

# SCHOOL ADMINISTRATIVE UNIT THIRTY-NINE

Amherst, Mont Vernon, and Souhegan Cooperative School Districts

STEVEN CHAMBERLIN  
Interim Superintendent of  
Schools

CHRISTINE M. LANDWEHRLE  
Assistant Superintendent

MARGARET A. BEAUCHAMP  
Director of Student Services

AMY FACEY  
Business Administrator



## Souhegan Cooperative School Board Non-Meeting

Friday, June 9, 2023 – 5:00 PM  
SHS Learning Commons  
412 Boston Post Road  
Amherst, NH 03031

*\*All times listed below are approximate.\**

AGENDA ITEM	TIME	DESIRED ACTION	BACKUP MATERIALS
Call to Order	5:00 PM	Interim Superintendent Mr. Steven Chamberlin to call the meeting to order	None
Attorney Meeting	5:00 PM	The SCSB to receive legal advice from district counsel	None
Meeting Adjourned	5:55 PM		None

## Souhegan Cooperative School Board Meeting Appeal of the Reconsideration Committee Decision

June 9, 2023 – 6:00 PM  
SHS Theatre  
412 Boston Post Road  
Amherst, NH 03031

To access the Zoom link for this meeting, please visit:  
<https://www.sau39.org/cms/One.aspx?portalId=263462&pageId=367714>  
The Zoom link is also posted to the public calendar on SAU39.org

*\*All times listed below are approximate.\**

Call to Order	6:00 PM	Board Chair, Ms. Stephanie Grund, to call the meeting to order	None
Process	6:02 PM	Ms. Grund to explain the appeal process	Minimum Requirements for Due Process by the Local School
Hearing from the Complainant	6:07 PM	The complainant presents the grounds for and substance of appeal	Appeal Letter
Clarifying Questions	6:27 PM	The Board asks clarifying questions of the complainant	None

Reconsideration Committee	6:47 PM	<i>The Board asks clarifying questions to the representative of the Reconsideration Committee</i>	Reconsideration Committee Report
Public Comment	7:17 PM		None
Board Deliberation	7:47 PM	<i>The Board to deliberate after public comment time</i>	None
Meeting Adjourned	8:27 PM		None

## **Excerpt from NH Administrative Rules**

Source: [https://www.gencourt.state.nh.us/rules/state\\_agencies/ed200.html](https://www.gencourt.state.nh.us/rules/state_agencies/ed200.html)

### **PART Ed 204 MINIMUM REQUIREMENTS FOR DUE PROCESS BY THE LOCAL SCHOOL BOARD**

Ed 204.01 Proceedings at the School Board Level to Resolve Disputes Between Individuals and the School System.

(a) A local school board shall adhere to the following due process procedures prior to a party filing a dispute as a contested case with the office of legislation and hearings except for disputes governed by Ed 204.02 or other rules of the board governing specific circumstances:

- (1) Provide opportunity for a hearing when the legal rights, duties or privileges of a party are threatened;
- (2) Provide notice of such a hearing;
- (3) Conduct a hearing in a manner assuring due process;
- (4) Establish an adequate record in all contested cases; and
- (5) Issue timely decisions and orders.

(b) The local board shall provide an opportunity for a hearing if requested at which the following procedures shall apply:

- (1) The party, together with a parent or guardian, if applicable, or legal counsel, if applicable, may waive the right to a hearing in (a), above;
- (2) Formal rules of evidence shall not be applicable;
- (3) The hearing shall be either public or nonpublic consistent with the provisions of RSA 91-A:3, II(a); and
- (4) During the hearing, the school board shall allow a party, or a designated representative of the party, to examine any and all witnesses.

(c) The local board shall include a statement that the local school board has complied with all the requirements of RSA 91-A, the state's right to know law, including compliance with all the recordkeeping requirements of that law.

(d) The local board shall provide a written decision determined by a quorum of the local board which shall include notice that the decision may be appealed to the state board.

(e) The decision of the local board shall at a minimum, include the following:

- (1) The date of the decision;
- (2) A description of the issue in dispute;
- (3) The board's decision; and
- (4) The rationale for the board's decision;

(f) The written decision shall be considered a final decision at the local level.

(g) A party may appeal a final decision of the local board to the state board within 30 calendar days of receipt of the written decision of the local board, in accordance with RSA 541-A and Ed 200. The state board may waive the 30-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; ss by #6348, eff 10-5-96, EXPIRED: 10-5-04

New. #8334-A, eff 4-23-05 (from Ed 216.01)



April 14, 2023

From: Francis Beaudoin  
18 Dodge Road  
Amherst, N.H. 03031

To: Superintendent School Administrative Unit (SAU) 39  
1 School Street  
PO Box 849  
Amherst, N.H. 03031

CC: Souhegan School Board

Subj: **APPEAL OF RECONSIDERATION COMMITTEE DECISION TO RETAIN  
BOOK "GENDER QUEER" IN THE SOUHEGAN HIGH SCHOOL LIBRARY  
AND RIGHT TO KNOW REQUEST IAW NH RSA 91-A**

1. Request appeal of the Reconsideration Committee's decision to retain the book Gender Queer in the Souhegan High School Library as it violates NH RSA 571B:2 and 18 U.S.C. 1470. Amazon E-commerce Company lists the reading age of this book to be 18 years and older. Gender Queer Literature contains obscene, profane, indecent content and would be subject to possible FCC investigation should the material found within be broadcast via radio or television. Can these pages be shown at the school board meeting knowing, that our public meetings are video recorded and uploaded online? Furthermore, it is illegal to knowingly distribute pornography to minors under 18 U.S.C. 1470 and NH RSA 571B:2. Some would say the text found in the book is terrific subject matter however, I would wager not a sole person would offer a Playboy Magazine to a minor because, it contained a good article. What is your definition of the images depicting oral sex and sex toy usage? Is that considered pornography in your eyes and if not, what do you define that as? What controls are in place to prevent a 13-17-year-old minor from checking this book out?

2. Request all e-mail, text message correspondence, minutes and other written form of records to be made available to the general public prior to the next scheduled Souhegan School Board Meeting associated with the following:

a. Approval and purchase authorization of Gender Queer Book as part of Souhegan High School Library Material.

b. Reconsideration Committee Board selection process to include: Board applicant letters, selection criteria, and justification of selection over other candidates.

c. Reconsideration Committee Board Written Report.

d. Any other written records in this matter not covered by subsections (a) through (c).

Respectfully,

F. H. BEAUDOIN

April 6, 2023

**Learning Resources Reconsideration Committee Report  
Request for the Reconsideration of *Gender Queer* as a part of the SHS Info Center library  
collection**

**Learning Resources Reconsideration Committee Members**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] - Community member representative

[REDACTED] - Community member representative

Student #1 and #2- Current Souhegan High School students (*students names are withheld to protect their privacy*)

**Background**

*Gender Queer* by Maia Kobabe is a memoir and a graphic novel. Kobabe identifies as non-binary, asexual and queer and uses the pronouns of e/em/eir. *Gender Queer* was originally published in May 2019 by Oni Press and is distributed by Simon & Schuster. Simon & Schuster classifies *Gender Queer* under the organizing terms “LGBTQ+ Biography & Autobiography” and “LGBTQ+ Comics & Graphic Novels”.

Simon & Schuster describes the book thusly:

Started as a way to explain to eir family what it means to be nonbinary and asexual, *Gender Queer* is more than a personal story: it is a useful and touching guide on gender identity—what it means and how to think about it—for advocates, friends, and humans everywhere (Simon & Schuster).

*Gender Queer* has garnered many awards, including the 2020 Alex Award. The Alex Award is conferred by the Young Adult Library Services Association, a division of the American Library Association. Alex Awards are given to ten books each year written for an adult perspective that have special appeal to young adults, ages 12 through 18. It is also a Stonewall Honor Award Book for 2020. The Stonewall Awards are the first and most enduring award for exceptional merit relating to the gay/lesbian/bisexual/transgender experience, sponsored by the American Library Association's Rainbow Round Table. The American Library Association is the oldest and largest library association in the world, with over 58,000 members. It was included on the 2020 Maverick Graphic Novel Reading List, a recommended reading list developed by public and school librarians from the Young Adult Round Table of the Texas Library Association to encourage students in grades 6-12 to explore a variety of current books. On this list, *Gender Queer* is noted as ‘Adult for YA’ audience. *Gender Queer* was also a 2019 Ignatz Award nominee. The Ignatz Award is conferred by the comics, cartooning and graphic novel industry to recognize outstanding achievements in the field.

Like some other materials in the high school collection, *Gender Queer* is not classified officially as “Young Adult” yet holds appeal and value for a mature teenage population, as evidenced by its Alex Award status. Barnes and Noble recommends the book for ages 15 and up.

Common Sense Media recommends it for ages 16 and up. *School Library Journal*, the award-winning publication for librarians and media specialists who work with teens, recommends the book for grades 9 and up as does *Booklist*. The author describes the audience for the book as “high school and above” (Kobabe).

### **Timeline and Motivation for adding *Gender Queer* to the Souhegan Info Center library collection**

*Gender Queer* was purchased and added to the Souhegan High School Information Center library collection in January, 2020. From January 2020 to April 6, 2023, *Gender Queer* has been checked out 13 times.

The initial motivation for inclusion in the Souhegan High School Info Center collection follows the selection criteria detailed in SAU 39 Policy IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION. During the 2019-2020 school year, Souhegan students noted a collection gap in terms of representing the lived experience of asexual people and nonbinary people in both nonfiction and fiction collections and asked to see more of this reflected. This book helped provide the true-life, lived experience of a nonbinary, asexual person, addressing the collection gap and the demand for more diverse representation in library collections. The purchase directly reflects “relevance to the interests of students”, and “contribution to multicultural and pluralistic awareness” described in the selection criteria. Further, graphic novels are an immensely popular form with our current population. The fact that *Gender Queer* is a graphic novel reflects “high degree of potential user appeal”. The title also boasts “favorable reviews found in standard selection sources” (See appendix items C & D).

### **Timeline of Request for Reconsideration**

On Friday, March 17, [REDACTED] reached out to Souhegan School Board chair Stephanie Grund with a concern about *Gender Queer*. Stephanie Grund contacted SAU 39 Superintendent Steve Chamberlin and [REDACTED] on Saturday, March 18. On Monday, March 20, [REDACTED] emailed the link to the SAU 39 Policy IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION to [REDACTED]. [REDACTED] expressed difficulty opening the link and emailed Stephanie Grund a pdf of a letter he wrote expressing his concerns about *Gender Queer*. Stephanie forwarded this email to [REDACTED].

On Tuesday, March 21, [REDACTED] met with [REDACTED], [REDACTED] to apprise her of [REDACTED] concern and his desire for a formal reconsideration of the text. [REDACTED] emailed [REDACTED] following this meeting on March 21 to familiarize him with the formal process for requesting a reconsideration of a library material (outlined in the policy above). She informed him that in accordance with the policy, she would mail him a letter, a full copy of the policy, and the request for reconsideration form. [REDACTED] responded and asked if the packet could instead be delivered to the Brick Schoolhouse/SAU 39 for him to pick up. [REDACTED] sent the packet in interoffice mail to the Brick Schoolhouse for [REDACTED] on March 21. [REDACTED] received [REDACTED]'s formal Request for Reconsideration of Resources form on March 23.

██████████ emailed ██████████ March 23 to inform him she had received his request for reconsideration. She informed him the Learning Resource Reconsideration Committee would meet no later than April 6 to make a determination about *Gender Queer*, as per policy IJL/KEC. Because Souhegan High School has not had a formal request for reconsideration of a library book in many years, we did not have a standing committee. ██████████ contacted the Souhegan School Board members to appoint two community members to this committee. She also contacted the Community Council Executive Board to appoint two current Souhegan students to this committee. Additionally, she contacted ██████████ ██████████, to select one current teaching staff member to serve on the committee.

The Souhegan School Board met Monday, March 27. They agreed to advertise for the committee community member representative spots, accepting letters of interest until Friday, March 31 at noon. A Souhegan School Board subcommittee for Community Appointments to the Resources Reconsideration Committee (Stephen O’Keefe, John Glover and Dan Veilleux) met Friday afternoon (3/31) to select the community members. The subcommittee shared the selected community members with the Souhegan School Board, the superintendent, the principal and the library media specialist Friday afternoon, March 31.

