

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3446

STATE OF NEW JERSEY

DATED: JUNE 6, 2024

The Assembly Education committee reports favorably Assembly Committee Substitute for Assembly Bill No. 3446.

This committee substitute, entitled the "Freedom to Read Act," establishes requirements for library material in public school libraries and public libraries and establishes protections for school library staff members and librarians.

Under the committee substitute, boards of education and governing boards of public libraries are required to adopt policies on the curation of library material within school libraries and public libraries as required in the substitute. To assist boards of education in establishing a policy on the library material within school libraries, the Commissioner of Education is to create a model policy in consultation with the State Librarian, the New Jersey Association of School Librarians, and the New Jersey School Boards Association. The committee substitute also requires the State Librarian to establish a model policy, in consultation with the New Jersey Library Association, for use and adoption by public libraries.

The committee substitute further requires boards of education and governing boards of public libraries to adopt policies creating a procedure regarding requests for removal of library material from a school library or public library. These policies are to, among other requirements, establish a mechanism to challenge a library material, create a review committee, and require a written statement of reasons on the final determination of the library material.

Boards of education and governing boards of public libraries are not to exclude library material from the library because of the origin, background, or views of the library material or those contributing to its creation. Boards of education and governing boards of public libraries are not permitted to engage in censorship. Students and residents are to be able to reserve or check out any developmentally appropriate library material, including diverse and inclusive material.

Further, this committee substitute provides that a school library staff member, librarian, and any staff member of a public library is to be immune from civil and criminal liability for good faith actions in complying with the requirements of the substitute.

“Library material” is defined to mean 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 or public library.

The committee substitute defines “diverse and inclusive material” to mean any material that reflects any protected class as enumerated in the "Law Against Discrimination," (LAD); material produced by an author notwithstanding the author’s membership in a protected class as enumerated in the LAD; and material that contains the author's points of view concerning contemporary problems and issues, whether international, national or local; but excludes content that is inappropriate for grades groups served by the school library. The LAD bars discrimination on the basis of a person’s race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, liability for service in the Armed Forces, disability, or nationality.

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