

117TH CONGRESS
2D SESSION

S. 5064

To ensure that children in schools have a right to read, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mr. REED introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To ensure that children in schools have a right to read, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Read Act
5 of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 Section 8101 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7801) is amended—

9 (1) by redesignating paragraphs (19) through
10 (28), paragraphs (29) through (43), paragraphs

(44) through (49), and paragraphs (50) through (52) as paragraphs (20) through (29), paragraphs (31) through (45), paragraphs (47) through (52), and paragraphs (54) through (56), respectively;

(2) by inserting after paragraph (18) the following:

“(19) EFFECTIVE SCHOOL LIBRARY.—The term ‘effective school library’ means a library that—

“(A) is staffed by at least one full-time State-certified school librarian who—

“(i) is an instructional leader, information specialist, and teacher;

“(ii) supports the digital learning environment and the development of participatory learning, inquiry learning, digital literacy, and information literacy; and

“(iii) supports, supplements, and elevates the literacy experience through guidance in reading for learning and motivational reading initiatives in order to enhance student achievement and foster lifelong reading and learning;

1 “(B) is otherwise adequately staffed to be
 2 open to students before, during, and after the
 3 school day;

4 “(C) has a sufficient collection of curated
 5 up-to-date digital and print materials and tech-
 6 nology, including openly licensed educational re-
 7 sources;

8 “(D) provides appropriate facilities for
 9 maintaining and providing equitable access to
 10 materials, technology, connectivity, and library
 11 and literacy instruction;

12 “(E) provides regular professional develop-
 13 ment for teachers, school librarians, and other
 14 educators;

15 “(F) provides opportunities for collabora-
 16 tion between classroom teachers and school li-
 17 brarians; and

18 “(G) implements nationally recognized
 19 standards of practice.”;

20 (3) by inserting after paragraph (29), as redes-
 21 ignated by paragraph (1), the following:

22 “(30) INFORMATION LITERACY.—The term ‘in-
 23 formation literacy’ means the set of skills needed to
 24 find, retrieve, understand, evaluate, analyze, and ef-
 25 fectively use information (which encompasses spoken

1 and broadcast words and videos, printed materials,
 2 and digital content, data, and images).”;

3 (4) by inserting after paragraph (45), as redes-
 4 ignated by paragraph (1), the following:

5 “(46) RIGHT TO READ.—The term ‘right to
 6 read’ means all students have access to—

7 “(A) linguistically and developmentally ap-
 8 propriate, evidence-based reading instruction;

9 “(B) effective school libraries;

10 “(C) family literacy support;

11 “(D) culturally diverse and inclusive mate-
 12 rials;

13 “(E) reading materials in the home; and

14 “(F) the freedom to choose reading mate-
 15 rials.”; and

16 (5) by inserting after paragraph (52), as redes-
 17 ignated by paragraph (1), the following:

18 “(53) TEACHER.—The term ‘teacher’ includes a
 19 school librarian.”.

20 **SEC. 3. AMENDMENTS TO TITLE I.**

21 (a) STATE PLANS.—Section 1111 of that Act (20
 22 U.S.C. 6311) is amended—

23 (1) in subsection (a)(4)(A)(ii)(I)(aa), by insert-
 24 ing “(including school librarians)” after “teachers”;
 25 and

1 (2) in subsection (g)—

2 (A) in paragraph (1)—

3 (i) by redesignating subparagraphs
4 (F) and (G) as subparagraphs (H) and (I),
5 respectively; and

6 (ii) by inserting after subparagraph
7 (E) the following:

8 “(F) how the State will work to ensure
9 that low-income children, minority children,
10 children with disabilities, and English learners
11 are not disproportionately enrolled in schools
12 that lack an effective school library, and the
13 measures the State educational agency will use
14 to evaluate and publicly report the progress of
15 the State educational agency with respect to en-
16 suring such access to an effective school library;

17 “(G) how the State educational agency will
18 provide assistance to local educational agencies
19 and individual schools in supporting digital lit-
20 eracy and information literacy skills develop-
21 ment for their students;”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (J), by inserting
24 “(including school librarians)” after
25 “teachers”;

1 (ii) in subparagraph (M), by striking
2 “and” after the semicolon;

3 (iii) in subparagraph (N), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(O) the State educational agency has a
9 policy protecting the right to read and will no-
10 tify local educational agencies, Indian tribes
11 and tribal organizations, schools, teachers,
12 school librarians, principals, other school lead-
13 ers, specialized support personnel, parents, and
14 the public of such right.”.

