

Legislating Librarianship Redux

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ABSTRACT

School and public libraries in the United States, guided by long-standing principles in librarianship, as well as guidelines established by the American Library Association, support the freedom of information and ideas. Accordingly, most librarians and library boards believe local library collections should reflect their local populations, but also provide a balanced and expansive collection of materials that explore a variety of viewpoints, genres, cultures, and ideologies.

Traditionally, public libraries are run by a library manager/director, usually a credentialed librarian. A library board provides oversight for matters of policy. School libraries are generally managed by a school media specialist, with oversight by the principal and school board. Best practices in librarianship require that school and public libraries follow established, written collection development policies that include clearly defined procedures for book challenges.

In 2016, the article “Legislating Librarianship” (Work, 2016) examined several incidents in which elected officials sought to circumvent the authority of school and library boards and established and approved library policies in order to legislatively dictate different library policies and procedures; this included legislatively limiting collection options, line-item oversight of budget and expenditures, and politicizing Library of Congress subject heading determinations. The article queried whether these cases were “a set of isolated occurrences or a disturbing new trend in legislating librarianship” (Work, 2016).

This follow-up study focuses on how this trend has not only continued but escalated, with an emphasis on collection development policies for children and teens. While this list of cases is by no means comprehensive, it gives an indication of the increased scope of legislative impediments on intellectual freedom in school and public libraries.

Current trends in library collection censorship

The recent examples of legislating librarianship generally begin with extremely vocal groups of parents who enlist the support of elected officials who are sympathetic to the parents’ complaints about school and public library children’s collections. Historically, challenges for books for children and teens focused on mature themes, sex, violence, profanity, and Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) topics. The list of topics being found objectionable has expanded further. Books that legislators claim are promoting “Critical Race Theory” (CRT), such as themes of racial tension, equity, diversity, discrimination, and the history of American enslaved people, are also being legislatively

challenged and banned. Law-makers have also progressed from looking to ban specific topics to also banning LGBTQ+ and Black, Indigenous, and People of Color (BIPOC) authors. Bills have been considered – and in some states, passed – that could result in criminal prosecution of teachers and school and public librarians for disseminating materials that the state considers “harmful” or “pornographic.”

Among the bills or mandates passed or being considered (see below for more details):

- Library collections must meet “community standards.”
- State, county, and local politicians and political commissions can override local school boards and ban selected books in school libraries throughout the state.
- The state can mandate how teachers (including teacher-librarians) can discuss race and sex.
- A mayor can deny funding for a public library if books in the collection are morally objectionable to him and/or community members.
- Individual parents and parent groups are allowed greater access and authority to review books and to bring about the banning of books.
- Online databases must remove materials the state deems “harmful to minors” or be discontinued or fined.
- All access to digital eBook services and apps that include objectionable materials will be eliminated.
- Certain entire categories of library materials can be legislatively banned.
- Librarians can be criminally prosecuted for having books in the collection deemed to be “pornographic.”
- Vendors can be criminally prosecuted for providing online materials deemed to be “pornographic.”
- Book censorship can happen more readily when the book banners achieve political control of a town/county.

Those who seek the removal of books want more parental and governmental oversight of library collection development. They claim that the presence of the “objectional” books is “harmful to students.” Objections range from the alleged presence of critical race theory to specific materials being deemed “pornographic,” to a claim that some library collections lead to the “indoctrination” of students.

The defenders of the challenged books point out that many of the books are national award-winning books by critically acclaimed authors. Many of the challenged books in the collection reflect a “windows and mirrors” objective: books in a library should include “mirrors” that reflect the people who patronize that library, as well as “windows” so that library patrons can choose to view ideas, cultures, opinions, and lifestyles outside their own experiences (Bishop, 1990).

1. State requirements that library collections must meet “community standards.”

Case study: OKLAHOMA HOUSE BILL 3092

Oklahoma HB 3092 seeks to codify a requirement that school library media programs adhere to “community standards” when “acquiring materials, resources, and equipment” (Oklahoma State Legislature, 2022, HB 3092).

Text of the bill

“As school library media center resources are finite, the library media program shall be reflective of the community standards for the population the library media center serves when acquiring an age-appropriate collection of print materials, nonprint materials, multimedia resources, equipment, and supplies adequate in quality and quantity to meet the needs of students in all areas of the school library media program” (Oklahoma Legislature, 2022, HB 3092).

Justifications for the bill

The bill was initiated in response to parent complaints to the Bristol Board of Education, which resulted in the vetting of approximately 25,000 books and the banning of eight books (Gore, 2022). This is “one of several bills” considered to regulate school library content that some community members find problematic. Co-author of the bill House Speaker Pro Tem Kyle Hilbert claims the bill is about “empowering the local elected school boards to make the decisions that are best for their local school district” (McDonnell, 2022).

Objections to the bill

Policy Director Cindy Nguyen of the American Civil Liberties Union (ACLU) of Oklahoma is concerned about the bill’s “potential chilling effect on speech” (McDonnell, 2022). She worries that teachers and librarians will not feel free to discuss real-world teen and children’s issues such as racism and homophobia (McDonnell, 2022).

Community response

Representative John Waldron explained that he thought the bill was a good compromise:

“You could ask why would this be necessary, should the legislature be involved. But the truth is, the legislature had several proposals regarding libraries. Many of them would have been damaging to our library system. So, I think a coalition of people on both sides of the aisle stood up in support of our libraries by merely codifying the statutes as they exist” (McDonnell, 2022).

The Oklahoma Library Association remained neutral on the bill but pointed out that libraries already have policies in place which allow parents or other community members to object to library materials and to have those objections addressed (Gore, 2022).

Status of the bill

Signed into law April 29, 2022, (LegiScan OK, 2022, HB 3092,) with an effective date of November 1, 2022 (FastDemocracy, 2022).

Similar case*OKLAHOMA SENATE BILL 1654*

This bill would prohibit school libraries from having books in their collections that deal with sexuality or gender, including books that refer to “non-procreative sex” (Oklahoma State Legislature, 2022, SB 1654).

Status of the bill

Died in committee, February 8, 2022 (LegiScan, OK, 2022, SB 1654).

2. Legislation that allows state, county, and local politicians and political commissions to override local school boards and ban selected books in school libraries throughout the state.

Case study: FLORIDA HOUSE BILL 7

Legislation described as “Individual Freedom” or the “Stop WOKE Act” forbids “any teaching that could make students feel they bear personal responsibility for historic wrongs because of their race, color, sex, or national origin” (Delgado, 2022). The bill is also designed to “give employees the ability to file discrimination claims against an employer [that requires] engaging in trainings or discussions about Black history, LGBTQ+ issues, and other concepts of injustice and discrimination” (Luneau, 2022).

Text of the bill

“Individual Freedom; Provides that subjecting individuals to specified concepts under certain circumstances constitutes discrimination based on race, color, sex, or national origin; revising requirements for required instruction on the history of African Americans; requiring the department to prepare and offer certain standards and curriculum; authorizing the department to seek input from a specified organization for certain purposes; prohibits instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles; requires DOE (Department of Education) to review school district professional development systems for compliance with certain provisions of law” (The Florida Senate, 2022, CS/HB7).

In a last minute unvetted addition to the bill, an amendment was added stipulating that state universities found to be guilty of breaking this law could lose state funding for the next fiscal year. Any appeals to such decisions would be considered a budget question and could be referred to the legislature for resolution rather than to the courts (Brown, D., 2022, March 14).

Justifications for the bill

The bill was proposed in response to assertions by Governor Ron DeSantis and others that activities like racial sensitivity training and teaching that implies or describes systemic racism in America are both inherently racist activities and examples of being “woke” and promoting “critical race theory.” The bill is intended “to give businesses, employees, children and families tools to stand up against discrimination and woke indoctrination” (The Office of Governor Ron DeSantis, 2022, HB 7).

DeSantis explained, “In Florida, we will not let the far-left woke agenda take over our schools and workplaces” (The Office of Governor Ron DeSantis, 2022, April 22).

