

STATE OF MINNESOTA
COUNTY OF ANOKA

DISTRICT COURT
TENTH JUDICIAL DISTRICT
CASE TYPE: OTHER CIVIL

R.D. and E.D., minor children by and through their parent, N.D., Court File No.:

and

COMPLAINT

R.A. and C.A., minor children, by and through their parent, R.A.

DEMAND FOR JURY TRIAL

Plaintiffs,

v.

St. Francis Area Schools, ISD No. 15,

Defendant.

I. INTRODUCTION

1. St. Francis Area Schools has violated its students' fundamental rights to free expression and to education by categorically banning library materials based on the content and ideology of those materials. Parents of children attending St. Francis Area Schools have brought this action on behalf of their children to defend their constitutional and statutory rights.

2. The St. Francis School Board has adopted a library materials policy that incorporates a third-party book-rating system called Book Looks, which rates books based on what its unidentified reviewers find objectionable. Book Looks was motivated by a particular conservative Christian ideology and founded by members of Moms for Liberty, an expressly political organization with far-right views.

3. The policy categorically prohibits every school library *and classroom*, regardless of grade level, from purchasing or retaining a book that is rated 3 or higher, on a scale of 0 to 5, by Book Looks. Books with this rating on Book Looks include Elie Wiesel’s *Night*, Kurt Vonnegut’s *Slaughterhouse Five*, Margaret Atwood’s *The Handmaid’s Tale*, Alice Walker’s *The Color Purple*, Toni Morrison’s *Beloved*, Maya Angelou’s *I Know Why the Caged Bird Sings*, Chimamanda Adichie’s *Half of a Yellow Sun*, Sara Gruen’s *Water for Elephants*, Gregory MacGuire’s *Wicked*, and the graphic novel adaptation of *Brave New World* by Aldous Huxley. It also includes popular books aimed expressly at children and teenagers and designed to be read by them: John Green’s *The Fault in Our Stars*, Rainbow Rowell’s *Eleanor & Park*, and Ernest Cline’s *Ready Player One*.

4. The District’s legal counsel advised that relying solely on Book Looks would likely violate state law and the Constitutional rights of students. The District superintendent advised against using Book Looks exclusively. Three board members cautioned the policy would risk a lawsuit, go against principles of political and ideological neutrality, and violate the rights of students. Over these objections, four members of the school board disregarded the attorney’s advice and insisted on using Book Looks exclusively, expressly because it would “align” with their political ideology. In support of the policy, one board member went so far as to say that there was “a viewpoint, and we’re looking at a viewpoint with a book” and that she didn’t believe there was a “blue representative in this District . . . they’re all red, all Republican.” Another Board member said, “I do come with the Christian worldview and I don’t leave it at home.”

5. Since the policy was adopted, at least 47 books with a Book Looks rating of 3 or higher have been challenged, and have been, or will be, banned from classrooms and from library shelves. Khaled Hosseini’s *The Kite Runner*, Stephen Chbosky’s *The Perks of Being a*

Wallflower, Margaret Atwood's *The Handmaid's Tale*, and Toni Morrison's *The Bluest Eye* have all been removed from District libraries and classrooms. Several more challenges are pending to books including André Aciman's *Call Me by Your Name*, Maya Angelou's *I Know Why the Caged Bird Sings*, Aldous Huxley's *Brave New World*, Toni Morrison's *Beloved*, and Richard Wright's *Native Son*. Under the policy, these books *must* be removed based solely on the Book Looks rating.

6. Plaintiffs are parents who want their children to have access to a public education that is not restricted by viewpoint. Their children want and need to have access to the removed books to prepare themselves for college, and for active and effective participation in our diverse society. The Book Looks policy categorically bans books based on viewpoint and deprives their children of access to an adequate education, one that is not driven by the ideological worldview of a bare majority of the School Board. Through this action, they seek to protect the rights guaranteed to their children under the Minnesota Constitution and state law.

II. JURISDICTION AND VENUE

7. This Court has jurisdiction under Minn. Stat. § 484.01, subd. 1(1) and Minn. Stat. § 555.01.

8. Venue is proper in Anoka County under Minn. Stat. §§ 542.01 and 542.09 because the causes of action arose based on the actions of Defendant in Anoka County.

III. THE PARTIES

A. Plaintiffs R.D. and E.D.

9. Plaintiffs R.D. and E.D. bring their claims through their mother, N.D. They are natural persons residing in Oak Grove, Minnesota, in the St. Francis Area School District.

10. R.D. and E.D. are enrolled in and attend Cedar Creek Elementary School in the St. Francis Area School District.

11. The parents of R.D. and E.D. presently intend for them to remain in the St. Francis Area School District and attend St. Francis Area Schools through middle and high school. N.D. wishes for R.D. and E.D. to have access to and read many of the books that have been and will be removed from St. Francis Area School's classrooms and libraries pursuant to the library materials policy.

B. Plaintiffs R.A. and C.A.

12. Plaintiffs R.A. and C.A. bring their claims through their parent, R.A. They are natural persons residing in Isanti, Minnesota, in the St. Francis Area School District.

13. R.A. is a senior enrolled in and attending St. Francis High School. R.A. is taking a college-level literature course at St. Francis High School and wishes to read books outside of class that have been removed from the high school library.

14. C.A. is a ninth grader, enrolled in and attending St. Francis High School. C.A.'s parent, R.A., presently intends for C.A. to remain in the St. Francis Area School District and attend St. Francis High School through graduation. C.A. plans to take classes at St. Francis High School for which C.A. intends to read books that have been removed from the high school library.

