

COMMITTEE RECOMMENDATIONS

Autumn Witt Boyd – District 6

Add to Policy 4.402:

PARENTAL NOTICE TO LIBRARY AND/OR TEACHER:

Parents and guardians may make a written request to their child's teacher and/or school librarian about any particular book title or subject matter they do not wish their child to read about in optional reading material.

Parents' written requests will be noted in PowerSchool or any other system or record that may alert the teacher or librarian before a child accesses any such optional reading material.

Schools shall publicize the availability of this notification system at registration or through other communications methods regularly used with parents and guardians.

Loretta Lowe – District 9

We have left decisions about school library materials to the “professionals” Those same professionals publicly state they want NO boundaries in place for what students can access - including age. They want “free and open access to information” - which would include providing adult material to elementary students. The Board must provide clear standards for healthy and safe material for students.

- 1. The librarian handbook is a liberal tool and needs revised .**
- 2.The reconsideration process is long and difficult and too much for parents to even consider . This needs revised unless the new policy eliminates the obscenity chances all together .**
- 3. Whoever places books inside schools should be documented so they can be held accountable if they place obscene material in the hands of children .**

I. PORNOGRAPHY FOR CHILDREN

Any depiction of a minor under 18 years of age engaging in sexually explicit conduct is illegal. <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography>

II. FEDERAL OBSCENITY LAW

<https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscenity>

Definition of obscenity: <https://www.justice.gov/criminal-ceos/obscenity>

- 1.
- 2.
3. Whether the average person, applying contemporary adult community
4. 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);
- 5.
- 6.

- 7.
8. Whether the average person, applying contemporary adult community
9. 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
10. sexual abuse); and
- 11.
- 12.
- 13.
14. Whether a reasonable person finds that the matter, taken as
15. a whole, lacks serious literary, artistic, political, or scientific value.
- 16.

The standard of what is harmful to minors may differ from the standard applied to adults. Harmful materials for minors include any communication consisting of nudity, sex or excretion that (i) appeals to the prurient interest of minors, (ii) is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors, (iii) and lacks serious literary, artistic, political, or scientific value for minors.

? What criteria are used to determine “literary value”? This says a “reasonable person” determines literary value, not specifically an educator or librarian.

★ “Literary Value” needs to be clarified for the purposes of 4.402 and 4.403.

★ Review for Obscenity should be part of the inventory process for existing collections as well as the selection process for new additions.

★ The Librarian who selected the material should record his/her name in the system when adding it to the collection. If the librarian understands there may be concerns about the selection, he/she has the opportunity to write an explanation for why the text was chosen.

III. 4.402 SELECTION OF INSTRUCTIONAL MATERIALS

4.402 - Lines 26-29 - States “particular attention will be paid to addressing the suitability of instructional materials that include content which might be considered sensitive”...

★ This says “particular attention will be paid to the suitability of sensitive content”, but it doesn’t say it WON’T be presented to students. Need to clarify boundaries and criteria for selection. (for example, no images of sex acts)

? Is anyone other than the librarian involved in approving the material? Who verifies policy has been followed? A layer of accountability needs to be added.

★ Library and supplemental materials must follow the same 4.402 standards as “instructional materials”

IV. 4.403 REQUEST FOR RECONSIDERATION PROCESS

The ALA created the 4.403 Request for Reconsideration process It was put in place to favor the material and oppose “censorship” (standards). Hamilton County uses the exact forms found

on the ALA website.

<https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/informalcomplaints>

<https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/controversial>

Selecting Materials on Controversial Topics in School Libraries

The majority of users served in school libraries are minors, and American society is often very protective of its youth. These two facts create challenges for school librarians selecting materials on a range of perspectives on topics which may be considered controversial by some in the school community. Hot button topics that may be deemed controversial and offensive to some range from LGBTQ-themed resources to politics, race relations, and sexually explicit language. Court decisions including *Tinker v. Des Moines Independent Community School District* (1969) Board of Education, *Island Trees Union Free School District v. Pico* (1982) established that minors do have First Amendment rights in schools including the right to receive information. **Ethically, school librarians find guidance for selecting resources which may be considered controversial in the American Library Association's Library Bill of Rights, the American Library Association's Code of Ethics, and the Freedom to Read Statement. Therefore, school librarians are ethically responsible to provide access to resources with varying perspectives for students' curricular and personal information needs.**

★ Board needs to develop criteria by which the 4.403 requests will be measured. ie Without speed limits, we wouldn't know whether/not someone was speeding. We need clear criteria.

★ 4.403 Item 3 needs to be removed.

V. HAMILTON COUNTY SCHOOL LIBRARIAN HANDBOOK

Page 17 - HCS School Libraries are guided by the principles set forth in the Library Bill of Rights and its interpretative statements, including "Access to Resources and Services in the School Library Program" and The Students' Right to Read statement of the National Council of Teachers of

English. <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessresources>

★ The Hamilton County School Librarian Handbook indicates they are committed to the American Library Association values. Due to the stated position to provide ALL material to ALL students, the district must clarify District Policy for age appropriateness of material provided to students.

? This doesn't reference any safety/content standards related to obscenity. Based on this, elementary children can be presented with R rated materials. What prevents that?

Librarian Handbook says -

7. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information. ? Does this also mean information about what materials minors check out or view at the library can/will be kept confidential from parents?

3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

? How do they define "censorship"? They seem to view ANY standards/guidelines as censorship.

The link in the handbook document doesn't work. Here is the current

link: <https://standards.aasl.org/wp-content/uploads/2017/11/AASL-Standards-Framework-for-Learners-pamphlet.pdf>

Nancy Patty – District 1

>> Starting with line 25 in policy 4.402– The Director of Schools will
>> establish an administrative procedure for review and selection of material subject to this policy. Particular attention will be paid to addressing the suitability of instructional material that include content which might be considered sensitive by parents or students (for example, materials that contain, coarse language, graphic violence, explicit sexual content, illegal use of drugs or alcohol, obscene materials). All reading material first must be evaluated by how well it aligns with the Student Code of Conduct. If it fully aligns, there isn't a need for further review. However, if it does not align with the student Code of Conduct, the material must go through additional review to ensure it is in compliance under the Federal Law governing obscene materials and must determine whether said material is suitable for and consistent with the educational mission of the school. The Director of Schools will also establish a procedure for the reconsideration of approved material as may be requested by parents or staff members. Titles and descriptions of all reading material must be made available online for parents and public for review. The current HCS Librarian Handbook shall be reviewed to make sure it aligns with policy 4.402 once it has been revised. External documents or recommendations from outside the Hamilton County Board of Education will not supersede or replace policy 4.402.