Lieutenant Governor Jeanette Nuñez added, “We will always fight to protect our children and parents from this Marxist-inspired curriculum” (The Office of Governor Ron DeSantis, 2022, April 22).

Objections to the bill

The bill prohibits “certain kinds of diversity, equity, and inclusion training” (National Law Review, 2022), which is part of training that helps prevent both overt and accidental discriminatory behaviors in the workplace.

According to Cathryn M. Oakley, State Legislative Director and Senior Counsel at the Human Rights Campaign, the bill is a setback to civil rights.

“This bill is a thinly veiled political attempt to attack marginalized communities. Let’s be clear – the negative consequences of the ‘Stop WOKE Act’ will...hurt the LGBTQ+ community, people of color, and women. Every historically marginalized population will be impacted by this legislation” (Luneau, 2022).

State Representative Carlos Guillermo Smith explained that this added language gave complainants the opportunity to avoid the court system.

“...if you have a complaint, if you believe that a higher education institution, for example, taught history or taught racism in a way that made you feel uncomfortable, in violation of the Stop WOKE Act...a political committee of the Florida Legislature...will be the judge, jury, and executioner on all violations of House Bill 7” (Brown, I., 2022, March 14).

Objectors to the bill agree that the bill is politically motivated action that rolls back progress gains in equity for marginalized communities while dismissing the benefits of diversity training programs in learning institutions and workplaces.

Status of the bill

Signed into law April 22, 2022, with an effective date of July 1, 2022 (The Florida Senate, 2022, HB7).

Further action

A lawsuit has been brought against this law by a higher education student and educators, Pernell vs. Florida Board of Governors, claiming a violation of the First and Fourteenth amendment. A judge agreed:

“The law officially bans professors from expressing disfavored viewpoints in university classrooms while permitting unfettered expression of the opposite viewpoints. Defendants argue that, under this Act, professors enjoy ‘academic freedom’ so long as they express only those viewpoints of which the State approves. This is positively dystopian. It should go without saying that ‘[i]f liberty means anything at all it means the right to tell people what they do not want to hear.’” (Legal Defense Fund, 2022).

An injunction was issued by the judge to “block the Board of Governors from enforcing the law against public higher education institutions in Florida.” Another injunction prohibits subjecting Florida employers to the limits of the law. The injunctions do not change the application of the law to K-12 classrooms (Legal Defense Fund, 2022).

Similar cases

ARKANSAS SENATE BILL 66

This bill is designed to protect minors from exposure to “harmful materials,” and bars distribution of materials that the average person applying community standards would object to as appealing or pandering to “prurient interests” by children. Criminal penalties can be assessed against internet distributions of such materials, with liability for newspaper/radio personnel and publishers and distributors.

Status of the bill

Enacted April 11, 2023 (Arkansas State Legislature, 2023, April 26).

NORTH DAKOTA HOUSE BILL 1205

This legislation establishes certain library collection policies, including a prohibition of “sexually explicit materials” unsuitable for minors, and a process for challenging books.

Status of the bill

Enacted April 26, 2023 (68th Legislative Assembly, 2023, April 26).

TENNESSEE HOUSE BILL 2666/SENATE BILL 2247

If a book removal request is denied by local book challenge procedures, this bill allows complainants to appeal to the state textbook commission, and it grants veto power to the state commission over local school board decisions (Tennessee General Assembly, 2022, SB 2247).

Status of the bill

Signed into law June 3, 2022, with an effective date of July 1, 2022 (Tennessee General Assembly, 2022, SB 2247).

3. State mandates on how teachers (including teacher-librarians) can discuss race and sex.

Case study: MICHIGAN SENATE BILL 460

The bill is designed to prohibit any teachings that might be construed as “critical race theory,” including The 1619 Project, and references to systemic racism in the country’s history, politics, laws, and America’s founding documents.

Description of the bill

The bill prohibits schools from teaching critical race theory or The 1619 Project, teaching that the United States is a fundamentally racist country, or characterizing the Constitution and the Declaration of Independence as fundamentally racist documents (Senate Bill No. 460, 2021).

Justifications for the bill

Senator Lana Theis introduced the bill “To prohibit Michigan public schools from instructing children on ‘critical race theory,’ ‘the 1619 project,’ or other specified ‘anti-American and racist theories.’” She is opposed to any inference that “an individual of a particular race is consciously or unconsciously ‘inherently racist or oppressive’” (MichiganVotes.Org, 2021). She claimed, “Critical race theory threatens Michigan’s K-12 students with a dangerous false narrative about our country and its place in the world.” She explained that schools should be teaching “this nation’s founding principles of individual freedom, liberty and equality” (MI Senate GOP, n.d.).

Objections to the bill

The state board of education passed a resolution opposing the bill. Board member Pamela Pugh stated, “Teachers have the right and responsibility to teach the multifaceted and complex history including the history of race, racism and other biases, which are inextricably connected to the Constitutional and statutory history in our country” (13 On Your Side, 2022).

A joint resolution was posed by several state teachers’ associations, stating that “[We] stand united in our opposition to Senate Bill 460 and House Bill 5097.” They went on to state that the bill impedes teacher’s academic freedoms and would “restrict allowing students to wrestle with complicated truths of our country’s history, including systematic oppression and discrimination” (Michigan Council for the Social Studies, 2022).

Status of the bill

Died in committee, 2021 (LegiScan, MI, 2021).

Further actions

In January of 2022, the State Board of Education worked to counter the anti-“CRT” bills. They passed a resolution on “teaching comprehensive history,” introduced by Democrat Pamela Pugh. It states that “teachers have the right and responsibility to teach the multifaceted and complex history including the history of race, racism and other biases, which are inextricably connected to the constitutional and statutory history in our country” (Donahue, 2022).

In June of 2022, a GOP-led Senate Committee proposed a bill with “similar ideas to Senate Bill 460.” The bill, HB 5097, would “restrict what can be taught about race and forbid teaching that ‘individuals bear collective guilt for historical wrongs committed by their race or gender.’”

Status of the bill

Died in committee, 2022 (Lohman, 2022).

Case study: TEXAS HOUSE BILL 3979

Texas House Bill 3979 targets alleged teaching of “critical race theory.” The bill imposes limits on curriculum related to the teaching of racism and race relations in the U.S., as well as discussions that suggest that racism is systemic in U.S. history, U.S. politics, U.S. law, and U.S. founding documents.

As a companion action to the bill, Texas Governor Greg Abbott and Texas Representative Matt Krause compiled and distributed a list of some 850 books with approaches to race, sexuality, and history which might “make students feel discomfort” (Chappell, 2021). The list was distributed to school districts with a request to reply with a list of these books that were in their collections and how much money was spent on them.

Description of the bill

Teachers cannot be compelled to discuss current events or currently controversial issues of public policy, but if they do, they should present opposing viewpoints without bias, and may not give assignments that include political advocacy.

- Teachers may not be required to attend diversity training.
- A student may not be blamed for historical actions by those of his or her race or gender.
- Students should not be made to feel “discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex” (HB no. 3979, 2021).

Justifications for the bill

State Representative Steve Toth’s legislation says, “a teacher cannot ‘require or make part of a course’ a series of race-related concepts, including the ideas that ‘one race or sex is inherently superior to another race or sex,’ or that someone is ‘inherently racist, sexist, or oppressive’ based on their race or sex.” He claims the bill “is about teaching racial harmony by telling the truth that we are all equal, both in God’s eyes and our founding documents” (Svitek, 2021).

Objections to the bill

Democratic legislators took issue with parts of the bill that would “limit discussion of current events in the classroom, prohibit private funding for social studies courses,” and prevent teachers from student assignments that involve “working with an organization involved in legislative lobbying or political activism” (Svitek, 2021). The Intercultural

Development Research Association (IDRA) stated that the bill severely limits “the civic development of students as well as the ability of teachers and school leaders to guide student development in civic spheres” (IDRA, 2022).

