

Date

Name of School Board President  
Board President  
Name of School District  
Address  
Email Address

Dear [Name of Board President],

I write as a concerned [student/parent/community member] to ask that the [Name of School District] School Board adopt the model policies on Library Material Selection and Complaints about Curricular and Library Materials developed by the New York Civil Liberties Union (“NYCLU”). It is important to me that our schools continue to offer students a wide range of diverse, inclusive, and engaging materials, and strong policies are essential to protect students’ right to access information.

Across New York, school districts are facing an unprecedented wave of challenges to curriculum and library materials. Under the First Amendment, school authorities may not remove books solely because they disagree with the views expressed within them.<sup>1</sup> Courts consider school districts’ policies and procedures for considering challenges to library materials and treat a failure to comply with those policies as evidence that the board removed a book because it disagreed with the viewpoint of the author.<sup>2</sup>

Schools’ obligation to protect students’ right of free speech and expression intersects with their duty to cultivate a safe and supportive learning environment under federal and state law. Recently released guidance from the New York State Office of the Attorney General and the New York State Board of Regents further instructs districts that “banning curricular materials that accurately portray and critically analyze topics related to protected classes such as race, national origin, gender (including gender identity and expression), or sexual orientation,” even in response to political pressure from constituents, violates state law and policy.<sup>3</sup>

[Explain here why this issue matters to you and why you think it is an important issue in your district.]

The model policies developed by the NYCLU aim to ensure that all challenges are addressed fairly and efficiently while protecting students’ rights. It uses the template policies developed by the New York State School Boards Association as a starting point, incorporating guidelines developed by the American Library Association and strong provisions from other district policies. The model policies improve upon existing school board policies in five ways:

1. **Offer clear guidelines on selection of library materials.** The model policies include a “Library Materials Selection” policy that identifies ten criteria to guide librarians in curating diverse, inclusive collections.

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<sup>1</sup> *Bd. of Educ., Island Trees Union Free Sch. Dist v. Pico*, 457 U.S. 853, 871 (1982).

<sup>2</sup> *See Campbell v. St. Tammany Parish Sch. Bd.*, 64 F.3d 184, 190–91 (5th Cir. 1995) (reasoning that school board’s rejection of committee recommendations in disregard of its own policy “raised questions regarding the constitutional validity of its decision”); *Case v. Unified Sch. Dist. No. 233*, 908 F. Supp. 864, 876 (D. Kan. 1995) (“The highly irregular and erratic manner in which defendants removed *Annie on My Mind* from the District’s libraries and their disregard of established policy and procedure are important evidence of their improper motivation.”).

<sup>3</sup> N.Y. Att’y Gen. & N.Y.S. Educ. Dep’t, Diversity, Equity, and Inclusion Guidance 3 (Aug. 9, 2023), available at <https://www.nysed.gov/sites/default/files/programs/diversity-equity-inclusion/oag-nysed-dei-guidance.pdf>.

2. **Ensure no material will be removed from either the curriculum or from the library until the Board of Education makes a final decision.** The model policies provide that the challenged material will remain available until the Board has made a final decision and no material will be removed from the curriculum without being reviewed by a Reconsideration Committee.
3. **Provide a timeline for reviewing challenges to materials.** The model policies require the Reconsideration Committee to meet within 30 days of receipt of a complaint and requires the Board to vote within 30 days of receiving a report and recommendation from the Reconsideration Committee.
4. **Protect the professional discretion of school personnel.** The model policies identify the librarian as the person primarily responsible for the selection of library materials and provides that a material may be removed only if it serves no educational purpose in line with the district's guidelines. Decisions to sustain a challenge to a material will not adversely affect educators who initially selected the material.
5. **Advocate for student and community involvement in the decision-making process.** The model policies recommend that two high school students serve on the Reconsideration Committee and allows for public comment on the challenged material.

As a [student/parent/community member], I urge you to consider adopting NYCLU's model policies. If you have questions or concerns, you can contact the NYCLU via email at [schools@nyclu.edu](mailto:schools@nyclu.edu).

Thank you for your time and concern, and for all you do to ensure that students in our district receive an excellent education!

Sincerely,