

Somerset Education Association  
140 Main Street  
Annapolis, MD 21401

Maryland Association of School Librarians  
111 Tail of the Fox Dr.  
Ocean Pines, MD 21811J

Joseph Hylton  
28526 Fairmount Road  
Westover, MD 21871

Appellants;

v.

Board of Education of  
Somerset County  
7982A Tawes Campus Drive  
Westover, MD 21871

Appellee

BEFORE THE  
  
MARYLAND STATE  
  
BOARD OF  
  
EDUCATION

### NOTICE OF APPEAL

Now comes the Somerset Education Association (SEA), the Maryland Association of School Librarians (MASL), and parent Joseph Hylton, hereinafter “Appellants,” by their attorneys signed below, and, pursuant to Sections 2-205(e) and 4-205(c) of the Education Article of the Annotated Code of Maryland and Section 10-304 of the State Government Article of the Annotated Code of Maryland, hereby appeal to the Maryland State Board of Education from the decision rendered by the Board of Education of Somerset County, hereinafter “Appellee,” in the matter detailed below:

1. That on August 18, 2026, Appellee adopted Policy 500-19, entitled “Selection of Textbook and Media Center Materials,” governing the availability and removal of materials in Somerset County Public Schools (SCPS) school libraries. (Exhibit 1).

2. That Appellant SEA is the exclusive bargaining representative for educators employed by SCPS, including library media specialists responsible for the SCPS library media collection.

3. That Appellant MASL is a professional organization representing over 600 school library professionals across Maryland.

4. That SEA and MASL represent school library media specialists in SCPS charged with evaluating, selecting, and requisitioning new media center materials, arranging book-related displays, and analyzing library collections to determine needs. (Exhibit 2).

5. That the Maryland State Board of Education recently held that an education association and school librarians have standing in a materially analogous school library appeal. *Together We Will, et al. v. Harford County Board of Education*, MSBE Op. No. 25-45 at 6-7 (Nov. 4, 2025). There, the State Board held that library media specialists' responsibility for the county's media collection gave them a direct interest in a local board decision in the reconsideration of a single book. The Board further held that the local education association, as the exclusive bargaining representative for local educators, had a "direct interest in ensuring that its members can perform their professional duties in an environment governed by established, fair procedures." *Id.* at 7.

6. That SEA's and MASL's interests are direct organizational and professional interests of the same kind the State Board found sufficient to establish standing in *Together We Will*. SEA and MASL represent SCPS educators who must comply with Policy 500-19 and whose professional responsibilities and discipline are directly regulated by the policy. Appellants have a direct interest in ensuring that Appellee's policies governing library materials comply with Maryland law, protect students' statutory and constitutional rights, and do not expose employees to discipline for carrying out their professional responsibilities consistently with state law. Accordingly, both SEA and MASL have standing to challenge Appellee's adoption and implementation of Policy 500-19.

7. That in its decision in *Together We Will*, the State Board held that a parent of students enrolled in the school system “clearly has a greater interest in decisions regarding [school system] library materials than the average community member” and therefore had standing. *Id.* at 6.

8. That Joseph Hylton is a resident of Somerset County, Maryland with three children attending the County’s public schools: the eldest, a 17-year-old high school senior, the second in sixth grade, and the youngest in fifth grade. All three of Mr. Hylton’s children regularly use the libraries at their public schools, and thus the family will be directly impacted by restrictions on access to books that would be imposed by Policy 500-19.

9. That in 2024, the Maryland General Assembly enacted the “Freedom to Read Act” to create statewide standards governing school library programs, the selection and removal of materials, and procedures for reviewing objections to library materials, to ensure that Maryland students enjoy freedom to read in school libraries, and to provide protections for school library personnel carrying out their professional duties in accordance with the Constitution and laws.

10. That SCPS Policy 500-19 conflicts with numerous provisions of the Freedom to Read Act, the First Amendment to the United States Constitution, and Article 40 of the Maryland Declaration of Rights.

11. That Section 4-142(a)(3) of the Education Article provides that “[m]aterials may not be excluded or removed from the catalogue of a school library media program because of partisan, ideological, or religious disapproval.”

12. That a plurality of the United States Supreme Court has concluded that the First Amendment prevents school officials from removing books because of partisan or political disapproval. *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982).

13. That Policy 500-19 nevertheless directs SCPS officials to favor materials that “support the... beliefs and values endorsed by the Somerset County Board of Education,” while disfavoring materials associated with “anti-religion,” “victimhood,” “rebellion,” “sexuality,” and other ideas.

14. That Policy 500-19 therefore directly conflicts with Section 4-142(a)(3), the First Amendment to the United States Constitution and its Maryland counterpart in Art. 40, because it expressly requires partisan, ideological, and viewpoint considerations in determining whether materials will be made available within SCPS school library media programs.

15. That Section 4-142(c) of the Education Article provides that a local board of education may not “discipline, reassign, transfer, or otherwise retaliate against” library personnel for performing their duties consistently with State school library standards.

16. That Policy 500-19 nevertheless directs the superintendent to “immediately implement disciplinary procedures for insubordination” when library materials later deemed to contain “an adult content [sic]” or to be “educationally unsuitable” are accessible to students.

17. That this mandatory disciplinary provision forces school library media specialists to choose between carrying out their professional duties to make books and media freely available to students consistent with State school library standards and risking discipline under Policy 500-19, or allowing the threat of discipline to dictate their professional decisions concerning library materials, even when they know the Policy’s mandates to be unconstitutional. This provision would pressure employees to exclude any book that might generate controversy, even where exclusion would itself violate the Freedom to Read Act and deprive students of their constitutional rights. Such a chilling effect is precisely what the statute’s anti-retaliation provision was enacted to prevent.

18. That Policy 500-19 therefore directly conflicts with Section 4-142(c) because it imposes discipline against library personnel for performing their duties consistently with the Freedom to Read Act.

19. That Section 4-142(b) of the Education Article requires each school system to “develop and implement a policy and procedures to review objections” through a uniform process under which challenged materials remain available until review concludes. COMAR 13A.05.04.02 further requires an objection review committee with certain stakeholders and specific steps.

20. That Policy 500-19 violates this statutory provision by making no mention of the legally required objection review process that must precede the removal of books and, instead, vests the Board with unilateral authority to determine which materials will be available to students thereby denying community stakeholders their role in such determinations guaranteed to them under the law.

21. That Policy 500-19 further violates this statutory provision by removing an entire class of books from general access without any title-specific review. Policy 500-19 redefines young adults as individuals between the ages of 18 and 23, directing schools to immediately remove young adult novels from general student access, only keeping them available to students over 18 years old, without any individualized review process. A book that is reclassified and made inaccessible to the students it previously served has, for all practical purposes, been removed and must go through the legally required process which Policy 500-19 seeks to bypass. *See, e.g., Virden v. Crawford County*, 2024 WL 4360495 (E.D. Ark. 2024) (finding that moving all books on certain subjects from children’s section to a restricted adult section violates the First Amendment just as an outright ban would).

22. That Policy 500-19’s redefinition of “young adult” directly impacts Joseph Hylton’s children— one of whom is currently 17 and one 11— thus barring their access to “young adult” books that

publishers and librarians recommend as suitable for them but that Policy 500-19 will, by its terms, bar their access to.

23. That the United States Supreme Court has established a three-part test for obscenity that includes a requirement that a work, taken as a whole, lack “serious literary, artistic, political, or scientific value” before it can be considered obscene. *Miller v. California*, 413 U.S. 15, 24 (1973).

24. That Policy 500-19 purports to use the Supreme Court’s three-prong test for obscenity but omits “political” from the third prong, defining the relevant inquiry as whether a work, taken as a whole, lacks “serious literary, artistic, or scientific value.”

25. That by omitting political value, Policy 500-19 incorrectly states the constitutional test for obscenity and could permit a work possessing political value to be classified as obscene in SCPS even though such a work would not be classified as obscene under the test established by the Supreme Court in *Miller*.

26. That, prior to the adoption of Policy 500-19, the Somerset County Board of Education received numerous public comments from SEA, MASL, and the American Civil Liberties Union of Maryland alerting Appellee that Policy 500-19 is illegal, unconstitutional, and misstates the relevant constitutional test, but Appellee failed to modify the policy to address the majority of these legal deficiencies. (Exhibits 3-6).

27. That at the August 18, 2026 meeting where Appellee adopted Policy 500-19, local board chair Matthew Lankford told the community members in attendance, “I don’t really care what you think,” and “I only answer to one person: Jesus Christ.” (Exhibit 7).

28. That local board members are free to express their religious beliefs but must answer to more than just one person: namely the people of Somerset County, the laws of the state of Maryland, the dictates of the United States Constitution, and the oversight of this State Board.

29. That the Maryland State Board of Education has the authority to overturn a local school board's decision if it is illegal and unconstitutional. COMAR 13A.01.05.06.

30. That the decision of Appellee to adopt Policy 500-19 is illegal because the policy violates Maryland statutory and regulatory requirements governing school library materials, as well as the First Amendment of the United States Constitution and Art. 40 of the Maryland Declaration of Rights.

31. That on August 18, 2026, State Superintendent Dr. Carey Wright issued a 60-day stay of the local board's approval of Policy 500-19, the maximum length a State Superintendent may issue. COMAR 13A.01.02.01B(3). (Exhibit 8)

32. That the State Board may keep a stay in place beyond the initial 60-day period if the action of the local board is appealed to the State Board. *Id.*

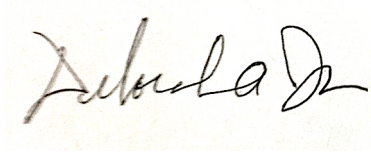
Accordingly, Appellants respectfully request that the State Board grant the following relief:

- a) Stay implementation of Policy 500-19 pending the State Board's final decision in this appeal;
- b) Reverse Appellee's August 18, 2026 decision adopting Policy 500-19; and
- c) Direct Appellee to develop a new Selection of Textbook and Media Center Materials policy that complies with all relevant Maryland statutes and the United States Constitution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Post", written over a horizontal line.

Matt Post  
Assistant Counsel  
Maryland State Education Association  
140 Main Street  
Annapolis, Maryland 21401  
mpost@mseanea.org

A handwritten signature in black ink, appearing to read "Deborah A. Jeon", written over a horizontal line.

Deborah A. Jeon  
Legal Director  
Sonia Kumar  
Senior Staff Attorney  
American Civil Liberties Union of Maryland  
3600 Clipper Mill Rd Ste 200  
Baltimore, MD 21211  
jeon@aclu-md.org

Attorneys for Appellants

**Certificate of Service**

I HEREBY CERTIFY that on this 2nd day of September, 2026, a copy of the foregoing Notice of Appeal was emailed and mailed to Gordana Schifanelli, Counsel for the Board of Education, Appellee.

