



Evidence of the “Slippery Slope” to Censorship

The Story from Florida and Collier County

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Brandon Haught, founding board member of the science education advocacy group Florida Citizens for Science and author of *Going Ape: Florida’s Battles Over Evolution in the Classroom* (University Press of Florida, 2014), has been a ubiquitous voice in opposition to a 2017 Florida law allowing any county resident to challenge public K-12 classroom and library materials. He is concerned about the effect of the law—HB 989 Instructional Materials—on the teaching of essential science concepts like evolution and climate change. To justify his apprehensions, Haught (2017) highlighted the following claims about school textbooks found in the affidavits submitted to legislators by the Florida Citizens’ Alliance, the ultraconservative, Southwest Florida-based group that lobbied for the law: “Nowhere in the material is a balanced discussion of the biblical explanation” and “Man-made global warming is a hoax. . . . It is pure and unadulterated false propaganda.” Responding to Haught’s concerns and to similar anxieties expressed by the National Center for Science Education, HB 989 sponsor, Representative Byron Donalds (Republican) of Florida’s Hendry and Collier counties, argued that those who anticipate his bill’s detrimental impact on science curricula “are trying to read down a slippery slope that doesn’t exist” (quoted in Hammerschlag 2017).

Picking up on two threads in L. Bryan Cooper and A.D. Beman-Cavallaro’s (2017) essay “We’ve Come a Long Way (Baby)! Or Have We?”—which offers a detailed history of intellectual freedom issues in Florida’s

schools and a brief overview of censorship in Collier County—this paper documents the genesis of HB 989 and in doing so justifies trepidations about the future of education in science and other subject areas. Advocates for



history, literature, and social studies have not waded far into the debate around Florida's new instructional materials law, but as this paper shows, recent censorship efforts by individuals and groups in Collier who are celebrating HB 989 point also to an uncertain future for education in these disciplines. Contrary to Representative Donalds' assertion, there are plenty of reasons why supporters of intellectual freedom may read HB 989 as legislation that will lead to an upsurge of censorship throughout Florida.

The Bill and Its Predecessors

In early 2017, Representative Donalds, along with Senator Tom Lee (Republican) of Pasco, Hillsborough, and Polk counties, introduced an instructional materials bill to the Florida House and Senate, respectively. The first draft of the bill required Florida school boards to ensure "all textbooks, workbooks, and student materials and supplements necessary for a student to fully participate in coursework" meet six criteria (Act Relating to Instructional Materials for K-12 Public Education, Original Filed Version, 2017, lines 76–78). Among the criteria, instructional materials were to be noninflammatory, objective, and balanced—provisions in statute since 2014—as well as free of pornography. Even if adopted instructional materials were previously vetted by the state—the most common practice for Florida school districts, which review and select texts from a state-approved list—or vetted through a district's own instructional materials program, the bill specified the texts must remain open for further public review and challenge. Initiating such an instructional materials challenge, the bill mandated, would be "the right of a parent or any other person who pays ad valorem property taxes or sales taxes in the state," and school districts must develop a process to facilitate these objections (*ibid.*, lines 130–31). Additional provisions of the bill included permission for districts to adopt instructional materials standards equivalent to or better than state standards, and a requirement for public schools to give anyone who pays property or sales taxes in Florida full access to school libraries.

The 2017 bill marked the second attempt by the Florida Citizens' Alliance (FLCA) to clean up an instructional materials law it had successfully lobbied for during the 2014 legislative session: SB 864. That law defined the review and adoption of instructional materials as constitutional duties for local school boards, required districts to formalize processes for parental objections to textbooks, and permitted districts to forgo the state's vetting process for textbooks and instead implement their own instructional materials adoption programs. On the latter provision, the Senate sponsor of the eventual law, Alan Hays

(Republican), noted, "Local school districts, not the state or federal government, are the most qualified to determine what textbooks are appropriate for Florida's classrooms" (quoted in Florida Senate 2014). The 2014 Senate education committee chair repeated the sentiment: "Instructional materials should be tailored to the needs of our local classrooms" (*ibid.*). These assertions prompted Brandon Haught's Florida Citizens for Science (2014) to worry that some school districts might exclude key science concepts (especially evolution) from their curricula: "A couple of things concern me. First, Senator Hays was a sponsor of anti-evolution legislation back in 2008. Second, a few school boards back then revealed themselves to be dominated by anti-evolution advocates when they passed resolutions asking evolution to be downplayed in the state science standards."

