

A project of the **National Coalition Against Censorship**

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**April 3, 2017**

Board of Education Chairperson Mary T. McCray  
Charlotte-Mecklenburg Schools  
P.O. Box 30035  
Charlotte, NC 28230

By electronic mail: [maryt.mccray@cms.k12.nc.us](mailto:maryt.mccray@cms.k12.nc.us)

Dear Chairperson McCray,

As a coalition of organizations devoted to protecting the right to read, we write to raise our concerns about the cancellation of a planned lesson about *Jacob's New Dress*, by Sarah and Ian Hoffman, in first-grade classrooms in the Charlotte-Mecklenburg School District. We urge the District to reinstate the lesson and ensure that future lessons are evaluated on sound educational grounds.

According to a District official, a committee of teachers and administrators selected *Jacob's New Dress* for use in first-grade curriculum. The "age-appropriate" lesson plan was designed, as Superintendent Ann Clark affirmed, "in support of Child Abuse Prevention Month and in compliance with Title IX," which requires schools to ensure that bullying does not create a hostile atmosphere for students.

The book's titular character is bullied after he creates a dress out of a towel and wears it to school. His mother then helps him make a real dress, which he wears to school while standing up to the bully. Indeed, the lesson would have furthered curricular objectives by having teachers "emphasize that students had many similarities and differences no matter how they look." However, the book was removed from the curriculum after complaints to Republican legislators, who, in turn, relayed concerns about *Jacob's New Dress* to the District.

Decisions about curricular materials should be made **by educational experts and based on sound pedagogical grounds**. Experts agree that *Jacob's New Dress* is a valuable tool for teaching young children about tolerance of those who dress differently. Indeed, *Publishers Weekly* describes the book as "an ideal companion for families and educators," and *School Library Journal* praises its ability to "encourage discussions of gender, identity, and self-confidence." The book is also a valuable tool for helping children and families that are struggling with issues of gender identity;

*Booklist* claims it “will provide reassurance to children like Jacob,” and *Kirkus Reviews* says it is “meant to comfort both boys who are gender nonconforming and their parents.”

The planned use of *Jacob’s New Dress* as part of lessons on bullying **aligned with District policies and educational goals**. The Board of Education is committed to “embracing our community’s diversity” (BA-E1) and requires District administrators to guarantee that “all students will have equitable access to bullying prevention instructional activities [...] classroom instruction shall include bullying prevention awareness [and] promote positive and productive interaction among students” (JICK-R).

Despite these clear educational benefits of *Jacob’s New Dress*, **school officials elected to cancel the lesson out of what appear to be purely politically and ideologically motivated concerns**. The District’s government liaison, Charles Jeter, is quoted in the press expressing his fear that teaching the book despite objections from Republican legislators would be like “poking the bear.”

It is likely that the concerns about *Jacob’s New Dress*’ are related to the book’s positive portrayal of gender nonconformity. While legislators are free to voice their opinions, **efforts to purge disfavored material from school curricula violate the spirit of the First Amendment**. Indeed, the Supreme Court has cautioned that school officials “may not remove books from library shelves simply because they dislike the ideas contained in those books” *Board of Education v. Pico* 457 U.S. 853, 872 (1982) (plurality opinion). Many courts, like the Eighth Circuit, recognize the unconstitutional “chilling effect” on First Amendment rights when material is removed because of objections to the ideas contained therein. See, e.g., *Pratt v. Independent School District No. 831* 670 F.2d 771, 779 (8<sup>th</sup> Cir., 1982).

Finally, we also urge the District to adopt sound policies for the review of instructional materials. Although Policy IJL-R provides for an appropriate system of responses to formal complaints, a District official stated that the Policy does not apply because “the book was never used as an instructional material.” We hope the District will expand its interpretation of the scope of Policy IJL-R to include instructional materials that have been reviewed and selected by educators, whether they have been used in the classroom or not. This would prevent viewpoint-based complaints from circumventing review procedures by creating political and public pressure around curricular selections.

Please let us know whether we can be of any additional assistance.

Sincerely,



Svetlana Mintcheva, Director of Programs  
National Coalition Against Censorship



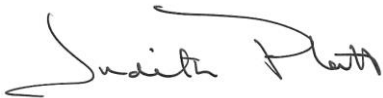
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American Booksellers for Free Expression



Judith Platt, Director  
Free Expression Advocacy  
Association of American Publishers



Mary Rasenberger, Executive Director  
Authors Guild



Fatima Shaik, Co-Chair  
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PEN America

Cc:

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Board Member Paul Bailey, [paul1.bailey@cms.k12.nc.us](mailto:paul1.bailey@cms.k12.nc.us)