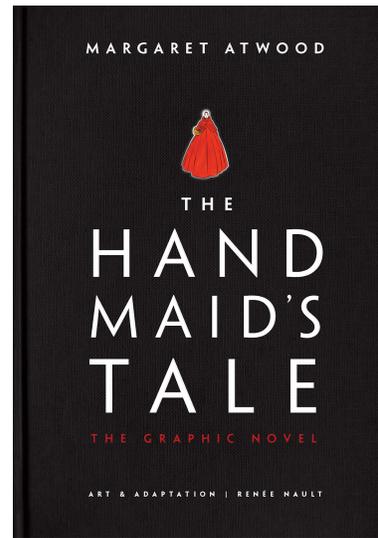


## OLA INTELLECTUAL FREEDOM COMMITTEE (OLA IFC) Book ban incident at North Medford High School (NMHS)

### Executive Summary

In response to a formal complaint from a parent, Medford School District (MSD) removed all copies of [The Handmaid's Tale: The Graphic Novel \[edition\]](#) in early April 2022 following a hastily convened Reconsideration Committee meeting. Prior to that meeting, a MSD library staff member contacted the IFC with concerns about the district's process and potential plans for purging additional works from the library collections. The IFC began corresponding with MSD to determine facts on the case. While the school administration did initially provide a brief response to IFC questions, it then ceased voluntary cooperation when the IFC asked follow-up clarification questions and also requested public records evidence related to the matter.



To fulfill the public records request, MSD requested prepayment of \$1,898. The IFC requested that fee be waived, due to significant public interest in the matter. In a letter from its legal counsel, MSD declined to waive fees but offered to respond to written questions. IFC Chairs approached the [CBLDF](#) and [ACLU-OR](#) organizations for advice on how to navigate a potentially cost-prohibitive fee for its public records request. ACLU staff assisted with a counter-proposal set of questions sent to the MSD attorney on 5/26/22, while reserving the right to pursue the public records request at a later date. Response requested by 6/9/22.

Due to a perceived lack of candor from MSD about this case, the IFC anticipates that the written response will be less than satisfactory, and renewal of the public records request will be needed for corroborating evidence. ACLU-OR is prepared to provide legal representation to OLA in public records pursuit matters, if necessary. OLA Board authorization of ACLU-OR representation is required (Approved by unanimous vote at 6/3/22 meeting).

### OBJECTIVES

1. Establish facts to determine:
  - a. Did the organization comply with its own written policies?
  - b. Was the reconsideration process fair?
  - c. Are there Intellectual Freedom concerns with the process and outcome?
2. Highlight any First Amendment concerns in a final report to the organization, OLA, and public.

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**QUESTIONS PENDING**

1. What are the titles of all books removed from District libraries since January 1, 2021?
2. When was The Handmaid's Tale graphic novel added to the Medford High School ("MHS") library collection?
3. How many times has The Handmaid's Tale graphic novel been checked out at the MHS library?
4. What was the vote of each member of the Reconsideration Committee on the motion to remove The Handmaid's Tale graphic novel from the MHS library?
5. What polic(ies) governed the Reconsideration Committee at the time they made their decision?
6. Does policy K.LB (policy code: KLB) currently govern the District? If not, when did the Board rescind that policy?
7. What policy governs tie votes on the Reconsideration Committee? If there was a tie vote regarding The Handmaid's Tale graphic novel, who broke the tie? If there was a tie breaker, was that person involved in all committee discussions and deliberations related to the removal of The Handmaid's Tale graphic novel?
8. What is the process for selecting members of the committee, including qualifications or training the members must have to serve on the committee?
9. Did the committee work with the complainant(s) to restrict access for specific child(ren) before deciding to remove the book entirely? If not, why? If so, please describe the steps taken.
10. Did the committee weigh the benefits of graphic literature to students with Autism Spectrum Disorder and visual learners? If not, why? If so, please describe that consideration and accommodations made to account for the loss of that benefit.
11. What is the appeal process for the District's decision to remove The Handmaid's Tale graphic novel?