C. Defendant St. Francis Area Schools

15. St. Francis Area Schools is a public independent school district, also known as Independent School District No. 15 (the "District"), which includes portions of Anoka and Isanti counties.

16. The District's headquarters and schools are located in Anoka County.

17. The District is governed by a seven-member School Board (the "Board") elected by voters in the District. The Board makes policies for the District and is a final decision maker for how policies are implemented and interpreted.

18. The District’s policy for the selection, retention, and reconsideration of library books is adopted by the Board and set forth in its School District Policies.

IV. FACTUAL BACKGROUND

A. The District Adopted an Unlawful Policy Requiring the Removal of at Least 47 Currently Challenged Books.

19. After lengthy discussion at a meeting of the St. Francis School Board on November 25, 2024, and over strong dissent, the Board voted to adopt a new Library Materials Policy by a vote of 4-3.

20. The adopted Library Materials Policy 606.5 applies a rating system by the website Book Looks¹ both to the purchase of new materials and to the review of materials already in the District.

21. Section V(A)(7) of the Library Materials Policy adopted by the Board states:

Book Looks rating system is based on MPAA (Motion Picture Association of America). Before any book is purchased for ISD15 libraries (including classroom libraries), the book must be looked up in Book Looks and if listed, have a rating of 0 - 2 only. No books which are rated 3 (parental guidance required), 4 (no minors), or 5 (Adult only) may be purchased by any district employee. No books of these ratings, even if donated, may be accepted by any district employee to be used in the district. If the book is not in Book Looks then refer to preferred tools to assess age appropriateness for each book before making available to students in the district.

22. Section V(A)(7) limits the discretion of school officials, librarians, and teachers by prohibiting the purchase of *any* book with a rating of 3 or higher on Book Looks.

23. Although Section III(A) of the policy adopts a specific definition of the term “Library” as “the school district resource that holds the library collection that serves the

¹ The Book Looks website (www.booklooks.org) now states that it will no longer be in operation as of Sunday, March 23, 2025, but the Book Looks ratings and reports can still be found at www.ratedbooks.org.

information and independent reading needs of students and supports the curriculum needs of teachers and staff,” Section V(A)(7) uses a different meaning of the term to extend the policy to *classroom* libraries.

24. In other words, teachers who maintain classroom libraries for specific courses, such as College Reading and AP Literature, are prohibited from purchasing books unless they comply with the Book Looks policy.

25. The Policy establishes a review process for existing materials that similarly incorporates Book Looks.

26. The Policy allows library material to be challenged by anyone, including a “community member” with no direct connection to a student.

27. Section VII(D)(1) of the Policy states:

If a book is challenged, it must be removed from the library if it has a Book Looks rating of 3 or above. If the book is not in Book Looks then refer to preferred tools to assess age appropriateness for each book before making available to students in the district.

28. For any material rated by Book Looks, the District must remove any challenged material with a rating of 3 or higher and has no discretion to retain the material for any purpose or for any grade level.

29. The District has implemented the Policy and has banned the purchase of any material rated 3 or above on Book Looks.

30. The District has also removed any materials rated 3 or above on Book Looks that have been subject to a challenge.

31. On February 3, 2025, the District removed 3 books from the St. Francis High School media center because, in the words of District administration, the “Board-approved policy required removal based on Book Looks rating.”

32. On February 14, 2025, the District removed 2 books from the St. Francis High School media center because, in the words of District administration, the “Board-approved policy required removal based on Book Looks rating.”

33. As of March 19, 2025, 47 book challenges have been filed. Every challenge, except 1, was filed by a “community member,” which means they were not a parent or student.

34. As of March 19, 2025, 11 books have been removed from the library or the library catalog and the remaining 36 challenges are pending.

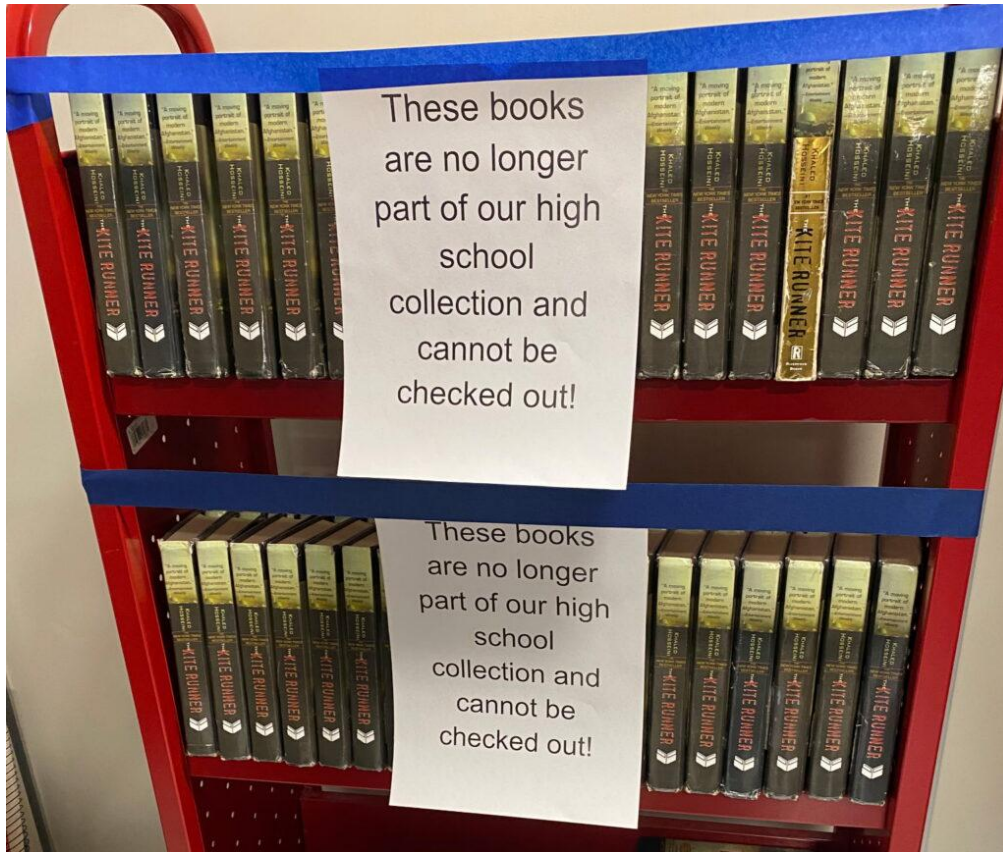
B. The District Bans Books Student Plaintiff R.A. and C.A. Seek to Read Inside and Outside of Class, Depriving Plaintiffs of Learning Opportunities.

