

# 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:

- 1 Section 1. This act shall be known and may be cited as the "freedom to  
2 read act".
- 3 § 2. Legislative intent. The legislature finds and declares that:
- 4 (a) The freedom to read is a human right, constitutionally protected  
5 by the First Amendment of the United States Constitution, and individ-  
6 uals have the right to free inquiry and the right to form their own  
7 opinions.
- 8 (b) The freedom to read does not require a person to agree with topics  
9 or themes within a material, but instead allows a reader to explore and  
10 engage with differing perspectives to form and inform their own views.
- 11 (c) Since Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503  
12 (1969), it has been well established that students do not "shed their  
13 constitutional rights to freedom of speech or expression at the school-  
14 house gate" and, as such, students have a right to access a diverse  
15 range of age-relevant information, stories, perspectives, and ideas.
- 16 (d) In Board of Education v. Pico, 457 U.S. 853 (1982), the United  
17 States Supreme Court recognized that school libraries are "completely  
18 voluntary on the part of students" a student's selection of books from a  
19 school library "is entirely a matter of free choice" and the school  
20 library affords a student "an opportunity at self-education and individ-  
21 ual enrichment that is wholly optional."
- 22 (e) School libraries and public libraries, as centers for voluntary  
23 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.

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

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

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

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

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

25 § 3. The education law is amended by adding two new sections 249-b and  
26 249-c to read as follows:

27 § 249-b. Requirements for library material in public school libraries.  
28 1. As used in this section:

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

30 (i) reflects any protected class;

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

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

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

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

42 (d) "Library material" means any material including, but not limited  
43 to, nonfiction and fiction books; magazines; reference books; supplemen-  
44 tary titles; multimedia and digital material; software and instructional  
45 material and other material not required as part of classroom instruc-  
46 tion, belonging to, on loan to, or otherwise in the custody of a school  
47 library.

48 (e) "Protected class" means:

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

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

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

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

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

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

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

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

23 (v) recognize the importance of school libraries as centers for volun-  
24 tary inquiry and the dissemination of information and ideas;

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

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

31 (viii) establish a procedure for a school library media specialist to  
32 review library material within a school library on an ongoing basis,  
33 which shall include, but not be limited to: the library material's rele-  
34 vance; the condition of the library material; the availability of dupli-  
35 cates; the availability of more recent age- or grade-appropriate materi-  
36 al; and the continued demand for the library material.

37 3. Each board of education shall adopt a policy establishing a proce-  
38 cedure regarding a request for removal of library material within a school  
39 library. The board shall have control over the policy, except that the  
40 policy shall, at a minimum:

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

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

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

53 (ii) the school library media specialist or a teaching staff member  
54 similarly trained;

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

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

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

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

10 (vii) any additional members the principal deems necessary;

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

15 (d) require the review committee evaluate the request for removal  
16 form, review the challenged library material, and report its recommenda-  
17 tions on whether to remove the library material to the board of educa-  
18 tion within thirty school days from the date of receiving the form. A  
19 copy of the committee's report shall also be provided to the individual  
20 with a vested interest who filed the form and the principal; and

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

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

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

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

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

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

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

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

51 § 249-c. Requirements for library material in public libraries. 1. As  
52 used in this section:

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

54 (i) reflects any protected class;

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

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

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

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

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

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

18 (f) "Protected class" means:

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

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

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

28 2. (a) The state librarian shall establish a model policy on the cura-  
29 tion of library material within a public library. In developing the  
30 model policy, the state librarian shall consult with the New York  
31 Library Association. The model policy shall be updated as the state  
32 librarian deems necessary.

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

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

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

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

41 (iv) require that residents be provided access to diverse and inclu-  
42 sive material;

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

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

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

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

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

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

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

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

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

12 (B) a librarian employed by the public library;

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

15 (D) a representative selected by the governing body;

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

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

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

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

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

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

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

35 4. (a) Notwithstanding any state or federal law to the contrary, a  
36 governing body of a public library shall include diverse and inclusive  
37 material as part of its library material. The governing body of a public  
38 library shall provide a resident access to all library material, includ-  
39 ing diverse and inclusive material.

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

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

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

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

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

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

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

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

16 § 5. This act shall take effect one year after it shall have become a  
17 law. Effective immediately, the addition, amendment and/or repeal of any  
18 rule or regulation necessary for the implementation of this act on its  
19 effective date are authorized to be made and completed on or before such  
20 effective date.