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**TIMELINE OF NOTABLE EVENTS**

- January 2022(?) Staff at North Medford High School (NMHS) witnessed a parent with a library book approach a school administrator. Complaint form reportedly provided to parent.
- 3/31/22 [Written PUBLIC COMPLAINT](#) to NMHS about [Handmaid's Tale Graphic Novel](#), submitted by parent whose child checked out item from school library. Parent objected to "Images of nudity, sexual assault, and suicide", alleged "It's extremely inappropriate for children."
- 4/8/22 NMHS Reconsideration Committee (4 staff) met; decision made to remove book from school library.
- 4/13/22 In response to IFC inquiry for guidance, Kristin Pekoll, Asst Director for ALA Office of Intellectual Freedom provided a sample "Offer of Assistance" letter template for contacting an organization about a challenge incident.
- 4/14/22 [Intellectual Freedom INCIDENT REPORT](#) received by State Library of Oregon (SLO)
- 4/18/22 [OLA IFC LETTER 1](#) to Medford School District (MSD) based on ALA OIF "Offer of Assistance" template, requesting copy of original complaint and information (6 questions)
- 4/26/22 [MSD response to LETTER 1](#) received by IFC with copy of original complaint and brief responses to questions. Red flags – 4 member committee, missing reference to district policy.
- 4/27/22 [OLA IFC acknowledgment](#) of response receipt
- 4/28/22 [OLA IFC LETTER 2 to MSD](#), requesting additional information (9 questions) and public records request (4 components)
- 5/5/22 [MSD response to IFC LETTER 2](#), stating *refusal to cooperate* with additional questions, and providing a *quote of \$1,898 for public records request fulfillment*.
- 5/6/22 IFC Co-Chair Stokes notifies ACLU-OR and Comic Book Legal Defense Fund (CBLDF) about incident.
- 5/10/22 [OLA IFC LETTER 3 to MSD](#) requesting fee waiver, resubmission of reduced set of questions (5). Cc'd to [MSD Board](#).
- 5/12/22 ACLU-OR team virtual meeting with IFC Co-Chair Stokes; discussion of facts, public records seeking process, potential assistance available from ACLU.
- 5/13/22 [MSD response to IFC LETTER 3](#) via Attorney Thaddeus G. Pauk of TGP Law, denying request to waive fees, instead offering written response to questions in "a reasonable amount of time."
- 5/16/22 [Letter to MSD Board](#) from OLA IFC Co-chair O'Neal with statement of condemnation of book removal decision.
- 5/xx/22 Medford area bookstores and local supporters distributing free copies of HTGN.

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Support from Jackson County Library System (JCLS) includes [blog](#) post and [Educational Resource newsletter](#) information. JCLS is taking the opportunity to provide information about censorship, the popularity and purpose of graphic novels for kids and teens, and not responding directly or taking a stance on the MSD situation other than stating they are “disappointed” with MSD decision.

5/17/22 [Donation form](#) set up on [OLA IFC webpage](#) for general purpose use.

5/19/22 ACLU-OR team meeting with IFC Co-Chairs Stokes and O’Neal; discussion of MSD attorney response rejecting request of fee waiver and IFC strategy.

[Minutes](#) and Extras from MSD Board meeting on this date include no mention of book removal incident or IFC emails in Public Comment period. ??

5/24/22 Press interview – Emily O’Neal with Jefferson Public Radio reporter Erik Neumann.

5/25/22 ACLU-OR team notifies IFC of organization approval to represent OLA with public records pursuit matters, if necessary.

5/26/22 [OLA IFC LETTER 4 to MSD](#) attorney, with new set of 11 questions. Response requested by 6/9/22 (last day of school).

6/3/22 OLA Board decision on authorizing ACLU-OR to provide legal counsel with public records request matters, such as fee negotiation, if necessary.

Jefferson Public Radio feature broadcast with IFC Co-Chair Emily O’Neal: [Medford School District book removal amounts to 'censorship', says state library association](#)

6/9/22 MSD response to IFC LETTER 4 via Attorney Thaddeus G. Pauk