# Q & A ON THE RHODE ISLAND "FREEDOM TO READ ACT"

**What exactly does the Freedom to Read Act do?**

In broad terms, the law requires school and public libraries to adopt policies that provide protection against censorship of library materials and encourages library selections that provide a wide range of viewpoints. It also contains remedies for censorship decisions made in violation of those policies.

**Who's responsible for creating these new policies?**

For public libraries, the state's Chief of Library Services is required to establish model policies for library material curation and for handling "reconsideration" requests, i.e., requests to either remove a book from the library's shelves or restrict its availability. Both policies, which include the creation of a "request for reconsideration" form, are to be adopted by each public library's board of trustees.

For school libraries, the Commissioner of Elementary and Secondary Education, in collaboration with the Chief of Library Services, is required to establish policies regarding library material curation and reconsideration requests, which must then be adopted by each municipality's school committee.

**What is censorship?**

Generally speaking, and in this particular context, censorship is the suppression by the government of ideas or information – which may be expressed in written, visual, or recorded media – based on disagreement with, or disapproval of, its content or origins.

**Does censorship under this new law include more than the complete removal of a book from the library?**

Yes, the law also prohibits restricting access to materials within the library or rejecting the acquisition of materials based on disagreement with their content or the identity of the creators of the materials.

**What are the specific content criteria for allowing a book to be removed?**

The Act specifies that books cannot be removed based on disagreement with the material's views or ideas – including those related to race, gender, sexuality, religion, or politics – or the identity of the author. Material can be removed if it meets the legal definition of obscenity or, based on professional standards, is determined to be developmentally inappropriate for a specific age group. As noted below, the law also outlines a formal reconsideration process that requires requesters to review and respond to the material as a whole, rather than using selective passages out of context.

When it comes to the routine culling, or "deaccessioning," of library materials, the decision is left in the hands of librarians. Under this Act, librarians are required to use professional standards such as a book's relevance, condition or demand, or the availability of more recent material in determining changes to the library collection.

**What must the selection/curation policy of a library include?**

The selection policy must include protection against censorship of, and standards for the selection of, library material by the librarian, while also recognizing that library material should present a wide range of points of view and the selection decisions should be in the hands of professional librarians. The Act does not compel specific library acquisitions but merely establishes procedures for curating materials.

**Can anyone request that a library material be reconsidered?**

No, only an individual with a "vested interest" can request a book's reconsideration. For a public library, this means an individual who resides in the municipality where the library is located. An individual deemed to have a vested interest in school library book selection is limited to teaching staff employed by the school district and to students, or their parents or guardians, enrolled in the school at the time of the request.

**What are the steps for a parent or patron to request reconsideration of a book?**

They must fill out a reconsideration form to begin the review process. However, a person cannot seek reconsideration of a book just by pointing to selective passages out of context. In order to request the removal of material, the objector must "review the material as a whole, identify sections of the material that the individual objects to, and provide an explanation for such objections." Only then should a review committee consider the request.

**Who reviews requests for reconsideration?**

For public libraries, the library board will appoint a review committee consisting of:

- At least one member of the library board;
- The director of the public library;
- A subject specialist librarian employed by the public library; and
- Any additional library staff that the library board deems necessary.

For school libraries, the school district superintendent will appoint a review committee consisting of:

- The superintendent or their designee;
- The principal, or their designee, of the school in which the form is submitted;
- A certified librarian employed at the school in which the form is submitted;
- A representative of the school committee; and
- A grade-appropriate teacher.

**What is the timeframe for addressing requests for reconsideration?**

For both public and school libraries, the review committee must report in writing its decision within 30 days of receiving a formal request. From there, the individual who filed the request has 30 days to appeal the decision to the library board or school committee for a final determination. Whatever conclusion is reached, the reasoning for the board or committee's final decision must be made publicly available.

**Can a book be removed from the shelves while it is being reconsidered?**

No. The law requires that library material remain available to reserve, check out, or access, and that it cannot be removed from its location, while the material is under review.

**Is there a limit to the number of times that a book can be requested for reconsideration?**

In a public library, the same book cannot be requested for reconsideration more than once in a year.

**Does this law apply only to physical books?**

No, it applies to any library material, including but not limited to audio-visual materials, government documents, and electronically accessed materials in the custody of the public library and, in the school setting, any other material not required as part of classroom instruction.

**What happens if the review committee decides to keep the material on the shelves, and the individual challenging it files a lawsuit against library employees for not removing it?**

This law creates immunity for library staff from civil or criminal liability if they have acted in good faith in accordance with the statute and the library's policies.

**What happens if a librarian faces disciplinary threats for refusing to censor a book that does not meet the criteria for removal?**

If a librarian has been subjected to discipline, termination, or threats of discipline or termination for refusing to censor materials pursuant to the policy, they may sue the responsible entities for relief. This relief includes reinstatement, back pay, restoration of benefits, and other remedies deemed appropriate by a court.

**What happens if a school or public library illegally censors material?**

Individuals with a "vested interest," defined earlier, are given the right to sue for "declaratory and injunctive relief" against a government body that is enforcing censorship in violation of the law. This means that the court can issue a ruling that the agency has violated the law and order the censored material be returned to the shelves. The law additionally gives librarians and the authors of censored materials standing to sue for this relief.

**Does the new law provide any other protections?**

Yes. The Act slightly narrows the breadth of the state's obscenity statutes, and provides an affirmative defense to libraries and librarians if they are ever criminally charged under those laws while performing their duties in accordance with the Act.

**Does the law have an impact on school curriculum materials?**

No, only library materials. The law makes clear that it does not address a school committee's authority to select textbooks and school supplies related to the curriculum.

**Does the law apply to private schools and libraries?**

No, the Act sets standards only for public schools and libraries. Private institutions remain free to adopt their own policies and practices.

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