

## Freedom To Read: Frequently Asked Questions

### Table of Contents

1. What does Section 2 of Senate Bill 1098 (2025) do? .....	2
2. Who is a person responsible for the selection or retention of library materials? .....	2
3. What are the protected classes in Oregon? .....	2
4. What are “library materials”? .....	2
5. What are “classroom libraries” and “school libraries”? .....	2
6. Does the law apply to the library collections of public charter schools? .....	2
7. Does the law apply to the library collections of community organizations that collaborate with public schools? .....	2
8. When may library materials be removed as part of a reconsideration process? .....	2
9. What is a reconsideration committee and who may be part of one? .....	3
10. May a school board member make a request to remove library materials when they are not acting in their official capacity? .....	3
11. When may library materials be removed? .....	3
12. How may a reconsideration committee provide public written explanation for the removal of library materials? .....	3
13. Are there any laws that provide similar protections to Section 2 of Senate Bill 1098 (2025)? .....	4
14. What if library materials are selected, retained, or removed on a discriminatory basis? .....	4
15. When will the Oregon Department of Education (ODE) accept an appeal? .....	4
16. For purposes of ODE accepting an appeal, how must a person make a complaint alleging discrimination? .....	5
17. After accepting an appeal, what will the scope of ODE’s investigation be? .....	5
18. What if ODE finds that a public school violated the law? .....	5
19. What if a public school fails to complete an ODE order to correct the violation? .....	5
20. What does Section 6 of Senate Bill 1098 (2025) do? .....	5
21. What does Section 7 of Senate Bill 1098 (2025) do? .....	6
22. What if a district school board or other person violates Section 6 or 7 of Senate Bill 1098 (2025)? .....	6
23. Does the law allow the purchase of library materials, textbooks, instructional materials, or program materials for religious purposes? .....	6
24. How does the law protect religion as a protected class? .....	6

## 1. What does Section 2 of Senate Bill 1098 (2025) do?

Under [Section 2 of Senate Bill 1098 \(2025\)](#), codified at ORS 337.277:

- 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; and
- Any person who is not responsible for the selection of library materials may not remove the materials, except as part of a reconsideration process (see FAQ #8).

## 2. Who is a person responsible for the selection or retention of library materials?

A person responsible for selecting or retaining library materials includes *anyone* with the authority to make decisions for a public school about which library materials to select or retain. This may include licensed teachers with a library media endorsement, administrators, classroom teachers, and classified staff responsible for a classroom or school library.

## 3. What are the protected classes in Oregon?

Under Oregon law, there are ten protected classes. Those protected classes are race, color, national origin, sex, sexual orientation, gender identity, individuals with disabilities, religion, marital status, and age.

## 4. What are “library materials”?

Library materials are fictional or nonfictional educational or other materials kept in a classroom or school library that are available in print or electronic form. Library materials include classroom and school library materials kept for the purpose of providing independent reading materials to students, and supplemental materials kept for the purpose of supplementing core instructional materials. Library materials *are not* core instructional materials adopted by a district school board, the State Board of Education, or a committee or administrator responsible for adopting textbooks and instructional materials. The purpose of library materials can vary from enhancing and extending learning to simply encouraging reading.

## 5. What are “classroom libraries” and “school libraries”?

Together, classroom libraries and school libraries include *any* common area in a public school where library materials are made available to students, including single classrooms, common areas accessible by two or more classrooms, central locations, and common areas accessible by one or more grade levels. School libraries also include library materials that are accessible as part of a remote online education program.

## 6. Does the law apply to the library collections of public charter schools?

Yes. The law applies to the library collections of any Oregon public school, including the library collections of public charter schools.

## 7. Does the law apply to the library collections of community organizations that collaborate with public schools?

No. The law only applies to the library collections of Oregon public schools.

## 8. When may library materials be removed as part of a reconsideration process?

Library materials may be removed by a person who is not responsible for the selection or retention of library materials only when all 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;
- 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 for the removal.

## **9. What is a reconsideration committee and who may be part of one?**

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 other 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.

## **10. May a school board member make a request to remove library materials when they are not acting in their official capacity?**

Yes. A school board member who is also a parent or guardian of a student attending the school or an employee of the school may make a request to remove library materials when they are not acting in their official capacity.

## **11. When may library materials be removed?**

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

## **12. How may a reconsideration committee provide public written explanation for the removal of library materials?**

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.

### **13. Are there any laws that provide similar protections to Section 2 of Senate Bill 1098 (2025)?**

Yes. Under Oregon's nondiscrimination statute, [ORS 659.850](#), a person belonging to a protected class may not be subjected to discrimination in a public school. For purposes of that statute, discrimination means "any act that unreasonably differentiates treatment" of a person belonging to a protected class. Disallowing or removing library materials because they contain content related to a protected class, or because they were written by a person belonging to a protected class, is an act that unreasonably differentiates treatment of a person on the basis that they belong to a protected class.

