

# NATIONAL COALITION AGAINST CENSORSHIP

# KIDS' RIGHT TO READ

August 27, 2024

Elizabeth School District  
Board of Education  
634 S. Elbert Street  
Elizabeth, CO 80107

Dear Members of the 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 in regards to the School Board's decision to temporarily remove 19 books from the district's libraries in accordance with the new "Sensitive Content Catalogs" policy.<sup>1</sup> We urge the Board to return the books to library shelves and to rescind this new policy.

As we understand it, the Board of Education has designed protocols for flagging and restricting over 100 books that contain "sensitive topics." This involved the creation of the Board Curriculum Review Committee to flag books that contain potentially sensitive topics including "religious viewpoints," "sexual content," "ideations of self-harm or mental illness," and "racism/discrimination."<sup>2</sup> We are concerned that restricting books in this manner harms students' education. It can discourage students from reading books and may have a chilling effect on teachers and librarians who are likely to avoid "red-flagged" books.

We are concerned that the Board has flagged these topics and removed the books because they disagreed with the views expressed therein. According to news reports, board secretary Mary Powell said "We need to be sure that we are protecting our students from things that are controversial."<sup>3</sup> The board's comments raise constitutional concerns and leave the district open to suspicion that the administration has acted for improper reasons.

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) (plurality opinion). In 2021, the Court reaffirmed the principle underlying *Pico*, stating that public schools have a

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<sup>1</sup> Elizabeth School District. *Public Concerns/Complaints about Instructional Resources policy*. Elizabeth School District Board of Education, 2024.

<https://www.elizabethschooldistrict.org/cms/lib/CO02201754/Centricity/Domain/124/9.7%20Library%20Protocol%20and%20Book%20Lists%208.12.24%20v3.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Cook, Lanie Lee. "Elizabeth School District Pulls 19 Books, Adopts 'Sensitive Topic Protocol.'" FOX31 Denver, FOX31 Denver, 13 Aug. 2024,

FOX31 Denver, FOX31 Denver, 13 Aug. 2024,

[kdvr.com/news/local/elizabeth-school-district-pulls-books-sensitive-topic-protocol/](https://www.kdvr.com/news/local/elizabeth-school-district-pulls-books-sensitive-topic-protocol/).

responsibility to protect unpopular ideas. *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S.\_\_\_\_, 141 S. Ct. 2038, 2046 (2021). Thus, the removal of books from public school libraries to suppress ideas, even if they are "sensitive" or "controversial," is a violation of the First Amendment.

Finally, the district's "Sensitive Topic Protocol" is contrary to its own principles. For example, existing Policy KEC<sup>4</sup> states that, "Libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material on the level of their students on various ideologies or philosophies." The district's new policy of flagging of books with "Sensitive Topics" needlessly endangers students' rights to access educational materials and lowers the quality of their education.

It is deeply unlikely that the District's professional educators have purchased books unfit for their students. Moreover, labeling these books as "sensitive topics" does not obviate or eliminate the District's obligation to follow its own procedures for book challenges, nor to follow its constitutional duties under the First Amendment.

We understand that the process of determining which materials should be available to students is often emotionally charged. As a result, it is important that districts make decisions about library collections in a transparent manner which ensures that all parties, including educational professionals, students, parents and other members of the school community, feel that their views have been considered and that decisions about educational material are made in an objective, pedagogical, and nonpolitical manner.

The district can uphold these principles while better addressing community concerns by providing parents with more information about why books have been chosen for school classrooms and libraries. For example, the National Council of Teachers of English encourages schools to "systematically assess, develop, and provide parents with rationales that explain the pedagogical purposes" of instructional materials.

We strongly urge you to return the suspended books to library shelves, reconsider your advisory notice policy, and adopt alternative policies that follow standard best-practices and do not endanger students' rights to read and learn.

NCAC has created a resource to help school officials address the problem of book challenges. The attached, *Material Review and Policy Guidelines and Examples*, includes best-practices and sample book challenge procedures from school districts across the country.

Thank you for your attention to this important issue.

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<sup>4</sup>Elizabeth School District. *Public Concerns/Complaints about Instructional Resources policy*. Elizabeth School District Board of Education, 2001.  
<https://www.elizabethschoolsdistrict.org/cms/lib/CO02201754/Centricity/Domain/121/KEC3.pdf>

Sincerely,



Christine Emeran  
Youth Free Expression Program 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  
Society of Children's Book Writers and Illustrators

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