

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 10:10 AM
To: Agenda Alerts
Subject: FW: June 20, 2023: Agenda Item re American Library Association

From: pacj <pacj_03@yahoo.com>
Sent: Thursday, June 15, 2023 11:25 PM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>; Estanislau, Robin <Robin.Estanislau@surfcity-hb.org>
Subject: June 20, 2023: Agenda Item re American Library Association

Council members,

The City Library posts information from the ALA. I assume HBPL is a member because it is being proposed that the City Manager explore exiting from ALA membership.
I did not see any justification for the City to consider exiting from ALA membership.
I do not support the City of Huntington Beach withdrawing from the American Library Association.

Sincerely,
Pat Quintana

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 6/20/23

Agenda Item No.: 18 (23-532)

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 10:11 AM
To: Agenda Alerts
Subject: FW: Banning library books

From: Maria Sugranes <mrsugranes@socal.rr.com>
Sent: Friday, June 16, 2023 9:09 AM
To: Moser, Natalie <Natalie.Moser@surfcity-hb.org>
Cc: Fikes, Cathy <CFikes@surfcity-hb.org>
Subject: Banning library books

Thank you for all your hard work.

Just sent the F4 the following email:

I hear there is a move to ban library books. I have a solution. Tell the people who disapprove of the said book to pass on it and not check it out. Everyone else has a right to read or pass on it.

***Maria R. Sugranes
HB resident since 1973***

Sent from [Mail](#) for Windows

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 10:10 AM
To: Agenda Alerts
Subject: FW: Book Ban

-----Original Message-----

From: JEFF HEATH <heathlawoffice@aol.com>
Sent: Friday, June 16, 2023 9:47 AM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>
Subject: Book Ban

As a member of the California state bar, and having been a lover of books, my entire life and crediting the availability of any, and all books I care to read is being critical, and helping me through a difficult childhood. The banning of books is a hallmark of any repressive authoritarian political system. Freedom of speech and thought is not to be feared, but to be encouraged.

Please do not allow the banning of books to take hold in our public library system.

Sent from my iPhone

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 10:33 AM
To: Agenda Alerts
Subject: FW: Oppose item 18

From: Connie Boardman <connieb07@gmail.com>
Sent: Friday, June 16, 2023 10:27 AM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>
Subject: Oppose item 18

Dear Mayor Strickland and Council Members:

Please vote to oppose Mayor Pro-Tem Vandermark's agenda item 18 regarding selection, display, and circulation of library books.

The only people involved with the selection of books for our libraries should be our residents making suggestions to our professional librarians and the librarians themselves. The City Attorney's office has no place or role in the selection, or approval of any books for our libraries.

Our libraries do not have obscene books available to minors. I'd love to hear from our Mayor Pro-Tem as to what books she thinks are obscene that are currently in circulation in our libraries. Are these books about the human body? Are these books about sex education? Are these books about issues faced by members of the LGBTQ community? A simple solution for residents as far as books for children is if a parent or guardian does not think a book is appropriate for their child, then don't let the child check it out.

However, it is completely inappropriate for the city council, or the city attorney to attempt to make that decision for all the parents and guardians in our city.

This is a poorly thought out agenda item that should be opposed and rejected by the council.

Sincerely,
Connie Boardman

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 10:39 AM
To: Agenda Alerts
Subject: FW: NO on ever banning books

From: Paul Kanter <paulinhb@gmail.com>
Sent: Friday, June 16, 2023 10:33 AM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>
Subject: NO on ever banning books

In addition to just being plain wrong to even contemplate banning books, Freedom of Speech is also a fundamental US right under our Constitution. If you don't want to read a particular book that's your business.