### **Committee Process**

Each member of the Learning Resources Reconsideration Committee read the following to prepare for the committee meeting: the book *Gender Queer* in its entirety, the SAU 39 Policy IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION, professional guiding documents for school libraries, ██████████ Request for Reconsideration of Resources form and attached letter, general information about *Gender Queer*’s purchase, information about awards and honors the book has received, professional reviews of the book, and laws and legal definitions relevant to the complainant’s concern.

The Learning Resources Reconsideration Committee met at Souhegan High School on April 4 from 12:15- 2:15 pm. The meeting objectives were as follows: a) to determine whether the book *Gender Queer* meets the SAU 39 selection policy criteria, b) whether the inclusion of the book *Gender Queer* in the Souhegan Info Center library collection is a violation of NH RSA 571-B:2 as the complainant claims on his reconsideration request form, and c) to determine whether the Souhegan Info Center should retain or remove the title from the library collection. As per policy IJL/KEC, the committee weighed the values and faults of the title based on the material as a whole, rather than on passages or selections taken out of context.

### **Executive Summary**

The Learning Resources Reconsideration Committee unanimously finds that the book *Gender Queer* meets the selection criteria outlined in SAU 39 Policy IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION. The committee unanimously finds that inclusion of the book *Gender Queer* in the Souhegan Info Center collection does not violate NH RSA 571B:2. The committee unanimously determines that the book *Gender Queer* will remain in the Souhegan Info Center collection.

The committee concludes that *Gender Queer* **meets the selection criteria**, with particular strengths regarding its “relevance to the interests of students”, “contribution to multicultural and pluralistic awareness”, “high degree of potential user appeal” and “favorable reviews found in standard selection sources” (School Administrative Unit 39). Additionally, the committee finds it important that *Gender Queer* contributes to mitigating an observable collection gap relating to “content created by and representative of marginalized and underrepresented groups” (American Library Association, “Diverse”).

The committee concludes that *Gender Queer* **does not violate NH RSA 571-B:2 and is not pornography**. The committee thoroughly examined RSA 571-B and found that an accurate understanding of 571-B (and subsequent portions of the law) depends on a correct understanding of the definitions of terms articulated in 571-B:1 Definitions. Because *Gender Queer* does not meet this definition of “harmful to minors”, it does not violate 571-B:2. 571-B:2 states that the picture or book in question must depict or describe sexual conduct *and* be “harmful to minors” according to the definition articulated in 571-B:1. If it does not meet the definition of “harmful to minors” in 571-B:1, it cannot violate 571-B:2. The definition of pornography hinges on the purpose: to sexually stimulate or arouse. The committee **does not** find that the purpose of *Gender Queer*, either as a whole, or even in sections, is to sexually stimulate or arouse. Therefore, the committee determines that *Gender Queer* is not pornography.

The committee determines that the book *Gender Queer* will remain in the Souhegan Info Center collection. The book meets SAU 39’s selection criteria. It offers opportunities for some students to see themselves represented in the text, while it offers learning opportunities and understanding for others. It helps fill a collection gap with regard to the experiences of underrepresented groups. Furthermore, it does not violate NH RSA 571-B:2.

The Learning Resources Reconsideration Committee’s full report, which includes an analysis of the selection of *Gender Queer* and the Request for Reconsideration is included in the forthcoming pages.

## **Committee Findings**

### **1.Does Gender Queer Meet the Selection Criteria articulated in SAU 39 Policy IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION?**

The Learning Resources Reconsideration Committee unanimously finds that the book *Gender Queer* meets the selection criteria outlined in SAU 39 Policy IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION. Below, the language of the selection criteria is bolded, while the response of the committee to a section is unbolded.

#### **Part 1: Selection of Learning Resources**

##### **I. Objectives**

**Learning resources, including library and instructional materials, are selected by the school district to implement, enrich, and support the educational program. Materials will**

**serve both the breadth of the curriculum and the needs and interests of the faculty and students. The district is obligated to provide a wide range of resources on all levels of difficulty and in a variety of formats, with diversity of appeal, and representing the presentation of many different points of view.**

Graphic novels are an enormously popular format appealing to a wide variety of readers in our library, including reluctant readers. Graphic novels appeal to our readership's desire for pleasure reading, while research demonstrates that exposure to graphic novels can motivate reluctant readers and develop readers' language and literacy skills (Crawford 26). Furthermore, *Gender Queer* presents an underrepresented viewpoint in our collection, the lived experience of a nonbinary, asexual, queer person.

**The objective of the Library and/or Information Center is to make available to students and faculty a collection of materials that will enrich and support the curriculum and meet the needs of the students and faculty served.**

In "Diverse Collections: An Interpretation of the Library Bill of Rights" the American Library Association Council asserts that

A diverse collection should contain content by and about a wide array of people and cultures to authentically reflect a variety of ideas, information, stories, and experiences. Library workers have an obligation to select, maintain and support access to content on subjects by diverse authors and creators that meets- as closely as possible-- the needs, interests, abilities of all the people the library serves. This means acquiring materials that address popular demand and direct community input as well as addressing collection gaps and unexpressed information needs...Developing a diverse collection requires: ...seeking content created by and representative of marginalized and underrepresented groups (American Library Association).

During the 2019-2020 school year, Souhegan students noted a collection gap in terms of representing the lived experience of asexual people and nonbinary people in both nonfiction and fiction collections and asked to see more of this reflected. This book helped provide the true-life, lived experience of a nonbinary, asexual person, helping address the collection gap and the demand for more diverse representation in library collections, particularly with regard to "marginalized and underrepresented groups". In this way, this title helps "meet the needs of the students and faculty served".

## **II. Responsibility for Selection**

**While the selection of materials involves many people, including administrators, teachers, students, and community residents, the responsibility for coordinating and recommending the selection and purchase of library media materials rests with the Library Media Specialist, as delegated by the school board, the governing body legally responsible. The responsibility for selecting instructional materials rests with the Superintendent or designee, as delegated by the School Board.**

The Souhegan Info Center Library Media Specialist coordinated and recommended *Gender Queer* for purchase for the Souhegan Info Center library collection.

**III. Criteria for Selection The following general selection criteria will be used for the selection of library and instructional materials, including electronic, print, and non-print resources, as they apply:**

The committee would like to highlight the phrase “as they apply”, noting that only some of the following will apply to library materials recommended to meet the pleasure reading needs of its patrons.

**1. Learning resources shall support and be consistent with the general educational goals of the state and the district and the aims and objectives of the school, and specific courses.**

The SAU 39 Mission Statement is “We will engage, challenge, and support all learners” (SAU 39). It is essential that all learners see themselves reflected back in the library collection. We have students in our community who identify as nonbinary, asexual, and/or queer. The committee notes that research demonstrates that LGBTQ+ nonbinary youth have a greater risk of suicide than their peers (Deliso). In “Mirrors, Windows, and Sliding Glass Doors”, Dr. Rudine Sims Bishop notes that “Literature transforms the human experience and reflects it back to us, and in that reflection we can see our own lives and experiences as a part of the larger human experience. Reading, then, becomes a means of self-affirmation, and readers often seek their mirrors in books” (Sims Bishop). The committee notes that by representing their experiences in the library collection, we help support students who identify in these ways and also engage and challenge the ideas of students who do not, increasing empathy and understanding of others’ diverse, lived experiences. Dr. John Pachankis of the Yale School for Public Health observes “We now know, for example, that LGBT people are more affected by mental health problems than heterosexuals, but it's because of stigma-related stress” (DeAngelis). Inclusion of diverse viewpoints and lived experiences of LGBTQ+ people in the library collection can expand understanding and empathy, thereby decreasing social stigma and the attendant stigma-related stress this causes LGBTQ+ youth. In this way, the committee concludes that *Gender Queer* has an important role to play in the SAU 39 mission to support all students.

The SAU 39 Core Values seek to “nurture curiosity, empathy, and lifelong learning” and “challenge students to grapple with serious questions and ideas” (SAU 39). The committee notes that including *Gender Queer* in the high school library collection for students to electively read it demonstrates both of these values. The Souhegan High School mission statement reads,

- We consciously commit ourselves to
- Support and engage individual’s unique passions, gifts, and intentions.
  - Challenge and expand the comfortable limits of thought tolerance and performance.
  - Develop and empower the mind, body and heart
  - Inspire and honor the active stewardship of family, nation and globe (Souhegan High School).

The committee notes that inclusion of titles that reflect the diverse, lived experience of our student body contributes to all four bullet points of the mission statement.



## **2. Learning resources shall be chosen to enrich and support the curriculum and the personal needs of users.**

The committee notes that *Gender Queer* supports the personal needs of library users, as evidenced by the direct request by students for more titles about the experience of asexual and nonbinary people and the demand for more graphic novels.

## **3. Learning resources shall meet high standards of quality in:**

- **Literary and artistic excellence**

The committee notes that *Gender Queer* has garnered many awards, including the 2020 Alex Award, given to ten books each year written for adults that have special appeal to young adults, ages 12 through 18. It is also a Stonewall Honor Award Book for 2020. The Stonewall Awards are the first and most enduring award for exceptional merit relating to the gay/lesbian/bisexual/transgender experience, sponsored by the American Library Association's Rainbow Round Table. The American Library Association is the oldest and largest library association in the world, with over 58,000 members. *Gender Queer* was also a 2019 Ignatz Award nominee. The Ignatz Award is conferred by the comics, cartooning and graphic novel industry to recognize outstanding achievements in the field. The book also received a number of starred reviews from respected professional resources. Starred reviews indicate books that have been determined to be outstanding examples of a particular genre or format. The committee's own reading of the text confirms the literary and artistic excellence conferred upon it by professional review sources and organizations.

- **Lasting importance or significance to a field of knowledge**

The committee notes that in a publishing landscape in which asexual and nonbinary people are underrepresented, the lived coming of age experiences of an asexual, nonbinary person contribute significantly to our community's understanding of this field of knowledge. In fact, every person on the committee concluded that they had learned something new from reading this book.

- **Contribution to the curriculum and the educational goals of the school**

The committee notes that although this bullet point is less relevant to the library's purchasing for pleasure reading, a compelling pleasure reading collection boosts fluency and language skills for students, contributing to greater success across all disciplines of study. Furthermore, as noted in section 1, the committee finds that the inclusion of this book in the collection is "consistent with the general educational goals of the state and the district and the aims and objectives of the school" (School Administrative Unit 39).

- **Relevance to the interests of students and faculty**

The committee notes *Gender Queer*'s relevance to the interests of students, as evidenced by the direct request by students for more titles about the experience of asexual and nonbinary people and the demand for more graphic novels.

- **Favorable reviews found in standard selection sources**

The Committee notes that *Gender Queer* received favorable and starred reviews in many standard selection sources, including but not limited to *School Library Journal*, the premiere publication for librarians who work with teens; *Publishers Weekly*, and *BookList*.

- **Favorable recommendations based on a preview examination of materials by professional personnel, adults with special expertise, or students**

- **Reputation and significance of the author, producer, and publisher**

The committee notes that prior to the publication of this book, the author, Maia Kobabe, had an established reputation in comics and graphic novels, having published six pieces in comics anthologies and having been nominated for the Promising New Talent category for an Ignatz Award in 2016 by her industry peers.

- **Currency or timeliness of material**

The committee notes that this book was published in 2019 and is timely and current. LGBTQIA+ issues are relevant to our current society.

- **Contribution to a breadth and diversity of representative viewpoints on controversial issues**

The committee concludes that the existence of nonbinary, asexual and queer people is not a controversial issue, but a fact. The reported lived experience of one individual telling their own life story is also not a controversial issue. Nevertheless, the committee notes that Kobabe's memoir does "contribute to a breadth and diversity of representative viewpoints" considering the relative dearth of published nonfiction that examines this particular lived experience.

- **Contribution to multicultural and pluralistic awareness**

The committee notes that this book, by presenting an underrepresented perspective, contributes to multicultural and pluralistic awareness.

- **High degree of potential user appeal**

As mentioned above, the committee notes that graphic novels are immensely popular, indicating a high level of potential user appeal. This is confirmed by the high circulation statistics for this book, which has been checked out 13 times in a little over two years.

- **Quality, durability, and variety of format**

- **Suitability of format and appearance for intended use**

- **Value commensurate with cost and/or need**

The book was purchased for \$16.19. The average graphic novel purchase price for school libraries in 2020 was \$18.14, making *Gender Queer*'s purchase price quite a good value (Miller).