>> Completely eliminate line 10- through 15 on page 2 of policy 4.402.

James McKissic – District 5

It seems to me that the HCS policies, as they relate to books and instructional materials, are working as they are, because they allow any family to express that they don't want their child to read or have access to a particular book(s), and then be provided with alternative reading materials that still connect to instructional standards. I think there is an opportunity to educate more parents about the policies, maybe at registration or even during literacy nights, open houses, etc. So my first recommendation is "no changes."

If changes must be made to the policy, I recommend the three level policy currently in use by the Flagler School District:

The policy gives parents three options:

-

-
- Level 1: Full access to materials in school libraries. Parents
 - will still have to give permission for books labeled as “adult content” for high schoolers and books labeled "young adult" for elementary students.
-
-
-
- Level 2: Families will be able to submit up to five books they don't want their student to read.
-
-
-
- Level 3: The most restrictive access, parents will be able to
 - choose which books their child can check out through an online portal.
-

I want to thank you all for the opportunity to serve on this committee and wish everyone the best.

Wayne McBrayer – District 9

First, I would like to say it was an honor to serve on this committee. My eyes have really been opened over the last few months and I have enjoyed working with the committee and I hope that I have represented the District well.

After much review and discussion amongst citizens in the District, I have listed my recommendations below.

- Review for obscenity should be part of the inventory process for existing collections, as well as the selection process for new additions. Any books that are obscene should have a rating system and a safeguard process installed that ensures these books don't get into the hands underage / not age-appropriate children.
- The Librarian / Media Specialist should consult with the Principal on all books that are deemed obscene. He/She should also record his/her name in the system for books that are installed with obscene content. This will provide a level of accountability and understanding of the subjectivity discretion.
- A list of newly installed books should be published for parental review. Either publish list quarterly, or twice per school year.
- All library and supplemental reading should follow the 4.402 standard. No exemption for optional reading.

- Any individual, or group installing books, or donating to a classroom should go through Librarian / Media Specialist for approval and accountability.
- Any policy created by the board should have clear communication / definition on obscenity.
- We have left decisions about school library to the "professionals". Those same professionals publicly state they want NO boundaries in place for what students can access - including age. They want "free and open access to information" - which would include providing adult material to inappropriate age groups. The Board should provide clear standards for healthy and safe material for students.

Again, I would like to thank the Board and the community for allowing me to serve on this committee.

Angela Favaloro – District 5

1. ONLY amend 4.403 Line 37 to add: The Director of schools shall maintain that all schools add this policy and the criteria for selection in all student handbooks in the district.

2. Amend Policy 4.402.

Add to line 32: All students will be offered a Tiered Choice Reading Plan at the orientation or enrollment and the Director of schools shall implement notification and procedure for amendments throughout the year.

Tiered Choice Reading Plan:

Tier 1: Open Book - No restrictions on any reading materials.

Tier 2: Focused Access- Up to 5 titles restricted

Tier 3: Permission Based Choice Reading: Upon Checkout Staff provides permission slip and 48 hour hold on material for permission. Released if not returned.

Director of Schools will add relevant notification and tracking in Powerschool, Book Systems, & Sora.

AND

Amend 4.403 Line 37 to add: The Director of schools shall maintain that all schools add this policy and the criteria for selection in all student handbooks in the district.

Pam Skipper – District 3

My statement regarding the outcome of this book issue is:

- 1) I see that there are inconsistent rules in the HCDE policies. One is "an LEA or public school must not allow obscene materials or materials harmful to minors, as defined in statute 39-17-901, to be available to students in the school libraries controlled by the LEA or public school". But yet, this material is in our schools.
- 2) Also, in HCDE policy 4.402 states that Teachers, school administrators, etc will select "appropriate high-quality instructional materials". Not only is the material selected are NOT appropriate but do not serve as any type of educational value.
- 3) Policy 4.402 has not correctly interpreted lines number 26 to 29, stating that content may be "considered sensitive by parents or students which contain coarse language, graphic violence, explicit sexual content, illegal use of drugs or alcohol". Obviously this has not been done or we would not be in this particular committee.
- 4) Parents were not informed that these types of disturbing books were located in each school in he county, as per policy 4.402.
- 5) As I understand that the Principal does not screen these vile books as policy 1.806 states. This is found in line number 4. "The Principal shall screen all materials prior to distribution to ensure their appropriateness. The Principal may prohibit materials that: are obscene, lewd or sexually explicit."
- 6) So if a student can not use foul language in school, then why is it permissible to let them read, view obscene pictures or diagrams??
- 7) Why were the parents not allowed to send photocopies of things that were discovered in books in the school libraries that were vile, but it is OK for the schools to let students of all ages to view them in APPROVED books for "pleasure " reading or "required" reading??

I DO NOT agree with this vile books in a PUBLIC school system. All types of students from a variety of backgrounds can come into contact with them, but yet the Mother's for Social Justice believe that it appropriate for All students to read. My final comment is if those parents want to let their kids read this trash, then do it at home. Home can and should provide a "teachable" safe and secure place to discuss those books.

Taylor Hartgrove – District 8

Serving my community in this capacity has been eye opening to say the very least. I am glad to have been chosen to attend these library review meetings, and see first-hand what it is we are facing in our schools with regards to the provided reading materials. With that said, I do believe there are issues to be addressed. Upon first glance, I believed the policy to be sufficient, and well stated as to what content should and should not be allowed. I believe the questionable content that we have discussed in our meetings is abhorrent and should not have been placed in any public school library which begs the question, "where is the oversight, the accountability, for the librarians that ultimately have the

responsibility of placing said material?". I am most disturbed by the gross explicit sexual content that is included in some of these titles, and the use of course language and nasueam in others.

