

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3446**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

ADOPTED JUNE 6, 2024

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**SYNOPSIS**

"Freedom to Read Act"; establishes requirements for library material in public school libraries and public libraries; protects school library staff members and librarians.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Education Committee.

(Sponsorship Updated As Of: 10/28/2024)

1 AN ACT concerning public school libraries and public libraries and  
2 supplementing Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Freedom to  
8 Read Act."

9

10 2. The Legislature finds and declares that:

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

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

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

25 d. In Bd. of Ed. v. Pico, 457 U.S. 853 (1982), the United  
26 States Supreme Court opined that "local school boards may not  
27 remove books from school library shelves simply because they  
28 dislike the ideas contained in those books and seek by their removal  
29 to 'prescribe what shall be orthodox in politics, nationalism,  
30 religion, or other matters of opinion.'"

31 e. School libraries and public libraries, as centers for voluntary  
32 inquiry, play a unique role in promoting intellectual freedom,  
33 providing equitable access to learning resources, and promoting  
34 democracy by providing service to all regardless of race, ethnicity,  
35 creed, age, ability, gender, or socio-economic status.

36 f. School library staff members and librarians are essential  
37 members of the community; as trained professionals, they help  
38 young people of all backgrounds find and interpret the information  
39 they need to succeed in school and prepare for college, careers, and  
40 life.

41 g. School library staff members and librarians receive  
42 extensive professional training that prepares them to develop and  
43 curate collections designed to meet the broad and varied interests  
44 and needs of their communities and students, which is based on a  
45 variety of factors, including pedagogical value, student interest, and  
46 the appropriateness of the material.

47 h. Despite this, school library staff members and librarians  
48 have been targeted and harassed for providing young people access  
49 to library material.

1 i. Therefore, it is necessary and proper for the Legislature to  
2 protect the freedom of New Jersey's residents to read, for school  
3 libraries and public libraries to acquire and maintain materials  
4 without external limitations, to recognize that school library staff  
5 members and librarians are trained to curate and develop  
6 collections, and to ensure school library staff members and  
7 librarians are able to perform their duties.

8  
9 3. As used in sections 4 through 7 of this act:

10 "Board of education" means a board of education as defined in  
11 N.J.S.18A:18A-2, the board of directors of an educational services  
12 commission, a board of trustees of a charter school, a board of  
13 trustees of a renaissance school project, or any other local education  
14 agency.

15 "Censorship" means to block, suppress, or remove library  
16 material based on disagreement with a viewpoint, idea, or concept,  
17 or solely because an individual finds certain content offensive, but  
18 does not include limiting or restricting access to any library  
19 material deemed developmentally inappropriate for certain students.

20 "Diverse and inclusive material" means any material that reflects  
21 any protected class as enumerated in the "Law Against  
22 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.); material  
23 produced by an author who is a member of a protected class as  
24 enumerated in the "Law Against Discrimination," P.L.1945, c.169  
25 (C.10:5-1 et seq.); and material that contains the author's points of  
26 view concerning contemporary problems and issues, whether  
27 international, national, or local; but excludes content that is  
28 inappropriate for grades served by the school library.

29 "Individual with a vested interest" means any teaching staff  
30 member employed by the board of education, any parent or  
31 guardian of a student enrolled in the school district at the time the  
32 removal form required pursuant to section 5 of this act is filed, and  
33 any student enrolled in the district at the time the removal form  
34 required pursuant to section 5 of this act is filed.

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

41 "School library staff member" means a school library media  
42 specialist, school librarian, any certificated or non-certificated staff  
43 member assigned to duties in a school library, or any individual  
44 carrying out or assisting with the functions of a school library  
45 media specialist or school librarian.

46  
47 4. a. A board of education shall adopt a policy on the curation  
48 of library material within a school library. The purpose of the

1 curation policy is to: provide standards for the curation of library  
2 material; establish criteria for the removal of existing school library  
3 material or library material selected for inclusion in the school library;  
4 and provide protection against attempts to censor library material.