Also weighing in on SB 864's local control intentions was American Muslim Democratic Caucus of Florida president Ghazala Salam. Salam (2014) connected the dots between the law and efforts in Volusia County the previous year to remove a World History textbook from classrooms because of its chapter on Islam:

Senator Hays has said that he decided to file SB 864 after some residents in his district complained that students were being taught pro-Islamic textbooks, i.e., the World History textbook published by Prentice Hall. The complaints in Senator Hays's district were provoked by groups like Citizens for National Security (CFNS) and ACT! For America (ACT), both organizations having been designated as hate groups by many including the Southern Poverty Law Center.

Complying with SB 864, in February of 2015 Collier County's school board—whose meetings are the primary locus for the FLCA's activism—approved Board Policy 2520. This policy reinforced instructional materials review and adoption as a constitutional duty for the district, created a process for parents and legal guardians of a student enrolled in a district school to contest materials used in the student's classroom, and defined the right of the school board to adopt materials whether or not they are on the state-approved list. The following year, the FLCA's managing director, Keith Flaugh (2016), published a guest commentary in the *Naples Daily News* informing readers that "Leaders from Florida Citizens Alliance . . . and Better Collier County Public Schools have been working on . . . a focused curriculum bill to fix the loopholes in Senate Bill 864." That curriculum bill was 2016's HB 899/SB 1018. In the piece, Flaugh described the FLCA as "a coalition of citizens and grassroots groups working



together through education, outreach and community involvement to advance the ideals and principles of liberty. These include but are not limited to individual rights, free markets and limited government” (ibid.). According to the FLCA website, the organization’s two chief initiatives are to end the Common Core State Standards and to protect the Second Amendment, and its featured supporters include The Report Card (n.d.), which “advocates teaching k-12 [*sic*] students about American history and American exceptionalism” and the Christian Family Coalition (n.d.), which “renounce[es] values that seek to destroy the infra-structure [*sic*] of the family and the future of our society.” Better Collier County Public Schools (BCCPS) is an anonymous Facebook group whose social media posts include transphobic rhetoric, climate science denial, and anti-Common Core propaganda, as well as support for a local, Hillsdale College-affiliated charter school.ⁱ

Board Policy 2520 no doubt exposed what the FLCA and BCCPS interpreted as loopholes in SB 864. First, the 2014 law did not require school districts to permit all Collier County taxpayers, whether or not they had children in public schools, to challenge instructional materials and library books. With Board Policy 2520, the FLCA and BCCPS instead saw the approval of an instructional materials objection process that limited such challenges to parents and legal guardians of students in the classrooms where the materials were being used. The FLCA and BCCPS, however, wanted the state to give “parents *and* taxpayers” the right to challenge these materials (Flaugh 2016; emphasis added). Second, and aligning with their desire to influence state standards, the organizations wanted the legislature to give districts “greater flexibility to buy instructional materials that meet or exceed current Florida standards” (ibid.). Finally, they hoped for “legal remedies” should a parent or taxpayer not be satisfied with the outcome of their formal instructional materials challenge (ibid.). HB 899/SB 1018 was the FLCA and BCCPS’s attempt to gain more state-sanctioned influence over public K-12 classrooms.

Absent from Flaugh’s *Naples Daily News* guest commentary was a fourth provision of his 2016 clean-up bill: “Parents and taxpayers shall have full access to all school library media services” (Act Relating to Instructional Materials, 2016, lines 180-1). As Cooper and Beman-Cavallaro

(2017, 22) observe, contextualized within the core substance of the 2016 bill, the library provision appeared “to align fully with the desires of the activist parent. The result would have been an increase in access for reviewing and challenging the content of text books, and, in this apparent case, material in school libraries—for items they would censor.” If passed, the 2016 bill “would have established processes by which organizations could sue and be reimbursed for legal and court costs for challenging text books and school board decisions” (ibid.). The authors continue, the bill portended “reactionary forces using the courts to shore up mechanisms that challenge and undermine the longstanding Constitutional concept and rights of individuals,” including minors’ privacy (ibid.).