I am a follower of Jesus Christ, and as such, I hold to a biblical worldview, filtering all things through that lense. There is significant judgment for those who intentionally lead children astray, for those who seek to poison the mind of a child. I can not take part in allowing children's minds to be warped by such literature. I read to my three sons every day, for a minimum of 2 hours each day, not including the independent reading they do on their own. That is to say, we love to read, it is an incredibly important part of our lives. Numerous studies have shown how vital reading is for children, as it lends to a vivid imagination, creativity, problem solving, critical thinking, and to their overall success in every other realm of their education. Storytelling is incredibly powerful, and common sense would tell us that not only is it important for children to be reading, but what they are reading is equally so.

Therefore, I do feel policy 4.402 should have some elaborated verbiage. I have put my suggested amendments to the policy in italicized, bold, underlined font.

Policy 4.402 Page 1 beginning at line 28

(28)parents or students (for example, materials that contain coarse language, graphic violence: **including, but not limited to, any text that condones violence against men, women, and children**, explicit sexual conduct **which is obscene in nature, and** illegal use of drugs **and/or** alcohol.).

(It should be noted that "obscene" is defined by the American Heritage Dictionary as offensive to accepted standards of decency. Of or relating to materials that can be criminalized because their depiction of nudity, sex, or excretion is patently offensive and without artistic or scientific value.)

Policy 4.402 Page 2 beginning at line 9

(9) Library Collection and Optional Materials

Parental disclosure and prior notice does not include books located in the school library or classroom that are intended to provide *optional* reading material **that is age and grade appropriate for each student's reading level.** These books will **be monitored yearly by a committee set forth by each school's principal to ensure their appropriateness and adherence to school board policies;** however, there may be sensitive content contained in these books that was not previously reviewed by school personnel. Parents should alert the administration about the sensitive content that is found in these optional materials **at which point the administration will discern if the material is in agreement with the school board policies set forth. If the parent wishes to appeal the decision of their administration they will then undertake the reconsideration process as outlined in Policy 4.403.**

I appreciate the opportunity to share in this community wide effort to safeguard children against harmful literature in their schools.

Lyn Hunter – District 6

Adding to line 6 of page 1 of policy 4.402, after the sentence ending with "web resources," the following clarification from policy 4.403:

"It is therefore the policy of the Board to require instructional materials selected for and used in the schools to be in accord with the following:

- 1.
- 2.
3. Instructional materials shall be chosen for values of interest and enlightenment of all students
4. in the community. Instructional materials shall not be excluded because of the race, nationality, political or religious views of the writer or of its style and language.
- 5.
- 6.
- 7.
8. Every effort will be made to provide materials that present many points of view concerning the
9. problems and issues of our times--international, national, and local. Instructional materials of sound factual authority shall not be proscribed or removed from library shelves or classrooms because of partisan or doctrinal approval/disapproval.
- 10.
- 11.
- 12.
13. Censorship of instructional materials will be discouraged in order to maintain the school's responsibility
14. to provide information and enlightenment."
- 15.

Adding to line 10 of page 1 of policy 4.402, after the sentence ending with "and administrators," the following clarification from policy 4.403:

"In accordance with number three above, the Board has adopted the following policy when dealing with complaints about or censorship of instructional materials:

- 1.
- 2.
3. That the final decision concerning controversial instructional materials shall rest with the Board
4. after careful examination and discussion of the instructional materials with school faculties or anyone else the Board wishes to involve;
- 5.
- 6.
- 7.
8. That no parent, group of parents, or non-school group has the right to determine the instructional
9. materials for students other than their own children;
- 10.
- 11.
- 12.

13. The Board does, however, recognize the right of an individual parent to request that his child
14. not have to use a given instructional material without being penalized academically, provided a written request is made to the Principal;
- 15.
- 16.
- 17.
18. Any parent or other citizen who wishes to request review or reconsideration of the use of any
19. instructional material in the school must make such a request in writing through the Principal of the school where the material is used.”
- 20.

Adding to line 15 on page 1 of policy 4.402 the following:

“Parents will receive information about how to opt-out of any required materials through PowerSchool, and how to opt-out of Library Collection and Optional Materials in each school’s student handbook.”

**This solution will require the creation of an opt-out form, similar to the one used for masks during the pandemic, that can be completed on PowerSchool and communicated to the Principal, teachers, and librarian at the student’s school. PowerSchool and Aatrium can be connected in such a way that the parents will only have to complete one form to inform both systems.

Adding to line 31 of page 1 of policy 4.402, after the sentence ending with “or Principal,” the following clarification:

“Failure to follow the reconsideration procedure detailed in policy 4.403, will render the complaint null and void.”

Additional policy and procedure recommendations:

- -
 - Streamlining and simplifying the “Request for Reconsideration of Instructional Materials” form
 - to make it easier and simpler to complete and submit, including creating a completely digital version of it that can be submitted digitally as well;
 -
 -
 -
 - Requiring the complainant to have read the entirety of the work about which they are submitting
 - the complaint
-

Rebecca Day – District 1

Following please find my suggestions on changes that should be applied to policy 4.402 and 4.403. I have attached two red-lined copies of the current policy which include my suggested changes. Additionally, at the end of this email I have included a link to case law, which specifies that the well-being of children is within the state's power to regulate and most importantly, parental rights are PRIMARY.

4.402

As the current board policy is written, it has *obviously* been violated by school staff. The materials that are in the schools violate the criteria listed in the the following two paragraphs because the materials in the schools do contain *language, graphic violence, explicit sexual content, illegal use of drugs and alcohol* and there are numerous testimonies from parents stating they did not know these books were in the schools until their child brought them home which means the schools have not been *openly disclosing* this information to parents *in advance*.