**4. Learning resources shall be appropriate for the subject area and for the age, emotional development, ability level, learning style, and social development of the students for whom the materials are selected.**

*School Library Journal* lists this title as appropriate for grades 9 and up, as does *BookList*. Common Sense Media lists this title as appropriate for ages 16 and up. Barnes and Noble lists this title as appropriate for ages 15 and up. The author states that the intended audience is high school and above (Kobabe). The committee acknowledges that while some high school students will be developmentally ready for this book, others may not be. Because this book is a library book and not an instructional material, no student will be asked to read this book. Engagement with this text is completely elective and driven solely by the interest of the reader. Furthermore, the committee highlights library best practices guidance: “services, materials and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of providing library services and should be determined on an individual basis” (American Library Association, “Access”).

**5. Learning resources shall be designed to provide a background of information that will motivate students and staff to examine their own attitudes and behavior; to comprehend their duties, responsibilities, rights and privileges as participating citizens in our society; and to make informed judgments in their daily lives.**

The author has reflected that e wrote this book for eir own family and the families of others who identify as non-binary and/or asexual, to give them some understanding of the experience and some language with which to approach conversations about these topics with their relatives (Krosoczka). Committee members noted that the book caused them to reexamine their own understandings of some issues and make more informed judgments about others in their daily lives. The committee concludes that this book may provide helpful background information to students and staff if they decide to seek it out.

**6. Learning resources shall provide information on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis.**

N/A: The committee concludes that the existence of nonbinary, asexual and queer people is not a controversial issue, but a fact. The reported lived experience of one individual telling their own life story is also not a controversial issue.

The committee concludes that *Gender Queer* meets the selection criteria, with particular strengths regarding its “relevance to the interests of students”, “contribution to multicultural and pluralistic awareness”, “high degree of potential user appeal” and “favorable reviews found in standard selection sources” (School Administrative Unit 39). Additionally, the committee finds it important that *Gender Queer* contributes to mitigating an observable collection gap relating to “content created by and representative of marginalized and underrepresented groups” (American Library Association, “Diverse”).

## 2. Does the inclusion of Gender Queer in the Souhegan Info Center library collection violate NH RSA 571-B:2?

In his Request for the Reconsideration of Resources form, [REDACTED] alleges that the presence of *Gender Queer* in the Souhegan Info Center violates NH RSA 571-B:2, "Exposing Minors to Harmful Materials". The committee unanimously finds that inclusion of the book *Gender Queer* in the Souhegan Info Center collection **does not violate** NH RSA 571B:2.

The committee thoroughly examined RSA 571-B and found that an accurate understanding of 571-B (and subsequent portions of the law) depends on a correct understanding of the definitions of terms articulated in 571-B:1 Definitions.

Below please find the language of both NH RSA 571-B 1 Definitions and NH RSA 571-B:2 Offenses, listed consecutively. The committee has bolded the section of NH RSA 571-B:2 that [REDACTED] alleges the Info Center violates in the letter he attached to his official Request for Reconsideration form.

### RSA 571-B:1 - Definitions

As used in this chapter:

I. "Harmful to minors" means that quality of any description or representation, in whatever form of sexual conduct, when it:

- (a) Predominantly appeals to the prurient interest of minors in sex, that is, an interest in lewdness or lascivious thoughts;
- (b) Depicts or describes sexual conduct in a manner so explicit as to be patently offensive to contemporary adult standards, in the county within which any offense set forth in this chapter was committed, with respect to what is suitable material for minors; and
- (c) Lacks serious literary, artistic, political or scientific value.

II. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry, or both, as to:

- (a) The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
- (b) The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonably bona fide attempt to ascertain the true age of such minor.

III. "Minor" means any person under the age of 18 years.

IV. "Sexual conduct" means human masturbation, sexual intercourse, actual or simulated, normal or perverted, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual

intercourse is simulated when it depicts sexual intercourse which give the appearance of the consummation of sexual intercourse, normal or perverted.

*RSA 571-B:1*

*1969, 252:1. 1976, 46:1. 1977, 123:1, eff. Aug. 1, 1977 (Casetext, 571-B:1).*

## **RSA 571-B:2**

**I. It shall be unlawful for any person knowingly to give, sell, loan or otherwise provide, with or without monetary consideration, to a minor:**

**(a) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts sexual conduct and which is harmful to minors, or**

**(b) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in RSA 571-B:2, I(a), or explicit and detailed verbal descriptions or narrative accounts of sexual conduct and which, taken as a whole, is harmful to minors.**

II. It shall be unlawful for any person knowingly to exhibit, for or without monetary consideration, to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor, for or without monetary consideration, to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts or describes sexual conduct and which is harmful to minors.

*199, 252:1. 1976, 46:2, eff. June 1, 1976.*

N.H. Rev. Stat. § 571-B:2 (Casetext 571-B:2).

NH RSA 571-B:1 Definitions explains that

I. "Harmful to minors" means that quality of any description or representation, in whatever form of sexual conduct, when it:

(a) Predominantly appeals to the prurient interest of minors in sex, that is, an interest in lewdness or lascivious thoughts;

(b) Depicts or describes sexual conduct in a manner so explicit as to be patently offensive to contemporary adult standards, in the county within which any offense set forth in this chapter was committed, with respect to what is suitable material for minors; and

(c) Lacks serious literary, artistic, political or scientific value (Casetext 571-B:1).

Legally, for a piece of media to be “harmful to minors” in RSA 571-B, **a), b) and c) must all be true**. When we apply these definitions to *Gender Queer*, the committee unanimously finds that *Gender Queer* does not meet this definition for “harmful to minors”.

(a) Predominantly appeals to the prurient interest of minors in sex, that is, an interest in lewdness or lascivious thoughts;

The committee concludes that *Gender Queer* **does not** predominantly appeal to the prurient interest of minors in sex. Although Maia wrestles with her own sexuality in the book, and there are some sexual images present, the committee concludes that the purpose of the images is not to arouse sexual interest or stimulation of the reader. In fact, in many cases, the sexual images fail to arouse even Maia, who is slowly discovering that she may be asexual.

(b) Depicts or describes sexual conduct in a manner so explicit as to be patently offensive to contemporary adult standards, in the county within which any offense set forth in this chapter was committed, with respect to what is suitable material for minors

The text does contain some sexual images that will not be developmentally appropriate for all students, yet some students will be ready for these images, particularly in the context of the larger narrative. Because we serve students grades 9-12, the library collection cannot be limited to only texts suitable for ages 15 or 16 and below without neglecting the needs of a large percentage of our population. Even so, the committee **does not** find that the sexual conduct included is so explicit as to be patently offensive to contemporary adult standards. This conclusion is further supported by recommended age ranges provided by numerous standard selection resources. *School Library Journal* lists this title as appropriate for grades 9 and up, as does *BookList*. Common Sense Media lists this title as appropriate for ages 16 and up. Barnes and Noble lists this title as appropriate for ages 15 and up.

The Souhegan Info Center fully endorses the parental right to limit what one's own child is allowed to read and encourages parents to engage with their children regarding what they are reading. This practice follows best recommended library practice articulated in the American Library Association's "Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights":

Libraries and their governing bodies shall ensure that only parents and guardians have the right and responsibility to determine their children's--and only their children's-- access to the library resources. Parents and guardians who do not want their children to have access to specific library services, materials or facilities should so advise their own children. (American Library Association "Access).

The committee notes that this authority extends only to one's own children. "No group has the right to...impose its own concept of politics or morality upon other members of a democratic society" (School Administrative Unit 39).

(c) Lacks serious literary, artistic, political or scientific value.

The committee unanimously concluded that *Gender Queer* **does not** lack "serious literary, artistic, political or scientific value". The book's literary and artistic merit was observed by committee members and confirmed by the number of literary and artistic awards and honors the book has received, as well as starred reviews from standards selection sources. Furthermore, the book has scientific value in that it introduces readers to neurophilosopher Barbara

Churchland’s research and scientific explanations for nonbinary identity related to neurochemicals and hormones in an accessible format.

Because *Gender Queer* **does not** meet this definition of “harmful to minors”, it does not violate 571-B:2. 571-B:2 states that the picture or book in question must depict or describe sexual conduct *and* be “harmful to minors” according to the definition articulated in 571-B:1. If it does not meet the definition of “harmful to minors” in 571-B:1, it cannot violate 571-B:2.

██████████ also alleges that *Gender Queer* is pornography. The definition of pornography is “material that depicts nudity or sexual acts for the purpose of sexual stimulation” (Cornell Law School). As noted above, although Maia wrestles with eir own sexuality in the book, and there are some sexual images present, the committee concludes that the purpose of the images is not to arouse sexual interest or stimulation in the reader. In fact, in many cases, the sexual images fail to arouse even Maia, who is slowly discovering that e may be asexual. The larger purpose of the presence of nudity and sexual acts is to illustrate how uncomfortable Maia feels in eir physical body and how e does not feel aroused in the ways e feels society has presented as options. As the Legal Information Institute at Cornell Law School clarifies, “the presence of nudity or sexual acts in a piece of media does not necessarily make the media pornographic if the purpose of that media form is something other than sexual stimulation” (Cornell Law School). Thus, the committee concludes *Gender Queer* is not pornography.

### **3. Should the Souhegan High School Information Center retain *Gender Queer* as a part of the library collection?**

The Learning Resource Reconsideration Committee unanimously finds that *Gender Queer* **will remain in the Souhegan High School Information Center’s library collection.** The book meets SAU 39’s selection criteria. It offers opportunities for some students to see themselves represented in the text, while it offers learning opportunities and understanding for others. It helps fill a collection gap with regard to the experiences of underrepresented groups. Furthermore, it does not violate NH RSA 571-B:2.

While the text does contain some mature, sexual images that will not be developmentally appropriate for all students, the images are not prurient in nature and illustrate Kobabe’s process of coming of age, including thoughts about sex and gender identity, a normal part of adolescent development. Reading items in a library collection are purely optional. The only students who will read this book are those who seek it out specifically. If a parent has a concern about a text or does not want their child to read a certain text, they have every right to prohibit their child from reading that text, and the school and school library will support this concern. However, as the guiding principles of SAU 39 Policy IJL/KEC detail, “No parent has the right to determine reading, viewing, or listening matter for students other than his or her own children” if this material has met the district selection criteria (School Administrative Unit 39).

## List of Appendices

These documents were provided to the Learning Resources Reconsideration Committee.

Appendix A: IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION POLICY

Appendix B: Contextual information regarding *Gender Queer*'s addition to the Souhegan Info Center's collection, awards, etc.

Appendix C: *School Library Journal* starred review *Gender Queer*

Appendix D: *Shelf Awareness* review *Gender Queer*

Appendix E: Explanation of public and non-public forums

Appendix F: Diverse Collections: An Interpretation of the Library Bill of Rights

Appendix G: Challenged Resources: An Interpretation of the Library Bill of Rights

Appendix H: Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights

Appendix I: American Association of School Librarians' Position Statement on Labeling Practices

Appendix J: ██████████'s Request for the Reconsideration of Resources form and attached letter

Appendix K: ██████████ letter to ██████████

Appendix L: NH RSA 571-B:1-2

Appendix M: Definition of pornography and explanation of the Miller test for obscenity

Appendix N: "Mirrors, Windows and Sliding Glass Doors" by Dr. Rudine Sims Bishop

Appendix O: "What Makes a Book 'Appropriate' for School" by Nikki Grimes



A

**IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION**

See also: IJL/KEC-R

**Part 1: Selection of Learning Resources****I. Objectives**

Learning resources, including library and instructional materials, are selected by the school district to implement, enrich, and support the educational program. Materials will serve both the breadth of the curriculum and the needs and interests of the faculty and students. The district is obligated to provide a wide range of resources on all levels of difficulty and in a variety of formats, with diversity of appeal, and representing the presentation of many different points of view.

The objective of the Library and/or Information Center is to make available to students and faculty a collection of materials that will enrich and support the curriculum and meet the needs of the students and faculty served.

**II. Responsibility for Selection**

While the selection of materials involves many people, including administrators, teachers, students, and community residents, the responsibility for coordinating and recommending the selection and purchase of library media materials rests with the Library Media Specialist, as delegated by the school board, the governing body legally responsible. The responsibility for selecting instructional materials rests with the Superintendent or designee, as delegated by the School Board.

