

# 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,

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

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

A project of the National  
Coalition Against Censorship

**CO-SPONSORED BY**

American Booksellers for  
Free Expression  
Comic Book Legal  
Defense Fund  
National Council of  
Teachers of English