Understanding SB 1098: The Freedom to Read Act

Recorded Training

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This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.

This training was recorded in November 2026. Subsequent changes to law and policy may impact the accuracy of information in this slide deck. Links to external websites are subject to change.

ODE is available to support with individual technical assistance following this training.

Session Objectives

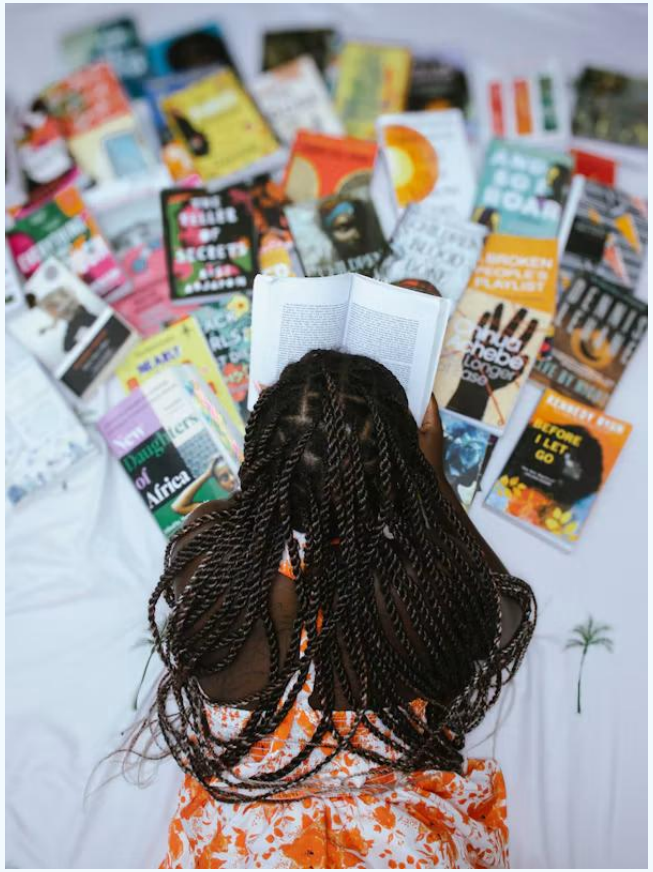


Photo by Brian Kungu on Unsplash

- *Understand the essence of SB 1098: The Freedom to Read Act*
- *Comprehend the intersection of the Freedom to Read Act with Oregon's prohibition on discrimination in public schools*
- *Recognize the implications of the Freedom to Read Act on your role with library, instructional, or program materials*
- *Discover resources to support your local implementation of the Freedom to Read Act*
- *Empower you to speak up if your district isn't aligning with the Freedom to Read Act*

Content Note:

This training discusses protected class discrimination. Explicit and discriminatory language may be occasionally used. Any examples are solely for educational purposes and are designed to aid members of the school community in understanding discrimination in the K-12 school context.

Why SB 1098 Was Introduced

Book Bans Are on the Rise: Even though the majority of voters and parents oppose them, book ban efforts have rapidly increased.

Discriminatory Impact: Consistent with national trends, the targeted books in Oregon are often by or about people of color, women, and LGBTQ2SIA+ people.

The Existing Laws Were Not Seen as Enough: Although existing laws require an inclusive selection of instructional materials and prohibit discrimination in education, no law explicitly prohibited the censorship of materials based on the protected identities involved in the materials' content or creation.

Freedom to Read One Pager – Public Testimony

The Data on Book Bans: National

- American Library Association's (ALA) Office for Intellectual Freedom (OIF) tracked **4,235 unique titles challenged in 2025,** the second highest ever documented by ALA. The highest ever documented was 4,240 in 2023.
- Of the unique titles challenged in 2025, **1,671 (39%) represent the lived experiences of LGBTQ2SIA+ people and people of color.**
- In 2025, **92% of all book challenges were initiated by pressure groups, government officials, and decision makers**, up from 72% in 2024. Less than 3% of challenges originated from individual parents.
- OIF documented **5,668 books banned from libraries (66% of the total challenged)** in 2025. **An additional 920 books were censored through access restrictions** such as relocation or requiring parental permission. This is both the highest number of titles censored in one year and the highest rate of challenges resulting in censorship from 1990–2025.