The Director of Schools, or a designee, will establish an administrative procedure for review and selection of materials subject to this policy. Particular attention will be paid to addressing the suitability of instructional materials that include content which might be considered sensitive by parents or students (for example, materials that contain coarse language, graphic violence, explicit sexual content, illegal use of drugs or alcohol). The Director of Schools, or a designee, will also establish a procedure for the reconsideration of approved materials as may be requested by parents or staff members.

All resources used during a course of study or in conjunction with school-wide activities will be openly disclosed to parents/guardians and other stakeholders sufficiently in advance of their use with students for parents to request an alternate assignment should they have a concern about the selected materials. (See note below regarding parental disclosure for Library Collection and Optional Materials.) Alternate assignments will receive the same level of instructional and assessment rigor as the primary assignment.

Given the past and present violations of the existing policy by HCDE staff and their current unwillingness to support board policy, I would suggest that the board include some sort of "penalty" for violating the amended policy such as "any violation of this policy, by any employee of HCDE, will result in disciplinary action, up to and including termination." Any other employer would terminate you on the spot for violating a policy that is this important.

4.403

Because the American Library Association expressly encourages librarians to **fight against** the school system, the community and parents who try to "censor", the Library Bill of Rights should not be referenced in the policy. Mention of the Library Bill of Rights should be removed from **4.403A**. The board has authority to regulate the school system, they do not need to fall back on a **non-profit organization** to dictate policy in Hamilton County TN public schools. The ALA uses up to 25% of their funds for lobbying. Is the Hamilton County School Board willing to stand behind and support the ALA in all of their lobbying efforts? If not, you should immediately remove their name from all Hamilton County documents. The librarian handbook will also need a thorough review and rewriting as most of its content is directly from the ALA. More information on the ALA; did you know they have less than 50K members and their membership numbers have steadily decreased over the past several years? I wonder why? Why are we allowing a non profit organization to hold sway over 46K public school children and 366K residents of Hamilton County?

Fiscal Year ALA membership

2021 - # of members - 49727

2020 - # of members - 54169

2019 - # of members - 56049

2018 - # of members - 57866

NOTE: Had policy **4.403 C3** been followed by HCDE staff, Moms for Social Justice would have never been allowed to install these horrendous books into classrooms. I would be interested to see what other organizations (ARTSBUILD etc...) have been allowed to install materials that violate the existing policy.

4.403 D4 has not been followed. The representative that was present at that last committee meeting said that Principals have not been escalating complaints to the Director of Schools or their designee. The Principals and teachers appear to have been keeping the complaints at the school level. This is yet another example of why you should include some sort of penalty for violation of this policy. Why aren't parental rights being respected in this matter?

Thank you for allowing me the opportunity to serve on this committee. I look forward to the March 2022 board meeting where you will discuss the committee's findings.

My best,

Rebecca Day

D1

1335 Aslinger Road

Sale Creek TN 37373

[Sam GINSBERG, Appellant, v. STATE OF NEW YORK. | Supreme Court | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

The well-being of its children is of course a subject within the State's constitutional power to regulate, and, in our view, two interests justify the limitations in § 484—h upon the availability of sex material to minors under 17, at least if it was rational for the legislature to find that the minors' exposure to such material might be harmful. First of all, constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society. 'It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.' *Prince v. Commonwealth of Massachusetts*, supra, at 166, 64 S.Ct., at 442. The legislature could properly conclude that parents and others, teachers for example, who have this primary responsibility for children's well-being are entitled to the support of laws

designed to aid discharge of that responsibility. Indeed, subsection 1(f)(ii) of § 484—h expressly recognizes the parental role in assessing sex-related material harmful to minors according 'to prevailing standards in the adult community as a whole with respect to what is suitable material for minors.' Moreover, the prohibition against sales to minors does not bar parents who so desire from purchasing the magazines for their children.[2](#)

Paula Wilson – District 4

I feel the current policy has been followed as it is written. Legal documents must not contain conflicting statements as these policies do. The word “must” is a standard legal term instead of shall or will.

My advice to the board is to wait to see what the state mandates before a lot of hard work must be reworked and hard feelings become intractable.

Additionally, I recommend that we do not say things that attack the cultures and beliefs of others.

Rhonda Thurman

Policy 4.402-recommendations in **bold**

-Line 25 on page 1

The Director of Schools, or designee, will establish an administrative procedure for review and selection of materials subject to this policy. Particular attention will be paid to addressing the suitability of instructional materials that include content which might be considered sensitive by parents or students (for example, materials that contain coarse **or obscene** language, graphic violence, explicit sexual content, illegal use of drugs or alcohol)...

"Particular attention will be paid to addressing the suitability" ... This sentence is said to be the one that allows for obscene books to be in schools. It was repeatedly said in the Book Review Committee meeting, the policy says, "particular attention will be paid" and the policy does not state what should be done other than pay "particular attention". This needs to be enhanced or librarians and administrators need to be told to stop circumventing the spirit of the policy.

-Line 10 page 2

This entire paragraph needs to be deleted. It contradicts itself. On one hand, the policy says, "These books will be continually monitored and then it states, "...there may be sensitive content contained in these books that was not previously reviewed by school personnel." How can books be "continually monitored" and then "not previously reviewed"?

-Add this paragraph

Schools are prohibited from adding any books or other reading materials to libraries or other

collections without first vetting the suitability of any such materials for the school's students under the terms of this policy and Policy 4.403

-Add an age range on books listed on the schools' websites

Nicole Galetta – District 3

After the sentence on line 14, I'd like to add that "Your child's librarian can add a note to your child's account if there are certain books you do not want checked out by your child. Please alert the librarian in writing with this request."

Kelsie Anderson – District 9

I think the policy should stay as-is and therefore have no policy updates to make.

Attachments: David Kelman – District 7; Rebecca Day -District 1; Meg Day – District 2; Kathy Lennon – District 2

Proposed policy amendments for Board Policy 4.402:

#1 - ENSURING DOCUMENTATION OF PROCESS

At lines 25-26 of Page 1

Immediately following the sentence

“The Director of Schools, or a designee, will establish an administrative procedure for review and selection of materials subject to this policy.”