A handwritten signature in black ink, appearing to read "Matt Post", is written over a horizontal line.

Matt Post

### ***EXHIBIT LIST***

1. Somerset County Public Schools Policy 500-19
2. Somerset County Public Schools Media Specialist Job Description
3. July 21, 2026 Comment from the American Civil Liberties Union of Maryland to the Somerset County Board of Education
4. August 6, 2026 Letter from the Somerset Education Association to the Somerset County Board of Education
5. August 11, 2026 Letter from the Maryland Association of School Librarians to the Somerset County Board of Education
6. August 14, 2026 Letter from the Somerset Education Association to the Somerset County Board of Education
7. Partial Transcript of August 18, 2026 Somerset County Board of Education Meeting
8. August 20, 2026 Order from State Superintendent Carey Wright Staying Policy 500-19

# **EXHIBIT 1**

## Somerset County Public Schools

|                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Date Submitted:<br/>November 20, 1979</p> <p>Date Reviewed:<br/>February 15, 2000 January 17, 2006<br/>January 20, 2009 January 19, 2010<br/>June 21, 2016 December 20, 2020<br/>March 18, 2025</p> | <p>Policy #500-19</p> <p>Policy stayed by MSDE order<br/>for 60 days issued August 20,<br/>2026</p>                                                                                                                                                                                                                                                                                                       |
| <p>Selection of Textbook and Media<br/>Center Materials</p>                                                                                                                                            | <p>Date Approved:<br/>January 15, 1980 May 28,<br/>2002, January 17, 2006<br/>February 17, 2009 February<br/>16, 2010, July 19, 2016<br/>September 28, 2021, April<br/>15, 2025, August, 18 2026</p> <p>Date Effective: March 21,<br/>2000, May 28, 2002,<br/>January 17, 2006 February<br/>17, 2009 February 16, 2010,<br/>July 19, 2016 September 28,<br/>2021, April 15, 2025, August,<br/>18 2026</p> |

### 1. PURPOSE

To establish procedures for the selection and weeding of both print and non-print media materials in the school media center collections.

### 2. DEFINITIONS TERMS:

**CHILD:** Any person under the age of 18 who has not attained the legal age for consent to educational, medical or other life altering decisions and who is in the care of their parents, guardians, or foster parents.

**YOUNG ADULT:** Any individual approximately between the ages 18–23 as this term is used and/or defined in other areas of Maryland law (e.g. health care, foster care transition services, family law and criminal justice).

**ADULT MATERIAL:** Adult material is defined as material that includes:

- **Adult themes** (e.g., mature subject matter, sexuality)
- **Adult activity** (e.g., sexual content, nudity)
- **Hard language** (strong, pervasive use of profanity), or
- **Sexually-oriented nudity** (without educational value)

**EDUCATIONALLY SUITABLE LIBRARY MATERIALS:** All books, notebooks, periodicals, newspapers, coloring books, workbooks, computer generated materials, computer web sites, computer programs, testing and other assessment materials online or in paper format specifically designed for minor children ages: pre-K thru 12th grade and attending Somerset County Public

## Somerset County Public Schools

Schools for the interest, information, and instructional support of students and school personnel,

including the learning of English vocabulary, English grammar, foreign languages, mathematics, or materials designated for minors in the areas of science, the arts or social studies.

Educational suitability is a context-dependent standard tied to factors including the material's relevance to the curriculum, age/grade appropriateness, educational value, and the community's opinion of what is a "prurient interest" (i.e., shameful, morbid, or unhealthy obsessions with nudity, sex, or excretion as that term is defined in the laws).

**OBSCENITY:** is defined as satisfying the Supreme Court three-prong test:

- 1) The average person would find that the work taken as a whole appeal to the prurient interest.
- 2) The work depicts or describes in a patently offensive way sexual act; and
- 3) The work taken as a whole lack serious literary, artistic, or scientific value.

**CHILD PORNOGRAPHY:** Any visual depiction of sexual act involving minors, including but not limited to, depiction of minors as cartoon-like characters performing oral sex, masturbation, anal or oral copulation with another person (sodomy), sexual intercourse with an animal (bestiality), and any other crime against nature.

### 3. **POLICY:**

The primary objective in the selection of media materials is to provide appropriate resources that support academic programs and enhance student academic performance. The Board of Education retains jurisdiction and power to define all terms and suitability of all school/library materials.

The Somerset County Board of Education shall follow the U.S. Supreme Court precedents<sup>1</sup> in applying the school/library policy to students. All library materials must be educationally suitable for minors.

The local Superintendent shall develop procedures for proper cataloging of all books in all school libraries. If any adult material is found in the library section for minors, the superintendent and the local library specialists have the duty to properly catalog adult materials in the adult section of the library, and the child materials shall be properly cataloged in the child section of the library. Library personnel are responsible for cataloging and storing all the library materials based on student age. No minors shall have access to adult library materials. Young adults are not minors and books suitable for young adults shall be placed on a separate Young Adults library section to reflect age-appropriate literature.

No books may be removed from the school libraries without the knowledge and the majority vote of the local Board of Education. No book can be purchased or brought into the school libraries without the local Board of Education's majority vote.

All parents reserve the right to OPT OUT their children from any book/library decisions if the parents find that the book or library material violates their sincerely held religious beliefs, morals or harm their child's mental health.<sup>2</sup>

The main objective of media centers is to provide all children with the skills, tools, and attitudes which will lay the basis for learning now and in the future. This means giving the highest priority to developing fundamental skills in reading, writing, speaking, listening, comprehension and

## Somerset County Public Schools

mathematics that support the educational needs, varied interests, abilities, and maturity levels of the diverse student population it serves.

The SCBOE approves the use of textbooks and materials that are free of bias, which enlighten, inspire, encourage, motivate, instill hope and foster good decision-making, as in comparison to those which discourage, convey a sense of futility, affirm or promote negative or destructive character traits such as victimhood, rebellion, lawlessness, anarchy, obscenity, profanity, vulgarity, violence, vandalism, bullying, gang activity, drugs, alcohol, smoking, sexuality, anti-religion, theft, lying, and cheating.

These materials should also support the mission, vision, educational philosophy, beliefs and values endorsed by the Somerset County Board of Education. Classical literature with well-known authors should be the priority when selecting books and media materials because it includes books with topics exploring universal human values.

### **DISCIPLINE**

If library materials with an adult content and not educationally suitable for minors is found in the section for minors after proper vetting and cataloging of all library material based on educational suitability for each grade and not consistent with this policy, the superintendent shall immediately implement disciplinary procedures for insubordination of adults in charge of ensuring proper educationally suitable material is accessible for minor children in Somerset County Public Schools.

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<sup>1</sup> The primary U.S. Supreme Court precedent on “educationally suitable material” (especially in school libraries) is *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982). [supreme.justia.com](https://supreme.justia.com)  
The boards retain discretion to remove books that are “pervasively vulgar” or “educationally unsuitable” for the students in question, as long as the motivation is not viewpoint-based suppression of ideas.

<sup>2</sup> SCOTUS: *Tamer Mahmoud, et al. v. Thomas W. Taylor, et al*, docket: 24-297, 2025.  
[https://www.supremecourt.gov/opinions/24pdf/24-297\\_4f14.pdf](https://www.supremecourt.gov/opinions/24pdf/24-297_4f14.pdf)

## Somerset County Public Schools

|                             |            |                |            |                 |           |                        |           |
|-----------------------------|------------|----------------|------------|-----------------|-----------|------------------------|-----------|
| <b>Initial<br/>Adoption</b> | 11/20/1979 | <b>Revised</b> | 08/18/2026 | <b>Reviewed</b> | 3/18/2025 | <b>Next<br/>Review</b> | 3/18/2028 |
|-----------------------------|------------|----------------|------------|-----------------|-----------|------------------------|-----------|

## **EXHIBIT 2**

# Somerset County Public Schools

## Job Description

**Job Title:** Media Specialist  
**Department:** Instruction/Technology  
**Reports To:** Building Principal  
**FLSA Status:** Exempt  
**Prepared By:** Jill Holland/Beth Whitelock  
**Prepared Date:** 07/18/11  
**Approved By:** Board of Education  
**Approved Date:** 04/17/2012  
**Revised Date:** 10/01/2019

### **I. Summary**

To provide all students with an enriched library environment containing a wide variety of materials that will invite intellectual growth, and to aid all students in acquiring the skills needed to take full advantage of media center resources by performing the following duties.

### **II. Essential Duties and Responsibilities include the following:** Other duties may be assigned by the Building Principal or Supervisor of Instruction.

- Operates and supervises the media center to which assigned.
- Evaluates, selects and requisitions new media center materials.
- Assists teachers in the selection of books and other instructional materials, and makes media center materials available to supplement the instructional program.
- Informs teachers and other staff members concerning new materials the media center acquires.
- Maintains a comprehensive and efficient system for cataloging all media center materials and instructs teachers and students on use of the system.
- Arranges for interlibrary loan of materials of interest or use to teachers.
- Works with teachers in planning those assignments likely to lead to extended use of media center resources.
- Promotes appropriate conduct of students using media center facilities.
- Helps students to develop habits of independent reference work and to develop skill in the use of reference materials in relation to planned assignments.
- Presents and discusses materials with a class studying a particular topic, on the invitation of the teacher.
- Participates at curriculum meetings.
- Counsels with and gives reading guidance to students who have special reading problems or unusual intellectual interests.
- Arranges frequently changing book-related displays and exhibits likely to interest the media center's patrons.
- Prepares and administers the media center budget.
- Supervises media center aides in the performance of their duties.
- Weeds obsolete and worn materials from the library collections.

- Supervises the clerical routines necessary for the smooth operation of the media center.
- Analyzes collection to determine needs.
- Completes MSDE Library/Media Annual Report.
- May teach several classes daily that relate to library/media skills.

### **III. Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

#### **A. Education and/or Experience**

Must have a Bachelor's degree from an accredited institution in a field of education. Prior experience as a classroom teacher is preferred.

#### **B. Certificates, Licenses, Registrations**

Current Maryland State Teaching Certificate required with an endorsement in an instructional area. Must have an endorsement in Media or agree to seek the endorsement within 1 year of hire.

#### **C. Language Skills**

Ability to read, analyze, and interpret general business periodicals, professional and trade journals, technical procedures, or instructional textbooks and instructional aides. Ability to write reports, procedure manuals and provide detailed data analysis as directed. Ability to effectively present information and respond to questions from groups of students, administrators, local, state and federal agency officials and the general public.

#### **D. Mathematical Skills**

Ability to calculate figures. Ability to apply concepts of basic statistical analysis.

