



**\*\*PRESS RELEASE\*\***

**New York State Commissioner of Education Dismisses Moms for Liberty Appeal in Clyde Savannah CSD Case, Cites NYLA “Friend of the Court” Brief in Decision**

**ALBANY, NY** - On April 25, 2024, New York State Commissioner of Education Betty A. Rosa issued a decision dismissing an appeal seeking to remove library materials from the Clyde-Savannah Central School District in Wayne County.

The Appeal, filed by district resident Rev. Jacob Marchitell in conjunction with his local chapter of “Moms for Liberty,” challenged the Clyde-Savannah CSD Board of Education’s (BOE) decision to retain five books that Rev. Marchitell requested be removed from its Junior/Senior High School library. The petitioners were represented by the Washington, D.C. based American Center for Law & Justice, the law firm founded by evangelical broadcaster and activist Pat Robertson in 1990.

The challenged books included *People Kill People* by Ellen Hopkins, *All Boys Aren’t Blue* by George M. Johnson, *Jesus Land: A Memoir* by Julia Scheeres, *It Ends With Us* by Colleen Hoover, and *Red Hood* by Elana K. Arnold. NYLA believes these books join a long tradition of books by authors who represent minority or marginalized people or ideas that some seek to repress.

Therefore, The New York Library Association (NYLA) submitted a “friend of the court” brief to the New York State Education Commissioner in opposition to the Appeal, which was accepted on April 16, 2024.

In her decision, Commissioner Rosa rejects each of the petitioners’ primary assertions, which are as follows:

1. Clyde-Savannah CSD’s Board of Education “abused its discretion by voting to retain the challenged books.”
2. The materials in question are “‘pornographic,’ ‘serve no educational purpose,’ and are ‘potentially illegal obscenity.’”
3. The “board ‘failed to apply proper pedagogical and ethical standards’ and ‘relied on a mischaracterization of the First Amendment’ in voting to retain the materials in its library collection.”

Responding to these arguments, the Commissioner upholds precedent that boards of education have “broad authority to prescribe the course of study in the schools of the district,” that “includes the ability to manage its library collection,” but must do so “within

'fundamental constitutional safeguards.'" School boards cannot "remove books from school library shelves simply because they dislike the ideas" or "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."

The Clyde-Savannah CSD BOE appropriately deployed these "safeguards" by following its established "Objection to Instructional Materials and Controversial Issues" policy which outlined the process for thorough "analysis of the educational, literary, and artistic values of each book." Beyond questions of process, the Commissioner also denies the Petitioners' arguments that the challenged works are obscene, inappropriate, or lacking "literary, artistic, political, or scientific value" due to their "portraying of human sexuality."

Expanding on this notion, the Commissioner cites NYLA's brief in recognizing what library professionals in New York understand all too well, that objections like those raised in this appeal are "emblematic of a 'dangerous nationwide trend of accusations used to intimidate and threaten schools and librarians into denying access to books on the basis of their content and the identities of their authors.'"

"This decision establishes an important precedent for New York's library community and for all who value intellectual freedom," **said AnnaLee Dragon, NYLA's Executive Director.** "NYLA sincerely thanks Commissioner Rosa for dismissing this appeal and welcomes her recognition that the tactics of intimidation levied against librarians must be resisted at all times."

"Our association represents libraries and librarians of all types, including school libraries," **said Dragon.** "We have followed this case and submitted a brief because of the deep impact this issue and others like it are having on our membership."

"NYLA respects the right of every person to express concerns about what happens in their community," **says Dragon,** "but that is not the only thing happening here. As our legal team assessed the filings, we found that the appeal was less about legal arguments and more about a coordinated campaign of fear and intimidation tied to other efforts nationwide."

"The intimidation tactics used here are being repeated in classrooms and public libraries across the state and the country," **said NYLA President, Lisa Kropp.** "As the voice of the library community in New York, NYLA will not allow this tactic to go unnoticed, unremarked, or unchallenged."

"Libraries exist to expand the world and encourage the exchange of ideas and information. Educators and parents are here to guide that process for children so they can grow into smart, discerning adults," **said Emilie Bastian, the school librarian in the district at the heart of this appeal.** "Educational decisions should not focus on fostering a negative environment that promotes fear and division. Instead, students' best interests and sound educational evidence must be prioritized."

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