STATE OF NEW YORK

5464

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

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

AN ACT to amend the education law, in relation to requirements for library material in public school libraries and public libraries; and to amend the executive law, in relation to prohibiting discrimination against librarians for certain acts

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

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

§ 2. Legislative intent. The legislature finds and declares that:

(a) The freedom to read is a human right, constitutionally protected by the First Amendment of the United States Constitution, and individuals have the right to free inquiry and the right to form their own opinions.

(b) The freedom to read does not require a person to agree with topics or themes within a material, but instead allows a reader to explore and engage with differing perspectives to form and inform their own views.

(c) Since **Tinker v. Des Moines Indep. Cmty. Sch. Dist.**, 393 U.S. 503 (1969), it has been well established that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" and, as such, students have a right to access a diverse range of age-relevant information, stories, perspectives, and ideas.

(d) In **Board of Education v. Pico**, 457 U.S. 853 (1982), the United States Supreme Court recognized that school libraries are "completely voluntary on the part of students" a student's selection of books from a school library "is entirely a matter of free choice" and the school library affords a student "an opportunity at self-education and individual enrichment that is wholly optional."

(e) School libraries and public libraries, as centers for voluntary inquiry, play a unique role in promoting intellectual freedom, providing

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

LBD08435-01-5

equitable access to learning resources, and promoting democracy by providing service to all regardless of race, ethnicity, creed, age, ability, gender, or socio-economic status.

(f) School library media specialists and librarians are essential members of the community; as trained professionals, they help young people of all backgrounds find and interpret the information they need to succeed in school and prepare for college, careers, and life.

(g) School library media specialists and librarians receive extensive professional training that prepares them to develop and curate collections designed to meet the broad and varied interests and needs of their communities and students, which is based on a variety of factors, including pedagogical value, student interest, and the age-appropriateness of the material.

(h) Despite this, school library media specialists and librarians have been targeted, harassed, and defamed for providing young people access to library material.

(i) Therefore, it is necessary and proper for the legislature to protect the freedom of New York's residents to read, for school libraries and public libraries to acquire and maintain materials without external limitations, to recognize that school library media specialists and librarians are trained to curate and develop collections, and to protect school library media specialists and librarians from unnecessary and unwarranted harassment and defamation for performance of their duties.

§ 3. The education law is amended by adding two new sections 249-b and 249-c to read as follows:

§ 249-b. Requirements for library material in public school libraries. 1. As used in this section:

(a) "Diverse and inclusive material" means material that:

(i) reflects any protected class;

(ii) material produced by an author notwithstanding the author's membership in a protected class; and

(iii) material that contains the author's points of view concerning contemporary problems and issues, whether international, national or local.

(b) "Emotional distress" means significant mental suffering or distress.

(c) "Harassment" or "harasses" means a singular act that is severe or pervasive, or a series of acts over any period of time directed at a specific person that serves no legitimate purpose and would cause, or has caused, a reasonable person to suffer emotional distress.

(d) "Library material" means any material including, but not limited to, nonfiction and fiction books; magazines; reference books; supplementary titles; multimedia and digital material; software and instructional material and other material not required as part of classroom instruction, belonging to, on loan to, or otherwise in the custody of a school library.

(e) "Protected class" means:

(i) any protected class or group as enumerated in article I of the constitution of the state of New York, including, without limitation, age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence; and

(ii) any other class protected under federal or state law.

2. (a) The commissioner shall develop a model policy on the curation of library material within public school libraries. In developing the model policy, the commissioner shall consult with the state librarian and the New York Library Association's Section of School Librarians. The model policy shall be updated as the commissioner deems necessary.

(b) Each board of education shall adopt a policy on the curation of library material within a public school library. When developing the policy, the board shall review the model policy established by the commissioner pursuant to subdivision (a) of this subdivision. The board shall have control over the content of the policy, except that the policy shall, at a minimum:

(i) recognize that library material should be provided for the interest, information, and enlightenment of all students and should present diverse points of view in the collection as a whole;

(ii) require student access to age- and grade-appropriate diverse and inclusive material;

(iii) acknowledge that library material should not be excluded from a school library because of the origin, background, or views of those contributing to its creation;

(iv) provide access to library material that is relevant to the research, independent reading interests, and educational needs of students based on a student's age, development, or grade level;

(v) recognize the importance of school libraries as centers for voluntary inquiry and the dissemination of information and ideas;

(vi) promote the free expression and free access to ideas by students by prohibiting the censorship of library material;

(vii) acknowledge that a school library media specialist is professionally trained to curate and develop the school library collection that provides students with access to the widest array of age- and grade-appropriate library material available to schools; and

(viii) establish a procedure for a school library media specialist to review library material within a school library on an ongoing basis, which shall include, but not be limited to: the library material's relevance; the condition of the library material; the availability of duplicates; the availability of more recent age- or grade-appropriate material; and the continued demand for the library material.

