

118TH CONGRESS
2D SESSION

S. 5261

To authorize the Secretary of Education to provide grants to local educational agencies to cover the costs of challenges to determinations not to discontinue the use of specific instructional materials, or the availability of specific school library materials, in public elementary and secondary schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

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

A BILL

To authorize the Secretary of Education to provide grants to local educational agencies to cover the costs of challenges to determinations not to discontinue the use of specific instructional materials, or the availability of specific school library materials, in public elementary and secondary schools, 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 “Fight Book Bans Act”.

1 **SEC. 2. GRANTS TO REIMBURSE CERTAIN COSTS OF CHAL-**
2 **LENGES TO CONTINUED USE OF INSTRUC-**
3 **TIONAL AND LIBRARY MATERIALS.**

4 (a) DEFINITIONS.—For purposes of this section:

5 (1) ESEA TERMS.—The terms “elementary
6 school”, “parent”, “secondary school”, and “Sec-
7 retary” have the meaning given those terms in sec-
8 tion 8101 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7801).

10 (2) APPLICABLE PROGRAM.—The term “appli-
11 cable program” means any program for which the
12 Secretary has administrative responsibility as pro-
13 vided by law or by delegation of authority pursuant
14 to law.

15 (3) COVERED LOCAL EDUCATIONAL AGENCY.—
16 The term “covered local educational agency” means
17 a local educational agency that has the duty and re-
18 sponsibility under law—

19 (A) to select and provide instructional ma-
20 terials and school library materials for students
21 attending public elementary schools or public
22 secondary schools under the jurisdiction of the
23 agency;

24 (B) to provide, or participate in, a proc-
25 ess—

1 (i) to provide for resolution of an ob-
 2 jection by a parent or other person to—

3 (I) the use of a specific instruc-
 4 tional material; or

5 (II) the availability of a specific
 6 school library material; and

7 (ii) to discontinue the use of the in-
 8 structional material, or the availability of
 9 the school library material, for any grade
 10 level or age group if the local educational
 11 agency determines that the material is in-
 12 appropriate or unsuitable; and

13 (C) to provide, or participate in, a process
 14 (including any administrative proceeding or
 15 court case) under which a parent or other per-
 16 son who disagrees with a determination made
 17 by the covered local educational agency pursu-
 18 ant to subparagraph (B)(ii) to discontinue or
 19 not to discontinue the use of an instructional
 20 material, or the availability of a school library
 21 material, may appeal, or otherwise request re-
 22 consideration of, the determination.

23 (4) INSTRUCTIONAL MATERIAL.—The term “in-
 24 structional material” means instructional content
 25 that is provided to a student, regardless of its for-

mat, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the internet). The term does not include academic tests or academic assessments.

(5) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” means a public elementary school, public secondary school, local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), or local board of education, that is the recipient of funds under an applicable program.

(6) SCHOOL LIBRARY MATERIAL.—The term “school library material” means any material available to a student via the student’s school library, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the internet).

(7) STUDENT.—The term “student” means any public elementary school or public secondary school student.

(b) GRANTS.—

1 (1) IN GENERAL.—The Secretary is authorized
2 to make grants to covered local educational agencies
3 to reimburse such agencies for the costs (including
4 costs such as attorneys’ fees and court costs) in-
5 curred in connection with a process described in sub-
6 section (a)(2)(C), if—

7 (A) such costs are not reimbursed by the
8 State or any other person; and

9 (B) such process was initiated due to a de-
10 termination by the covered local educational
11 agency not to discontinue the use of an instruc-
12 tional material or the availability of a school li-
13 brary material.

14 (2) APPLICATION.—A covered local educational
15 agency desiring to receive an award under paragraph
16 (1) shall submit an application to the Secretary at
17 such time and in such manner as the Secretary shall
18 require.

19 (3) MAXIMUM AMOUNT.—The maximum
20 amount that a covered local educational agency is el-
21 igible to receive under this subsection is \$100,000
22 for each determination described in paragraph
23 (1)(B).

24 (4) AWARD PROCESS.—In awarding grants
25 under this subsection, the Secretary shall ensure

1 that the award process is based on content-neutral
2 and viewpoint-neutral criteria and does not take into
3 account the content of the instructional material or
4 school library material concerned.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section, there are authorized to be appropriated
7 a total of \$15,000,000 for fiscal years 2025 through 2029.

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