Much to the FLCA’s chagrin, HB 899/SB 1018 did not get scheduled for any committee hearings during the 2016 legislative session. In response, the FLCA (2016) posted a form email on its website urging the organization’s supporters to send the following message to legislators:

“Disappointed” only BEGINS to describe my reaction to your failure.

Why did you refuse to let parents, teachers and school boards have the tools they need to select their own instructional materials for their children?

You do not know what’s best for our children. They are our children and we know what’s best for them!

I urge you to change your mind and allow SB 1018 and HB 899 to move forward. The situation is critical and the time is now!

Disappointed? Absolutely.

Defeated? NEVER!

You MUST change your mind. This improvement is inevitable.

You should get on the right side of this issue now!

Delivering on the promise never to be defeated, the FLCA teamed up with Representative Donalds and Senator Lee to steward its new version of the instructional materials bill through the Florida legislature in spring 2017 and saw the bill signed into law by Governor Rick Scott on June 26.

i. Michigan’s private Hillsdale College once marketed its Barney Charter School initiative as an effort to “recover our public schools from the tide of a hundred years of progressivism that has corrupted our nation’s original faithfulness to the previous 24 centuries of teaching the young the liberal arts in the West” (quoted in Bryant 2017).



As evidenced by their unsuccessful, 2016 clean-up effort and Keith Flaugh's public commentary, the FLCA and BCCPS ultimately wanted five changes to the 2014 instructional materials bill: (1) the inclusion of "free of pornography" as a review criteria for instructional materials, (2) the expansion of the right to challenge materials to community members who do not have children in public schools, (3) the permission for school districts to develop their own education standards, (4) the ability for unsatisfied challengers to sue school districts, and (5) the right of non-parent taxpayers to enter any public school library. The 2017 version of the bill, HB 989, did not give the FLCA and BCCPS everything they wanted, but the enrolled bill illustrates the organizations' success in obtaining statutory consent for outside efforts to manage classroom and library content. Now, in addition to being "accurate, objective, balanced, noninflammatory, [and] current," instructional materials must be "free of pornography" (Act Relating to Instructional Materials, Enrolled, 2017, lines 282–84). Unlike the bill's first draft, the final law does not allow anyone who pays sales taxes to object to instructional materials. However, it does extend the right to challenge classroom and library materials from parents and legal guardians to any resident of the county whose public schools are using the materials. And while the initial filing gave full library access to all taxpayers, the final law allows access to library materials only through written request.

HB 989 verifies Cooper and Beman-Cavallaro's suspicion about the 2016 bill's impact on school libraries, and it also verifies any suspicions one might have about the FLCA and BCCPS's intention to target all additional types of public K-12 resources; for, the law's definition of challengeable instructional materials includes all materials "used in a classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program . . . , or otherwise purchased or made available" (ibid., lines 101–5). With instructional materials so broadly defined, it seems even a box of donated *Scholastic News* or *Time for Kids* magazines is now subject to formal challenge by any resident of a county who finds a particular issue to be inflammatory, unbalanced, or pornographic.

On top of these new instructional materials review and challenge provisions, HB 989 requires the challenge process to include "at least one open public hearing before an unbiased and qualified hearing officer" (ibid., lines 148–9). The law itself is unclear on both the identity and role of the hearing officer, who simply cannot be an employee of the school district where materials are being

challenged, and who at minimum serves as a third-party presence at the public hearing. The law is similarly vague on the hearing process, specifying only that districts must give challengers an opportunity to present evidence that the instructional materials in question do not align with Florida's statutory requirements for textbooks and other educational resources.

