

June 24, 2025

Board of Education  
Redlands Unified School District  
25 W. Lugonia Ave  
Redlands, California 92374

*Sent via U.S. Mail and Electronic Mail (rusd\_board\_members@redlands.k12.ca.us)*

Dear Board Members:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech for all Americans, writes to express our opposition to the proposed revision to Redlands Unified School District Administrative Regulation 1312.2, which would likely lead to arbitrary removal of library materials and violate the First Amendment.<sup>1</sup>

AR 1312.2 outlines procedures for challenging school library materials. The proposed revision would require the principal to remove within three business days of a formal complaint any materials alleged to include “pornography, erotica, graphic descriptions or depictions of sexual acts, and/or sexual violence,” *before* evaluation of the complaint’s merit.<sup>2</sup> The revised policy also requires prompt notification of the superintendent and Board of Education and mandates that the Board hold a public hearing within 45 days to “determine if the book or material in question, is suitable for elementary, middle school, and/or high school students throughout the district.” Unlike challenges to materials on other grounds, this process neither requires a written report nor establishes any standards for the Board to use in evaluating a complaint.

The proposed policy raises serious constitutional and policy concerns.

In *Board of Education v. Pico*, a Supreme Court plurality held students’ rights are “directly and sharply implicated by the removal of books from the shelves of a school library,” because the First Amendment protects not only self-expression but the “right to receive information and ideas.”<sup>3</sup> The U.S. Court of Appeals for the Ninth Circuit—the decisions of which bind Redlands Unified School District—has recognized *Pico* establishes “students’ rights to receive a broad

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<sup>1</sup> Proposed revision to AR 1312.2 (Apr. 22, 2025) (enclosed).

<sup>2</sup> The proposed policy’s introductory language also specifies that this procedure applies to materials challenged for “inappropriate vulgarity or profanity, or other obscene material.” However, this language is struck from Section II, creating ambiguity about whether this procedure applies to such materials.

<sup>3</sup> 457 U.S. 853, 866–67 (1982) (plurality op.).

range of information so that they can freely form their own thoughts.”<sup>4</sup> To be sure, “local school boards have a substantial legitimate role to play in the determination of school library content,” but “that discretion may not be exercised in a narrowly partisan or political manner.”<sup>5</sup> In other words, “local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’”<sup>6</sup> To that end, the Supreme Court emphasized the importance of “established, regular, and facially unbiased procedures for the review of controversial materials.”<sup>7</sup>

Although the proposed policy establishes procedures for reviewing library book challenges, those procedures incentivize baseless challenges and fail to protect against removal of educationally suitable books for arbitrary or viewpoint-based reasons.

First, the policy would allow individuals to trigger the automatic removal of a library book merely by alleging the presence of certain content, before the District can evaluate the complaint’s merit. Consequently, books could disappear off shelves simply because a single community member “dislike[s] the ideas contained in those books” or seek to impose a “political orthodoxy,” even if everyone else in the community thinks the book belongs in the library.<sup>8</sup> The policy also does not prohibit repeat or serial challenges to the same material, each of which would trigger a new 45-day cycle of review during which the material is inaccessible. That creates a pathway for ideologically motivated suppression of books of literary, cultural, or historical significance through procedural gamesmanship.

Second, the proposed policy provides no substantive standards for reviewing challenged materials, granting unfettered discretion to decisionmakers and opening the door to unconstitutional viewpoint discrimination.<sup>9</sup> Without clear evaluative criteria, such decisions risk becoming arbitrary—or worse, driven by narrow partisan agendas. The policy should explicitly bar political and partisan viewpoint-based considerations, require decisionmakers to explain their rationale in writing, and make clear that materials should be evaluated as a whole and assessed for their overall educational or literary value.

To its credit, the policy appears to acknowledge age-appropriateness varies across developmental levels. This basic truth should inform every evaluation of challenged materials, ensuring that high school students are not denied access to books merely because those works may be deemed unsuitable for younger children.

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<sup>4</sup> *Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1027 (9th Cir. 1998); see also *Pratt v. Indep. Sch. Dist.*, 670 F.2d 771 (8th Cir. 1982) (public school must establish that a “substantial and reasonable governmental interest exists for interfering with the students’ right to receive information”).

<sup>5</sup> *Pico*, 457 U.S. at 869–70.

<sup>6</sup> *Id.* at 872 (citing *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)).