Switzer, Donna

From: Sue Brewsaugh <sue.brewsaugh@gmail.com>
Sent: Friday, June 16, 2023 1:38 PM
To: supplementalcomm@surfcity-hb.org
Subject: Oppose # 18

Please, please, please do not pass #18. Librarians have a Master's Degree in Information and Library Science. I know this because I taught in a graduate program for almost two decades. A big part of their training is an understanding of the thoughtful acquisition and maintenance of their collections - which are devoted to their particular community. To give this task to either the City Council or the City Attorney makes no sense. They have no training or expertise in this matter. To call out certain books as pornography without looking at the book in its totality is bad judgment. And to "disengage" from the ALA (American Library Association) is like asking doctors to disengage from the AMA. Both of these professional associations are world class organizations that are responsible (among other things) for their profession's continuing education.

Our city deserves an outstanding library that serves every person in our community. Passing agenda item #18 limits our professional librarians' ability to do their jobs. It would also make us a laughing stock across the country. This, too, would go to court - where it would be declared unconstitutional. As you surely know, this is happening across the country. The fine city of Huntington Beach is already known for its neo-Nazi segments of the population. Please don't lower our property values by making it worse.

Thank you,

Sue Brewsaugh

HB resident for 30+ years

Switzer, Donna

From: Mary Ann Celinder <macelinder@gmail.com>
Sent: Friday, June 16, 2023 1:59 PM
To: CITY COUNCIL (INCL. CMO STAFF)
Subject: banning books?

City council members do not have an expertise in education, especially the council member proposing this effort to ban books. Our city attorney has no reason to be involved in deciding which books are appropriate for libraries, school or public.

This is wrong. Education matters are in the domain of the elected school board members, not Ron Desantis wanna bes. This isn't Florida.

Do not move forward with this.

Mary Ann Celinder
Celinder's Glass Design
21341 Fleet Lane
Huntington Beach Ca 92646

studio 714 962 8361
cell 714 504 8361

www.customleadedglass.com

Switzer, Donna

From: Linda Moon <lsapiro048@gmail.com>
Sent: Friday, June 16, 2023 1:32 PM
To: supplementalcomm@surfcity-hb.org
Subject: Fwd: 6-21-23 Agenda Item 18 NO

Dear Councilmembers:

Please vote NO on City Council, June 21, 2023, Meeting Agenda Item 18.

I am a 49-year resident of Huntington Beach, and I maintained a law practice here for 40 years, before my retirement. I have spent a great amount of time in our world class library over the years. It is a gem in our city of which we should be truly proud.

I read, with horror, City Council Agenda Item 18, Councilmember Vandermark's proposal to restrict the availability to minors and acquisition of materials at the Huntington Beach Library, based upon the City Attorney's determination of their suitability. This is clearly illegal censorship. Designation of a specific individual or group of individuals to determine the content of library materials available to children based upon your determined standards is an absolute violation of the First Amendment.

Parents and guardians are the only individuals who should determine the materials available to their children. Not everyone deems the same materials as appropriate or inappropriate for children and that is perfectly legal in this country. Item 18 does not propose that parents be able to restrict their children's access to library materials. The proposal is that the City Attorney use your standards to determine what materials children will be able to access. As we celebrate Father's Day, I recall spending every Saturday of my early childhood years at the Glendale City Library with my father. He encouraged my literary curiosity and used his judgment to determine what was appropriate for me to read. Are you afraid that parents in Huntington Beach are incapable of doing the same?

Item 18 also, incredibly, proposes that the City Library withdraw from the American Library Association, the largest and oldest library association in the world. The association offers resources unavailable anywhere else. It has helped Huntington Beach maintain one of the best libraries in the country, offering information resources, professional training, database networks, funding, and professional recruiting resources. The ALA also advocates for government resources. Withdrawing from the ALA would remove Huntington Beach's voice in these functions. It appears that the new council members wish to recreate our world class library into a repository for materials reflecting their personal ideologies.

Please reject the proposals stated in Agenda Item 18.

Linda Sapiro Moon

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 2:12 PM
To: Switzer, Donna
Subject: FW: Notice

From: Linda Moon <lsapiro048@gmail.com>
Sent: Friday, June 16, 2023 1:50 PM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>
Subject: Re: Notice

Please know that supplemental.com@surfcity-hb.org does NOT work.