#### **E. Reasoning Ability**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

#### **F. Technology Skills**

Ability to access and use Internet resources as well as to effectively use production, presentation, instructional and administrative software; understand and promote instructional technology integration. Ability to expand job knowledge as new technology applications develop through training and participation in workshops and professional development.

#### **G. Other Skills and Abilities**

Must possess strong communication and organizational skills. Ability to motivate others to perform well and give performance feedback is essential.

#### **H. Other Qualifications**

Must be able to travel to in County and out of County meetings and training sessions. Must be dependable. Ensures work responsibilities are covered when absent. Arrives for appointments and meetings on time.

Joins various professional organizations and read professional journals and other publications in order to remain current in the development of the profession.

#### **IV. Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Reports potentially unsafe conditions; Uses equipment and materials properly.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee is frequently required to stand; walk and use hands to finger, handle, or feel. The employee is occasionally required to sit and reach with hands and arms. The employee must occasionally lift and /or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

#### **V. Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally exposed to moving mechanical parts. The noise level in the work environment is usually moderate.

## **EXHIBIT 3**



To: Somerset County Board of Education, [boardmeeting@somerset.k12.md.us](mailto:boardmeeting@somerset.k12.md.us)

From: ACLU of Maryland

Re: Opposition to Proposed Revisions to Board Policy #500-19  
(Selection of Textbook and Media Center Materials)

Dear Members of the Board and Superintendent Bromwell:

The ACLU of Maryland strongly opposes as unconstitutional and violative of the Maryland Freedom to Read Act the Board's Book Restriction Policy #500-19 and its 2026 proposed revisions.

While the proposed 500-19 amendments masquerade as a library reorganization rule, by their express terms they redefine "young adult" literature as appropriate only for adults – in direct contravention of universally accepted definitions from publishers, librarians, and readers. On that basis, the amendments would cordon off nearly every book written for teenagers behind an "adults only" wall, on penalty of discipline for any educator who fails to comply.

This policy would ban student access to beloved classics young people have come of age reading for generations: *To Kill a Mockingbird*. *The Diary of a Young Girl* by Anne Frank. *The Outsiders*. *Roll of Thunder, Hear My Cry*. *A Wrinkle in Time*. *Little Women*. A 17-year-old Somerset County senior would have no more right to check out these treasured books than a kindergartner.

This is not a legitimate book cataloguing policy. Rather, it is a functional ban<sup>1</sup> on an entire literary genre that Somerset secondary school librarians estimate would lock away about two-thirds of books in their current collections as entirely off limits to students. Indeed – as far as we can determine after a thorough search – Somerset's new policy would be the most extreme school book ban *anywhere in America*, placing Somerset County students at a striking disadvantage to students elsewhere in Maryland and nationwide.

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<sup>1</sup> The contention that this policy is not a book ban because it merely bars student access to books while keeping them on site is nothing more than euphemistic gamesmanship. Whether the books are removed entirely from school libraries or placed on shelves in an area where students cannot access them matters not in the eyes of the law. *See, e.g., Virden v. Crawford County*, 2024 WL 4360495 (E.D. Ark. 2024) (moving all books on certain subjects from children's section to a restricted adult section violates First Amendment).

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 200  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

OFFICERS AND DIRECTORS  
COREY STOTTLEMYER  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

## Background

Following Chair Lankford's 2024 election to the School Board and the Board's retention of its current counsel, the Board quickly adopted changes to Policy 500-19, over the objections of many community members and professional educators. The April 15, 2025 version of Policy #500-19 is itself facially unconstitutional and violative of Maryland law.<sup>2</sup> From the ACLU's perspective, the only thing that has saved the 2025 policy from a court date is that it has not yet been enforced.

The amended policy now before the Board would swiftly change that. Unlike its predecessor, this version would be enforced by its own terms: It mandates the re-cataloging of every school library collection in the county to remove all Young Adult books from shelves accessible to students, explicitly requires a Board vote before any book can be shelved, and directs the superintendent to *immediately* discipline staff who get the sorting wrong. Thus, this policy mandates violations of students' freedom to read, on a fixed and immediate timeline, against every student in the district.

### **The Proposed Denial of Student Access to Young Adult Literature Is an Unconstitutional Ban.**

Publishers, librarians, and professional educators define "young adult" literature as material written for readers roughly 12 to 18 years old. The Board's proposal disregards this established standard and instead imports a "young adulthood" framework from foster-care transition law — a category that has nothing to do with library shelving. It then uses this misidentification to remove an entire class of books behind an adults-only wall. That is not a title-by-title suitability call. It is a blanket exclusion of a genre because of its coming-of-age themes — identity, race, grief, growing up — that genre tends to explore.

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<sup>2</sup> Concurring with this view, the Maryland Office of the Inspector General for Education found that the 2025 policy raises serious First Amendment issues, citing *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982). *Pico* is narrow in what actions it permits school boards to take to remove books from libraries, making clear that the government cannot pull books because it dislikes the ideas inside them. Rather, a school board may remove a book only if *that specific title* is genuinely and "pervasively vulgar" or "educationally unsuitable," through *professional review* — *not* because a majority of the Board objects to what it says on ideological or religious grounds. As further discussed herein, the Inspector General also found the 2025 policy inconsistent with the Maryland Freedom to Read Act, which the OIGE is authorized to enforce.

Courts call that content-based discrimination, and it's unconstitutional.

### **Policy 500-19 and the Proposed Amendments Also Violate the Freedom to Read Act**

Over time, we have observed that in discussing Somerset book restriction practices and proposals, Board members and counsel never even acknowledge the existence of the Maryland Freedom to Read Act (FTRA), the 2024 Maryland law reflecting our state's deep commitment to protecting Maryland students' rights to read freely in public school libraries. Education Article §4-142 and COMAR 13A.05.04.01. But failing to acknowledge the controlling law does nothing to mitigate legal violations Somerset's policy would mandate. Here, both the original 500-19 and the proposed amendments violate the Freedom to Read Act in several ways.

First, as a basic matter, the Freedom to Read Act and its implementing regulations require public schools to provide "an organized and centrally managed collection of instructional materials and technologies" that is "appropriate... to support the instructional programs of the local school systems." COMAR 13A.05.04.02 A. Given that Somerset's own school librarians estimate that this the proposed amendments to Policy 500-19 would place roughly two-thirds of the county's library collections off-limits to every student under 18, there can be little question that these school libraries would no longer appropriately support the educational system to which Maryland public school students are entitled. A collection that most students in the school system cannot use is not a library media program "for the use of all students." Instead, it is, for two-thirds of its holdings, a library media program for almost no one. The Board cannot satisfy a regulation requiring a functioning library for all students by building one designed and fully functioning for just a handful of twelfth graders and school staff.

Separately, Policy 500-19 violates the Maryland Freedom to Read Act because it violates the law's bar against excluding materials "because of partisan, ideological, or religious disapproval." Policy 500-19 tells the Board to favor books that "instill hope" and reject those that "affirm or promote... victimhood, rebellion, lawlessness... anti-religion." That is a viewpoint-discriminatory test, in writing, in the terms of the policy itself. The Freedom to Read Act prohibits exactly this.

Additionally, the Freedom to Read Act explicitly requires that all materials within a library that are being challenged *remain on the shelves and fully accessible to students* until the elaborate process of review by a diverse committee of educators, parents and students have read each book in its entirety, examined the objections and the merits of any challenged book. By seeking to evade this mandatory legal process by emptying bookshelves accessible to students in one fell swoop, the amendments to Policy 500-19 again violate the express terms of this law.

Finally, the proposed amendments to Policy 500-19 further violate the Freedom to Read Act through their explicit demand that the Superintendent punish school librarians and professional educators for doing their jobs in keeping with the law and professional standards. Section 4-1429(c) and COMAR 13A.05.04.02 explicitly prohibit disciplining library media staff in this way. Yet Policy 500-19 orders the superintendent to "immediately implement disciplinary procedures" against any employee if "adult" material turns up in the children's section — even where that employee catalogued it correctly under professional standards and Maryland law. Punishing librarians for the Board's unconstitutional demands is retaliation, and the Maryland Legislature expressly outlawed it.

### **Somerset County Doesn't Have to Guess How This Ends Indiana Already Ran the Experiment and Lost**

While no Maryland school system has come close to enacting the type of lawless system of censorship Somerset County proposes, we did find one cautionary tale from a similar endeavor by would-be Young Adult book censors in Indiana.

In 2022, the Hamilton East Public Library board outside Indianapolis adopted a review-and-relocate policy similar to (though not as extreme) as that proposed by the Somerset Board. Under this policy, the Hamilton East board moved thousands of Young Adult titles from the teen section to the library's adult section — including "The Fault in Our Stars" by best-selling Indiana native John Green — on grounds that these Young Adult books purportedly contained too much "adult content." The fallout was dramatic and very costly to the community. Roughly \$300,000 and two years of staff time were spent re-reading and re-shelving thousands of books instead of serving patrons; national media coverage drew enormous negative attention to the library's censorship; a subsequent community survey showed supporters of the policy were outnumbered more than *twelve to one* by opponents; the board president spearheading this policy was removed from office, leading to resignations by other board supporters of the policy; and, in the end, the board voted to repeal the entire policy by an overwhelming margin.<sup>3</sup>

We recommend Somerset officials take a lesson from the Hamilton East experience.

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<sup>3</sup> See Fox59, "Hamilton East Public Library suspends controversial review policy after national scrutiny," Aug. 2023, available at <https://fox59.com/indiana-news/hamilton-east-public-library-suspends-controversial-review-policy-after-national-scrutiny/>; Indianapolis Star/Yahoo, "HamCo library board reverses controversial book removal policy," Nov. 2023), available at: <https://news.yahoo.com/hamco-library-board-reverses-controversial-030451173.html>

## **The Board Should Withdraw This Proposal**

Somerset's students have the same First Amendment rights and the same statutory protections as students everywhere else in Maryland. We consider it blatantly unlawful and outrageous for the Somerset Board of Education to disrespect the rights of its students as proposed in the Policy 500-19 revisions, and we will not hesitate to stand with students and families defending their rights, should the Board move ahead with its unconstitutional proposal.

Accordingly, we urge the Board to withdraw the proposed revisions to Policy 500-19 and instead to amend the 2025 policy to bring it into compliance with the Constitution and the Freedom to Read Act by returning book selection and reconsideration decisions to trained library media professionals.

## **EXHIBIT 4**

August 6, 2026

Via Electronic Mail

Board of Education of Somerset County  
7982A Tawes Campus Dr.  
Westover, MD 21871

Center for Legal Affairs

KRISTY K. ANDERSON  
General Counsel

DAMON R. FELTON

MATT POST

JAMIE L. SAPIA

**Re: Opposition to Proposed Policy 500-19, Notice of Intent to Challenge**

Dear Chairperson Matthew Lankford and Members of the Board,

The Maryland State Education Association (MSEA), on behalf of its local affiliate Somerset Education Association (SEA), writes in strong opposition to proposed Policy 500-19. MSEA urges the Board to withdraw the proposal and adopt a new media policy in compliance with state law.