15 (b) LOCAL EDUCATIONAL AGENCY PLANS.—Section
16 1112 of that Act (20 U.S.C. 6312) is amended—

17 (1) in subsection (a)(1)(A), by inserting “(in-
18 cluding school librarians)” after “teachers”; and

19 (2) in subsection (b)—

20 (A) in paragraph (12)(B), by striking
21 “and” after the semicolon;

22 (B) by striking paragraph (13); and

23 (C) by adding at the end the following:

24 “(13) how the local educational agency will—

1 “(A) support and improve effective school
2 libraries by supporting the work of State-cer-
3 tified school librarians to ensure that students
4 have equitable access to such libraries; and

5 “(B) assist schools in developing effective
6 school libraries to provide students an oppor-
7 tunity to develop digital literacy and informa-
8 tion literacy skills and improve academic
9 achievement;

10 “(14) the policies the local educational agency
11 has in place to protect the right to read; and

12 “(15) any other information on how the local
13 educational agency proposes to use funds to meet
14 the purposes of this part, and that the local edu-
15 cational agency determines appropriate to provide,
16 which may include a description of how the local
17 educational agency will assist schools in identifying
18 and serving gifted and talented students.”.

19 **SEC. 4. AMENDMENTS TO TITLE II.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—Section 2003 of that Act
22 (20 U.S.C. 6603) is amended—

23 (A) in subsection (b), by inserting “except
24 for subpart 2,” after “part B,”; and

25 (B) by adding at the end the following:

1 “(c) LITERACY EDUCATION FOR ALL, RESULTS FOR
2 THE NATION.—There are authorized to be appropriated—

3 “(1) for grants authorized under section 2222,
4 \$500,000,000 for fiscal year 2024 and each of the
5 succeeding 4 fiscal years; and

6 “(2) for grants authorized under section 2226,
7 \$100,000,000 for fiscal year 2024 and each of the
8 succeeding 4 fiscal years.”.

9 (2) RESERVATIONS.—Section 2201 of that Act
10 (20 U.S.C. 6621) is amended—

11 (A) by striking paragraph (2); and

12 (B) by redesignating paragraphs (3) and
13 (4) as paragraphs (2) and (3), respectively.

14 (3) COMPREHENSIVE LITERACY STATE DEVEL-
15 OPMENT GRANTS.—Section 2222 of that Act (20
16 U.S.C. 6642) is amended—

17 (A) in subsection (a), by striking “From
18 the amounts reserved by the Secretary under
19 section 2201(2) and not reserved under sub-
20 section (b),” and inserting “From amounts ap-
21 propriated to carry out this section”; and

22 (B) in subsection (b)—

23 (i) in the matter preceding paragraph
24 (1), by striking “reserved to carry out this

subpart” and inserting “appropriated to carry out this section”; and

(ii) in paragraphs (2) and (3), by striking “subpart” and inserting “section” each place the term appears.

(4) INNOVATIVE APPROACHES TO LITERACY.—

Section 2226(a) of that Act (20 U.S.C. 6646(a)) is amended by striking “From amounts reserved under section 2201(2)” and inserting “From amounts appropriated to carry out this section”.

(5) TECHNICAL AMENDMENTS.—

(A) Section 2231(a) of that Act (20 U.S.C. 6661(a)) is amended, in the matter preceding paragraph (1) by striking “section 2201(3)” and inserting “section 2201(2)”.

(B) Section 2241 of that Act (20 U.S.C. 6671) is amended, in the matter preceding paragraph (1), by striking “section 2201(4)” and inserting “section 2201(3)”.

(b) FORMULA GRANTS TO STATES.—Section 2101 of that Act (20 U.S.C. 6611) is amended—

(1) in subsection (c)(4)(B)—

(A) by redesignating clauses (xiv) through (xxi) as clauses (xvi) through (xxiii), respectively;

1 (B) by striking clause (xiii) and inserting
 2 the following:

3 “(xiii) Supporting and improving ef-
 4 fective school libraries that involve collabo-
 5 ration with State-certified school librar-
 6 ians.”; and

7 (C) by inserting after clause (xiii) the fol-
 8 lowing:

9 “(xiv) Developing, improving, and im-
 10 plementing mechanisms to assist local edu-
 11 cational agencies and schools in effectively
 12 recruiting, hiring, and retaining State-cer-
 13 tified school librarians.