On Fri, Jun 16, 2023 at 1:13 PM CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org> wrote:

Thank you for contacting the City of Huntington Beach. Your message is important to us.

If your message is for public comment for a City Council meeting, we will submit the email to supplemental.com@surfcity-hb.org on your behalf. The cutoff time to add public comment to the supplemental communication is 9AM the day of the meeting.

Your message has been shared with all of our City Council members and associated staff, and they will reach out to you if they have further inquiries about your message.

Thank you.

Switzer, Donna

From: Dale Martinez <daleneuls@gmail.com>
Sent: Friday, June 16, 2023 1:01 PM
To: CITY COUNCIL (INCL. CMO STAFF)
Subject: Book bans, American Library Association Item 23-532

Dear Council members:

I am writing this email regarding the item 23-532 on the City Council Agenda for the June 20, 2023 meeting.

I am not surprised that Ms Vandermark put this item forward. And I cringed when I read it. But this is who she is, and not who I am. Nor, do I believe that this is what Huntington Beach is or should be.

For many reasons I believe that book banning is wrong. I believe that people should monitor, control and provide feedback to what their children are exposed to. I do not think that banning library content at the public library level is the appropriate place to do this. I have questions about that practice in schools as well, but this is not what is being addressed.

Additionally, I cannot fathom why disassociating with the American Library Association is a positive measure.

I question Ms. Vandermark's credentials in recommending it. And "being a parent" is not a qualification here. Does she know what her children read? Does she provide appropriate feedback to them when she might disagree with a premise of a particular book? Does she provide them with counter points?

Personally, I dislike violence in all forms of "entertainment" and told my kids that and why I did not like them to "consume" it. I pointed out the violence and bullying aspect of it. I pointed out the statistics of for violence in our society as well as brain injuries from it. But Ms. Vandermark and one of our previous Mayor Pro Tem's did not seem to have a problem with violent MMA fighting. The Bible, afterall, chronicles violence and oppression. And a lot about inappropriate sexual behavior. Does Ms. Vandermark explain that to her children? Do any of the Council members? Or do you just leave that to the Sunday school teachers?

But of course, that is not what she proposes to ban. Maybe we should ban scantily clad women, girls and guys from being in our public places too where children might be present (Oh, that's right, you already tried that.) Or maybe you should just stay at home and sequester your kids from the world so you do not have to teach them anything. Pretty sure that her kids, like all kids, hide the stuff they read from her. How about their internet searches, or music that they listen to?

And what does "present findings and authorities for "obscenity" within the meaning of the First Amendment" mean? If you follow the first amendment, there would be no banning of books or speech.

Does this measure solve any problems, or just show how repressive we can be in Huntington Beach? I get my reading material off of the internet and through a library app on my phone. Where do you get yours? Is this measure going to solve anything or just hamstringing the Library staff with a bunch of regulations that can cause them to lose their jobs rather than do their jobs.

I see that this measure is reactive, fascist and just wrong. What next? A book burning party? Please do not pass it.

Below is a reference and excerpt to book banning by the American Library Association for your information. In fact, have your children read it and explain what it means. High School appropriate challenge.

<https://www.ala.org/advocacy/bbooks/aboutbannedbooks>

Excerpt from the above reference: (from the American Library Association.)

Why Books are Challenged

...Often challenges are motivated by a desire to protect children from “inappropriate” sexual content or “offensive” language. The following were the top three reasons cited for challenging materials as reported to the Office of Intellectual Freedom:

1. the material was considered to be "sexually explicit"
2. the material contained "offensive language"
3. the materials was "unsuited to any age group"

Although this is a commendable motivation, Free Access to Libraries for Minors, an interpretation of the Library Bill of Rights (ALA's basic policy concerning access to information) states that, “Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources.” **Censorship by librarians of constitutionally protected speech, whether for protection or for any other reason, violates the First Amendment.**

As Supreme Court Justice William J. Brennan, Jr., in Texas v. Johnson, said most eloquently:

If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.

If we are to continue to protect our First Amendment, we would do well to keep in mind these words of Noam Chomsky:

If we don't believe in freedom of expression for people we despise, we don't believe in it at all.

