

JESSICA BRONSON,

Appellant

v.

CARROLL COUNTY
BOARD OF EDUCATION
(II),

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-46

OPINION

INTRODUCTION

Jessica Bronson (“Appellant”) appeals the decision of the Carroll County Board of Education (“local board”) to uphold the decision of the Carroll County Superintendent affirming the removal of 20 books from Carroll County Public Schools (“CCPS”). The local board responded, and Appellant responded. The local board replied.

FACTUAL BACKGROUND

During the 2024 legislative session, the Maryland General Assembly passed the Freedom to Read Act (“FRA”), codified at Md. Ann. Code, Education §4-142. This legislation requires the local school systems to develop and implement policies and procedures to review objections to school library media materials. It also establishes limitations on the reasons for which a local school system may remove materials. In response, CCPS updated Administrative Regulation IIAA – Selection, Evaluation, and Adoption of Instructional Materials on August 19, 2024, implementing local board Policy IIAA – Selection, Evaluation, and Adoption of Instructional Materials.¹ (R. 1-40).

Administrative Regulation (“AR”) IIAA.III outlines the process by which a student, parent/guardian of a current student, or staff member may file a reconsideration request of the use of an instructional or supplemental material.² Requests are reviewed by the Reconsideration Committee, which “judges the appealed material on its merits as an entire piece[.]” (R. 5). The Reconsideration Committee is comprised of two school Library Media Specialists, two school-based administrators, one teacher, three parents, and one high school student. (R. 7). Upon

¹ Appellant previously filed an appeal to the State Board alleging Policy IIAA was unconstitutional on its face. This Board dismissed the appeal finding Appellant failed to meet her burden and that it was too early in the review process to determine if the policy would be applied in accordance with the Constitution and federal and State law. *Jessica Bronson v. Carroll Cnty. Bd. of Educ.*, MSBE Order No. OR24-13 (2024). Appellant requested a reconsideration, which was also denied by the State Board. *Jessica Bronson v. Carroll Cnty. Bd. of Educ.*, MSBE Order No. OR24-20 (2024).

² Pursuant to AR IIAA, all school library media center materials are considered supplemental material. (R. 3).

review of the objected material, members vote to retain the material, remove the material, or remove the material from a particular level (e.g. elementary, middle, or high school). (R. 8).

While AR IIAA does not define the criteria used by the Reconsideration Committee in review of objected materials, it does define the criteria by which supplemental materials are chosen. As outlined in Appendix J of the Selection, Evaluation and Adoption of Instructional Materials Guidelines, this entails a three-tier review:

- Tier One determines if the book includes sexually explicit content and is appropriate for recommended age/grade levels;
- Tier Two ensures the book has been reviewed either via two professional reviews, by a professional review and a CCPS employee, or by two CCPS employees; and
- Tier Three identifies factors in the book that add value to its inclusion in the library media center collections such as: aligned to curriculum, representative of differing viewpoints, recent copyright, accurate in terms of content (non-fiction). (R. 18-19, 35).

During the 2023-2024 school year, several book reconsideration requests were submitted to CCPS. Following the reconsideration process in AR IIAA, the Reconsideration Committee reviewed the materials and ultimately recommended that some materials be removed from the CCPS school library media centers for various articulated reasons. Each of the removed books was found to contain sexually explicit content, which is defined in Policy IIAA as “unambiguously describing, depicting, showing, or writing about sex or sex acts in a detailed or graphic manner.” (R. 39). The record is unclear whether the outcomes of the reviews were publicly listed.

On October 25, 2024, and November 14, 2024, Appellant, who was not one of the individuals who filed the original requests for reconsideration, filed a Maryland Public Information Act (“MPIA”) request for the list of all books challenged since January 1, 2023, the status of each challenged book, and the dates when decisions were made. (Appeal, Ex. 4). On November 25, 2024, CCPS responded with a list of all the books challenged, the Reconsideration Committee’s decisions, the local Superintendent’s decision upon appeal, and the local board’s decision upon appeal, if applicable. There were 18 books appealed to the local Superintendent, who either upheld, reversed, or qualified the Reconsideration Committee’s decision by requiring parent permission to access the book. Two of these decisions were appealed to the local board, wherein the local board required the retained materials be made available with parent permission. (Appeal, Ex. 4; R. 41-106).

On December 3, 2024, Appellant filed appeals of the Reconsideration Committee’s decisions to remove 20 books.³ In her appeals, Appellant alleged the removals were arbitrary and

³ The books appealed in this case include:

1. *A Clash of Kings* by George RR Martin
2. *A Court of Frost and Starlight* by Sarah J. Maas
3. *A Court of Mist and Fury* by Sarah J. Maas
4. *A Court of Thorns and Roses* by Sarah J. Maas

did “not include any meaningful discussion of the various factors to evaluate whether the book should be retained.” (R. 107-147).

