

1 SENATE BILL

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING SCHOOL DISTRICTS TO
12 ESTABLISH POLICIES REGARDING THE MANAGEMENT OF PUBLIC SCHOOL
13 LIBRARIES AND THE ADMINISTRATION OF LIBRARY PROGRAMS AND
14 SERVICES; PROHIBITING RETALIATION.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 **SECTION 1.** A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] SCHOOL LIBRARY PROTECTION--POLICIES,
20 STANDARDS AND PROHIBITIONS.--

21 A. As used in this section:

22 (1) "library resource" means a printed,
23 digital or electronic book or other educational media and
24 includes:

25 (a) a magazine, newspaper, pamphlet or

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1 slide deck;
2 (b) an online reference or periodical
3 database, a streaming service or computer software;
4 (c) a microfiche or microfilm;
5 (d) a film, a filmstrip, an audio tape,
6 a video tape, a vinyl record, a compact disc or a digital audio
7 or video file;
8 (e) a poster, a display or an exhibit;
9 and
10 (f) other printed or unprinted materials
11 and library programming;
12 (2) "library staff member" includes a public
13 school librarian, teacher librarian, library media specialist,
14 school employee assigned to duties in a public school library,
15 school employee or volunteer who carries out or assists with
16 the functions of a public school library;
17 (3) "local school board" includes a governing
18 body of a charter school; and
19 (4) "school district" includes a charter
20 school.

21 B. In the control and management of public school
22 libraries and the administration of library programs and
23 services, a school district shall prohibit discrimination
24 against the author, content and intended audience of a library
25 resource based on disability, race, creed, color, sex, sexual

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1 orientation, gender identity, gender expression, family
2 composition, religion, age, national origin, tribal affiliation
3 or ancestry and shall prohibit harassment of the author or
4 intended audience of a library resource.

5 C. A school district may remove a library resource
6 from a public school library's permanent collection only in
7 accordance with the following:

8 (1) each school district shall adopt a uniform
9 process and uniform standards for the removal, restriction or
10 discontinuation of a library resource;

11 (2) a request to remove, restrict or
12 discontinue a library resource from a public school library may
13 be made only by a student enrolled at that school or a
14 student's parent;

15 (3) a library resource shall not be considered
16 for removal, restriction or discontinuation more than once in a
17 two-year period, at minimum;

18 (4) when a library resource is considered for
19 removal, the library resource shall be reviewed as a whole and
20 the adopted standards shall be applied to the library resource
21 as a whole;

22 (5) a final determination of a request to
23 remove, restrict or discontinue a library resource shall be in
24 writing, available to the public and include the standards used
25 in making the determination and how those standards were

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1 applied to the library resource at issue;

2 (6) a library resource subject to a request
3 for removal, restriction or discontinuation shall not be
4 removed, restricted or discontinued until a final determination
5 is made; and

6 (7) the provisions of this section shall not
7 apply to routine maintenance and deaccession of a public school
8 library's collection.

9 D. No later than September 1, 2026, each local
10 school board shall establish and submit to the department for
11 approval written policies that reflect the provisions of this
12 section, including written policies for the acquisition,
13 retention, display and use of library resources and for the
14 maintenance and deaccession of a public school library's
15 collection. The department shall approve only written policies
16 that comply with the first amendment to the United States
17 constitution or Article 2, Section 17 of the constitution of
18 New Mexico concerning freedom of speech, whichever is more
19 protective of speech.

20 E. A library staff member shall not be subject to
21 termination, demotion, discipline or retaliation for refusing
22 to remove, restrict or discontinue a library resource before a
23 final determination to remove, restrict or discontinue that
24 library resource has been made in accordance with this section
25 or for making decisions that the library staff member believes,

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in good faith, comply with this section and the respective school district's policies."

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