Appeal to the Beaufort County School Board

19 DEC 2022

Book Review Committee Review

Michael E Covert, Appellant

Beaufort County School Board

2900 Mink Point Boulevard

Beaufort, SC 29902

Current Books Reviewed: *"Speak", "The Handmaids Tale", "The Perks of Being a Wallflower", and "The Kite Runner"*

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Chair Gwodz, School Board Members, Superintendent Rodriguez;

I received a formal response form Dr. Bruder with Dr Stratos copied, via email at 2002 hrs on 8 DEC 2022 indicating and advising me that the Book Review Committee has made a decision on the first four books they were to review. Those books are individually spelled out on the cover of this Appeal. In the response, I was advised that I have seven (7) business days to file this formal appeal. There were, however, several items never mentioned or addressed in any written format such as (a) What is the format for filing the appeal; (b) no mention of the names and identifiers of the members of the Review Committee, to ensure proper procedure was performed by the District in selecting members per the organizational make up prior to the Committee convening; (c) what are the procedural processes for the School Board to take for this Appeal; (d) I had asked for review notes and comments, minutes or recordings from the Review Committee meeting(s); and (e) I asked for the window of the seven (7) businesses days to start once these questions had been properly answered to any and all complainants. I posed those questions in the formal response and acknowledgement to Dr. Bruder upon seeing the email on Friday morning of 9 DEC 2022. I did receive on 12/13/2022 at 8:06pm, an email form Dr. Bruder with some data from the review committee. However, that data did not have any notes, markings, or comments; it did not include who the people are on the committee(s) therefore is of no use. I will reiterate again and again, that if the School district and Board are going to promote full transparency, then they need to BE fully transparent.

Prior to posting my appeals, I find it imperative to reiterate those requests made on 12/09/2022 as they are important, relevant and should be made part of the public record. In the vein of transparency, the full list of all members of the Review Committee(s) by Committee Grouping and their classification on the committee and whether they are an employee of the BCSD or any other School District, is vitally important to gain/maintain the public trust and your responsibility of such. As of this writing, none of those requests have been fulfilled.

I also find it imperative to make perfectly clear— my concern in this issue, and my appeal(s) have absolutely nothing to do with politics in any form. There are those bad actors out there that either have tried to make it or will try to make it political. I have not and will not do so.

While reviewing this appeal, I ask that each of you have a copy of the **Beaufort County School District Progressive Discipline Plan Student Code of Conduct** handy beside you. Throughout this handbook, keeping these books on the shelves is violating your OWN regulations set forth for student conduct. How can you enforce regulations of inappropriate materials with irreverent or inappropriate language; obscene language, gestures, writing, comments etc; the possession of pornography; using obscene language; using violence towards people; using violence towards females; etc--- when you would be glorifying it through the constant use of these materials. The irony and double standards would be deafening.

I am appealing the Review Committee results based on the following conditions, and above commentary, by book title:

"Speak," by Louise Halse Anderson

There is a generalized list of reasons this book should not be in any grades below high school and only then possibly allowed only in the library and able to be checked out with parental signature. Included are:

Profanity; alcohol use involving minors; controversial social commentary; self-harm including anorexia, and suicidal ideations; sexual activities; and sexual assault. The book has several pages of illustrations depicting these same ideations in almost, glorifying the activities.

Where in the educational system; where in the Curricular guidebooks, where in the SC State Department of Education is a book like this part of education? Rape, sex, alcohol use, sexual assaults etc. are all part of the familial responsibility and accountability in raising children. NOT one place in a school system where public tax dollars is used is this appropriate. How does a student, any student, increase his or her education and preparation for the next grade level by reading this?

However, having furthermore consultation with legal experts in SC Constitutional Law; a public school district; school district employees and school board trustees may, in fact, be guilty of the following by allowing a book such as "*Speak*" to be in classroom instruction and/or in the library with unfettered access of:

16-15-305 Disseminating; procuring; or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.

16-15-335 Permitting minor to engage in any act constitution violation of this article prohibited; penalties.

A) "In *Osbourne v Ohio*, 04-18-1990, 110 S.Ct. 1691, 495 U.S. 103, 109 L.Ed. 2 98- State was permitted under First Amendment to ban possession and viewing of child pornography because state did not rely on paternalistic interest in regulating person's mind but sought to serve compelling state interest in protecting victims of child pornography, and it was reasonable for state to conclude that such proscriptions were necessary to decrease production of child pornography; statute as construed by state Supreme Court to include elements of scienter and lewd exhibition was not constitutionally overbroad, and state Supreme Court properly applied its narrowed construction of statute to accused's conduct; but it was necessary to remand the case for new trial to insure that conviction stemmed from finding that prosecution had proved each elements of the offense."

16-15-355 Disseminating obscene material to minor twelve years of age or younger prohibited; penalties.

16-15-375 Definitions applicable to Sections 16-15-385 through 16-15-425

A) "South Carolina statute imposing criminal liability for dissemination of materials harmful to minors over internet was narrowly tailored to serve the State's compelling interest in protecting minors from sexually explicit materials, as required to strict scrutiny under First Amendment , despite state's claims that verification and labeling were effective means of achieving state's ends; age verification would deter lawful users from accessing speech they were entitled to receive, age verification system would pose significant costs for internet speakers who had to segregate harmful and non-harmful material, equally effective and less restrictive alternatives, such as user-based blocking and filtering software, were available, and statute did nothing to curtail the flow of sexually-explicit materials from abroad." {*Southeast Bookseller's v McMaster*, 2005, 371 F.Suppd.2d 773

16-15-385 Disseminating harmful material to minors and exhibiting harmful performance to minor defined; defenses; penalties.

A) ATTORNEYS GENERAL OPINIONS: "Public libraries and public-school libraries fall in the same category as college libraries with respect to the law dealing with distributing offensive or harmful material to minors. This section would be constitutionally valid means to prohibit the distribution of harmful material to a minor." *SC Op. Atty. Gen. (June 22, 1998) 1998 WL 746008*

16-15-405 Second degree sexual exploitation of a minor defined; presumptions; defenses; penalties.

(A) "An individual commits the offense of second-degree sexual exploitation of a minor if, knowing the character or content of the material, he:

2. distributes, transports, exhibits, receives, sells, purchases, exchanges or solicits material that contains a visual representation of a minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose of sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor."

16-15-410 Third degree sexual exploitation of a minor defined; penalties; exception.

(A) "An in dividual commits the offense of third-degree sexual exploitation of a minor if, knowing the character or content of the material, he possesses material that contains a visual representation of a minor engaging in sexual activity or appearing in a state sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise, is a minor".

16-15-415 Promoting prostitution of a minor defined; defenses; penalties.

