



August 21, 2025

Statement of Findings from the Oregon Library Association's Intellectual Freedom Committee

RE: D7 Grants Pass School District - Updated IIA Instructional Materials Policy

This statement is issued by the [Oregon Library Association's Intellectual Freedom Committee \(IFC\)](#), a professional body dedicated to defending intellectual freedom and opposing censorship in Oregon's libraries. The IFC, in partnership with the Oregon Library Association (OLA), supports libraries across the state in navigating challenges to their collections and upholding intellectual freedom and first amendment constitutional rights.

The IFC has conducted a thorough review of the newly adopted [IIA – Instructional Materials policy](#) and the related [administrative regulations](#) and has made multiple attempts to engage the school board and district administrators regarding serious concerns. Former IFC Chair, Emily O'Neal, has contacted the Board on more than three occasions, offering training, resources, and constitutional review – all of which have gone unanswered.

Below is the most recent communication sent by Ms. O'Neal:

I am writing to express serious concerns regarding the recently proposed 25-day waiting period for all library materials prior to purchase. It is my belief that this policy poses a substantial risk to the intellectual freedom and First Amendment rights of your students.

A waiting period that restricts timely access to educational and literary materials – especially if its stated purpose is to allow external objection or interference before selection by trained professionals – amounts to a clear limitation on access. By definition, this is a form of censorship. Such a policy sets a troubling precedent that could not only be ethically problematic but also legally indefensible.

I am especially concerned that documentation from Board meetings – whether in written minutes or recorded sessions – reveals that this waiting period was intentionally designed to facilitate censorship activities outside the bounds of the established selection process.

This documented purpose for the policy change could significantly expose the district to legal liability in the event of a First Amendment challenge.

Furthermore, this policy may conflict with the newly enacted Oregon law, **Senate Bill 1098 (SB1098)**, which went into immediate effect upon signing by Governor Tina Kotek. This legislation emphasizes the importance of safeguarding students from viewpoint discrimination and explicitly prohibits any practices that prevent the acquisition of materials for discriminatory reasons. Allowing individuals to object to resources prior to their selection by credentialed professionals raises concerns that such objections may be rooted in personal bias or discriminatory intent, which SB1098 aims to prevent.

In light of these concerns, I urge the Board to reconsider this policy and align its practices with both constitutional standards and the new state law. Your district has a responsibility to protect the intellectual freedom of all students and to uphold the integrity of professional library services.

Respectfully,

Emily O’Neal

Member of the Intellectual Freedom Committee with the Oregon Library Association
Former Chair 2021-2024

In addition, public opposition to this policy has been overwhelming, as evidenced, for example, during public comment at the July 22nd Board meeting. The [recording](#) clearly shows that the majority of constituents oppose the policy (speakers begin at 1:33:36).

In addition to the proposed 25-day waiting period, the newly adopted policy is deeply flawed in its selection criteria. The updated guidelines are not only vague and subjective, but they also pose a direct threat to students’ constitutionally protected right to access diverse and meaningful reading materials.

The policy’s language effectively restricts access to classic literature under the guise of banning “vulgar language.” This would exclude foundational works such as *The Adventures of Huckleberry Finn*, *To Kill a Mockingbird*, and *The Color Purple* – texts that have long been recognized for their literary and historical significance. In addition, identifying material as “obscene” may not stand in court as the district’s criteria do not seem to meet the three prongs of the [Miller test](#). That was the case in a [recent ruling](#) by a federal judge in a lawsuit related to book restrictions in Florida public schools.

More troubling, however, is the policy’s discriminatory impact on books that reference sexual orientation or gender identity. While the policy claims to uphold anti-discrimination laws, its criteria clearly target protected identities, resulting in the suppression of voices and stories that reflect the lived experiences of many students. This policy does not protect students – it censors

them. It undermines educational integrity and violates the principles of intellectual freedom that public education is meant to uphold.

After reviewing all available documentation, the IFC finds that the district lacks a formal, transparent, and constitutionally sound process for collection development and review of library materials. The adoption and enforcement of the IIA policy constitutes **censorship**, resulting in a chilling effect on intellectual freedom for students and staff.

Specifically, the district's process is deficient in the following areas:

- Disregard for the professional expertise and role of the district librarian
- No condition for a reconsideration committee that decides to remove material to provide a public written explanation, as required by SB1098
- No communication of policy and administrative regulation impacts to stakeholders
- Inconsistencies within and among the policy and administrative regulations (ex: different processes to object to material – 25-day waiting period vs. reconsideration process)
- In reference to board selection criteria:
 - Subjective selection criteria, some of which may not stand up in court
 - Selection criteria that target the stories about protected classes
 - Selection criteria that restrict the rights of students in their choice of reading selections
- In reference to the 25-day waiting period:
 - No clear reason for a different process to object before materials are available to students versus after they are available for students
 - No clear purpose or follow-through for the 25-day waiting period
 - No objective policy for collection development or review of library materials
 - Lack of transparency in review procedures and criteria
 - No authority granted to a review committee for review or removal of library materials
 - No appeal process for review or removal of library materials

Recommendations from the IFC:

1. Immediately revoke the newly adopted IIA policy and related administrative regulations.
2. Adopt the relevant Oregon School Boards Association's model policy and related administrative regulations in full.
3. Establish clear, consistent, and objective criteria for:
 - Selection and deselection of library materials and other instructional materials
 - Assignment of decision-making authority to qualified professionals
 - Reconsideration requests, including timelines, committee structure, and appeal procedures
 - Transparency in decision-making and public reporting

4. Ensure policies do not create unequal access for students from protected classes, including LGBTQ+ students and families.
5. Ensure that elements of a policy and of related administrative regulations are consistent.
6. Ensure that school board members actively listen to and follow through on feedback and concerns raised by the majority of their constituents.
7. Ensure that school board members refrain from personal bias in their review of school board policies.
8. Apply all policies consistently and objectively.
9. Require that all policies are reviewed by a practicing attorney who specializes in constitutional law and civil liberties.

In closing, the IFC asserts that the IIA Instructional Materials policy and related administrative regulations lack clarity, consistency, and constitutional integrity. The 25-day waiting period is a form of censorship and may violate SB1098. This is how the [American Library Association defines censorship](#):

“Censorship is the suppression of ideas and information that some individuals, groups, or government officials find objectionable or dangerous...The censor wants to prejudge materials for everyone. It is no more complicated than someone saying, ‘Don’t let anyone read this book, or buy that magazine, or view that film, because I object to it!’”

If you are a D7 stakeholder impacted by this policy, please contact:

- Tim Sweeney, Superintendent – tsweeney@grantspass.k12.or.us
- Trish Evans, Director, Secondary Education – tevans@grantspass.k12.or.us
- D7 School Board Members – cdybdahl@grantspass.k12.or.us, grichardson@grantspass.k12.or.us, qpehrson@grantspass.k12.or.us, cwilkins@grantspass.k12.or.us, dsmith@grantspass.k12.or.us, nseable@grantspass.k12.or.us, jschmidt@grantspass.k12.or.us

If you believe you or your student’s civil liberties have been violated, contact the ACLU of Oregon legal team at intake@aclu-or.org.

Alyssa Donoho and Shelby Paulson
Intellectual Freedom Committee
Co-Chairs

Emily O’Neal
Intellectual Freedom Committee
Past-chair 2021-2024

NOTE: This communication should not be considered legal advice or opinion. The IFC highly recommends you share our concerns with a constitutional lawyer prior to adopting all policies for their legal review.