



# Intellectual Freedom Committee

Oregon Library Association

**July 2024**

*Welcome to Tuesday Topics, a monthly series covering topics with intellectual freedom implications for libraries of all types. Each message is prepared by a member of OLA's Intellectual Freedom Committee (IFC) or a guest writer. Questions can be directed to the author of the topic or to the IFC.*

*Disclaimer: All information provided by the IFC is intended for informational purposes only. This is not to be considered legal advice. Should you need legal advice, we recommend contacting a practicing attorney in your jurisdiction.*

## **Senate Bill 1583: Overview**

In the most recent Oregon legislative short session, which ran from February through early March 2024, Senator Frederick proposed [Senate Bill 1583](#). The purposes of this new bill were to reinforce already existing anti-discrimination laws and tie those concepts to access to learning materials in schools. Specifically, the bill created the connection between anti-discrimination laws and our government protected classes and access to materials that are created by or about individuals who identify as a member of a protected class. For clarity, the [Oregon government protected classes](#) are race, color, national origin, religion, disability, sex (includes pregnancy), sexual orientation, gender identity, age, and marital status.

Here is a sample of the language from [SB1583](#):

To comply with the prohibition on discrimination required by ORS 659.850, a district school board or a committee or administrator responsible for the adoption of textbooks or other instructional materials under this section may not prohibit the use of, or refuse to approve the use of, textbooks or instructional materials on the basis that the textbooks or

instructional materials include a perspective, study or story of, or are created by, any individual or group identified in subsection (1) of this section.

A helpful [overview](#) of the bill's impact is available via Oregon Public Broadcasting.

Unfortunately, the bill did not pass through the House floor in time for it to become law. In response, the American Civil Liberties Union of Oregon issued a [press release](#). The IFC agrees with their sentiments, including this:

We create a better world when young people can learn freely. Ending discriminatory book bans would have validated what we already know to be true: the histories of Black, Indigenous, brown, and LGBTQ2SIA+ communities are not illegal, nor are they extracurricular. They are vibrant, valid, and an important part of our collective knowledge. We are deeply disappointed that this common-sense bill to fortify the civil rights of young people was not prioritized before the end of session.

Even though this bill did not become law, all hope is not lost. There *are* steps that libraries can take, right now, to continue to support the concepts emphasized in SB1583.

### **Senate Bill 1583: Next Steps**

As mentioned above, the purpose of the bill was to tie current anti-discrimination laws to the learning needs of students and access to information. Oregon does have very clear and very strong [anti-discrimination laws](#). However, the connection point between anti-discrimination law and access to materials can also be met via institutional policies. Here are some options to consider for next steps:

#### **I. Add an Anti-Discrimination Statement to Your Collection Development Policies**

Libraries can (and should) include in their library policies their responsibility to comply with state and federal laws. Calling out compliance with anti-discrimination laws in library-adopted collection development policies strengthens the stance of the library system in support of these laws. Here is an example from Beaverton School District, with the laws linked at the bottom of the [policy](#):

To provide instructional materials that are representative of the contributions of all people, regardless of race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, citizenship, marital status, age, disability, familial status, appearance or source of income, and to identify, mitigate and/or eliminate culturally biased materials

An additional option would be to use the exact language from SB1583, quoted above in the overview section.

**II. Add an Anti-Discrimination Statement to Your Request for Reconsideration of Library Materials Forms and Policies**

In keeping with the purpose of SB1583, libraries can elect to not respond to requests to discriminate against their students and patrons. Should the purpose of a materials challenge be to silence the voices of those who identify as a government protected class, it is the library's responsibility to protect those stories and to stand up against requests to minimize members of our communities. In that, a library can choose not to respond to reconsideration requests to discriminate if the submitted form clearly states that the challenge is being made because the material was created by or is about an individual who identifies as a member of a protected class. Here is some sample language from Deschutes Public Library's [administrative rule](#):

Materials will not be excluded because of the origin, background, or views of those contributing to their creation. Creators or content by or about state or federal protected classes – race, color, religion, sex (including pregnancy, sexual orientation, and/or gender identity), national origin, age, disability, and genetic information – will be protected in accordance with state and federal anti-discrimination laws.

**III. Create and Implement a Board-adopted Anti-Discrimination Policy or Tool**

Because there is a chance that a request for discriminatory action may not relate to an existing policy or to an official challenge, it is advised to have a Board-adopted anti-discrimination policy or toolkit available to turn to for guidance. Such policies set an umbrella understanding for the library and/or institution for how to respond to discriminatory requests and can easily guide responses. A fantastic [example](#) is available from Lincoln County School District.

In closing, though SB1583 did not officially get written into law this past short session, it did provide some positive next steps for libraries. The bill created exposure to the environment that school and public libraries have been experiencing as it relates to requests for discriminatory actions. It also provided a clear link between these discriminatory requests and our anti-discrimination laws. Additionally, the bill provided language that a school or public library could adopt and add to their own local policies. Finally, SB1583 created a foundation for possible future bills that would support and protect our school libraries.