

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

September 16, 2022

Board of Trustees
Frisco Independent School District
5515 Ohio Dr.
Frisco, TX 75035

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 response to media reports that Frisco ISD may be improperly removing school library books.

Board Policy EFB (Local) states that books which are legally obscene under state law must be immediately removed from libraries. We are concerned that books which are clearly not legally obscene under Texas state law might have been removed improperly.

Our concern is based in part on a message posted on the District's website by Superintendent Dr. Waldrip, in which he states that the expedited review process for allegedly obscene books "will ensure that any books found to contain sexually inappropriate material are removed as quickly as possible." This quote indicates that the district is improperly treating any book with "sexually inappropriate material" as obscene. However, the law clearly states otherwise; Texas Penal Code sec 43.21 states that a work is obscene only if, taken as a whole, it appeals to the prurient interest in sex; and taken as a whole, lacks serious literary, artistic, political, and scientific value. It is very unlikely that the District's professional educators have purchased books which meet that criteria. Therefore, almost no books should ever be found obscene under Policy EFB (Local) if it is appropriately applied.

Allegations of "inappropriate material" should be adjudicated following the normal procedures. There are many classic works of literature which some people may find inappropriate but which a reconsideration committee may decide to retain. For example, *Slaughterhouse Five*, *Maus*, *Of Mice and Men*, and *The Diary of Anne Frank*, among countless others, have at some point been alleged to be sexually inappropriate. Therefore, it is essential that such allegations be adjudicated in a transparent, even-handed manner by committees composed of teachers, staff and parents. The District's standard book review regulations are well-crafted to accomplish that goal.

Therefore, we urge you to ensure that District personnel understand the legal definition of "obscenity", and that all challenged resources are given their due process under the formal reconsideration procedures.

Thank you for your attention to this important issue.

Sincerely yours,



Christopher Finan
Executive Director
National Coalition Against Censorship

Co-signed by: American Booksellers for Free Expression
The Authors Guild
Comic Book Legal Defense Fund
National Council of Teachers of English

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