

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

July 24, 2023

School Board Members
Hernando School District
919 North Broad Street
Brooksville, FL 34601

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 are writing concerning the School Board's decision to remove Louis Sachar's "Marvin Redpost: Is He a Girl?" despite the book review committee's unanimous recommendation to retain the book in school libraries. We are concerned that the board may have acted due to hostility towards the views expressed in the book.

As you know, 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). 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). Therefore, any decision that suggests viewpoint discrimination raises serious First Amendment concerns.

There are several reasons that we are concerned that the Board may have removed this book due to the views it expresses. First, the complainant requests that the book be removed because she claims it suggests, "being a boy is a bad thing, and being a girl is the right or good thing." Therefore, the complaint is clearly based on disagreement with the views expressed.

Second, media quotes from board members who voted to remove the book also suggest that they did so due to hostility to the views it supposedly expresses. One board member was quoted saying he voted to remove the book because it is "a stupid book." Another board member said she voted to remove it because, "It is gender identity, and it's in an elementary school." Notably, neither board member referred to the criteria for removing books that are established in board policy.

Third, the book review committee, which did employ the proper criteria, unanimously voted to retain the book. In fact, the committee, which included parents, teachers, school specialists, and a community member, considered it obvious that the book should be retained. Indeed, the official committee report stated that, "some members were very disheartened that this book is even being considered for a challenge."

In short, the complaint was clearly viewpoint based while the committee's decision was merit-based, yet the board sided with the complainant without providing legitimate reasons for doing so. This clearly raises suspicions that the board's decision was viewpoint-based in violation of Supreme Court precedent. Therefore, we urge you to reconsider your decision to remove "Marvin Redpost: Is He a Girl?"

Finally, in the future, we urge you to give greater consideration to district appointed review committees' recommendations. Review committees play an important role in adjudicating book challenges. Because they strive to be impartial, they ensure that all parties feel that their views have been considered and that decisions about educational material are made in an objective, nonpolitical manner.

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

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
PEN America

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