Unlike 2016's HB 899, 2017's HB 989 did get scheduled for committee hearings, and it passed through its House meetings with little debate. The bill passed the full House in a vote of 94–25, but it did receive some critical questioning. One representative wondered why the instructional materials challenge process needed to be expanded to all residents of a county. Representative Donalds responded that the current process is too time-consuming for parents to follow through with, and in his estimation, parents often decide not to pursue challenges, because their child will be moving on to another grade soon anyway ("4/19/17 House Session Part 2," 2017, 37:41–38:33). Too, he argued, fewer instructional materials come home with students these days, so if non-parent community members "have the determination, the desire to go through that process" of acquiring and reviewing instructional materials, the new law "provides them access to bring a challenge" (ibid., 38:40–39:01). Collected together, Donalds' responses make clear the law's intention to shift the accepted culture of classroom and library materials challenges from parents who work with teachers and media specialists to accommodate their children during a specific academic year, to activist community members and groups like the FLCA who use the muscle of the state to effect cross-district censorship of targeted materials in one fell swoop.

Validating related concerns about local control initiatives voiced in regard to 2014's SB 864 by Florida Citizens for Science and Ghazala Salam, while on the House floor Donalds charged local school districts with interpreting several of his bill's key, but decidedly unclear, provisions. For example, individual districts will determine the necessary credentials required of the law's unbiased and qualified hearing officers, Donalds said (ibid., 39:06–39:26). Indeed, this benefits the FLCA in counties where the organization has a growing influence on regional politics (e.g., Collier, Lee, Manatee, Volusia). As Brandon Haught (quoted in Worth 2017) also anticipates, "financially strapped districts, reluctant to pay for a hearing officer, may cave to [instructional material] objections, regardless of their merits." Or, should hearing officers come with a price, such districts might seek cost-free options, and as reported by Katie Worth (2017) of PBS's *Frontline*, the



FLCA's Keith Flaugh said "members of his group would volunteer to be hearing officers." Given the law's similar ambiguity vis-à-vis the procedures of the challenge process's public hearing, districts under the sway of groups like the FLCA might develop hearing procedures that limit or even preclude public counter-testimony. A school board member who wants to resist censorship would thus have to do so against the headwind generated by the petitioner's cherry-picked and decontextualized assessment of the challenged material.

According to Donalds, districts will likewise determine the definition of pornography ("4/19/17 House Session Part 2," 2017, 39:31-40:00). As noted above, codifying "free of pornography" in the instructional materials review and challenge law was a primary goal for the FLCA, so the group likely sees a legislatively-sanctioned opportunity to scrub school libraries of books they feel are sexually obscene. However, as a quasi-judicial process, HB 989's challenge hearing must produce outcomes that abide by existing law. If an instructional materials challenge results in the removal of a book assessed by the petitioner and a majority of the school board to be pornographic, the school district will face costly litigation to determine if its grounds for banning the book align with state and federal laws. In Florida, as in federal law, this means the materials in question must "appeal to a prurient, shameful, or morbid interest"; be "patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors"; and be "without serious literary, artistic, political, or scientific value for minors" (Florida Statute).

HB 989 also travelled an easy road through its Senate committee stops as SB 1210, but it squeaked by the full Senate with a close, 19-17 vote. There, the Senate bill's sponsor, Tom Lee, was asked—for the purposes of demonstration—how someone might go about removing references to evolution or the Holocaust from instructional materials. His answer:

They would find provisions of those books ostensibly objectionable, they would raise the issue with the school district, but then they would be summarily dismissed, because the objections are really limited to things that contain pornography as defined by statute and that are not suited to the students' needs and their ability to comprehend the underlying subject matter. ("5/3/17 Senate Session Part 2," 1:21:56-1:22:32)

With this answer, Lee implied that protections exist in the law for students to learn about evolution, hideous past

events, and other controversial topics, because they are central to biology, history, and other curricula. However, given that anyone who lives in a school district can now bring forth challenges about anything they find objectionable, coupled with the ambiguity of the qualifications of the hearing officer—which Lee acknowledged (*ibid.*, 1:128:07-1:28:14)—and the fact that the law puts the fate of classroom and library materials in the hands of local officials, it is again reasonable to assume that conditions exist in certain Florida counties for groups like the FLCA to file complaints, volunteer their members as hearing officers, and then be heard by boards whose members they helped to get elected. This puts evolution and history in the crosshairs, but also climate change, world religions, noted literary texts, art books, and even classroom magazines covering topics these groups prefer not to be discussed.

