

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 636

Short Title: Promoting Wholesome Content for Students. (Public)

Sponsors: Representatives N. Jackson, Biggs, Willis, and Balkcom (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 2, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH PROCEDURES TO ENSURE THAT CONTENT THAT IS
3 HARMFUL TO MINORS IS NOT MADE AVAILABLE IN SCHOOLS AND TO
4 ESTABLISH A PRIVATE CAUSE OF ACTION FOR PARENTS, GUARDIANS,
5 STUDENTS, OR RESIDENTS OF A COUNTY AGAINST A PUBLIC SCHOOL UNIT
6 THAT IS VIOLATING THE PROVISIONS OF ARTICLE 7B OF CHAPTER 115C OF
7 THE GENERAL STATUTES, CHAPTER 114A OF THE GENERAL STATUTES, OR
8 PART 3 OF ARTICLE 1A OF CHAPTER 90 OF THE GENERAL STATUTES.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:

11 "(50) Database of Rejected Materials. – The State Board shall maintain a database
12 of all library media and materials rejected by public school units pursuant to
13 Part 7 of Article 7B of this Chapter. The State Board shall update this database
14 annually and make the database publicly available on a website maintained by
15 the Department of Public Instruction."

16 **SECTION 2.(a)** Article 7B of Chapter 115C of the General Statutes is amended by
17 adding a new Part to read:

18 "Part 7. Student Services.

19 "**§ 115C-78. Library media.**

20 (a) The following definitions apply in this section:

- 21 (1) Approval. – Approval for media to be added to a library and retained in a
22 library.
- 23 (2) Harmful to minors. – Any material or performance that depicts or describes
24 sexual activity or is pervasively vulgar.
- 25 (3) Library media. – Any electronic, print, or non-print resources, excluding
26 textbooks, for independent use by students and school personnel and not used
27 as part of the standard course of study for any grade or course, whether held
28 in a formal school library or in a classroom.
- 29 (4) Material. – Pictures, drawings, video recordings, films or other visual
30 depictions or representations, and material consisting of written words.
- 31 (5) Parent. – A parent or legal guardian.
- 32 (6) Rejected. – Any material or library media that is reviewed by a public school
33 unit and not met with approval.
- 34 (7) Sexual activity. – As defined in G.S. 14-190.13.



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1 (b) Governing bodies of public school units shall adopt a policy for the selection and
2 procurement of library media, including a recommendation review process. Approval of media
3 shall be an ongoing process that includes the removal of media that no longer meets the criteria
4 for approval and the periodic replacement or repair of media still of educational value. This
5 review shall include any library media or materials that are donated to the public school unit or
6 a school within a public school unit.

7 (c) The policy adopted by the governing body of a public school unit pursuant to this
8 section shall meet the following requirements for media to be approved for addition to a school
9 library:

10 (1) The superintendent shall delegate the responsibility of identifying media to be
11 recommended for addition to a school library to a community library advisory
12 committee.

13 (2) The superintendent, or their designee, shall review media for addition to a
14 school library and determine whether the media meets the following criteria:

15 a. Supports and enriches student's personal learning and the standard
16 course of study for grades and courses offered at the school where the
17 media would be available.

18 b. Meets high standards in literary, artistic, and aesthetic quality, as well
19 as technical aspects and physical format.

20 c. Is appropriate for the age, grade level, intellectual development, and
21 ability level of the students that will have access to the media. Material
22 that is appropriate for the age, grade level, intellectual development,
23 and ability level is material that is suitable for particular ages or age
24 groups of children and adolescents based on developing cognitive,
25 emotional, and behavioral capacity typical for the age or age group.
26 Material is not "appropriate for the age, grade level, intellectual
27 development, and ability level" for any age or age group of children if
28 it includes descriptions or visual depictions of sexual activity or is
29 pervasively vulgar.

30 d. Does not contain material that is harmful to minors.

31 e. For nonfiction resources, incorporates accurate and authentic factual
32 content from authoritative sources.

33 f. Balances financial cost with need.

34 g. Fiction, graphic novels, and narrative nonfiction, including memoirs
35 and biographies, shall only be added for literary or artistic value.

