

# STATE OF NEW YORK

9537--A

## IN ASSEMBLY

January 14, 2026

Introduced by M. of A. SIMONE, PAULIN, SCHIAVONI, STECK, SHIMSKY,  
R. CARROLL -- read once and referred to the Committee on Education --  
committee discharged, bill amended, ordered reprinted as amended and  
recommitted to said committee

AN ACT to amend the education law, in relation to enacting the "freedom  
to read act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "freedom to read act".

3 § 2. The education law is amended by adding a new section 414-a to  
4 read as follows:

5 § 414-a. School library materials. 1. (a) Each board of education  
6 shall adopt a written policy for the reconsideration of school library  
7 materials. Such policy shall explain: (i) how complaints regarding  
8 library materials may be submitted; (ii) who is responsible for review-  
9 ing complaints; and (iii) how a final decision is made.

10 (b) A policy adopted pursuant to paragraph (a) of this subdivision  
11 shall include a general timeline for the review procedure and provide  
12 for the creation of a reconsideration committee to review complaints  
13 regarding school library materials. Such reconsideration committee shall  
14 be composed of at least one of each of the following, and each which  
15 shall be affiliated with the relevant school district, and may be a  
16 standing committee at the discretion of the district: (i) a certified  
17 librarian or library media specialist; (ii) a teacher; (iii) a school  
18 administrator; and (iv) a parent or guardian of a current student in  
19 such district.

20 (c) A policy adopted pursuant to paragraph (a) of this subdivision  
21 shall further provide for a final appeal to the board of education. Such  
22 policy shall also provide notice on the right to file appeals to the  
23 commissioner pursuant to section three hundred ten of this chapter. All  
24 decisions shall follow the school district's written policies and shall  
25 not be based solely on disagreement with the ideas, viewpoints, or iden-

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

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1 tities represented in the material. Such policy shall be made available  
2 on the school district's website.

3 2. No library material shall be removed, restricted, suppressed, or  
4 prohibited if one of the motivating factors is disagreement with the  
5 themes, ideas, or viewpoints expressed in it or because of the identi-  
6 ties of the author, subject, or characters. Removal or restriction shall  
7 comply with the school district's adopted policies and the material  
8 shall not be removed from its location within the library and shall  
9 remain available to reserve, check out, or access while it is under  
10 review.

11 3. Library material may be restricted to age-appropriate grade levels  
12 based on developmental standards, but no library material shall be  
13 removed, restricted, suppressed, or prohibited unless, as to the oldest  
14 grade level served by the library, it meets the standard for obscenity  
15 established in Miller v. California, 413 U.S. 15 (1973), specifically  
16 that it:

17 (a) primarily appeals to the prurient interest;  
18 (b) is patently offensive in its depiction of sexual conduct; and  
19 (c) taken as a whole, clearly lacks serious literary, artistic, educa-  
20 tional, political, or scientific value.

21 4. No library media specialist or other school employee shall face  
22 disciplinary action for selecting, retaining, or recommending library  
23 materials in reasonable reliance on the school district's adopted poli-  
24 cies. This shall not limit the superintendent's or board of education's  
25 general supervisory authority over employees, as long as such super-  
26 vision is not based on disagreement with the viewpoints in materials.

27 5. The commissioner, in consultation with the state librarian and  
28 other stakeholders, shall promulgate any regulations necessary for the  
29 implementation of this section and shall develop one or more model poli-  
30 cies for use by school districts and school library systems. Such regu-  
31 lations and model policies shall be consistent with and may not diminish  
32 or narrow the protections established by this section.

33 6. (a) School library systems, as established pursuant to section two  
34 hundred eighty-two of this chapter, shall support school districts in  
35 implementing this section, including assistance in adopting policies or  
36 tailoring model policies consistent with this section and providing  
37 continuing education and professional development to school librarians,  
38 administrators, and district leaders regarding statutory obligations  
39 governing school library materials.

40 (b) School library systems may provide guidance, training, or profes-  
41 sional development to assist school districts and school personnel in  
42 implementing this section, consistent with existing programs, resources,  
43 and offerings.

44 § 3. This act shall take effect on the first of July next succeeding  
45 the date on which it shall have become a law. Effective immediately, the  
46 addition, amendment and/or repeal of any rule or regulation necessary  
47 for the implementation of this act on its effective date are authorized  
48 to be made and completed on or before such effective date.