STATE OF NEW YORK

5416

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. FORREST -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the education law, in relation to requiring certain libraries to maintain a collection of diverse books

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "books save lives act".

§ 2. The education law is amended by adding a new section 286 to read as follows:

§ 286. Access to diverse books. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Underrepresented community" shall mean a group of individuals that share a common identity or characteristic, and discrimination based on such identity or characteristic is prohibited by the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), the Rehabilitation Act of 1973 (29 U.S.C. 701), or the Education Amendments of 1972 (20 U.S.C. 1651).

(b) "Diverse book" shall mean a book containing characters that are part of an underrepresented community, including but not limited to individuals who:

(i) are members of a racial or ethnic minority group;

(ii) are lesbian, gay, bisexual, transgender, queer, intersex, or nonbinary;

(iii) are members of a religious minority group; or

(iv) have a disability.

2. Each public library, or public library system, and each school library, or school library system, that receives state aid shall maintain a collection of diverse books, including but not limited to books that:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD07380-01-5

(a) are written or illustrated by an individual who is a member of an underrepresented community;

(b) are about an underrepresented community;

(c) provide information representing various points of view, especially regarding controversial issues;

(d) provide information representative of the country's many religious, ethnic, and cultural groups and their contributions to our shared heritage;

(e) include characters and settings that reflect the racial, ethnic, cultural, religious, and/or gender and sexual identities of the student body and the country as a whole; or

(f) promote the understanding and appreciation of culture, class, language, race, ethnicity, or other differences that contribute to the diversity of life in the United States.

3. (a) Any person seeking to permanently remove any material from a school library shall seek the formal approval of the board of education through a reconsideration process, as determined by such board of education. The permanent removal of material may only be authorized by such board of education following such reconsideration process.

(b) Any determination by such board of education that such material shall be removed:

(i) shall be based upon the educational suitability of such material in question; and

(ii) shall not yield only to public demands or impede the obligation of school officials to promote pluralism and diversity.

§ 3. Section 276 of the education law is amended to read as follows:

§ 276. Existing rules continued in force. All existing provisions of law and rules established by the commissioner [~~of education~~] for the management of public school libraries shall hold good as to the management of such school libraries until altered by or in pursuance of law. Such laws and rules shall include policies to ensure that school libraries and library staff, including but not limited to certified library media specialists, are empowered to curate and develop collections of materials that provide students with access to the widest array of developmentally appropriate materials that are available to public school libraries, including materials that meet the criteria established pursuant to subdivision two of section two hundred eighty-six of this part.

§ 4. Subdivisions (f) and (g) of section 283 of the education law, as added by chapter 348 of the laws of 1984, are amended to read as follows:

(f) encouraging awareness of the resources and services available in participating school libraries; [~~and~~] (g) cooperating with other library systems in resource sharing and other activities; and (h) that school libraries and library staff, including but not limited to certified library media specialists, are empowered to curate and develop collections of materials that provide students with access to the widest array of developmentally appropriate materials that are available to participating school libraries, including materials that meet the criteria established pursuant to subdivision two of section two hundred eighty-six of this part.

§ 5. Section 273 of the education law is amended by adding a new subdivision 12 to read as follows:

12. No school library or library system shall receive state aid pursuant to this section unless such school library or library system, within ninety days of the effective date of this subdivision:

a. adopts the American library association's library bill of rights, pursuant to which materials shall not be proscribed or removed because of partisan or doctrinal disapproval; or

b. develops a written policy prohibiting the practice of banning books or other materials within such school library or library system.

§ 6. This act shall take effect immediately.