



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

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July 25, 2025

VIA EMAIL (mlankford@somerset.k12.md.us)

Mr. Matthew W. Lankford
Board of Education Chairperson
Somerset County Public Schools
7982A Tawes Campus Drive
Westover, Maryland 21871

Ref: OIGE Case 25-0167-C

Management Alert Report

Somerset County Public Schools – School Library Media Policy

Dear Mr. Lankford,

The Maryland Office of the Inspector General for Education (OIGE) has received complaints alleging that the Somerset County Public Schools Board of Education's (SCPS-BOE) recent changes to its library media policy for the school year (SY) 2025-2026 violate students' and staff's civil rights, restricts library media specialists ability to review subject content and by State standards, and creates an undue censorship on library media resources.

This Management Alert Report (MAR) indicates discrepancies identified during the OIGE's review of Policy #500-19: Selection of Textbook and Media Center Materials, and inconsistencies between the Code of Maryland Regulations (COMAR) and the passage of the State of Maryland Freedom to Read Act, effective April 25, 2024.

LIBRARY MEDIA POLICY

The OIGE found that the SCPS-BOE is using the sexually explicit, pervasively vulgar, or educationally unsuitable standard in determining the availability of a book. Removing a book from a public school curriculum or library, or restricting access to it for some students, may violate the First Amendment rights of those staff members and students.

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The OIGE bases its review on the United States Supreme Court's decision in *Board of Education, Island Trees Union Free School District No. 26 v. Pico* (1982), which addressed the issue of student access to books in a public-school library.

In this case, the court ruled in favor of the school district students, asserting that neither the school nor other government officials could remove or restrict access to books because they disagreed with the views or beliefs they contained.

The court did, however, acknowledge that school officials could remove books or restrict access if they were deemed “pervasively vulgar” or “educationally unsuitable.” This exception requires book review committees to determine if the materials are suitable for specific age groups, rather than whether they agree or disagree with the philosophies or viewpoints contained in the books. OIGE found that the new policy transferred the previously approved book review process from the responsibility of certified professional public librarian staff to the board. (OIGE notes that certified librarian staff must have a master’s degree or higher and have completed the Maryland-approved program leading to licensure in library media.)

OIGE further reviewed SCPS-BOE Policy #500-19 to ensure it did not conflict with the State of Maryland’s Freedom to Read Act (FTRA). The FTRA requires each local education agency (LEA) to develop a policy and procedures for reviewing objections to materials in a school library media program (also referred to as supplemental instructional materials) and prohibits a county board of education from taking certain actions against specific school library media personnel. The FTRA states in Education Article §4-142 that,

(2) Materials may not be excluded from a school library media program solely because of the origin, background, or views of the individual who created the material; and

(3) Materials may not be excluded or removed from the catalogue of a school library media program because of partisan, ideological, or religious disapproval.

The SCPS-BOE Policy #500-19 states in 2. Policy that,

The SCBOE approves the use of textbooks and materials that are free of bias, which enlighten, inspire, encourage, motivate, instill hope and foster good decision-making, as in comparison to those which discourage, convey a sense of futility, affirm or promote negative or destructive character traits such as victimhood, rebellion, lawlessness, anarchy, obscenity, profanity, vulgarity, violence, vandalism, bullying, gang activity, drugs, alcohol, smoking, sexuality, anti-religion, theft, lying, and cheating. These materials should also support the mission, vision, educational philosophy, beliefs and values endorsed by the Somerset County Board of Education.

Furthermore, the policy notes in item A. Selection of Media Center Materials that,

(1) In selecting media center materials, the staff will rely on reviews from professional library-media and literacy organizations; reviews from vendors, parents, taxpayers, and professional judgment. All new media purchases are considered educational materials of the school system and therefore must be approved by the Board prior to making any purchase regardless of cost.

OIGE found that SCPS-BOE accepted public comment from March 27, 2025, to April 14, 2025, concerning the proposed revisions to Policy #500-19. OIGE also reviewed concerns raised by the Maryland Library Association, the Maryland Association of School Librarians, and the decision in Maryland State Board of Education (SBOE), Opinion Number 21-33, *Matthew L. v. Somerset County Board of Education*.

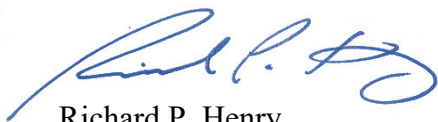
The OIGE's review indicates that SCPS-BOE policy may conflict with the standards established in Education Article §4-142 governing school library media programs, Education Article § 7-9A-01 through 05 governing MDK-12 Digital Library, COMAR 13A.05.04.01 governing Public School Library Programs, and the Maryland School Library Media Standards for Learners, Librarians, and Libraries.

OIGE recommends that SCPS-BOE review Policy #500-19 to ensure it complies with the stated standards and does not infringe upon the Constitutional rights of students and staff granted under the First Amendment. This policy could have a significant impact on educational funding, curriculum development, and implementation, as well as the school system's ability to promote student achievement.

OIGE further recommends that the SBOE review SCPS-BOE Policy #500-19 to ensure that the decision by the board to change the previous policy is not in violation of COMAR 13A.01.05.06.

OIGE is referring this matter back to the Somerset County Board of Education and the Maryland State Board of Education for consideration and future action.

Respectfully,



Richard P. Henry
Inspector General

Cc: Joshua L. Michael, Ph.D., President, Maryland State Board of Education
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