14 “(xv) Providing training to school li-
 15 brarians, teachers, and school leaders on
 16 how to leverage effective school libraries
 17 for academic achievement, digital literacy,
 18 information literacy, and student and fam-
 19 ily engagement.”; and

20 (2) in subsection (d)(3)(A), by inserting “(in-
 21 cluding school librarians)” after “teachers”.

22 (c) LEARN PURPOSES AND DEFINITIONS.—Section
 23 2221(b) of that Act (20 U.S.C. 6641(b)) is amended—

24 (1) in paragraph (1)—

1 (A) in subparagraph (K), by striking
2 “and” after the semicolon;

3 (B) in subparagraph (L), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(M) provides opportunities for children to
7 develop digital literacy and information literacy
8 skills.”; and

9 (2) in paragraph (2)(C), by inserting “public li-
10 braries, or pediatric literacy programs” after “which
11 may include early childhood education programs”.

12 (d) COMPREHENSIVE LITERACY STATE DEVELOP-
13 MENT GRANTS.—Section 2222 of that Act (20 U.S.C.
14 6642), as amended by subsection (a)(3), is further amend-
15 ed—

16 (1) in subsection (d)—

17 (A) in paragraph (1), by striking “and the
18 State agency responsible for administering child
19 care programs” and inserting “the State agency
20 responsible for administering child care pro-
21 grams in the State, and the State library ad-
22 ministrative agency”; and

23 (B) in paragraph (2)(A), by inserting “,
24 diverse high quality print materials, and effec-

1 tive school libraries,” after “teachers of lit-
2 eracy”; and

3 (2) in subsection (f)(2)—

4 (A) by redesignating subparagraphs (B)
5 through (E) as subparagraphs (C) through (F),
6 respectively; and

7 (B) by inserting after subparagraph (A)
8 the following:

9 “(B) Providing technical assistance to eli-
10 gible entities in the development of effective
11 school libraries, which may include establishing
12 a statewide office to coordinate technical assist-
13 ance for such libraries.”.

14 (e) SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT
15 OF BIRTH THROUGH KINDERGARTEN ENTRY LIT-
16 ERACY.—Section 2223(a)(1) of that Act (20 U.S.C.
17 6643(a)(1)) is amended by inserting “the State library ad-
18 ministrative agency,” before “and, if applicable,”.

19 (f) INNOVATIVE APPROACHES TO LITERACY.—Sec-
20 tion 2226(a) of that Act (20 U.S.C. 6646(a)), as amended
21 by subsection (a)(4), is further amended—

22 (1) by redesignating paragraphs (2) and (3) as
23 paragraphs (3) and (4), respectively; and

24 (2) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) increasing the number of State-certified
2 school librarians supporting students in high need
3 schools;”.

4 (g) LOCAL USES OF FUNDS.—Section 2103(b)(3) of
5 that Act (20 U.S.C. 6613(b)(3)) is amended by striking
6 subparagraph (K) and inserting the following:

7 “(K) programs and activities to support
8 and improve effective school libraries that in-
9 volve collaboration with State-certified school li-
10 brarians, such as efforts to promote and sup-
11 port digital literacy, information literacy, ex-
12 tended student inquiry, and capstone projects;”.

13 **SEC. 5. AMENDMENTS TO TITLE IV.**

14 (a) STATE USE OF FUNDS.—Section
15 4104(b)(3)(A)(i) of that Act (20 U.S.C. 7114(b)(3)(A)(i))
16 is amended—

17 (1) by redesignating subclauses (VI) and (VII)
18 as subclauses (VII) and (VIII), respectively; and

19 (2) by inserting after subclause (V) the fol-
20 lowing:

21 “(VI) digital literacy and infor-
22 mation literacy activities and pro-
23 grams, including those provided
24 through effective school libraries;”.

1 (b) ACTIVITIES TO SUPPORT WELL-ROUNDED EDU-
2 CATIONAL OPPORTUNITIES.—Section 4107(a)(3) of that
3 Act (20 U.S.C. 7117(a)(3)) is amended—

4 (1) by redesignating subparagraphs (I) and (J)
5 as subparagraphs (J) and (K), respectively; and

6 (2) by inserting after subparagraph (H) the fol-
7 lowing:

8 “(I) programs and activities the promote
9 the development of digital literacy and informa-
10 tion literacy skills, including those provided
11 through an effective school library;”.