35. The District has removed books from district libraries *and* classroom libraries.

36. Of the books that have been challenged, several are books held by the Language Arts department as part of course curriculum. These books include *Night* by Elie Wiesel, *I Know Why the Caged Bird Sings* by Maya Angelou, *Brave New World* by Aldous Huxley, *Beloved* by Toni Morrison, *Slaughterhouse Five* by Kurt Vonnegut, *The Handmaid’s Tale* by Margaret Atwood, and *The Kite Runner* by Khaled Hosseini.

37. After *The Kite Runner* was challenged, it was removed from library shelves and copies of the book held by the Language Arts Department were removed from the teachers’ custody.²

² See Ryan Fiereck, “*The Handmaid’s Tale*” Could Really Teach Something to the Kids in St. Francis. *Too Bad It’s banned*, Minnesota Reformer (Mar. 19, 2025), available at <https://minnesotareformer.com/2025/03/19/the-handmaids-tale-could-really-teach-something-to-the-kids-in-st-francis-too-bad-its-banned/> (last accessed Mar. 19, 2025). The photo is from that article.



38. R.A., currently a high school senior, is enrolled in College in the Schools (“CIS”) College Reading. The course allows R.A. to receive college credit through Southwest Minnesota State University (“SMSU”) while taking the course at St. Francis High School. Obtaining college credit for this course can reduce the cost of R.A.’s college tuition and accelerate R.A.’s college progress. The curriculum is from the course at SMSU entitled “Human Diversity in Literature.”

39. R.A.’s teacher intended to teach *Night* later this semester for their CIS class because the book was an option for the course curriculum. *Night* was challenged by a “community member” and is rated “3” or higher on Book Looks. Therefore, as with *The Kite Runner*, it will be removed from both the library and the Language Arts Department, which holds 58 copies of the book.

40. R.A. previously read *Night* for AP Literature, but will now be deprived of the opportunity to read, analyze, and discuss *Night* this semester in the context of a college-level course focused on diverse human experiences.

41. Elie Wiesel's *Night* is a memoir about the author's experiences in Nazi concentration camps during the Holocaust. It is one of the most powerful and well-known first-hand accounts of a victim of the Holocaust.

42. *Night* and many of the other challenged books have substantial literary value, as recognized by their frequent inclusion in the AP Literature exam and awards issued by national and international organizations.

43. Elie Wiesel received a Nobel Peace Prize in 1986, for his message "of peace, atonement and human dignity."³ The Nobel Committee described him as "one of the most important spiritual leaders and guides in an age when violence, repression and racism continue to characterise the world."

44. Book Looks rates *Night* as a "3" because the book "contains violence; inexplicit sexual activities; mild/infrequent profanity; controversial religious commentary; reference to alternate sexuality; and references to hate."

45. The passages identified as "adult content" in *Night* by the Book Looks review describe the author's experiences witnessing the brutality of the Holocaust, recounting the history of the Jewish people, and struggling with his Jewish faith after witnessing such extreme hate and violence.

³ Press Release, *The Nobel Prize* (Oct. 14, 1986), <https://www.nobelprize.org/prizes/peace/1986/press-release/>

46. While taking College Reading, as part of broadening R.A.'s knowledge of works exploring a range of sociocultural identities and experiences, R.A. would also like to read *The Bluest Eye* by Toni Morrison. R.A. no longer can access it through the St. Francis High School library. The book was removed from the shelves because a community member challenged it under the Book Looks policy.

47. Last year, R.A. took AP Literature and, in preparation for that exam, read *The Handmaid's Tale*, *Brave New World*, and *Night*. When taking the AP exam, R.A. wrote about *Brave New World* in an essay response. These books were all recommended for students preparing for the exam because they are widely known works of high-quality literature with complex themes. These types of books are recommended to students because exam graders are more likely to be familiar with those books, and writing about well-known books can increase the student's likelihood of obtaining a higher exam score.

48. R.A. knows classmates who read *Slaughterhouse Five* and *I Am Not Your Perfect Mexican Daughter* to prepare for the AP exam. Many of the books that the District has banned, including those works mentioned above, are recommended for students to read in preparation for the AP Literature exam. Students who receive passing scores on the exam can earn college credit recognized by many colleges across the country.

49. R.A. participates in speech and debate as extracurricular activities. R.A.'s peers on the speech team and debate team routinely rely on library materials.

50. For example, the speech team has competitive categories, such as Poetry, Prose, and Drama, where students craft their own speech piece that they present using excerpts from poems, plays, and books. Many speech pieces address complex and serious themes—themes that Book Looks reviews consider to be grounds for higher ratings.

