

ALA American Library Association

March 16, 2023

The Honorable Kevin McCarthy
Speaker
U.S. House of Representatives

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives

Re: H.R. 5, “Parents Bill of Rights Act” – **OPPOSE**

Dear Speaker McCarthy and Leader Jeffries,

The American Library Association (“ALA”) writes to express our opposition to certain provisions of H.R. 5 (“Parents Bill of Rights Act”) and to urge a **NO** vote on H.R. 5.

Unquestionably, parents should have a voice in their child’s education. However, we must oppose H.R. 5’s school library provisions, which ironically would lead to *more* government interference in family decisions regarding voluntary reading. These provisions:

- Are unnecessary and unwarranted;
- Would create a catalyst for more book banning and censorship; and
- Would create unfunded federal mandates and regulation where none are needed, at the cost of educating students.

This letter explains each of these concerns below and provides background information about school libraries and an analysis of the bill’s school library provisions.

School Libraries are Essential to Educational Achievement

According to the National Center for Education Statistics, 88 percent of all public schools had a school library in 2020-21. School libraries and librarians play essential roles in promoting educational achievement, including by fostering a love of reading which encourages students’ development of key literacy skills. School libraries offer a variety of age-appropriate materials for voluntary reading, which is central to helping students discover the joy of reading. School library collections are typically overseen by school librarians who hold a Master’s in Library Science or comparable degree from an ALA-accredited graduate program, and who in many states are required to hold a state certification. Library collections are developed in accordance with professional standards, the school’s collection development and reconsideration policies, and the requirements of applicable law, including the U.S. Constitution.

The American Library Association (“ALA”) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library’s role in enhancing learning and ensuring access to information for all.

Analysis of H.R. 5’s School Library Provisions

The following provisions, as contained in Rules Committee Print 118-2, would impose new federal requirements on local school libraries.

Section 104 would require local educational agencies that receive funding under federal Education Department programs to notify parents that they have the right to a “list of the books and other reading materials contained in the library of their child’s school” and to “inspect such books or other reading materials,” and to provide parents with such list and opportunity to inspect such materials at the beginning of each school year.

Section 202 would require local educational agencies that receive funding under federal Education Department programs to make available for inspection by parents “any books or other reading materials made available to students in such school or through the school library of such school,” and to adopt a policy providing for such inspection upon the request of the parent.

Section 202 also contains reporting provisions, which would require:

- Local educational agencies that receive funding under federal Education Department programs to annually “report to the State educational agency any enforcement actions or investigations carried out for the preceding school year to ensure compliance with this section” and to “publish such information on its website;”
- State educational agencies, in turn, to annually report information received from local educational agencies to the federal Education Department, as well as “a description of the enforcement actions the State educational agency took to ensure parents’ rights were protected;” and
- The federal Secretary of Education to annually report information received from states to Congress, along with “a description of the enforcement actions taken by the Secretary [...] to ensure full compliance.”

Finally, Section 202 directs the Secretary to “take such action as the Secretary determines appropriate to enforce this section,” including the authority to terminate federal funding “if the Secretary determines that there has been a failure to comply with such section, and compliance with such section cannot be secured by voluntary means.”

The bill would not provide funding to implement these requirements.

The Bill’s School Library Provisions Are Unnecessary and Unwarranted

The bill’s school library provisions appear to be a solution in search of a problem. We are not aware of any situations where parents were not allowed access to the school library’s catalog or materials. It is standard practice in today’s school libraries to maintain online catalogs of their library materials and make such catalogs available to parents and students. School librarians welcome the opportunity to engage with parents in support of the student’s education and fostering a love of reading. That is precisely why school libraries exist, and why school librarians have chosen their profession.

Furthermore, these provisions are unwarranted. As described above, school libraries provide access to a variety of age-appropriate materials. Notably, these are not mandatory instructional materials, but *voluntary* choices for student-directed reading. If a student isn’t interested in a particular book, they can simply choose another book.

The Bill’s School Library Provisions Would Create a Catalyst for More Book Banning and Censorship

We are very concerned about the potential negative unintended consequences of book banning and censorship of viewpoints if these federal requirements are imposed on local schools.

The federal government should not dictate which materials local school libraries can or cannot offer. Indeed, current federal law prohibits the Education Department from exercising “any direction, supervision, or control [...] over the selection or content of library resources” by local schools (20 U.S.C. § 3403(b)). However, the school library provisions of H.R. 5 would expand federal involvement in that quintessentially local decision and invite more attempts to censor information and ban books.

Imposing new federal regulation – including a federal mandate for local schools to adopt new policies – would be weaponized by a small minority who seek to censor what other parents’ children can read. The sad reality is that an increasing number of state and local politicians in recent years have acquiesced to extreme demands to censor reading choices, and we fear that censorship may become even more prevalent if these provisions are enacted.

We have already seen how destructive censorship can be with the banning of books in many communities. Book bans now include many shocking examples, including the banning of children’s books regarding the contributions to society by individuals like Condoleezza Rice, Rosa Parks, and Malala Yousafzai. We cannot support provisions that will, even if unintentionally, lead to greater censorship and the banning of children’s books that contain subjects such as the contributions of these historic figures.

The Bill’s School Library Provisions Would Create Unfunded Federal Mandates and Regulation Where None Are Needed, At the Cost of Educating Students

As described above, the bill’s requirements for school libraries are essentially duplicative of standard local practice. Nonetheless, by imposing new *federal* regulation on local schools, the bill would create new paperwork requirements, compliance burdens, and administrative costs, including for rural and small schools that can least afford them. These unfunded mandates would be another distraction from schools’ fundamental work to educate students. These same provisions would hand the federal Education Department new, broad authority to defund schools deemed to have inadequately complied with these new federal regulations. If enacted, these provisions would take dollars that should be used to pay for books, librarians, and teachers, and require that they instead be spent on administrators, bureaucrats, and paperwork – to the detriment of the students our schools should be focused on serving.

Conclusion

We believe that parents should be partners in their children’s education. However, H.R. 5’s school library provisions do nothing to advance that goal. Instead, they would create unnecessary and unfunded federal mandates on local school libraries that likely would result in more government censorship of reading choices.

Congress should support freedom for parents and students to choose what they want to read. Inspired by the wisdom of our country’s Founders, the First Amendment must be our guide star. If anyone is to tell a child that they can’t read a book, it should be the child’s parent, not a politician. Congress should support students by strengthening school libraries and protecting the freedom to read – not imposing more bureaucratic burdens and invitations to censorship.

We are confident that parents want more books, not fewer, in their children’s school libraries.

Thank you for your consideration. If we can provide more information, please contact Gavin Baker (gbaker@alawash.org).

Sincerely,



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Senior Director, Public Policy & Government Relations and Interim Associate Executive Director
American Library Association

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cc: Chairman Tom Cole, Committee on Rules
Ranking Member Jim McGovern, Committee on Rules
Chairwoman Virginia Foxx, Committee on Education and the Workforce
Ranking Member Bobby Scott, Committee on Education and the Workforce
Congresswoman Julia Letlow