13 [*(3) As used in subsection (1) of this section, “discriminate” has the meaning given*
14 *“discrimination” in ORS 659.850.*]

15 **(3) To comply with the prohibition on discrimination required by ORS 659.850, a district**
16 **school board, an administrator or any person responsible for the development or implemen-**
17 **tation of curriculum in a public elementary or secondary school in Oregon may not prohibit**
18 **the use of, or refuse to approve the use of, program materials on the basis that the program**
19 **materials include a perspective, study or story of, or are created by, any individual or group**
20 **against whom discrimination is prohibited.**

21 **(4) As used in this section, “discrimination” has the meaning given that term in ORS**
22 **659.850.**

23 **SECTION 8.** This 2025 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
25 on its passage.