51. Plaintiff C.A. is currently in Ninth Grade and is on track to take AP Literature and CIS College Reading. C.A. is an avid reader and is interested in reading materials that have been banned.

52. R.A. and C.A.'s parent, R.A., supports R.A.'s and C.A.'s interest in reading, and would like C.A. to be able to read and learn from books that have been banned. C.A. will have the opportunity to read many of these books while taking AP Literature, CIS College Reading, and other courses. R.A. believes access to these materials is essential to the children's education, college readiness, and ability to earn college credits while in high school. As a parent, R.A. wants them to have the opportunity to read and discuss these materials in the classroom setting with guidance from their teacher.

53. N.D. similarly supports R.D.'s and E.D.'s interest in reading. N.D. wants R.D. and E.D. to read *Night*, *The Kite Runner*, and *The Handmaid's Tale* when they are in high school.

54. Even as elementary school students, R.D. and E.D. are voracious readers, and will quickly read books at or above the reading level for their age. They are currently interested in being a teacher and a veterinarian, so N.D. anticipates advanced courses and college readiness will be very important for them as they attend St. Francis Area Schools.

C. The Adopted Policy Came After St. Francis School Board Members Considered and Discarded a Model Library Materials Policy.

55. The St. Francis Areas Schools administration began considering adopting a school library materials policy consistent with a model policy published by the Minnesota School Boards Association ("MSBA") beginning in 2023. The policy established procedures to consider the selection and reconsideration of library materials.

56. An updated model MSBA policy was brought to the Board in January 2024.

57. A few Board members criticized the policy because they believed it should be more restrictive. One Board member objected to the proposed process based on her stated belief that “there is case law that tells us that the school board can at any point in time have a book pulled. We do not have to go through a committee or any of that.”

58. Other Board members expressed dissatisfaction that the proposed MSBA policy would not allow community members, with no connection to any enrolled student, challenge books.

59. One Board member raised a particular list of books she felt were inappropriate and said she would have liked to see the books removed “yesterday.”

60. Based on these concerns, the Board did not vote on the model policy and continued to consider it over the next several months.

61. At various school board meetings throughout 2024, a few individuals from the St. Francis area voiced concerns about pornography in the schools. One member of the public asserted that the MSBA policy would allow Penthouse Magazine in the schools.

62. At no point was the Board presented with any evidence of any pornographic material in any school.

63. School administrators dispelled these and other rumors and misinformation, including false statements that students used litter boxes in school restrooms; that the school was putting chemicals in the food to encourage people to be gay; and that equity initiatives to provide access for students with disabilities were “critical race theory.”

64. Later in 2024, District administration recommended two options for the Board to consider: adopting the model policy or adopting the model policy with a modification to add two

community members to the book review committee. Administrators did not recommend further changes to the policy.

65. The Board considered the policy options at the September 23, 2024 and October 28, 2024 Board meetings.

66. One of the Board members began the October 28 discussion by stating: “First of all, I am a Christian, you probably already knew that and I do come with the Christian worldview and I don’t leave it at home so I do come to the table with that and there’s a bunch of scripture here to back up why I’m standing like I’m standing.”

67. This Board member read excerpts aloud from *Sold* by Patricia McCormick, a novel about a 13-year-old girl from rural Nepal who is sold into, and attempts to escape from, sex slavery by her stepfather.

68. The Board member read numerous Bible verses aloud and stated that books, like *Sold*, “are filled with explicitly descriptive sexual acts that denigrate the beauty of God that’s created in every human being,” so “they shouldn’t be available in our students’ libraries.”

69. This Board member suggested adopting Book Looks’ rating system into the policy and modifying the policy to allow any community member to challenge a book.

70. After over an hour of discussion, the Board proposed adding language to expressly prohibit materials that included any specified sexual acts and physical contact or simulated physical contact of a sexual nature.

71. One Board member stated that the language was too broad and explained that, under the proposed language, the Bible would not be permitted in the school library because it contained descriptions of sexual conduct.

72. The District requested legal review of the changes proposed by the Board on October 28, 2024.

D. The District’s Legal Counsel Advises Against Adoption of the Policy Because the Constitution Protects the Rights of Students to Access Educational Materials Without Viewpoint-Based Restrictions.

73. Legal counsel reviewed the proposed changes and advised that the provisions “would place content-based restrictions on library materials, which in most cases is not permissible under the First Amendment. To comply with the First Amendment and Minn. Stat. 134.51, any restrictions on library materials in this Policy should avoid broad categorical prohibitions that could be perceived as prohibiting materials based solely on the nature of their content.”

74. Legal counsel recommended omitting policy language drafted by the Board and “instead focusing on the educational value and age-appropriateness of library materials,” because those provisions “already provide grounds for excluding sexually explicit content, on a case-by-case basis, that is not suitable for a student audience.” Counsel continued: “That approach would align with legal standards and avoid risking a potential First Amendment challenge.”

75. Legal Counsel had good reason to give the District this advice.

76. Article I, Section 3 of the Minnesota Constitution protects the rights of “all persons” to “freely speak, write and publish their sentiments on all subjects.”

77. The Minnesota Supreme Court has held that the free speech rights guaranteed by the Minnesota Constitution protect, at a minimum, the free speech rights guaranteed by the United States Constitution.

78. The inherent rights of free speech protected by the federal and state constitutions also protect the right to receive ideas. The First Amendment of the U.S. Constitution “protects the right to receive information and ideas.” *Stanley v. Georgia*, 394 U.S. 557, 564 (1969).

79. “The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers.” *Lamont v. Postmaster General*, 381 U.S. 301, 308 (1965) (Brennan, J., concurring).

