



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 17 2026

Bill No: SB65

Committee Referrals: SEC/SJC

**Agency Name and Code:** PED - 924

Sponsor: Sedillo Lopez / Pope / Cates

**PED Lead Analyst:** Martin H. Jones, PhD

**Phone:** (505) 695-4287 **Email:** Martin.jones@ped.nm.gov

**Short Title:** MANAGEMENT OF PUBLIC SCHOOL LIBRARIES

**PED Policy Senior Manager:** denise terrazas

**Phone:** (505) 470-5303 **Email:** denise.terrazas@ped.nm.gov

**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 1/23/26.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: In the control and management of public school libraries and the administration of library programs and services, the bill would require school districts to prohibit discrimination against the author, content, and intended audience of a library resource.

The bill would allow a school district to remove, restrict, or discontinue a library resource from a public school library's permanent collection:

- upon request from a student enrolled in that school district or a student's parent; and
- in accordance with a uniform process and uniform standards that each school district would be required to adopt.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

### **FISCAL IMPLICATIONS**

The bill does not include an appropriation.

### **SIGNIFICANT ISSUES**

The bill would prohibit:

- discrimination against the author, content, and intended audience of a library resource based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, tribal affiliation or ancestry likewise prohibits harassment of the author or intended audience of a library resource.
- a library staff member from being subject to termination, demotion, discipline or retaliation for refusing to remove, restrict or discontinue a library resource before a final determination to remove, restrict or discontinue that library resource has been made in accordance with this section or for making decisions that the library staff member believes, in good faith, comply with this section and the respective school district's policies.
- a library resource to be considered for removal, restriction or discontinuation more than once in a two-year period, at minimum;
- the removal, restriction, or discontinuation of a library resource that is subject to removal, restriction, or discontinuation until a final determination is made.

The bill would require a final determination of a request to remove, restrict, or discontinue a library resource to be in writing, available to the public, and include the standards used in making the determination and how those standards were applied to the library resource at issue.

No later than September 1, 2026, each local school board would be required to establish and submit to the Public Education Department (PED) for approval written policies that reflect the provisions of the bill, including written policies for the acquisition, retention, display, and use of library resources and for the maintenance and deaccession of a public school library's collection. The

requirements of the bill, however, are not to apply to the routine maintenance of library collections and routing deaccession of library materials.

The bill has several potentially beneficial components for New Mexico school districts and charter schools. The bill decreases the burden on public school personnel when library resources are challenged. The bill potentially decreases legal fees for school districts and charters when resources are challenged and will clarify authority for who controls access to library resources and the process for challenging material. The bill explicitly ensures freedom of information and access to library materials for students by requiring the PED only approve policies that comply with the more protective of either the Second Amendment to the United States Constitution, or Article II, Section 17 of the New Mexico Constitution's Bill of Rights.

The American Library Association has existing guidelines for how to challenge library resources that school districts and charter schools can use to help develop their policies.

### **PERFORMANCE IMPLICATIONS**

None.

### **ADMINISTRATIVE IMPLICATIONS**

School districts would be required to develop compliant policies for challenging library materials if such policies do not already exist.

The bill would also require PED to approve the written policies submitted by school districts and charter schools, but only those that comply with the First Amendment to the United States Constitution or Article II, Section 17 of the Constitution of New Mexico concerning freedom of speech, whichever is more protective of speech. This can be accomplished with currently available resources.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

- Relates to [HB26, Prohibiting Book Banning at Public Libraries](#), which prohibits book banning, though does require a public library operated by the state, a county, or a municipality to establish a written procedure for persons to challenge the library's inclusion of materials or resources believed to be obscene, unlawful, or incompatible with the library's purpose.
- Relates to [Senate Bill Prefile .232608.2](#), which would require post-secondary educational institutions to establish policies regarding the management of libraries and the administration of library programs and services.
- Conflicts with [Senate Bill Prefile .232672.3](#), which would create a three-year pilot project, the "school age-appropriate filtering and evaluation project," in which participating school districts or charter schools volunteer to rate library materials based on age appropriateness.

### **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

School districts may continue to burden the time and financial costs associated with community members challenging the present of library resources inside public schools.

## **AMENDMENTS**

None.