More than 70 businesses and civic groups from throughout Texas voiced objections to the bill, including the Austin and Dallas independent school districts and former State Historian of Texas Jesús F. de la Teja (Marshall and Teja, 2021).

In response to the companion action inferring that the 850 books were “inappropriate,” Ovidia Molina, the president of the Texas State Teachers Association, described this action as “political overreach into the classroom,” a “witch hunt,” and “possibly illegal” (Chappell, 2021).

Status of the bill

Signed into law June 15, 2021, with an effective date of September 1, 2021 (LegiScan, TX, 2021).

Community response

In response to the list distributed by Representative Krauss, officials from the Northeast Independent School District (NEISD) of San Antonio pulled 432 books from library shelves, using the list as a guide. They permanently removed more than 100 of the books from school libraries, reviewed and returned 311 books to library shelves, moved 11 books to libraries for older students, and removed 110 books to be replaced with newer editions or better-reviewed books on similar topics. The school board was informed of the actions after the fact. Amy Senia, an NEISD alumna and civil rights attorney, noted that the list targeted “certain groups of people,” particularly the LGBTQ+ community. Senia spoke with a student who wanted the district to “Stop trying to get rid of us. I’m not a freak. Don’t erase me” (Crum, 2022).

The district added parental access to their children’s library book checkout histories, an option to block their children from access to books suited for an older audience, and the right to participate in committee reviews of challenged books. Additionally, parents can participate in campus and districtwide committees to review books that have been challenged for removal (Crum, 2022).

The list and other book censorship issues have resulted in job loss and community harassment for Texas librarians who resist book banning without due process. Public librarian Suzette Baker’s boss asked her to hide a book on critical race theory behind the counter. She ignored the directive and complained to the administrators that the library was being censored. It became harder for her to get approval to order new books and to add new and donated books to the shelves. Eventually, Baker was fired “for insubordination, creating a disturbance and failure to follow instructions” (Park, 2022).

Other Texas public and school librarians have faced repercussions from administrators, as well as social media backlash, when they resisted or refused to remove specified books from the shelves without going through a book challenge process. In Keller, local social media accounts included blatant comments about school librarians being “heretical” and portrayed them as pedophile “groomers” who order pornographic books. There was even a suggestion that the community should “pass the millstones” (Park, 2022), a Biblical reference to execution by drowning.

A librarian in Katy Independent School District worries that librarians will soon only be able to fill shelves with books on pre-approved lists (Park, 2022).

A librarian at Round Rock Independent School District was in tears when she went to Ami

Uselman, the director of library services for the district; she worried about what her church would think about social media accounts calling librarians groomers. Another quit. Uselman said that parents are coming to school libraries to seek records or “grill” librarians, but choose not to use the process in place by making a formal book challenge (Park, 2022).

Similar cases

FLORIDA HOUSE BILL 1069, requires revisions to health and sex education curriculum

In this bill Florida defines “sex,” regulates language on gender identity, and revises health curriculum to meet state standards. Among other provisions, this bill defines “sex” for Florida’s Early Learning code, regulates pronoun and title usage, revises reproductive health curriculum, and holds school board accountable for content of health curriculum.

Status of the bill: Enacted May 18, 2023 (Bill track 50, 2023, May 18).

IDAHO HOUSE BILL 377

This bill states that instruction in critical race theory can “exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation and the well-being of the state of Idaho and its citizens” (House Bill No. 377, 2021). The bill will prohibit teaching “CRT” and any expenditures that would promote its teaching and dissemination. Supporters of the bill describe social justice topics, including CRT, as “garbage” and say such topics display an “anti-American agenda” (Asmelash, 2021).

Status of the bill

Signed into law, immediately effective, on April 28, 2021 (Idaho Legislature, 2021).

IOWA HOUSE BILL SF496, prohibits instructions on gender identity and sexual orientation

Among the provisions in this bill is a prohibition of school instruction related to gender identity and sexual orientation.

Status of the bill: Enacted May 26, 2023 (Bill track 50, 2023, May 26).

Drag show attendance by minors is prohibited in Montana by HB 359

This bill defines drag shows as “sexually-oriented performances,” and consequently bans them from occurring where minors are present, such as public libraries and schools, as well as banning minors from attending such events at any venue. Venues allowing minors at such performances can be fined thousands of dollars and potentially have their business permits revoked.

Status of the bill: Enacted May 23, 2023 (Bill track 50, 2023, May 23).

LOUISIANA HOUSE BILL 1014, restricts how teachers can teach about racism in the U.S.

This bill was designed to prohibit any teaching that might be labeled as CRT, and to make it “illegal for schools to teach that people of any race or national origin are still affected by racism or oppression” (Canicosa, 2022, May 17). It is one of several bills proposed by Louisiana State Representative Garafalo to limit how teachers can teach politicized topics.

Status of the bill: The Louisiana House Education Committee rejected the bill.

Under pressure from the House Black Caucus, Garafalo was ousted as Education Committee Chair. After being forced to step down, Garafalo distributed a press release

entitled, “Republican Speaker chooses Black Democrats over fellow Republican Chairman” (Canicosa, 2022, May 18).

NORTH DAKOTA SENATE BILL 2247

This bill specifically applies to higher education, and prohibits race or sex “scapegoating;” provisions include refraining from making “an individual...feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual’s race or sex.” The bill disallows instruction that indicates the state or federal government is fundamentally racist.

Status of the bill

Enacted April 24, 2023 (68th Legislative Assembly, 2023, April 24).

OKLAHOMA HOUSE BILL 1775

This bill stipulates that higher education students “will not be compelled to engage in any form of gender or sexual diversity training or counseling, nor be made to feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex. There can be no instruction that academic or societal success involves racial or sexual discrimination rather than individual merit and hard work” (HB 1775, 2021).

Status of the bill

Signed into law, May 7, 2021 (LegiScan, OK, 2021), with an effective date of July 1, 2021 (Oklahoma State Legislature, 2021).

Further actions

In October 2021, a group of educators and students, represented by Lawyers’ Committee for Civil Rights Under the Law, filed suit on the basis of racial discrimination and a claim that the law violates the First and Fourteenth Amendments (Crawford, 2021).

State officials, including the Oklahoma Attorney General and the State Board of Education, sought to dismiss the group’s lawsuit in February 2023. A brief was immediately filed by legal representatives for the plaintiffs that included Lawyers’ Committee for Civil Rights Under Law and the ACLU, objecting to the state’s attempts to “stall” the lawsuit (Lawyers’ Committee for Civil Rights Under Law, 2023).

Status of the lawsuit

The plaintiffs’ case is on a “waiting” list and has yet to be heard by a judge, as of August, 2023 (King, 2023).

TENNESSEE HOUSE BILL 580

This is a bill that covers a broad cross-section of educational policies. Of concern are two seemingly contradictory sections. According to one section, “districts and schools shall not permit the usage of curriculum or supplemental instructional materials that include or promote a host of important social and historical concepts, including racism, sexism, the violent overthrow of the United States government, and other forms of oppression or division based on a number of identities.” However, another section “permits instruction that discusses ‘history of an ethnic group,’ ‘the impartial discussion of controversial aspects of history,’ and “‘the impartial discussion on the historical oppression of a particular group of people’” (The Education Trust, 2021).

Status of the bill

Signed into law, immediately effective, on May 25, 2021 (Tennessee General Assembly, 2021, HB 0580).

4. Ability of a mayor to deny funding for a public library over concerns regarding a display of LGBTQ+ books.*Case study: PUBLIC LIBRARY BUDGET IN RIDGELAND, MISSISSIPPI*

Although the city's Board of Aldermen in Ridgeland, Mississippi, approved the public library's \$110,000 budget, Mayor Gene McGee insisted he would withhold the funds until the library addressed issues regarding books on display and in the library's collection.

Justifications for the action

After complaints about a January LGBTQ+ display at the library, Mayor McGee refused to release library funding. The mayor claimed he wanted the library to "respond to sexual content" in the library's collection and later claimed the issue was "a political display." Library Director Tonja Johnson claimed that the mayor said he wanted "homosexual material" removed from the library. "His reasoning that he gave was that, as a Christian, he could not support that, and that he would not release funding until we remove the material" (Hunter, 2022). The mayor denied saying that.