3. Each board of education shall adopt a policy establishing a procedure regarding a request for removal of library material within a school library. The board shall have control over the policy, except that the policy shall, at a minimum:

(a) provide for the creation of a request for removal form that may be submitted by an individual with a vested interest to the principal of the school in which the library material is challenged to initiate a review of the material. An individual with a vested interest shall include any teaching staff member employed by the board of education, any parent or guardian of a student enrolled in the school district at the time the form is filed, and any student enrolled in the district at the time the form is filed;

(b) require the principal or the principal's designee to appoint a review committee within ten school days of receiving a request for removal form, consisting of:

(i) the principal or the principal's designee;

(ii) the school library media specialist or a teaching staff member similarly trained:

(iii) a representative selected by the board of education;

(iv) at least one grade-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the form;

(v) a parent or guardian of a student enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form;

(vi) if the individual who submitted the form is enrolled in grades nine through twelve, a student enrolled in the district, provided the student selected is not the individual who submitted the form; and

(vii) any additional members the principal deems necessary;

(c) require that a challenged library material remain within the school library and available for a student to reserve, check out, or access until there is a final decision reached by the board of education pursuant to paragraph (e) of this subdivision;

(d) require the review committee evaluate the request for removal form, review the challenged library material, and report its recommendations on whether to remove the library material to the board of education within thirty school days from the date of receiving the form. A copy of the committee's report shall also be provided to the individual with a vested interest who filed the form and the principal; and

(e) require the board of education to review the committee's report and make a final determination on whether the library material is to be removed from the school library. The board shall provide a written statement of reasons for:

(i) the removal or non-removal of a library material; and

(ii) any final determination that is contrary to the recommendations of the review committee.

4. (a) Notwithstanding any other provision of law to the contrary, each board of education shall ensure that each school in the district includes diverse and inclusive material as part of its library material.

(b) Each board of education shall allow a student to reserve, check out, or access any age- and grade-appropriate library material, including diverse and inclusive material.

5. (a) A school library media specialist or any other teaching staff member that engages in activities as required by this section shall be immune from criminal and civil liability arising from good faith actions performed pursuant to the provisions of this section.

(b) (i) A school library media specialist or any other teaching staff member that engages in activities as required by this section shall have a civil cause of action for emotional distress, defamation, libel, slander, damage to reputation, or any other relevant tort, against any person who harasses the school library media specialist or any other teaching staff member for complying with the provisions of this section.

(ii) If the school library media specialist or any other teaching staff member that engages in activities as required by this section is the prevailing party in the civil cause of action, the school library media specialist or teaching staff member shall be entitled to an award of any reasonable attorneys' fees and costs of suit incurred, and any injunctive relief as the court may deem necessary to avoid the defendant's continued violation.

§ 249-c. Requirements for library material in public libraries. 1. As used in this section:

(a) "Diverse and inclusive material" means material that:

(i) reflects any protected class;

(ii) material produced by an author notwithstanding the author's membership in a protected class; and

(iii) material that contains the author's points of view concerning contemporary problems and issues, whether international, national or local.

(b) "Emotional distress" means significant mental suffering or distress.

(c) "Governing body" means a board of trustees, director or other chief administrative officer, a county library commission, or board of county commissioners of a public library.

(d) "Harassment" or "harasses" means a singular act that is severe or pervasive, or a series of acts over any period of time directed at a specific person that serves no legitimate purpose and would cause, or has caused, a reasonable person to suffer emotional distress.

(e) "Library material" means any material including, but not limited to, nonfiction and fiction books; magazines; reference books; supplementary titles; multimedia and digital material; software and instructional material, belonging to, on loan to, or otherwise in the custody of a public library.

(f) "Protected class" means:

(i) any protected class or group as enumerated in article I of the constitution of the state of New York, including, without limitation, age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence; and

(ii) any other class protected under federal or state law.

