

STATE OF MINNESOTA
COUNTY OF ANOKA

CASE TYPE: OTHER CIVIL
DISTRICT COURT
TENTH JUDICIAL DISTRICT

Education Minnesota St. Francis, Local 1977; G.S., a minor, by and through his parents and next friends, Michael Stoffel and Alicia Stoffel; S.F., M.F., and H.F., all minors, by and through their parents and next friends, Ryan Fiereck and Kristen Fiereck; O.M., L.M., and N.M., all minors, by and through their parent and next friend, Sarah Meier; and N.E. a minor, by and through his parent and next friend, Shannon Esboldt.

Court File No. _____

COMPLAINT

Plaintiffs,

vs.

St. Francis Area Schools, ISD 15,

Defendant.

Plaintiffs Education Minnesota St. Francis (hereinafter “the Union”), G.S., a minor, by and through his parents and next friends, Michael Stoffel and Alicia Stoffel; S.F., M.F., and H.F., all minors, by and through their parents and next friends, Ryan Fiereck and Kristen Fiereck; O.M., L.M., N.M., all minors, by and through their parent and next friend, Sarah Meier; and N.E. a minor, by and through his parent and next friend, Shannon Esboldt for their Complaint against Defendant St. Francis Area Schools, ISD 15, St. Francis, Minnesota, (hereinafter “the District”), state and allege to the best of their knowledge as follows:

INTRODUCTION

1. Plaintiffs bring this action to enjoin enforcement of Defendant’s Library Materials policy 606.5 pursuant to the Minnesota Constitution, article I, section 3, Minnesota Statute § 134.51 (2024), and the Minnesota Declaratory Judgment Act, Minnesota Statutes § 555.01, et seq. (2024) seeking relief from Defendant’s violation.

2. Defendant District’s policy is antithetical to the values of public education and encouraging discourse. Perhaps more importantly, the policy violates the Minnesota Constitution and state law.

3. A school district cannot strengthen its academic standards by weakening students' access to information in a biased fashion. The District’s attempt to restrain staff and student speech exceeds its authority as a government actor. Adopting content-based discrimination toward library materials violates the state Constitution and Minnesota Statute § 134.51 and must be enjoined.

PARTIES

4. The School Board of the St. Francis Area Schools District, Independent School District No. 15 (Board) is the governing body of the District and the “public employer” of the employees serving in the District for purposes of PELRA, Minnesota Statutes § 179A.03, subdivision 15(c) (2024).

5. The District is a school district created pursuant to Minnesota Statutes chs. 122 and 123, and is an independent governmental subdivision amenable to suit under Minnesota Statutes § 123B.25 (2024).

6. The Union has been certified by the Minnesota Bureau of Mediation Services as the exclusive representative for the purposes of collective bargaining under PELRA for teachers in the District pursuant to Minnesota Statutes § 179A.04.

7. G.S., a minor, by and through his parents and next friends, Michael Stoffel and Alicia Stoffel, is a student in the District.

8. Michael Stoffel is employed as a teacher in the District.

9. Alicia Stoffel is employed as a teacher in the District.

10. S.F., a minor, by and through her parents and next friends Ryan Fiereck and Kristen Fiereck, is a student in the District.

11. M.F., a minor, by and through her parents and next friends Ryan Fiereck and Kristen Fiereck, is a student in the District.

12. H.F., a minor, by and through his parents and next friends Ryan Fiereck and Kristen Fiereck, is a student in the District.