(A) "An individual commits the offense of promoting prostitution of a minor if he knowingly: (2) supervises, supports, advises, or promotes the prostitution of or by a minor."

16-15-435 Circuit solicitor to request search and arrest warrants for violations of Sections 16-15-305 through 16-15-325; hearing on obscenity issue.

(B) "Following the seizure of allegedly obscene property pursuant to a warrant requested by the Solicitor and issued by a neutral and detached magistrate based on supporting affidavits, any interested party may request and the court having appropriate jurisdiction must promptly conduct an adversarial hearing for the purpose of obtaining a judicial determination, based on a preponderance of the evidence, of the obscenity issue."

b.1 There are several court cases and case law that specifically speak to this concern:

A) *UNITED STATES, et al, v AMERICAN LIBRARY ASSOCIATION* [on appeal form the US District Court for the Eastern District of Pennsylvania] …."A library's needed to exercise judgment in making collection decisions depends on its traditional role in identifying suitable and worthwhile material; it is no less entitled to play that role when it collects material from the internet than when it collects material from any other source. Most

libraries already exclude pornography from their print collections because they deem it inappropriate for inclusion." The Court sided with the Appellant such materials are not

B) *Stanley v Georgia* 1969; some of the advocators of allowing pornographic material in school s will cite this case. However, in Stanly, the Court ruled that having pornographic material was okay, as long as it was in your own home.
C) *State of Wisconsin v Redinger* 2016; whereas the Court ruled against the Petitioner (Redinger) that he did not have a First amendment right to view pornographic material in a public library. Redinger claimed *Stanley* and *Reno v ACLU*, were two cases that provided him to prevail. The court ruled that neither *Stanley* nor *Reno* established a First amendment right to view pornography in a public library or in any other public place.
D) *Reno v ACLU* 1996; the Court invalidated two provisions of a federal law known as the Communications and Decency Act.

There is also more Federal District court opinions and ruling on this subject and even as of AUG 2022, *C.K-W. v Wentzville R-IV School District* was heard in the Federal Eastern District Court in Missouri. In August of 2022, Judge Matthew Schelp ruled: "Plaintiffs allege that the removal of books from the District's libraries is "part of a targeted campaign" by two private groups "to remove particular ideas and viewpoints about race and sexuality from school libraries," and that the District's "failure to use established, regular, and facially unbiased procedures for the removal of books" and its "policy of removing materials immediately upon challenge demonstrates the [materials] have been removed on an arbitrary basis and not in a viewpoint-neutral manner," Plaintiff's assert that the District removed the books "with the intent and purpose of preventing all students from accessing" them, and they allege the "Decisive factor" in the decision to remove the books was a "dislike of the ideas or opinions contained in the books by policymakers, school officials, community members or a combination of those." They contend the policies themselves and the removal of the books at issue violate the First amendment rights of students by restricting their access to ideas and information for an improper purpose. Plaintiffs sought to enjoin the Defendant (Wentzville School District R-IV) from allowing its policy that allows parents, guardians and students to initiate challenges to library materials and require the District to restore access to any books it has removed from school libraries during that school year."

The last sentence of that paragraph is the most damning. The Plaintiffs, in layman's terms, were not only seeking to have the books put back on the shelves, but also making it law that parents, guardians or students had **NO RIGHT** to challenge anything thereof or therein with cause to the decision!!

Schelp also said, “Plaintiffs rely heavily on the plurality opinion of Justice Brennan in *Board of Ed. V Pico*, a case sharply divided the Supreme Court and that produced seven opinions, none of which garnered a majority. Justice Brennan’s plurality opinion, a “lavish expansion going beyond any prior holding under the First amendment, expresse[d] its view that a school board’s decision concerning what books are to be the school library is subject to federal court review.” Justice Brennan’s plurality opinion in *Pico*, however, is not binding [precisely because it wasn’t a majority opinion- ed.]” Schelp continued- “It is not clear what would be binding from *Pico* in this case. *See Griswold v Driscoll* (1st Cir. 2010) (Souter, J.) To determine what is binding from *Pico*, it is necessary to determine the “position taken by those Members who concurred in the judgments on the narrowest grounds. Justice White’s opinion therefore controls.” “The entire *Pico* court was unanimous in its explicit conclusion that schools can remove books based upon their vulgarity. See *Bethel Sch. Dist. No. 403 v Fraser* (1986) (noting that, although the Court was “sharply divided” in *Pico*, all Members of the Court “acknowledged that [a] school board has the right authority to remove books that are vulgar’) No one seriously could dispute that a school may seek to keep vulgar materials away from its students. Likewise, it is “perfectly permissible” for a school to remove a book based upon the book’s “educational suitability”. A book’s vulgarity and its educational suitability surely are at the heart of the determination of the “age sensitivity” consideration, which allows District librarians to make to remove a book.”’

The ruling on *C.K.-W v Wentzville R-IV School District* from the Federal Eastern District Court of Missouri is that **YES**, school district’s can in fact remove books from schools and in doing so, they are **NOT** infringing upon anyone’s First Amendment right. This case or issue was the amorphous right of students to receive information, which has been synthesized from the First Amendment as an “inherent corollary of the rights and free speech of the press.” The Federal Court and its ruling are not forbidding anyone from any speech and as Schelp mentions in his brief, the “Plaintiffs provided no precedent or any coherent argument why a prior restraint—and a temporary one, at that—on a student’s right to access information in the form a particular book or material would violate the First Amendment. Plaintiffs have not demonstrated why it would be unconstitutional, as prior restraints on speech are not always unconstitutional in a public-school setting.”

Most confirming is Judge Schlep’s conclusion that “Plaintiffs failed to show they have even a fair chance of succeeding in this case on the merits.”

The following book, "*So Sexy, So Soon. The New Sexualized Childhood*" by Dr Dianne Levin, Ph.d and Dr. Jean Kilbourne, Ed.d., takes a particular interesting position on this subject matter and discusses some valid thought. In this read, you will see and understand that American society is sexualizing our kids long before they reach teenage level in that "their value comes from their sex appeal". From a public review of the book by William P. Smith, "The authors recount numerous anecdotes from parents and teachers demonstrating that children from preschool through their tween years are wrestling with sexualized messages and are not always wrestling well."

Smith continues, "The authors are not coming from the perspective of an out of touch Victorian prudery that argues, "The less said about sex, the better." Rather they assert, "The problem today isn't that our kids are learning about sex, it's ***what*** they are learning, the age at which they are learning it, and who is teaching them". They believe that children are not picking up their primary lessons from their immediate adult relationships, but from the depersonalized media (school media centers and libraries, television, video games, et al) and marketing industries."