**III. Criteria for Selection**

The following general selection criteria will be used for the selection of library and instructional materials, including electronic, print, and non-print resources, as they apply:

1. Learning resources shall support and be consistent with the general educational goals of the state and the district and the aims and objectives of the school, and specific courses.
2. Learning resources shall be chosen to enrich and support the curriculum and the personal needs of users.
3. Learning resources shall meet high standards of quality in:
  - Literary and artistic excellence
  - Lasting importance or significance to a field of knowledge
  - Contribution to the curriculum and the educational goals of the school
  - Relevance to the interests of students and faculty
  - Favorable reviews found in standard selection sources
  - Favorable recommendations based on a preview examination of materials by professional personnel, adults with special expertise, or students

**JL/KTC – LEARNING RESOURCES SELECTION AND RECONSIDERATION**

- Reputation and significance of the author, producer, and publisher
  - Currency or timeliness of material
  - Contribution to a breadth and diversity of representative viewpoints on controversial issues
  - Contribution to multicultural and pluralistic awareness
  - High degree of potential user appeal
  - Quality, durability, and variety of format
  - Suitability of format and appearance for intended use
  - Value commensurate with cost and/or need
4. Learning resources shall be appropriate for the subject area and for the age, emotional development, ability level, learning style, and social development of the students for whom the materials are selected.
  5. Learning resources shall be designed to provide a background of information that will motivate students and staff to examine their own attitudes and behavior; to comprehend their duties, responsibilities, rights and privileges as participating citizens in our society; and to make informed judgments in their daily lives.
  6. Learning resources shall provide information on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis.
- 

**IV. Procedures for Selection of Learning Sources**

1. In selecting learning resources, Library Media Specialist (or designee), Department Heads/Curriculum Coordinators, and other staff members (as appropriate), will evaluate available resources and curriculum needs and will consult reputable, professionally recognized reviewing periodicals, standard catalogs, and other selection aids to help guide the selection.
2. Recommendations for purchase involve administrators, teachers, students, parents, and community members, as appropriate.
3. Gift materials shall be judged by the criteria outlined and shall be accepted or rejected by those criteria.
4. Selection is an ongoing process that should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.

**V. Position on Intellectual Freedom**

The district subscribes in principle to the statements of policy on library philosophy as expressed in the American Library Association's Library Bill of Rights, a copy of which is appended to, and made a part of, this policy statement [Appendix A]. In the event that the library or instructional materials are questioned, the principles of intellectual freedom shall be defended.



**IJL/KEC - LEARNING RESOURCES SELECTION AND RECONSIDERATION****Part 2: Reconsideration of Learning Resources****I. Statement of Policy**

Despite the quality of the selection process, any resident or employee of the school district may formally challenge learning resources used in the school's educational program on the basis of appropriateness. The procedure concerning challenged materials is outlined below. Its purpose is to provide for a hearing with appropriate action, within the context of the principles of freedom of information, the student's right to access information and the professional responsibility and integrity of the school faculty. No materials shall be removed from the school before the process of review is completed.

**II. Request for Informal Reconsideration**

Upon receiving a complaint regarding learning resources, it shall be attempted to resolve the issue informally.

1. The Library Media Specialist [or Principal, or other appropriate staff member] shall explain to the questioner the school's selection procedure, criteria, and qualifications of those persons selecting the resource.
2. The Library Media Specialist [or other appropriate staff member] shall explain the particular place the questioned resource occupies in the educational program, its intended educational usefulness, and additional information regarding its use, or refer the party to someone who can identify and explain the use of the resource.
3. If the questioner wishes to file a formal challenge, a copy of the Library and Instructional Materials Selection and Reconsideration Policy and a Request for the Reconsideration of Learning Resources form [IJL/KEC-R] shall be mailed to the party concerned by the Library Media Specialist, along with a letter to the complainant [see Appendix C].

**III. Request for Formal Reconsideration****A. Preliminary Procedures**

1. Each school will keep on hand and make available the *Request for Reconsideration of Learning Resources* forms [IJL/KEC-R]. All formal objections to learning resources must be made on these forms.
4. *The Request for Reconsideration of Learning Resources* form shall be completed and signed by the questioner before further consideration will be given. The form shall be filed with the principal. If the form is not completed and returned within two weeks, it shall be assumed that the questioner no longer wishes to file a formal complaint [as stated in the letter to complainant, Appendix C].
5. The Superintendent and the school board shall be informed of the formal

**LL/KBC – LEARNING RESOURCES SELECTION AND RECONSIDERATION**

complaint received.

6. The request for reconsideration shall be referred to a reconsideration committee at the school level for reevaluation of the resource.

**B. The Reconsideration Committee**

1. Upon receipt of a request for formal reconsideration of a learning resource, the reconsideration committee shall arrange to meet within ten working days after the complaint is received.

The reconsideration committee, whose members shall serve a two-year term, will consist of:

- o One member of the school teaching staff, chosen by the school teaching staff
  - o One school administrator, appointed by the administrative team
  - o Two students chosen by the Community Council or equivalent
  - o Two adult community members, appointed by the school board
  - o The Library Media Specialist
2. The reconsideration committee may choose to consult district support staff and/or community persons with related professional knowledge.
  3. The reconsideration committee shall review the challenged resource and judge whether it conforms to the principles of selection outlined in the Library and Instructional Materials Selection and Reconsideration Policy.

**C. Resolution**

1. The reconsideration committee shall:
  1. Examine the challenged resource
  2. Determine professional acceptance by reading critical reviews of the resource
  3. Weigh values and faults, and form opinions based on the material as a whole rather than on passages or selections taken out of context
  4. Discuss the challenged resource in the context of the educational program
  5. Discuss the challenged item with the individual questioner when appropriate
  6. Prepare a written report
2. The written report shall be discussed with the individual questioner if requested.
3. The Library Media Specialist shall retain the written report, with copies forwarded to the Superintendent, school board, and the principal.
4. Notwithstanding any procedure outlined in this policy, the questioner shall have



**JL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION**

the right to appeal any decision of the reconsideration committee to the school board as the final review panel.

**D. Guiding Principles**

1. Any resident or employee of the school district may raise objection to learning resources used in the district's educational program, despite the fact that the individuals selecting such resources were duly qualified to make the selection, followed the proper procedure, and observed the criteria for selecting learning resources.
2. The Library Media Specialist should review the selection and objection rules with the teaching staff at least annually. The staff should be reminded that the right to object to learning resources is one granted by policies enacted by the school board.
3. No parent has the right to determine reading, viewing, or listening matter for students other than his or her own children.
4. The district supports the Library Bill of Rights and The Freedom To Read Statement, adopted by the American Library Association [Appendixes A and B]. When learning resources are challenged, the principles of the freedom to read/listen/view must be defended as well.
5. Access to challenged material shall not be restricted during the reconsideration process.
6. A decision to sustain a challenge shall not necessarily be interpreted as a judgment of irresponsibility by the professionals involved in the original selection and/or use of the material.

**Appendix A: Library Bill of Rights**

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

---

© American Library Association Adopted June 18, 1948.  
Amended February 2, 1961, and January 23, 1980, inclusion of  
"age" reaffirmed January 23, 1996, by the ALA Council.



## Appendix B: The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.

We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a



**UL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION**

creative culture. We believe that these pressures toward conformity present the danger of

limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox or unpopular with the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but also why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it



**ILL/NEC - LEARNING RESOURCES SELECTION AND RECONSIDERATION**

will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept with any expression the prejudgment of a label characterizing it or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said.

Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all

**LIBRARY LEARNING RESOURCES SELECTION AND RECONSIDERATION**

publishers and librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

---

© American Library Association

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers. Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000, by the ALA Council and the AAP Freedom to Read Committee.

Adopted: June 2, 2020 (Souhegan)

**UJ/KEC - LEARNING RESOURCES SELECTION AND RECONSIDERATION**

**Appendix C**

**Sample Letter to Complainant**

Date:

Dear:

We appreciate your concern over the use of \_\_\_\_\_ at our School. The school has developed procedures for selecting materials, but realizes that not everyone will agree with every selection made.

To help you understand the selection process, we are sending a copy of the *Library and Instructional Materials Selection and Reconsideration Policy*.

If you are still concerned after you review this material, please complete the *Request for the Reconsideration of Learning Resources* form and return it to me. You may be assured of prompt attention to your request. If I have not heard from you within two weeks from the date listed above, we will assume you no longer wish to file a formal complaint.

Sincerely,

Adopted: June 2, 2020 (Souhegan)



# Appendix C

## Request for the Reconsideration of Resources

Request Initiated by: \_\_\_\_\_

Telephone: \_\_\_\_\_ Address: \_\_\_\_\_

Town: \_\_\_\_\_

Complainant represents: \_\_\_\_\_ himself/herself

\_\_\_\_\_ name of group \_\_\_\_\_

\_\_\_\_\_ other \_\_\_\_\_

Resource on which you are commenting:

\_\_\_\_\_ Book                      \_\_\_\_\_ Video                      \_\_\_\_\_ Other

\_\_\_\_\_ Magazine                      \_\_\_\_\_ CD

\_\_\_\_\_ Newspaper                      \_\_\_\_\_ Website

Author/Producer: \_\_\_\_\_

Title: \_\_\_\_\_

Publisher: \_\_\_\_\_

URL (if applicable): \_\_\_\_\_

Please answer the following questions either in the space provided, or on additional pages.

1. Have you been able to discuss this resource with the teacher or librarian who selected or used it?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

2. Did you read the entire book, or view the entire resource? If not, which parts?

3. What do you think is the theme of this book or resource?
  
4. To what in the book/resource do you object? Be specific. Cite pages, or passages.
  
5. Is there anything good about this book/resource?
  
6. What do you feel might be the result of reading this book, or using this resource?
  
7. For what age group would you recommend this book/resource?
  
8. Describe what you understand to be the judgment of this book or resource, by critics.
  
9. In its place, what resource can you recommend that would convey as valuable a picture and perspective of the subject treated?

---

Date

---

Signature of Complainant

This form is based on materials developed by the National Coalition of English Teachers, and is used with permission. Revisions are authorized and sponsored by the Souhegan Cooperative School Board, and not the NCTE.

③

### ***Gender Queer* by Maia Kobabe**

Added to the Info Center library collection in January, 2020  
Since that time, the book has been checked out 12 times.

**Motivation for inclusion in the Souhegan High School Info Center collection:** Student demand for more asexual representation in library collection “**relevance to the interests of students**”, “**contribution to multicultural and pluralistic awareness**”; popularity of graphic novels “**high degree of potential user appeal**”; well-reviewed by professional journal sources “**favorable reviews found in standard selection sources**”.

Included on the **2020 Maverick Graphic Novel Reading List**, a recommended reading list developed by public and school librarians from the Young Adult Round Table of the Texas Library Association to encourage students in grades 6-12 to explore a variety of current books. On this list, *Gender Queer* is noted as ‘Adult for YA’ audience.

**Winner of the 2020 Alex Award**, conferred by the Young Adult Library Services Association, a division of the American Library Association. The Alex Awards are given to ten books written for adults that have special appeal to young adults, ages 12 through 18. The winning titles are selected from the previous year's publishing.

### **Stonewall Honor Award Book for 2020**

The Stonewall Awards are the first and most enduring award for for exceptional merit relating to the gay/lesbian/bisexual/transgender experience, sponsored by the American Library Association's Rainbow Round Table

### **Nominee for the 2019 Ignatz Award**

Conferred by the comics, cartooning and graphic novel industry to recognize outstanding achievements in the field.

**Common Sense Media:** Suitable for ages 16+

**What was the author’s motivation to write this book?** Kobabe reflects that she wrote the book for other nonbinary readers who have not seen their experience reflected in books before. She also says she wrote it for her own family and the families of others who identify as non-binary and/or asexual, to give them some understanding of the experience and some language with which to approach conversations about these topics with their relatives<sup>1</sup>.

**As of January 2023, at least 12 other NH public high schools have this text in their library collections**, including Milford High School, Bow High School, Nashua South, & ConVal High School.

---

<sup>1</sup> Krosoczka, Jarrett J. “Maia Kobabe - Gender Queer Motivation / Origin Stories podcast.” *YouTube*, YouTube.com, 7 September 2022, <https://youtu.be/dQmmOibuE3I>. Accessed 27 March 2023.