80. The rights of students to access information are particularly strong in the context of public schools. Access to a variety of viewpoints, perspectives, ideas, and information is the very foundation of a strong public education system, which forms the foundation of a free society.

81. Article XIII, Section 1 of the Minnesota Constitution expressly recognizes these principles: “The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools.”

82. The U.S. Supreme Court has agreed that access to information in public schools is critical to a free society. In the words of the U.S. Supreme Court, “just as access to ideas makes it possible for citizens generally to exercise their rights of free speech and press in a meaningful manner, such access prepares students for active and effective participation in the pluralistic, often contentious society in which they will soon be adult members.” *Board of Education v. Pico*, 457 U.S. 853, 868 (1982).

83. In *Pico*, the Court expressly rejected the notion that a school board “must be allowed *unfettered* discretion to ‘transmit community values’” through public schools. 457 U.S. at 869. Instead, the Court focused on the rights of the students to learn and receive information.

84. The Court has recognized students’ rights to freely read, think, and speak about ideas that are not state-sanctioned: “In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the

expression of those sentiments that are officially approved.” *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 511 (1969).

85. “[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content. To permit the continued building of our politics and culture, and to assure self-fulfillment for each individual, our people are guaranteed the right to express any thought, free from government censorship.” *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95–96 (1972) (internal citations omitted).

86. For these reasons, politically motivated, viewpoint-based restrictions on speech and access to information by government officials are especially odious and are presumptively unconstitutional.

87. However, at the Board meeting on November 12, 2024, a Board member challenged the attorney’s advice and the free speech rights enshrined in our constitution. She said: “This isn’t about free speech and I don’t know why, let’s figure out how to get these books out of our library. It shouldn’t be this hard. If you want, I’m fine removing this language but only if we can add Book Looks in, then we’ll use Book Looks as the deciding factor.”

88. The Board then proposed adopting Book Looks as the method of determining whether books would be allowed in school libraries and classrooms.

89. After the November 12 Board meeting, the District requested legal review of using Book Looks in the Library Materials Policy.

E. The District’s Legal Counsel Advises Against Adopting a Book Looks-Based Policy Because It Violates Minnesota Statutes Section 134.51.

90. The District’s legal counsel advised that relying on Book Looks raised multiple legal concerns. Again, with good reason.

91. Consistent with the free speech principles enshrined in the Minnesota Constitution, the Minnesota Legislature prohibited banning books or other material by public libraries, including school libraries, “based solely on its viewpoint or the messages, ideas, or opinions it conveys.” Minn. Stat. § 134.51, subd. 1.

92. The law allows libraries discretion to manage their collections for legitimate reasons, including practical reasons like shelf space, and “legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library’s intended audience, the selection of books and materials for a curated collection, or the likelihood of causing a material and substantial disruption of the work and discipline of the school.” Minn. Stat. § 134.51, subd. 3.

93. To ensure these rules are carried out in a neutral manner, the law also requires public libraries, including school libraries, to establish a library materials policy with procedures for the selection and removal of materials. Minn. Stat. § 134.51, subd. 5.

94. These library materials procedures must be administered by a licensed library media specialist, an individual with a master’s degree in library science or library and information science, or a professional librarian or a person trained in library collection management. Minn. Stat. § 134.51, subd. 5(d).

95. Here, the District’s attorney referenced the law, stating: “Minn. Stat. 134.51 requires the District’s library materials policy to be administered by an individual with appropriate professional qualifications as a librarian, and it generally requires library materials to be selected based on that specialist’s professional judgment regarding the materials’ education value and appropriateness for students.”

96. The attorney continued: “The proposed language would arguably violate the state law by supplanting the library media specialist’s professional judgment with an external rating system. As described on its website, Book Looks is managed by a group of concerned parents, and the organization does not appear to have any professional library credentials. Including the proposed requirement would leave the District vulnerable to an argument that the policy does not align with professional standards for library material selection, as required by Section 134.51.”

97. The attorney also advised that adopting Book Looks may raise arguments “that the Book Looks rating system originates from an organization with a specific ideological perspective. While its website disclaims any affiliation with other organizations, there has been some reporting that Book Looks is connected to Moms for Liberty, and the organization was founded by a Moms for Liberty member. These circumstances may raise concerns that reliance on the Book Looks rating system effectively excludes materials based on viewpoint, which would violate the First Amendment.”

98. The District’s counsel advised that the Book Looks policy would raise legal risk and potentially violate state law. In addition, the attorney advised that reference to Book Looks was likely unnecessary because the model policy allows removal of content that is inappropriate for minors and requires the library media specialist to consult professional resources when making selection decisions.

99. Based on the legal review, the District administration recommended against incorporating Book Looks into the policy.

F. Against Legal Advice, the Board Adopted a Book Looks-Based Policy Because It “Align[ed]” With Their Political and Ideological “Viewpoint.”

100. The Board considered and rejected their attorney’s legal advice, and adopted the Book Looks policy anyway, expressly because it aligned with the particular ideological viewpoint of some members of the board.

101. One Board member mocked the legal advice provided by the District’s attorney, reading the advice aloud and sarcastically rejecting the analysis that Book Looks and Moms for Liberty had a political viewpoint.

102. This Board member went on to reject the attorney’s concern that Book Looks excludes materials based on viewpoint. She stated: “We have the authority to shelve, to remove, to buy books.”

103. She further explained that she liked Book Looks because it shared her viewpoint and the viewpoint of what she believed to be a majority of people in the St. Francis community: “Our point is if you wanted to align with the current Board and the community, and the community which elected the new Board, it would be easiest to go with a certain look. I mean I’ll say Book Looks. It’s going to align. We’re not going to hit everybody but you look at the outcome of the last election, it doesn’t take Einstein to figure out where our community lies.”