ADD

“For materials thus selected, this procedure will include creation and preservation of explicit documentation of the execution of the procedure. The documentation will be designed to aid continual monitoring and any future reconsideration. At a minimum, the documentation will include the particular criteria specifically used for supporting the selection and certify the licensed professionals involved.”

#2 - PROVIDING FOR SEQUESTRATION OF MATERIAL LACKING DOCUMENTATION OF SELECTION, IF LIKELY HARMFUL

At lines 13-14 of Page 2

Immediately following the sentence

“Parents should alert the administration about any sensitive content that is found in these optional materials.”

ADD

“Upon notification, **if the material is lacking documentation of the original selection process**, a prompt determination shall be made, by a triumvirate of a school administrator, an ELA chair, and a librarian or teacher, as to whether the material may be harmful to minors and shall be sequestered during the reconsideration process. The Director of Schools, or a designee, will establish the specifics, in accordance with state law, of the manner and prompt timing by which the triumvirate will make this determination.”

#3 - INCORPORATION OF POLICY OVER ALL MATERIALS

I endorse the following language proposed by Mrs. Thurman:

ADD

“Schools are prohibited from adding any books or other reading materials to libraries or other collections without first vetting the suitability of any such materials for the school's students under the terms of this policy and Policy No. 4.403.”

COMMENTARY

In general, none of my suggestions should be interpreted to express lack of trust in our licensed educators and their professionalism. Educators know how important documentation and policies are to our professional responsibilities.

#1 – Currently too little permanent evidence exists that material selection is conforming to 4.402. This addition should (at least for future selections) provide concrete assurance, building trust in the process. Just as important, this addition should provide our material selectors with assurance that they can demonstrate they have performed their professional duties. Finally, I am cautiously optimistic that the presence of documentation will reduce the professional burden created by the existing requirements of continual monitoring and handling requests for reconsideration.

Although this addition is silent on documenting specifically the evaluation of age-appropriateness, I encourage administration to record this information in some manner during the documentation process.

Addressing concerns of cost & burden of documentation, I believe multiple implementation options exist, using existing HCDE assets, which each would create little or no additional financial burden (I will not step on IT's shoes regarding details but would be happy to talk to them at any time). Creation of documentation by the material selectors would impose almost no additional time beyond the work they are already performing

#2 – You may ask: why include this at all if we already have 4.403?

This addition is meant to address the existing trust gap between the hypothetically-correct process that selected our materials and the deficit of upfront evidence that the selection process was applied correctly and consistently. If *possibly* harmful material has been placed and never reviewed by a professional, *as now determined by professionals under a law-driven process*, this addition builds trust and confidence that the material will be identified and handled expeditiously while the lengthier process makes a thorough judgment.

Any materials known by a school to be controversial but considered by them to be valuable can avoid the additional burden of **#2** *if* school professionals retroactively generate documentation per **#1**, proving professional certification of conformance to 4.402.

#3 – I concur with **#3**, as without it or something similar, the rest of 4.402 retains the same problems of missing trust and verification. Without **#3**, 4.402 risks being undermined by inconsistent application. That inconsistency will in turn put our campus professionals at risk. Sooner or later the schools will have to clean up a problem not of their making. As a system, **#3** reduces the risk of unforeseeable problems stemming from inconsistent application of policy.

From: [Rebecca Howard](#)
To: [McClendon Tucker](#); [THURMAN RHONDA](#); [Ford Sherrie](#)
Cc: [Rebecca Howard](#)
Subject: Re: Special Committee on Reading Material
Date: Monday, February 28, 2022 5:37:56 PM
Attachments: [image.png](#)
[image.png](#)
[4.402 edited rday.docx](#)
[4.403 edited rday.docx](#)

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Good evening,

Following please find my suggestions on changes that should be applied to policy 4.402 and 4.403. I have attached two red-lined copies of the current policy which include my suggested changes. Additionally, at the end of this email I have included a link to case law, which specifies that the well-being of children is within the state's power to regulate and most importantly, parental rights are PRIMARY.

4.402

As the current board policy is written, it has *obviously* been violated by school staff. The materials that are in the schools violate the criteria listed in the the following two paragraphs because the materials in the schools do contain *language, graphic violence, explicit sexual content, illegal use of drugs and alcohol* and there are numerous testimonies from parents stating they did not know these books were in the schools until their child brought them home which means the schools have not been *openly disclosing* this information to parents *in advance*.

The Director of Schools, or a designee, will establish an administrative procedure for review and selection of materials subject to this policy. Particular attention will be paid to addressing the suitability of instructional materials that include content which might be considered sensitive by parents or students (for example, materials that contain coarse language, graphic violence, explicit sexual content, illegal use of drugs or alcohol). The Director of Schools, or a designee, will also establish a procedure for the reconsideration of approved materials as may be requested by parents or staff members.

All resources used during a course of study or in conjunction with school-wide activities will be openly disclosed to parents/guardians and other stakeholders sufficiently in advance of their use with students for parents to request an alternate assignment should they have a concern about the selected materials. (See note below regarding parental disclosure for Library Collection and Optional Materials.) Alternate assignments will receive the same level of instructional and assessment rigor as the primary assignment.

Given the past and present violations of the existing policy by HCDE staff and their current unwillingness to support board policy, I would suggest that the board include some sort of "penalty" for violating the amended policy such as "any violation of this policy, by any employee of HCDE, will result in disciplinary action, up to and including termination." Any other employer would terminate you on the spot for violating a policy that is this important.

4.403

Because the American Library Association expressly encourages librarians to **fight against** the school system, the community and parents who try to "censor", the Library Bill of Rights should not be referenced in the policy. Mention of the Library Bill of Rights should be

removed from **4.403A**. The board has authority to regulate the school system, they do not need to fall back on a **non-profit organization** to dictate policy in Hamilton County TN public schools. The ALA uses up to 25% of their funds for lobbying. Is the Hamilton County School Board willing to stand behind and support the ALA in all of their lobbying efforts? If not, you should immediately remove their name from all Hamilton County documents. The librarian handbook will also need a thorough review and rewriting as most of its content is directly from the ALA. More information on the ALA; did you know they have less than 50K members and their membership numbers have steadily decreased over the past several years? I wonder why? Why are we allowing a non profit organization to hold sway over 46K public school children and 366K residents of Hamilton County?