## NONFICTION

**Gender Queer: A Memoir** by Maia Kobabe (text) & illus. by Maia Kobabe & Phoebe Kobabe Lion Forge. May 2019. 240p. pap. \$17.99. ISBN 9781549304002.

★ Gr 9 Up—Kobabe, who uses the pronouns e, em, and eir, was assigned female at birth but never felt that this designation fit. As e grew up, e learned about the spectrum of gender designations and settled on nonbinary as the best descriptor. E came out to eir family as nonbinary and asexual and found that eir family supported em however e identified. In this memoir, Kobabe chronicles eir life from the time e was very young through eir coming of age and adulthood. E describes common situations from the perspective of someone who is asexual and nonbinary: starting a new school, getting eir period, dating, attending college. The muted earth tones and calm blues match the hopeful tone and measured pacing. Matter-of-fact descriptions of gynecological exams and the use of sex toys will be enlightening for those who may not have access to this information elsewhere.

**VERDICT:** A book to be savored rather than devoured, this memoir will resonate with teens, especially fans of Alison Bechdel's *Fun Home* and Mason Deaver's *I Wish You All the Best*. It's also a great resource for those who identify as nonbinary or asexual as well as for those who know someone who identifies that way and wish to better understand

Reviewed by Jenni Frencham, Indiana University, Bloomington , Jun 30, 2019

*Starred books by SLJ designates books that have been determined to be outstanding examples of a particular genre or format.*

*School Library Journal is the premiere publication for librarians and information specialists who work with children and teens. A source of quality journalism and reviews for more than 60 years, SLJ produces award-winning features and news coverage on: literacy, best practices, technology, education policy and other issues of interest to the school library and greater educator community. We evaluate a broad range of resources, from books and digital content to databases, in 6000+ reviews published annually.*

Frencham, Jenni. "Gender Queer: A Memoir." *School Library Journal*, School Library Journal, 30 June 2019, <https://www.slj.com/review/gender-queer-a-memoir>. Accessed 23 March 2023.

## Gender Queer

by Maia Kobabe

Artist Maia Kobabe is genderqueer and uses pronouns e, em and eir. In the gorgeous and candid graphic memoir *Gender Queer*, e illustrates an aching journey toward reconciliation with being nonbinary and asexual.

Kobabe grew up in a progressive home, with parents who didn't enforce gender roles, but such things are socialized early in places like school and neighborhoods. The dysphoria e experienced became more acute with age; e frequently felt out of step with eir peers. There were awkward Tinder dates and excruciating Pap smears. All the while, Maia searched for an explanation, a language to assign to this internal trauma and confusion.

Midway through the book lies a two-page spread of weighted scales. Each side holds a gender assigned at birth, as a frantic Maia piles pronouns, clothes, hair style, hormones, etc., on the other. "The end goal wasn't masculinity," e writes, "the goal was balance." Had e been assigned male at birth, e would be playing with makeup and nail polish every day.

Kobabe's drawings, colored by sister Phoebe Kobabe, casts eir life and truths in splendorous, vivid light. And the relationship between the siblings on the page is one of *Gender Queer's* sweetest elements. Often scared of what lies ahead, Maia confides in Phoebe, a lesbian, about eir queer hopes and fears, and is met each time with the gracious enthusiasm of a sister who has eir back: "I lucked out so hard in the sibling lottery." A challenging yet heartwarming memoir, *Gender Queer* succeeds on all fronts.  
--Dave Wheeler, associate editor, *Shelf Awareness*

***Lion Forge, \$17.99, paperback, 240p., 9781549304002***

Wheeler, Dave. "Shelf Awareness for Readers for Friday, June 28, 2019." *Shelf Awareness*, Shelf Awareness, 11 April 2019, <https://www.shelf-awareness.com/readers-issue.html?issue=828#m14503>. Accessed 23 March 2023.



A public forum is a space or place for speech activities. There are three types of public forum. In the traditional public forum - such as parks, sidewalks, or town commons – anyone can engage in nearly all expressive activities, subject only to reasonable time, place and manner regulation. The designated or limited public forum is a place maintained by the government for designated speech activities by a part or all of the public. Non-public forums are government spaces or buildings that are not open to the public or open to expressive activities by the public.

Public libraries are a type of designated, limited public forum. Public libraries are public forums for the exercise of the First Amendment right to receive information, but not for other expressive activities that are not consistent with the purpose of the library or authorized by the library. The library user has a First Amendment right to access the library and utilize its information resources, but that is subject to reasonable time, place and manner rules. A decision to remove or restrict a book or other resource because its content or viewpoint is disfavored is subject to strict scrutiny by the courts and has been ruled to be a violation of library users' First Amendment rights.

Schools and school libraries are considered to be non-public forums reserved for the use of their designated users, the school's students and faculty. The public does not have a right to access or use the non-public forum. While school libraries may be non-public forums, courts still protect students' First Amendment right to receive information in the school library. A number of cases have found that removing or restricting access to books in the school library can rise to a violation of a student's First Amendment rights if the removal was done to prevent access to ideas, viewpoints, or opinions that are disfavored or disliked by the administration.

Reconsideration policies and processes serve to protect books from removal by requiring a number of procedural steps that provide transparency and due process to all affected by the demand to remove a book. Requiring a written complaint detailing the precise complaint, review by a committee using the selection policy criteria to evaluate the book, and providing notice to the public, so that the entire community can voice their opinion on the proposal to remove a book can prevent hasty or precipitous removal of a book simply because one person is critical of the book.

## Diverse Collections: An Interpretation of the Library Bill of Rights

Collection development should reflect the philosophy inherent in Article I of the *Library Bill of Rights*: "Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation." A diverse collection should contain content by and about a wide array of people and cultures to authentically reflect a variety of ideas, information, stories, and experiences.

Library workers have an obligation to select, maintain, and support access to content on subjects by diverse authors and creators that meets—as closely as possible—the needs, interests, and abilities of all the people the library serves. This means acquiring materials to address popular demand and direct community input, as well as addressing collection gaps and unexpressed information needs. Library workers have a professional and ethical responsibility to be proactively inclusive in collection development and in the provision of interlibrary loan where offered.

A well-balanced collection does not require a one-to-one equivalence for each viewpoint but should strive for equity in content and ideas that takes both structural inequalities and the availability of timely, accurate materials into account. A diverse collection should contain a variety of works chosen pursuant to the library's selection policy and subject to periodic review.

Collection development, as well as cataloging and classification, should be done according to professional standards and established procedures. Developing a diverse collection requires:

- selecting content in multiple formats;
- considering resources from self-published, independent, small, and local producers;
- seeking content created by and representative of marginalized and underrepresented groups;
- evaluating how diverse collection resources are cataloged, labeled, and displayed;
- including content in all of the languages used in the community that the library serves, when possible; and
- providing resources in formats that meet the needs of users with disabilities.<sup>1</sup>

Best practices in collection development assert that materials should not be excluded from a collection solely because the content or its creator may be considered offensive or controversial. Refusing to select resources due to potential controversy is considered censorship, as is withdrawing resources for that reason. Libraries have a responsibility to defend against challenges that limit a collection's diversity of content. Challenges commonly cite content viewed as inappropriate, offensive, or controversial, which may include but is not limited to prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, scientific research, sexual content, and representation of diverse sexual orientations, expressions, and gender identities.

Intellectual freedom, the essence of equitable library services, provides for free access to varying expressions of ideas through which a question, cause, or movement may be explored. Library workers have a professional and ethical responsibility to be fair and just in defending the library user's right to read, view,



or listen to content protected by the First Amendment, regardless of the creator's viewpoint or personal history. Library workers must not permit their personal biases, opinions, or preferences to unduly influence collection development decisions.<sup>2</sup>

<sup>1</sup> "Services to People with Disabilities: An Interpretation of the *Library Bill of Rights* (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/servicespeopledisabilities>)," adopted January 28, 2009, by the ALA Council under the title "Services to Persons with Disabilities"; amended June 26, 2018.

<sup>2</sup> *ALA Code of Ethics*, Article VII, adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 *under previous name* "Diversity in Collection Development"; and June 24, 2019.

## Challenged Resources: An Interpretation of the Library Bill of Rights

"Libraries: An American Value" states, "We protect the rights of individuals to express their opinions about library resources and services."<sup>1</sup> The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged resources. Collection development applies to library materials and resources in all formats, programs, and services.

Article I of the American Library Association's *Library Bill of Rights* states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II further declares, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval."

Freedom of expression, although it can be offensive to some, is protected by the Constitution of the United States. The "Diverse Collections: An Interpretation of the *Library Bill of Rights*" states:

Library workers have a professional and ethical responsibility to be fair and just in defending the library user's right to read, view, or listen to content protected by the First Amendment, regardless of the creator's viewpoint or personal history. Library workers should not permit their personal biases, opinions, or preferences to unduly influence collection-development decisions.<sup>2</sup>

This applies with equal force to library resources and services provided to students and minors.<sup>3</sup>

The Supreme Court has held that the Constitution requires a procedure designed to critically examine all challenged expression before it can be suppressed.<sup>4</sup> Therefore, libraries should develop a procedure by which the governing body examines concerns and challenges about library resources. This procedure should be open, transparent, and conform to all applicable open meeting and public records laws. Challenged resources should remain in the collection, and access to the resources remain unrestricted during the review process. Resources that meet the criteria for selection and inclusion within the collection as outlined in the institution's collections policy should not be removed. Procedures to review challenges to library resources should not be used to suppress constitutionally protected expression.

Any attempt, be it legal or extralegal, to regulate or suppress resources in libraries must be closely scrutinized to the end that protected expression is not abridged. Attempts to remove or suppress materials by library staff or members of the library's governing body that are not regulated or sanctioned by law are considered "extralegal." Examples include actions that circumvent library policy, or actions taken by elected officials or governing board members outside the established legal process for making legislative or board decisions. Actions taken by library governing bodies during official sessions or meetings pursuant to the library's collection development policy, or litigation undertaken in courts of law with jurisdiction over the library and the library's governing body, and actions taken by legislative bodies are considered a "legal process."

Content filtering is not equivalent to collection development. Content filtering is exclusive, not inclusive, and cannot effectively curate content or mediate access to resources available on the internet. Filtering should be addressed in an institution's policy on acceptable use of the internet. Acceptable use policies should reflect the *Library Bill of Rights* and "Internet Filtering: An Interpretation of the *Library Bill of Rights*," and be approved by the appropriate governing authority.

<sup>1</sup> "Libraries: An American Value (<http://www.ala.org/advocacy/intfreedom/americanvalue>)," adopted February 3, 1999, by the ALA Council.

<sup>2</sup> "Diverse Collections: An Interpretation of the *Library Bill of Rights* (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/diversecollections>)," adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 *under previous name* "Diversity in Collection Development"; and June 25, 2019.

<sup>3</sup> "Access to Library Resources and Services for Minors: An Interpretation of the *Library Bill of Rights* (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/minors>)," adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 *under previous name* "Free Access to Libraries for Minors"; July 1, 2014; and June 25, 2019.

<sup>4</sup> *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963).

Adopted June 25, 1971, by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009; July 1, 2014; and January 29, 2019.

*The quoted language in this interpretation from "Diverse Collections: An Interpretation of the Library Bill of Rights" (adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 under previous name "Diversity in Collection Development"; and June 25, 2019) was updated to reflect the June 2019 revision. This change was voted on by the Intellectual Freedom Committee.*

#### **See also**

- "Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries (<http://www.ala.org/tools/challengesupport/selectionpolicytoolkit>)," ALA Office for Intellectual Freedom, 2018.



## Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights

The American Library Association supports equal and equitable access to all library resources and services by users of all ages. Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users is in violation of the American Library Association's *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The right to use a library includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, apparent maturity, educational level, literacy skills, emancipatory or other legal status of users violates Article V. This includes minors who do not have a parent or guardian available to sign a library card application or permission slip. Unaccompanied youth experiencing homelessness should be able to obtain a library card regardless of library policies related to chronological age.

School and public libraries are charged with the mission of providing services and resources to meet the diverse interests and informational needs of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of providing library services and should be determined on an individual basis. Equitable access to all library resources and services should not be abridged based on chronological age, apparent maturity, educational level, literacy skills, legal status, or through restrictive scheduling and use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. A library's failure to acquire materials on the grounds that minors may be able to access those materials diminishes the credibility of the library in the community and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information through the library in print, sound, images, data, social media, online applications, games, technologies, programming, and other formats.<sup>1</sup> Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>2</sup> Libraries and their library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether or not content is constitutionally protected.

