STATE OF NEW YORK

8630--A

2025-2026 Regular Sessions

IN SENATE

December 22, 2025

Introduced by Sens. MAY, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- 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 Assembly, do enact as follows:

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

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

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

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

(c) A policy adopted pursuant to paragraph (a) of this subdivision shall further provide for a final appeal to the board of education. Such policy shall also provide notice on the right to file appeals to the

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

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commissioner pursuant to section three hundred ten of this chapter. All decisions shall follow the school district's written policies and shall not be based solely on disagreement with the ideas, viewpoints, or identities represented in the material. Such policy shall be made available on the school district's website.

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

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

(a) primarily appeals to the prurient interest;

(b) is patently offensive in its depiction of sexual conduct; and

(c) taken as a whole, clearly lacks serious literary, artistic, educational, political, or scientific value.

4. No library media specialist or other school employee shall face disciplinary action for selecting, retaining, or recommending library materials in reasonable reliance on the school district's adopted policies. This shall not limit the superintendent's or board of education's general supervisory authority over employees, as long as such supervision is not based on disagreement with the viewpoints in materials.

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

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

(b) School library systems may provide guidance, training, or professional development to assist school districts and school personnel in implementing this section, consistent with existing programs, resources, and offerings.

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