104. She stated that the community “isn’t anything like Minneapolis, it isn’t anything like St. Paul” because “it’s very red, very conservative.”

105. She said she didn’t believe there was a “blue representative in this District . . . they’re all red, all Republican.” She went on: “That is a viewpoint, and we’re looking at a viewpoint with a book.”

106. Another Board member expressed support for using Book Looks because it would be easier than having a committee review every challenged book, and for the books to come to the Board for review.

107. A third Board member rejected the attorney's advice, asserting that the law allowed communities to decide what books are in their school. This Board member read aloud from the dissenting opinion in the Supreme Court case *Board of Education v. Pico*, 457 U.S. 853 (1982).

108. Based on the *Pico* dissent, the Board member stated the Board could enact the Book Looks policy.

109. Three Board members strongly opposed adopting the Book Looks policy.

110. These opponents expressed concerns that the Board needed to remain politically and ideologically neutral.

111. One Board member stated: "So now we are picking a group that is using a political organization which goes against our neutrality, and what we all want on this board for our district. All I'm saying is why don't we let our procedure give us multiple options."

112. The Superintendent also stated his opposition to the policy. He explained he is a "proponent of letting kids and parents choose their own book."

113. Two other Board members also voiced opposition to the Book Looks policy to avoid legal risks and explained how school boards in other states have faced lawsuits for First Amendment violations.

114. A proponent of the policy responded: "This isn't a First Amendment violation. School boards can decide curriculum, library books, we can remove them."

G. Book Looks Has a Political Viewpoint but Does Not Have Expertise in Library Sciences or Library Management.

115. Book Looks was "originally formed as a Moms For Liberty Book Committee."

116. Book Looks was founded by an individual who was a member of Moms for Liberty at the time.

117. Book Looks reviews are completed by unidentified individuals, who have been reported to be parents who are members of Moms for Liberty.

118. Moms for Liberty is a Florida-based conservative group and registered as a 501(c)(4) tax-exempt organization that engages in political lobbying.

119. Moms for Liberty is an expressly political organization whose founders have expressed a desire to “disrupt” schools by enacting an expressly far-right, conservative Christian agenda.

120. Moms for Liberty has falsely accused schoolteachers and librarians of being “groomers” and made false accusations about pornography in school libraries.

121. Moms for Liberty endorses Book Looks on its website, encouraging members to use it to ban books from their school libraries.

122. The Book Looks website currently states that it will be “ceasing operation” as of Sunday March 23, 2025 and has removed book reviews, but the list of books and ratings remains available. The farewell message discusses how “God called us to this work” but that it was “apparent that His work for us here is complete and that He has other callings for us.”

123. Board members have previously discussed similar book review websites, such as RatedBooks.org, and Rated Books uses the same rating system as Book Looks. The Book Looks ratings and reviews remain available through RatedBooks.org.

124. On information and belief, Book Looks does not have a professional librarian or library media specialist conducting reviews of books.

125. Book Looks uses a 0 through 5 rating system, purportedly modeled after the system of movie ratings published by the Motion Picture Association of America.

126. Objectionable criteria listed on the Book Looks rating system includes vulgar language, references to sex or sexuality, and “gender ideologies.”

127. Many books on the website appear to contain ratings based primarily on the fact that they depict LGBTQ individuals or provide age-appropriate information about being LGBTQ. The Book Looks reviews refer to any and all LGBTQ people as having “alternate sexualities.”

128. For example, *Sam Is My Sister*, a children’s picture book, is rated “1” because the book “contains alternate gender ideologies.” It received this rating because a character in the book is transgender.

129. *Gender Identity for Kids* by Andy Passchier, which is designed for elementary-age children, with the subtitle “A book about finding yourself, understanding others, and respecting everybody,” is labelled as a “2,” or “teen guidance” because it “contains explicit alternate gender ideologies; controversial social commentary; references to hate; and sexuality.”

130. The website rates books in the young adult series *Heartstopper*, by Alice Oseman, as a “2” or “3” because they supposedly contain “sexual activities,” “alternate sexualities,” “alternate gender ideologies,” “profanity,” and “violence.”

131. Other books on Book Looks contain ratings based on discussing ideas the unidentified reviewers found “controversial” or “inflammatory.”

132. Controversial and inflammatory topics include the “ideologies of white privilege, anti-racism, cultural appropriations” as discussed in *The Black Friend: How to Be a Better White Person* by Frederick Joseph, which is rated “2.”

133. For example, *The Hate U Give* by Angie Thomas, a young adult novel inspired by the Black Lives Matter movement, is rated “3” on Book Looks because it “contains inflammatory racial commentary; excessive/frequent profanity; and inexplicit sexual activities.”

134. *The Hate U Give* has been challenged by a “community member” (*i.e.*, not a parent or student) and must be removed under the District’s policy.

135. *Eleanor & Park* by Rainbow Rowell, a young adult novel, is rated “3” on Book Looks because it allegedly contains “sexual activities; excessive/frequent profanity; and hate involving racism.” The book is set in the 1980s in Omaha and contains a biracial Korean boy as one of the main characters.

136. Despite asserting that the book contains sexual activities, the Book Looks review does not depict any sexual activities, and identifies only 6 pages of concern from the over 300-page novel. And in actuality, none of those 6 pages are explicit, and the book involves two teenagers who consensually decline sexual activities.

137. *Eleanor & Park* has been challenged by a “community member” (*i.e.*, not a parent or student) and must be removed under the District’s policy.