In conclusion, there are several key points to consider:

- The overall purpose of school education is to give students the skills to support himself or herself in a career and economically contribute to society. Nothing in the books reviewed can be applied to that statement.
- Public School Boards **MUST** be cognizant of and pay special attention to, the risk associated with this type of material, based on case law.
- The suggestion or accusation from outside influencers that the Beaufort County School District in removing these books is "unconstitutional" and "violates the First Amendment rights of students", is clearly and unequivocally incorrect. As is briefed about previously, this has been settled over time and even in cases such as *Pico*, where those same groups utilize sound bites et al, because of the plurality ruling, is backfiring on them.
- Public Schools utilize Public Tax Dollars to build and operate, maintain etc. Just as the groups who complained and won court battles over Bibles in schools; 10 Commandments in schools; prayer in schools; have been successful because the public-school setting must be "for all". Continuing to provide this vulgar material in our Public School system is unconscionable and not in favor of the "for all" mantra.
- This book has illustrations as mentioned above, that could be construed as glorifying actions such as self-harm, rape, sex etc.

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ATTACHMENTS:

Figure 1

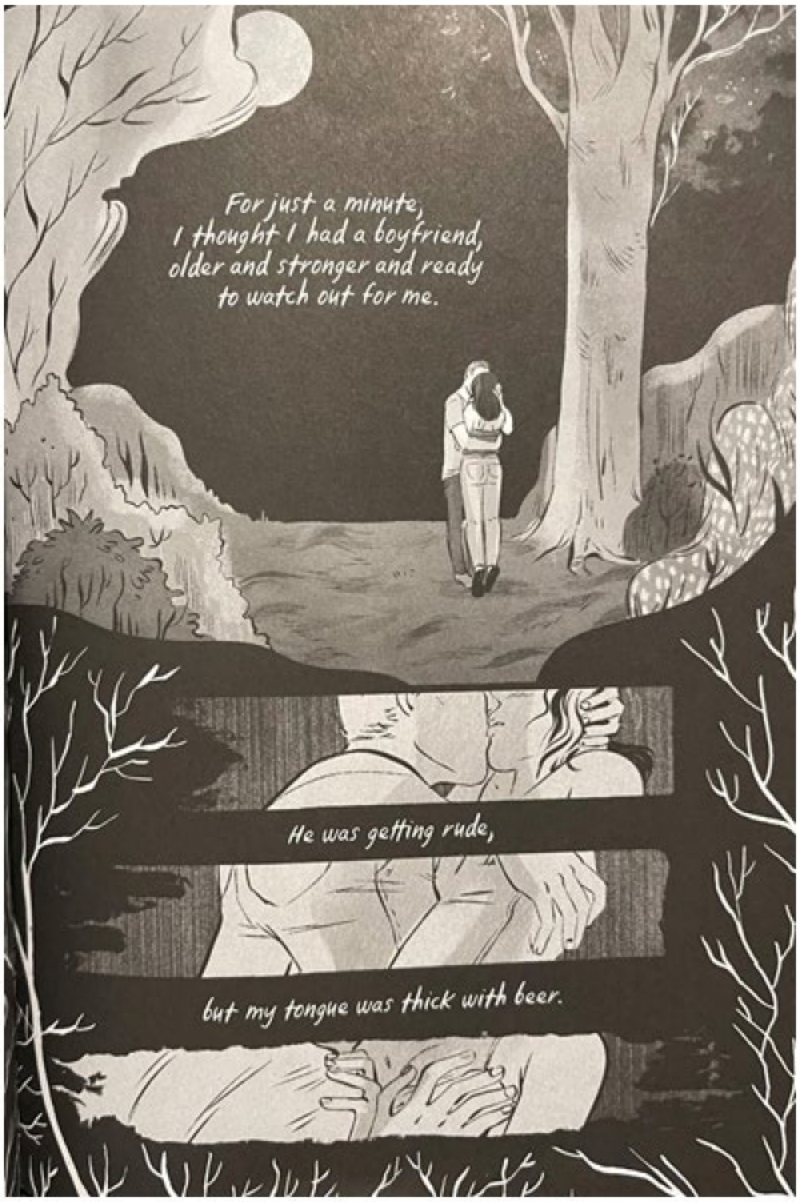

Figure 2

Figure 3

I am appealing the Review Committee results based on the following conditions, by book title:

"The Handmaid's Tale", by Margaret Atwood

There is a generalized list of reasons this book should not be in any grades below high school and only then possibly allowed only in the case of college credit classes of English where critical thinking skills are enumerated as would be in university freshman setting, in the library and able to be checked out with parental signature. Included are: vulgar and extreme profanity; violence; sexual activities; self-harm including suicide

Where in the educational system; where in the Curricular guidebooks, where in the SC State Department of Education is a book like this part of education? Rape, sex, alcohol use, sexual assaults etc are all part of the familial responsibility and accountability in raising children. NOT one place in a school system where public tax dollars is used is this appropriate. How does a student, any student, increase his or her education and preparation for the next grade level by reading this? The basis of this book is the dystopian totalitarian setting of a puritanical theocracy and extreme abortion views. The nook does not offer conflicting sides or positions, rather is worded deep in translation to affect the minds of the readers, especially the very young, that abortion is an absolute positive idea; a right etc. and that is not shared equally across this Nation.

However, having furthermore consultation with legal experts in SC Constitutional Law; a public school district; school district employees and school board trustees may, in fact, be guilty of the following by allowing a book such as "*The Handmaids Tale*" to be in classroom instruction and/or in the library with unfettered access of:

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by policymakers, school officials, community members or a combination of those." They contend the policies themselves and the removal of the books at issue violate the First amendment rights of students by restricting their access to ideas and information for an improper purpose. Plaintiffs sought to enjoin the Defendant (Wentzville School District R-IV) from allowing its policy that allows parents, guardians and students to initiate challenges to library materials and require the District to restore access to any books it has removed from school libraries during that school year."

The last sentence of that paragraph is the most damning. The Plaintiffs, in layman's terms, were not only seeking to have the books put back on the shelves, but also making it law that parents, guardians or students had **NO RIGHT** to challenge anything thereof or therein with cause to the decision!!

