

Dear fellow Board Members;

After our last meeting on June 2, I reached out to a number of you to ask what input you had for the library model policy I had drafted. When I received no reply, I decided to continue to refine the details of the draft to streamline the process of identifying and removing harmful sensitive materials in our children's schools. The Office of the Attorney General's second memo served as a guide for shaping this latest draft, providing a way for the USBE to lighten the load of the LEAs in carrying out HB374.

Please read this draft with the following considerations in mind:

1. Consolidating a single system for reporting sensitive materials complaints under the USBE keeps our Board from issuing an unfunded mandate on over 42 districts and numerous charter schools to create and maintain costly materials tracking systems, with no way for those systems to exchange meaningful data with the Board or each other.
2. By having the Board establish the policy for the districts per the AGO's explicit direction, we avoid the potential legal nightmare of the AGO having to defend multiple varying interpretations of the law regarding sensitive materials. The AGO plainly said that it "views the Board's responsibility as creating model policies for LEAs to strictly comply with HB374."
3. This draft allows the responsibilities of the schools, districts, and the USBE to appropriately play out on each level, with the vital initial determination of sensitive materials taking place at the school level, and the district serving as the check on the schools, and the state Board serving as the check on the districts. In this way, parents can be assured of a more objective process.
4. The AGO mentioned many times the importance of reducing the risk of lawsuit by being faithful to the language and intent of the law. This draft sticks strictly to that vision, and avoids getting into the weeds by objectively defining what shouldn't be in our schools versus subjectively debating what should. We risk confusing the schools and subjecting them to overwhelming legal challenges by introducing too much ambiguity in what should be a simple, straightforward process that's consistent across the state.

I hope that after you read the draft and its easy-to-follow appendices, you'll see how it balances the needs of all the parties involved, creates truly useful data and transparent processes, and most importantly, provides clear-cut conditions for protecting our children's innocence.

Signed,

Member Natalie Cline