At a contentious Board of Aldermen meeting in February 2022, the focus of the complaints was on LGBTQ+ content in library materials. In public comments, attorney Cal Wells explained his reaction to a display of new books that had numerous books with LGBTQ+ themes. "I was shocked...all I saw was books that had one agenda. One agenda!" (Judin, 2022, February 21).

Objections to the action

Alderman Ken Heard claimed that the mayor lacked the authority to unilaterally deny funds to the library. Library Director Johnson said, "We do not exclude an item based solely on its content or subject matter ... It's up to each of us to decide what is best for our own children, our own families. It's by providing a diverse collection with different viewpoints and perspectives that we empower families to make choices ... When you take that right away from one of us, you take it away from all of us" (Judin, 2022, February 21).

Community response

The Friends of the Library, in conjunction with EveryLibrary Institute, spearheaded a crowd-funding effort that raised half of the library's annual budget as a stopgap measure while the aldermen, mayor, and library board continued to negotiate the funding contract for more than three months (Judin, 2022, February 8).

Resolution

In March 2022, the library offered a proposal to renew their standing contract with the city with virtually no change. They provided a "memorandum of understanding" that they would provide the aldermen with an annual comprehensive list of books and materials challenges, along with the resolution to each challenge. The memorandum also states that this is strictly for informational purposes, and that the determinations made by the Reconsideration Committee or the Madison County Public Library System Board of Trustees will be final and not subject to the city's oversight. By mid-April the city agreed to the revised contract and memorandum of understanding, and the funding was fully restored

(EveryLibrary, 2022).

5. Parental oversight of local and school library collections.

Case Study: FLORIDA HOUSE BILL 1467

This bill allows parents the opportunity to be part of the review process for the consideration of elementary instructional materials. The intention is to make it easier for parents to have “questionable materials” removed from school libraries, even without parental consensus.

Description of the bill’s relevant objectives

The bill mandates that certain meetings relating to instructional materials be open to the public and opens membership of the instructional materials committees to include some parents. Specific information on instructional materials at elementary schools is required to be published on their websites. The specified process of developing library media center collections stipulates that certain requirements are met, and must include training for all involved. The principal is charged with overseeing compliance with specified procedures in this process (The Florida Senate, 2022, CS/HB 1467).

Justifications for the bill

Governor DeSantis wants to offer more parental oversight over children’s reading and studying. He claims that the law will allow parents to review and object to materials that they find to “deviate from state standards or just to be inappropriate.” He explains that the law includes a requirement to include searchable lists of elementary school materials on school websites. School boards would be required to report any parent/community objections to materials to the Department of Education, which will distribute a list of “materials that were removed or discontinued as a result of an objection and disseminate the list to school districts for consideration in their selection procedures” (Brown, D., 2022, March 25).

Objections to the bill

Jonathan Friedman, director of PEN America’s Free Expression and Education program states that a purpose of the bill is to “intimidate teachers from using any books or materials that might even be remotely controversial.” He expressed concern that publishing lists of books banned in one district might cause other districts to pre-emptively ban the same books to avoid challenges. He also pointed out that the school requirements in the bill would add a “costly and time-consuming” administrative burden to schools (PEN America, 2022).

The National Coalition Against Censorship expressed deep concerns about this bill, as well as “The Stop Woke Act,” saying that these bills diminish the ability of students to access information and that such bills are likely to cause a dramatic increase in censorship in Florida’s public schools (National Coalition Against Censorship, n.d.).

Status of the bill

Signed into law March 25, 2022, with an effective date of July 1, 2022 (The Florida Senate, 2022, HB 1467).

Similar cases

ARIZONA HOUSE BILL 2439

This bill establishes “parental review for books that are approved for school libraries,

requiring schools to post the list of newly purchased books on their websites for at least 60 days after approval” (Margula, 2022).

Status of the bill

Signed into law April 29, 2022 (LegiScan, AZ, 2022).

MISSOURI HOUSE BILL 2044

This bill, dubbed the “Parental Oversight of Public Libraries Act,” “cuts off state aid to any public library that allows minors to access ‘age-inappropriate sexual materials.’” Public libraries will be required to establish a “parental library review board,” made up of five members elected by a majority of voters in a local meeting called for that purpose; library employees are ineligible from serving on the board (Kaur, 2020).

Status of the bill

Died in committee, 2020 (LegiScan, MO, 2020).

VIRGINIA HOUSE BILL 1379

Virginia state Delegate Tim Anderson proposed a bill that requires “school principals or their designee to electronically catalog all printed and audiovisual materials in school libraries, identify whether the item contains graphic sexual content, and make the catalog available to parents.” This bill also includes a provision for an “opt-out” system in which parents can restrict their child’s access to specified books. The chair of the public education sub-committee, state senator Ghazala Hashmi, questioned why library staff should have the burden of reviewing and labeling all the library materials instead of “giving the parents the responsibility of monitoring what their children are encountering.” State senator Bill DeSteph wants procedures in place that will “protect our children’s innocence as long as humanly possible.” School library staff point out that school libraries already have procedures that give parents “significant opportunity” to know and object to the books in the libraries. (Cline, 2023).

Status of the bill

Passed the House, “passed by indefinitely” in the Senate (LIS, 2023).

UTAH HOUSE BILL 0465

This act provides for transparency for parents for school library circulation. The act requires that education agencies that provide materials to school libraries must also “provide an online platform that allows a parent to view information regarding materials the parent’s child borrows from the school library.”

Status of the bill

Enacted, March 17, 2023 (Utah State Legislature, 2023).

6. An edict by the state to shut down a database used statewide due to the presence of materials deemed “harmful to minors.”

MISSISSIPPI HOUSE BILL 1315

The act regulates exposure to “pornographic media” by children, specifically digital and online resources used in K-12 schools. Vendors providing such resources must verify that they will comply with the stated regulation. This includes materials that constitute child

pornography or that depict any kind of sexual activities.

Status of the bill

Enacted, March 31, 2023 (Bill track 50, 2023, March 31).

NEBRASKA LEGISLATIVE BILL 1213

This bill requires that digital content accessed by students excludes any content that is deemed obscene “as defined by state law.” The original bill held schools, school districts, and the Nebraska Library Commission liable, but an amendment reassigns liability to the vendors that produce and provide the databases. Under the law, a parent or guardian of a minor can bring a civil action against the database vendor, with potential damages up of to \$10,000 per violation. (Unicameral Update, 2022).

Status of the bill

Indefinitely postponed as of April 20, 2022 (Nebraska Legislature, 2022).

OKLAHOMA HOUSE BILL 3702

This bill prohibits access—digital and nondigital—to pornographic materials by students through library databases. All publicly funded schools are required to obtain verification of compliance with this ruling from database vendors they wish to use. “Contractors failing to comply would face loss of payment and be considered in breach of contract.” Employees at state-funded institutions will “not be exempt from state law which prohibits indecent exposure to obscene material or child pornography as defined in state statute” (McCaslin, 2022).

Status of the bill

Signed into law, May 18, 2022 (LegiScan OK, 2022, HB3702).

7. An edict by the state to shut down an eBook service used statewide due to the presence of materials “harmful to minors.”

FLORIDA: BREVARD COUNTY SCHOOLS

The new Florida law HB 1467 requires “curriculum transparency,” and requires that books children are reading have “proper vetting” (The Office of Governor Ron DeSantis, 2022, March 25). EPIC is a free app that contains more than 40,000 eBook titles for students, selected and vetted by the vendor. In an effort to comply with the law, Brevard County School District felt compelled to discontinue the use of EPIC.” (The Office of Governor Ron DeSantis, 2022, March 25).

Resolution

The EPIC app remains banned.