On December 20, 2024, the local Superintendent issued her decision. She found that Appellant lacked standing to file the appeals as she was not a party to the underlying requests for reconsideration and that the appeals were untimely.⁴ Despite these findings, the local Superintendent exercised her authority under Md. Code Ann., Educ. §4-205(c)(2) to “decide all controversies and disputes that involve: (i) The rules and regulations of the county board; and (ii) The proper administration of the county public school system” to issue a decision on Appellant’s appeals. The local Superintendent clarified that she would not substitute her judgment for that of the Reconsideration Committee unless she found their decision(s) to be arbitrary, unreasonable, or illegal. The local Superintendent found that the Reconsideration Committee followed AR IIAA and conducted a thorough review of each book, identifying a rational basis for their decisions. To illustrate this point, the local Superintendent included excerpts of each of the 20 books, which she felt demonstrated their sexually explicit content. (R. 148-164).

On January 17, 2025, Appellant filed an appeal of the local Superintendent’s decision to the local board. In her appeal, Appellant argued that the appeals process raised due process concerns, violated students’ First Amendment rights, and that the decisions were arbitrary. (R. 165-171). On February 7, 2025, the local Superintendent filed a response reiterating that the Reconsideration Committee followed the process in AR IIAA and appropriately determined the books in question contained sexually explicit content. (R. 174-177).

On March 12, 2025, the local board issued its final decision upholding the local Superintendent’s decision. The local board found the “decisions rendered by the Committee and upheld by [the local Superintendent] were consistent with sound educational policy limiting students’ access to sexually explicit materials in our public schools.” (R. 294). The local board stated that students do not have a Constitutional right to sexually explicit content in public schools, citing Supreme Court case law that provides schools with the authority to remove vulgar materials. *See Bethel Sch. Dist. v. Fraser*, 478 U.S. 675, 684 (1986) (citing *Bd. of Educ. v. Pico*, 457 U.S. 853, 871-872 (1982)).

5. *A Court of Wings and Ruin* by Sarah J. Maas

6. *And They Lived* by Steven Salvatore

7. *Doing It: Let’s Talk About Sex* by Hannah Wilton

8. *Empire of Storm* by Sarah J. Maas

9. *Forever for a Year* by B.T. Gottfried

10. *House of Earth and Blood/Crescent City* by Sarah J. Maas

11. *House of Sky and Breath* by Sarah J. Maas

12. *Kingdom of Ash* by Sarah J. Maas

13. *Let’s Talk About It* by Erika Moen and Matthew Nolan

14. *November 9* by Colleen Hoover

15. *Red Hood* by Elena K. Arnold

16. *Storm and Fury* by Jennifer Armentrout

17. *The DUFF* by Kody Keplinger

18. *Tricks* by Ellen Hopkins

19. *Water for Elephants* by Sarah Gruen

20. *What Girls Are Made of* by Elena K. Arnold.

⁴ Decisions of the Reconsideration Committee must be appealed to the local Superintendent within ten school days during the 2023-2024 school year. AR IIAA and accompanying Handbook were amended in August 2024 to require appeals to be filed within five school days. (R. 148).

This appeal followed.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A.

LEGAL ANALYSIS

Appellant requests we overturn the local board's decision because the reconsideration appeals process violates individuals' due process rights, the book removals violate students' First Amendment rights, and the removal decisions were arbitrary. We address these arguments in turn.

Due Process Rights

Under the current CCPS appeal process, and according to the local Superintendent and local board, only individuals who submit an initial reconsideration request have the right to appeal the Reconsideration Committee's decision. Furthermore, Policy and AR IIAA do not require the decisions to be made public. Appellant is concerned that this violates the due process rights of students and/or parent/guardians not party to the original reconsideration request and stymies the efforts of individuals who wish to see materials remain in the CCPS library media centers.

While we share Appellant's concern that members of the school community with an interest in the CCPS school library media centers program may be denied the opportunity to assert those interests,⁵ we note that is not the present case. Although the local Superintendent and local board found Appellant lacked standing to file her appeals, they ultimately still made decisions on the substantive merits of the case. To the extent that Appellant's due process rights may have been violated, her continued access to and participation in the appeals process cured any potential procedural defects. Therefore, we do not find the process as applied in the case at hand to be arbitrary, unreasonable, or illegal.

