

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

August 19, 2022

Board of Trustees
Conroe Independent School District
3205 W. Davis
Conroe, Texas 77304

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 are writing in regard to the recent changes to the District's policy for adjudicating challenges to library resources. We strongly suggest that the District administer training to clarify staff members' responsibilities under the new policy.

The recently adopted district policy requires that challenged books must be removed pending adjudication of requests for reconsideration if the request "could reasonably result in a finding" that the book is obscene or "harmful to minors" under Texas law.

This is potentially problematic because, as you know, very few books are legally obscene or "harmful to minors" under Texas law. For example, a book cannot be obscene unless the book, "taken as a whole, lacks serious literary, artistic, political, and scientific value" (TX Penal Code §43.31). Similarly, a book cannot be "harmful to minors" unless it is "utterly without redeeming social value for minors" (TX Penal Code §43.24). It is very unlikely that the District's professional educators have purchased books which meet either of those criteria. Therefore, almost no books should be temporarily removed under the new policy, if that policy is appropriately applied.

Our concern is that district employees who are not familiar with Texas obscenity law might, out of an abundance of caution, remove books that cannot "reasonably result" in being found to be obscene or harmful to minors. Therefore, we urge you to ensure that the District's staff understand the law and their responsibilities thereunder.

Please let us know if you would like us to arrange an in-service training session for district staff on the particulars of Texas obscenity law.

Thank you for your attention to this important issue.

Sincerely yours,

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

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