TENNESSEE: WILLIAMSON COUNTY SCHOOLS

After a parent objection to a book on the EPIC book app depicting a same sex marriage, the school reviewed the app, but did not find any age-inappropriate materials. They also investigated and ascertained that the school’s internet filters were working properly. The district now allows parents the options of having EPIC removed from their child’s Chromebook dashboard (Bornar, 2022).

Resolution

The EPIC app was reinstated, with the option for parental opt-out.

TEXAS: LLANO PUBLIC LIBRARY

County officials wanted to ban two books on the OverDrive eBook/audiobook app. OverDrive offers parental controls, but there is no mechanism to selectively delete or prohibit access to specific OverDrive materials for all users. This led the Llano County commissioners to suspend the use of OverDrive altogether.

As a result, a group of library cardholders filed a federal lawsuit in April 2022 against the county judge, county commissioners, and library officials for violating their First Amendment rights by denying access to all the eBooks in the app because the county government deemed a handful of books to be “pornographic.” The lawsuit claims that the books were not pornographic and that the officials were targeting books that conflicted with their personal political and religious views (Hernandez, 2022). The judge in the case claimed the suspension of OverDrive was pending review of the service by the Llano County Commissioner’s Court (Thompson, 2022). In May, plaintiffs sought a federal injunction to “restore book access” (Reynolds, 2022). County officials requested dismissal of the lawsuit on June 9, claiming that First Amendment rights were not infringed upon because “library selections count as government speech that can be regulated more stringently than other speech” (Mitchell, 2022, June 9).

Status of the case

Awaiting judicial resolution; OverDrive was discontinued and replaced with the app Biblioteca (Cooley, 2022).

8. Selective bans of certain categories of books in libraries.*TEXAS HOUSE BILL 900*

Texas House Bill 900 was passed in June, requiring school library materials vendors, such as publishers and booksellers, to label any book containing “sexually explicit materials;” such materials are banned from being sold to public schools, and books meeting the criteria are to be removed from collections. The Texas Education Agency has oversight over those ratings. Any vendors who do not comply will be prohibited from selling any books to Texas public schools (Dey & Lopez, 2023).

In July, a coalition of authors, booksellers, and publishers responded with a lawsuit against the state of Texas over the law. The coalition claims that the law violates the First Amendment by compelling “plaintiffs to express the government’s views, even if they do not agree,” in violation of the First Amendment’s free speech protections. The plaintiffs also describe as “unconstitutionally vague” the law’s description of what constitutes “explicit” materials (Ax, 2023). Status of the bill: The law was poised to go into effect September 1, 2023, but U.S. District Judge Alan Albright issued a preliminary injunction to prevent the law from taking effect (Marshall, 2023). After additional hearings, Judge Albright struck down the law as unconstitutional (Bingamon, 2023).

9. State and federal criminal liability for librarians with collections containing “pornographic” materials.

ARKANSAS SENATE BILL 81

This bill deals primarily with review procedures for challenging library materials, removes exemption from prosecution for school and library employees, and allows parents to view library records of their minor children. Materials found to be obscene can result in misdemeanor and felony convictions for the person knowingly possessing and distributing such materials.

Status of the bill

Enacted April 4, 2023 (Bill track 50, 2023, April 4).

IDAHO HOUSE BILL 666

This bill allows librarians to be criminally charged with “disseminating material that is harmful to minors” if they check out “harmful” materials to children (Corbin, 2022). The existing law has exemptions from criminal prosecution for librarians, schools, museums, and colleges; this revision removes those exemptions.

Status of the bill

Died in committee, March 8, 2022 (LegiScan ID, 2022).

INDIANA SENATE BILL 17

Schools and certain public libraries will no longer be eligible for a “specified defense” against prosecution for “the dissemination of material harmful to minors” (Indiana General Assembly, 2022).

Status of the bill

Died in committee (LegiScan, IN, 2022).

IOWA HOUSE FILE 2176

This bill makes it illegal for a person affiliated with a public school or public library to knowingly spread “material the person knows or reasonably should know, is obscene or harmful to minors.” Consequences can include prosecution and civil fines; the penalty would be an aggravated misdemeanor, upgraded to a class D felony if the person was previously guilty of the same offense (Drury, 2022).

Status of the bill

Died in committee (LegiScan, IA, 2022).

TENNESSEE SENATE BILL 1944

This bill removes the educational exemption and allow for criminal prosecution of school librarians for providing materials that are determined to be pornographic or obscene (Aldrich, 2022). During public comments, a correlation was made between librarians and sexual predators.

Status of bill

Died in chamber (LegiScan, TN, 2022).

GILLETTE, WYOMING PUBLIC LIBRARY

Parental objections over library books related to sex and LGBTQ+ themes resulted in prosecutors in Gillette, Wyoming, considering “filing criminal charges against the staff at a

local public library for allegedly distributing obscene material to minors” (Jackson, 2021)

Resolution

The county attorney declined to press charges, finding that the books did not run afoul of existing Wyoming laws, and there was no “probable cause” (Gruver, 2021).

10. Allows for state and federal investigations and civil penalties for vendors who provide or distribute online “pornographic” materials to minors.

LOUISIANA HOUSE BILL 77

This bill requires age verifications by publishers and distributors of online media materials (excluding bona fide news-gathering organizations) that can be deemed “harmful to minors.” Violations will be investigated by the attorney general, with the potential for civil penalties that include a fine of up to \$5000 per day of violation, plus recovery of all costs assorted with the investigation and subsequent legal action.

Status of the bill

Enacted June 8, 2023 (Bill track 50, 2023, June 8).

SB2346 imposes online vendor liability for distributing materials “harmful to minors”

This legislation in Mississippi establishes liability for any vendor or other entity that distributes materials “harmful to minors” on the internet without age verification. The onus is put on the vendors/sites to have a functioning age verification system.

Status of the bill: Enacted April 18, 2023 (Bill track 50, 2023, April 18).

11. Book challenge leading to the politization of a censorship campaign and becomes intertwined with county-wide community political upheaval.

Case study: TEXAS, HOOD COUNTY

An escalating library censorship campaign included calling the cops, bullying a public librarian, countermanning school library book challenge policies, and disbanding a public library advisory committee. The school district book bans led to a federal probe while the censorship campaign led to a local political overhaul in which moderate conservatives were replaced with ultra-rightwing ideologists.

A censorship crusade

The campaign to remove materials from the Hood County Library, and eventually the local Granville Independent School District (Granville ISD), began in 2015, and is still ongoing.

In 2015, community member and mom Melanie Graft was appalled to find two LGBT+ themed picture books in the children’s section of the public library. Librarian Courtney Kincaid agreed to move one book to the adult section, while the other remained in the children’s section. Graft and other opponents of books “...that foisted inappropriate themes on unsuspecting children” (Schwartz, 2022) appealed to the Hood County Commissioners Court, the political body responsible for appointing library board members. The court supported the librarian’s actions on First Amendment grounds (Schwartz, 2022).

At the same time politically far-right community members lost the battle on censoring books with LGBTQ+ themes, they were also grappling with the recent legalization of same-

sex marriage by the U.S. Supreme Court, and the subsequent forced local county compliance. The resulting outrage fueled a political movement to put decision-makers in place that would supplant existing Republicans with far-right ideologists.

The far-right activists also began a harassment campaign against Kincaid. They posted someone at the circulation desk to watch the librarian every day when she was working, and she was followed any time she left the library for lunch or errands. By the end of 2015, she had quit. Graft continued to harass Kincaid after the librarian secured a job in another town (Schwartz, 2022).

Over the next seven years, the far-rightwing coalition won seats on the County Commissioners Court and the library advisory board, displacing the more traditional Republicans. In 2017, ultra-rightwing activist Dave Eagle won a position on the County Commissioners Court. His credentials included a leadership role in eliminating the independent elections administrator position by transferring election duties to a partisan county clerk (Schwartz, 2022). In 2019, the Hood County Republican Party issued a formal resolution calling for the library advisory board to be disbanded, claiming that it failed to reflect the “moral character” of the community (Schwartz, 2022).