13. Ryan Fiereck is employed as a teacher in the District.

14. Kristen Fiereck is employed as a teacher in the District.

15. O.M., a minor, by and through his parent and next friend, Sarah Meier, is a student in the District.

16. L.M., a minor, by and through his parent and next friend, Sarah Meier, is a student in the District.

17. N.M. a minor, by and through his parent and next friend, Sarah Meier, is a student in the District.

18. Sarah Meier is employed as a teacher in the District.

19. N.E. a minor, by and through his parent and next friend, Shannon Esboldt, is a student in the District.

20. Shannon Esboldt is employed as a teacher in the District.

VENUE AND JURISDICTION

21. This Court has jurisdiction over the Plaintiffs' claims pursuant to Minn. Stat. § 484.01, subd. 1.

22. Venue is proper in Anoka County pursuant to Minn. Stat. § 542.09 because the Defendant District's principal office is located there.

FACTS

23. The District is a school district serving approximately 4,000 students.

24. Among other buildings and programs, the District includes three elementary schools—Cedar Creek Elementary School, East Bethel Elementary School, and St. Francis Elementary School, as well as three secondary schools—St. Francis Middle School, St. Francis High School, and Saints Academy.

25. Upon information and belief, the District operates school libraries or media centers in all of its schools, and many teachers in the district have classroom libraries.

26. Prior to November 25, 2024, the District had a policy concerning the selection of library materials that set forth reasonable guidelines for book selection, and vested the authority to make selections with media specialists in the district.

27. That policy emphasized professional discretion and provided guidelines for a media specialist to deploy while selecting books for the District's school media centers.

28. In the fall of 2024, the District's school board considered modifications to the Library Materials policy under which the Defendant selected and maintained library books.

29. It was clear from the start that the Board's revised policy would not be viewpoint-neutral. Most notably, the policy barred the selection, and slated for removal without discussion upon any challenge, any book rated "3" or above by an organization called "Book Looks." The revised policy stated:

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.

Policy 606.5, Section 5.A.7.

30. Upon information and belief, "Book Looks" purports to objectively assess the appropriateness of books for children and young adults using a rating system, but its standards have not been created by a professional librarian.

31. Book Looks does not have any identifiable personnel, but purports on its website to be a collective of "concerned parents."

32. Book Looks' "rating system" does not contain any rubrics or standardized metrics for assessing the literary or artistic value of books. Book Looks' description of its ratings system candidly admits on the "Ratings Systems" page of its website, "[w]e strive to be as objective and judicious in our reports as possible, but ultimately the ratings assigned are our opinions."

33. Upon information and belief, ratings assigned by Book Looks are not administered by a licensed library media specialist, an individual with a master's degree in library science, or a professional librarian.

34. Among concerns that can contribute to a book's high score are things like "racial commentary," "controversial social and racial commentary," "alternate gender ideologies," and "inflammatory racial commentary."

35. Ironically, Book Looks is a clearinghouse for excerpts from books that its anonymous professionals found offensive. As such, any St. Francis student who wished to determine the Book Looks rating for a piece of literature has unfettered access to a compendium of racy snippets, with none of the literary context that would ordinarily surround those portions of text.

36. Because the revised policy declared the Book Looks rating system dispositive for book selection, it does not afford school librarians and media specialists any discretion whatsoever in the selection of books with a Book Looks' rating of 3 or above; librarians may not even consider accepting donated books with these ratings.

37. By making the Book Looks rating system dispositive, there is likewise no avenue for appeal or discussion when a book with a Book Looks rating of three is challenged. The District's policy has no process for reconsidering a challenge to a book with a Book Looks' rating of 3 or above. As such, a challenge to a book with a rating of 3 and above triggers an automatic removal. 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.

Policy 606.5, Section 7.D.1.

38. On November 25, 2024, the School Board discussed the policy before voting on its passage. During that discussion, Board member Amy Kelly described the policy as aligning with her self-identified "red" beliefs, saying:

“The MSBA said this will look different in every part of the state. Just to let you know, We’re red here! As MSBA said this will look different to every part of the state we're red here! Just to let you know, we're not going to always be on the same page, but I know we're conservative they don't want this stuff in the libraries, Jill, and you can say wow, but obviously there's a number of us that disagree with how the committee came up with they seem to think it's fine that that book is in the library, okay? The reason why we asked to have Book Looks put in, is that it’s probably going to align with the majority of the board.