Or these words of Supreme Court Justice William O. Douglas (" The One Un-American Act." Nieman Reports , vol. 7, no. 1, Jan. 1953, p. 20):

Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.

Sincerely,

Dale Neuls Martinez

(she/her)

Mother, grandmother and longtime resident and home owner in Huntington Beach

Switzer, Donna

From: vanessaweb@aol.com
Sent: Friday, June 16, 2023 2:36 PM
To: supplementalcomm@surfcity-hb.org
Subject: We Oppose Item 18!

Our city council should not be meddling with our librarians! I have never found an in appropriate book in our children's library. Let our parents decide for their own children what is acceptable.
Vanessa and Jeff Webster

[Sent from the all new AOL app for iOS](#)

Switzer, Donna

From: Sydney Stapp <sydneystapp01@yahoo.com>
Sent: Friday, June 16, 2023 3:04 PM
To: CITY COUNCIL (INCL. CMO STAFF); supplementalcomm@surfcity-hb.org
Subject: Re: Agenda Item 18 for 6/20

Hello Huntington Beach City Council,

I am a concerned HB citizen writing in regards to Agenda Item 18, regarding the HB Public Libraries and possible new rules regarding what books are in the libraries.

I am firmly against allowing the City Attorney getting to decide what books are in our library. Not only is it a waste of time for our City Attorney, who could be doing something more productive for our city, but it also takes away people's right to chose what they read. We should be giving people the right to chose what books they read or if they are younger, their parents choosing what they can read. It is unfair and an infringement on the freedom of speech to ban books in these ways.

I also am firmly against parting ways with the American Library Association. I believe banning books and parting ways is an overreach of the government and a waste of time, money, and resources that could and should be better spent elsewhere.

Please reconsider this and allow people the freedom to chose their own books.

Thank you,
Sydney Stapp

Switzer, Donna

From: Jean-Paul Voillequé <jp.voilleque@sagaftra.org>
Sent: Friday, June 16, 2023 12:48 PM
To: CITY COUNCIL (INCL. CMO STAFF)
Subject: Free copies of the U.S. Constitution are widely available for Councilmember Van Der Mark's Review
Attachments: Book-Bans-Letter-6.1.23-1.pdf

Councilmembers:

It has come to my attention that Councilmember Van Der Mark intends to propose a law preventing "obscenity and pornography" from reaching the hands of children via the public libraries of Huntington Beach.

Leaving aside the continued lack of evidence from the Councilmember that anything she's recently "witnessed" regarding things she's afraid of has actually occurred, Ms. Van Der Mark would do well to review not just the DOJ guidance on "obscenity" but the actual jurisprudence surrounding this important First Amendment topic. It will hopefully not come as a surprise that the case law regarding the First Amendment obscenity exception is widely available. Just as a start, here is an overview on the topic provided by the U.S. Congress:

https://constitution.congress.gov/browse/essay/amdt1-7-5-11/ALDE_00013812/

Closer to home, it is notable that the State of California recently issued guidance regarding its expectations around content restrictions, book removal, or book banning in local school districts or libraries. That letter is attached for Ms. Van Der Mark's convenience.

I look forward to all of this information being ignored, and the City of Huntington Beach becoming involved in another series of marathon lawsuits over their leadership's uninformed, unconstitutional, and half-researched interpretations of what they perceive to be the law.

I remain simultaneously proud and profoundly ashamed of being a resident of this city.

