

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

November 28, 2022

Board of Trustees
Natrona County School District
970 N Glenn Rd.
Casper, WY 82601

Dear Members of the Board of 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 have almost 50 years of experience advising public institutions in developing best practices that are consistent with First Amendment principles. We are writing in regards to a new proposed district policy which would ban materials with "sexually explicit images or sexually explicit acts or simulations of such acts" from all school libraries. We have two concerns about the current draft policy.

Our first concern is that the draft policy is vague and hence, could be abused. The proposed policy bars books that "include sexually explicit images or sexually explicit acts or simulations of such act." We fear that "simulations" of sexual acts might apply to any book that mentions characters having sex, including the Bible, works of fiction like *East of Eden*, and nonfiction books about sexual abuse.

When regulations are written in broad or ambiguous language, they give enormous discretion to those who make decisions, creating a danger that some will allow their personal views of the material to affect their judgment. As the Supreme Court has noted, "if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them." *Grayned v. City of Rockford*, 408 US 104, 108 (1972). Therefore, we urge you to clarify the proposed regulation in order to ensure that books are not improperly barred.

Our second concern is that the blanket-ban on books which contain "sexually explicit images" could prevent student access to books which have substantial educational value. Most districts allow high school students to have access to books which happen to have sexual images but which are nevertheless valuable. Such books may include science, art history, and sex education materials. Therefore, we urge you to include an exception for materials that your educational professionals deem valuable for your students.

Additionally, as you develop new policies, we encourage you to consider adopting the suggestions in the attached guidelines, which also includes sample book challenge procedures from school districts across the country.

Please contact us if we can be helpful.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Chris Finan". The signature is written in a cursive, slightly slanted style.

Christopher Finan
Executive Director
National Coalition Against Censorship

A project of the National
Coalition Against Censorship

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