Article VII of the *Library Bill of Rights* states, "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use." This includes students and minors, who have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.<sup>3</sup>

The mission, goals, and objectives of libraries cannot authorize libraries and their governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. As "Libraries: An American Value" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services."<sup>4</sup> Libraries and their governing bodies



cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Libraries and their governing bodies shall ensure that only parents and guardians have the right and the responsibility to determine their children's—and only their children's—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their own children. Libraries and library governing bodies should not use rating systems to inhibit a minor's access to materials.<sup>5</sup>

Libraries and their governing bodies have a legal and professional obligation to ensure that all members of the communities they serve have free and equitable access to a diverse range of library resources and services that is inclusive, regardless of content, approach, or format. This principle of library service applies equally to all users, minors as well as adults. Lack of access to information can be harmful to minors. Libraries and their governing bodies must uphold this principle in order to provide adequate and effective service to minors.

<sup>1</sup> *Brown v. Entertainment Merchant's Association, et al.* 564 U.S. 08-1448 (2011).

<sup>2</sup> *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975): "Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors." See also *Tinker v. Des Moines School Dist.*, 393 U.S.503 (1969); *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943); *AAMA v. Kendrick*, 244 F.3d 572 (7th Cir. 2001).

<sup>3</sup> "Privacy: An Interpretation of the *Library Bill of Rights* (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/privacy>)," adopted June 19, 2002, by the ALA Council; amended July 1, 2014; and June 24, 2019.

<sup>4</sup> "Libraries: An American Value (<http://www.ala.org/advocacy/intfreedom/americanvalue>)," adopted on February 3, 1999, by ALA Council.

<sup>5</sup> "Rating Systems: An Interpretation of the *Library Bill of Rights* (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/rating-systems>)," adopted on June 30, 2015, by ALA Council; amended June 25, 2019.

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 *under previous name* "Free Access to Libraries for Minors"; July 1, 2014; and June 25, 2019.

## Position Statement on Labeling Practices

### BACKGROUND:

School library collections are places where learners can explore interests safely and without restrictions; they are not merely extensions of classroom book collections or classroom teaching methods. A minor's right to access resources freely and without restriction has long been and continues to be the position of the American Library Association and the American Association of School Librarians (AASL). The *AASL National School Library Standards* emphasize the importance of a school library collection that "is physically and intellectually accessible" and where access is "best met at the time of need" (2018). These standards describe the school librarian's ability to work "with learners to ensure that they are able to independently evaluate resources and make responsible and ethical decisions regarding the use of these resources" (AASL 2018, 117). Furthermore, the International Federation of Library Association's (IFLA) *School Library Guidelines* (2015) affirm the ethical responsibilities of school librarians to promote intellectual freedom, access, and privacy. IFLA guidelines maintain that school librarians "must endeavour to put the rights of the library users before their own comfort and convenience and avoid being biased by their personal attitudes and beliefs in providing library service" (2015, 30).

These commitments have implications for school librarians' labeling practices related to classification and shelving practices, labeling content and reading levels, and protecting learners' privacy.

### POSITION:

#### Classification and Shelving Practices

*School librarians' classification and shelving practices should support learners' ability to meet their information needs while avoiding reductive classification choices that narrowly define readers and/or books.*

Librarians use classification systems and spine labels to organize and identify library resources by call number to help patrons locate general subject areas or specific fiction, non-fiction, reference, audiovisual, or other items. Best practice in school libraries includes books and other resources being shelved using a standard classification system that also enables learners to find resources in other libraries, such as a public library, from which they may borrow materials. School librarians should teach learners how to navigate their library classification systems, as well as how their classification system may differ from other libraries, such as public or academic libraries.

Classification by genre can be a valid shelving practice when done with attention to systematic classification, established subject headings, or other commonly used genre labels. School librarians considering reorganizing or reclassifying their library collections by genre should consult current research on genre-based classification in school libraries as well as collaborate with other librarians, educators, learners, and families to balance the many benefits and constraints of such systems. For example, B. Trott and V. Novak (2006) weigh the potential for creating more browsable collections against the possibility of reductive labels or classification choices that narrow the audience of a book. Furthermore, school



librarians should consider cultural biases and power relations when creating genre-based labels related to a book's content, as discussed in the next section.

## **Labeling Content**

*School librarians should avoid using prejudicial and identity-based labeling practices.*

The ALA's "Labeling Systems: An Interpretation of the Library Bill of Rights" (2015) makes a distinction between viewpoint-neutral directional labels that increase learners' access to information and support their First Amendment right to read and prejudicial labels, which are based on value judgments used to warn patrons or limit access to certain materials. A label that describes materials as "controversial" or warns readers of "mature themes" is an example of a label that contains a value judgment, since what is defined as controversial varies widely from person to person. Moreover, the National Council of Teachers of English (2018) argues that reducing books and materials to isolated, potentially controversial features serves to reduce learners' access to books both for leisure reading and for inclusion in classrooms. Labels that make determinations about a book's content are an infringement of a learner's First Amendment rights to free speech and their ability to make determinations about what content is appropriate for them. Instead, school librarians should support each learner's right to make determinations about content.

School library professionals should also exercise caution when creating labels that may serve to further stigmatize a historically marginalized identity group (e.g., books by or about LGBTQIA+ authors or Black, indigenous, and people of color). Labeling practices that separate marginalized groups from the collection may seek to narrow the audience for a book or make accessing these resources more difficult. For example, labels signifying LGBTQIA+ characters and content could make materials difficult to locate for patrons who are not specifically looking for LGBTQIA+ titles but may be browsing for romance or science fiction (both genres that contain LGBTQIA+ books). Likewise, when using content labels such as "urban fiction," school librarians should carefully consider their definition of "urban" and ensure that it does not suggest monolithic identities based on race, gender, or socioeconomic status or experiences that focus on stereotypes of urban crime or violence.

## **Reading Level Labels**

*School librarians should resist labeling or arranging books by any readability scale and should instead advocate for the development of policies that do not require library staff to restrict access to books based on reading or age levels.*

Some school librarians face pressure from administrators and classroom educators to label and arrange library collections according to reading levels. However, commercial leveling systems are an imperfect predictor of a book's reading level since they generally rely on a single quantitative measure that ignores other aspects of text complexity included in the Common Core State Standards like the text's qualitative complexity (e.g., the levels meaning or the structure of a text) and considerations specific to the reader (e.g., motivation or background knowledge) or the instructional task or purpose. Moreover, learner browsing behaviors can be profoundly altered with the addition of external reading level labels. When reading level labels are tied to rewards or grades, learner browsing becomes mainly a search for books that must be read and tests completed for individual or classroom point goals and/or grades.

School libraries that serve broad age and grade levels (e.g., a single library that serves grades K–12) may also feel pressure from administrators or parents to restrict younger learners' access to certain parts of the collection. These contexts present clear challenges for school librarians charged with serving a diverse group of learners within a school library, and whenever possible, the school librarian should work with administrators, educators, and parents to create library policies that reduce unnecessary or arbitrary distinctions between ages or grades. Providing information to educators, learners, and families about how the school library is organized and encouraging families to be engaged with their own child's reading selections is preferable to requiring written permission or restricting access to certain library sections



based on a learner's age or grade, since the needs, interests, and readiness levels of two children of the same age may be vastly different.

It is also important for school policies to recognize the distinctions between a school library's need to be accessible to all learners and a classroom library's more narrowly targeted collection, which may focus on the needs of a specific age group or instructional goal. Because the school library's goal is to meet the needs of its entire community's information-seeking, curricular, and leisure reading goals, its collection and labeling practices will necessarily be more inclusive and less restrictive than some classroom libraries.

### **Protecting Learner Privacy**

*School librarians have a responsibility to protect learner privacy and confidentiality when considering any practice that places a label on the outside of a book or on library shelving.*

Labeling and shelving a book with an assigned reading level or an indicator of content on its spine allows other learners to observe the reading level and reading interests of their peers and should be avoided. When it comes to reading levels, only a learner, the child's parents or guardian, the teacher, and the school librarian (as appropriate) should have knowledge of a learner's reading capabilities. I. C. Fountas and G. S. Pinnell, creators of a widely used text leveling system, argue that "levels have no place in classroom libraries, in school libraries, in public libraries, or on report cards" because their goal was to create a system of leveling books to aid teachers in instruction, not to place labels on learners (Parrott 2017). Any classification system that relies on external labels for readability levels labels the reader and violates First Amendment rights to privacy.

Additionally, some content labels may infringe on learner privacy as well and can impede a learner's ability to read and access materials of interest (see "The Freedom to Read Statement"). This is particularly important when considering LGBTQIA+ materials. Labels indicating LGBTQIA+ characters and issues could be stigmatizing and hinder access to materials for some learners' who may fear being outed to their peers or adults (Rainbow Roundtable 2016). All learners and users of a school library should be free to choose books without leveled or labeled restrictions.

## **APPENDIX**

### **Questions to Guide Practice**

When creating policies and practices related to the labeling of books by genre, content, or reading level, ask yourself these questions to determine whether you have addressed concerns of privacy, learner First Amendment rights, and potential behavior modification in browsing and reading motivations. Consider:

1. Whom might these labels help to find or access resources? Whom might they deter from finding or accessing materials?
2. Are the labels restrictive (limiting access for some learners) or directional (making resources more accessible)?
3. Are the labels related to determinations about controversial content? Who would think this content is controversial?
4. Are the labels marking one identity group as different from "normal" identities? Do the labels center stereotypical understandings of marginalized groups?
5. Are the labels providing information about the reading level or potentially controversial content of the book? Are those labels violating learners' First Amendment right to privacy (meaning they are prominent and visible to anyone who can see the book)?
6. Do the labels make judgments about content, level, or "appropriateness" that should more appropriately be made by learners and their families?

## REFERENCES:

American Association of School Librarians. 2018. *National School Library Standards for Learners, School Librarians, and School Libraries*. Chicago: ALA.

American Library Association. 2006. "The Freedom to Read Statement." <[www.ala.org/advocacy/intfreedom/freedomreadstatement](http://www.ala.org/advocacy/intfreedom/freedomreadstatement)> (accessed Feb. 25, 2021).

American Library Association. 2015. "Labeling Systems: An Interpretation of the Library Bill of Rights." <[www.ala.org/advocacy/intfreedom/librarybill/interpretation/labeling-systems](http://www.ala.org/advocacy/intfreedom/librarybill/interpretation/labeling-systems)> (accessed May 12, 2021).

International Federation of Library Associations and Institutions. 2015. *IFLA School Library Guidelines (2nd revised edition)*. <[www.ifla.org/files/assets/school-libraries-resource-centers/publications/ifla-school-library-guidelines.pdf](http://www.ifla.org/files/assets/school-libraries-resource-centers/publications/ifla-school-library-guidelines.pdf)> (accessed Feb. 25, 2021).

National Council of Teachers of English. 2018. "NCTE Position Statement Regarding Rating or 'Red-Flagging' Books." <https://ncte.org/statement/rating-books/> (accessed Feb. 25, 2021).

Rainbow Round Table. 2016. *Open to All: Serving the GLBT Community in Your Library*. American Library Association. <[www.ala.org/rt/sites/ala.org/rt/files/content/professionaltools/160309-glbtrt-open-to-all-toolkit-online.pdf](http://www.ala.org/rt/sites/ala.org/rt/files/content/professionaltools/160309-glbtrt-open-to-all-toolkit-online.pdf)> (accessed Feb. 25, 2021).

Parrott, K. 2017. "Fountas and Pinnell Say Librarians Should Guide Readers by Interest, Not Level." *School Library Journal* (Oct. 12). <[www.slj.com/?detailStory=fountas-pinnell-say-librarians-guide-readers-interest-not-level](http://www.slj.com/?detailStory=fountas-pinnell-say-librarians-guide-readers-interest-not-level)> (accessed Feb. 25, 2021).

Trott, B., and V. Novak. 2006. "A House Divided? Two Views on Genre Separation." *Reference & User Services Quarterly* 46 (2): 33–8.

## ADDITIONAL READING:

Fountas, I. C., and G. S. Pinnell. 2012. "Guided Reading: The Romance and the Reality." *The Reading Teacher* 66 (4): 268–84

Hoffman, J. V. 2017. "What If 'Just Right' Is Just Wrong? The Unintended Consequences of Leveling Readers." *The Reading Teacher* 71 (3): 265–73.

