



# **Bills Supporting Books**

*The Path to Legislative Protection Against Book Bans in  
New York State*

## Essential Questions:

- **How are legislatures across the United States responding to the book ban crisis?**
- **What legislative proposals for tackling book bans have been introduced in New York?**
- **What are the next steps to advance effective legislation in New York?**



# Combatting Book Bans Across America

# Legislative Successes:

## • Illinois

- **Status:** Signed into law June 12, 2023

- **Main Provisions:**

- Policy of Illinois to “encourage and protect the freedom of libraries and library systems to acquire materials without external limitation and to be protected against attempts to ban, remove, or otherwise restrict access to books or other materials.”
- EITHER:
  - Adopt American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or
  - Develop a written statement declaring the inherent authority of the library or library system to provide an adequate collection of books and other materials sufficient in size and varied in kind and subject matter to satisfy the library needs of the people of this state and prohibit the practice of banning specific books or resources as a condition of qualification for state aid.

# Legislative Successes:

## • California:

- **Status:** Signed on September 25, 2023

- **Main Provisions:**

- Financial penalties for schools that refuse to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group. Establishes such actions as discrimination and creates a system for filing complaints that rights have been infringed on.

# Legislative Successes:

## • Connecticut

- **Status:** Signed on June 26, 2023

- **Main Provisions:**

- No principal public library shall be eligible to receive a state grant in accordance with the provisions of subsections (b), (c) and (d) of this section if such principal public library does not maintain and adhere to collection development, collection management and collection reconsideration policies that have been approved by the governing body of such library. Such collection reconsideration policy shall offer residents a clear process to request a reconsideration of library materials. In the instance of a book challenge, these policies shall govern.

# Pending Legislation:

## • Massachusetts:

- **H4005** – Establish network of library systems with state aid contingent on adherence to policies, including adoption of ALA Library Bill of Rights, that preserve the freedom to read as outlined in the bills provisions. State policy to preserve freedom to read.
- **S2447** – Adopt ALA Library Bill of Rights or lose state aid; establishes Book Access Fund
- **S2673** – Enshrine in law the role of school library professionals in selecting materials; establish universal process for challenges; require development and adoption of collection development policies that incorporate the ALA Library Bill of Rights.

## • Maryland:

- Draft legislation in development

## • Michigan:

- Draft legislation prepared and waiting for introduction

## • New Jersey:

- **S3907/A4734** – Withhold state aid from those who “ban or restrict access to a book or other resource in its collection because of partisan or doctrinal disapproval” or don’t adopt the ALA Library Bill of Rights

# State Policy:

- **Oregon**

- **Public Library Minimum Conditions**

- **Requirement that libraries must:**

- “Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.”





# Combatting Book Bans in New York

## Where we are:

- **Legislators across the state are interested in preventing book bans.**
- **Current proposals showcase a range of ideas, approaches, and collaboration.**
- **Mix of school and public-focused legislation introduced.**
- **Interest in legislation addressing academic libraries.**

# School Library Legislation:

## • Freedom to Read Act - S6350B (May) / A6873B (O'Donnell)

- **Status:** Passed Senate, Referred to Assembly Standing Committee on Education
- **Main Provisions:**
  - Amends Section 276 of Education Law to add the following:
    - “Such laws and rules established by the commissioner shall include policies to ensure that school libraries and library staff, including but not limited to certified library media specialists, are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available to school districts.”
  - Amends Section 238 of Education Law to add the same as an official function of School Library Systems.
  - Introduced without consultation of libraries, workshopped with feedback of NYLA School Librarian Legislative Working Group

# Public Library Legislation:

- **A7830 – (AM Charles Lavine)**

- Amends Minimum Standards of Library Service
  - Requires individual libraries and library systems to adopt the ALA Bill of Rights language or alternative statement prohibiting “banning of books or other materials”
  - Require School Districts to do the same in order to receive Library Materials Aid

- **A7878 – (AM Brian Cunningham)**

- Amends law outlining apportionment of state aid to libraries and library systems
  - No library or library system shall receive state aid unless they adopt the ALA Bill of Rights language or alternative statement prohibiting “banning of books or other materials”

# Public Library Legislation

- **S7677 / A7843A (Sen. Rachel May/ AM Anna Kelles)**

- Amends Minimum Standards of Library Service
  - *Such standards shall require every free association, public, and hospital library or, with the advice of the appropriate tribal government and library board of trustees, Indian library, which receives any portion of the moneys appropriated by the state aid to such libraries, to adopt policies and procedures that ensure library materials, services, and programming shall not be proscribed or removed because of partisan or doctrinal disapproval.*
- Sponsors contacted NYLA and bill text workshopped with feedback from NYLA Legislative Committee

# Adverse Legislation: S7766 (Sen. Dean Murray)

## • Public School Instructional Materials Review and Transparency Act

- Introduced November 22, 2023, and referred to Senate Rules Committee

- Summary:

- Requires school boards to make the final decision on whether to keep, remove, or restrict access to an instructional material in a school library
- Establishes a review process for formal complaints concerning instructional materials that are the subject of complaints, including a “review committee” appointed by the superintendent or school board and “shall include, but not be limited to, stakeholders of such school district as deemed appropriate by the school board or superintendent.”
- Requires districts to “maintain an accessible public database” of instructional/library materials that is “maintained regularly and updated upon the acquisition of any new instructional materials and discontinuation of use of any instructional materials by the school district” that is “searchable by source citation.”



# Next Steps

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- **The 2024 Legislative Session begins in January:**
  - Gather additional feedback for potential amendments to NYLA endorsed & leadership-supported legislation
  - Work with legislative partners to solidify any amendments or changes to approach before the start of the 2024 Legislative Session
  - Build support among additional legislators through grassroots and direct lobbying that demonstrates impact on communities in their districts.
  - Library Pre-Advocacy Day and Advocacy Day 2/6 and 2/7







Questions?