138. *I Know Why the Caged Bird Sings* by Maya Angelou is rated “3” on Book Looks and has been challenged, so must be removed from all District libraries and classrooms.

139. *I Know Why the Caged Bird Sings* is a memoir that was nominated for a National Book Award and is internationally recognized for its innovative take on the autobiography genre.

140. The Book Looks review of *I Know Why the Caged Bird Sings* lists “references to racism and discrimination; alternate sexualities; controversial racial and historical commentary; profanity/derogatory terms” as reasons for the rating.

141. The Book Looks review of *Beloved* by Toni Morrison lists “racial commentary” as a reason for a concern, and identifies the following passage from Toni Morrison’s Forward to the books as “adult content”:

In the eighties, the debate was still roiling: equal pay, equal treatment, access to professions, schools...and choice without stigma. To marry or not. To have children or not. Inevitably these thoughts led me to the different history of black women in this country—a history in which marriage was discouraged, impossible, or illegal; in which birthing children was required, but “having” them, being responsible for them—being, in other words, their parent—was as out of the question as freedom.

142. Nothing in this passage is inappropriate—it merely conveys viewpoints and ideas that the reviewer likely disagrees with and classified as “controversial.”

H. The District’s Book Ban and the Board’s Animus Toward Certain Viewpoints Has Had Chilling Effects.

143. For over a year, community members with particular political, ideological, and religious views have protested the presence of books in the District based on viewpoint.

144. For example, individuals who provided comments to the Board about the library materials policy have referenced the Bible; one wore a “Trump” t-shirt; others declared, without evidence, that there was “pornography” in the schools and pointed to the fact that others were concerned as “evidence” of “pornography.”

145. Board members who supported the Book Looks policy expressly stated their actions are motivated by their own political, ideological, and religious viewpoints, at times gesturing to the activists who attended the Board meetings as the “community” whom they represent.

146. These activists, and their supporters on the Board, have made clear they are opposed to materials that reference sex or sexuality in any way (including age-appropriate materials);

materials that incorporate “gender ideologies,” or sexual orientations and gender identities they disapprove of; and materials that contain *any* vulgar language.

147. The messages from Board members, along with the adoption of a policy that was motivated by a conservative Christian ideology, have chilled the free speech rights of teachers and students throughout the District.

COUNT I
VIOLATIONS OF MINNESOTA CONSTITUTION, Art. I, § 3
Claim for Injunctive and Declaratory Relief

148. Plaintiffs incorporate by reference each and every paragraph above as though fully set forth herein.

149. St. Francis Area Schools is a government entity and is therefore prohibited from infringing on the free speech rights of its students under the Minnesota Constitution, Art. I, § 3.

150. St. Francis Area Schools adopted a Library Materials Policy that categorically prohibits the purchase, and requires removal, of any library or classroom materials that are rated at a “3” or higher by the third-party organization Book Looks.

151. The Board adopted Book Looks ratings in the Library Materials Policy expressly because a majority of the Board determined that Book Looks would “align” with the political, ideological, and religious “viewpoint” of those members.

152. The Board adopted the Library Materials Policy based on a desire to impose the political, ideological, and religious viewpoints of a majority of its members on students.

153. The Board adopted the Library Materials Policy to restrict access to ideas and information that its members found objectionable.

154. The Library Materials Policy adopting Book Looks mandates the removal of any material rated “3” or higher by Book Looks.

155. The Library Materials Policy does not grant any discretion to District officials to make decisions on a case-by-case basis for materials rated by Book Looks.

156. The Library Materials Policy is a content-based restriction on access to information and ideas, and is therefore subject to heightened scrutiny under the Minnesota Constitution, Article I, § 3.

157. The Library Materials Policy is not narrowly tailored to advance a compelling government interest.

158. The Library Materials Policy is not substantially related to any important government interest.

159. The Library Materials Policy and the District's removal of books pursuant to that policy is not rationally related to any legitimate government interest.

160. The District is liable for violations of Plaintiffs' rights under the Minnesota Constitution, Article I, § 3.

161. Plaintiffs have been injured by the District's violations of the Minnesota Constitution, Article I, § 3 because they no longer have access to those materials.

162. As a result of the District's violations of the rights guaranteed to Plaintiffs by the Minnesota Constitution, Plaintiffs are entitled to an order under Minn. Stat. § 555.01 declaring that the District's Library Materials Policy and removal of materials pursuant to that Policy violated the Constitutional rights of its students; a permanent injunction requiring the District to restore books it removed pursuant to the Policy; a permanent injunction requiring the District to amend its Policy to remove its sole reliance to Book Looks or any other third-party service; nominal damages under the Remedies Clause of the Minnesota Constitution; reasonable attorneys' fees, costs and disbursements; and all other relief as the Court deems just and proper.

COUNT II
VIOLATIONS OF MINN. STAT. § 134.51
Claim for Injunctive and Declaratory Relief

163. Plaintiffs incorporate by reference each and every paragraph above as though fully set forth herein.

164. The District operates libraries and media centers under Minn. Stat. § 124D.991 and is therefore subject to Minn. Stat. § 134.51.

165. The District's Library Materials Policy incorporates a third-party reviewer that rates books solely on viewpoints, messages, ideas, and opinions the book conveys.

166. The District has violated Minn. Stat. § 134.51, subd. 1 by banning, removing, and restricting access to books and other materials based solely on the viewpoint, messages, ideas, and opinions those books convey.

167. The District's Library Materials Policy establishes a review committee, but a Book Looks review, to the extent a review exists, supersedes and takes precedence over any determinations by the committee.