Meanwhile, Graft became involved in local politics, serving on the local library advisory board and as a Republican Party precinct chair. In the fall of 2021, Graft and like-minded Courtney Gore, a co-host of a local ultra-rightwing internet talk show, won school board seats for Granbury ISD by promising to fight “indoctrination,” “LGBT ideology,” and “critical race theory” (Schwartz, 2022).

When Texas state Representative Matt Krause published a list of books in the fall of 2021 deemed “inappropriate” for children, the Granbury ISD responded in January 2022 by pulling 131 books from school library shelves for review. About 73% of the books contained “LGBTQ characters or themes” (Schwartz, 2022). School superintendent Jeremy Glenn supported the purge on religious grounds. He also agreed with the commission’s decision to bypass the review committee and remove any books deemed “vulgar” or “unsuitable” by the administration or the school board (Schwartz, 2022).

Amid public furor, including student protests, the library’s review committee examined and voted to return most of the books to school library shelves. Two of the committee members were outvoted. They subsequently reported the school to local law enforcement authorities for making “pornography” available to minors. The constable’s office initiated an investigation (Gilbert, 2022).

Monica Brown, one of the two who complained to the constable’s office, spoke at an early board meeting on the topic. She complained that the library review committee had too many librarians on it, and instead needed “people of good moral standards.” She suggested her pastor (Carter, 2022).

One of the public opponents to Brown’s actions is her estranged son, Weston Brown, who is gay. He travelled from San Diego to Granbury to speak at the school board meeting on behalf of LGBTQ+ students:

“I would have given anything to read a book [with a] character that felt the feelings I felt, to ask the questions I couldn’t ask, and learn the lessons that I needed to learn ... I’m here today to implore you to listen to librarians, educators, and students, not those speaking from a religious perspective or at the bidding of a political group” (Hall, 2023).

Other residents agreed. High school senior Lou Whiting, who identifies as non-binary,

worried that eliminating representation was only the first step in persecuting LGBTQ+ individuals, claiming, “They’re trying to erase us” (Hall, 2023).

Former school board trustee and parent of a high school senior, Christopher Tackett, spoke out against the bans at a January 2022 school board meeting. He described the ban:

“It’s part of a larger movement to take the levers of power on school boards, city councils, county commissioners...to be able to impose a very specific ideology into that. And in most cases, it’s connected to religion—the term that is used broadly is Christian nationalism” (Hall, 2023).

At the meeting, the board voted unanimously to revise the rules to permit them to “remove materials because they are pervasively vulgar or based solely upon the educational suitability of the resource in question” (Hall, 2023).

Two months later, it became obvious that the criteria for banning books was broader than just “pervasively vulgar” books. The superintendent’s comment to school librarians had been secretly recorded, and the verified recordings led to a federal probe into the matter for “violating a federal law that prohibits discrimination based on sexual orientation and gender.” The superintendent’s comments included:

“Let’s just call it what it is. I’m cutting to the chase on a lot of this. It’s the transgender, LGBTQ, and the sex, sexuality in books...I’m going to take it a step further with you ... I acknowledge that there are men that think they’re women and there are women that think they’re men...I don’t have any issues with what people want to believe, but there’s no place for it in our libraries” (Hall, 2023).

The federal investigation is ongoing.

On August 2, 2023, school board trustee Karen Lowery was attending an event in the high school cafeteria and gained entrance into the library – without prior permission – to “examine books on the shelves.” This was in direct violation of Board policy. In the subsequent school board meeting, which ran more than four hours, Lowery was pressured to resign. One speaker said, “If Mrs. Lowery does not resign or is not reprimanded for her actions, I believe she is more dangerous than any book in our library” (Alba, 2023).

She refused to resign. The board voted to publicly censure her, an action with no actual consequences (Alba, 2023).

While more of the original challenged books had been returned to school library shelves, former trustee Hackett has been tracking the library collection via freedom of information requests. He noted that many of the books on the original review list have “quietly disappeared.”

The Data

The data supports the conclusion that book challenges have substantially increased since the *Legislating Librarianship* paper was written in 2016 (Work, 2016). The book challenges have escalated in number, scope, frequency, magnitude, politicization, and in the level of vitriol directed toward libraries and librarians.

In 2016, 323 unique books were challenged (Hauser, 2017). In just the first eight months of 2023, 1915 unique books were challenged (Italie, 2023). If the remainder of 2023 continues at the same rate (number of books per month), 2023 will have around 2871 unique book challenges. This represents an increase of more than 780% over the amount of unique book challenges seven years prior.

The way books are being challenged has also changed. Most school and public libraries have a formal policy and process for book challenges, but the vast majority of recent book challenges have bypassed the formal process. In 2022, 98% of the documented book challenges did not follow the library or school's established book challenge process (Haupt, 2022). Frequently those making the challenge don't even attempt an informal discussion of book concerns with a librarian. Some book challengers pack school and library board meetings, often with non-residents, to try to strengthen their case. Lawsuits have been levied against libraries for housing "inappropriate" materials. Community members have even called law enforcement to report the threat to children posed by the presence of "pornography" in libraries. Some school administrators have ignored their own school library's policies to selectively remove books, while some teachers and librarians have self-censored to avoid the loss of their job or teaching license, or to potentially be subject to civil or criminal charges.

For some book challenges, community members bypass library protocols and have gone directly to the mayor, the city council, county officials, a state legislator, or the governor. This has frequently led to lawmakers accommodating the complainant by initiating legislation that will result in book bans. Legislative book banning was in the early years of trending in 2016; previously, most book challenges had been initiated by individuals or small groups of parents objecting to a limited number of titles. By the 2022-2023 school year, 74% of the book ban cases were the direct result of organized efforts, including advocacy groups, elected officials, or enacted legislation (Meehan & Friedman, 2023).

In the first eight months of 2023, more than 130 bills have been proposed in state legislatures across the country related to public and school library book bans (EveryLibrary, 2023). Most of this legislation aims to eliminate all books in vaguely defined categories such as "harmful to minors," "obscene," "causing discomfort [regarding racism or sexism]" or "not meeting community standards." About a dozen of the bills propose to eliminate the affirmative defense for teachers, librarians, schools, and public libraries (EveryLibrary, 2023), leaving these individuals and institutions liable to criminal penalties for having books in their libraries that do not meet what are current state law requirements. These legislative book challenges frequently focus on large categories of books, so a book challenge or legislative ban often encompasses dozens or even hundreds of books at a time. Consequently, this type of "legislative librarianship" has accounted for the vast majority of unique book titles being challenged in the past few years.

Conclusion

The types of books and the way that they are challenged – and defended – by those with opposing views has become thoroughly politicized and often wrapped in religion. Neither side will back down because both sides believe they hold the higher moral ground, either on the side of First Amendment rights and intellectual freedom or on the side of personal and/or religious value systems. Some book challengers have made the leap from moral superiority to unfounded and cruel accusations, claiming that librarians are trying to "indoctrinate" children, or even that the librarians are pedophiles who are grooming victims. As long as the disagreement becomes politicized or becomes a "my morals vs. your morals" argument, neither side will win, and everyone will lose.

The library is the one place in a community best positioned to be a neutral gathering space in an increasingly discordant society. A library is not a democracy; it trades "majority rule" for "everybody is welcome." Books found objectionable to some patrons are sought out by others.

Those of every age, income level, education level, religion, race, ethnic background, language, sexual orientation, gender, political views – or any other kind of difference – are all welcome. But in order for the library to be welcoming to all, everyone – including the self-appointed “book police” – needs to learn to leave politics at the door.

The library can and should serve as a mirror to reflect individual value systems and “community standards.” However, an equally important role is to serve as a window to reveal other – perhaps more challenging, perhaps even objectionable – perspectives. The library is the ideal place to open that window, and open one’s mind...by simply opening a book.

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APPENDIX

Related Censorship Actions and Responses

In addition to the many attempts at legislating librarianship, there has been an uptick in other censorship initiatives – and anti-censorship initiatives – related to school curricula, bookstores, drag shows, and library programs.