39. Defendant District ultimately adopted the revised "Library Materials" policy, which is numbered 606.5.

40. Since the Board adopted this policy, it has received book challenges from community members for the following books, *inter alia*: “Tricks,” “Lucky,” “Push,” “Kite Runner,” “The Bluest Eye,” “Nineteen Minutes,” “The Perks of Being a Wall Flower,” “The Handmaids Tale,” “Call Me by Your Name,” “Blankets,” “I Know Why the Caged Bird Sings,” “Native Son,” “Slaughterhouse Five,” and “Night.” As a result, the District has banned all of these books because they have Book Looks ratings of 3 and above and were the subject of a challenge.

41. The vast majority of these challenges have come from individuals whom the District has identified as community members, not parents of students in the District.

42. "Tricks" is a young adult novel by Ellen Hopkins. It is intended for a mature teen audience and has been lauded for its harrowing depiction of young people living at the margins of society.

43. "The Kite Runner" is a New York Times best seller that offers a fictionalized account of the rise of the Taliban in Afghanistan.

44. "The Bluest Eye" is Toni Morrison's debut novel, which illustrates the perniciousness of internalized racism and societal discrimination.

45. "Nineteen Minutes" is a novel by celebrated young adult author Jodi Picoult, which discusses the connection between bullying and school violence.

46. "The Handmaid's Tale" is a dystopian novel that describes the dangers of religious extremism and was nominated for Booker Prize and a Nebula Award.

47. "Native Son" has been listed on multiple "best 100 novels" lists, including at number 20 on The Modern Library's list of the 100 best novels of the 20th Century, and as an entry in the *TIME 100 Best English-language Novels from 1923 to 2005*.

48. Most recently, the District has banned "Night," by Elie Weisel, which is a seminal entry in the genre of Holocaust literature.

49. The District is also banning "I Know Why the Caged Bird Sings," by Maya Angelou, among the most celebrated African American authors and a classic work of autobiography. Book Looks rated it a 3 for, among other things, "references to racism."

50. As a result, the District has also required the removal of all of these books from its libraries and teachers' classrooms.

51. Upon information and belief, St. Francis High School students have, up to and including this year, been permitted to read "The Kite Runner" to prepare for the Advanced Placement Exam. The removal of this book, among others, limits students in their ability to use school materials to prepare for English coursework. It also limits teachers in the ability to assign a diverse array of materials for their classes.

52. Upon information and belief, the District's removal of books in a fashion that is not viewpoint-neutral from its curriculum and its libraries could impact students' ability to achieve academic success and students' ability to be college and career ready upon graduation.

53. Upon information and belief, the purveyors of Book Looks' ratings and choicest excerpts from "concerning books" will be removing some of this content from their website as of March 24, 2025. However, the District will still be required to use these ratings because its policy requires it to do so, and nothing in the policy permits District staff to restore challenged books once they have been removed.

54. G.S., a minor, by and through his parents and next friends, Michael Stoffel and Alicia Stoffel, is a student in the District and wishes to have access to a wide variety of reading materials in his library to either browse or check out. The removal of a growing number of acclaimed books prevents her from doing that.

55. Michael Stoffel is employed as a teacher in the District and wants his child and his students to have access to reading materials on a viewpoint-neutral basis. The District has made that impossible for all challenged books with a Book Looks rating of 3 or higher.

56. Alicia Stoffel is employed as a teacher in the District and wants her child and her students to have access to reading materials on a viewpoint-neutral basis. The District has made that impossible for all challenged books with a Book Looks rating of 3 or higher.

57. S.F., a minor, by and through her parents and next friends Ryan Fiereck and Kristen Fiereck, is a student in the District and wishes to have access to a wide variety of reading materials in her school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents her from doing that.