Should the Board adopt the proposed changes to Policy 500-19 or attempt to implement it in its current illegal form, MSEA intends to challenge it through every available administrative and judicial avenue, and to seek appropriate relief against both unlawful restrictions on student access and any retaliation against represented employees.

Maryland's Freedom to Read Act was passed in 2024 to prevent political and ideological interference in the selection of books available to students. Policy 500-19, if ever implemented, would directly violate this law. The proposed revisions before the Board deepen the policy's illegality.

**First, the existing and proposed selection standards are illegally viewpoint-based on their face.** Section 4-142(a)(3) of the Education Article provides that "[m]aterials may not be excluded or removed from the catalogue of a school library media program because of partisan, ideological, or religious disapproval."

The existing policy violates that provision by explicitly excluding materials on the basis of partisan, ideological, and religious disapproval. It directs the school system to

favor materials that “support the... beliefs and values endorsed by the Somerset County Board of Education,” while disfavoring materials associated with “victimhood,” “rebellion,” “sexuality,” “anti-religion,” and other ideas.

The proposed revisions retain these illegal viewpoint-based standards and add a preference for “classical literature with well known [sic] authors” because such works allegedly contain “universal values.”

The Freedom to Read Act does not permit the Board to elevate works reflecting officially approved “universal values” while excluding contemporary works, unfamiliar authors, or books presenting viewpoints the Board regards as negative, rebellious, irreligious, or otherwise objectionable.

**Second, the mandatory discipline provision is unlawful because it directly conflicts with Maryland law and places employees in the untenable position of choosing between complying with Board policy and fulfilling their legal and professional responsibilities.** Section 4-142(c) of the Education Article provides that a board of education may not “discipline, reassign, transfer, or otherwise retaliate against” library personnel for performing their duties consistently with the State’s school-library standards.

The proposed policy nevertheless directs the superintendent to “immediately implement disciplinary procedures for insubordination” when materials later deemed to contain “adult content” or to be “educationally unsuitable” are accessible to students. That mandate is particularly alarming because the policy defines those terms by reference to the Board’s own beliefs and values.

A certified library media specialist who selects or retains a book in good faith, based on professional reviews, the interests and information needs of students, the work’s overall merit, and the standards established by Maryland law cannot lawfully be disciplined merely because Board members later disagree with that professional judgment. The proposed provision would pressure employees to exclude any book that might generate controversy, even where exclusion would itself violate the Freedom to Read Act. Such a chilling effect is precisely what the statute’s anti-retaliation provision was enacted to prevent.

**Third, the proposed policy illegally narrows the purpose of a school library.**

COMAR 13A.05.04.02 expressly requires school library programs to promote an “appreciation of literature and other creative expressions as sources of information and recreation” and to make accessible a “comprehensive and organized collection.”

The proposed policy conflicts with those requirements by defining “educationally suitable library materials” as materials “specifically designed” for the purpose of teaching vocabulary, languages, mathematics, science, art, or social studies. That definition treats direct curricular instruction as the threshold for inclusion in a school library, even though Maryland law separately requires library materials to serve students’ interests and as a source of recreation.

Under the policy’s proposed definition, a novel, comic book, memoir, poetry collection, newspaper, or work of general nonfiction could be deemed unsuitable merely because it was not “specifically designed” to teach one of the listed subjects. That is incompatible with state requirements.

**Fourth, the proposed policy cannot be used to remove young adult books en masse: each title must undergo the required reconsideration process and remain available pending final review.** Section 4-142(b) of the Education Article requires each school system to “develop and implement a policy and procedures to review objections” through a uniform process under which challenged materials remain available until review concludes. COMAR 13A.05.04.02 further requires an objection review committee with certain stakeholders and specific steps.

The proposed policy makes no provision for the legally required objection review process that must precede the removal of books. In fact, rather than establishing the title-specific review required by law, the proposed policy vests the Board with unilateral authority to determine which materials will be available to students.

The policy directs the removal of an entire class of books without any title-specific review. Although framed as a reclassification of books as “young adult” literature, the practical effect is their removal from the library collection available to most students. A book that is reclassified and made inaccessible to the students it previously served

has, for all practical purposes, been removed from the collection available to those students. The policy accomplishes this result categorically, directing the exclusion of an entire class of books without any individualized objection, review, or determination that a particular title fails to comply with applicable standards. By bypassing the legally mandated objection review process, the proposed policy is inconsistent with the procedures governing the removal of library materials.

Accordingly, before any young-adult novel currently available to students could be removed, restricted, or transferred to a collection unavailable to minors, each title would have to proceed separately through the process required by Section 4-142(b) of the Education Article and COMAR 13A.05.04.02E. Most importantly, every affected book must remain available for use by students and school personnel until that entire process has concluded and a final decision has been issued.

As the State Board of Education explained in *Together We Will, et al. v. Harford County Board of Education*, a local board's general authority over school library materials is not sufficient to sustain a removal. Such a decision must be based on a fact-intensive record and reasoned application of lawful criteria. There, the State Board overturned the Harford County Board's attempt to unilaterally remove a single book from secondary schools. The local board failed to provide evidence that the professional review of the review committee was flawed, nor did it demonstrate that its members had read the entire book.

Unless the Board is prepared to subject each affected young-adult title to the individualized, objective reconsideration process required by law—and, for any title recommended for retention, to conduct the same record-based, whole-work review required by *Together We Will* itself—it cannot lawfully remove or restrict those books through a categorical policy.

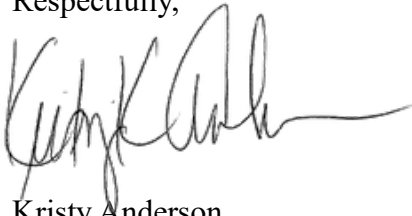
**MSEA calls on the Board to:**

1. Withdraw the proposed revisions to Policy 500-19;
2. Rescind current Policy 500-19 and develop a replacement that fully complies with state law; and

3. Include certified library media specialists, educators, students, parents, the Somerset Education Association, and other affected stakeholders in developing that replacement.

The Board should not force Somerset County taxpayers into avoidable administrative proceedings and litigation over provisions that directly violate Maryland law. MSEA expressly reserves all rights and remedies.

Respectfully,

A handwritten signature in black ink, appearing to read "Kristy Anderson", with a long horizontal flourish extending to the right.

Kristy Anderson

c: Phaedra Spencer, President  
John Carnahan

## **EXHIBIT 5**



August 11, 2026

Somerset County Board of Education  
Superintendent W. David Bromwell  
Somerset County Public Schools  
7982A Tawes Campus Dr.  
Westover, MD 21871

**RE: Continued Opposition to Proposed SCBOE Policy 500-19**

To the Members of the Somerset County Board of Education and Superintendent Bromwell:

On behalf of the Maryland Association of School Librarians (MASL), the professional organization representing certified school library media specialists across the state, I am submitting formal testimony regarding proposed revisions to Somerset County Board of Education (SCBOE) Policy 500-19.

MASL wants to begin by thanking you for tabling the vote on Policy 500-19 at your July meeting. It was a prudent move that indicated a willingness to consider and address serious shortcomings in its text as you ensure that you are meeting the requirements of COMAR, as well as MD Code, Education § 4-142 (Maryland's Freedom to Read Act), which sets out the standards through which the *Pico* Supreme Court decision is applied in the State of Maryland.

**Maryland's Freedom to Read Act Removes the Ambiguity of *Pico* Within the State**

To further explore this, it is important to understand how *Pico* and the MD Code, Education § 4-142 (Maryland's Freedom to Read Act) work together. Footnote 1 of draft SCBOE Policy 500-19 correctly references the landmark U.S. Supreme Court case *Board of Education, Island Trees Union Free School District No. 26 v. Pico* (457 U.S. 853 [1982]), noting that school boards cannot remove books out of "viewpoint-based suppression of ideas." However, the SCBOE draft policy fails to recognize how *Pico* and Maryland's Freedom to Read Act (MD Code, Ed. § 4-142) operate together in Maryland law. Throughout the extensive discussion of *Pico* at the July 2026 meeting, MD Code, Ed. § 4-142 was not addressed. Because § 4-142 establishes how *Pico* is operationalized in Maryland, failing to align Policy 500-19 with this statute creates significant legal vulnerability for the district.

In *Pico*, the Supreme Court established that while local boards have discretion over curriculum, First Amendment protections apply directly to school libraries. Specifically, boards may not remove books from school libraries simply because they dislike the ideas, social perspectives, or political viewpoints in them. Maryland's Freedom to Read Act directly codifies this constitutional standard into state statute (§ 4-142(a)(3)), making content-neutrality an explicit, enforceable statutory requirement for every county board in the state.

Because *Pico* was a plurality decision, school boards nationwide historically exploited legal gray areas surrounding terms like "pervasive vulgarity" and "educational suitability," as the SCBOE is now. Maryland's General Assembly passed the Freedom to Read Act specifically to close those loopholes. The statute defines exact legal guardrails: it mandates that library collections must be developed by certified personnel following professional standards, requires whole-work evaluation, and prohibits excluding materials based on partisan, religious, or ideological disapproval, despite the fact that evidence of this exists throughout the draft SCBOE Policy 500-19.

*Pico* emphasized that removing library books outside regular, established administrative procedures creates a strong legal presumption of unconstitutional viewpoint discrimination. MD Code, Ed. § 4-142(b) reinforces this by requiring formal, title-by-title reconsideration procedures. Draft SCBOE Policy 500-19's attempt to grant the Board or Superintendent sweeping authority to "weed" or pre-emptively block purchases outside formal, state-aligned due process directly violates both the procedural warnings of *Pico* and the statutory mandates of Maryland law.

In other words, in states without Freedom to Read legislation, *Pico* governs, but in Maryland (thanks to federalism), the Freedom to Read Act establishes the ceiling over the floor created by *Pico*, which, as will be discussed in more detail later, takes the administrative power from the SCBOE on this issue and gives it to the parents, students, and employees of SCPS to make these decisions. However, it sets the same standards for considering a book for removal that exist in *Pico*. Therefore, the Freedom to Read Act has not lowered the floor regarding what *Pico* says are acceptable reasons for a book to be removed, it just changed who gets to make those decisions to remove any pretense of ideological motivation.

MASL has observed that the SCBOE and board counsel never discuss the Freedom to Read Act, but they do discuss *Pico*, in the context of board meetings where SCBOE Policy 500-19 and procedures for implementing it have been discussed. However, it is the most relevant legislation within the borders of this state with regards to the work you are trying to engage in with SCBOE Policy 500-19.