Schelp also said, "Plaintiffs rely heavily on the plurality opinion of Justice Brennan in *Board of Ed. V Pico*, a case sharply divided the Supreme Court and that produced seven opinions, none of which garnered a majority. Justice Brennan's plurality opinion, a "lavish expansion going beyond any prior holding under the First amendment, expresse[d] its view that a school board's decision concerning what books are to be the school library is subject to federal court review." Justice Brennan's plurality opinion in *Pico*, however, is not binding [precisely because it wasn't a majority opinion- ed.]" Shelp continued- "It is not clear what would be binding from *Pico* in this case. *See Griswold v Driscoll* (1st Cir. 2010) (Souter, J.) To determine what is binding from *Pico*, it is necessary to determine the "position taken by those Members who concurred in the judgments on the narrowest grounds. Justice White's opinion therefore controls." "The entire *Pico* court was unanimous in its explicit conclusion that schools can remove books based upon their vulgarity. See *Bethel Sch. Dist. No. 403 v Fraser* (1986) (noting that, although the Court was "sharply divided" in *Pico*, all Members of the Court "acknowledged that [a] school board has the right authority to remove books that are vulgar') No one seriously could dispute that a school may seek to keep vulgar materials away from its students. Likewise, it is "perfectly permissible" for a school to remove a book based upon the book's "educational suitability". A book's vulgarity and its educational suitability surely are at the heart of the determination of the "age sensitivity" consideration, which allows District librarians to make to remove a book."'

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For just a moment, picture a young lady or young lad from 10 years to 16 years old, in the library or even in the classroom observing possible daily reading from their teachers and the come across this attractive novel. They open the book and thumb through some pages (as we all have done) and run across this:

"My arms are raised; she holds my hands, each of mine in each of hers. This is supposed to signify that we are one flesh, one being. What it really means is that she is in control, of the process and thus of the product. If any. The rings of her left hand cut into my fingers. It may or may not be revenge. My red skirt is hitched up to my waist, though no higher. Below it the Commander is fucking. What he is fucking is the lower part of my body. I do not say making love, because this is not what he's doing. …I wish it were true; then I could get better and this would go away. Serena Joy grips my hands as if it is she, not I, who's being fucked, as if she finds it either pleasurable or painful, and the Commander fucks, with a regular two-four marching stroke, on and on like a tap dripping. He is preoccupied, like a man humming to himself in the shower without knowing he's humming; like a man who has other things on his mind. It's as if he's somewhere else, waiting for himself to come, drumming his fingers on the table while he waits. There's an impatience in his rhythm now. But isn't this everyone's wet dream, two women at once? They used to say that. Exciting, they used to say. …It has nothing to do with sexual desire, at least for me, and certainly not for Serena. Arousal and orgasm are no longer thought necessary; they would be a symptom of frivolity merely, like jazz garters or beauty spots: superfluous distractions for the light-minded. Outdated. I untangle myself from her body, stand up; the juice of the Commander runs down my legs."

Those in favor of this read believe this is high quality and appropriate reading for youth. I ask each School Board member to take this passage this weekend to your Church, Synagogue,

Temple etc and ask you Preacher, Pastor, Rabbi etc if you can stand before the congregation and read that exact excerpt, word for word, because it is everyone's First Amendment right to not only say it, but to also hear it. What will happen? I took this very passage and questioned four (4) members of clergy in the greater Bluffton area. Two of them handed it back to me after 4-5 lines, shaking their heads and saying *"....this is not proper for anyone especially not in Church*"; and *" I cannot imagine reading the rest of this. Why would you bring me such a thing?"* I had one literally tell me *"...I will pray for you as this is not of your character."* And I had one read it in its entirety and simply reply, "*No*" and walked off. If this is the answers that I am given by only four members of the clergy in this town, why would it be allowable to be read in school? Why would **YOU**, as School Board members allow for teachers and librarians to be employed by this District who believe it is entirely "just", "right" and "permissible" to be read?

In conclusion, there are several key points to consider:

- The overall purpose of school education is to give students the skills to support himself or herself in a career and economically contribute to society. Nothing in the books reviewed can be applied to that statement.
- Public School Boards **MUST** be cognizant of and pay special attention to the risk associated with this type of material, based on past and current case law.
- The suggestion or accusation from outside influencers that the Beaufort County School District in removing these books is "unconstitutional" and "violates the First Amendment rights of students", is clearly and unequivocally incorrect. As is briefed about previously, this has been settled over time and even in cases such as *Pico*, where those same groups utilize sound bites et al, because of the plurality ruling, is backfiring on them.
- Public Schools utilize Public Tax Dollars to build and operate, maintain etc. Just as the groups who complained and won court battles over Bibles in schools; 10 Commandments in schools; prayer in schools; have been successful because the public-school setting must be "for all". Continuing to provide this vulgar material in our Public School system is unconscionable and not in favor of the "for all" mantra.

I am appealing the Review Committee results based on the following conditions, by book title:

"Perks of Being a Wallflower", by Stephen Chbosky

There is a generalized list of reasons this book should not be in any grades below high school and only then possibly allowed only in the case of college credit classes of English where critical thinking skills are enumerated as would be in university freshman setting, in the library and able to be checked out with parental signature. Included are: sexual activities including assault and battery; sexual nudity; profanity; violence; alcohol and drug use.

Where in the educational system; where in the Curricular guidebooks, where in the SC State Department of Education is a book like this part of education? Rape, sex, alcohol use, sexual

assaults etc. are all part of the familial responsibility and accountability in raising children. NOT one place in a school system where public tax dollars is used is this appropriate. How does a student, any student, increase his or her education and preparation for the next grade level by reading this?

However, having furthermore consultation with legal experts in SC Constitutional Law; a public school district; school district employees and school board trustees may, in fact, be guilty of the following by allowing a book such as "*Perks of Being a Wallflower*" to be in classroom instruction and/or in the library with unfettered access of:

16-15-305 Disseminating; procuring; or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.

16-15-335 Permitting minor to engage in any act constitution violation of this article prohibited; penalties.

C) "In *Osbourne v Ohio*, 04-18-1990, 110 S.Ct. 1691, 495 U.S. 103, 109 L.Ed. 2 98- State was permitted under First Amendment to ban possession and viewing of child pornography because state did not rely on paternalistic interest in regulating person's mind but sought to serve compelling state interest in protecting victims of child pornography, and it was reasonable for state to conclude that such proscriptions were necessary to decrease production of child pornography; statute as construed by state Supreme Court to include elements of scienter and lewd exhibition was not constitutionally overbroad, and state Supreme Court properly applied its narrowed construction of statute to accused's conduct; but it was necessary to remand the case for new trial to insure that conviction stemmed from finding that prosecution had proved each elements of the offense."

16-15-355 Disseminating obscene material to minor twelve years of age or younger prohibited; penalties.

16-15-375 Definitions applicable to Sections 16-15-385 through 16-15-425

C) "South Carolina statute imposing criminal liability for dissemination of materials harmful to minors over internet was narrowly tailored to serve the State's compelling interest in protecting minors from sexually explicit materials, as required to strict scrutiny under First Amendment , despite state's claims that verification and labeling were effective means of achieving state's ends; age verification would deter lawful users from accessing speech they were entitled to receive, age verification system would pose significant costs for internet speakers who had to segregate harmful and non-harmful material, equally effective and less restrictive alternatives, such as user-based blocking and filtering software, were available, and statute did nothing to curtail the flow of sexually-explicit materials from abroad." {*Southeast Bookseller's v McMaster*, 2005, 371 F.Suppd.2d 773

16-15-385 Disseminating harmful material to minors and exhibiting harmful performance to minor defined; defenses; penalties.