<sup>7</sup> *Id.* at 874.

<sup>8</sup> *Id.* at 872, 875.

<sup>9</sup> See *Pico*, 457 U.S. at 869–70; *Monteiro*, 158 F.3d at 1027.

Similar policies and laws in other states that lack these safeguards have resulted in prohibitions on large numbers of school library books—including classic works of literature that have long been taught in our nation’s classrooms—based not on sound educational principles but on ideological objections. Courts have not looked kindly on such overreach.<sup>10</sup>

The proposed revision to AR 1312.2 similarly risks excluding many books with literary or educational value and invites First Amendment lawsuits. For these reasons, and to ensure that Redlands Unified School District students receive the highest-quality education, FIRE urges you to reject the proposed revisions to AR 1312.2.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Terr', with a stylized, flowing script.

Aaron Terr  
Director of Public Advocacy

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<sup>10</sup> See, e.g., *Penguin Random House LLC v. Robbins*, No. 4:23-CV-00478, 2025 WL 1156545 (S.D. Iowa Mar. 25, 2025) (state law requiring removal from public school libraries of any materials that contain a “description” of a “sex act” was unconstitutionally overbroad and failed to satisfy a substantial and reasonable government interest, as it mandated removal of hundreds of books without consideration of their literary and educational value, including historical texts, award-winning contemporary novels, and classic works of fiction like *As I Lay Dying*, *Ulysses*, *Brave New World*, *1984*, *Native Son*, and *Slaughterhouse-Five*.)

- a. **Administrative Regulation: 1312.2 Complaints Concerning Instructional Materials**

**Redlands Unified School District**

**AR 1312.2: Complaints Concerning ~~Instructional~~ Library or Media Center Materials**  
(draft revised April 22, 2025)

~~Procedures for Handling Challenged or Questioned Material:~~

- ~~1. Complaints about books or other special materials may Page 1 of 5 be initiated by students, parents, community, or staff members and shall be submitted to the principal.~~
- ~~2. If the principal feels further action is necessary, he/she should contact the complainant and attempt to resolve the problem.~~
- ~~3. If the problem still is not resolved, the principal shall mail to the complainant a form (Exhibit 1312.2) to be filled in completely and returned to the school. When the form is returned, the principal shall notify the Educational Services Division, who in turn shall notify the Superintendent or designee and the Governing Board.~~
- ~~4. The principal shall appoint a school evaluation committee to review the complaint and make a recommendation to resolve the problem. This committee shall consist of at least four certificated staff members. The administrator should not remove questioned or challenged materials but should review them in the light of objections raised. Questioned materials should not be available for the student involved, pending final decision.~~
- ~~5. When a decision is reached at the school, a written report of this decision shall be sent Educational Services Division, principal, department chairperson, if applicable, librarian, and the person who originally challenged the material.~~
- ~~6. The complainant may appeal the decision by submitting the complaint in writing to a district reviewing committee. This district committee shall be appointed by the Superintendent or designee. The report of this review committee should be completed as quickly as possible.~~
- ~~7. The decision shall be sent in writing to the complainant. Copies of the decision shall be sent to administrators involved, librarians, concerned teachers, and Board members.~~
- ~~8. Within the statutory authority of the Board to make final decisions on all matters relating to the district, this decision by the reviewing committee should be considered final.~~

**Procedures for handling challenged or questioned materials:**

The Redlands Unified School District Board of Education supports the fundamental right of parents and guardians to direct the care and upbringing of their children, including the right to be informed about and involved in all aspects of their child's education. This includes the right to monitor and challenge non-curricular reading materials in the school library.

Complaints regarding the appropriateness of library or reading material shall be addressed using the following district procedure. However, if questionable content is being challenged due to pervasive pornography, erotica, graphic descriptions of sexual acts, sexual violence, inappropriate vulgarity or profanity, or other obscene material, skip to Section II in the process listed below.

**Section I. Complaints about library books may be initiated by students, parents, community, or staff members.**

1. Complaint shall be submitted in writing to the principal using form (Exhibit 1312.2), which can be obtained via email or in person from school or district office staff.
2. The principal shall contact the complainant within five business days and attempt to resolve the problem.