### **Draft SCBOE Policy 500-19 and the Freedom to Read Act**

Now, MASL will identify the ways in which draft SCBOE Policy 500-19 represents a flagrant violation of Maryland's Freedom to Read Act, beginning with limits on who can challenge books as set forth by the law. Firstly, draft SCBOE Policy 500-19 demonstrates that the board is giving itself standing to flag, review, pull, or veto books on its own motion. However, (§ 4-142(b)(2)(i))

defines eligible objectors as students, parents/guardians of enrolled students, or school personnel; it does not include school board members. Indeed, if a parent of a student was on the board and initiated a request for reconsideration, they would have to recuse themselves from any vote on the issue due to a conflict of interest. The General Assembly intentionally left the board off this list to prevent elected officials from using district libraries as political battlegrounds. A policy asserting board standing directly subverts the limited, uniform challenge process mandated by the state.

Secondly, it violates the restrictions on viewpoint and ideological discrimination set forth in the legislation. Draft SCBOE Policy 500-19 asserts that the board grants itself power to remove or restrict books based on local "community standards," partisan values, or political/ideological objections. However, Maryland's Freedom to Read Act (§ 4-142(a)(2)–(3)) states that materials cannot be excluded or removed because of the background, origin, or views of the author, nor due to "*partisan, ideological, or religious disapproval.*" For this reason, any policy giving a board broad discretion to pull books based on subjective "board values" reinstates the exact ideological censorship § 4-142 was explicitly enacted to eliminate.

Thirdly, it goes against the mandate that books remain on the shelf during a challenge. What the board has done with draft SCBOE Policy 500-19, as written, despite the fact that it lacks the standing to do so, is challenge the suitability of Young Adult (YA) books for students between the ages of 12-17 and move them to separate adult sections of the library. However, it neglects the fact that the books must remain available to everyone and fully accessible while each book is individually reviewed under (§ 4-142(b)(2)(ii)). Any policy clause that permits preliminary removal, quarantining, or administrative holding of challenged books breaches this statutory requirement. Therefore, even if the SCBOE had the authority to initiate a removal under state law (which it does not), they would have to follow the process put in place for each item they sought to restrict access to, keeping it available to all until a final decision was arrived at.

Fourthly, the policy ignores the fact that school librarians may not be retaliated against under state law. Draft SCBOE Policy 500-19 threatens disciplinary action up to termination for staff who purchase or catalog books that the board later deems objectionable or provides a student under the age of 18 access to these books (even inadvertently). However, (§ 4-142(c)) asserts that local boards are statutorily prohibited from dismissing, demoting, disciplining, reassigning, or retaliating against a certified library media specialist or library support staff for carrying out their professional duties under state collection standards, which draft SCBOE Policy 500-19 flies in the face of. While the SCBOE draft Policy 500-19 says the discipline would be for "insubordination," the policy asks school librarians to violate state law, which would undercut the insubordination allegation.

### **Concerns About Double Standards of Application of Draft SCBOE Policy 500-19**

Because "affirm or promote" in draft SCBOE Policy 500-19 lacks an objective, metadata-driven definition, it relies entirely on the subjective interpretation of the reviewer. This inevitably leads to a severe double standard where classical texts are pardoned while contemporary, diverse

literature is targeted. To illustrate this, MASL will share book titles that are frequently mentioned by the board as books they do not want students to have access to in schools.

First, *All American Boys*, by Jason Reynolds and Brendan Kiely, is an award-winning novel that explores two high school students navigating the aftermath of an incident of police brutality. While critics attempt to flag the book under policy rules for depicting "lawlessness" or "anti-police sentiment," evaluated as a whole, the text does not affirm or promote lawlessness. Instead, it promotes civic responsibility, empathy, racial reconciliation, and peaceful community dialogue. If depicting police conflict in *All American Boys* is labeled "promoting lawlessness," then depicting political assassination in Shakespeare's *Julius Caesar* or teenage gang murders in *Romeo and Juliet* must be treated identically.

Second, *All Boys Aren't Blue*, by George M. Johnson, is an acclaimed young adult memoir that documents the author's lived experiences growing up Black and queer, including surviving structural inequality and adolescent hardship. Evaluated as a whole, the text does not affirm or promote destructive traits or mature themes; it chronicles personal resilience, family bonds, self-acceptance, and overcoming adversity.

Themes of overcoming hardship, seeking justice, integrity, and personal growth, the central themes of both *All American Boys* and *All Boys Aren't Blue*, are the definition of universal human values. Disqualifying modern titles that address Black, queer, or contemporary social perspectives under vague claims that they "affirm or promote negative traits" while granting classical texts a pass creates a clear evidentiary trail of unlawful viewpoint discrimination under *Pico* and MD Code, Ed. § 4-142(a)(3). While it is very apparent from watching prior board meetings that the SCBOE and MASL do not share the same view of these books, that simply further supports the assertion that this is viewpoint discrimination.

Further, MASL observed that the SCBOE, in its responses to the Office of the Inspector General for Education (OIGE) regarding the current iteration of SCBOE Policy 500-19 last year, had concerns related to the excessive amount of profanity in *All American Boys* and *All Boys Aren't Blue*. This opens up a conversation about profanity in classics, particularly J.D. Salinger's *Catcher in the Rye*, a book that was required reading for me as a high school student at a private, Catholic high school in the late 1990s. Does the SCBOE know that there are more than 800 instances of "profane words" in the *Catcher in the Rye* ([Smith, 2015, p. 88](#))? The SCBOE might also want to know that the same dissertation reveals that *The Chocolate War*, another classic, has 120 instances of "profane words" ([Smith, 2015, p. 108](#)). That is significantly more than 66 times the "F" word is used in *All American Boys* or even the 20+ times the "F" word is employed in *The Hate U Give* by Angie Thomas according to the SCBOE's own response to the OIGE regarding Case Number 25-0167-C in 2025. This leaves it very unclear about whether or not the SCBOE concerns are really related to profanity because too much profanity must be applied across the board. Profanity, after all, is profanity, as Smith (2015) states, unless an examination of her assessment suggests that you disagree with her determinations about what profanity is, which would be additional compelling evidence of viewpoint discrimination and ideologically driven motivation. MASL also reminds you that supporting the classics while weaponizing suitability thresholds exclusively against modern titles addressing Black or

LGBTQ+ experiences, creates a situation where the SCBOE's rationale is seen by federal courts as a post-hoc pretext for unconstitutional viewpoint discrimination (*Case v. Unified School District No. 233*, 908 F. Supp. 864 (D. Kan. 1995); *Counts v. Cedarville School District*, 295 F. Supp. 2d 1096 (W.D. Ark. 2003)).

MASL further implores the SCBOE to remember that under federal First Amendment jurisprudence, when comparing modern literature to classics, courts sharply distinguish between gratuitous obscenity and authentic "narrative realism," holding that raw themes or coarse language integrated into realistic storytelling or non-fiction memoir cannot be stripped of context to justify censorship (*Right to Read Defense Committee v. School Committee of Chelsea*, 454 F. Supp. 703 (D. Mass. 1978); *Minarcini v. Strongsville City School District*, 541 F.2d 577 (6th Cir. 1976)). In the SCBOE's own letter in response to OIGE Case 25-0167-C, they cite the profanity completely out of context without highlighting the main ideas and concepts discussed in the book, an illustration of how the SCBOE violates existing federal case law at various levels. Even the case law that does not currently apply directly to Maryland is relevant when arriving at a decision about draft SCBOE Policy 500-19.

Selective enforcement of profanity and maturity thresholds against specific modern authors constitutes an illegal administrative pretext designed to conceal ideological disapproval, violating the explicit statutory protections guaranteed to Maryland students and certified library media personnel under MD Code, Ed. § 4-142.

### **Many "Classics" Promoted by SCBOE Include the SCBOE Policy 500-19's Own Forbidden Topics Demonstrating Unequal Application of Supreme Court Precedent**

Draft SCBOE Policy 500-19 mandates prioritizing "*Classical literature with well known authors... because it provides topics and books with timeless topics and universal values.*" However, the exact same paragraph bans materials that feature:

*"...discourage, convey a sense of futility, affirm or promote negative or destructive character traits such as victimhood, rebellion, lawlessness, anarchy, obscenity, profanity, vulgarity, violence, vandalism, bullying, gang activity, drugs, alcohol, smoking, sexuality, anti-religion, theft, lying, and cheating."*

Foundational classics and standard instructional textbooks rely centrally on these exact themes to teach conflict, history, and moral resolution. Enforcing this list as a blanket filter would require banning core ELA classics such as *Romeo and Juliet* (gang violence, underage sexuality, lawlessness), *The Great Gatsby* (bootlegging, adultery), *To Kill a Mockingbird* (profanity, racial violence), *Macbeth* (regicide, treason), and *The Crucible* (lying, mass hysteria). Further, with regards to Social Studies & History Textbooks, teaching the American Revolution, Civil Rights Movement, or Holocaust requires studying civil disobedience ("lawlessness"), war ("violence"), and human tragedy ("futility").

Interestingly, however, it seems as though SCBOE is more willing to consider these classic books "as a whole" for literary and educational value as required by *Miller v. California*, 413 U.S.

15 (1973) as opposed to the cherry picking some SCBOE members choose to engage in with books such as *All American Boys* and *All Boys Aren't Blue*, violating the constitutional floor set in the *Miller* decision. It is also worth noting that, at the June 16, 2026 board meeting, the SCPS supervisor for library media told the SCBOE that there were some books in the order that were highlighted orange because they were “great books,” but she didn’t know how much profanity the board saw as too much, and those books were, of course, not purchased as part of the FY 2026 budget, creating missed opportunities for students due to the unconstitutional practice of looking at certain parts of a book in isolation.

While the *Miller* case only deals with obscenity, not vulgar profanity, MASL reminds you that procedures throughout Maryland school districts generally require two positive reviews from professional review resources. Those reviews, while they may acknowledge the presence of profanity or sexual content, evaluate the book as a whole, which is an established industry standard. Indeed, your very own procedures begin with evaluating the book as a whole (including two positive reviews), as shared at the June 16 board meeting; however, a major shortcoming arises when your procedures go on to utilize crowdsourced review platforms, such as Common Sense Media, and unverified internet searches, which allows people outside the profession and outside of the district to provide a pretext for censorship by this board in violation of the Freedom to Read Act, which limits those requests for reconsideration to Somerset County Public Schools (SCPS) employees, students, and their parents/guardians.