C) ATTORNEYS GENERAL OPINIONS: "Public libraries and public-school libraries fall in the same category as college libraries with respect to the law dealing with distributing offensive or harmful material to minors. This section would be constitutionally valid means to prohibit the distribution of harmful material to a minor." *SC Op. Atty. Gen. (June 22, 1998) 1998 WL 746008*

16-15-405 Second degree sexual exploitation of a minor defined; presumptions; defenses; penalties.

(C) "An individual commits the offense of second-degree sexual exploitation of a minor if, knowing the character or content of the material, he:

2. distributes, transports, exhibits, receives, sells, purchases, exchanges or solicits material that contains a visual representation of a minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose of sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor."

16-15-410 Third degree sexual exploitation of a minor defined; penalties; exception.

(E) "An in dividual commits the offense of third-degree sexual exploitation of a minor if, knowing the character or content of the material, he possess material that contains a visual representation of a minor engaging in sexual activity or appearing in a state sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(F) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise, is a minor".

16-15-415 Promoting prostitution of a minor defined; defenses; penalties.

(E) "An individual commits the offense of promoting prostitution of a minor if he knowingly:

(2) supervises, supports, advises, or promotes the prostitution of or by a minor."

16-15-435 Circuit solicitor to request search and arrest warrants for violations of Sections 16-15-305 through 16-15-325; hearing on obscenity issue.

(F) "Following the seizure of allegedly obscene property pursuant to a warrant requested by the Solicitor and issued by a neutral and detached magistrate based on supporting affidavits, any interested party may request and the court having appropriate jurisdiction must promptly conduct an adversarial hearing for the purpose of obtaining a judicial determination, based on a preponderance of the evidence, of the obscenity issue."

b.1 There are several court cases and case law that specifically speak to this concern:

I) *UNITED STATES, et al, v AMERICAN LIBRARY ASSOCIATION* [on appeal form the US District Court for the Eastern District of Pennsylvania] …."A library's needed to exercise judgment in making collection decisions depends on its traditional role in identifying suitable and worthwhile material; it is no less entitled to play that role when it collects material from the internet than when it collects material from any other source. Most libraries already exclude pornography from their print collections because they deem it inappropriate for inclusion." The Court sided with the Appellant such materials are not

J) *Stanley v Georgia* 1969; some of the advocators of allowing pornographic material in school s will cite this case. However, in Stanly, the Court ruled that having pornographic material was okay, as long as it was in your own home.

K) *State of Wisconsin v Redinger* 2016; where as the Court ruled against the Petitioner (Redinger) that he did not have a First amendment right to view pornographic material in a public library. Redinger claimed *Stanley* and *Reno* v *ACLU*, were two cases that provided him to prevail. The court ruled that neither *Stanley* nor *Reno* established a First amendment right to view pornography in a public library or in any other public place.

L) *Reno v ACLU* 1996; the Court invalidated two provisions of a federal law known as the Communications and Decency Act.

There is also more Federal District court opinions and ruling on this subject and even as of AUG 2022, *C.K-W. v Wentzville R-IV School District* was heard in the Federal Eastern District Court in Missouri. In August of 2022, Judge Matthew Schelp ruled: "Plaintiffs allege that the removal of books from the District's libraries is "part of a targeted campaign" by two private groups "to remove particular ideas and viewpoints about race and sexuality from school libraries," and that the District's "failure to use established, regular, and facially unbiased procedures for the removal of books" and its "policy of removing materials immediately upon challenge demonstrates the [materials] have been removed on an arbitrary basis and not in a viewpoint-neutral manner," Plaintiff's assert that the District removed the books "with the intent and purpose of preventing all students from accessing" them, and they allege the "Decisive factor" in the decision to remove the books was a "dislike of the ideas or opinions contained in the books by policymakers, school officials, community members or a combination of those." They contend the policies themselves and the removal of the books at issue violate the First amendment rights of students by restricting their access to ideas and information for an improper purpose. Plaintiffs sought to enjoin the Defendant (Wentzville School District R-IV) from allowing its policy that allows parents, guardians and students to initiate challenges to library materials and require the District to restore access to any books it has removed from school libraries during that school year."

The last sentence of that paragraph is the most damning. The Plaintiffs, in layman's terms, were not only seeking to have the books put back on the shelves, but also making it law that parents, guardians or students had **NO RIGHT** to challenge anything thereof or therein with cause to the decision!!

Schelp also said, “Plaintiffs rely heavily on the plurality opinion of Justice Brennan in *Board of Ed. V Pico*, a case sharply divided the Supreme Court and that produced seven opinions, none of which garnered a majority. Justice Brennan’s plurality opinion, a “lavish expansion going beyond any prior holding under the First amendment, expresse[d] its view that a school board’s decision concerning what books are to be the school library is subject to federal court review.” Justice Brennan’s plurality opinion in *Pico*, however, is not binding [precisely because it wasn’t a majority opinion- ed.]” Shelp continued- “It is not clear what would be binding from *Pico* in this case. *See Griswold v Driscoll* (1st Cir. 2010) (Souter, J.) To determine what is binding from *Pico*, it is necessary to determine the “position taken by those Members who concurred in the judgments on the narrowest grounds. Justice White’s opinion therefore controls.” “The entire *Pico* court was unanimous in its explicit conclusion that schools can remove books based upon their vulgarity. See *Bethel Sch. Dist. No. 403 v Fraser* (1986) (noting that, although the Court was “sharply divided” in *Pico*, all Members of the Court “acknowledged that [a] school board has the right authority to remove books that are vulgar’) No one seriously could dispute that a school may seek to keep vulgar materials away from its students. Likewise, it is “perfectly permissible” for a school to remove a book based upon the book’s “educational suitability”. A book’s vulgarity and its educational suitability surely are at the heart of the determination of the “age sensitivity” consideration, which allows District librarians to make to remove a book.”’

The ruling on C.K.-W v Wentzville R-IV School District from the Federal Eastern District Court of Missouri is that **YES**, school district’s can in fact remove books from schools and in doing so, they are **NOT** infringing upon anyone’s First Amendment right. This case or issue was the amorphous right of students to receive information, which has been synthesized from the First Amendment as an “inherent corollary of the rights and free speech of the press.” The Federal Court and its ruling are not forbidding anyone from any speech and as Schelp mentions in his brief, the “Plaintiffs provided no precedent or any coherent argument why a prior restraint—and a temporary one, at that—on a student’s right to access information in the form a particular book or material would violate the First Amendment. Plaintiffs have not demonstrated why it would be unconstitutional, as prior restraints on speech are not always unconstitutional in a public school setting.”