3. If the problem is not resolved, the principal shall email, mail or hand deliver the complainant's form to the Educational Services Assistant Superintendent or designee and the Board of Education.
4. The principal shall appoint a school evaluation committee to review the complaint and make a recommendation to resolve the problem. This committee shall consist of 7 members consisting of the principal, *one librarian from a different school site, one classroom teacher from the same grade level but from a different school site* and four non-employee community members, who will all read and review the book in question. Questioned material should not be available for the student involved pending final decision. A decision shall be reached within three months of the original complaint date.
5. When this decision is reached, the principal will provide the committee's written report of decision within three business days to the complainant, school site librarian, Assistant Superintendent of Educational Services, Superintendent, and Board of Education.
6. The complainant may appeal the decision by submitting a written request to the Superintendent. A district review committee shall be appointed by the Superintendent or designee. District reviewing committee shall include the Superintendent, the Assistant Superintendent of Educational Services, and the Director of Elementary or Secondary Education. The report of this review committee should be completed as quickly as possible, preferably within two months.
7. The decision shall be sent in writing to the complainant. Copies of the decision shall be sent to involved administrators, librarians, and all board members.
8. Should the complainant disagree with the district review committee's decision, this decision may be appealed in writing to the Board President and agendaized for a vote within two standard board meetings. Due to the statutory authority of the Board to make final decisions on all matters relating to the district, this district review committee's decision must be approved/denied by the Governing Board.

**Section II.** If complaint alleges that material includes *pervasive* pornography, erotica, graphic descriptions or depictions of sexual acts, *and/or* sexual violence, *inappropriate vulgarity or profanity, or other obscene material*, the following process shall be applied:

1. Parents/guardians/*family members*, students, *or* staff, *or district residents* may register a complaint to the school principal using the provided form (Exhibit 1312.2) to request removal of a specific item from a school library.
2. Once a formal complaint is received, the principal must remove the item from the school library and notify the Superintendent of the removal within three business days.
3. Once notified, the Superintendent shall notify the Board of Education within two business days.
4. The Board shall then hold a public hearing within forty-five calendar days to determine whether the material is appropriate for student use. The public hearing may be at a regularly scheduled board meeting or a special meeting. The Board shall vote to determine if the book or material in question, is suitable for elementary, middle school, and/or high school students throughout the district. If the board votes that the material is unsuitable at any or all educational levels, said material should be permanently removed from corresponding school sites and designated district facilities within five business days.

Regulation REDLANDS UNIFIED SCHOOL DISTRICT  
approved: February 14, 1995 Redlands, California

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COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS  
FORM/EXHIBIT 1312.2

CITIZEN'S REQUEST FOR REMOVAL RECONSIDERATION OF LIBRARY OR  
MEDIA CENTER MATERIALS INSTRUCTIONAL MATERIALS

DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

AUTHOR: \_\_\_\_\_

PUBLISHER: \_\_\_\_\_

DATE OF  
EDITION: \_\_\_\_\_

REQUEST  
RECEIVED BY: \_\_\_\_\_

Citizen's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Citizen Represents: \_\_\_\_\_ Self \_\_\_\_\_ Organization or Group

(Please attach additional pages)

1. To what do you object? (Please be specific: cite pages, tape sequence, video frame, and words). Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What do you feel would be the result of reading/viewing this material?

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3. For what age group would you recommend this material? \_\_\_\_\_

4. Did you read/view the entire selection?

5. If not, what percentage did you read/view, or what parts?

6. Is there anything good about this material?

4. What would you like the school to do about this material?

- ☐ Do not assign it to my child.  
☐ Withdraw it from all students.  
☐ Withdraw it from specific age groups.  
☐ Re-evaluate it.

7. Are you aware of how this work has been assessed by literary critics?

8. What do you believe is the thesis of this work?

5. Do you have any recommendations for a replacement of this material?

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Signature of Citizen: \_\_\_\_\_



FOR OFFICE USE ONLY

Date complaint received: \_\_\_\_\_  
Complaint received by: \_\_\_\_\_  
Date/Action Taken: \_\_\_\_\_  
Date/Action Taken: \_\_\_\_\_  
Date/Action Taken: \_\_\_\_\_  
Date/Action Taken: \_\_\_\_\_  
Date/Action Taken: \_\_\_\_\_  
Date/Action Taken: \_\_\_\_\_

Exhibit REDLANDS UNIFIED SCHOOL DISTRICT  
version: February 14, 1995 April 22, 2025 Redlands, California