

# **RMIS SCHOOL COUNCIL POLICY**

**District: Russell Independent Schools**

**School: Russell-McDowell Intermediate School**

**Council Policy Type: Function (School Operational Policies)**

**Policy Number: 13.091**

## **Challenged Materials Policy**

Occasional objections to a selection will be made by community members, parents, students or school staff, despite the care taken to select valuable materials for student and teacher use and the qualifications of persons who select the materials.

The principles of Intellectual Freedom, freedom to read, the First Amendment and of the professional responsibility of the staff must be defended, rather than the materials.

Criticism is not necessarily censorship. Any person or group has a right to discuss with the Media Specialist reason for purchasing or not purchasing media center materials. Only when someone or some group seeks to have materials banned, removed from the shelves or restricted in use, is that person assuming the role of a censor. Media Specialists can respect and work with any parent who cares enough to oversee their child's reading, but no parent has the right to withhold a book from other children. Censorship grows out of fear, and there is a tremendous amount to fear on the part of some parents as they relate to their children's schooling. A calm discussion with the individual will usually bely those fears.

### **Responding to Requests for Restriction or Removal**

Suggest the following to the person or persons who wish to have the materials restricted or removed from circulation:

- Don't condemn any book until it has been read in its entirety. Titles can be misleading. Also, the media specialist will need to know what part(s) of the book are objectionable.
- If a teacher is using a book to which a parent objects, do not register a formal complaint until the parent has been spoken to the teacher, and it has been determined exactly how the book is being used. Some controversial books can be effectively used in classroom instruction and discussions.
- If a parent opposes the ideas in a book that their child is reading or a teacher is using for instruction, suggest to the parent they take the opportunity to discuss with

their child their reasons they oppose the book. One object of education is to enable children to think for themselves concerning controversial materials and situations. What is needed is the skill to sift the wheat from the chaff in life. Dealing with controversial materials can help develop life long skills of discernment.

### **Recommended Procedures for Handling a Challenge**

- The complaint is first heard by the LMS. Be courteous, but make no commitments.
- If the matter is not resolved, the complainant will be given a "Request for Review of Media Center Materials" form to fill out.  
Explain that filling out the form is a necessary first step before the Advisory committee will review the materials. The completed form will be forwarded to the Principal, LMS supervisor, and the Superintendent of Schools.  
*This alone often separates those people who have never read the book but are simply passing on a complaint from those who are genuinely concerned and have read the materials.*
- The LMS should read the material, check any reviews, etc and make a professional report about the value of the material based on the selection/collection development policy.
- The LMS will present the report and the formal complaint to the Library Media Advisory Committee for review. The Advisory Committee will be composed of the LMS, 2 instructional certified personnel, and a school administrator.
- The LMAC will read and examine the materials; check general acceptance of the materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material.
- The decision of the LMAC will be forwarded to the complainant and the superintendent. This should include the signatures of all LMAC members.
- If the complainant is not satisfied by the decision of the reviewing committee and desires to carry the request further, the form may then be submitted to the Board of Education.
- No materials shall be removed from use until the committee has made a final decision.
- The American Library Association, NEA and KEA can be contacted for advice if necessary.
- The LMS will keep a file of all challenges and report them on the annual state report.

## The First Amendment (1791)

### Freedom of Religion, Speech, Press, Assembly, and Petition

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

*The following translation of the amendment is from America: Pathways to the Present, Teacher's edition, published by Prentice Hall 2002:*

The First Amendment protects five basic rights: Freedom of religion, the press, assembly, and petition. *Regarding censorship it says:* Congress may not **abridge**, or limit, the freedom to speak and write freely. The government may not censor, or review, books and newspapers before they are printed.

### Quotes about the First Amendment and Censorship

“Censorship reflects a society’s lack of confidence in itself. It is a hallmark of an authoritarian regime . . . .” — Supreme Court Justice Potter Stewart, dissenting *Ginzberg v. United States*, 383 U.S. 463 (1966)

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” — Supreme Court Justice Robert Jackson, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

“Almost all human beings have an infinite capacity for taking things for granted.” — Aldous Huxley, author of *Brave New World*

“Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears.” — U.S. Supreme Court Justice Louis D. Brandeis (1856–1941), *Whitney v. California*, 274 U. S. 357 (1927)

“Censorship is harmful because it results in the opposite of true education and learning. In the process of acquiring knowledge and searching for truth, students can learn to discriminate—to make decisions rationally and logically in light of the evidence. By suppressing all materials containing

ideas or themes with which they do not agree, censors produce a sterile conformity and a lack of intellectual and emotional growth in students.”—*Censorship in the Schools: What Is It? How Do You Cope?*

“Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.”—Supreme Court Justice William O. Douglas

“The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.” — Supreme Court Justice Robert Jackson, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

“It can hardly be argued that either students or teachers shed their constitutional rights of speech or expression at the schoolhouse gate....In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate.”—Supreme Court Justice Abe Fortas, in *Tinker v. Des Moines Community School District*

\*Adapted from South Heights Elementary Challenged Materials policy and the American Library Association book *Information Power*.