12 **SEC. 6. DATA COLLECTION AND REPORTING ON SCHOOL LI-**
13 **BRARIES.**

14 (a) DATA COLLECTION.—The Secretary of Education
15 shall direct the National Center for Education Statistics
16 to annually collect data on elementary school and sec-
17 ondary school libraries.

18 (b) ELEMENTS.—The data collected annually under
19 subsection (a) shall include—

20 (1) the number and percentage of elementary
21 schools and secondary schools in each State that
22 have dedicated school library facilities located on the
23 grounds of the school and the square footage of each
24 such library facility;

1 (2) the number and percentage of schools
2 counted under paragraph (1) that employ at least
3 one full-time State-certified school librarian;

4 (3) the number and types of physical collections
5 or assets the school library has;

6 (4) the number and types of virtual collections
7 or databases the school library has access to;

8 (5) the number and types of student use devices
9 connected to high-speed internet;

10 (6) the amount of time certified school librar-
11 ians spend planning with teachers and instructing
12 students;

13 (7) the amount of time certified school librar-
14 ians spend planning for and providing professional
15 development for teachers;

16 (8) the number of additional library staff; and

17 (9) other pertinent information that the Sec-
18 retary of Education determines is important in order
19 to support effective school libraries.

20 (c) REPORT TO CONGRESS.—Not later than one year
21 after the date of enactment of this Act, the Secretary of
22 Education shall submit to Congress a report that includes
23 the data collected under this section.

24 (d) ESEA TERMS.—In this section, the terms “ele-
25 mentary school” and “secondary school” have the mean-

1 ings given those terms in section 8101 of the Elementary
 2 and Secondary Education Act of 1965 (20 U.S.C. 7801).

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this section
 5 such sums as may be necessary for each fiscal year.

6 **SEC. 7. LIMITATION ON LIABILITY FOR TEACHERS.**

7 (a) IN GENERAL.—Section 8556 of that Act (20
 8 U.S.C. 7946) is amended—

9 (1) by redesignating subsections (b) through (e)
 10 as subsections (c) through (f), respectively;

11 (2) by inserting after subsection (a) the fol-
 12 lowing:

13 “(b) LIABILITY PROTECTIONS RELATED TO THE
 14 RIGHT TO READ.—No teacher or school librarian shall be
 15 liable for harm caused by an act or omission of the teacher
 16 or school librarian if the actions of the teacher or school
 17 librarian were carried out in conformity with the right to
 18 read.”;

19 (3) in subsection (a), in the matter preceding
 20 paragraph (1), by striking “subsection (b)” and in-
 21 serting “subsection (c)”;

22 (4) in subsection (c)(3), as redesignated by
 23 paragraph (1), by striking “A State law that” and
 24 inserting “Except with respect to subsection (b), a
 25 State law that”; and

1 (5) in subsection (f), as redesignated by para-
 2 graph (1)—

3 (A) in paragraph (1), by striking “Nothing
 4 in this section” and inserting “Except with re-
 5 spect to subsection (b), nothing in this section”;
 6 and

7 (B) in paragraph (2), by striking “Nothing
 8 in this subpart” and inserting “Except with re-
 9 spect to subsection (b), nothing in this sub-
 10 part”.

11 (b) PREEMPTION AND ELECTION OF STATE NON-
 12 APPLICABILITY.—Section 8555(b) of that Act (20 U.S.C.
 13 7945(b)) is amended by striking “This subpart shall not
 14 apply” and inserting “Except for section 8556(b), this
 15 subpart shall not apply”.

16 **SEC. 8. PROTECTING FIRST AMENDMENT RIGHTS IN**
 17 **SCHOOL LIBRARIES.**

18 Subpart 2 of part F of title VIII of that Act (20
 19 U.S.C. 7901 et seq.) is amended by adding at the end
 20 the following:

21 **“SEC. 8549D. PROTECTING FIRST AMENDMENT RIGHTS IN**
 22 **SCHOOL LIBRARIES.**

23 “The Secretary shall require an assurance from each
 24 State and local educational agency receiving funds under

1 this Act confirming that the State or local educational
2 agency—

3 “(1) understands the importance of First
4 Amendment protections in school libraries as centers
5 for voluntary inquiry and the dissemination of infor-
6 mation and ideas; and

7 “(2) is aware of the responsibility to respect
8 those protections in accordance with Board of Edu-
9 cation, Island Trees Union Free School District No.
10 26 v. Pico by Pico, 457 U.S. 853 (1982).”.

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