



September 30, 2024

NJSBA Position Statement
Supporting
Senate Committee Substitute No. 2421 (Zwicker/Ruiz)
&
Assembly Committee Substitute No. 3446 (Drulis/Sumter/Conaway)

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

The New Jersey School Boards Association (NJSBA), a federation of all of the state's local boards of education, supports the Senate Committee Substitute for S-2421 and its Assembly counterpart, A-3446. This legislation establishes requirements for library material in public school libraries and public libraries and establishes protections for school library staff members and librarians.

As with any piece of legislation that receives consideration by the Legislature, the NJSBA first looks to what its official policy – which is proposed, formulated and adopted by members through a democratic process – might have to say on the matter. On this particular issue, the NJSBA is guided primarily by the following policies focused on academic free, local control, parental involvement, and the selection of and access to instructional and library materials:

- **The NJSBA believes** in the fundamental American right of freedom of speech, but also recognizes the *need for local school district control over matters of particular sensitivity* to individual school district communities. Because of the differing maturity levels of students at the various grade levels, *care must be taken to ensure the appropriateness* of instructional materials used in the classroom at all grade levels and in all subject areas.
- **The NJSBA believes** that the *local board of education should serve as the final authority* in determining the appropriateness of selected instructional materials at any grade level and in all subject areas, recognizing that there may be parental/community objections to any such material.
- **The NJSBA believes** that boards of education have the responsibility to ensure all instructional materials are *age-appropriate*, complement the district curriculum and/or student support programs, facilitate critical thinking and further learning, and are congruent with local community preferences. In light of this belief, a board of education book selection processes *should only restrict access to or exclude a book* or other learning materials from its curriculum, *library*, or other support resources following a *process that evaluates the book* or materials in a manner that is consistent with the constitutional and statutory protections afforded individuals by the State. In support of this belief, the NJSBA will encourage local boards to consult with other educational organizations and local stakeholders in the selection of curricular and support materials while retaining its statutory authority over such decisions. [*Emphasis added*]

In its current form, S-2421/A-3446 recognizes the critical role boards of education play in ensuring students have access to educational materials deemed developmentally appropriate, while preserving the ultimate authority of such boards to be the final decision-makers over that access. It also offers districts a framework that will provide useful guidance to boards of education and their staff in evaluating what materials should or should not be made available to students at various levels of maturity.

Parental involvement is also deeply valued by our membership. The NJSBA believes that children learn more when their parents are involved in their education. Local boards of education and school staff should value parental participation and encourage the active participation of parents in the schools and the decision-making process of the school district. This bill empowers parents by establishing a process to challenge material they believe is inappropriate for their children. Furthermore, it guarantees parents will have a voice on the review committee all boards will establish to consider removal requests.

As ardent proponents of local control, the NJSBA also believes that the authority for management of public schools should rest with local boards of education and that state authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education. While the bill does impose some state-level requirements, we appreciate that it also makes a concerted effort to reinforce the authority of local boards of education and allows them to remain responsive to community preferences and concerns in several key ways, including:

- Explicitly clarifying that the board of education maintains control over both the curation and removal request policies required under the bill.
- Specifying that boards retain the authority and discretion over selecting any materials included in the school library.
- Regarding those materials, while requiring that they be diverse and inclusive, it also provides important discretion to the board by stipulating that such material will not include content that is inappropriate for the grades served by the library.
- Stipulating that the bill does not in any way restrict a board's authority to select textbooks or supplies related to the curriculum.
- Protecting the board from potential allegations of censorship by continuing to allow for the limitation or restriction of access to any material deemed developmentally inappropriate for certain students.
- Ensuring that the board will make the final determination over any request for removal of materials and will have the ultimate authority to decide whether to remove, not remove, or limit access to such materials.
- Insulating the board from interference by individuals or organizations with no connection to the district by limiting who can submit requests to remove library materials.

S-2421/A-3446 strikes a healthy and productive balance between preserving local control and the authority of boards of education; protecting student access to developmentally appropriate library materials; respecting the critical role of school library staff; and acknowledging that there may be objections to certain materials from parents and the school community. It also addresses the rights, concerns and responsibilities of all stakeholders – including boards of education, teaching staff and administrators, parents and – most importantly – students. With all of these beliefs and considerations in mind, and after a thorough analysis and continuous collaboration with the sponsors and stakeholders, the NJSBA supports S-2421/A-3446.