

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

January 9, 2023

School Board Members  
Wilson County Schools  
415 Harding Drive  
Lebanon, TN 37087

Dear Members of the School Board,

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 regards to the School Board's decision to remove *Tricks* by Ellen Hopkins and Lev A.C. Rosen's *Jack of Hearts (and Other Parts)* despite the book review committee's recommendations to retain the books on the "mature reading list." We are concerned that the board may have acted for improper reasons.

As you know, the Supreme Court has warned that "school boards 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). In 2021, the Court reaffirmed the principle underlying *Pico*, stating that public schools have a responsibility to protect unpopular ideas. *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S.\_\_\_\_, 141 S. Ct. 2038, 2046 (2021). Therefore, any decision that suggests viewpoint discrimination raises serious First Amendment concerns.

However, during the board's discussion of the book challenge, one board member advocated for removing the book because it contained ideas about sex education that "I disagree with." Therefore, we are concerned that the Board might have removed these books due to disagreement with the views expressed within them, in contravention of *Pico*. We strongly urge you to ensure that future decisions are consistent with the First Amendment rights of your students.

Moreover, we note that another board member overstated the extent to which students surrender their rights at school. In fact, the Supreme Court has "made clear" that students retain the vast majority of their First Amendment rights. *Mahanoy* 141 S. Ct. at 2044. While the board member is correct that the courts have greatly limited the free speech rights of teachers, in contrast, they have upheld student rights with few exceptions.

We understand that the school board rejected the recommendation of a review committee that these books be retained. Review committees play an important role in adjudicating book challenges. Because they strive to be impartial, they ensure that all parties feel that their views have been considered and that decisions about

educational material are made in an objective, nonpolitical manner. Therefore, school boards should give serious consideration to their recommendations. That does not appear to have happened in this case.

NCAC has created a resource to help school officials address the problem of book challenges, *Material Review and Policy Guidelines and Examples*. It is attached.

Please let us know if you have any questions or need any further support in this matter.

Thank you for your time and attention.

Sincerely yours,



Christopher Finan  
Executive Director  
National Coalition Against Censorship

Co-signed by: American Booksellers for Free Expression  
The Authors Guild  
Children's and Young Adult Books Committee, PEN America  
National Council of Teachers of English  
PEN America

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