

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

June 23, 2023

School Board Members
Mansfield Independent School District
605 East Broad Street
Mansfield, Texas 76063

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 have nearly 50 years of experience including advising schools in developing book review procedures that are consistent with First Amendment principles. We are writing to express two concerns regarding proposed policy EFB (Local) and the associated content guidelines.

Our first concern is that policy violates the principles set forth by the Supreme Court in *Board of Education v. Pico*. That case established 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).

The proposed policy violates that principle because it permits the removal of books which discuss "gender fluidity" which it defines as, "Any theory or ideology that: espouses the view that gender is merely a social construct;" "espouses the view that it is possible for a person to be any gender or none;" or "supports" gender-affirming medical intervention. Clearly the policy allows the removal of books that take one side of the issue but not those which take the opposite view. This is a clear violation of *Pico*, therefore, we urge you to remove all references to "gender fluidity" from the proposed policy.

Our second concern is that the blanket ban on books which contain "sexually explicit conduct" could prevent student's access to books which have substantial educational value. Most districts allow high school students to have access to books that include sexual conduct but are nevertheless valuable. Many great works of fiction meet that description and hence would be excluded under the proposed draft of the policy.

Furthermore, the Content Guidelines require the exclusion of certain books, even if they meet the usual criteria of value for students. We applaud you for including certain exceptions to that rule; however, we note that the exception for "Non-fiction historical"

books is unusually narrow. We suggest expanding the exception to include all non-fiction books.

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

CC: Superintendent Dr. Kimberley Cantu

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
Society of Children's Book Writers and Illustrators

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