(g) "Public library" means a public library as defined in section two hundred fifty-three of the education law.

2. (a) The state librarian shall establish a model policy on the curation of library material within a public library. In developing the model policy, the state librarian shall consult with the New York Library Association. The model policy shall be updated as the state librarian deems necessary.

(b) The model policy shall, at a minimum:

(i) recognize that public libraries serve as centers for voluntary inquiry and the dissemination of information and ideas;

(ii) promote the free expression and free access to ideas by residents by prohibiting the censorship of library material;

(iii) acknowledge that library material should not be excluded from a public library because of the origin, background, or views of those contributing to its creation;

(iv) require that residents be provided access to diverse and inclusive material;

(v) recognize that library material should be provided for the interest, information, and enlightenment of all people, and should present diverse points of view in the collection as a whole;

(vi) acknowledge that a librarian is professionally trained to curate and develop collections that provide residents with access to the widest array of library material available to the public library; and

(vii) establish a procedure for a librarian to review library material within a public library on an ongoing basis, which shall include, but not be limited to: the library material's relevance; the condition of the library material; the availability of duplicates; the availability of more recent material; and the continued demand for the library material.

3. (a) The state librarian shall establish a model policy establishing a procedure regarding a request for removal of library material within a

public library. In developing the model policy, the state librarian shall consult with the New York Library Association.

(b) The model policy shall, at a minimum, require:

(i) the creation of a request for removal form that may be submitted by an individual with a vested interest to the governing body of the public library in which the library material is challenged to initiate a review of the material. An individual with a vested interest shall include any resident who is served by the public library;

(ii) that the governing body appoint a review committee within ten business days of receiving a request for removal form, consisting of:

(A) at least one member of the governing body;

(B) a librarian employed by the public library;

(C) a staff member, who is not a librarian, of the public library that is familiar with the library material;

(D) a representative selected by the governing body;

(E) a resident serviced by the public library, provided the resident selected is not the individual who submitted the form; and

(F) any additional members the governing body deems necessary;

(c) That a challenged library material remain within the public library and available for a resident to reserve, check out, or access until there is a final decision by the review committee;

(d) That the review committee evaluate the request for removal form, review the challenged library material, and report its recommendations to the governing body on whether to remove the library material within thirty business days from the date of receiving the form. A copy of the committee's report shall also be provided to the individual with a vested interest who filed the form; and

(e) The governing body to review the committee's report and make a final determination on whether the library material is to be removed from the public library. The board shall provide a written statement of reasons for:

(i) the removal or non-removal of a library material; and

(ii) any final determination that is contrary to the recommendations of the review committee.

4. (a) Notwithstanding any state or federal law to the contrary, a governing body of a public library shall include diverse and inclusive material as part of its library material. The governing body of a public library shall provide a resident access to all library material, including diverse and inclusive material.

(b) A governing body of a public library shall adopt the policies established by the state librarian pursuant to subdivisions two and three of this section.

5. (a) Any staff member of a public library, including a librarian employed by a public library, shall be immune from criminal and civil liability arising from good faith actions performed pursuant to the provisions of this section.

(b) (i) Any staff member of a public library, including a librarian employed by a public library, shall have a civil cause of action for emotional distress, defamation, libel, slander, damage to reputation, or any other relevant tort, against any person who harasses the staff member for complying with the provisions of this section.

(ii) If the staff member or librarian employed by a public library is the prevailing party in the civil cause of action, the library staff member shall be entitled to an award of any reasonable attorneys' fees and costs of suit incurred, and any injunctive relief as the court may deem necessary to avoid the defendant's continued violation.

§ 4. Section 296 of the executive law is amended by adding a new subdivision 20 to read as follows:

20. It shall be an unlawful discriminatory practice for an employer to refuse to hire or employ or to bar or to discharge or require to retire from employment an individual, or to discriminate against such individual in compensation or in terms, conditions or privileges of employment because of the refusal of:

(a) a school library media specialist or teaching staff member to remove library material from a school library except to the extent permitted pursuant to section two hundred forty-nine-b of the education law; or

(b) any staff member of a public library, including a librarian, to remove library material from a public library except to the extent permitted pursuant to section two hundred forty-nine-c of the education law.

§ 5. This act shall take effect one year after 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.