### **Confusion Over Young Adult (YA) v. “Classics” and the Role of Binding First Amendment Fourth Circuit Precedent Coupled with Violations of State Law Applicable to School Boards**

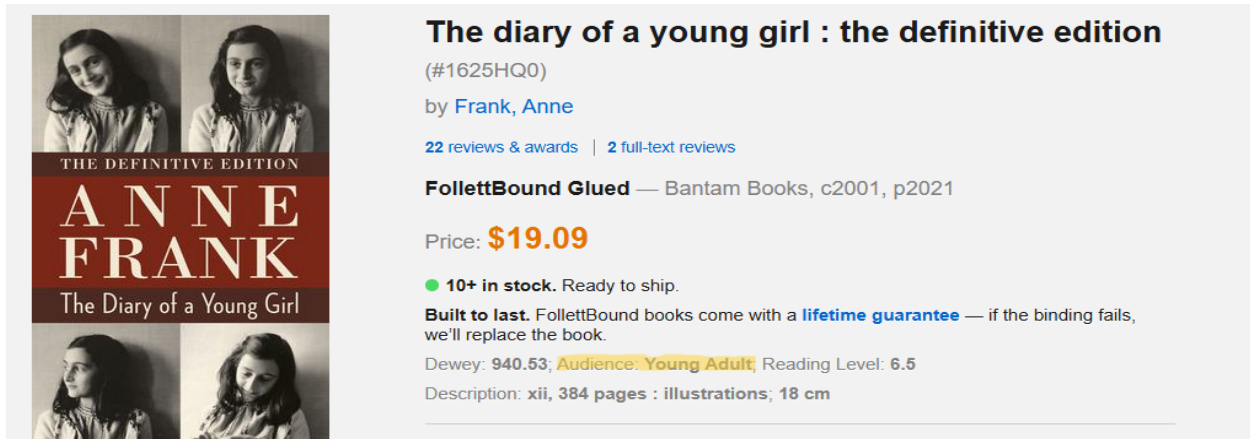
It is important to understand that many books that are considered “classics” are simultaneously YA books, and these books were considered YA books when they were first published, decades before they became classics. In fact, utilizing Follett Titlewave, the exact collection development tool the SCPS library supervisor utilized when she shared the procedures for implementing the current iteration of SCBOE Policy 500-19 at the June 16, 2026 board meeting, many of the books have appeared in discussions and coverage about this policy are not YA books (*The Diary of a Young Girl*, *The Outsiders*, and *To Kill a Mockingbird*) are classified as such in the collection development tool SCPS utilizes for no other reason than that their content and use typically occurs with students between the ages of 12-17. This demonstrates a crucial distinction in professional cataloging: standard industry practice classifies books targeted at ages 12–17 as Young Adult regardless of whether they are also considered foundational classics.

If you filter the list of classics using metadata on Follett Titlewave so that YA books are not included, many of those books that SCBOE claims are not YA books are removed from purchasing consideration based on the long established definition of YA literature in the publishing industry. While there are also books in the system that are labeled both YA and classic, limiting the selection to classics that are not also labeled YA, leaves approximately 850 books available for purchasing consideration with an additional 181 if you allow books that are labeled both YA and classic to be considered (this limits the search to titles with hardcovers that can stand up to repeated use). However, if you do a Titlewave search for YA literature just going

back to the year 2020, it produces 2500 results and there are likely more, but Titlewave will only return 2,500 at a time. That is a stark difference between 181 books available going back through all time and 2,500 going back six years, but this is what the proposed SCBOE Policy 500-19 does: it starves students of different perspectives and viewpoints, while also failing to get them excited about reading by making books available far beyond the types they see in the classroom. It also highlights the aggressive ideological stance pursued by this board, especially when confronted with the clear evidence of viewpoint discrimination regarding *All American Boys* and *All Boys Aren't Blue*.

To illustrate the above information, below are screenshots of some of the most common titles that have been discussed showing their identification as YA, regardless of whether or not they are classics, highlighting a serious shortcoming in assertions from the SCBOE at the July 2026 board meeting that “classics” are not considered YA:

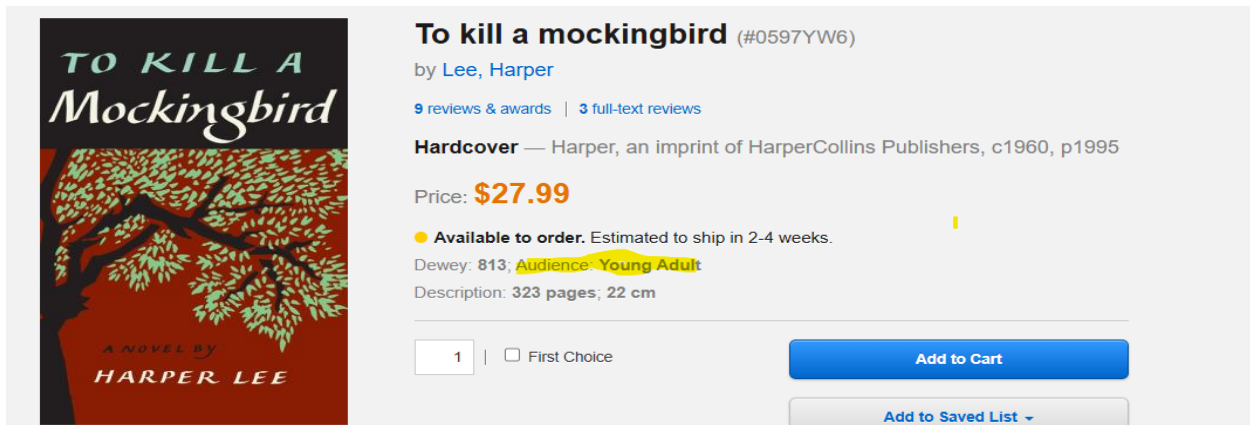
1. Screenshot from Follett Titlewave verifying that *Diary of a Young Girl* is indeed a YA marketed book, regardless of its status as a classic:



The screenshot shows the product page for "The diary of a young girl : the definitive edition" by Anne Frank. The book cover features four black and white portraits of Anne Frank. The title "THE DEFINITIVE EDITION ANNE FRANK The Diary of a Young Girl" is prominently displayed. The page includes the following information:

- Title:** The diary of a young girl : the definitive edition (#1625HQ0)
- Author:** by Frank, Anne
- Reviews:** 22 reviews & awards | 2 full-text reviews
- Binding:** FollettBound Glued — Bantam Books, c2001, p2021
- Price:** \$19.09
- Availability:** 10+ in stock. Ready to ship.
- Guarantee:** Built to last. FollettBound books come with a lifetime guarantee — if the binding fails, we'll replace the book.
- Dewey:** 940.53; **Audience:** Young Adult; **Reading Level:** 6.5
- Description:** xii, 384 pages : illustrations; 18 cm

2. Screenshot from Follett Titlewave verifying that *To Kill a Mockingbird*, is indeed a YA marketed book, regardless of its status as a classic:

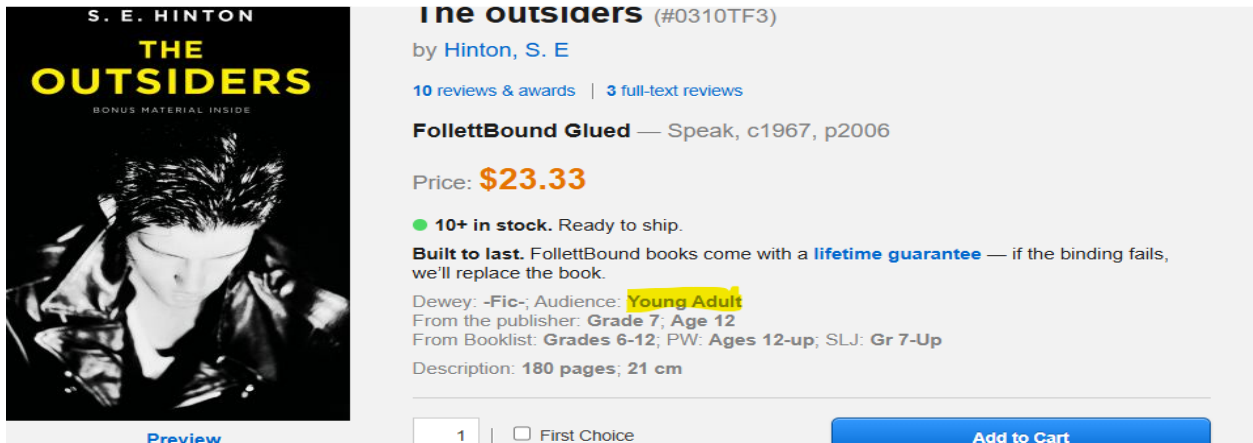


The screenshot shows the product page for "To kill a mockingbird" by Harper Lee. The book cover features a silhouette of a tree with green leaves against a red background. The title "TO KILL A Mockingbird" is prominently displayed. The page includes the following information:

- Title:** To kill a mockingbird (#0597YW6)
- Author:** by Lee, Harper
- Reviews:** 9 reviews & awards | 3 full-text reviews
- Binding:** Hardcover — Harper, an imprint of HarperCollins Publishers, c1960, p1995
- Price:** \$27.99
- Availability:** Available to order. Estimated to ship in 2-4 weeks.
- Dewey:** 813; **Audience:** Young Adult
- Description:** 323 pages; 22 cm

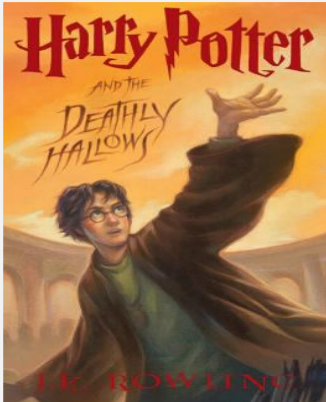
At the bottom of the page, there is a quantity selector set to 1, a checkbox for "First Choice", and two buttons: "Add to Cart" and "Add to Saved List".

3. Screenshot from Follett Titlewave verifying that *The Outsiders* is a YA marketed book, regardless of the fact that it is a classic:



The screenshot shows the product page for 'The Outsiders' by S.E. Hinton on the Follett Titlewave platform. On the left is the book cover, which features a black and white photo of a young man in a leather jacket looking down, with the title 'THE OUTSIDERS' in large yellow letters. To the right of the cover, the title 'The outsiders (#0310TF3)' is displayed, followed by the author 'by Hinton, S. E'. Below this, it says '10 reviews & awards | 3 full-text reviews'. The binding is listed as 'FollettBound Glued — Speak, c1967, p2006'. The price is '\$23.33'. A green dot indicates '10+ in stock. Ready to ship.' A 'Built to last' guarantee is mentioned. Dewey classification is '-Fic-' and Audience is 'Young Adult'. Publisher information includes 'Grade 7, Age 12' and 'From Booklist: Grades 6-12; PW: Ages 12-up; SLJ: Gr 7-Up'. Description: '180 pages; 21 cm'. At the bottom, there is a quantity selector set to '1', a 'First Choice' checkbox, and an 'Add to Cart' button.