Most confirming is Judge Schlep’s final conclusion that “Plaintiffs failed to show they have even a fair chance of succeeding in this case on the merits.”

The following book, “*So Sexy, So Soon. The New Sexualized Childhood*” by Dr Dianne Levin, Ph.d and Dr. Jean Kilbourne, Ed.d., takes a particular interesting position on this subject matter and discusses some valid thought. In this read, you will see and understand that American society is sexualizing our kids long before they reach teenage level in that “their value comes from their sex appeal”. From a public review of the book by William P. Smith, “The authors recount numerous anecdotes from parents and teachers demonstrating that children from preschool through their tween years are wrestling with sexualized messages and are not always wrestling well.” Smith continues, “The authors are not coming from the perspective of an out of touch Victorian prudery that argues, “The less said about sex, the better.” Rather they assert, “The problem today isn’t that our kids are learning about sex, it’s ***what*** they are learning, the age at which they are learning it, and who is teaching them”. They believe that children are not picking up their primary lessons from their immediate adult relationships, but from the

depersonalized media (school media centers and libraries, television, video games, et al) and marketing industries."

For just a moment, picture a young lady or young lad from 10 years to 16 years old, in the library or even in the classroom observing possible daily reading from their teachers and the come across this attractive novel. They open the book and thumb through some pages (as we all have done) and run across this:

"And the boy kept working up the girl's shirt, and as much as she sat no, he kept working it. After a few minutes, she stopped protesting, and he pulled her shirt off, and she had a white bra on with lace. I honestly didn't know what to do by this point. Pretty soon, he took off her bra and started to kiss her breasts. And then he put his hand down her pants, and she started moaning. I think they were both very drunk. He reached to take off her pants, but she started crying really hard, so he reached for his own. He pulled his pants and underwear down to his knees. "Please. Dave. No." But the boy just talked soft to her about how good she looked and things like that, and she grabbed his penis with her hands and started moving it. I wish I could describe this a little more nicely without using words like penis, but that was the way it was. After a few minutes, the boy pushed the girl's head down, and she started to kiss his penis. She was still crying. Finally, she stopped crying because he put his penis in her mouth, and I don't think you can cry in that position. I had to stop watching at that point because I started to feel sick, but it kept going on, and they kept doing other things, and she kept saying "no." Even when I covered my ears, I could still hear her say that. …"Did they know you were in there?" "Yes. They asked if they could use the room." "Why didn't you stop them?" "I didn't know what they were doing." "You pervert,"... Sam told me as we were hanging up our coats that Bob was "baked like a fucking cake." When most people left, Brad and Patrick went into Patrick's room. They had sex for the first time that night. I don't want to go into detail about it because it's pretty private stuff, but I will say that Brad assumed the role of the girl in terms of where you put things. I think that's pretty important to tell you. When they were finished, Brad started to cry really hard. He had been drinking a lot. And getting really really stoned."

Those in favor of this read believe this is high quality and appropriate reading for youth. I ask each School Board member to take this passage this weekend to your Church, Synagogue, Temple etc and ask you Preacher, Pastor, Rabbi etc if you can stand before the congregation and read that exact excerpt, word for word, because it is everyone's First Amendment right to not only say it, but to also hear it. What will happen? For what knowledge-based reason would this book be allowable to be read in school? Why would **YOU**, as School Board members allow for teachers and librarians to be employed by this District who believe it is entirely "just", "right" and "permissible" to be read?

In conclusion, there are several key points to consider:

- The overall purpose of school education is to give students the skills to support himself or herself in a career and economically contribute to society. Nothing in the books reviewed can be applied to that statement.
- Public School Boards **MUST** be cognizant of and pay special attention to the risk associated with this type of material, based on past and current case law.
- The suggestion or accusation from outside influencers that the Beaufort County School District in removing these books is "unconstitutional" and "violates the First Amendment rights of students", is clearly and unequivocally incorrect. As is briefed about previously, this has been settled over time and even in cases such as *Pico*, where those same groups utilize sound bites et al, because of the plurality ruling, is backfiring on them.
- Public Schools utilize Public Tax Dollars to build and operate, maintain etc. Just as the groups who complained and won court battles over Bibles in schools; 10 Commandments in schools; prayer in schools; have been successful because the public-school setting must be "for all". Continuing to provide this vulgar material in our Public School system is unconscionable and not in favor of the "for all" mantra.

I am appealing the Review Committee results based on the following conditions, by book title:

"The Kite Runner", by Khaled Hosseini

There is a generalized list of reasons this book should not be in any grades below high school and only then possibly allowed only in the case of college credit classes of English where critical thinking skills are enumerated as would be in university freshman setting, in the library and able to be checked out with parental signature. Included are: explicit sexual activities including sexual assault and battery; prostitution involving minors and adults; explicit violence; and profanity. This book could be considered the most damaging to anyone under the age of 18 or with an "adult" mindset.

Where in the educational system; where in the Curricular guidebooks, where in the SC State Department of Education is a book like this part of education? Rape, sex, alcohol use, sexual assaults etc are all part of the familial responsibility and accountability in raising children. **NOT** one place in a school system where public tax dollars is used is this appropriate. How does a student, any student, increase his or her education and preparation for the next grade level by reading this?

However, having furthermore consultation with legal experts in SC Constitutional Law; a public school district; school district employees and school board trustees may, in fact, be guilty of the

following by allowing a book such as "*The Kite Runner*" to be in classroom instruction and/or in the library with unfettered access of:

16-15-305 Disseminating; procuring; or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.

16-15-335 Permitting minor to engage in any act constitution violation of this article prohibited; penalties.

D) "In *Osbourne v Ohio*, 04-18-1990, 110 S.Ct. 1691, 495 U.S. 103, 109 L.Ed. 2 98- State was permitted under First Amendment to ban possession and viewing of child pornography because state did not rely on paternalistic interest in regulating person's mind but sought to serve compelling state interest in protecting victims of child pornography, and it was reasonable for state to conclude that such proscriptions were necessary to decrease production of child pornography; statute as construed by state Supreme Court to include elements of scienter and lewd exhibition was not constitutionally overbroad, and state Supreme Court properly applied its narrowed construction of statute to accused's conduct; but it was necessary to remand the case for new trial to insure that conviction stemmed from finding that prosecution had proved each elements of the offense."

16-15-355 Disseminating obscene material to minor twelve years of age or younger prohibited; penalties.

