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ALA American Library Association

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Leslie Melson
President, Board of Education
Highland Park Independent School District
7015 Westchester Drive
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I am writing to you and to the members of the Highland Park Board of Education on behalf of the American Library Association's Office for Intellectual Freedom. We understand that the Board may be considering a number of proposals to label certain books as "objectionable" and to require students to obtain written parental permission to study these texts that have otherwise been approved as educationally suitable by your faculty and scholastic bodies such as the College Board. We are deeply concerned about these proposals, particularly the proposal to use the American Library Association's annual Top Ten Most Frequently Challenged and Banned Books List as a means of identifying so-called "objectionable texts." We believe that identifying books as "potentially objectionable" and requiring permission slips for each individual assignment is a censor's tool intended to prejudice opinion and discourage the use of the targeted books by students, parents, and faculty alike. Such "soft censorship" only serves to impair the educational process and deny each student's right to read and learn from complex and challenging texts in preparation for college and career.

Although we applaud a parent's active participation in her student's education, OIF does not believe books should come with a list of objectionable content. HPISD policy already requires teachers to provide parents with a syllabus describing each title assigned during the course of the year, allowing a parent ample opportunity to review the assigned texts. To prejudice parents, students, and the public against certain titles by requiring permission slips or labeling books as "objectionable" impairs academic freedom and can rise to a First Amendment violation, especially when such actions are done in a manner that suggests official endorsement of narrow sectarian or partisan views. We encourage you to trust your teachers' experience and knowledge in selecting both classic and contemporary literature that engages the student while achieving the educational goals you have established for the English curriculum.

In this regard, the American Library Association's Top Ten Most Frequently Challenged or Banned Books List is not and has never been a judgment on the quality or educational suitability of a work or a valid designation that the book is "objectionable." This is

especially so since many challenges to books are determined to be without merit. Indeed, many challenges are motivated not by a challenger's concern about educational suitability but instead by the challenger's discriminatory and often unconstitutional beliefs regarding literature that incorporates themes and elements addressing race, religion, homosexuality, or unorthodox views. These biased and uninformed challenges, often disguised as an "unsuited for age group" objection, should never be used as grounds for determining restrictions on public school books and curricula. Employing the ALA's Top Ten Most Challenged or Banned Books List as a curriculum standard substitutes the unthinking opinion of a crowd for the considered judgment of the professional educators on your faculty.

Moreover, delegating the Board's legal authority to determine what books may be freely taught in the classroom to a private association like the ALA raises certain due process issues, especially when the criteria used to determine the ALA Top Ten Most Frequently Challenged and Banned Books list are not narrowly and reasonably drawn definitive standards but the mere circumstance that someone, somewhere, complained about the book for any one of a number of reasons. See *Motion Picture Association v. Specter*, 315 F.Supp. 824 (E.D. Pa 1970)(use of MPAA ratings to identify films and previews "not suitable" for children was improper delegation of legislative authority to a private entity. The statute that penalized exhibitors who showed such films and previews was found unconstitutional for vagueness).

In addition, the requirement that students submit parental permission slips in order to read and study a "disfavored" book may constitute an impermissible and unconstitutional infringement on a student's Constitutional rights. In *Counts v. Cedarville School District*, 295 F. Supp. 2d 996 (W.D. Ark. 2003) a federal court set aside a school board's requirement that students submit a written parental permission slip to access the Harry Potter series. It held that the stigmatizing effect of having to obtain parental permission to check out the books from the school library constituted a restriction on access that violated the students' First Amendment rights, given that the books had been restricted because school board members "dislike[d] the ideas contained in those books."

Although we are often tempted to shield students as long as possible from the world's more difficult realities, limiting access to books does not protect young people from the complex and challenging world that confronts them. Rather, it can deprive them of information that is important to their learning and development as individuals. Once a book has been selected and approved by faculty members pursuant to the standards outlined in the district's materials selection policy, any decision on whether to limit a student's access to materials is most appropriately made by a student's parents, who are best equipped to know and understand their child's intellectual and emotional development. But those parents should not be given the power to restrict other students' ability to read and learn from the book.

We understand the need to address a parent's concern about a particular book. If a parent has a concern with a chosen text, we strongly encourage you to adopt a transparent and consistent reconsideration procedure to review the book and a policy that allows parents and students to request an alternative text when they have a sincere objection to an

assigned book. Many school districts have implemented an “opt-out” plan where an alternative book can be offered if a parent doesn’t want their child to read the book in the curriculum. This option still supports your teachers and offers much less disruption to the classroom.

Numerous Highland Park teachers, students, and parents are protesting this attempt to curtail their academic freedom. We urge you to respect and support the judgments of teachers, librarians, and other educators who select instructional materials based on professional and educational standards in order to serve the needs of all members of your diverse community. Further, we encourage you to consider the views of those parents in your community who have spoken out in support of those faculty members and in favor of a broad education that serves everyone. They demand transparency and direct, clear communication. They want their school board and committees to be fair, balanced, and unbiased. They want their children to be “challenged by educational resources chosen with professional judgment.” They want their teachers to be respected and secure in their jobs. Parents have spoken with emails and letters. They have worn orange ribbons in solidarity. They have sent flowers to the school in sympathy for the teachers who have been forced into a chaotic and fearful working environment. Parents are asking that their children’s minds be stretched and opened. They are looking for books that are going to broaden their students’ horizons and teach them about people, places, and situations that reach beyond their hometown.

Adoption of policies that label "bad books" and require permission slips to read those books reflect a view that all members of the HPISD community hold the same values when in fact there is actually a wide range of beliefs and attitudes about what kinds of books should be read in the classroom and how those books should be taught. We respectfully ask that you reject these policies and affirm that students in the Highland Park Independent School District will always be able to obtain a high quality nonsectarian and nonpartisan education.

Sincerely,



Barbara M. Jones
Director
American Library Association
Office for Intellectual Freedom

Mailed to Board Members James Hitzelberger, Cynthia Beecherl, Joseph Taylor, Paul Rowsey, Kelly Walker, and Sam Dalton

CC: Superintendent Dr. Dawson Orr
Principal Walter Kelly
Anne Balden, Chair of the English Department