

PROTECT STUDENTS' RIGHT TO LEARN



Students deserve to see their experiences reflected in the classroom while learning about the histories of all communities.

But across the country, activists have aggressively challenged books about communities of color and LGBTQIA+ people. In the first six months of the 2022-2023 school year alone, PEN America documented 1,477 book banning incidents involving nearly 900 different books. Thirty percent of these books are about race, racism, or feature characters of color, while over a quarter include LGBTQIA+ characters or themes. New York is no exception: a Journal News investigation found that more than 200 complaints were filed in Hudson Valley school districts between 2020 and 2022.

The First Amendment protects students' right to learn free from viewpoint-based censorship. Removing LGBTQIA+ and Black and Brown voices from school curricula and library collections may violate not only the First Amendment, but also schools' legal duty to cultivate a safe and supportive learning environment for all students.

Many school board policies are insufficient to protect these critical rights. Districts need library selection guidelines that prioritize access to inclusive materials, policies that respect the professional judgment of educators, and clear and fair processes for addressing challenges to school curriculum and library materials. Yet, many districts have no policies in place and the ones that do exist are often vague and lack necessary safeguards.

Questions? Contact the NYCLU's Education Policy Center at schools@nyclu.org.

The NYCLU [developed model policies](#) to provide school districts with a roadmap for selecting library and curricular materials and for considering challenges to these materials.

The model policy uses the New York State School Boards Association's template policies as a starting point, incorporating guidelines developed by the American Library Association and strong provisions from other district policies. The policy advocates for the creation of a district-wide committee, including an administrator, a librarian, two teachers, a reading or other content specialist, two parents, and two high school students, to review challenges to curricular and library materials.

The committee makes a recommendation to the school board on whether to retain or remove the book, and the board votes to adopt or reject the committee's recommendation.

Our model policy also:

- Provides clear guidelines on the selection of library materials
- Forbids removal of materials before the review process is complete
- Creates timelines for the review process
- Honors the professional judgment of educators and librarians
- Advocates for student and community participation

Help us make our model an actual policy in your school district. Contact your local school board and urge them to adopt our [model policy](#).

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ACLU of New York