We also note that we have taken action to clarify the responsibilities of local school systems as it relates to notice and ability of the school community to participate in reconsideration requests for school library media materials. This Board is in the process of amending its school library media regulations to specify new procedures to protect the interests of the school community members. *See COMAR 13A.05.04 Programs for Library Media Services (Permission to Republish for Public Comment)*, State Board Policy Committee Meeting (November 20, 2025) located at <https://marylandpublicschools.org/stateboard/documents/edpolicycommittee/20251120/comar-13a.05.04-programs-for-library-media-services-a.pdf>.

⁵ *See Together We Will, et al., Neil Thompson, et al., and Harford Cnty. Educ. Assoc., et al. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 25-45 (2025), wherein the State Board addresses the issues with standing under the Harford County Public Schools reconsideration and appeals process.

First Amendment Rights

Appellant makes a cursory argument that application of Policy IIAA “infringes on the First Amendment rights of students to receive information and ideas. This harms students by restricting their ability to access information and perspectives – things which may help them better understand themselves, their peers, and the world.” (Appeal, p. 9). As we discussed in the prior *Bronson* decision, under the First Amendment, public school boards “have the power to remove or restrict the use of books and other instructional materials that are pervasively vulgar or profane.” (MSBE Order No. OR24-13 (2024) citing *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 271-272 (1998); *Board of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 871 (1982)). While school boards are accorded broad discretion in structuring educational programs, they may not exercise that discretion in a “narrowly partisan or political manner” or to “suppress ideas” with which they disagree. *Pico*, 457 U.S. at 871 (plurality opinion). Nor may school officials remove books “to prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion” when removal is motivated simply by disapproval of those ideas and perspectives by the school official. *Id.* at 872 (plurality opinion), 876-880 (Blackmun, J., concurring).

While Appellant may disagree with the decision of the local Superintendent and local board, there is no evidence that the book removals were motivated by an intent to suppress ideas or impose partisan or political views. The Reconsideration Committee, with the approval of the local Superintendent, removed the books based on their sexually explicit content, in accordance with Policy and AR IIAA. The local Superintendent in her response to Appellant provided examples of sexually explicit content in each of the 20 books. As such, we cannot say that there is evidence of the violation of the First Amendment.

Arbitrary Application of Policy and AR IIAA

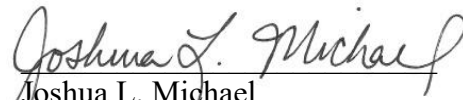
Finally, Appellant argues that the application of Policy and AR IIAA regarding the local Superintendent’s review was arbitrary. Specifically, Appellant argues that the standard of “sexually explicit” is “woefully unclear”. (Appeal, p. 7). Appellant takes issue with the fact that upon review of some of the books retained by the Reconsideration Committee, the local Superintendent decided to require parent permission to access the material or the book was limited to specific grade levels. Appellant believes these exceptions should be applied to all challenged materials.

The process of determining whether materials are sexually explicit is inherently a subjective process. It is not the role of the Board to relitigate what is and is not sexually explicit or vulgar. The role of the State Board is to determine whether the local board’s decision is arbitrary or unreasonable. A decision may be arbitrary or unreasonable if it is contrary to sound educational policy or if a reasoning mind could not have reasonably reached the conclusion the local board or local superintendent reached. COMAR 13A.01.05.06B. In this case, there is no evidence that the Reconsideration Committee did not follow its own processes, or that the appeal process was defective. Furthermore, the decision letters of the Reconsideration Committee articulate why the books were removed. The local Superintendent provided additional information on why she viewed these particular books as sexually explicit as well. While another individual may disagree, we do not find the decisions to be so arbitrary or unreasonable that a

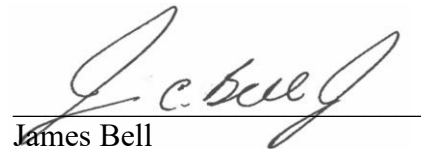
reasoning mind could not have reasonably reached the conclusion of the local board. As such, we do not find the local board's decision to uphold the 20 books to be arbitrary or unreasonable.

CONCLUSION

For the reasons stated above, we affirm the local board's decision. Our decision to affirm is not an endorsement of the school system's decision to remove books from the CCPS school library media centers. Rather, it is an acknowledgement that the school system followed its supplemental material reconsideration process and that the book removals were not the result of arbitrary, unreasonable, or illegal action.

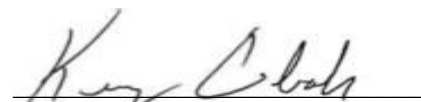

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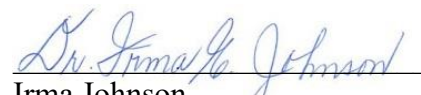

James Bell

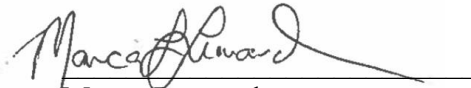

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December 9, 2025