Warmest regards,
J-P Voilleque
17401 Waal Circle
Huntington Beach, CA 92647



**Governor of the State of
California**

Gavin Newsom,
Governor of California

1021 O Street, Suite 9000
Sacramento, CA 95814
916-445-2841



**Office of the Attorney
General**

Rob Bonta,
Attorney General

1300 I Street, Suite 1142
Sacramento, CA 95814
916-445-9555



**California Department of
Education**

Tony Thurmond,
*State Superintendent of
Public Instruction*

1430 N Street
Sacramento, CA 95814
916-319-0800

June 1, 2023

Dear California County and District Superintendents and Charter School Administrators
and School Principals:

Educational Rights and Requests to Remove Instructional Materials

As we close this school year and look to the next, communities across California and the nation are being confronted with threats that invoke a darker past. In the first half of the 2022–23 school year alone, 1,477 books were banned nationally, with teachers and librarians threatened with prison time for shelving the wrong book.¹ As state leaders elected to represent the values of all Californians, we offer our response in one shared voice: Access to books—including books that reflect the diverse experiences and perspectives of Californians, and especially those that may challenge us to grapple with uncomfortable truths—is a profound freedom we all must protect and cultivate.

This letter outlines key considerations to assist you with fielding requests within your community while you continue to support your students and their educational rights.

I. The Constitution Restricts the Removal of Books From Libraries and Curricula

As the Supreme Court stated over 50 years ago: “It can hardly be argued that ... students ... shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”² Freedom of speech includes the right to receive information and ideas, including those that are controversial, unpopular, or offensive to some.³ “[T]he

¹ <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>

² *Tinker v. Des Moines Independent Community School Dist.* (1969) 393 U.S. 503, 506.

³ *Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico* (1982) 457 U.S. 853, 866–867 (“The right of freedom of speech and press ... necessarily protects the right to receive it. ... It would be a barren marketplace of ideas that had only sellers and no buyers.”) (internal

function of books and other literary materials, as well as of education itself, is to stimulate thought, to explore ideas, [and] to engender intellectual exchanges.”⁴

While local educational agencies⁵ “have broad discretion in the management of school affairs,” this discretion “must be exercised in a manner that comports with the transcendent imperatives of the First Amendment.”⁶ Therefore, while a local educational agency or administrator may remove books and other materials from a school library because of their educational suitability, pervasive vulgarity or profanity, or factual inaccuracies, it “may not remove books from school library shelves simply because [officials] dislike the ideas contained in those books... .”⁷

For example, “If a Democratic school board, motivated by party affiliation, ordered the removal of all books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books.”⁸ Similarly, students’ rights would also be violated “if an all-white school board, motivated by racial animus, decided to remove all books authored by [people of color] or advocating racial equality and integration.”⁹

These principles also apply to decisions about school curricula. Curricular decisions must be based on legitimate pedagogical interests and not an attempt at “rigid and exclusive indoctrination”; “to prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion”; or because of ideological opposition.¹⁰ And removing materials from curricula or libraries may also violate the First Amendment, even when prompted by complaints from parents or threats of lawsuits.¹¹

“Our Constitution does not permit the official suppression of *ideas*,”¹² yet that appears to be what is happening here. “[I]f we are not to strangle the free mind at its source and

citations omitted); *Monteiro v. Tempe Union High School Dist.* (9th Cir. 1998) 158 F.3d 1022, 1029–1032.

⁴ *Monteiro v. Tempe Union High School Dist.*, *supra*, at p. 1032.

⁵ Ed. Code, § 56026.3.

⁶ *Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico*, *supra*, 457 U.S. at p. 864.

⁷ *Id.* at p. 872; *McCarthy v. Fletcher* (1989) 207 Cal.App.3d 130, 144.

⁸ *Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico*, *supra*, 457 U.S. at p. 871.

⁹ *Ibid.*

¹⁰ *McCarthy v. Fletcher*, *supra*, 207 Cal.App.3d at p. 146; *Monteiro v. Tempe Union High School Dist.*, *supra*, 158 F.3d at p. 1029 fn. 8.

¹¹ *Monteiro v. Tempe Union High School Dist.*, *supra*, 158 F.3d at p. 1029 (“[A] student’s First Amendment rights are infringed when books that have been determined by the school district to have legitimate educational value are removed from a mandatory reading list because of threats of damages, lawsuits, or other forms of retaliation.”).

