



**Testimony of the
Pennsylvania State Education Association (PSEA)**

Public Hearing Regarding

Senate Bill 7

**Parental Control Relating to Instructional Materials and
Books Containing Sexually Explicit Content**

Presented to the

Senate Education Committee

Oct. 17, 2023

On behalf of PSEA’s 177,000 members, thank you for the opportunity to submit testimony regarding Senate Bill 7, legislation entitled “Parental Control Relating to Instructional Materials and Books Containing Sexually Explicit Content.” This proposal would amend the Public School Code to require schools to identify and list specific instructional materials to be used as part of the curriculum, as well as books within libraries that meet the definition of "sexually explicit content," and prohibit students from being provided or having access to that content unless the parent completes and returns an opt-in form providing their permission. School boards would be required to develop policies related to identifying such content, reviewing content by parents if requested, and implementing the standard opt-in form. Schools must also provide students with nonexplicit alternatives if their parents do not opt-in.

Before detailing PSEA’s concerns and opposition to Senate Bill 7, it must first be stated—unequivocally—that PSEA, its local associations, and its members are in no way supporting the existence of obscene materials in Pennsylvania’s public schools. Some lawmakers have previously characterized opponents of the bill as supporting student access to obscene material. [The legal test for obscenity](#) requires a holistic evaluation of the material. See Miller v. California, 413 U.S. 15, 25 (1973). Accordingly, we would encourage lawmakers to read the entirety of these works, rather than relying on one sentence or one page as the basis for advancing statewide legislation that would have multifaceted harmful effects on students, schools, and the education profession.

To be clear, PSEA opposes Senate Bill 7 because it 1) threatens students’ rights by imposing restrictions on all students and families based on the objections of a small group of parents who are seeking to limit free speech and promote censorship, 2) undermines local control, and 3) mandates an arduous process that is unclear and unnecessary.

[According to the bill’s prime sponsor](#), Senator Aument (R-Lancaster), Senate Bill 7 was drafted in response to “parents who are concerned about inappropriate content in their children’s school curriculum and library books” and is intended “to make parents aware of the mature content their child may be provided in school and give them the ability to deny their own child access to such content.” Further, Senator Aument cites a handful of widely-read literary works that have embroiled local school communities in controversy, where some believe these works have educational and literary merit, and others believe the books should be removed from libraries either through an outright ban or through soft censorship. PSEA has always maintained that the ability to share diverse ideas and perspectives is essential for a strong democracy. Under Senate Bill 7, students will have less access to age-appropriate literature, history, information, stories, and perspectives.

Democratically elected school boards play a crucial role in school governance by enabling community input in educational policies and facilitating open debate. As the governing body closest to students and parents, school board members are elected by and accountable to citizens in the local community to represent their values, vision, and goals for public schools in their district. Correspondingly, school boards adopt policies that establish processes for selecting and purchasing library books and instructional materials for academic courses. Most schools follow a process by which a team of school administrators, certified school librarians, and other educators selects books and materials that align with board policies, curriculum, and state standards, and recommends those selections to the school board for approval. The team considers factors such

as students' varied interests, abilities, learning needs, learning styles, and maturity levels. To ensure a comprehensive collection that is appropriate for ALL students, books and materials should reflect the ideas and beliefs of various religious, social, political, historical, and ethnic groups, and their contributions to local, national, and world cultures. In addition, those involved in the selection process are required to place principle over personal opinion. Selection teams are guided by the principles incorporated into the [Library Bill of Rights](#), the [Freedom to Read Statement](#), and [Standards adopted by the American Library Association](#). Just as administrators are accountable to the board for their decisions, board members are accountable to their constituents for any decisions they make regarding the selection of books and materials. If enacted, Senate Bill 7 will undermine the local community voice in how best to meet students' educational needs.

Most will agree that parents and family members are the first and best resource for young people seeking information about sexual subjects. Unfortunately, not all students have parents/guardians who are active participants in their educational process. Likewise, not all parents/guardians are willing to engage in meaningful and supportive dialogue around sexual subjects with their kids. For some students, the materials and instruction provided at school represent the only opportunities to access formative information. Parental opt-in policies risk eliminating those opportunities, especially for vulnerable and marginalized students. While PSEA understands and appreciates some parents' desire for greater involvement in their child's education, the opt-in approach proposed under Senate Bill 7 restricts broader student access to books and materials. These unreasonable restrictions violate students' freedom to learn, impair their ability to think independently, and threaten their First Amendment rights.

In addition, the definition of "sexually explicit content" contained in Senate Bill 7 is both expansive and vague and utilizes subjective terminology that could have a chilling effect on teaching and learning. PSEA expects this chilling effect could even extend to student field trips to locations such as art museums or even the Pennsylvania Capitol building. For example, 27 nude statues adorn the entrance to our Capitol building. Our members are concerned about the impact this legislation could have on instruction in fine arts, literature, and health education, including instruction in the anatomy and physiology of the human body, particularly relating to topics such as human reproductive organs and functions; giving and receiving consent; relevant elementary topics such as puberty and "good touch, bad touch"; and the dangers and risks of sexting, to name a few. It is unclear how schools will provide students who do not opt-in with alternative, nonexplicit instructional materials and related activities, particularly concerning sexual health education.

Moreover, the term "instructional materials" is not defined in the bill, adding more uncertainty around whether certain materials need to be reviewed for sexually explicit content, how sexually explicit content in materials will be "directly identified," and how schools and school employees will prohibit students who have not returned an opt-in form from accessing or being provided sexually explicit materials in classrooms and libraries.

Federal law and state regulations already guarantee parents the right to access and review instructional materials and curriculum and opt their child out of instruction that conflicts with their beliefs. If a parent is concerned about their child accessing certain content that is available in the school library, it is more appropriate to reach out to the school administrator to discuss a

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solution, or contact the school librarian, who is uniquely qualified to assist students and parents in selecting reading materials that are age-appropriate and that align with a student’s family values. Most parents find the existing mechanisms sufficient in addressing concerns about content to which their children have access at school. Make no mistake, most book bans that are underway are not organic representations of local citizen concerns. Rather, they are the result of a coordinated effort by advocacy organizations such as Moms for Liberty that have made it their mission to disrupt the educational process and censor certain books and ideas.

Finally, PSEA is concerned about the workload Senate Bill 7 would place on an already dwindling number of certified school librarians to comply with the bill if enacted. School libraries vary in size; consequently, the volume of content to be reviewed and identified for sexually explicit content could be enormous and take significant time. In selecting books for board approval, school librarians and administrators utilize national resources such as the School Library Journal, a peer-reviewed journal that includes recommendations for educators. However, these tools have limitations, and there is no way for these tools to flag “sexually explicit content” as defined by Senate Bill 7. For example, under the bill, a written description or image of a mother nursing an infant would fall under the definition of “sexually explicit content.” Rather than creating a punitive and surveillance-oriented environment in our school libraries, we should wholeheartedly encourage students’ curiosity and discovery, as well as their constitutionally protected right to read.

School librarians help students develop critical thinking and research skills, including how to evaluate resources so that they can independently distinguish between facts and misinformation. Unfortunately, a growing number of public schools are without a school librarian due to budgetary issues or staffing shortages. Instead of advancing legislation that would restrict reading and learning opportunities for all students, lawmakers should instead focus on how to recruit and retain more certified school librarians to assist students and families in their reading journey. Senate Bill 610, sponsored by Senator Schwank, would require public schools to employ at least one certified school librarian. PSEA believes this is a much better approach than what is proposed in Senate Bill 7.

Thank you for your consideration of our comments.