4. On a side note, there was lots of discussion at the board meeting in July 2026 about *Harry Potter*. It may interest the SCBOE to know that *Harry Potter* is not considered a classic and, despite a reference at the meeting suggesting some of the later volumes might need to be moved to middle school and up (which is supported by the reviews), even the last book in the series is rated for middle grades as a marketing category, not YA, and yet Mr. Lankford said during the July 2026 board meeting that books like *Harry Potter and the Deathly Hallows* would be moved to the 18+ section (around minute 28). The fact that this book is not YA would preclude it from being placed on a restricted shelf per draft SCBOE Policy 500-19 as it is written, and it is beyond comprehension that the SCBOE really made any mention of putting a book classified middle school on an 18+ shelf, further highlighting the viewpoint discrimination. Additionally, attempting to restrict access to widely recognized juvenile fiction like *Harry Potter* by reclassifying it into restricted adult sections constitutes an impermissible burden on student access. As established in first amendment case law (*Counts v. Cedarville Sch. Dist.*, 295 F. Supp. 2d 996 (W.D. Ark. 2003)), placing books on restricted shelves or altering access parameters based on personal or ideological objections operates as a constructive ban that violates long-standing First Amendment principles. The SCBOE might also be interested to know that the *Counts* case is actually about *Harry Potter* books.



**Harry Potter and the deathly hallows** (Harry Potter, Book 7) (#15131T6)  
 by [Rowling, J. K.](#); illustrated by [GrandPre, Mary](#)  
[9 reviews & awards](#) | [5 full-text reviews](#)  
**Hardcover** — A.A. Levine, 2007  
 Price: **\$37.99**  
 ● **10+ in stock.** Ready to ship.  
 Dewey: -Fic-; Audience: **Middle School**; Reading Level: 6.9  
 From the publisher: Grades 3-9  
 From Booklist: Grades 6-12; PW: Ages 9-12; SLJ: Gr 6-Up  
 Description: 759 pages : illustrations; 24 cm.

[Preview](#) |  | ☐ First Choice [Add to Cart](#)

MASL incorporates these into this notice of opposition because they present evidence of books that are both YA and classics, as well as books that are not YA, but are already subject to talk of being treated as YA. Therefore, creating a policy that prohibits access to YA books while allowing access to classics would remove access to these books to students under the age of 18. Allowing access to these books and not allowing access to books such as *All Boys Aren't Blue* and *All American Boys* (or any other book that is YA but not classified as a classic) is the most striking evidence of viewpoint discrimination yet because the board is exempting books from the YA restriction that are truly classified YA, yet also considered classics. These are not small discrepancies, but significant ones that threaten to undermine the policy as written due to the excessive ambiguity within. This is why school librarians, professional associations, parents, and community members are saying that these books are at risk of removal because the draft policy inherently creates ambiguity.

MASL reminds the SCBOE that any book written for a student over the age of 11 is removed from purchasing consideration under their definition of YA. Despite guidance shared by SCPS library staff during the March and June 2026 board meetings regarding standard publishing categories, as well as previous correspondence from MASL, the current draft policy maintains definitions that conflict with professional cataloging standards. Framing this policy as a neutral "age-appropriate placement" measure rather than an outright book ban does not insulate it from constitutional scrutiny. The U.S. Court of Appeals for the Fourth Circuit (which covers Maryland) has explicitly rejected governmental attempts to impose broad, categorical, display and access barriers that strip young readers of non-obscene, age-appropriate literature (*American Booksellers Association, Inc. v. Virginia*, 802 F.2d 691 (4th Cir. 1986)).

In *American Booksellers*, the Fourth Circuit held that the government cannot enforce restrictions that create an artificial, overbroad prohibition on standard literature or force physical segregation that prevents normal browsing. Crucially, in reviewing the constitutional reach of display restrictions targeting minors, the judicial analysis anchored itself on the "oldest minor" standard (*Commonwealth v. American Booksellers Ass'n*, 372 S.E.2d 618 (Va. 1988); *American Booksellers Association, Inc. v. Virginia* 882 F.2d 125 (4th Cir. 1989)). Under First Amendment doctrine, material cannot be restricted across an entire minor population if it possesses serious literary, artistic, or educational value for older adolescents, such as 16- and 17-year-old high

school students. Therefore, in each elementary, middle, or high school, the oldest minor in that building is the age appropriateness threshold. Under the draft SCBOE Policy 500-19, age 11 would be the age applied to every building unless it is a classic.

Reclassifying YA literature, a publishing genre written, edited, and cataloged specifically for readers aged 12 to 17, as "18+ content" creates the exact unconstitutional access barrier the Fourth Circuit invalidated. By treating 12-17 year-olds as if they have no right to access literature written directly for their developmental stage, the SCBOE impermissibly reduces the reading level of high school juniors and seniors to a "lowest common denominator" suitable only for young children.

Just as commercial retailers could not be forced to erect "adults-only" barriers that restricted access to non-obscene books, a public school board cannot arbitrarily reclassify a mainstream educational genre to create a *de facto* ban for the vast majority of its middle and high school students, especially since they are not obscene and have not gone through a review process as mandated by Maryland's Freedom to Read Act.

Furthermore, the Fourth Circuit recognized that overbroad restrictions create an unconstitutional "chilling effect," forcing staff to self-censor out of fear of state penalty (*American Booksellers*, 802 F.2d at 696). Subjecting certified school library media specialists to administrative discipline if YA materials end up in front of students under 18 coercively forces educators to over-censor school collections. Under binding Fourth Circuit doctrine, the government cannot rely on artificial definitions to restrict access to protected speech, ignore the rights of older adolescents, or intimidate professional staff into broad self-censorship.

Additionally, MASL also reminds the SCBOE that this overbroad restriction directly infringes upon students' First Amendment rights of free expression and access to information, rights that students do not "*shed... at the schoolhouse gate*" (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)). As the Supreme Court held in *Tinker*, state-operated public schools "*may not be enclaves of totalitarianism*" where students are confined to "*expression of those sentiments that are officially approved.*" Arbitrarily quarantining mainstream juvenile literature violates these fundamental constitutional guarantees.

At this point, it seems appropriate to remind you that the complete and total failure of the SCBOE to heed the warnings provided to you verbally at the March 2026 and June 16, 2026 board meetings by Somerset school librarians and the district library supervisor, and in writing by MASL regarding the proposed SCBOE Policy 500-19, appears to be in violation of MD Code, Ed. § 4-108(3). This code states that the county board shall "*determine, with the advice of the county superintendent, the educational policies of the county school system.*" Disregarding the statutory advice of the Superintendent's professional staff in favor of external, ideological legal theories undermines the statutory framework of § 4-108. Substituting lay or ideological opinions for the expert advice of certified educators exposes the SCBOE's policy to immediate challenge before the Maryland State Board of Education (MSDE) as arbitrary, unreasonable, and legally invalid, and a failure of the SCBOE to carry out its legal responsibilities.

## **Draft SCBOE Policy 500-19 Violates COMAR Regulations and Supreme Court Precedent Regarding Collection Development**

Draft SCBOE Policy 500-19 mandates that *"all new media purchases... must be approved by the Board prior to making any purchase regardless of cost."* However, this is beyond the scope of the board's authority. MASL reminds the SCBOE that COMAR 13A.05.04 and MD Code, Ed. § 4-142 explicitly delegates collection curation and media program management to certified library media specialists operating under state standards. SCBOE cannot write a local policy that takes over daily operational curation or institutes an unlawful prior-restraint mechanism over media purchases.

Further, mandating that all new library acquisitions receive Board approval prior to purchase creates an unconstitutional system of prior restraint. The Supreme Court has repeatedly affirmed that any governmental system requiring prior administrative approval of speech or literature carries a *"heavy presumption against its constitutional validity"* (Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 70 (1963)). By requiring lay Board members to pre-screen and approve acquisitions without the rigorous procedural safeguards, strict timelines, and narrow criteria mandated by Supreme Court doctrine (Freedman v. Maryland, 380 U.S. 51 (1965)), draft Policy 500-19 creates an impermissible administrative embargo on protected literature before it can ever reach school shelves, which is why the Freedom to Read Act prohibits them.

## **SCBOE Overreach Violates Supreme Court Precedent Relating to Parental Rights While the Freedom to Read Act Seeks to Uphold Parental Rights Through Its Design**

While landmark Supreme Court jurisprudence on parental autonomy, such as *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) and *Troxel v. Granville*, 530 U.S. 57 (2000), protects the rights of individual families rather than dictating public school library inventories, the underlying constitutional principle remains vital: government bodies may not substitute their own judgment for that of individual parents. SCBOE cannot claim "parental rights" as a justification to act *in loco parentis* for an entire county by restricting what other people's children may read. The Maryland General Assembly codified this exact distinction in MD Code, Ed. § 4-142. The statute honors true parental agency by preserving the right of individual parents to guide their own children's reading while explicitly barring local boards from imposing top-down, system-wide access barriers with which parents might not agree.

MASL also noticed that draft SCBOE Policy 500-19 explicitly attempts to justify parental "OPT OUT" by citing *Mahmoud v. Taylor*, 606 U.S. 522 (2025). This relies on a fundamental misapplication of federal constitutional law. In *Mahmoud*, the U.S. Supreme Court addressed compulsory classroom instruction in a mandatory language arts curriculum where elementary students were required to participate in specific lessons without parental notice or opt-outs. The Court's ruling was strictly anchored in the coercive nature of mandatory classroom instruction. *Mahmoud* does not extend to voluntary, non-compulsory school library collections where students exercise individual choice. Indeed, the plaintiffs in *Mahmoud* at the district and circuit levels noted they had no objection to books simply being available on library shelves for voluntary access. Nothing in *Mahmoud* provides the SCBOE with the authority to make

decisions on behalf of parents with regards to the books in school libraries and provides no actual justification for the changes that the board is trying to make to school library collections. MASL respects the right of parents to direct the upbringing of their children, but as will be discussed below, the authority parents have related to school library books is provided by the Freedom to Read Act, which existed in Maryland prior to the decision in *Mahmoud*.

MASL also reminds you that federal precedent explicitly prohibits converting individual parental opt-out rights into administrative barriers or mandatory permission schemes across an entire school library. While it does not directly impact Maryland at this juncture, *Counts v. Cedarville School District*, 295 F. Supp. 2d 996 (W.D. Ark. 2003), a federal court struck down a school board policy requiring parental permission slips to access specific library books, holding that placing administrative barriers around voluntary library materials violates students' First Amendment rights. It is not up to a school system to make a decision about books and restrict access, but it is up to a parent to have conversations with their children and the school librarian to make their choices and desires known.

