



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

CO-SPONSORED BY
American Booksellers for Free Expression
Comic Book Legal Defense Fund
Association of American Publishers

April 12, 2017

Superintendent Mike Thomason
Higley Unified School District
2935 South Recker Road
Gilbert, AZ 85295

By electronic mail: mike.thomason@husd.org

Dear Dr. Thomason,

As a coalition of organizations dedicated to promoting the right to read in public schools, we write to address the Higley Unified School District's recent decision to forbid the use of Khaled Hosseini's novel *The Kite Runner* for use as either required or independent reading. The removal of the book raises some serious educational and First Amendment concerns, which we outline here in the hope that you will restore it to the reading list and curriculum. According to a March 29 article in the student newspaper at Williams Field High School, Dr. Randy Mahlerwein, the director of secondary education, sent an email to faculty members that instructed them to no longer use *The Kite Runner* in their classrooms. The book had previously been approved by the School Board and had been used in sophomore-level honors English classes for five years. Some teachers were planning on using the book for instruction in the coming months. On March 30, the District released a statement claiming that it "does not ban books" but "makes every effort to select books for use in classes that reflect community standards."

Decisions about instructional materials should be made on sound educational grounds and should serve all students in the District. First published in 2003 during the height of the war in Afghanistan, *The Kite Runner* details the story of an Afghan boy and his experiences with tumultuous historical events such as the Soviet invasion and the rise of the Taliban. It is a critically renowned bestseller that has received, among other awards, the ALA's Alex Award for books "written for adults that have special appeal to young adults." *Publishers Weekly* praises the novel as "an eloquent Afghan version of the American immigrant experience" and notes how "it is rare that a book is at once so timely and of such high literary quality." Students who read *The Kite Runner* will not only improve their literary skills but will also benefit from its examination of timely issues such as modern Afghani history and culture, poverty, and drugs. The book also helps students explore less tangible themes such as

friendship, redemption, and familial relationships. Removing it from reading lists thus deprives students of the opportunity to read and discuss a modern classic and to benefit from exploring highly salient themes under the guidance of qualified teachers.

The reliance on “community standards,” a subjective term that only has legal meaning in the case of obscene material, in banning *The Kite Runner*, is completely unwarranted. Outside of this specific context, “community standards” is a vague and subjective term that can be used to discriminate against a particular book and privilege the concerns and viewpoints of some community members over others. The use of this criterion may violate the First Amendment. The Eight Circuit has recognized the unconstitutional “chilling effect” on First Amendment rights when material is removed in objection to the ideas contained therein *Pratt v. Independent School District No. 831* 670 F. 2D 771, 779 (8th Cir., 1982). The Ninth Circuit has specifically recognized that students have a constitutional right to read books selected for their “legitimate educational value” *Monteiro v. Tempe Union High School District* 158 F. 3d 1022, 1029 (9th Cir, 1998). Finally, 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).

On a practical level, any group of citizens can cite “community standards” to impose their special interests on the school system. For instance, a religious group can claim that books with LGBT characters violate community standards and a politically motivated group may object to history material highlighting anything from labor struggles to slavery. Because today’s communities are so pluralistic and diverse, many works are likely to provoke disagreement and claims that they violate community standards. This could lead to numerous frivolous challenges to curricular materials.

For these reasons, we respectfully urge you to reinstate *The Kite Runner* to the curriculum. As a final matter, we note that District policies do not provide for adequate review procedures. Policy KEC mandates that the superintendent review challenged materials and decide whether they may remain in classrooms. Superintendents may lack the time to closely review such materials and familiarity with the details of English curricula. For these reasons, we strongly suggest that a committee including teachers and librarians instead be used to issue recommendations or decisions on challenged materials. Such committees are instituted as part of the complaints and review process in most school district in the nation. Because of their larger size, such committees are also less susceptible to bias. We would be happy to help you develop such a policy.

Sincerely,



Svetlana Mintcheva, Director of Programs
National Coalition Against Censorship



Charles Brownstein, Executive Director
Comic Book Legal Defense Fund



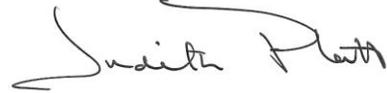
Millie Davis, Director
Intellectual Freedom Center
National Council of Teachers of English



Chris Finan, Director
American Booksellers for Free Expression



Lin Oliver, Executive Director
Society of Children's Books Writers and Illustrators



Judith Platt, Director
Free Expression Advocacy
Association of American Publishers



Mary Rasenberger, Executive Director
Authors Guild



Fatima Shaik, Co-Chair
Children's and Young Adult Book Committee
PEN America