58. M.F., a minor, by and through her parents and next friends Ryan Fiereck and Kristen Fiereck, is a student in the District and wishes to have access to a wide variety of reading materials in her school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents her from doing that.

59. H.F., a minor, by and through his parents and next friends Ryan Fiereck and Kristen Fiereck, is a student in the District and wishes to have access to a wide variety of reading materials in his school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents him from doing that.

60. Ryan Fiereck is employed as a teacher in the District and wants his children and his students to have access to reading materials on a viewpoint-neutral basis. The District has made that impossible for all challenged books with a Book Looks rating of 3 or higher.

61. Kristen Fiereck is employed as a teacher in the District and wants her children and her students to have access to reading materials on a viewpoint-neutral basis. The District has made that impossible for all challenged books with a Book Looks rating of 3 or higher.

62. O.M., a minor, by and through his parent and next friend, Sarah Meier, is a student in the District and wishes to have access to a wide variety of reading materials in his school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents him from doing that.

63. L.M., a minor, by and through his parent and next friend, Sarah Meier is a student in the District and wishes to have access to a wide variety of reading materials in his school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents him from doing that.

64. N.M. a minor, by and through his parent and next friend, Sarah Meier is a student in the District and wishes to have access to a wide variety of reading materials in his school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents him from doing that.

65. Sarah Meier is employed as a teacher in the District and wants her children and her students to have access to reading materials on a viewpoint neutral basis. The District has made that impossible for all challenged books with a Book Looks rating of 3 or higher.

66. N.E. a minor, by and through his parent and next friend, Shannon Esboldt, is a student in the District and wishes to have access to a wide variety of reading

materials in his school and classroom libraries to either browse or check out. The removal of a growing number of acclaimed books prevents him from doing that.

67. Shannon Esboldt is employed as a teacher in the District and wants her child and her students to have access to reading materials on a viewpoint neutral basis. The District has made that impossible for all challenged books with a Book Looks rating of 3 or higher.

68. Education Minnesota St. Francis represents teachers in the District for the purposes of establishing their working conditions and enforcing their rights to be free of discipline without just cause. The District's action in implementing this policy puts teachers who are represented by the Union in the impossible position of either complying with state law, Minnesota Statute § 134.51, or following the unlawful dictates of District Policy 606.5, or risk facing discipline because they have violated a district policy.

COUNT I

The Minnesota Constitution

69. The allegations of Paragraphs 1-68 are realleged and incorporated herein.

70. Article I, Section 3 of the Minnesota Constitution states, in relevant part:

The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

71. Article I, Section 3 protects the right of access to information, ideas, and differing viewpoints.

72. The District, according to its own school board member, has imposed a rating system it knows to be consistent with "red," or politically conservative viewpoints

to deny all of its students access to materials that from this particular viewpoint, contain objectionable content on race, religion and sexuality.

73. The books that the District has banned have artistic and literary merit, and educational value, including celebrating and classic works of literature and texts which are required for Advanced Placement coursework.

74. The removal of the banned books interferes with the right of students to learn about a diverse array of viewpoints and information.

75. Plaintiffs will be harmed by the District's restriction on their access to information, ideas, and differing viewpoints. The teacher plaintiffs will be harmed by the related limitations on their ability to teach using age-appropriate materials that are consistent with, and in some cases, required by curricular standards.

76. Plaintiffs are entitled to declaratory relief to bar further injury to their rights under the Minnesota Constitution.

COUNT II

Minnesota Statutes § 134.51

77. The allegations of Paragraphs 1-76 are realleged and incorporated herein.

78. Minnesota Statutes Section 134.51, subd. 1 states:

A public library must not ban, remove, or otherwise restrict access to a book or other material based solely on its viewpoint or the messages, ideas, or opinions it conveys.

79. Defendant District operates a school library or media center within the meaning of Minn. Stat § 135.51, subd 2(b)(3) and is therefore subject to the requirements of Section 134.51.

