

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

2

HOUSE BILL 636
Committee Substitute Favorable 4/15/25

Short Title: Promoting Wholesome Content for Students.

(Public)

Sponsors:

Referred to:

April 2, 2025

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH PROCEDURES TO ENSURE THAT CONTENT THAT IS
HARMFUL TO MINORS IS NOT MADE AVAILABLE IN SCHOOLS AND TO
ESTABLISH A PRIVATE CAUSE OF ACTION FOR PARENTS, GUARDIANS, OR
RESIDENTS OF A COUNTY AGAINST A PUBLIC SCHOOL UNIT THAT IS
VIOLATING THOSE PROCEDURES.

The General Assembly of North Carolina enacts:

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

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

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

"Part 7. Student Services.

"§ 115C-78. Library media.

(a) The following definitions apply in this section:

- (1) Approval. – Approval for library media to be added to a school library and retained in a school library.
- (2) Community library advisory committee. – A committee established by the governing body of a public school unit pursuant to subsection (d) of this section.
- (3) Library media. – Any media, excluding textbooks, for independent use by students and school personnel and not used as part of the standard course of study for any grade or course, whether held in a formal school library or in a classroom.
- (4) Media. – Any electronic, print, or non-print resources, including pictures, drawings, video recordings, films or other visual depictions or representations, as well as written words.
- (5) Parent. – A parent or legal guardian.
- (6) Rejected. – Any library media that is reviewed by a public school unit and not met with approval.
- (7) School library. – Any location within a school that contains library media.
- (8) Sexual activity. – As defined in G.S. 14-190.13.



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

(c) The policy adopted by the governing body of a public school unit pursuant to this section shall meet the following requirements:

(1) The community library advisory committee shall identify library media to be recommended for addition to a school library.

(2) The community library advisory committee shall review library media for addition to a school library and determine whether the library media meets the following criteria:

a. Supports and enriches students' personal learning and the standard course of study for grades and courses offered at the school where the library media would be available.

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

c. Is appropriate for the age, grade level, intellectual development, and ability level of the students that will have access to the library media. Library media that is appropriate for the age, grade level, intellectual development, and ability level is library media that is suitable for particular ages or age groups of children and adolescents based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. Library media is not appropriate for the age, grade level, intellectual development, and ability level for any age or age group of children if it includes descriptions or visual depictions of sexual activity or is pervasively vulgar.

d. Balances financial cost with need.

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

(3) The community library advisory committee shall submit recommendations to the governing body of the public school unit for approval or denial.

(4) The governing body of the public school unit shall consider the recommended library media at meetings of the body. While the library media is under review, the governing body may request more information from the superintendent about the library media or the author of the library media. Any member of the governing body may make a motion to place recommended library media before the body for approval. If no member makes a motion, then the library media is not approved. Consideration of the recommended library media must be completed within 60 days of the submission of the recommendation to the governing body.

(5) When the community library advisory committee submits recommendations to the governing body of the public school unit, all recommendations will be placed on the public school unit's website and be accessible to the public. The posting shall also include a form for submission of objections and instructions for a parent, teacher, or resident of the county in which the public school unit is located, to submit an objection to approval of the library media. The submission must include information on how the library media fails to meet the criteria for approval.

(6) If any library media receives 10 or more letters of objection from parents, teachers, or residents of the county in which the public school unit is located, which state with specificity how the library media fails to meet the criteria for approval, the superintendent shall submit those letters of objection to the community library advisory committee. The committee shall review any challenges received and make recommendations to the governing body concerning the challenged library media. This subdivision applies to library media recommended to the governing body of the public school unit for approval and to library media that has been approved and included in a school library.

(d) The governing body of each public school unit shall establish a community library advisory committee composed of 10 members selected by the superintendent. The superintendent shall select five parents of students enrolled in the public school unit and five employees of the governing body of the public school unit. The community library advisory committee shall do all of the following related to library media:

(1) Identify, evaluate, and recommend library media for approval by the governing body of the public school unit.

(2) Investigate, evaluate, and make recommendations to the governing body of the public school unit regarding objections to library media from parents, teachers, and residents of the county in which the public school unit is located.

(e) The governing body of the public school unit shall publish on a website that is accessible to the public and make available to a parent or resident of the county in which the public school unit is located any library media that has been approved by the governing body and the criteria established pursuant to this section used to select or procure the library media.

(f) Prior to any school in a public school unit conducting or partnering with a third party to conduct a student book fair, the community library advisory committee shall conduct a review of all media that will be made available to students at the book fair to determine if the media meets the criteria listed in subdivision (2) of subsection (c) of this section. It shall be the express duty of the community library advisory committee to ensure that no media be accepted by the school or made available to students at the book fair that does not comply with this section.

(g) The governing body of the public school unit shall maintain a database of all rejected library media and report on the contents of that database to the State Board of Education annually by June 30.

"§ 115C-78.5. Remedies for violations of this Part.

(a) Civil Remedies. – In addition to any other remedies or procedures provided by law, for any violation of this Part, a parent, legal guardian, or resident of the county in which the public school unit is located may bring a cause of action against the public school unit for any of the following forms of relief:

(1) Declaratory relief.

(2) Injunctive relief.

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

(4) Reasonable attorneys' fees and costs.

(5) Any other appropriate relief as determined by the court.

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

SECTION 2.(b) For library media which was purchased by a public school unit prior to this act becoming law, the governing body of the public school unit shall use the community library advisory committee to investigate and evaluate challenges. The process for consideration shall be identical to the processes established in subdivision (c)(6) of G.S. 115C-78, as enacted by this act.

1 **SECTION 3.** G.S. 115C-98 reads as rewritten:

2 "**§ 115C-98. Local boards of education to provide for local operation of the textbook**
3 **program, the selection and procurement of other instructional materials, and the**
4 **use of nonadopted textbooks.**

5 (a) Local boards of education shall adopt rules not inconsistent with the policies of the
6 State Board of Education concerning the local operation of the textbook program.

7 (b) Local boards of education shall adopt written policies concerning the procedures to
8 be followed in their local school administrative units for the selection and procurement of
9 supplementary textbooks, ~~library books,~~ periodicals, audiovisual materials, and other
10 supplementary instructional materials needed for instructional purposes in the public schools of
11 their units.

12 Local boards of education shall have sole authority to select and procure supplementary
13 instructional materials, whether or not the materials contain commercial advertising, to determine
14 if the materials are related to and within the limits of the prescribed curriculum, and to determine
15 when the materials may be presented to students during the school day. Supplementary materials
16 and contracts for supplementary materials are not subject to approval by the State Board of
17 Education.

18 Supplementary books and other instructional materials shall neither displace nor be used to
19 the exclusion of basic textbooks.

20 ...

21 (d) This section does not apply to library media, as defined in G.S. 115C-78.

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