## DISCLAIMER:

The position taken by the American Association of School Librarians (AASL) represents the organization and cannot be applied to individual members or groups affiliated with the association without their direct confirmation.

**APPROVAL/REVISION DATES:** February 18, 2021

**COMMITTEE/TASK FORCE NAME:** Labeling Position Statement Task Force

## COMMITTEE/TASK FORCE MEMBER NAMES:

Kate Lechtenberg, Chair; Susan Grigsby; Jenna Spiering; Diane Chen, Board Liaison, Jennifer Habley, Staff Liaison



# Appendix C

## Request for the Reconsideration of Resources

Request Initiated by: Francis H. Beaudoin  
 Telephone: 603-935-0018 Address: 18 Dodge Rd  
 Town: Amherst, N.H. 03031

Complainant represents: himself/herself  
 name of group \_\_\_\_\_  
 other \_\_\_\_\_

### Resource on which you are commenting:

Book                      \_\_\_ Video                      \_\_\_ Other  
 \_\_\_ Magazine                      \_\_\_ CD  
 \_\_\_ Newspaper                      \_\_\_ Website

Author/Producer: Kobabe, Maia  
 Title: Gender Queer: A Memoir  
 Publisher: Oni Press (May 28, 2019)  
 URL (if applicable): N/A

ISBN-10: 1549304003  
 ISBN-13: 978-1549304002

Please answer the following questions either in the space provided, or on additional pages.

1. Have you been able to discuss this resource with the teacher or librarian who selected or used it?

\_\_\_ Yes  No

2. Did you read the entire book, or view the entire resource? If not, which parts?

yes

3. What do you think is the theme of this book or resource?

Discussion on gender, sexual organs associated with gender.

4. To what in the book/resource do you object? Be specific. Cite pages, or passages.

Depictions of and descriptions of oral sex and other sex acts.

5. Is there anything good about this book/resource?

Not at the age group where this book is accessible to minors.

6. What do you feel might be the result of reading this book, or using this resource?

Not appropriate for minors and violates N.H. RSA 571B:2.

7. For what age group would you recommend this book/resource?

The book is Adult material (18 years and up) cited by Amazon.com

8. Describe what you understand to be the judgment of this book or resource, by critics.

Not interested in this. This book does not belong in the hands of minors.

9. In its place, what resource can you recommend that would convey as valuable a picture and perspective of the subject treated? (minors)

Pornography is a violation of N.H. State Law and has no place in our schools. See letter dated 20 MAR 23  
see RSA 571B:2.

3/22/2023

Date

Frank H. Be

Signature of Complainant

providing this book to minors is a crime.  
This ~~is~~ is not about orientation, this is about exposing minors to pornography.

This form is based on materials developed by the National Coalition of English Teachers, and is used with permission. Revisions are authorized and sponsored by the Souhegan Cooperative School Board, and not the NCTE.

20 MAR 23

To: SAU-39 Souhegan High School Reconsideration Committee

From: Mr. Francis H. Beaudoin  
18 Dodge Road  
Amherst, N.H. 03031

Subj: RECONSIDERATION OF LEARNING RESOURCE BOOK: GENDER QUEER,  
A MEMOIR, ISBN: 978-1549304002.

1. It has come to my attention, upon visiting the SAU-39 Online Library Weblink that Souhegan High School Library maintains a physical copy of the book Gender Queer. This book contains harmful sexual content including, illicit sexual images, sexual acts, and graphic descriptive language akin to hardcore pornographic material.

2. NH RSA 571B:2 states as follows: It shall be unlawful for any person knowingly to give, sell, loan or otherwise provide, with or without monetary consideration, to a minor: **(a)** Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts sexual conduct and which is harmful to minors, or **(b)** Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in RSA 571-B:2, I(a), or explicit and detailed verbal descriptions or narrative accounts of sexual conduct and which, taken as a whole, is harmful to minors.

3. Providing books such as Gender Queer to minors is a violation of NH RSA 571B:2 of the criminal code. How did this book find its way into our high school library? Who is responsible for authorizing this illegal material to be accessible to our youth? Amazon Online lists the reading age for Gender Queer as 18 years and up, along with many other companies.

4. Childhood exposure to pornography may lead to poor mental health, sexism, objectification, sexual violence, and other negative outcomes. This book contains zero educational value and should not be available to our youth.

Respectfully,

F. H. BEAUDOIN



(K)



# Souhegan High School

March 22, 2023

Dear Mr. Beaudoin:

We appreciate your concern over the presence of *Gender Queer* in the Souhegan Info Center collection. The school has developed Board- approved procedures for selecting materials, but we realize that not everyone will agree with every selection made. To help you understand the selection process, we are sending a copy of the SAU 39 Library and Instructional Resources Selection and Reconsideration Policy. If you are still concerned after you review this material, please complete the official Request for the Reconsideration of Resources form included here and return it to me. You may be assured of prompt attention to your request. If I have not heard from you within two weeks from the date listed above, we will assume you no longer wish to file a formal request for reconsideration.

Sincerely,

Sarah Kunyosying  
Library Media Specialist  
Souhegan High School

④

# TITLE LVIII PUBLIC JUSTICE

## CHAPTER 571-B EXPOSING MINORS TO HARMFUL MATERIALS

### General Provisions

#### Section 571-B:1

##### **571-B:1 Definitions. —**

As used in this chapter:

- I. "Harmful to minors" means that quality of any description or representation, in whatever form of sexual conduct, when it:
- (a) Predominantly appeals to the prurient interest of minors in sex, that is, an interest in lewdness or lascivious thoughts;
  - (b) Depicts or describes sexual conduct in a manner so explicit as to be patently offensive to contemporary adult standards, in the county within which any offense set forth in this chapter was committed, with respect to what is suitable material for minors; and
  - (c) Lacks serious literary, artistic, political or scientific value.
- II. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry, or both, as to:
- (a) The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
  - (b) The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonably bona fide attempt to ascertain the true age of such minor.
- III. "Minor" means any person under the age of 18 years.
- IV. "Sexual conduct" means human masturbation, sexual intercourse, actual or simulated, normal or perverted, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts sexual intercourse which give the appearance of the consummation of sexual intercourse, normal or perverted.

**Source.** 1969, 252:1. 1976, 46:1. 1977, 123:1, eff. Aug. 1, 1977.



# TITLE LVIII PUBLIC JUSTICE

## CHAPTER 571-B EXPOSING MINORS TO HARMFUL MATERIALS

### General Provisions

#### Section 571-B:2

##### **571-B:2 Offenses. –**

I. It shall be unlawful for any person knowingly to give, sell, loan or otherwise provide, with or without monetary consideration, to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts sexual conduct and which is harmful to minors, or

(b) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in RSA 571-B:2, I(a), or explicit and detailed verbal descriptions or narrative accounts of sexual conduct and which, taken as a whole, is harmful to minors.

II. It shall be unlawful for any person knowingly to exhibit, for or without monetary consideration, to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor, for or without monetary consideration, to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts or describes sexual conduct and which is harmful to minors.

**Source.** 199, 252:1. 1976, 46:2, eff. June 1, 1976.

**Pornography:** The representation in books, magazines, photographs, films, and other media of scenes of sexual behavior that are erotic or lewd and are designed to arouse sexual interest.

*Most pornography is not legally obscene; to be obscene, pornography must, at a minimum, "depict or describe patently offensive 'hard core' sexual conduct." The Supreme Court has created a three-part test, known as the Miller test, to determine whether a work is obscene. Pornography that is not obscene may not be banned, but may be regulated as to the time, place, and manner of its distribution, particularly in order to keep it from children.*

Federal Law Title 18 Chapter 71, Section 1470 Prohibits the transfer of obscene materials to minors.

### **How do courts determine obscenity?**

The U.S. Supreme Court established the test that judges and juries use to determine whether matter is obscene in three major cases: *Miller v. California*, 413 U.S. 15, 24-25 (1973); *Smith v. United States*, 431 U.S. 291, 300-02, 309 (1977); and *Pope v. Illinois*, 481 U.S. 497, 500-01 (1987).

### **The three-pronged Miller test is as follows:**

- Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests (i.e., an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion);
- Whether the average person, applying contemporary adult community standards, finds that the matter depicts or describes sexual conduct in a patently offensive way (i.e., ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, lewd exhibition of the genitals, or sado-masochistic sexual abuse); and
- Whether a reasonable person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Any material that satisfies this three-pronged test may be found obscene.

In addition, **Section 1466A** of Title 18, United State Code, makes it illegal for any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexually explicit conduct and are deemed obscene. **This statute offers an alternative 2-pronged test for obscenity with a lower threshold than the Miller test. The matter involving minors can be deemed obscene if it (i) depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse and (ii) if the image lacks serious literary, artistic, political, or scientific value.**





Reading Is  
Fundamental

#### MULTICULTURAL LITERACY:

### Mirrors, Windows, and Sliding Glass Doors

**Johannes Gutenberg invented the moveable-type printing press in the mid-1400s.**

Books are sometimes windows, offering views of worlds that may be real or imagined, familiar or strange. These windows are also sliding glass doors, and readers have only to walk through in imagination to become part of whatever world has been created or recreated by the author. When lighting conditions are just right, however, a window can also be a mirror. Literature transforms human experience and reflects it back to us, and in that reflection we can see our own lives and experiences as part of the larger human experience. Reading, then, becomes a means of self-affirmation, and readers often seek their mirrors in books.

For many years, nonwhite readers have too frequently found the search futile. This year marks the twenty-fifth anniversary of the publication, in the *Saturday Review*, of Nancy Larrick's landmark article, "The All-White World of Children's Books." "Across the country," she stated in that piece, "6,340,000 nonwhite children are learning to read and to understand the American way of life in books which either omit them entirely or scarcely mention them." A quarter of a century later, census data indicate that about 30% of the school population are members of so-called minority groups—Latinos, Afro-Americans, Asian-Americans, Native Americans—and where will they find their mirrors?

A former colleague at the University of Massachusetts, Sonia Nieto, found that in the decade between 1972 and 1982, an average of only five and half books a year were published about Puerto Ricans. Perusal of my shelves of review books and new and recent publishers' catalogs indicate that if we were to examine the past eight years, the numbers are likely to be the same—if not lower. Stories about contemporary Mexican-Americans are few and far between. Isabel Schon's recent bibliography in the *Journal of Youth Services* (Winter, 1989) lists a total of nineteen books about Hispanics, fifteen nonfiction and four books of folk stories and legends. Contemporary Asians and contemporary Native Americans do not fare much better. The largest number of books about so-called minority groups is about Afro-Americans. In the quarter century since the Larrick article, the numbers of books about Afro-Americans has increased considerably, despite a major decrease of such books in the early and mid-1980s.

When children cannot find themselves reflected in the books they read, or when the images they see are distorted, negative, or laughable, they learn a powerful lesson about how they are devalued in the society of which they are a part. Our classrooms need to be places where all the children from all the cultures that make up the salad bowl of American society can find their mirrors.

Children from dominant social groups have always found their mirrors in books, but they, too, have suffered from the lack of availability of books about others. They need the books as windows onto reality, not just on imaginary worlds. They need books that will help them understand the multicultural nature of the world they live in, and their place as a member of just one group, as well as their connections to all other humans. In this country, where racism is still one of the major unresolved social problems, books may be one of the few places where children who are socially isolated and insulated from the larger world may meet people unlike themselves. If they see only reflections of themselves, they will grow up with an exaggerated sense of their own importance and value in the world—a dangerous ethnocentrism.

Consider some of the possibilities. From reading, for example, children can become aware of some of the many variations in the way English is spoken in this country, and the richness those variations add to the language. Take Belva Jean Copenhagen, who tells us in Sandra Dutton's *Tales of Belva Jean Copenhagen* (Atheneum, 1989): "I thought I would put one of these (a preface) onto my books because I seen one in a couple of other books of stories. It's where the author tells the reader what to look out for and where she got the ideas for she's written up." Belva Jean tells her own stories in her own voice, which echoes the rhythms, the grammar, and the color of many of the people who inhabit the Appalachian Mountain region. In her afterword, Belva Jean states: "Now I could have told you these stories in Standard English, but I'm not on TV, and this ain't a formal occasion. This was just me rambling on about times I've had and people I've knowed, and things we've did together..."