36 h. Complies with the Children's Internet Protection Act, 47 U.S.C. §
37 254(h)(5), including technology protection measures.

38 (3) The superintendent shall submit recommendations to the governing body of
39 the public school unit for approval or denial.

40 (4) The governing body of the public school unit shall consider the recommended
41 material at meetings of the body. While the media is under review, the
42 governing body may request from the superintendent more information about
43 the media or the author of the media. Any member of the governing body may
44 make a motion to place recommended media before the body for approval. If
45 no member makes a motion, then the media is not approved. Consideration of
46 the recommended material must be completed within 90 days of the
47 submission of the recommendation to the Board.

48 (5) When the superintendent or the superintendent's designee submits
49 recommendations to the governing body, all recommendations will be placed
50 on the school website and be accessible to the public. The posting shall also
51 include a form for submission of objections and instructions for a parent or

1 guardian or resident of the county to submit an objection to approval of the
2 media. The submission must include information on how the media materials
3 fail to meet the criteria.

4 (6) If, during consideration, a piece of media receives 10 or more letters of
5 objection from parents or teachers or residents of the county which state with
6 specificity how the media fails to meet the criteria, the superintendent shall
7 submit those letters of objection to the library advisory committee established
8 pursuant to subsection (d) of this section for consideration.

9 (d) The governing body of the public school unit shall establish a community library
10 advisory committee to investigate and evaluate challenges from parents, teachers, and residents
11 of the county, including letters of objection received by the governing body, to library media on
12 the grounds that it does not conform to the criteria for selection of library media. The library
13 advisory board shall be composed of 10 members, five parents from the school district and five
14 school personnel. The committee shall review any challenges received and make
15 recommendations to the governing body concerning the challenged media. The State Board of
16 Education shall review its rules and policies concerning these challenges and shall establish
17 guidance to be followed by community library advisory committees.

18 (e) The governing body of the public school unit shall publish on a website that is
19 accessible to the public and make available to a parent, guardian, or resident of the county in
20 which the public school unit is located any specifically requested media that is available in the
21 school library and the criteria established pursuant to this section used to select or procure the
22 library media and materials.

23 (f) Prior to any school conducting or partnering with a third party to conduct a student
24 book fair, the principal of that school shall conduct a review of all media that will be made
25 available to students at the book fair to determine if the media meets the criteria listed in
26 subdivision (2) of subsection (c) of this section and has been assigned a proper content access
27 designation. It shall be the express duty of the principal to ensure that no media be accepted by
28 the school or made available to students at the book fair that does not comply with this section.

29 (g) The governing body of the public school unit shall maintain a database of all rejected
30 materials and library media and report on the contents of that database to the State Board of
31 Education at the conclusion of each year."

32 **SECTION 2.(b)** For media materials which were purchased by a public school unit
33 prior to this act becoming law, the governing body of the public school unit shall use the library
34 advisory committee to investigate and evaluate challenges. The process for consideration shall
35 be identical to the processes established in subsection (d) of G.S. 115C-78, as enacted by this act.

36 **SECTION 3.** Part 4 of Article 7B of Chapter 115C of the General Statutes is
37 amended by adding a new section to read:

38 "**§ 115C-76.61. Additional remedies for violation of Parents' Bill of Rights.**

39 (a) Civil Remedies. – In addition to any other remedies or procedures provided by law,
40 for any violation of this Article, Chapter 114A of the General Statutes, or Part 3 of Article 1A of
41 Chapter 90 of the General Statutes, a parent, legal guardian, or resident of the county in which
42 the public school unit is located may bring a cause of action against the public school unit for
43 any of the following forms of relief:

44 (1) Declaratory relief.

45 (2) Injunctive relief.

46 (3) Damages of five thousand dollars (\$5,000) per violation.

47 (4) Reasonable attorneys' fees and costs.

48 (5) Any other appropriate relief in the determination of the court.

49 (b) Exhaustion of Administrative Remedies. – Prior to filing a legal challenge pursuant
50 to subsection (a) of this section, a parent, guardian, or resident of the county shall exhaust all
51 administrative remedies available pursuant to this Chapter."

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SECTION 4. This act is effective when it becomes law.