

SB 1098 -5, -7 STAFF MEASURE SUMMARY

House Committee On Education

Prepared By: Chris Bechtel, LPRO Fellow

Meeting Dates: 4/30, 5/12

WHAT THE MEASURE DOES:

The measure prevents licensed teachers, schools, and school districts from prohibiting the selection, retention, or use of library materials, textbooks, or instructional materials on the basis that the materials contain perspectives, stories, or are created by individuals or groups that are members of protected classes under Oregon's antidiscrimination law. It requires a request for the removal of materials to be made in writing by a parent or guardian of a student or by an employee of the school and requests to be reviewed by a committee from the school district. The measure requires the Oregon Department of Education and the State Board of Education to establish guidelines and technical support for schools to comply with the measure. The measure declares an emergency and takes effect on passage.

Fiscal Impact: Has a minimal fiscal impact.

Revenue Impact: No revenue impact.

SENATE VOTE: 18 Ayes, 10 Nays

Detailed Summary

I. Library Materials

- Prevents licensed teachers from prohibiting the selection or retention of library materials on the basis that the materials contain perspectives, stories, or are created by individuals or groups that are members of protected classes under Oregon's antidiscrimination law.
- Prescribes a process for the removal of library materials by requiring parents, guardians, or school employees to request in writing that materials be removed, then requires a committee to consider the request and if removed, requires the committee to include a written statement.
- Requires the Oregon Department of Education to provide technical support and guidance to library staff, teachers, school districts, and district school boards to implement the review process.

II. Textbooks and Instructional Materials

- Prohibits the State Board of Education from rejecting textbooks or instructional material on the basis that the materials contain perspectives, stories, or are created by individuals or groups that are members of protected classes under Oregon's antidiscrimination law.
- Prescribes a process for the removal of textbooks and other instructional materials by requiring parents, guardians, or school employees to request in writing that materials be removed, then requires a committee to consider the request and if removed, requires the committee to include a written statement.
- Removes the redundant requirement for the State Board of Education to maintain a list of materials for schools that is also contained in ORS 337.050.
- Requires the State Board of Education to establish guidelines and criteria that prohibit the rejection of materials based on specified criteria.

III. Miscellaneous

- The measure declares an emergency and takes effect on passage.

ISSUES DISCUSSED:

- Impacts on students when they read about different cultures and different perspectives
- Impacts of banning books on children
- Examples of book bans in Oregon

SB 1098 -5, -7 STAFF MEASURE SUMMARY

- How the book removal process works under the measure
- Local control of the process
- Book selection process
- School enrollment

EFFECT OF AMENDMENT:

-5 The amendment abbreviates the discrimination policy for selecting and retaining the library materials, rejecting or adopting textbook or instructional materials, and developing and implementing curriculum in public education.

-7 The amendment modifies the measure to state that school personnel may select or retain library materials, instructional materials, and curricula based on grade level appropriateness. It adds requirements for procedures when a school or school district committee removes the material due to grade level appropriateness, requiring that at the request of ODE, the committee must submit a written explanation of the factors considered by the committee to remove the materials.

BACKGROUND:

ORS 337.141 instructs the State Board of Education to adopt a list of textbooks and other instructional materials that may be used by a school district, as well as guidelines and criteria for local school boards to use in selecting textbooks and instructional materials not included on the Board's list. The Board guidelines for independent adoption of materials are outlined in [OAR 581-022-2350](#). The Oregon Department of Education (ODE) also publishes criteria for the selection of textbooks and instructional materials organized by subject matter.

The Oregon Intellectual Freedom Clearinghouse (OIFC), established in 1987 by the State Library of Oregon, publishes an annual report on challenges to materials, services, and programs in Oregon public libraries and school libraries. The process for reporting challenges to the OIFC is voluntary, and the accuracy of the report depends on the number of institutions that choose to report challenges. Therefore, the report may not be exhaustive of all challenges against library materials in Oregon public schools.

According to the [2024 report](#), there were 68 challenges made against materials in public libraries between July 1, 2023, and June 30, 2024, 47.5 percent of which occurred at school libraries. Several of these challenges included multiple titles. A total of 127 titles were challenged during this time period, the highest in a single year since the group began collecting data. Commonly cited reasons for challenges against materials were claims that the materials were sexually explicit and challenges due to LGBTQIA2S+ content in the materials.

[ORS 659.850](#) prohibits discrimination in public education. The enforcement of discrimination statutes related to education is a complaint and appeals based process. After the complaints process is exhausted at the local level, an appeal may be made at the state level. The process for complaints related to discrimination in education is outlined in [OAR 581-075-0001](#) thru OAR [581-075-0901](#) and presented on the [ODE website](#).

In 2024, the Legislative Assembly considered [Senate Bill 1583 \(2024\)](#), which introduced similar provisions to Senate Bill 1098 but did not pass.