American Library Association: Banned Books

The Data on Book Bans: Oregon

- There are similar trends in Oregon as tracked by the State Library's Oregon Intellectual Freedom Clearinghouse (OIFC). All information is reported to OIFC voluntarily; many materials challenges go unreported for a variety of reasons.
- The 2026 report revealed **60 official challenges**, a **20% increase over last year**, involving **75 items**. Nearly all were books and graphic novels.
- "No matter the reason given, one pattern is clear: **challenges continue to disproportionately focus on content by or about individuals who belong to a protected class** under Oregon law" (p. 10). This year, **67%** related to 1 or more protected classes.
- **92%** of the challenged items were **retained**, **4%** were **removed**, and the remainder were still under review at the time of the report.
- 2024 and 2025 reports saw even more titles challenged. The last 3 years ranked in the top 5 years by number of items challenged since tracking began in 1987.

Oregon Intellectual Freedom Clearinghouse Reports

Discrimination Prohibited ORS 659.850

No person in Oregon shall be subjected to discrimination in any public elementary or secondary school, educational program or service, or interschool activity where the program, service, school, or activity is financed in whole or part by monies appropriated by the Legislative Assembly.

“Discrimination” means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, religion, sex, sexual orientation, gender identity, national origin, **immigration or citizenship status**, marital status, age, or disability.

Discrimination Prohibited OAR 581-021-0045

A district may not, on a discriminatory basis:

(a) Treat one person **differently** from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service;

(b) Provide **different** aid, benefits, or services; or provide aids, benefits, or services in a **different** manner;

(c) **Deny** any person such aid, benefit, or service;

(d) Subject any person to **separate or different** rules of behavior, sanctions, or other treatment;

(e) Aid or **perpetuate discrimination** by joining or remaining a member of any agency or organization which **discriminates** in providing any aid, benefit, or service to students or employees;

(f) **Otherwise limit** any person in the enjoyment of any right, privilege, advantage, or opportunity.

What Are Oregon's Protected Classes?

- Age
- Citizenship Status
- Color
- Disability
- Gender Identity
- Immigration Status
- Marital Status
- National Origin
- Race
- Religion
- Sex
- Sexual Orientation

What the Freedom to Read Act Does

Summary of the Bill

Prohibits discrimination when selecting or retaining school library materials, textbooks, or instructional materials or when developing and implementing a curriculum.

Prescribes requirements for the removal of library materials, textbooks, and instructional materials.

Directs the Oregon Department of Education to provide technical assistance for school library programs.

Declares an emergency, effective on passage.

OLIS: SB 1098 2025

Freedom to Read Act: Library Materials

Any person responsible for the selection or retention of **library materials**:

- **May not prohibit** the selection or retention of library materials on the basis that the materials include a perspective, study or story of, or are created by a person or group belonging to a protected class

Any person who is *not* responsible for the selection of **library materials**:

- **May not remove the materials**, except as part of a reconsideration process

SB 1098 (2025)

Freedom to Read Act: Textbooks & Instructional Materials

Any person responsible for adopting and approving the use of **textbooks** and **instructional materials**:

- **May not prohibit** the use of or refuse to approve the use of the materials on the basis that the materials include a perspective, study or story of, or are created by, a person or group belonging to a protected class

Any person who is *not* responsible for the selection of **textbooks** and **instructional materials**:

- **May not remove the materials**, except as part of a reconsideration process

SB 1098 (2025)

Freedom to Read Act: Reconsideration Process

Library materials and instructional materials **may only be removed when** the following conditions are met:

- A **request** is made to remove them;
- The person making the request is a **parent or guardian of a student** attending the **school** or an **employee** of the **school** (*not* students or community members)
- The request is **formal** and **written**;
- The request is reviewed by a **reconsideration committee** of the public school or school district;
- The **materials remain in circulation** throughout the reconsideration process;
- The **removal is not occurring because** the materials include a perspective, study or story of, or are created by, a person or group belonging to a **protected class**; and
- The reconsideration committee provides a **public written explanation before** the removal.

