

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

July 21, 2022

School Board
Central Bucks School District
20 Welden Drive
Doylestown, PA 18901

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 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 recent proposed updates to the Central Bucks School District's Library Materials Policy (109.2). We are recommending that you amend the policy to ensure that decisions about removing books and other material are made objectively.

Based on our reading of your proposed policy, we have two significant concerns. First, the policy vests the power to remove material in a single person, the "District-level library supervisor or Superintendent's designee." It should not be the responsibility of one individual to define educational suitability for an entire community. In our experience, the best practice is to establish a committee that includes a teacher, administrator, community member, parent, and even an older student. This creates an opportunity for the expression of a range of views and minimizes the danger that a book will be removed because of bias.

Our second concern is that the proposed policy does not include safeguards to ensure that books are not improperly removed based on the views they express. 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) (plurality opinion). But your proposed policy includes many vague and undefined terms that create opportunities for unconventional and controversial ideas to be censored. It requires that books that contain "sexualized" and "inappropriate" content must be removed from school libraries. However, the terms used to define this content—"explicit" or "implied" "sex acts"—are equally vague. Are books that picture or describe two boys holding hands "explicit"? Is kissing a "sex act"? When regulations are written in broad or ambiguous language, they give enormous discretion to those who adjudicate challenges, creating a danger that they will allow their views of the material to affect their judgment and suppress ideas that they dislike. In addition to providing a clear definition of terms, we strongly recommend that the policy reminds adjudicators of the limits imposed by *Pico* that no challenged

instructional resource shall be removed because of disagreement with the ideas expressed therein.

I am attaching a copy of our guidelines for administrators, which includes sample book challenge procedures from school districts across the country. We believe that a strong policy is in the best interest of everyone in the district. Weak policies invite controversy, opening the district to accusations of bias or impropriety. Effective book challenge procedures also ensure that the district protects the free expression rights of its students and staff.

Thank you for your attention and consideration to this matter.

Warmest regards,



Christopher Finan
Executive Director
National Coalition Against Censorship

Co-signed by: American Booksellers for Free Expression
The Authors Guild
National Council of Teachers of English
Pen America

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