

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.

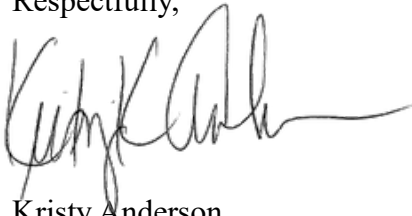
MSEA calls on the Board to:

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