Fiscal Year ALA membership

2021 - # of members - 49727

2020 - # of members - 54169

2019 - # of members - 56049

2018 - # of members - 57866

NOTE: Had policy **4.403 C3** been followed by HCDE staff, Moms for Social Justice would have never been allowed to install these horrendous books into classrooms. I would be interested to see what other organizations (ARTSBUILD etc...) have been allowed to install materials that violate the existing policy.

4.403 D4 has not been followed. The representative that was present at that last committee meeting said that Principals have not been escalating complaints to the Director of Schools or their designee. The Principals and teachers appear to have been keeping the complaints at the school level. This is yet another example of why you should include some sort of penalty for violation of this policy. Why aren't parental rights being respected in this matter?

Thank you for allowing me the opportunity to serve on this committee. I look forward to the March 2022 board meeting where you will discuss the committee's findings.

My best,
Rebecca Day
D1
1335 Aslinger Road
Sale Creek TN 37373

[Sam GINSBERG, Appellant, v. STATE OF NEW YORK. | Supreme Court | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

The well-being of its children is of course a subject within the State's constitutional power to regulate, and, in our view, two interests justify the limitations in § 484—h upon the availability of sex material to minors under 17, at least if it was rational for the legislature to find that the minors' exposure to such material might be harmful. First of all, constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society. 'It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.' Prince v. Commonwealth of Massachusetts,

supra, at 166, 64 S.Ct., at 442. The legislature could properly conclude that parents and others, teachers for example, who have this primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility. Indeed, subsection 1(f)(ii) of § 484—h expressly recognizes the parental role in assessing sex-related material harmful to minors according 'to prevailing standards in the adult community as a whole with respect to what is suitable material for minors.' Moreover, the prohibition against sales to minors does not bar parents who so desire from purchasing the magazines for their children.⁷

On Thu, Feb 24, 2022 at 1:37 PM McClendon Tucker <mcclendon_tucker@hcde.org> wrote:
All,

I have received numerous emails over the past several days regarding the special committee that was tasked by the board to review policies, procedures, and standards regarding reading materials in Hamilton County Schools and compile a report with suggested changes for the Hamilton County Board of Education no later than the March 2022 board meeting.

The review committee will meet on March 8th to finalize their conversation to bring one comprehensive report regarding the above-mentioned scope. I hope that meeting will have a fruitful and meaningful conversation and not fall into the divisiveness that I am seeing in emails against our fellow community members. I do want to remind this committee that the point of this committee is not to ban or burn books it is to review policies, procedures, and standards regarding reading materials in Hamilton County Schools. Anything out of that scope is outside of the bounds set forth by the board regarding this committee. This committee has equal input from all 9 districts with each board member appointing 2 community members from each district to ensure a diverse selection across the county.

The committee report will be presented to the board on at the March School Board to be discussed before any action is taken. Depending on the action of the board the administration will act to implement any new policies, procedures or standards that may be voted into place by the board of education.

Thank you,
Tucker McClendon
Hamilton County Board Chairman

Tucker McClendon
School Board Member - District 8

Hamilton County Department of Education
Cell- 423-305-5267

Issue: Library Books and Optional Reading Material

Recommendation: The school board disregard and reject all recommendations from the Library Review Committee.

Rationale: First, several Board Policies related to the task at hand have been repeatedly disregarded in the process.

Second, multiple elements of this Special Committee that have been organized and enacted have gone against Board Policies, which I will further detail below.

The Special Committee has been charged with three different issues. The Committee Chair and the Chairman of the Board have given the committee conflicting charges, and that is a violation of Board Policy 1.300, lines 30 and 31.

The Committee Chair has threatened public rage and the demise of the public schools if “we did not fix the policy,” which violates Policy 1.202, lines 17 and 18. Without the Committee Chair providing any data or specifics on how the policy is broken, Committee Members have been unclear as to what exactly the problem is. Instead, HCDE employees have made presentations to the Committee outlining three issues that were received through the proper channels of Board Policy 4.403 and have been properly resolved. The Committee Chair has repeatedly stated that Policy 4.402 needs to be fixed but has failed to outline how Policies are broken.

Committee Members have asked for the School Attorney to be present as there have been conflicting understandings of Board Policy. Instead, Committee Chair has worked with outside counsel and the information has been relayed unofficially without a full expression of the meeting. This violates Board Policy 1.302, lines 5, 6, and 7.

The Committee Chair has recruited the help, published materials, and pushed the agenda of an anti-public school group instead of following the channel of school information laid out in Board Policy 1.205, lines 11 through 25. This again violates Board Policy 1.202, lines 17 and 18.

The tone of the Committee Chair towards HCDE Librarians violates Board Policy 1.202, 1.205, and 5.500.

Third, in the midst of a pursuit of District Equity, the School Board failed to collect a Special Committee that represented the district population in race and gender. When this concern was brought forth, the Committee Chair was quick to dismiss it and failed to offer any resolution.

Author: Meg Day, District 2

BOOK REVIEW COMMITTEE RECOMMENDATION KATHY LENNON

My recommendation for the Book Review Committee is there should be no recommendations from this committee based on the following:

The Book Review Committee should not have been formed as it goes against Policy 1.106, lines 20-21 (attached). This committee clearly represents special interest groups. Ms. Thurman stated in an email the following, "I simply copied them from the ones given to me after I requested them from Moms for Liberty. The only difference in the book reviews given to the school board and ones given to the committee, was the cover sheet was left off the ones I gave the committee. I never said I compiled these documents. Why would I do the work of reviewing these books when it had already been done? As a matter of fact, I have thanked Moms for Liberty in public (I may have even acknowledged it at the committee meeting) for doing the yeoman's work of reviewing books."

The Book Review Committee was tasked with making additions to Policy 4.402. This goes against Board Policy 1.600, lines 1-9 (attached). This policy states clearly that the Administration or a Board member may propose an amendment to or the adoption of Board policy. This is the work of the Administration and the Board. Not the work of a Special Committee.