16-15-375 Definitions applicable to Sections 16-15-385 through 16-15-425

D) "South Carolina statute imposing criminal liability for dissemination of materials harmful to minors over internet was narrowly tailored to serve the State's compelling interest in protecting minors from sexually explicit materials, as required to strict scrutiny under First Amendment , despite state's claims that verification and labeling were effective means of achieving state's ends; age verification would deter lawful users from accessing speech they were entitled to receive, age verification system would pose significant costs for internet speakers who had to segregate harmful and non-harmful material, equally effective and less restrictive alternatives, such as user-based blocking and filtering software, were available, and statute did nothing to curtail the flow of sexually-explicit materials from abroad." {*Southeast Bookseller's v McMaster*, 2005, 371 F.Suppd.2d 773

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D) ATTORNEYS GENERAL OPINIONS: "Public libraries and public-school libraries fall in the same category as college libraries with respect to the law dealing with distributing offensive or harmful material to minors. This section would be constitutionally valid means to prohibit the distribution of harmful material to a minor." *SC Op. Atty. Gen. (June 22, 1998) 1998 WL 746008*

16-15-405 Second degree sexual exploitation of a minor defined; presumptions; defenses; penalties.

(D) "An individual commits the offense of second-degree sexual exploitation of a minor if, knowing the character or content of the material, he:

2. distributes, transports, exhibits, receives, sells, purchases, exchanges or solicits material that contains a visual representation of a minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose of sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor."

16-15-410 Third degree sexual exploitation of a minor defined; penalties; exception.

(G) "An in dividual commits the offense of third-degree sexual exploitation of a minor if, knowing the character or content of the material, he possesses material that contains a visual representation of a minor engaging in sexual activity or appearing in a state sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(H) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise, is a minor".

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(G) "An individual commits the offense of promoting prostitution of a minor if he knowingly:

(2) supervises, supports, advises, or promotes the prostitution of or by a minor."

16-15-435 Circuit solicitor to request search and arrest warrants for violations of Sections 16-15-305 through 16-15-325; hearing on obscenity issue.

(H) "Following the seizure of allegedly obscene property pursuant to a warrant requested by the Solicitor and issued by a neutral and detached magistrate based on supporting affidavits, any interested party may request and the court having appropriate jurisdiction must promptly conduct an adversarial hearing for the purpose of obtaining a judicial determination, based on a preponderance of the evidence, of the obscenity issue."

b.1 There are several court cases and case law that specifically speak to this concern:

M) *UNITED STATES, et al, v AMERICAN LIBRARY ASSOCIATION* [on appeal form the US District Court for the Eastern District of Pennsylvania] …."A library's needed to exercise judgment in making collection decisions depends on its traditional role in identifying suitable and worthwhile material; it is no less entitled to play that role when it collects material from the internet than when it collects material from any other source. Most

libraries already exclude pornography from their print collections because they deem it inappropriate for inclusion." The Court sided with the Appellant such materials are not

N) *Stanley v Georgia* 1969; some of the advocators of allowing pornographic material in school s will cite this case. However, in *Stanley*, the Court ruled that having pornographic material was okay, as long as it was in your own home.

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There is also more Federal District court opinions and ruling on this subject and even as of AUG 2022, *C.K-W. v Wentzville R-IV School District* was heard in the Federal Eastern District Court in Missouri. In August of 2022, Judge Matthew Schelp ruled: "Plaintiffs allege that the removal of books from the District's libraries is "part of a targeted campaign" by two private groups "to remove particular ideas and viewpoints about race and sexuality from school libraries," and that the District's "failure to use established, regular, and facially unbiased procedures for the removal of books" and its "policy of removing materials immediately upon challenge demonstrates the [materials] have been removed on an arbitrary basis and not in a viewpoint-neutral manner," Plaintiff's assert that the District removed the books "with the intent and purpose of preventing all students from accessing" them, and they allege the "Decisive factor" in the decision to remove the books was a "dislike of the ideas or opinions contained in the books by policymakers, school officials, community members or a combination of those." They contend the policies themselves and the removal of the books at issue violate the First amendment rights of students by restricting their access to ideas and information for an improper purpose. Plaintiffs sought to enjoin the Defendant (Wentzville School District R-IV) from allowing its policy that allows parents, guardians and students to initiate challenges to library materials and require the District to restore access to any books it has removed from school libraries during that school year."

The last sentence of that paragraph is the most damning. The Plaintiffs, in layman's terms, were not only seeking to have the books put back on the shelves, but also making it law that parents, guardians or students had **NO RIGHT** to challenge anything thereof or therein with cause to the decision!!

Schelp also said, "Plaintiffs rely heavily on the plurality opinion of Justice Brennan in *Board of Ed. V Pico*, a case sharply divided the Supreme Court and that produced seven opinions, none of which garnered a majority. Justice Brennan's plurality opinion, a "lavish expansion going beyond any prior holding under the First amendment, expresse[d] its view that a school board's decision concerning what books are to be the school library is subject to federal court review." Justice Brennan's plurality opinion in *Pico*, however, is not binding [precisely because it wasn't

a majority opinion- ed.]" Schelp continued- "It is not clear what would be binding from *Pico* in this case. *See Griswold v Driscoll* (1st Cir. 2010) (Souter, J.) To determine what is binding from Pico, it is necessary to determine the "position taken by those Members who concurred in the judgments on the narrowest grounds. Justice White's opinion therefore controls." "The entire *Pico* court was unanimous in its explicit conclusion that schools can remove books based upon their vulgarity. See *Bethel Sch. Dist. No. 403 v Fraser* (1986) (noting that, although the Court was "sharply divided" in *Pico*, all Members of the Court "acknowledged that [a] school board has the right authority to remove books that are vulgar') No one seriously could dispute that a school may seek to keep vulgar materials away from its students. Likewise, it is "perfectly permissible" for a school to remove a book based upon the book's "educational suitability". A book's vulgarity and its educational suitability surely are at the heart of the determination of the "age sensitivity" consideration, which allows District librarians to make to remove a book."'

The ruling on C.K.-W v Wentzville R-IV School District from the Federal Eastern District Court of Missouri is that YES, school district's can in fact remove books from schools and in doing so, they are NOT infringing upon anyone's First Amendment right. This case or issue was the amorphous right of students to receive information, which has been synthesized from the First Amendment as an "inherent corollary of the rights and free speech of the press." The Federal Court and its ruling are not forbidding anyone from any speech and as Schelp mentions in his brief, the "Plaintiffs provided no precedent or any coherent argument why a prior restraint—and a temporary one, at that—on a student's right to access information in the form a particular book or material would violate the First Amendment. Plaintiffs have not demonstrated why it would be unconstitutional, as prior restraints on speech are not always unconstitutional in a public school setting."

