

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP** **KIDS'  
RIGHT  
TO READ**

November 22, 2021

School Board Members  
Harrisonburg City Public Schools  
One Court Square  
Harrisonburg, Virginia 22801

Re: Challenge to *Gender Queer*

Dear Board Members:

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression, including the rights of K-12 students, teachers, and staff. We are writing in regard to the District's response to a challenge to the award-winning graphic novel, *Gender Queer*, by Maia Kobabe.

We are concerned because media reports cite Superintendent Richards as acknowledging that he has violated District policy for adjudicating challenges to books by removing *Gender Queer* from school libraries on his own authority. Those news reports state that Dr. Richards has admits that he has failed in his "obligation to put challenged material through a process that ensures a deliberative and balanced outcome[.]"

The Supreme Court had described the rule of law as "a foundation of freedom,"<sup>1</sup> so essential that "it is more important that the applicable rule of law be settled than that it be settled right."<sup>2</sup> Thus, for Dr. Richards to ignore district policy because he personally disapproves of the book was both improper and an abdication of the District's duty to set a good example for students. The District certainly does not permit its students to pick and choose which rules to follow; neither should it permit its leaders to do so.

It was also improper for Dr. Richards to prejudge the book. As he noted, the review process in the district is meant to be deliberate and thoughtful. To that end, District regulations require challenged books to be assessed by a committee of educators, read in their entirety, and assessed in accordance with specified criteria. Dr. Richards's unilateral action was a clear violation of that policy. For a district which purports to "commit ourselves to hold our community to a higher level of integrity than society at large" (Board Policy 108), that is simply unacceptable.

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<sup>1</sup> *New York State Bd. of Elections v. López Torres*, 552 US 196, 212 (2008) (Kennedy, J., concurring).

<sup>2</sup> *Burnet v. Coronado Oil & Gas Co.*, 285 US 393, 406 (1932)

Finally, the District's action flies in the face of its ostensible commitment to academic freedom and intellectual inquiry, as well as its commitment to ensure that "each person is valued and empowered to pursue their personal goals" and to "creat[e] a community of equality and respect where each individual feels dignified and accepted" (Board Policy 108).

*Gender Queer* is not for every student. But if every library book is required to serve every student, the shelves would be bare. A library, including a school library, is meant to include a broad selection of books that provide value to students. *Gender Queer* clearly has value for many students. It was a 2020 American Library Association Alex Award Winner, and also was named a 2020 Stonewall — Israel Fishman Non-fiction Award Honor Book. In addition, it was described by the *School Library Journal* as "a great resource for those who identify as nonbinary or asexual as well as for those who know someone who identifies that way and wish to better understand."

Therefore, we ask that the District return *Gender Queer* to the library shelves until the challenge has been adjudicated, and to take steps to ensure that the challenge is adjudicated in an unbiased manner, and in accordance with District policies.

Thank you for your attention to this important issue.

Sincerely yours,



Christopher Finan  
Executive Director  
National Coalition Against Censorship

Co-signed by: The Authors Guild  
Comic Book Legal Defense Fund  
PEN America  
PEN America PEN Children's and Young Adult Book Committee  
Society of Children's Book Writers and Illustrators

A project of the National  
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