

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

April 4, 2022

Board of Trustees
Fredericksburg Independent School District
234 Friendship Ln
Fredericksburg, TX 78624

Re: Removal of books from district libraries

Dear Trustees:

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 response to reports that numerous books have been removed from district libraries without following the district's book challenge procedures. We call upon the district to return the books to library shelves pending a formal review.

It is our understanding that the district is justifying its removal of books without a formal review by arguing that they are "pervasively vulgar." They point to Board Policy EF Legal, which says that, under state and federal law, the district "may remove materials because they are pervasively vulgar." But the policy does not require the district to remove such books. It certainly does not state that the administrators are free to ignore the requirement that a book be formally reviewed when it is challenged.

The formal review process is essential for resolving disputes over the suitability of a book. "Pervasively vulgar" is a very vague term, and different people can disagree as to whether a book includes "vulgar" material, and also whether that material is "pervasive." It is for this reason that the reviews are conducted with input from a variety of individuals, including teachers, parents, community members, and students.

The Board's book review regulations are well-crafted to achieve those objectives. For example, Board Policy EF Local states that book reviews should be conducted by a committee; that the committee must include teachers, and that "[o]ther members of the committee may include District-level staff, library staff, secondary-level students, parents, and any other appropriate individuals"; and that "[a]ll members of the committee shall review the challenged resource in its entirety." The policy also states that "[t]he major criterion for the final decision on challenged resources is the appropriateness of the resource for its intended educational use."

Allowing district employees to ignore those regulations by affixing the label "pervasively vulgar" to a book that they do not like is entirely improper. If a review committee had

been appointed, it would have weighed the value of the book against its purported vulgarity.

For example, the district has ordered the removal of Jesse Andrews's *Me and Earl and the Dying Girl*, which is the story of a high school student's struggle to deal with the terminal illness of a friend. Another, *Crank*, by Ellen Hopkins, is the story of a student who is dealing with drug addiction. A third, Stephen Chbosky's *The Perks of Being a Wallflower*, deals with the travails of an introverted student during her freshman year in high school.

There are clearly powerful reasons why such books might be valuable for some students, because they address issues that students or their families and friends often confront in their daily lives. To allow one or two administrators to remove such books without ensuring that they hear from those who might benefit from them ignores the obligations of the school district to serve the needs of all its students. Finally, ignoring book challenge procedures exposes the district to potential legal liability. The Supreme Court has limited the ability of public schools to remove library books. In particular, the Court has said that books cannot be removed because of disagreement with the views expressed therein. Well-crafted book challenge regulations ensure that those illicit concerns do not infect the adjudication process. When a district ignores those regulations, it creates suspicion that it has acted improperly.

Therefore, we urge the district to return the books to library shelves, and to make clear to all district personnel that compliance with board regulations is not optional.

Thank you for your attention to this important issue.

Sincerely yours,



Christopher Finan
Executive Director
National Coalition Against Censorship

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

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