

December 17, 2024

GOVERNOR MURPHY SIGNS THE FREEDOM TO READ ACT INTO LAW

By: Chris Sedefian, Esq.

Governor Murphy signed the Freedom to Read Act (“Act”) into law on Monday, which includes several different policy implications for New Jersey school districts. The Act mandates that boards of education adopt policies regarding “the curation of library material within a school library.” The legislation also requires New Jersey’s Commissioner of Education (“Commissioner”) to develop a model policy. While boards of education will maintain control over the content of their policies, the Act mandates that all policies must:

- “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;
- Acknowledge that library material shall not be removed from a school library because of the origin, background, or views of the library material or those contributing to its creation;
- Recognize the importance of school libraries as centers for voluntary inquiry and the dissemination of information and ideas;
- Promote the free expression and free access to ideas by students by prohibiting the censorship of library material;
- 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 developmentally appropriate library material available to schools; and
- Establish a procedure for a school library staff member 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 developmentally appropriate material, and the continued demand for the library material.”

Each board of education, “in consultation with school library staff members,” has discretion in determining which materials to include in the school library.

Florham Park

220 Park Avenue
Florham Park, NJ 07932
973-539-1000

Paramus

115 West Century Road
Suite 100
Paramus, NJ 07652
201-262-1600

Sparta

351 Sparta Avenue
Sparta, NJ 07871
973-295-3670

New York

9 East 40th Street
New York, NY 10016
646-652-7775

The Act also requires every board to “adopt a policy establishing a procedure regarding a request for removal of library material within a school library.” While boards of education are required to review a model policy to be created by the Commissioner, they maintain control over the content of this policy as well, provided that the policy must include the following components:

1. The policy must “provide for the creation of a request for removal form,” to be based on a model form created by the Commissioner. The form “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.” The “individual with the vested interest” must identify the specific sections of the material that the individual objects to, as well as provide an explanation of reasons for the objection. Importantly, the Act defines an “individual with a vested interest” as “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 removal form...is filed, and any student enrolled in the district at the time the removal form...is filed.”
2. The principal or principal’s designee must promptly forward the request to the superintendent of schools, who shall appoint a review committee, which must consist of the superintendent of schools or designee, the principal or designee of the school where the material is challenged, the school library media specialist or a school library staff member, a representative selected by the board, at least one grade-appropriate teacher familiar with the library material, a parent or guardian of a student enrolled in the school district, and a student in certain circumstances. The superintendent of schools may also appoint any additional members that the superintendent of schools deems necessary.
3. The challenged library material must remain available for student access in the school library until the board of education reaches a final decision.
4. The review committee must issue a written report regarding its recommendation on whether to remove the library material to the board “no later than 60 school days from the date of the next regularly scheduled board of education meeting after receipt of the form.” The written report must be provided to the individual who filed the form and to the principal.
5. The board of education must review the committee’s report and issue “a final determination on whether the library material is to be removed from the school library or limited in use.” Additionally, the board must provide a written statement of reasons for “the removal, limitation, or non-removal of a library material,” as well as “any final determination that is contrary to the recommendations of the review committee.” The statement of reasons must be posted on the board’s website “in a prominent and easily accessible location within 30 days of the determination.”
6. Challenged library material shall not be subject to a subsequent challenge for at least one (1) year; and
7. The school district must be permitted to consolidate requests for removal of the same material.

The Act permits the “individual with a vested interest” to file a petition of appeal of the board’s final determination with the Commissioner.

Finally, the Act immunizes school library staff members from civil and criminal liability for good faith actions performed pursuant to the Act’s provisions.

The Act takes effect on December 9, 2025. SPSK’s attorneys are ready to assist with development and review of the required policies, and to address any questions which may arise in the implementation of the Act.

DISCLAIMER: This Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.