Freedom to Read Act: Reconsideration Committee

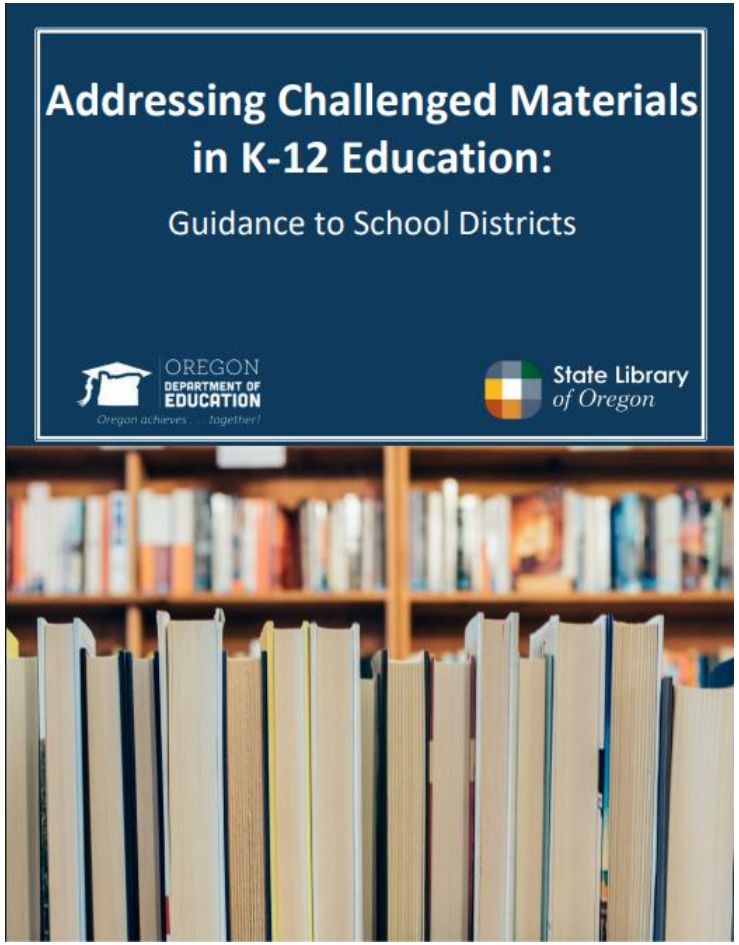
A reconsideration committee is a committee formed by a public school or school district for the purpose of deciding what action to take when library and instructional materials are challenged: whether to retain, restrict, or remove the materials in question.

A public school or school district should have a process for creating a reconsideration committee, but that process, including who may be on the reconsideration committee, is up to the local school board or other public school governing body.

Library materials and instructional materials may only be removed after a reconsideration committee provides a public written explanation for the removal. The materials must remain in circulation during the reconsideration process.

Addressing Challenged Materials in K-12 Education

- Collaboration between State Library and ODE
- Overview of SB 1098
- Explanation of reconsideration process
- Recommendations for working through a materials challenge, by staff type:
  - District-level Administrators
  - School-level Administrators
  - Classroom Teachers
  - School Library Staff



Activity:

Review Addressing Challenged Materials in K-12 Education: Guidance for School Districts.

Open the guidance document from ODE and SLO.

Review these sections of the guidance:

- Freedom to Read Act / Senate Bill 1098 (2025) Requirements, p. 4
- Challenge / Reconsideration Policy, p. 9
- Recommendations for Addressing Challenged Materials, School Library Staff, p. 15

Activity:

Review Addressing Challenged Materials in K-12 Education: Guidance for School Districts.

Self-Reflect:

1. Does your district policy reflect Senate Bill 1098 requirements?
2. For school and district employees: Is it clear to all building staff what role they have when material is challenged, and what they should and should not do, as part of the process?
3. How can you support knowledge development?

Freedom to Read Act: Public Written Notice

Some examples of providing public written explanation include:

- Posting the explanation on an easily accessible part of the public school's or school district's website.
- Posting the explanation at a physical location in the school where information is generally posted, like on a bulletin board.
- Posting the explanation on the door or near the entrance to the school or classroom library.
- Sending an email or other written notice to the parents and guardians of students attending the school and other community members.

Public written notice should be available in all languages commonly spoken within the school community and accessible to individuals with disabilities.

Freedom to Read Act: Curriculum

Any person responsible for the **development or implementation of curriculum** in a public school:

- **May not prohibit the use of program materials** on the basis that the materials include a perspective, study or story of, or are created by, a person or group belonging to a protected class

- **May not refuse to approve the use of program materials** on the basis that the materials include a perspective, study or story of, or are created by, a person or group belonging to a protected class

SB 1098 (2025)

Think:

Is this a violation of the Freedom to Read Act?

1. A parent files a request for reconsideration with the school librarian requesting that *All American Boys* by Jason Reynolds and Brendan Kiely be removed from circulation due to profane language.

2. A high school teacher calls the superintendent expressing concerns about the book *Looking for Alaska* by John Green. The superintendent reviews the book and is shocked by the content. She directs the librarian to pull the book from circulation and forms a reconsideration committee.

3. You receive a voicemail from a "concerned citizen." They are reporting that the local school board is removing library books and classroom materials that feature LGBTQ2SIA+ characters from the elementary school because school board members believe the content is not developmentally appropriate.

Reconsideration Process vs Discrimination Complaint

Reconsideration Process

The reconsideration process should be utilized to ensure materials are not removed on a discriminatory basis.

Bypassing the reconsideration process or allowing materials to be removed in spite of the requirements of SB 1098 may allow a person to file a discrimination complaint.

Discrimination Complaint

Under ORS 659.850, a person belonging to a protected class may not be subjected to discrimination in a public school. Removal of materials related to a protected class in a way that is not compliant with SB 1098 likely constitutes discrimination.