80. On or about November 25, 2024, Defendant District adopted Policy 606.5 which directed removal of “Tricks,” “Lucky,” “Push,” “Kite Runner,” “The Bluest Eye,” “Nineteen Minutes,” “The Perks of Being a Wall Flower,” “The Handmaids Tale,” “Call Me by Your Name,” “Blankets,” “I Know Why the Caged Bird Sings,” “Native Son,” “Slaughterhouse Five,” and “Night”, or otherwise restricted student access to said materials.

81. The Book Looks rating system that is now binding upon the school district discriminates extensively based on viewpoint, particularly with regard to topics of gender, race, and religion. Specifically, the decisions of unknown—and unknowable—reviewers that gay characters are representative of “alternate sexualities” or that discussions of the harms of racism constitute “racial commentary” deprives students of a full spectrum of ideas because Book Looks’ reviews throttle the flow of information that its reviewers deem “controversial.”

82. The District does not permit the reconsideration of books with a Book Looks' rating of 3.

83. The removal and restriction was not based on any legitimate pedagogical concern, practical reason, or legal requirements as enumerated in Minn. Stat. § 134.51, subd. 3, and no such justification was provided at the time the action was taken.

84. All Plaintiffs will be harmed by the inability to seek a viewpoint-neutral reconsideration of the removal of books on the basis of Book Looks’ rating. The District’s policy is inconsistent with Minnesota Statutes § 134.51 and should be declared unlawful on that basis.

COUNT III

Minnesota Statutes § 134.51

85. The allegations of Paragraphs 1-84 are realleged and incorporated herein.

86. The District has adopted a policy that prevents teachers from creating classroom libraries on a viewpoint-neutral basis. Because of this, it is impossible for the District to follow its own policy without violating Minnesota Statute § 134.51.

87. Plaintiff teachers will be harmed if, in complying with Minnesota Statutes § 134.51, they are found to be in violation of Policy 606.5 and receive discipline as a result.

88. A violation of this policy would result in discipline of the members of Plaintiff Education Minnesota St. Francis in violation of Minnesota Statutes Section 134.51, subd. 4, and the policy should therefore be declared unlawful.

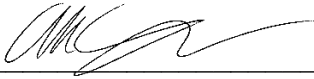
WHEREFORE, Plaintiff prays for relief as follows:

1. For a declaratory judgment finding that the Defendant has violated the Minnesota Constitution by restricting access to information on a basis that is not viewpoint-neutral;
2. For a declaratory judgment finding that the Defendant has violated Minn. Stat. § 134.51 by restricting access to information on a basis that is not viewpoint-neutral;
3. A declaratory judgment that the District's banning of "Tricks," "Lucky," "Push," "Slaughterhouse Five," "Kite Runner," "The Bluest Eye," "Nineteen Minutes," "The Perks of Being a Wall Flower," "The Handmaids Tale," "Call Me by Your Name," "Night," "I Know Why the Caged Bird Sings," "Native Son," and "Blankets," among many other books, pursuant to a policy that is not viewpoint-neutral is a violation of the Minnesota Constitution.

4. A permanent injunction requiring Defendant to return any library materials removed pursuant to the Library Materials Policy No. 606.5;
5. Permanently enjoining the District from enforcing Library Materials Policy No. 606.5;
6. Permanently enjoining the District from banning books on a basis that is not viewpoint-neutral.
7. For such other relief as the Court may deem just and proper.

EDUCATION MINNESOTA

Dated: March 24, 2025

By: 
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ATTORNEYS FOR PLAINTIFFS

ACKNOWLEDGEMENT

Education Minnesota-St. Francis, the Plaintiff herein, by its attorneys, hereby acknowledge that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minnesota Statutes § 549.211, subdivision 1 (2024), to the parties against whom the allegations in this pleading are asserted.

EDUCATION MINNESOTA

Dated: March 24, 2025

By:



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