Policy 4.402, lines 25-31 clearly states that The Director of Schools, or a designee will establish an administrative procedure for review and selection of materials subject to this policy. On page 2 of Policy 4.402, line 9 (attached) it is stated that Administration will then undertake the reconsideration process as outlined in Policy 4.403 (attached).

Policy 4.403, lines 25-26 (attached) clearly states there is a policy when dealing with complaints. There is the Citizen's Request for Reconsideration of Instructional Materials Form (attached). It was presented at our last committee meeting that this form had been filled out by 3 people for the 2021/22 school year. The issues were resolved. In lines 31-38 (attached) it states that no parent, group of parents, or non-school group has the right to determine the instructional materials for students other than their own children. It also states that any parent or other citizen who wishes to request review or reconsideration of the use of any instructional material in the school must make such a request in writing through the principal of the school where the material is used.

I have also attached the HCS Librarian Handbook for 2021-2022. It is an excellent resource and I applaud all our HCS Librarians on doing an outstanding job in providing books for all our children to enjoy. HCS has the most competent Librarians I know. They provide a safe learning environment for all students.

I would like to end with Policy 4.201, lines 5-10 (attached). As our district continually seeks ways to address the inequities that exist in our schools this policy addresses that curriculum material utilized shall reflect the cultural and ethnic diversity present in the United States and the variety of careers, roles, and life-styles open to women as well as men in our society. One of the objectives of the total curriculum and teaching strategies is to reduce stereotyping and to eliminate bias on the basis of sexual orientation/gender identity, ethnicity, religion, and disability. The curriculum shall foster respect of and appreciation for cultural diversity found in our country and an awareness of the rights, duties, and responsibilities of each individual as a member of a pluralistic society.

Hamilton County Board of Education

Monitoring: Review: Annually	Descriptor Term: Duties of Individual Board Members	Descriptor Code: 1.106	Issued Date: 7/17/08
		Rescinds: 1.106	

The Board adopts this Code of Ethics as recommended by the Tennessee School Boards Association as a guide to its members as they provide educational leadership for the youth of our state. The Board further agrees that ethical issues regarding the Board or its members may be referred to the TSBA Ethics Advisory Council.

ARTICLE I. MY RELATIONS TO THE CHILDREN

Section 1. I will at all times think in terms of “children first,” always determining other important things according to how they affect education and training of children.

Section 2. I will seek to provide equal educational opportunities for all children regardless of ability, race, color, sex, creed or location of residence.

ARTICLE II. MY RELATIONS TO MY COMMUNITY

Section 1. I will endeavor to appraise fairly both the present and future educational needs of the community and to support improvements as finances permit.

Section 2. I will represent at all times the entire school community and refuse to represent special interests or partisan politics.

Section 3. I will endeavor to keep the community informed about the progress and needs of the schools.

ARTICLE III. MY RELATIONS TO TEACHERS AND PERSONNEL

Section 1. I will support the employment of those persons best qualified to serve as employees and insist on a regular and impartial evaluation of all staff.

Section 2. I will support and protect personnel in performance of their duties.

Section 3. I will not criticize employees publicly but will make such criticism to the director of schools for investigation and action if necessary.

Hamilton County Board of Education

Monitoring:

Descriptor Term:

Descriptor Code:

4.201

Issued Date:

12/16/04

**Review: Annually, in
November**

Basic Program

Rescinded:

Revised:

12/13/18

No otherwise qualified individual shall solely on the basis of his or her gender, ethnicity, national origin, creed, age, marital status or disability be denied participation in, be denied the benefits of, or subjected to discrimination under any program or activity sponsored by the Board.

Curriculum material utilized shall reflect the cultural and ethnic diversity present in the United States and the variety of careers, roles, and life-styles open to women as well as men in our society. One of the objectives of the total curriculum and teaching strategies is to reduce stereotyping and to eliminate bias on the basis of sexual orientation/gender identity, ethnicity, religion, and disability. The curriculum shall foster respect of and appreciation for cultural diversity found in our country and an awareness of the rights, duties, and responsibilities of each individual as a member of a pluralistic society. ¹

The courses of study in the schools shall include those subjects required by the Legislature and the Tennessee State Board of Education as follows: language arts, mathematics, science, social studies, health, physical education, wellness, fine arts, computer technology, career and technical education, foreign language, black history and culture, character education, American history and government, Tennessee history, federal and state constitutions, and the free enterprise system.

Specific topics required in the schools include: displaying of the American flag; history and usage of the pledge of allegiance to the flag of the United States of America; human reproduction, hygiene, health concerns and abstinence (in Sex Education courses, if offered); and defensive driving/highway safety (in driver education courses, if offered). ²

Legal References:

1. Public Law 101-336; 42 U.S.C. 12101
2. TCA 49-6-1001 through 49-6-1205

Cross References:

Student Goals and Objectives 6.100

Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Reconsideration of Instructional Materials and Textbooks	Descriptor Code: 4.403	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

- A. The Board supports principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States¹ and expressed in the *Library Bill of Rights* of the American Library Association.
- B. The Board, though it is ultimately responsible for all instructional material purchased, recognizes the student's right of free access to many different types of materials. The Board also recognizes the right of teachers and administrators to select instructional materials and to make those materials available in the schools. It is therefore the policy of the Board to require instructional materials selected for and used in the schools to be in accord with the following:
 1. Instructional materials shall be chosen for values of interest and enlightenment of all students in the community. Instructional materials shall not be excluded because of the race, nationality, political or religious views of the writer or of its style and language.
 2. Every effort will be made to provide materials that present many points of view concerning the problems and issues of our times--international, national, and local. Instructional materials of sound factual authority shall not be proscribed or removed from library shelves or classrooms because of partisan or doctrinal approval/disapproval.
 3. Censorship of instructional materials will be discouraged in order to maintain the school's responsibility to provide information and enlightenment.
 4. Such media (films, videos, electronic media, etc.) should be used only to supplement, not supplant, other instruction. There must be a stated instructional purpose related to approved curriculum objectives to support the use of any media and any media in excess of 10 minutes must be pre-approved by the Principal.
- C. In accordance with number three above, the Board has adopted the following policy when dealing with complaints about or censorship of instructional materials:
 1. That the final decision concerning controversial instructional materials shall rest with the Board after careful examination and discussion of the instructional materials with school faculties or anyone else the Board wishes to involve;
 2. That no parent, group of parents, or non-school group has the right to determine the instructional materials for students other than their own children;
 3. The Board does, however, recognize the right of an individual parent to request that his child not have to use a given instructional material without being penalized academically, provided a written request is made to the Principal;
 4. Any parent or other citizen who wishes to request review or reconsideration of the use of any instructional material in the school must make such a request in writing through the Principal of the school where the material is used.
- D. Complainants who bypass the review/reconsideration procedure and who initially seek action from the Board or Director of Schools shall be informed of the policy and instructed first to seek