Are there good reasons for such concerns about the impact of Florida's new law on intellectual freedom, or is Representative Donalds correct in asserting this is all "a slippery slope that doesn't exist"? Interestingly, Senator Lee's response to a question on the Senate floor leads to an answer. Presenting the bill, Lee argued that three years after SB 864, "there still seems to be some problems that are occurring in certain parts of the state, so this bill was drafted as an effort to close loopholes in the 2014 law" (*ibid.*, 1:11:36-1:11:47). Moments later, Lee fielded a question about why a state law was necessary if indeed the problems were confined to certain parts of Florida: "Is there nothing that can be done in that certain area of the state without enacting legislation throughout the entire state where the systems seem to be working just fine?" (*ibid.*, 1:29:38-1:29:49). In response, Lee referenced affidavits he saw presented in committee expressing the concerns of citizens from various school districts. These are the FLCA's affidavits cited in the introduction above, and of the twenty nine posted on the FLCA website, seventeen originate in the FLCA and BCCPS's home county: Collier.

Lessons from Collier County

The content of the FLCA affidavits is enough to justify concerns about HB 989. One complainant (Cash 2017) noted the Collier school district's denial of her request "to remove books in the Elementary libraries about Cuba, in which the Communist ideals of Fidel Castro are glorified and students are pictured as being happy and well adjusted individuals." Another complainant (Bolduc 2017) highlighted "a multitude of inaccuracies or misleading content contained within textbooks selected by the District Superintendent and District Staff," including an eighth-grade US History textbook that "teaches the children to



glorify 13th century Muslim Kings of West Africa because they made pilgrimages to Mecca with hundreds of slaves and riches extorted from local merchants.” Still another complainant (Clemons 2017) railed against what she saw as “pro-Marxist/anti-American themes and R-rated literature in K-12 schools.” The Collier affidavits lay bare what the challengers regard as the only educational outcome of encountering controversial ideas in texts: “indoctrination into a particular point of view” (Knox 2017, 14). They also display the great degree to which political and ideological factors motivate the FLCA’s promotion of a wide-open instructional materials law. But the affidavits constitute only one piece of evidence showing the prevalence of this “common sense interpretation of texts” (Knox 2017) and fear of indoctrination among Collier’s censorship advocates. Coupled with the affidavits, other news out of Collier County points to a rough road for intellectual freedom in Florida’s K-12 classrooms and libraries if groups like the FLCA and BCCPS have success populating school boards with likeminded candidates or influencing the development of HB 989’s public hearing processes throughout the state.

Indeed, the FLCA and BCCPS had success in Collier’s 2014 school board election. Although their candidates did not win a board majority, the election saw victories for Erika Donalds and Kelly Lichter. The former is the founding president of Parents ROCK—an ultraconservative and litigious school choice advocacy group—and the spouse of Representative Donalds. The latter is president of the Hillsdale College-affiliated charter school promoted by BCCPS, a school whose founding advisory board includes Erika and Byron Donalds. In the run-up to the election, Erika Donalds and Lichter signed a “Contract with Collier County, Florida Voters,” which was authored by Collier parent Doug Lewis and circulated on the FLCA website (Aronson 2014). A loyalty pledge, the contract signaled the candidates’ shared commitment to seven school district reforms, including the elimination of a district-wide, bring your own device program; a return to math flashcards and phonics education; and the cancellation of the superintendent’s most recent contract extension. Leading the list of reforms, however, was a censorship initiative:

FIRST, authorize the development and implementation of an external audit and review process (that takes into account public input) for all textbooks (including all newly purchased Common Core District textbooks and materials) to eliminate the use of all textbooks and materials that are factually inaccurate or politically indoctrinate our students at the taxpayer’s

expense and amend the FY14-FY16 Collier County Public Schools Strategic Plan to reflect this. (“Contract,” 2014)

