

## Enrolled 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 ANDERSEN, CHAICHI, CHOTZEN, GAMBA, GOMBERG, GRAYBER, HUDSON, ISADORE, MCDONALD, MUNOZ, NGUYEN H, NOSSE, PHAM H, TRAN, WATANABE

CHAPTER .....

### AN ACT

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

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

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

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

(a) “Classroom library” means any collection of library materials made available to students at a public school of this state in:

(A) A single classroom; or

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

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

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

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

(A) At a central location of the school;

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

(C) Through an online remote education program.

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

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

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

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

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

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

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

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

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

(c) School districts; and

(d) District school boards.

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

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

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

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

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

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

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

*[(2)]* guidelines and criteria for a district school board to select textbooks and other instructional materials that are not on the list adopted under *[subsection (1) of this section.]* **ORS 337.050. The guidelines and criteria must prohibit:**

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

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

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

(b) **A committee from the school district considers the request made under paragraph (a) of this subsection to ensure compliance with subsection (1) of this section and, if after con-**

sideration of the request agrees to the removal, provides a public written explanation for the removal; and

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

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

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

[1] (a) Are Native American;

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

[3] (c) Have disabilities;

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

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

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

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

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

(b) A committee from the school district considers the request made under paragraph (a) of this subsection to ensure compliance with subsection (2) of this section and, if after consideration of the request agrees to the removal, provides a public written explanation for the removal; and

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

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

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

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

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

(3) **To comply with the prohibition on discrimination required by ORS 659.850, a district school board, an administrator or any person responsible for the development or implementation of curriculum in a public elementary or secondary school in Oregon may not prohibit the use of, or refuse to approve the use of, program materials on the basis that the program**

materials include a perspective, study or story of, or are created by, any individual or group against whom discrimination is prohibited.

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

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

**Passed by Senate March 31, 2025**

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House June 9, 2025**

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Julie Fahey, Speaker of House

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

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Tobias Read, Secretary of State