5 b. When developing the policy, the board shall review the  
6 model policy established by the Commissioner of Education  
7 pursuant to subsection d. of this section. The board shall have  
8 control over the content of the policy, except that the policy shall, at  
9 a minimum:

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

13 (2) acknowledge that library material shall not be removed from  
14 a school library because of the origin, background, or views of the  
15 library material or those contributing to its creation;

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

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

20 (5) acknowledge that a school library media specialist is  
21 professionally trained to curate and develop the school library  
22 collection that provides students with access to the widest array of  
23 developmentally appropriate library material available to schools;  
24 and

25 (6) establish a procedure for a school library staff member to  
26 review library material within a school library on an ongoing basis,  
27 which shall include, but not be limited to: the library material's  
28 relevance; the condition of the library material; the availability of  
29 duplicates; the availability of more recent developmentally  
30 appropriate material; and the continued demand for the library  
31 material.

32 c. In the event a board of education has a policy that complies  
33 with the requirements of subsection b. of this section as of the  
34 effective date of this act, the board shall not be required to take  
35 further action.

36 d. To assist boards of education in developing a policy on the  
37 curation of library material within a school library, the  
38 commissioner shall develop a model policy. In developing the  
39 model policy, the commissioner shall consult with the State  
40 Librarian, the New Jersey Association of School Librarians, and the  
41 New Jersey School Boards Association. The model policy shall be  
42 updated as the commissioner deems necessary.

43 e. A board of education, in consultation with school library  
44 staff members, shall have discretion in selecting, purchasing, or  
45 acquiring library material for inclusion in the school library.  
46 Nothing in this section shall be construed to require a board of  
47 education to purchase, or otherwise acquire, library material for a  
48 school library.

1 f. Nothing in this section shall be construed to restrict a board  
2 of education's authority to select textbooks and school supplies  
3 related to the curriculum.  
4

5 5. a. A board of education shall adopt a policy establishing a  
6 procedure regarding a request for removal of library material within  
7 a school library. When developing the policy, the board shall  
8 review the model policy established by the Commissioner of  
9 Education pursuant to subsection d. of this section.

10 b. The board shall have control over the policy, except that the  
11 policy shall, at a minimum:

12 (1) provide for the creation of a request for removal form, based  
13 on the model removal form developed by the commissioner  
14 pursuant to subsection d. of this section, that may be submitted by  
15 an individual with a vested interest to the principal of the school in  
16 which the library material is challenged to initiate a review of the  
17 material. The form shall require the individual with the vested  
18 interest to specify which sections of the library material the  
19 individual objects to and an explanation of the reasons for the  
20 objection;

21 (2) require the principal or principal's designee to promptly  
22 forward the request for removal to the superintendent of the school  
23 district. The superintendent or the superintendent's designee shall  
24 appoint a review committee, consisting of:

25 (a) the superintendent or the superintendent's designee;

26 (b) the principal of the school in which the library material is  
27 challenged or the principal's designee;

28 (c) the school library media specialist or a school library staff  
29 member;

30 (d) a representative selected by the board of education;

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

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

37 (g) if appropriate, and at the discretion of the superintendent, in  
38 cases where a student enrolled in the district in grades nine through  
39 12 filed the removal form, a student enrolled in the district in grades  
40 nine through 12 may volunteer to serve on the review committee, if  
41 that student did not file the removal form. The superintendent shall  
42 consult with the principal of the school involved in the removal  
43 request in making this determination; and

44 (h) any additional members the superintendent deems necessary;

45 (3) require that a challenged library material remain within the  
46 school library and available for a student to reserve, check out, or  
47 access until there is a final decision reached by the board of  
48 education pursuant to paragraph (5) of this subsection;

1 (4) require the review committee to evaluate the request for  
2 removal form, review the challenged library material, and report in  
3 writing its recommendations on whether to remove the library  
4 material to the board of education no later than 60 school days from  
5 the date of the next regularly scheduled board of education meeting  
6 after receipt of the form. A copy of the committee's report shall  
7 also be provided to the individual with a vested interest who filed  
8 the form and the principal;

9 (5) require the board of education to review the committee's  
10 report and make a final determination on whether the library  
11 material is to be removed from the school library, or limited in use.  
12 The board shall provide a written statement of reasons for:

13 (a) the removal, limitation, or non-removal of a library material;  
14 and

15 (b) any final determination that is contrary to the  
16 recommendations of the review committee.

17 The written statement of reasons shall be posted on the board's  
18 Internet website in a prominent and easily accessible location  
19 within 30 days of the determination.