168. Book Looks does not require books to be reviewed by a licensed library media specialist under Minnesota Administrative Rules, part 8710.4550, an individual with a master's degree in library science or library and information science, or a professional librarian or a person trained in library collection management.

169. The District has therefore violated Minn. Stat. § 134.51, subd. 5.

170. Plaintiffs have been injured by the District's violations of Minn. Stat. § 134.51 because they no longer have access to those materials.

171. Minn. Stat. § 134.51 is a statute that concerns unfair, discriminatory, and other unlawful practices in trade and commerce because it regulates the purchase of library materials and prohibits viewpoint-based restrictions on purchasing materials.

172. The District's violations of Minn. Stat. § 134.51 constitute unfair, discriminatory, and other unlawful practices because it has discriminated against ideas, opinions, and viewpoints the Board finds objectionable and wishes to suppress.

173. Plaintiffs may enforce Minn. Stat. § 134.51 through the Minnesota Private Attorney General Statute, Minn. Stat. § 8.31, subd. 3a, because they have been injured by a violation of the law.

174. This action benefits the public because it seeks injunctive and declaratory relief against the District, and that relief will protect the rights of all students in the District.

175. Plaintiffs are entitled to an order under Minn. Stat. § 555.01 declaring that the District's Library Materials Policy violates Minn. Stat. § 134.51; a permanent injunction requiring the District to restore books it removed pursuant to the Policy; a permanent injunction requiring the District to amend its Policy to remove its sole reliance to Book Looks or any other third-party service; a permanent injunction requiring the District to follow Minn. Stat. § 134.51; reasonable attorneys' fees, costs and disbursements; and all other relief as the Court deems just and proper.

COUNT III
VIOLATIONS OF MINNESOTA CONSTITUTION, Art. XIII, § 1
Claim for Injunctive and Declaratory Relief

176. Plaintiffs incorporate by reference each and every paragraph above as though fully set forth herein.

177. The Legislature has delegated to the Board the authority and responsibility to govern, manage, and control the St. Francis Area Schools as an Independent School District.

178. Pursuant to its authority delegated by the legislature, the Board is responsible for ensuring that the students in the District receive an adequate education consistent with the uniform system of public schools established by the legislature and guaranteed by the Minnesota Constitution, Art. XIII, § 1.

179. The Board has deviated from the uniform system of public education established by the legislature by adopting a Library Materials Policy that categorically prohibits the purchase, and requires removal, of any library or classroom materials that are rated at a “3” or higher by the third-party organization Book Looks.

180. By adopting a policy that limits access to information based on viewpoint, the Board has violated its obligation to provide Plaintiffs with a uniform system of education.

181. By adopting a policy that violates Minn. Stat. § 134.51, which the Legislature established to uniformly govern the access to library materials in schools across Minnesota, the Board has violated its obligations to provide Plaintiffs with a uniform system of education.

182. By adopting a policy that delegates its authority to administer the District to a private entity without adequate safeguards to protect students from the power of that entity, the Board has violated its duty to provide a uniform and adequate education.

183. The District has now removed at least 47 books from its schools and curriculum, many of which have significant literary value and are taught in the curriculum for high school students.

184. The District is liable for violation of Plaintiffs’ rights under the Minnesota Constitution, Article XIII, § 1.

185. Plaintiffs have been injured by the District’s violations of the Minnesota Constitution, Article XIII, § 1 because they are not receiving the uniform and adequate system of

education established by the legislature, in that they no longer have access to curriculum and library materials to which they would have access in any other district without a book ban policy in place.

186. As a result of the District's violations of the rights guaranteed to Plaintiffs by the Minnesota Constitution, Plaintiffs are entitled to an order under Minn. Stat. § 555.01 declaring that the District's Library Materials Policy and the removal of materials pursuant to that Policy violate the Constitutional rights of its students; a permanent injunction requiring the District to restore books it removed pursuant to the Policy; a permanent injunction requiring the District to modify its Policy to remove its sole reliance to Book Looks or any other third-party service; a permanent injunction requiring the District to follow Minn. Stat. § 134.51; nominal damages under the Remedies Clause of the Minnesota Constitution; reasonable attorneys' fees, costs, and disbursements; and all other relief as the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in Plaintiff's favor and award the following relief:

- A. An order declaring Defendant's Library Materials Policy, and removal of materials pursuant to that policy, violates the Minnesota Constitution, Article I, § 3 and Article XIII, § 1, and Minn. Stat. § 134.51;
- B. A permanent injunction prohibiting Defendant from removing library or classroom materials pursuant to the Library Materials Policy based solely on Book Looks ratings or any other third-party service;
- C. A permanent injunction prohibiting Defendant from removing library or classroom materials solely because the Board, a community member, or a parent disagrees with the viewpoint or the contents of those books or materials;

- D. A permanent injunction requiring Defendant to modify its Policy to conform with the law;
- E. A permanent injunction requiring Defendant to restore any library materials removed pursuant to the Library Materials Policy;
- F. Nominal damages pursuant to the Remedies Clause of the Minnesota Constitution;
- G. Reasonable attorneys' fees, costs, and disbursement;
- H. All other relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury, pursuant to Minnesota Rule of Civil Procedure 38.01.

Dated: March 24, 2025

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ACKNOWLEDGMENT

The party upon whose behalf this pleading is submitted, by and through the undersigned, hereby acknowledges that costs, disbursements, and reasonable attorney fees and witness fees may be awarded to the party against whom the allegations in this pleading are asserted, pursuant to Minnesota Statute § 549.211.

Dated: March 24, 2025

/s/Kate M. Baxter-Kauf