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ATTORNEYS AND COUNSELORS FOR TEXAS PUBLIC SCHOOLS AND LOCAL GOVERNMENT

April 25, 2022

*Via Electronic Mail -
khuddleston@aclutx.org*

Kate Huddleston
Staff Attorney
American Civil Liberties Union of Texas
Houston Office

RE: North East Independent School District Book Review

Dear Ms. Huddleston,

I am writing to respond to the April 20, 2022, letter you sent from various organizations related to North East ISD's book review. At the outset, the District vehemently denies any allegation that its process has been geared to removing books due to the viewpoints expressed in them. The District has NOT engaged in any discriminatory conduct as to any group or viewpoint regarding its book review. It has been transparent with its community on its effort.

The impetus for the review did not come from Representative Krause's letter. Instead, as Superintendent Dr. Sean Maika explained at the December 13, 2021, Board meeting, he became concerned earlier this school year, and before Representative Krause issued his letter, over being notified that a copy of "Little Black Sambo" was in one of the District's elementary school libraries. The copy contained offensive caricatures depicting African Americans which have no place in any school library. The book had been on the shelves for many decades and had not been checked out since 1988, which prompted Dr. Maika to question why it was there without being reviewed previously. This further prompted him to question the process used to ensure that material like this was not on library shelves and to ensure that such a review would be conducted.

The District commenced the review to ensure that library books in its collection are compliant with the criteria set forth in Board Policy EF (Local), which can be found on the District's website. The criteria complies with applicable law and ensures that library materials are "integral to the instructional program, are appropriate for the reading levels and understanding of students, reflect the interests and needs of the students and faculty, are included because of their literary or artistic value and merit, and present information with the greatest degree of accuracy and clarity." The policy also provides that "selection of resources is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of

resources that still have educational value.” The ongoing book review complies with District policy.

The review process was already going to be undertaken when the District received Representative Krause’s inquiry and list of books. 414 books on the list were on at least one school library shelf in the District, but they were only temporarily removed for the purpose of determining whether they contained obscene, vulgar or offensive material. This was merely a starting point for what is a continuing review process.

Contrary to what has been reported by some media outlets, the District’s review process is not a banning of certain ideas or viewpoints. It is not an effort to marginalize or discriminate against any groups, and it is certainly not the book burning scene from the movie “Footloose.” Instead, it has been a measured effort to ensure, among other things, that books on shelves are age-appropriate considering the material in the book. As an example, the novel entitled *Lawn Boy*, which contains sex scenes, was at an elementary school campus, where a kindergarten student would have been able to check it out. Depictions of ANY sex scenes, regardless of gender, are simply not appropriate for elementary school students. The District did not, however, remove the novel from its library shelves, but instead ensured it was placed into high school libraries where it is available to age-appropriate students.

Ultimately, 304 out of the 414 books on Representative Krause’s were placed back onto library shelves, where they remain today.

As explained during the December 13 Board meeting, part of the review also included a determination of whether a book should be replaced with one on a similar topic but with more updated information or better reviews. It should be noted that the District’s librarians were given discretion to make such determinations, not only for the 110 books from Representative Krause’s list but for any books the librarians determine should be replaced for these reasons. Neither the District’s administration nor the Board of Trustees have given any directives that books of certain topics be removed and/or replaced. Instead, the criteria set forth in Board Policy EF (Local) are utilized to select replacement materials. Such criteria also include the maintenance of a “balanced collection representing various views,” which comports with the U.S. Supreme Court’s decision in *Pico*. Indeed, that remains among the District’s goals, which is why replacement materials are selected that contain similar topics or are better reviewed.

Simply put, there has been no effort to remove books for the purpose of limiting the viewpoints available to students or seeking to discriminate against any groups of students, parents or staff. Even where a book has been identified for replacement, librarians are utilizing their best professional judgment to find books on similar topics with more recent information or with better reviews. Moreover, should an individual feel that a specific book should not be replaced, or the new title should not be included in its place, the District’s challenge process in Board Policy EF (Local) is available. It should be noted that no individual has filed a challenge to any book replacement.

The District will continue to comply with its robust anti-discrimination policies, and its goal is and will remain to afford all students the best possible education, and it will also continue to provide high-quality instruction as dictated by state requirements.

Yours truly,

**SCHULMAN, LOPEZ,
HOFFER & ADELSTEIN, LLP**



Ricardo R. Lopez