Fresh off their successful campaigns, Donalds and Lichter delivered on their promise, opening school board offices over winter break to “a small conservative group of parents, some who belong to a group known as the [Florida] Citizens Alliance” (Buzzacco-Foerster 2015). Erika Donalds advocated getting “many different sides from the community involved in discussing instruction,” but the FLCA endorsed parent Deirdre Clemons as the informal textbook review committee’s coordinator (ibid.). As Cooper and Beman-Cavallaro (2017, 21) note, Clemons, “self-described, works to review public school history textbooks for examples of ‘brainwashing and indoctrination of . . . children,’ and creates YouTube videos questioning historical examples of climate change and its impact on societies.” Weeks earlier, Clemons (“ELA Materials,” 2014) presented her own textbook review to the school board. In it, she complained about the “Over abundance [*sic*] of opinion pieces about ‘victims’ of the American culture” collected in the district’s 11th-grade English textbook. Her accusatory summary of Richard Rodriguez’s “Blaxicans’ and Other Reinvented Americans” reads, “Mexican immigrant as a victim of American culture”; her summary of Upton Sinclair’s *The Jungle* reads, “citizens as victims of big business- food industry. Story seems to promote socialism” (ibid.). In Clemons’s assessment, the Seneca Falls Convention’s “Declaration of Sentiments” is regrettably “about women who feel victimized by the American system,” and she also laments that the textbook’s reading on *Tinker v. Des Moines* is about “Injustices of the Viet Nam era” (ibid.).

Anti-censorship groups in Collier County called foul on Donalds, Lichter, and the FLCA’s unsanctioned textbook review efforts, gathering in droves at a January 2015 school board meeting to share their concerns in over two hours of public testimony (“Group Protests,” 2015). One month later, the board passed Policy 2520 and the issue of who in Collier County may challenge classroom materials, and through what process, seemed to be resolved. But in May and June of 2015, local censorship advocates picked more battles, this time against a summer reading list and school library books. Regarding the former, Collier County Public Schools’ 2015 summer reading resource guide included a link to Goodreads.com’s middle school book list page. As reported in the *Naples Daily News* (“Collier County,” 2015), “One parent, Deirdre Clemons, said . . . that she was shocked to see the inclusion of a book called ‘Beautiful Bastard,’ which uses the



F-word and opens with a scene of a business executive having sex with an intern against a skyscraper window.” The district spokesperson reminded the public about the dynamic nature of Goodreads.com, a social media site that allows users to generate their own reading lists for public viewing. Nevertheless, to accommodate the concerns, the district removed the link within an hour of the complaint. It should be reiterated that Florida’s new law includes reading lists as challengeable instructional materials.

Weeks later, Clemons joined members of the FLCA for a press conference called by parent David Bolduc, who took over for Erika Donalds as president of Parents ROCK after Donalds won her school board seat. A dozen-and-a-half parents, grandparents, and other community members gathered outside the district administration building to question the availability of four books in some Collier County public school libraries: Toni Morrison’s *Beloved* and *The Bluest Eye*, Lois Duncan’s *Killing Mr. Griffin*, and Cristina Garcia’s *Dreaming in Cuban*. Why? According to Bolduc (quoted in “Parents,” 2015), “They have graphic and sexual content, graphic violence, violence with women both physically and verbally, bestiality.” Attempting to implicate Collier’s public school libraries in violating Florida’s prohibition on the distribution of pornography to minors, Bolduc (*ibid.*) went on to assert, “If I were standing across the street and handing out these books to middle school children . . . I’d probably have a big problem.” Bolduc concluded his press conference with a call for the district to involve parents in the process by which media specialists build their schools’ library catalogs.

Bolduc later admitted the motivation for the press conference: the district could blame crowdsourcing for *Beautiful Bastard*’s appearance on the Goodreads.com reading list, but it could only blame itself for providing “sexually explicit books” to public school students in its libraries (Batten 2015). “We just wanted to get out to parents these books are on the shelves,” he told Brent Batten (2015) of the *Naples Daily News*. The effort to inform parents about these books extended to another stunt, when parent Doug Lewis—author of the FLCA “Contract”—took to the podium at the June 9, 2015 school board meeting and asked if he could read an “obscene” passage from *Dreaming in Cuban* (“June 9, 2015,” 2:06:16–2:10:14). After some discussion of board rules and applicable laws, the school district attorney permitted him to proceed. Concluding his speech, Lewis argued, “it is disingenuous to use book banning allegations to promote obscene, pornographic, and non-rigorous materials in our schools” (*ibid.*, 2:10:31–2:10:39). As with Bolduc, who framed his censorship campaign as an effort to stop school libraries from

providing pornography to students, Lewis also attempted to define his agenda not as censorship but as a crusade to end what he saw as Collier County Public Schools’ endorsement of pornography and poor reading materials. A few weeks later, an anonymous Facebook group called Concerned Collier Parents Society (2015), which bears an acronym no doubt coordinated to reflect the school district’s acronym (i.e., CCPS), circulated a cartoon depicting three Collier County school board members handing children the aforementioned library books along with a “sex manual” and issues of *Playboy* magazine.