20 (6) provide that a library material that has been challenged  
21 pursuant to paragraphs (1) through (5) of this subsection shall not  
22 be subject to a subsequent challenge for at least one year; and

23 (7) permit a school district to consolidate requests for removal of  
24 the same challenged library material.

25 c. If a board of education has a policy that complies with the  
26 requirements of subsection b. of this section as of the effective date  
27 of this act, the board shall not be required to take further action.

28 d. To assist boards of education in developing a policy on the  
29 procedure regarding a request for removal of library material within  
30 a school library, the commissioner shall develop a model policy and  
31 model removal form. In developing the model policy and model  
32 removal form, the commissioner shall consult with the State  
33 Librarian, the New Jersey Association of School Librarians, and the  
34 New Jersey School Boards Association. The model policy and  
35 model removal form shall be updated as the commissioner deems  
36 necessary.

37 e. A board of education determination issued in accordance  
38 with the policy established in subsection b. of this section which  
39 denies a request for removal shall not constitute a controversy or  
40 dispute pursuant to N.J.S.18A:6-9.

41 f. An individual with a vested interest may file a petition of  
42 appeal of the board's final determination to the commissioner  
43 through the Office of Controversies and Disputes in accordance  
44 with N.J.S.18A:6-9 and the procedures set forth in State Board of  
45 Education regulations.

46 g. Nothing in this section shall be construed as creating a  
47 separate legal cause of action regarding any determination issued

1 pursuant to the policy established pursuant to subsection a. of this  
2 section.

3

4 6. a. A board of education shall not remove library material  
5 from a school library in the district because of the origin,  
6 background, or views of the library material or those contributing to  
7 its creation, and shall not engage in censorship of library material.

8 b. A board of education shall allow a student to reserve or check  
9 out any developmentally appropriate library material, including  
10 diverse and inclusive material.

11

12 7. A school library staff member who engages in activities as  
13 required by sections 4 through 6 of this act shall be immune from  
14 civil and criminal liability arising from good faith actions  
15 performed pursuant to the provisions of those sections.

16

17 8. As used in sections 9 through 12 of this act:

18 “Censorship” means to block, suppress, or remove library  
19 material based on disagreement with a viewpoint, idea, or concept,  
20 or solely because an individual finds certain content offensive, but  
21 does not include limiting or restricting access to any library  
22 material deemed developmentally inappropriate for certain age  
23 groups.

24 “Diverse and inclusive material” means material that reflects any  
25 protected class as enumerated in the "Law Against Discrimination,"  
26 P.L.1945, c.169 (C.10:5-1 et seq.); material produced by an author  
27 who is a member of a protected class as enumerated in the "Law  
28 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.); and  
29 material that contains the author's points of view concerning  
30 contemporary problems and issues, whether international, national  
31 or local.

32 “Governing body” means a board of trustees, director or other  
33 chief administrative officer, a county library commission, or board  
34 of county commissioners of a public library.

35 “Individual with a vested interest” means any resident who is  
36 served by the public library or resides in a county or municipality  
37 where the library is situated.

38 “Library material” means any material including, but not limited  
39 to, nonfiction and fiction books; magazines; reference books;  
40 supplementary titles; multimedia and digital material; software and  
41 instructional material, belonging to, on loan to, or otherwise in the  
42 custody of a public library.

43 “Public library” means a library that serves, free of charge, all  
44 residents of an area as established pursuant to chapter 33 or chapter  
45 54 of Title 40 of the Revised Statutes, and receives financial  
46 support, in whole or in part, from public funds; or a library  
47 established pursuant to N.J.S.15A:1-1 et seq. and receiving public  
48 funds pursuant to R.S.40:54-35.

1       9. a. In addition to the duties prescribed in section 18 of  
2 P.L.1969, c.158 (C.18A:73-33), the State Librarian, in consultation  
3 with the New Jersey Library Association, shall establish a model  
4 policy on the curation of library material within a public library.  
5 The purpose of the curation policy is to: provide standards for the  
6 curation of library material; establish criteria for the removal of  
7 existing library material or library material selected for inclusion in the  
8 public library; and provide protection against attempts to censor  
9 library material.

10       b. The model policy shall, at a minimum:

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

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

15       (3) acknowledge that library material shall not be removed from  
16 a public library because of the origin, background, or views of the  
17 library material or those contributing to its creation;

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

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

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

31       c. The model policy shall be updated as the State Librarian and  
32 New Jersey Library Association deem necessary.