While *Mahmoud* protects a parent's right to guide their own child's classroom instruction, MD Code, Ed. § 4-142 operationalizes that exact principle by preserving individual parental choices for their own children without permitting a local board to establish district-wide access barriers, age-segregated "adult" shelves for 18-year-olds, or political board pre-approval over library materials. If parents have concerns about books their children are reading, they may reach out and discuss with their school librarian, and, if they are not satisfied with that, they may file a formal request for reconsideration.

## **Position Overview**

While MASL respects the role of school boards in creating policy and guiding the overall operation of their school districts, we hope we can all agree that those policies must always align with the law. This letter highlights the reasons that the proposed SCBOE Policy 500-19 violates COMAR, Maryland state law, and established judicial precedent, making it inherently illegal on its face. The only point under COMAR and the laws of this state at which the SCBOE can direct which books can be removed from a collection is if a decision on a reconsideration request is appealed to their level, and a decision made by the SCBOE, perceived to be in violation of the law, could be appealed further.

The Freedom to Read Act makes removing and restricting books functions that occur through the initiation of requests from students, their parents/legal guardians, and employees of SCPS to remove any illusion of ideological motivation. It is up to them to shape the content and structure of their school libraries guided by board policy that comports with the law. The Freedom to Read Act, as well as COMAR related to library media programs, are explicit that neither the SCBOE, nor any other Maryland school board, has the authority to interfere with the acquisition or removal of library materials and are only involved in reconsideration if a decision is appealed to their level. The good thing about following the SCBOE meetings virtually is that MASL and the public can see what its real motivations are, the issues with the process of

acquisitions play out in real time, and the vagueness of the terms in this policy creating obstacles to acquiring materials, making this a facial issue, as well as an applied one.

MASL respectfully requests that draft SCBOE Policy 500-19 be significantly edited to bring it into compliance with state law, COMAR, and judicial precedent in a way that respects the rights of the SCPS community to decide for themselves which books they would like to read and which books they might deem inappropriate as provided for in Maryland state law. MASL also acknowledges that case law outside of the Maryland District, Fourth Circuit and Supreme Court do not hold the force of law in Maryland; however, they represent the corpus of first amendment jurisprudence that help guide all federal courts in their decision making process, making them relevant, even if not directly applicable to Maryland in this moment.

MASL must firmly object to the SCBOE acting outside the scope of its legal and regulatory authority under COMAR and MD Code, Ed. § 4-142 through their attempt to take power away from SCPS employees, students, and their parents/guardians to decide what can stay in their school libraries for themselves. It is an abrogation of its fiduciary responsibility. Indeed, it is worth asking why the SCBOE is afraid of what will happen if they give the students, parents/guardians, and SCPS employees their rights under Maryland law. Bypassing state statutory framework deprives parents, students, and educators of the formal due process rights explicitly provided to them under Maryland law. MASL urges the SCBOE to uphold these statutory rights rather than implementing top-down restrictions that constrain parental agency and student access provided in the Freedom to Read Act. If those that have concerns with a book want them to be reconsidered, then they can make the request themselves; the Freedom to Read Act is clear that it is not the place of the SCBOE to initiate these reconsideration requests.

Thank you for your prompt consideration of these concerns. MASL looks forward to seeing a revised draft of SCBOE Policy 500-19 that comports with Maryland state law, COMAR, as well as judicial precedents. The authority to remove materials from school library collections sits in the hands of SCPS students, their parents/guardians, and employees in accordance with the Freedom to Read Act.

Sincerely,

Jacob Gerding, Ed.S.

President and Advocacy Chair

On Behalf of the Executive Board of the Maryland Association of School Librarians

## Reference

Smith, M. H. (2015). *Profanity, disgust, and dangerous literature: A hermeneutical analysis of The Catcher in the Rye and The Chocolate War*. [Doctoral dissertation, Texas A & M University]. <https://oaktrust.library.tamu.edu/server/api/core/bitstreams/725b434d-01a7-405b-983c-27190ee2835b/content>

## **EXHIBIT 6**

August 14, 2026

Via Electronic Mail

Board of Education of Somerset County  
7982 Tawes Campus Dr.  
Westover, MD 21871

Center for Legal Affairs

KRISTY K. ANDERSON  
General Counsel

DAMON R. FELTON

MATT POST

JAMIE L. SAPIA

**Re: Opposition to Proposed Policy 500-19, Notice of Intent to Challenge**

Dear Chairperson Matthew Lankford and Members of the Board,

The Maryland State Education Association (MSEA) has reviewed the third reading of Policy 500-19. The changes do not cure the unlawful provisions identified in our attached August 6 letter.

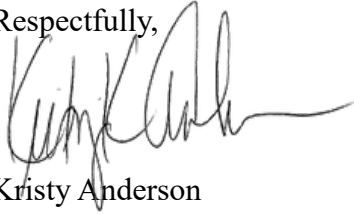
**To reiterate: if Policy 500-19 is passed as currently drafted or implemented in its current form, Somerset County Public Schools will be in violation of Maryland law.**

The latest draft contains basic spelling and legal errors that further illustrate why it cannot be adopted. The policy misspells “obscenity” as “OBSENIY,” and purports to define it using the Supreme Court’s three-part test but incorrectly states that test. The policy mistakenly reverses the test’s first prong by stating that obscene content “does not appeal to the prurient interest” (it is the other way around). *Miller v. California*, 413 U.S. 15, 24 (1973). And the policy omits “political” from the values identified in the test’s third prong. *Id.*

The Board should withdraw Policy 500-19, rather than continue attempting to make cosmetic changes to a media selection policy that (1) illegally discriminates against books on the basis of content; (2) illegally targets school librarians for discipline; (3) illegally narrows the purpose of a school library; and (4) illegally removes books without undergoing the required review process.

MSEA expressly reserves all rights and remedies necessary to ensure that the statutory laws and Constitution are upheld in Somerset County.

Respectfully,

A handwritten signature in black ink, appearing to read "Kristy Anderson", with a long horizontal flourish extending to the right.

Kristy Anderson

c:      Phaedra Spencer, President  
         John Carnahan

## **EXHIBIT 7**

Full meeting recording: <https://tinyurl.com/Somerset-Board-8-18-26-Meeting>

**Local Board Chair Matthew Lankford Closing Comments:**

**02:04:39**

Oh my goodness. Well, I appreciate everybody coming tonight. I have to say this, as a person, since I guess when I first—my first memories—I never cared what people thought about me. Never. I said what's on my mind. You can ask my wife. I only answer to one person: Jesus Christ. And the reason that we look so much at these materials, these are the things that go in our kids' minds. When I really read these books—how many people have read these books? I'll tell you the truth, I read them and it disgusted me.

**02:05:35**

We're talking about sodomy. We're talking about oral sex. We're talking about consensual sex with teachers. In these books. In the books in Somerset County. You all laugh and shake your head and all that. That's fine. I don't really care what you think. I know what I read, and I know what was in these schools. Excuse me. You know, we're not trying to end the fun for kids. We're protected. Pornography. Child pornography.

**02:06:20**

Do you know how many years of prison you will serve if you violate a child? Look it up. Maryland law. And we are giving them the same things, all these things, that are totally outrageous. Don't think for a minute that we're better than others. I will say this: We've had our fair share of inappropriate relationships with the children in these schools. I'm not giving them anything that they can point to me and say—we're talking about sexually explicit books that we want to remove out of our library.

**02:07:14**

Now, 18-and-over shelf—if you're 18, you're an adult, you can do what you want. That's what we have decided to do. And I want you all to read as much as you possibly can. And I'm going to say this: When I was in school, the F-bomb that I hear all up and down these school halls and places, in the classrooms, cussing out teachers, was not permitted when I was in school. And it shouldn't be today. Shouldn't be.

**02:07:57**

So we give them books that's got a hundred F-bombs, and we don't expect them to use it in the classroom at our teachers. These are the things that—I don't care what anybody else thinks, except for Jesus Christ—I don't think they should be given to our children. And I'm gonna, I'm

gonna express this to you. Uh, the one that said about our attorneys, \$265,000, I think that's what she said. Well, I'm pretty good at math.

**02:08:21**

I know what she makes an hour. She had well over a thousand hours, I guarantee you, well over that for this county. And I'm gonna tell you something: You all don't even realize the mess this school was in. Just look at our HR department. Look at all the lawsuits. Because we didn't have documentation the way we were supposed to. Let me tell you something. This lady and her husband are heroes, and they should never—you think you're gonna get somebody for \$65,000? Yeah, we got that, and look where it got us, people. Why do you think we made the change?

**02:09:05**

We want to improve our kids' education. You know how much these ACLU lawyers cost an hour? \$1,700. And there's seven of them. And who's causing some of these lawsuits? Our own people. Saying we're doing things like banning books and doing all this stuff? You need to reassess, in my opinion. And I'm saying it like it is.

**02:09:45**

And I can tell you this too, y'all probably won't believe me: Well, I love each and every one of them, because that's what God asked me to do. And with that, I hope you have a great night and you go home and be careful. God. With that, can I get a motion to adjourn the meeting?

## **EXHIBIT 8**

IN THE MATTER OF  
SOMERSET COUNTY  
BOARD OF EDUCATION  
POLICY 500-19

ORDER OF THE  
STATE  
SUPERINTENDENT  
OF SCHOOLS  
Order No. 26-01

ORDER

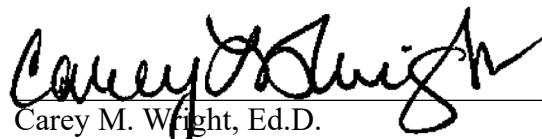
On August 18, 2026, the Somerset County Board of Education (“local board”) approved amendments to Policy 500-19, Selection of Textbook and Media Center Materials. Among other things, the policy defines “young adults” as individuals ages 18-26, prohibits minors from accessing “adult library materials,” and requires a majority vote of the local board to approve any book that is added or removed from school libraries.

The State Superintendent exercises her authority to issue a stay of the local board’s approval of Policy 500-19 to preserve the status quo and permit review to ensure compliance with applicable law, including the Maryland Freedom to Read Act. Accordingly, pursuant to the authority granted under COMAR 13A.01.02.01B, it is:

ORDERED, that the action of the Somerset County Board of Education approving Policy 500-19 is hereby STAYED, effective immediately; and it is further

ORDERED, that this stay shall remain in effect for sixty (60) calendar days from the date of this Order.

Issued this 20th day of August, 2026.

A handwritten signature in black ink, appearing to read "Carey M. Wright", is written over a horizontal line.

Carey M. Wright, Ed.D.  
State Superintendent of Schools  
Maryland State Department of Education