Anti-censorship advocates saw the school district offer mixed responses to Bolduc’s and Lewis’s choreographed performances. As reported by Maren Williams (2015) of the Comic Book Legal Defense Fund, shortly before the June 9 school board meeting, the district “posted to its website a letter sent by the American Library Association’s Office for Intellectual Freedom in support of keeping the books in school libraries.” The ALA letter, addressed to then-board chair Kathleen Curatolo, argued the high merit of the books in question and urged the school board to preserve students’ rights to access them. During the meeting, however, Erika Donalds asked the district to remove the letter, and with Lichter and Curatolo’s support, the superintendent complied (“June 9, 2015,” 6:08:43–6:10:03 and 6:31:17–6:32:40. *See also* Leonor 2015).

If the removal of the ALA letter wiped out any hope the district stood on the right side of intellectual freedom, then school district attorney Jon Fishbane’s partial validation of that freedom restored this hope somewhat. Speaking at the end of the August 11, 2015 school board meeting, Fishbane offered a concise history lesson on court decisions surrounding issues of classroom and library censorship (e.g., 1982’s *Board of Education v. Pico*, 1988’s *Hazelwood v. Kuhlmeier*, and 1998’s *Monteiro v. The Tempe Union High School District*). The case law led the attorney to argue, “We’re always best not to head down the path of isolating books, or banning them certainly,” and given his analysis of *Dreaming in Cuban*, it became clear what Fishbane saw as the better path (“August 11, 2015,” 5:39:46–5:39:56). Over the summer, he had read the novel in full and found it to be an “extraordinary” book about the Communist revolution’s impact on Cuban families (*ibid.*, 5:35:31–5:35:47).

Fishbane assessed the book to have an educational value that cannot be dismissed because of a passage some parents and community members find inappropriate—a passage, he argued, that serves a purpose in the story Garcia is telling. The better path is for parents and community members to be cognizant of the educational suitability of texts



that sometimes do purposely contain controversial words, ideas, and passages. Fishbane also asserted, “the court sees the library almost as a sacred place for a kid to learn, be left alone, read, and so on” (ibid., 5:37:44-5:37:54) Board member Lichter retorted, “as a parent knowing what’s in our media centers . . . it’s not a sacred place, not for my kids” (ibid., 5:51:31-5:51:36). She invited parents to read passages of objectionable texts at school board meetings, proposing as a litmus test, “if it’s not appropriate for adults here,” it should not be deemed appropriate for children (ibid., 5:51:43-5:51:48). While Fishbane’s testimony and opinions seemed to indicate the district would carry the torch for intellectual freedom and student privacy—indeed, for the “sacred place” of libraries in education—the *Dreaming in Cuban* controversy led Collier schools to an invasive compromise position. The challenged books were not removed from libraries, but as Cooper and Berman-Cavallaro (2017, 21) note, in late 2015 Collier County Public Schools “developed a new web portal allowing parents to view online any materials checked out by the minors in their charge” (See also Barack, 2015). Now, parents can log in to a student record portal to access their children’s library history.

Following the 2014 passage of SB 864 and the election of Erika Donalds and Kelly Lichter to Collier County’s school board, 2015 was an active year for ideologically-motivated censorship efforts in the county. These efforts produced Policy 2520 and opened student library records to parents. But the new policies did not solidify the right for groups like the Florida Citizens’ Alliance, Better Collier County Public Schools, and Parents ROCK to act *in loco parentis* for all Collier public school students. The FLCA had tried to correct this deficiency with 2016’s HB 899/SB 1018, and it succeeded with its 2017 effort.