### **14. What if library materials are selected, retained, or removed on a discriminatory basis?**

Under [OAR 581-022-2370](#), a person may file a complaint with a school district in accordance with the school district's regular complaint process if:

- The person resides in the district;
- The person is a parent or guardian of a student who attends school in the district; or
- Even if the person does not reside in the district and is not a parent or guardian, the person is alleging that they or another person has been subjected to discrimination.

If the school district does not remedy the violation, the person may file an appeal with the Oregon Department of Education (ODE). Public schools not located in school districts might not have a complaint process. ODE will still accept appeals of violations occurring in those schools under certain circumstances (See FAQ #15).

### **15. When will the Oregon Department of Education (ODE) accept an appeal?**

Under [OAR 581-075-0010](#), ODE will accept an appeal under one of the following three circumstances:

- A public school has issued a final written decision to a complainant in accordance with the school's process for addressing complaints;
- A public school has failed to resolve a complaint within 90 calendar days of receiving the complaint, unless the school and complainant have agreed in writing to a different time period for resolving the complaint; or
- A public school has a complaint process with more than one step and the school has failed to provide the complainant with a written response within 30 calendar days of the submission of the complaint at any step, unless the school and complainant have agreed in writing to a different time period for that step.

If a public school does not have a complaint process, ODE will accept the appeal under one of the following two circumstances:

- A public school has responded to the complaint in writing; or

- A public school has failed to resolve a complaint within 90 calendar days of receiving the complaint, unless the school and complainant have agreed in writing to a different time period for resolving the complaint.

## **16. For purposes of ODE accepting an appeal, how must a person make a complaint alleging discrimination?**

Under [OAR 581-075-0001](#), a discrimination complaint may take the form of any written or verbal report of wrongdoing that is communicated to a district or a district staff member, even if the complaint is not filed in accordance with the district's complaint process. The district may direct a complainant, within 10 calendar days of receiving the report, to file the report in accordance with the district's complaint process. The district must direct the complainant in writing and in the complainant's preferred language.

## **17. After accepting an appeal, what will the scope of ODE's investigation be?**

Together, Section 2 of Senate Bill 1098 (2025) and ORS 659.850 authorize ODE to investigate whether library materials were disallowed or removed because they contain content related to a protected class, or because they were written by a person belonging to a protected class. This includes investigating the actions of a person responsible for the selection or retention of library materials, a reconsideration committee, or any other person who disallows or removes library materials for a discriminatory purpose.

## **18. What if ODE finds that a public school violated the law?**

Under [OAR 581-075-0024](#), ODE may order a public school to take action to correct the violation. Corrective action may include restoring library materials to a library, reviewing and rewriting policies or regulations, reviewing and redesigning processes and procedures, participating in specified training, receiving other technical assistance identified by the department, and any other corrective action authorized under the laws of this state. Under [OAR 581-075-0030](#), corrective action must be completed in a time and manner ordered by ODE.

## **19. What if a public school fails to complete an ODE order to correct the violation?**

Under [OAR 581-075-0030](#), ODE may withhold all or part of any distribution from the State School Fund that otherwise would be distributed to the public school.

## **20. What does Section 6 of Senate Bill 1098 (2025) do?**

Under [Section 6 of Senate Bill 1098 \(2025\), amending ORS 337.260](#), a district school board or a committee or administrator responsible for adopting core instructional materials:

- May not prohibit 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; and
- May not 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.

Core instructional materials may not be removed from use by a person who is not a district school board or committee or administrator responsible for adopting the materials unless:

- A request is made to remove them;
- The person making the request is a parent or guardian of a student or an employee;
- 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 for the removal.

## **21. What does Section 7 of Senate Bill 1098 (2025) do?**

Under [Section 7 of Senate Bill 1098 \(2025\), amending ORS 336.082\(3\)](#) a district school board or an administrator or 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; and
- 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.

## **22. What if a district school board or other person violates Section 6 or 7 of Senate Bill 1098 (2025)?**

The same complaint and appeals procedures that apply to Section 2 of Senate Bill 1098 (2025) also apply to Sections 6 and 7 (see FAQs #14 – 16). The scope of ODE’s investigation would be whether the core instructional materials or program materials were disallowed or removed because they contain content related to a protected class, or because they were written by a person belonging to a protected class.

## **23. Does the law allow the purchase of library materials, textbooks, instructional materials, or program materials for religious purposes?**

No. Section 5 of Article I of the Oregon Constitution specifically prohibits state funds from being used for religious purposes. “No money shall be drawn from the Treasury for the benefit of any religious [sic], or theological institution, nor shall any money be appropriated for the payment of any religious [sic] services in either house of the Legislative Assembly.”

## **24. How does the law protect religion as a protected class?**

If library materials, textbooks, instructional materials, or program materials containing religious content are purchased, selected, retained, or used for secular purposes, then those materials cannot be disallowed or removed on the basis that the materials contain religious content.