¹² *Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico*, *supra*, 457 U.S. at p. 871 (emphasis in original); see also *West Virginia State Board of Education v. Barnette* (1943) 319 U.S. 624, 642 (“If there is any fixed star in our constitutional constellation, it is that no

teach youth to discount important principles of our government as mere platitudes," then local educational agencies and school officials must abide by the First Amendment.¹³

II. Education and Exposure to Various World Views Are Vital for our Youth

Education is essential to prepare our youth for civic participation and to instill the values needed to maintain our democracy.¹⁴ As California's own Constitution recognizes, the "diffusion of knowledge and intelligence [is] essential to the preservation of the rights and liberties of the people... ." ¹⁵ Moreover, since before the days of *Brown v. Board of Education*,¹⁶ formal education has played an essential role in the struggle for civil rights and in building understanding of differences as well as shared values. Schools "bring together members of different racial and cultural groups and, hopefully, help them to live together 'in harmony and mutual respect.'"¹⁷

"Those who choose the books and literature that will influence the minds and hearts of our nation's youth and those who teach young people in our schools bear an awesome responsibility."¹⁸ This responsibility must neither be taken lightly nor used for inappropriate, political, or partisan ends.

III. California Education Code Requires Local Educational Agencies to Provide a Representative and Unbiased Curriculum and Protects a Student's Right to Freedom of Speech

Local educational agencies must provide students a representative social sciences curriculum that provides instruction on "the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups" to the development of California and the United States and "the role of these groups in contemporary society."¹⁹ Any instructional materials adopted by a local educational agency must "accurately portray the cultural and racial diversity of our society," including the roles and contributions of these groups.²⁰

Schools may not adopt textbooks or other materials or provide or sponsor instruction or activities that promote discriminatory bias against or that reflect adversely on persons

official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion... ").

¹³ *West Virginia State Board of Education v. Barnette*, *supra*, 319 U.S. at p. 637.

¹⁴ See *Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. at p. 864 (quoting *Ambach v. Norwick* (1979) 441 U.S. 68, 76–77).

¹⁵ Cal. Const., art. IX, § 1.

¹⁶ *Brown v. Board of Ed. of Topeka, Shawnee County, Kan.* (1954) 347 U.S. 483.

¹⁷ *Hartzell v. Connell* (1984) 35 Cal.3d 899, 908 (internal citations omitted).

¹⁸ *Monteiro v. Tempe Union High School Dist.*, *supra*, 158 F.3d at p. 1032.

¹⁹ Ed. Code, § 51204.5.

²⁰ Ed. Code, § 60040.

on the basis of race, ethnicity, nationality, gender, gender identity, gender expression, religion, disability, sexual orientation, immigration status, or any other protected characteristic.²¹ California law strictly prohibits discrimination on any of these bases.²² A local educational agency's removal of materials on the basis that the materials discuss or reflect these characteristics and identities may constitute unlawful discrimination. A complaint of discrimination based on a protected characteristic may be filed with a local educational agency and appealed to the California Department of Education (CDE).²³

California law also prohibits instructional materials that contain any "sectarian or denominational doctrine" or other propaganda.²⁴

In addition to requiring local educational agencies to provide a representative and unbiased curriculum in these ways, the *Education Code* provides robust protections for student speech, including protections beyond those guaranteed by the Constitution. California students:

... have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities.²⁵

Only expression that is obscene, libelous, or slanderous or that "so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school" may be prohibited.²⁶ Prior restraint of any other type of expression violates the law, including in "material prepared for official school publications," like school newspapers.²⁷ Furthermore, local educational agencies must "adopt rules and regulations in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner" of speech activities.²⁸

For further guidance, please refer to the CDE's recent publication, "Guidance on Removal of Instruction or Instructional Materials," which is available on the CDE

²¹ Ed. Code, §§ 51500, 51501, 60044. Section 51500 also prohibits teachers from providing instruction "which reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry."

²² Ed. Code, § 220.

²³ Ed. Code, § 33315, subd. (a).

²⁴ Ed. Code, § 60044.

²⁵ Ed. Code, § 48907, subd. (a).

²⁶ *Ibid.*

²⁷ *Id.*, subd. (d).

²⁸ *Id.*, subd. (b).