solution to their problem with the involved teacher, librarian, or Principal. When a complaint is made, the following procedure is to be followed:

1. Provide the complainant with a copy of this policy and make no commitments.
2. Request the complainant to submit a "Request for Reconsideration of Instructional Materials" form.
3. When a complaint is filed, the Principal and teacher will review the validity of the complaint. The complaint will then be processed through the following steps to determine a final resolution.
4. Inform the Director of Schools or a designee.
5. Keep challenged materials available for use and review during the reconsideration process.
6. Upon receipt of the completed form, the Principal requests review of the challenged material within fifteen working days by an ad hoc materials review committee composed as follows:
 - a. Appropriate Executive Director and/or Director of Teaching and Learning (will serve as the chair of the committee);
 - b. President of the PTA/PTO or other parent organization of the school involved;
 - c. Principal of a county school serving the same grade levels as the school in which the complaint was made;
 - d. Board member (to be appointed by the Board Chair);
 - e. HCEA Representative from the school.
7. The review committee takes the following steps after receiving the challenged materials:
 - a. Reads, views, or listens to the material in its entirety.
 - b. Checks general acceptance of the material by reading recognized evaluative reviews.
 - c. Holds a hearing including complainant and any affected school employee.
 - d. Determines the extent to which the material supports the curriculum.
 - e. Judges the material for its strengths and values and/or objectionable content.
 - f. Presents decision in writing to Principal, to the complainant, to affected school employees, and to the Director of Schools (for information).
8. If the complainant or any affected school employee wishes further action after receiving the decision of the committee, an appeal may be made to the Board within fifteen (15) working days of the date of committee decision. This appeal should be made in writing to the Director of Schools who shall schedule the matter on the agenda of the next regular meeting of the Board. If no appeal is filed within the above deadline, the determination of the review committee shall be final.

The director of schools, or a designee, shall be responsible for the implementation of procedures concerning complaints regarding instructional materials and textbooks.

NOTE: This policy includes textbooks, library books, reference books, newspapers, magazines, films, audio or videotapes, live or recorded radio or television programs, computer programs, etc. All instructional materials and textbooks are covered within this policy.

Legal References:

1. Island Trees/Union Free School District v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)

- Contribution the materials makes to the breadth of representative viewpoints on controversial issues
- High degree of potential user appeal
- High artistic quality and/or literary style
- Quality and variety of format
- Value commensurate with cost and/or need
- Timeliness or permanence of the content

LIBRARY COLLECTION AND OPTIONAL MATERIALS

Parental disclosure and prior notice does not include books located in the school library or classroom that are intended to provide *optional* reading material on each students individual reading level. These books will continually be monitored; however, there may be sensitive content contained in these books that was not previously reviewed by school personnel. Parents should alert the administration about any sensitive content that is found in these optional materials. Administration will then undertake the reconsideration process as outlined in Policy 4.403.

Legal References and Cross References:

1. TRR/MS 0520-1-3-.07(3)
2. TCA 49-3-359
3. Board Policy 4.403 – Reconsideration of Instructional Material and Textbooks

Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Selection of Instructional Materials (Other than Textbooks)	Descriptor Code: 4.402	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

The Board will seek to provide a wide range of instructional materials¹ on varying levels of difficulty, with diversity of appeal, and the presentation of different points of view.

Teachers, school administrators, and instructional supervisors/specialists will work together to select appropriate high-quality instructional materials. Such materials could include (but are not limited to) books, magazines, newspapers, journals, and video, audio, digital, and web resources.

Selection of instructional materials will be based on the criteria listed below and should be continuously re-evaluated in relation to changing curriculum content, pedagogical research, and the needs of students, teachers, and administrators.

All resources used during a course of study or in conjunction with school-wide activities will be openly disclosed to parents/guardians and other stakeholders sufficiently in advance of their use with students for parents to request an alternate assignment should they have a concern about the selected materials. (See note below regarding parental disclosure for Library Collection and Optional Materials.)

Alternate assignments will receive the same level of instructional and assessment rigor as the primary assignment.

Instructional materials prescribed within the established curricula for Advanced Placement, dual enrollment, dual credit and International Baccalaureate Programme courses are on a post-secondary level and are considered appropriate for this level of academic endeavor. Enrollment in these courses constitutes acceptance of the instructional program. Alternate assignments will not generally be available for this level of coursework.

The Director of Schools, or a designee, will establish an administrative procedure for review and selection of materials subject to this policy. Particular attention will be paid to addressing the suitability of instructional materials that include content which might be considered sensitive by parents or students (for example, materials that contain coarse language, graphic violence, explicit sexual content, illegal use of drugs or alcohol). The Director of Schools, or a designee, will also establish a procedure for the reconsideration of approved materials as may be requested by parents or staff members.

CRITERIA FOR SELECTION

- Educational purpose (as defined by state standards)
- Contribution the subject matter makes to the curriculum and to the interests of the students
- Appropriateness to social, emotional, and intellectual level of intended audience
- Favorable reviews found in standard selection sources
- Favorable recommendations based on preview and examination of materials by professional personnel
- Reputation and significance of the author, producer, and publisher
- Validity, currency, and appropriateness of the material