National organization demands removal of specific “pornographic” books

The national organization County Citizens Defending Freedom (CCDF) demanded that the Polk County School District in Florida remove 16 specific books for “objectionable content.”

In response, the district formed a committee of parents, teachers, students, and librarians to review each challenged book. All books were retained, with the stipulations that some be limited to certain grade levels (Chu & Octavio, 2022). The district implemented an opt-in system in which parents could opt for their children to check out the contested books that the parents specify. The books would not be on the student-accessible shelves. In August 2022, this was changed to an opt-out system, for parents to state which books their children are not permitted to check out. All the challenged books were returned to the shelves (Lora, 2022).

The CCDF followed through on their threats for legal action, claiming that the district is breaking laws forbidding “distribution of pornography to minors” by returning the books to the shelves (Lanning & Blazonis, 2022). Robert Goodman, leader of the CCDF, wants the district to remove 12 of the contested books from the shelves, with a return to the opt-in system. He filed reports with local sheriff’s office. When they did not immediately respond, he “wrote an email to Gov. Ron DeSantis, Attorney General Ashley Moody, State Attorney Brian Haas of the 10th Judicial Circuit based in Bartow, members of the Florida legislature, county commissioners and the Polk School Board” (Nutcher, 2022, August 31).

Polk County Sheriff Grady Judd reviewed the complaint with the state attorney, and responded with a public statement. He called the books in question “vile, odious, and abhorrent” and “filthy and nasty.” However, he conceded that the books did not meet the state’s threshold to be deemed “obscenity” (Nutcher, 2022, September 9).

Sheriff Judd recommended that Goodman ask the School Board to re-vote. Goodman filed an appeal with the school board. School Board attorney Wesley Bridge II agreed to review the submitted paperwork, but later said, “precedent-setting case law favors the opt-out policy because the government cannot limit access to speech, books and ideas.” (Nutcher, 2022, September 9).

Sheriff Judd also suggested Goodman file a civil suit against the school board to seek an injunction [against the book], and/or to seek to change Florida law [on the definition of obscenity] (Nutcher, 2022, September 9).

Resolution: There are no reports of further action.

Pulitzer-Prize winning graphic novel Maus removed from school curriculum; comic store fights back

The Holocaust nonfiction graphic novel *Maus* has been removed from the curriculum at McMinn Country Schools in Tennessee, despite a state curriculum review that had approved the book. The school board claims that it is not an appropriate book for students (Guzman, 2022).

Status of the action: A huge outcry against the ban by parents and community members has not convinced the school board to reconsider the policy (Kasakove, 2022).

In response, a Knoxville, Tennessee comic bookstore started a GoFundMe campaign with the goal of “providing as many students as possible” with copies of *Maus*. The campaign nearly quadrupled its \$20,000 goal (Dominguez, 2022).

Idaho bookstore dispenses free book after Boise school board ban

In response to the Boise school district removing 23 books from school library shelves, a local shop, Rediscovered Books, stepped in. The shop solicited donations to be able to provide the censored books to local students at no cost. Dozens of community members, both adults and children, lined up to pick up free copies of the banned books at a local coffee shop. The bookstore anticipates giving away more than 1300 books over the summer. (Dawson, 2022).

Status of the action: The bookstore continues its initiative, the Read Freely Project, which “aims to connect people through literature without censorship” (Bringhurst, 2023).

The district continues to work on developing an updated book review process.

Pennsylvania’s Central York School District uses diversity reading list to ban books

At the beginning of the 2021-2022 school year, the principal of the high school in Central York disseminated a list of books to be banned from use in the district. The book list focused on Black authors and experiences. A large proportion of the books had been listed on a diversity reading list that had been compiled the previous year by the district’s committee for diversity and inclusion, but had never been distributed to faculty (WHYY, 2022). After student protests, the Board of Education restored the books (Brandt, 2022). In an editorial in a local paper, Joe D’Orsie, a candidate for the state House of Representatives, claimed to be outraged by book bans, but called the entire episode a “myth” and a “false narrative” because the list of diverse books included books that qualified as “pornographic” and “hate-filled” (D’Orsie, 2022). A high school teacher in the district, who requested anonymity, said, “Now my concern is you have teachers afraid to teach” (Locurto, 2022). Student Christiana Ellis, who is Black, objected to silencing the voices and erasing the history of BIPOC writers. She reasoned, “It’s not indoctrination, it’s education” (WHYY, 2022).

Mississippi team launched Kickstarter project to combat literacy gap for Black boys

When former college roommates Alison Buehler and Jo Winn realized that there were not enough fun kids’ books featuring “relatable Black characters,” they launched a book series and a Kickstarter campaign to fund it. Working under the pen name Matt Maxx, under the auspices of the non-profit Homestead Educational Center, they created and started self-publishing the Big Monty series in 2019. They have now sold more than 15,000 copies of the first four volumes in the series, and have expanded the Matt Maxx team to five writers, educators, and artists. Current writer Rudi Rudd wants readers who aren’t Black to “get to see classmates who don’t look like them doing normal things” (Bateman, 2022).

Florida rejects textbooks that run afoul of state regulations on content

Florida’s Governor Ron DeSantis issued an edict that state-approved textbooks in any subject could not include anything that might be interpreted as critical race theory, Common Core curriculum, or social-emotional learning/character education. In 2022, 41% (54 out of 132) of the considered math textbooks were rejected. Specifically at the K-5 level, “an alarming 71 percent were not appropriately aligned with Florida standards or included prohibited topics and unsolicited strategies” (Florida Department of Education Press Office, 2022). In 2023, 19% of the social studies textbooks were approved, but after working with publishers to correct “inaccuracies” and align the textbooks with Florida law, 60% were approved (Florida Department of Education Press Office, 2023).

Tampa Bay area district tries to pre-empt new Florida legislation affecting library collections

In response to the legislative measures being considered and enacted by the Florida legislature, the Pasco County school district pre-emptively did an audit of district library collections to find books that might even remotely be considered to run afoul of state laws. However, they did this not to purge the books, but to preserve them. In order to avoid “being in the business of book banning,” the district developed an opt-out system for parents to prohibit their own children from accessing such books (Solochek, 2022).

Status of the action: A school representative said that no books were under review or had been banned in the Pasco County district as of August, 2023 (Abad, 2023).

New York City’s and Brooklyn’s public libraries offer library access to America’s teens

In response to book censorship around the country, New York City’s and Brooklyn’s public library systems made the unprecedented offer of free cardholder privileges to teens throughout America, in order to access the libraries’ digital books and resources. The New York Public Library’s program, Books for All, offered free access to anyone in America aged 13 and up from, a program originally slated to run from mid-April through the end of May 2022 (Shivaram, 2022).

Status of the action: The program is still ongoing for the 2023-2024 school year (Blume, 2023).

The Brooklyn Public Library’s teen-led program, Books Unbanned, allows young people from 13-21 across America to apply for a free library card and have free access to the library’s eBooks and audiobooks for a year. A 16-year-old member of the Brooklyn Public Library Council, Raisa Islam, explained, “Intellectual freedom should be given to everyone” (Campano, 2022).

Status of the action: The Boston Public Library, the LA County Public Library, and the Seattle Public Library have joined them in this initiative (Brooklyn Public Library, 2023).

States, school districts, and coalitions strive to combat book bans

California’s Assembly Bill 1078 proposes to prohibit school boards from banning books solely on the basis of culture or history pertaining to BIPOC and LGBTQ+ people. The state code was updated to require the inclusion of “the experience of racial, ethnic, and LGBTQ+ groups in the curriculum (Jones, 2023).

Status of the bill: Enacted, 2023, September 25 (California Legislative Information, 2023).

Illinois HB2789 outlaws book bans. The bill stipulates that the State Library and State Librarian adopt the American Library Association’s Bill of Rights, which “indicates that reading materials should not be proscribed, removed, or restricted because of partisan or personal disapproval” (Illinois.gov, 2023).

Status of the bill: Enacted, June 12, 2023, with an effective date of January 1, 2024 (Illinois General Assembly, 2023).