A person may file a complaint with a school district in accordance with the school district's regular discrimination complaint process and appeal to ODE.

Oregon's Requirements: Local Complaint Policies and Procedures

Each school district must establish a process for the prompt resolution of a complaint by:

- A person who resides in the district;
- Any parent or guardian of a student who attends school in the district; or
- Any person who alleges that they have been subjected to discrimination, or a third party representing such persons or groups of persons.

Discrimination complaint policies and procedures should include:

- Definitions (what protected classes are covered);
- Time limits (for submitting complaints, expected response time, etc);
- The steps of the process (levels/appeals, no more than four steps); and
- A written final decision.

Most schools utilize a discrimination complaint board policy and separate procedure.

OAR 581-022-2370

What Does the Process Look Like?

- A typical district discrimination complaint procedure involves three steps:
  - Step 1: Complaint filed at the school level (i.e., with the principal)
  - Step 2: Appeal filed at the district level (i.e., with the superintendent)
  - Step 3: Appeal filed with the school board
- Each step establishes timelines for responding to the complaint (typically within 10 days) and appealing the decision (typically within five days).
- The decision issued at the final step is considered the "final determination."
- The final determination can be appealed to ODE.

Activity:

Locate Your School/District Discrimination Complaint Procedure

Navigate to your school district or public charter school website.

Find your school's discrimination complaint procedure.

Tips for finding the procedure:

- Schools are required to post a link to the discrimination complaint procedure in their **notice of nondiscrimination**. This notice should be posted as a direct link on the front page of the district/charter school website, or on the footer on each page of the website.
- If you cannot find it linked to the required notice, it may be under "board policies" or "district policies."

ODE Discrimination Appeals: Ripeness

In order for ODE to accept a discrimination complaint on appeal, the appeal must be "ripe." An appeal is ripe when one of the following is true:

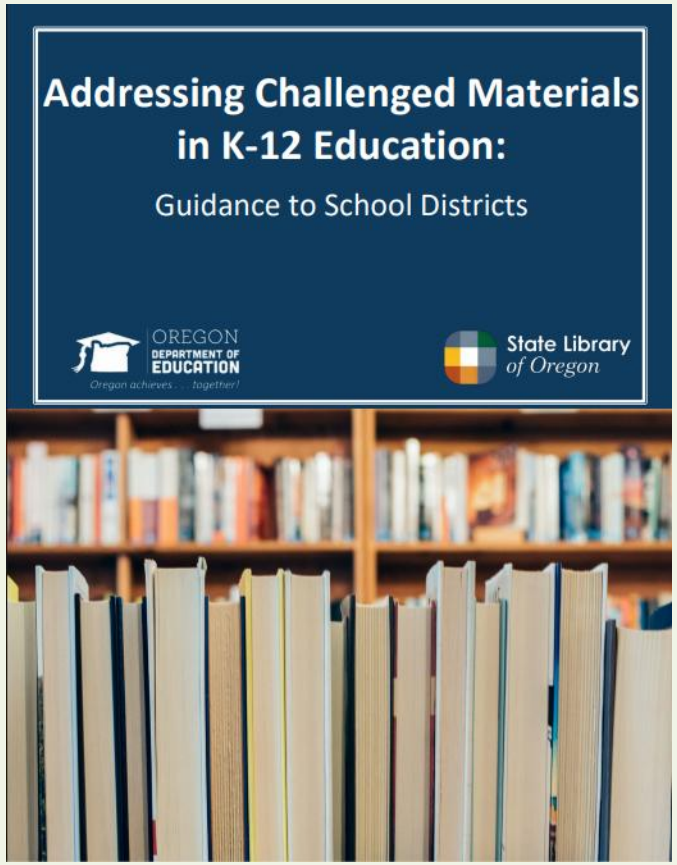
The district has issued a final written decision to the complainant in accordance with the district's complaint process.

Complainant has not received a written answer from the district at any step in the local district process within 30 days from the date on which they filed the complaint at that step in the process.

90 days have passed since the complainant filed the original complaint.

OAR 581-075-0010(2)

Freedom to Read Act: Resources



[Freedom to Read Act Webpage](#) (ODE)

- [Freedom to Read FAQs](#)
  Available in multiple languages on the Freedom to Read webpage

[English Language Arts Webpage](#) (ODE)

[Library & Media Education Webpage](#) (ODE)

[Intellectual Freedom Webpage](#) (State Library)

- [Addressing Challenged Materials in K-12 Education: Guidance to School Districts](#)
  Available on English Language Arts, Library & Media Education, and Intellectual Freedom webpages

Thank You

Contact Us

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