In one of my old favorites, Lucille Clifton's *My Brother Fine With Me* (Holt, 1975; now out of print, but available in many libraries), Johnetta's narration reflects an informal Black vernacular: "Me and Baggy the only child. I was the only child till he come being born. Everything was all right, me and Mama and Daddy doing fine till Mama come spreading out like a pancake and Aunt Winnie who don't even like children come to watch me for a while and Mama go off and come back here with Baggy. I was mad for a long time and I ain't all that glad now, but I don't let on."



Both those voices are authentic, and their authenticity makes the characters believable and identifies them as members of a particular social group. Changing their voices to Standard English would take away a large part of their distinctiveness.

Books can also introduce readers to the history and traditions that are important to any one cultural group, and which invite comparisons to their own. One of the 1989 Caldecott Honor Books, Patricia McKissack's *Mirandy and Brother Wind*, illustrated by Jerry Pinkney (Knopf, 1988), is the fictionalized story of how her grandparents got together as teenagers, by dancing a cakewalk as if they were "dancing with the Wind!" It also introduces readers to a bit of history of the cakewalk, a dance introduced by slaves and rooted in Afro-American culture.

Folk tales, too, help to keep alive the traditions and values that are important to social groups. Laurence Yep's *The Rainbow People* (Harper & Row, 1989) is a collection of stories told by Chinese immigrants, starting with those who arrived in the middle of the nineteenth century who were unable to bring their families to America, and lived their lives as bachelors. In his introduction, Yep states that the stories express the "loneliness, anger, fear, and love that were part of the Chinese-American experience."

Recently, a spate of Afro-American stories have been published, beginning with Virginia Hamilton's *The People Could Fly* (Knopf, 1985), and followed by the retellings of the Brer Rabbit stories illustrated by Barry Moser and published by Harcourt Brace Jovanovich: *Jump!* (1986), *Jump Again!* (1987), and *Jump on Over!* (1989). Julius Lester has also published two collections of his retellings of the Brer Rabbit stories in *The Tales of Uncle Remus* (Dial, 1987) and *More Tales of Uncle Remus* (Dial, 1988). Many of the animal stories reflect the hopes and dreams, and some of the reality of the lives of people who were in many ways powerless over the plantation owners who thought of them as so much property. It is easy to understand how Brer Rabbit, the trickster figure who, small though he was, managed to outsmart animals much larger and more powerful than he, became a favorite of people who saw in him something of themselves. The stories have appeal to all children, for what child has not felt small and powerless in an adult world?

Those of us who are children's literature enthusiasts tend to be somewhat idealistic, believing that some book, some story, some poem can speak to each individual child, and that if we have the time and resources, we can find that book and help to change that child's life, if only for a brief time, and only for a tiny bit. On the other hand, we are realistic enough to know that literature, no matter how powerful, has its limits. It won't take the homeless off our streets; it won't feed the starving of the world; it won't stop people from attacking each other because of our racial differences; it won't stamp out the scourge of drugs. It could, however, help us to understand each other better by helping to change our attitudes towards difference. When there are enough books available that can act as both mirrors and windows for all our children, they will see that we can celebrate both our differences and our similarities, because together they are what make us all human.

**Source:** By Rudine Sims Bishop, The Ohio State University. "Mirrors, Windows, and Sliding Glass Doors" originally appeared in *Perspectives: Choosing and Using Books for the Classroom*. Vo. 6, no. 3. Summer 1990.



# What Makes a Book 'Appropriate' for School?

By Nikki Grimes | Aug 27, 2021

 Comments

 SUBSCRIBE  
by the Month

When I was a teen, I'd have given anything for a book like *Ordinary Hazards*. Of course, it hadn't yet been written. What I did discover back then was *A Tree Grows in Brooklyn* by Betty Smith. In her novel, I found Francie, a character I resonated with deeply. We weren't of the same race, nor were our lives a perfect replica, by any stretch. Still, Smith's character and I both faced tough challenges in our young lives, and like me, Francie knew the color of hell by heart. Because of her story, I knew that I wasn't alone in the world, and knowing that gave me strength for my own journey. This is the power of story. This is why I became a purveyor of story, myself.

Over the course of my long career, I've written fiction, nonfiction, historical fiction, and poetry on a wide variety of subjects, but the one thing I've always believed is that the single most important story I have to tell is my own. *Ordinary Hazards*, my memoir in verse, is that story. It is a story of darkness and childhood trauma, of a parent's alcoholism and mental illness, of the seamy side of foster care, and of sexual assault. But it is also a story of love and light, of faith and grace, and of a young girl's discovery of the power of the written word.




photo credit: Aaron Lemen

Nikki Grimes

## RELATED STORIES:

- PW issue Contents
- More in Opinion -> Soapbox

 Want to reprint? Get permissions.

## FREE E-NEWSLETTERS

Enter e-mail address

PW Daily  Tip Sheet

Mine is a story of triumph over darkness, and, as such, is ultimately a story of hope. The possibility of planting seeds of hope in the hearts and minds of young readers is why I wrote *Ordinary Hazards*. As agonizing as it was to rip open the wounds of memory, I knew there were young people who needed a story like mine—and a true story, at that. And thousands of readers across the country have already been inspired by it. This is why I was stunned when I learned that a school district in Leander, Texas, had elected to remove my award-winning memoir from their curriculum.

What???

It is one thing to rip a book from your own teen's personal library, but to interfere with every other teen's access to that book throughout your school district goes beyond the pale.

Leander's issue with *Ordinary Hazards*—and Jacqueline Woodson's *Red at the Bone*, and Laurie Halse Anderson's *Shout*, among other titles recently removed—is that these titles are considered to have "inappropriate content." I'm assuming the content in question in *Ordinary Hazards* is difficult subject matter, namely alcoholism, sexual assault, and mental illness. Difficulty, though, is no reason to remove a book from an age-appropriate reader's easy reach.

The truth is, the lives of many teens are difficult. Some are homeless, or have parents in prison, or have been bounced from one foster home to another—or all of the above. Other teens live, as I did, in homes where a parent wrestles with mental illness or alcoholism, or may struggle with these issues themselves. Finally, though you may be unaware, countless teens of every gender, sitting in high school classrooms right now, have been



sexually assaulted. Is this subject uncomfortable? Absolutely. But writing about the topic is hardly inappropriate, especially when it's handled delicately.

Censors will find nothing salacious, graphic, or gratuitous in *Ordinary Hazards*. I specifically chose to write my memoir in poetry because the form allows for the delicate treatment of difficult content. As such, no one can reasonably charge the writing itself of being inappropriate. When it comes to sexual abuse, what is inappropriate—not to mention criminal—is the abuse itself. Writing about that abuse is both appropriate and necessary. Teens need to know that sexual assault is not a secret to keep.

For readers who come to this memoir having had any of the particular tough experiences I write about, this story lets them know they are not alone. Other readers encountering *Ordinary Hazards* come away with something equally valuable: the knowledge that, whatever challenges they may face in life, they can come out on the other side, and not only survive, but thrive—just as I did. Do we really want to restrict young people's access to a story that holds out that kind of hope?

Perhaps some have forgotten the purpose and power of Story. Story is more than repository of fact and fiction. Story is poultice, is salve designed to mitigate pain and stimulate the healing of wounds, especially those festering beneath the surface unseen. But this meticulously crafted treatment only works when applied.

Not every story is dark or difficult, nor should it be, but those that most often inspire are hard stories in which the protagonist triumphs at the end. *Ordinary Hazards: A Memoir* is such a story, and there's nothing inappropriate about that.

*Nikki Grimes is the recipient of the ALAN Award for outstanding contributions to young adult literature, the 2017 Children's Literature Legacy Award, the 2016 Virginia Hamilton Literary Award, and the 2006 NCTE Award for Excellence in Poetry for Children.*



## Works Cited

- American Library Association. "Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights." *American Library Association*, American Library Association, 25 June 2019, <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/minors>. Accessed 23 March 2023.
- American Library Association. "Diverse Collections: An Interpretation of the Library Bill of Rights." *American Library Association*, 24 June 2019, <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/diversecollections>. Accessed 23 March 2023.
- Casetext. "Section 571-B:1 - Definitions, N.H. Rev. Stat. § 571-B:1." *Casetext*, 2023, <https://casetext.com/statute/new-hampshire-revised-statutes/title-58-public-justice/chapter-571-b-exposing-minors-to-harmful-materials/general-provisions/section-571-b1-definitions>. Accessed 6 April 2023.
- Casetext. "Section 571-B:2 - Offenses, N.H. Rev. Stat. § 571-B:2." *Casetext*, 2023, <https://casetext.com/statute/new-hampshire-revised-statutes/title-58-public-justice/chapter-571-b-exposing-minors-to-harmful-materials/general-provisions/section-571-b2-offenses>. Accessed 6 April 2023.
- Cornell Law School. "pornography | Wex | US Law | LII / Legal Information Institute." *Law.Cornell.Edu*, 2023, <https://www.law.cornell.edu/wex/pornography>. Accessed 5 April 2023.
- Crawford, Phillip. "A Novel Approach: Using Graphic Novels to Attract Reluctant Readers." *Library Media Connection*, vol. 22, no. 5, 2004, pp. 26-28. *Eastern Carolina University*

*Joyner Library,*

[https://library.ecu.edu/networkingsummit/wp-content/pv-uploads/sites/267/2018/06/2007-LMC\\_Feb04\\_Crawford.pdf](https://library.ecu.edu/networkingsummit/wp-content/pv-uploads/sites/267/2018/06/2007-LMC_Feb04_Crawford.pdf). Accessed 5 April 2023.

DeAngelis, Tori. "Lab Work: Treating the effects of LGBT stigma." *American Psychological Association*, 1 February 2018, <https://www.apa.org/monitor/2018/02/lgbt-stigma>. Accessed 24 March 2023.

Deliso, Meredith. "New Survey On LGBTQ Youth Finds 'Concerning' Disparities In Suicide Risk." *ABC News*, ABC News, 19 May 2021, <https://www.nami.org/Press-Media/In-The-News/2021/New-survey-on-LGBTQ-youth-finds-concerning-disparities-in-suicide-risk>. Accessed 5 April 2023.

Kobabe, Maia. "Schools are banning my book. But queer kids need queer stories." *Washington Post*. 29 Oct. 2021. <https://www.washingtonpost.com/opinions/2021/10/29/schools-are-banning-my-book-queer-kids-need-queer-stories/>. Accessed 3 April 2023.

Krosoczka, Jarrett J. "Maia Kobabe - Gender Queer Motivation / Origin Stories podcast." *YouTube*, YouTube.com, 7 September 2022, <https://youtu.be/dQmmOibuE3I>. Accessed 27 March 2023.

Miller, Rebecca T. "SLJ's Average Book Prices for 2020." *School Library Journal*, School Library Journal, 12 May 2020, <https://www.slj.com/story/slj-average-book-prices-2019-2020-childrens-books>. Accessed 5 April 2023.

SAU 39. "About Us." *School Administrative Unit 39*, School Administrative Unit 39, 2023, [https://www.sau39.org/about\\_us](https://www.sau39.org/about_us). Accessed 5 April 2023.

School Administrative Unit 39. "IJL/KEC – LEARNING RESOURCES SELECTION AND RECONSIDERATION POLICY." *Policies*, 2 June 2020. *School Administrative Unit 39*, School Administrative Unit 39, <https://www.sau39.org/common/pages/DisplayFile.aspx?itemId=379633>. Accessed 5 April 2023.

Simon & Schuster. "Gender Queer: A Memoir | Book by Maia Kobabe | Official Publisher Page." *Simon & Schuster*, 2023, <https://www.simonandschuster.com/books/Gender-Queer-A-Memoir/Maia-Kobabe/9781549304002>. Accessed 24 March 2023.

Sims Bishop, Rudine. "Mirrors, Windows, and Sliding Glass Doors." *Perspectives: Choosing and Using Books for the Classroom*, vol. 6, no. 3, 1990, pp. 1-2. *Scenic Regional Library*, <https://scenicregional.org/wp-content/uploads/2017/08/Mirrors-Windows-and-Sliding-Glass-Doors.pdf>. Accessed 24 March 2023.

Souhegan High School. "Mission and Expectations." *Souhegan High School*, SAU 39, 2022, [https://shs.sau39.org/about\\_us/mission\\_and\\_expectations](https://shs.sau39.org/about_us/mission_and_expectations). Accessed 5 April 2023.