June 1, 2023
Page 5

Curriculum Frameworks and Instructional Resources web page at
<https://www.cde.ca.gov/ci/cr/cf/index.asp>.

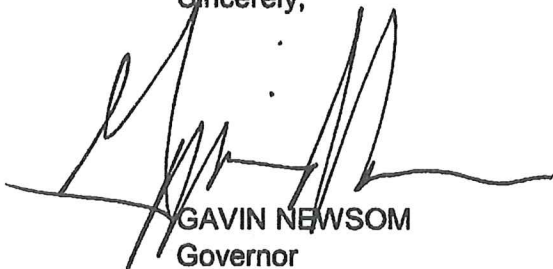
IV. Possible Requests for Information

If your local educational agency does remove or ban instructional materials from classrooms or libraries, you may be requested to provide the Attorney General's Office with materials to allow it to analyze your agency's actions and procedures. These materials may include the following:

- All policies and procedures related to the First Amendment and freedom of speech;
- All policies and procedures for the assessment of instructional materials, library books, and other materials for students, including assessments of their suitability for students;
- All policies and procedures related to the removal or discontinuation of instructional materials or the removal of any books or other materials from school libraries and/or classrooms;
- All documents and communications related to the materials, including those reflecting the basis for their removal or assessments of their suitability for students; and
- Any complaints received related to the materials.

Please be prepared to respond to requests for information in the event the Attorney General's Office reaches out.

Sincerely,



GAVIN NEWSOM
Governor



ROB BONTA
Attorney General



TONY THURMOND
State Superintendent of
Public Instruction

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 4:15 PM
To: Agenda Alerts
Subject: FW: Agenda Item 18

From: tizmitz@roadrunner.com <tizmitz@roadrunner.com>
Sent: Friday, June 16, 2023 2:55 PM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>
Subject: Agenda Item 18

I live in Newport Beach and I am told there will be discussion about banning certain books in your city. I am against the banning of books. If that is an item on your agenda, I am concerned that any negative decision you make may drift next door to Newport Beach.

It is my hope you will reach a sensible decision.
Mitzi Wells
Newport Beach

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 4:23 PM
To: Agenda Alerts
Subject: FW: Agenda Item 18

-----Original Message-----

From: Brenda Glim <formisc78@yahoo.com>
Sent: Friday, June 16, 2023 4:20 PM
To: CITY COUNCIL (INCL. CMO STAFF) <city.council@surfcity-hb.org>
Subject: Agenda Item 18

City Council in particular the R4,

Just how low and out of touch are you going to go?

Banning books or trying to control what a citizen can read not only shows how truly unintelligent, uniformed and backward you are going.

Banning any book, including children's books should not be allowed. If a parent doesn't want a child to read a book that is their choice. Personally I will let my children read any book, because it is a great reason to discuss, debate and encourage a child to develop critical thinking skills. (Something that is becoming more and more obvious that a few of our elected officials lack)

Now if you really want to talk about banning something, let's throw our might into banning assault rifles.

Brenda
A resident of HB since 1989

Sent from my iPhone

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, June 16, 2023 4:23 PM
To: Agenda Alerts
Subject: FW: Do not ban books

From: Ellen Garibaldi <ellenmgaribaldi@gmail.com>
Sent: Friday, June 16, 2023 4:14 PM
To: Moser, Natalie <Natalie.Moser@surfcity-hb.org>
Cc: Fikes, Cathy <CFikes@surfcity-hb.org>
Subject: Do not ban books

Dear Natalie,

I am a resident of Huntington Beach, currently on vacation in Australia and even while here, I've heard from other residents that your fellow council member wants to ban books in our libraries. I was a history major at UCLA and studied Democratic societies before they became fascist or tyrannical. Banning books was often one of the first steps (Nazi Germany, the Cultural Revolution under Mao in China, Pol Pot's Khmer Rouge Regime in Cambodia). Please don't let Huntington Beach become an anti-democratic city where knowledge and free speech is looked down upon or banned. Please do not ban books.

Thank you,
Ellen