Most confirming is Judge Schlep's final conclusion that "Plaintiffs failed to show they have even a fair chance of succeeding in this case on the merits."

The following book, "*So Sexy, So Soon. The New Sexualized Childhood*" by Dr Dianne Levin, Ph.d and Dr. Jean Kilbourne, Ed.d., takes a particular interesting position on this subject matter and discusses some valid thought. In this read, you will see and understand that American society is sexualizing our kids long before they reach teenage level in that "their value comes from their sex appeal". From a public review of the book by William P. Smith, "The authors recount numerous anecdotes from parents and teachers demonstrating that children from preschool through their tween years are wrestling with sexualized messages and are not always wrestling well." Smith continues, "The authors are not coming from the perspective of an out of touch Victorian prudery that argues, "The less said about sex, the better." Rather they assert, "The problem today isn't that our kids are learning about sex, it's ***what*** they are learning, the age at which they are learning it, and who is teaching them". They believe that children are not picking up their primary lessons from their immediate adult relationships, but from the depersonalized media (school media centers and libraries, television, video games, et al) and marketing industries."

For just a moment, picture a young lady or young lad from 10 years to 16 years old, in the library or even in the classroom observing possible daily reading from their teachers and the come across this attractive novel. They open the book and thumb through some pages (as we all have done) and run across this:

He handed the cigarette to the guy next to him, made a circle with the thumb and index finger of one hand. Poked the middle finger of his other hand through the circle. Poked it in and out. In and out. "I knew your mother, did you know that? I knew her real good. I took her from behind by that creek over there." The soldiers laughed. One of them made a squealing sound. I told Hassan to keep walking. "What a tight little sugary cunt she had!" the soldier was saying, shaking hands with the others, grinning. Hassan lay with his chest pinned to the ground. Kamal and Wali each gripped an arm, twisted and bent at the elbow so that Hassan's hands were pressed to his back. Assef was standing over them, the heel of his snow boots crushing the back of Hassan's neck. ..."All I want you weaklings to do is hold him down. Can you manage that?" Wali and Kamal nodded. They looked relieved. Assef knelt behind Hassan, put his hands on Hassan's hips and lifted his bare buttocks. He kept one hand on Hassan's back and undid his own belt buckle with his free hand unzipped his jeans. Dropped his underwear. He positioned himself behind Hassan. Hassan didn't struggle. Didn't even whimper. He moved his head slightly and I caught a glimpse of his face. Saw the resignation in it. It was a look I had seen before. It was the look of the lamb. …I stopped watching, turning away from the ally. Something warm was running down my wrist. I blinked, saw I was still biting down on my fist, hard enough to draw blood from the knuckles. I realized something else. I was weeping. From just around the corner, I could hear Assef's quick, rhythmic grunts.

At the beginning of my appeal on this nook, I claim that this one may be considered the most damaging to anyone under the age of 18 or with an "adult" mindset. I say that not **ONLY** for the words printed in the book, but even more so the extremely damaging concepts and life-hacks that are unconsciously taught in the book. Those in favor of this read believe this is high quality and appropriate reading for youth. I ask each School Board member to take this passage this weekend to your Church, Synagogue, Temple etc. and ask you Preacher, Pastor, Rabbi etc. if you can stand before the congregation and read that exact excerpt, word for word, because it is everyone's First Amendment right to not only say it, but to also hear it. What will happen? For what knowledge-based reason would this book be allowable to be read in school? Why would **YOU**, as School Board members allow for teachers and librarians to be employed by this District who believe it is entirely "just", "right" and "permissible" to be read?

In conclusion, there are several key points to consider:

- The overall purpose of school education is to give students the skills to support himself or herself in a career and economically contribute to society. **Nothing in the books reviewed can be applied to that statement.** The questions, (1) Will this book enhance the education of the student? Answer: No. (2) Will this book provide educational benefits for **ALL** children of the District? Answer: No. (3) Will this book be beneficial to **ALL**

students concerned? Answer: No. (4) Is it normal, customary, responsible and proper for children to read about subjects such as, and word and phrases of, that would get even an adult thrown out of public meetings that is seen and read in the four (4) books in this appeal? Answer: No.

- Public School Boards **MUST** be cognizant of, and pay special attention to, the risk associated with this type of material, based on past and current case law. Due to the amount of risk involved and the possibility of not only lawsuits etc, but also the amount of negative publicity this School District would receive by ignoring all of the facts I, and others, have stated and will continue to state, this should not be a hard decision to make.

- The suggestion or accusation from outside influencers that the Beaufort County School District in removing these books is "unconstitutional" and "violates the First Amendment rights of students", is **clearly and unequivocally incorrect**. As is briefed about previously, this has been settled over time and even in cases such as *Pico*, where those same groups utilize sound bites et al, because of the plurality ruling, is backfiring on them. There are no "constitutional rights" when the material is pornographic.

- Public Schools utilize Public Tax Dollars to build and operate, maintain etc. Just as the groups who complained and won court battles over Bibles in schools; 10 Commandments in schools; prayer in schools; have been successful because the public-school setting must be "for all". Continuing to provide this vulgar material in our Public School system is unconscionable and not in favor of the "for all" mantra. Public school systems as well as County governments, Municiapal governments, state governments…. All use public dollars to fund their "being". There are things that cannot be purchased with public monies--- Would the school system and school board find it appropriate for the school's to purchase Hustler magazine just because "someone" found it artistic? Would the District approve of a school ordering sex toys such as dildo's, blow up female dolls, anal plugs etc., because "someone believes them to be a necessary part of life"? Woulld the District approve of schools subscribing to Adult Television stations and websites because someone felt "we need to show this side of humanity" to students? The answer to all of these is a resounding NO. (If, by chance, that someone in the school system were to answer Yes, I would suggest they find a new career out of the vision of children) If these are "No" answers, why or how, are we as a society allowing this type of reading material in our public schools.

Chair Gwodz, School Board Members and Dr Rodriguez, I believe my appeal to be just; to be inclusive of **EVERYONE**, not just a select few. The only rational choice here is to do the following:

- "The Handmaid's Tale" should not be allowed in any classroom and only in high school for Advanced Placement of college credit English classes through the Library/Media Center with signed approval of parent of guardian, kept in a secure place where general student observation is not allowed.
- "Speak" should not be allowed in public schools.
- "The Kite Runner" should not be allowed in public schools.
- "Perks of Being a Wallflower" should not be allowed in any classroom and only in high school for Advanced Placement of college credit English classes through the Library/Media Center with signed approval of parent of guardian, kept in a secure place where general student observation is not allowed

I thank you all for taking the time to read my Appeal in its entirety and ask for your relief in proper ruling of overturning the committee's review.

Respectfully;

Michael E Covert

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