33       d. A governing body of a public library shall adopt the model  
34 policy established pursuant to this section. If a public library has a  
35 policy that complies with the requirements of subsection b. of this  
36 section as of the effective date of this act, the library shall not be  
37 required to take further action.

38       e. The governing body of a public library, in consultation with  
39 staff members of a public library, including a librarian employed by  
40 a public library, shall have discretion in selecting, purchasing, or  
41 acquiring library material for inclusion in the public library.  
42 Nothing in this section shall be construed to require a governing body  
43 of a public library to purchase, or otherwise acquire, library material  
44 for a public library.

45

46       10. a. In addition to the duties prescribed in section 18 of  
47 P.L.1969, c.158 (C.18A:73-33), the State Librarian, in consultation  
48 with the New Jersey Library Association, shall establish a model



- 1 policy creating a procedure regarding a request for removal of  
2 library material within a public library.
- 3 b. The model policy shall, at a minimum, require:
- 4 (1) the creation of a request for removal form, based on the  
5 model removal form established by the State Librarian, that may be  
6 submitted by an individual with a vested interest to the governing  
7 body of the public library in which the library material is  
8 challenged to initiate a review of the material. The form shall  
9 require the individual with the vested interest to specify which  
10 sections of the library material the individual objects to and an  
11 explanation of the reasons for the objection;
- 12 (2) the governing body appoint a review committee, consisting  
13 of:
- 14 (a) at least one member of the governing body;
- 15 (b) a librarian employed by the public library;
- 16 (c) a staff member, who is not a librarian, of the public library  
17 that is familiar with the library material;
- 18 (d) a representative selected by the governing body;
- 19 (e) a resident serviced by the public library, provided the  
20 resident selected is not the individual who submitted the form; and
- 21 (f) any additional members the governing body deems  
22 necessary;
- 23 (3) a challenged library material remain within the public library  
24 and available for a resident to reserve, check out, or access until  
25 there is a final decision by the review committee;
- 26 (4) the review committee to evaluate the request for removal  
27 form, review the challenged library material, and report in writing  
28 its recommendations to the governing body on whether to remove  
29 the library material within 30 business days from the date of  
30 receiving the form. A copy of the committee's report shall also be  
31 provided to the individual with a vested interest who filed the form;  
32 and
- 33 (5) require the governing body to review the committee's report  
34 and make a final determination on whether the library material is to  
35 be removed from the public library, or limited in use. The  
36 governing body shall provide a written statement of reasons for:
- 37 (a) the removal, limitation, or non-removal of a library material;  
38 and
- 39 (b) any final determination that is contrary to the  
40 recommendations of the review committee; and
- 41 (6) provide that a library material that has been challenged  
42 pursuant to paragraphs (1) through (5) of this subsection shall not  
43 be subject to a subsequent challenge for at least one year.
- 44 c. The model policy shall be updated as the State Librarian and  
45 New Jersey Library Association deem necessary.
- 46 d. A governing body of a public library shall adopt the model  
47 policy established pursuant to this section. In the event a public  
48 library has a policy that complies with the requirements of

1 subsection b. of this section as of the effective date of this act, the  
2 library shall not be required to take further action.

3 e. A governing body determination issued in accordance with the  
4 policy established in subsection b. of this section shall be final and  
5 binding for a period of five years.

6 f. Nothing in this section shall be construed as creating a separate  
7 legal cause of action regarding any determination issued pursuant to  
8 the policy established pursuant to subsection b. of this section.

9  
10 11. a. A governing body of a public library shall not remove  
11 library material from a public library because of the origin,  
12 background, or views of the library material or those contributing to  
13 its creation, and shall not engage in censorship of library material.

14 b. The governing body of a public library shall allow a resident  
15 to reserve or check out any library material, including diverse and  
16 inclusive material.

17  
18 12. Any staff member of a public library, including a librarian  
19 employed by a public library, shall be immune from civil and  
20 criminal liability arising from good faith actions performed  
21 pursuant to the provisions of sections 9 through 11 of this act.

22  
23 13. This act shall take effect one year next following the date of  
24 enactment, but the Commissioner of Education and State Librarian  
25 may take such anticipatory action as may be necessary for the  
26 implementation of the act.