Illinois Governor JB Pritzker has also been involved in efforts to combat other types of censorship in schools. He joined other state governors in urging educational publisher “to not censor educational materials in the face of additional pressure from Republicans.” The governor also sent a letter to the head of the College Board, urging them to “reverse the decision to remove crucial parts of the curriculum from the Advanced Placement course in African American Studies after pressure to do so from Florida Governor Ron DeSantis” (Illinois.gov, 2023).

Rhode Island House Bill 6066 implements an affirmative defense for teachers, librarians, and museum staff to protect them from prosecution for providing materials to minors that might be claimed to be inappropriate or indecent (Nunes, 2023).

Status of the bill: Held in committee for further study, March 16, 2023 (LegiScan, 2023).

New York's S6350, dubbed the "Freedom to Read Act," was designed to combat books band by ensuring that "school libraries and librarians are able to provide students with access to the widest array of age-appropriate materials available to such school district" (Harding, 2023).

Status of the bill: In committee (The New York State Senate, 2023).

Dorchester School District 2 in South Carolina denied a proposal to allow any community member to challenge library materials. They made it policy that book challenges are limited books to parents and legal guardians of current students (Quon, 2023).

A coalition of educators, advocacy groups, and law firms has filed a federal lawsuit to declare New Hampshire's "broad concepts" law unconstitutional. This law, passed in June 2021, prohibits instruction relating to racism, sexism, or other forms of discrimination in such a way as to imply that specific groups of people are inherently racist or sexist or otherwise discriminatory. The law gives the state's department of education the authority to fire and/or revoke the teaching credentials of educators who are found to have broken the law (GLAD, 2023).

The law assigns significant power to the public at large, allowing New Hampshire residents to log into a website to lodge complaints about educators and to sue schools over teachers they believe are flouting the law. The national group Moms for Liberty, a driving force in many book banning efforts, has offered \$500 to the first resident to successfully file a complaint against a teacher. The lawsuit plaintiffs claim that the state department of education often escalates complaints to school superintendents before an investigation has taken place (GLAD, 2023).

With the law's wording being "deceptively vague" and the punishments severe, teachers have changed what they teach to avoid being targeted. Plaintiffs in the lawsuit believe that the law is "actively discouraging public school teachers from teaching and talking about race, gender, sexual orientation, disability, and gender identity inside and outside the classroom" (GLAD, 2023).

Defying the law in principle has also been shown to have repercussions for teachers. High school history teacher John Dube signed an online petition to teach "honest" history after the law was passed. A New-Hampshire based right-wing group subsequently published the list, with an intent to "shame" those who signed the petition. Dube was "subject to online harassment, threats and obscenities," ultimately leading to intervention by local police and an FBI investigation (GLAD, 2023).

Status of the lawsuit: A federal judge ruled that the lawsuit had sufficient merit to proceed in January 2023 (ACLU, 2023, January 12).

Parents concerned for schoolbook bans respond by founding "Florida Freedom to Read" project.

Started in January 2022, the project connects parent organizations across the state of Florida and focuses [their] energy on defending every student's right to access information and ideas while at school." The group has been lauded by the American Association of School Librarians for their outstanding support of school library programs in the state (ALAnews,

2023).

The group has an active social media presence that highlights news and encourages conversation on censorship activities in the state (CouchCorrespondent, 2022). One area of advocacy has been in the state's approval process for textbooks. After some math books had been rejected, members of the project examined the books to find out why. Member Raegan Callway Miller found the following passage, and thinks it might have been deemed to be in the prohibited category of "social emotional learning" (Silcox, 2022).

"A little girl is excited to be in first grade math, and it says what is you super power, it's a mindset, and then we listen to our friends and teachers, and then we think about each other's ideas" (Silcox, 2022).

Miller worries that prohibiting such language will prevent students from becoming conversant in how to collaborate and share ideas.

Another rejected math textbook has a graph on the number of LGBTQ service members discharged from the military. Such an example would defy the state's "don't say gay" law. (Silcox, 2022).

"Book bullies" hide library and bookstore books on objectionable topics

Book censors have responded to commercial bookstore and public library displays of books they find objectionable by "hiding" those books elsewhere in the bookstore or library. In Anderson's Bookshop, outside of Chicago, the books being hidden are those that depict a Black person on the cover. In some libraries, LGBTQ+ books are targeted. An organization called CatholicVote, which is not officially affiliated with the Catholic church, urged people to participate in "Hide the Pride," by visiting their local library and removing all the Gay Pride books on display in the children's section. In order to keep the books out of the hands of children, they were instructed to check out the books, take them home, and put them out of reach of children (Steinburg, 2022).

Virginia legislators seek a restraining order to prohibit selling teens "offensive" books

Former Republican Congressional candidate Tommy Altman and his lawyer Tim Anderson, who serves in the Virginia House of Delegates, are trying to restrict the local Barnes & Noble store from selling two specific books with LGBTQ+ themes to minors without parental consent (Picchi, 2022). The court granted a hearing, requiring the authors and publishers to defend the books against Altman's accusation that the books be classified as "obscene for unrestricted viewing by minors" (Albanese, 2022, June 3). Lawyers for the publishers and for Barnes and Noble have petitioned for the case to be dropped, claiming that "the suits as filed are defective" (Albanese, 2022, June 22).

Status of the bill: Retired Judge Pamela Baskerville, who originally allowed the suit to be filed, ultimately threw out the case. She cited Constitutional/First Amendment grounds (Moomaw, 2022).

Educators get fired over reading and providing access to "disallowed" materials

Former Cobb County, Georgia elementary teacher Katie Rinderle was fired after reading the picture book, *My Shadow is Purple*, to her fifth grade class. The vote by the school board was split along political party lines, with the decision made by the Republican majority. The district said she was fired because she "improperly read a book on gender fluidity."

Status of the case: She is appealing the decision (Fox 5 Atlanta Digital Team, 2023).

Markayle Gray of Charlotte, North Carolina was fired for using the book *Dear Martin* in his seventh grade English class during Black History Month. The book is about a Black teen who is “racially profiled and arrested before symbolically writing to Dr. Martin Luther King Jr.” Gray’s attorney stated that the school principal had recommended the book to Gray. The teacher was fired after parent complaints that the book and the ensuing classroom discussions were divisive and politicized.

Status of the case: Gray is suing for lost pay and benefits (Sáenz, 2023).

Assistant principal Toby Price was fired for reading a humorous children’s book, *I Need a New Butt*. The district claims, “Mr Price’s contract should be terminated due to his incompetence, neglect of duty, and for good cause.” *Status of the case:* Price appealed the decision and the appeal was denied (Ying, 2022).

Sarah Bonner, a middle school teacher in Illinois, was fired for offering the book *This Book is Gay* at a “book-tasting” event in which students could choose one of the pre-selected books for free reading. A parent called the police on Bonner, citing “child endangerment.” After being put on leave so that the school district could investigate, Bonner resigned. Bonner explains, “The notion that I was putting children in danger because of books – I didn’t feel safe. I knew I couldn’t go back” (Campoamor, 2023).

The Oklahoma Secretary of Education, Ryan Walters, wants Summer Boismeir’s teaching credentials revoked. She was accused by a parent of making political comments in class. The high school teacher in Norman had covered her classroom bookshelves with paper, on which was written, “Books the state doesn’t want you to read,” referencing HB1775, which limits how teacher can discuss race and gender. The law’s passage also limited what books teachers could provide to students. Boismeir also posted a QR code that linked to the Brooklyn Public Library’s “Books Unbanned Project,” which was launched to give students across the country online access to books that may be banned in their local classrooms and libraries. Walters explained that giving students access to “banned and pornographic material” was just cause for revoking her teaching license. He stated, “There is no place for a teacher with a liberal political agenda in the classroom” (Hernandez, 2022).

Status of the case: Walters filed formal paperwork to revoke Boismeir’s teaching certificate. After the loss of her job and amid threats against her, Boismeir eventually moved out of state and secured employment at the Brooklyn Public Library (KOKH staff, 2023).

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