While ambiguous in some areas, Florida’s new instructional materials law does grant local school boards the final say in retaining or removing challenged classroom and library materials. As with the 2014 election, the FLCA, BCCPS, and Parents ROCK knew they would need a sympathetic majority to be elected to Collier County’s school board in August of 2016 for their censorship efforts to eventually yield results. While the FLCA claims to be non-partisan and resists making political endorsements, BCCPS and Parents ROCK—the FLCA’s ideological affiliates—did not shy away from campaigning for two pro-censorship candidates during the 2016 election. Candidate Lee Dixon, a member of Parents ROCK’s leadership team, signed the FLCA’s “2016 Contract with Collier County, Florida Voters,” which updated the organization’s 2014 reform agenda to account for SB 864:

FIRST, in compliance with SB864 and Section 1003.42, Florida Statutes, the creation of a Board level (in the Sunshine and fully-transparent) committee and review process (that takes into account parent and other public input) of all instructional materials to eliminate use of materials that, at taxpayer expense, politically indoctrinate students or are factually inaccurate and age inappropriate. (“2016 Contract,” 2016)

The other candidate, Louise Penta—who is now a director in the FLCA organization—argued in a public relations piece, “Teaching that surrounds itself with global warming, economic systems and indoctrination to become well rounded, college and career ready students has not materialized [*sic*]” (quoted in Conric PR 2016). When asked about the Sunshine State Young Readers Award Program book list at a school board candidate forum, she replied, “I think the list needs to be thrown out absolutely. I think there’s a lot of things on there that I wouldn’t want my children reading” (“SWFLCA Presents,” 37:54-37:59). Dixon and Penta lost their respective elections to decidedly anti-censorship candidates, and as of this writing Erika Donalds and Kelly Lichter remain the only censorship advocates on the five-member board.

Another reason to suspect an imminent increase in censorship pressures throughout Florida emerged during the summer of 2017, when the FLCA announced it was joining three parents—including Doug Lewis of the *Dreaming in Cuban* controversy—in suing Collier County’s school board over its process for reviewing and adopting a new batch of social studies textbooks. While the lawsuit claimed Sunshine Law and other process violations, the FLCA and others’ public rhetoric on the adopted textbooks and the suit indicated a familiar ideological undercurrent; “Did your School Board approve buying these books?” reads a June 8, 2017 FLCA Facebook post (Florida Citizens’ Alliance 2017), which ends, “Join us in our fight against textbook political bias, religious indoctrination, revisionist history, and pornography.” At a June 1, 2017 special board meeting, parents challenging several of the new social studies books likewise signaled the lawsuit’s ideological motives. David Bolduc of the *Beloved*, *The Bluest Eye*, *Killing Mr. Griffin*, and *Dreaming in Cuban* complaint accused members of the American history textbook selection committee of “Anti-Christian, Anti-White, Anti-American Cultural Marxist Hate Speech” (“June 01, 2017,” 1:31:41). Challenging a proposed high school economics textbook, another parent offered a comment about “the general feeling that a lot of the critics of the book have, which is we have a sense that there is an indoctrination taking place in the classroom not just in Collier County but in all the high schools and government-run



schools in the country” (ibid., 1:41:43-1:41:57). His specific complaint about the book: It doesn’t make an explicit value judgment regarding which type of economy is the best option (ibid., 1:43:29-1:43:58). Finally, as reported in *Time* magazine (Weyrauch 2017), the FLCA recently

urged its 20,000 supporters to become “textbook reviewers” by taking a three-month, mostly online training course run by Truth in Textbooks, a Texas-based conservative group that encourages its volunteers to oppose what it calls a “pro-Islam/anti-Christian” bias in history books. The Truth in Textbooks course doesn’t officially give participants a leg up in textbook objections, but the Florida Citizens’ Alliance hopes the training will add credibility to members’ challenges to school boards this fall.

Conclusion

Training for Truth in Textbooks certification, labeling textbook reviewers as anti-American Marxists, pledging to eliminate “indoctrinating” materials, forcing an anti-privacy policy, tagging noted literary works as pornography—groups and individuals in Collier County, the point of origin for HB 989, have done more than enough to justify concerns about ideologically-motivated censorship. The

genesis of HB 989 likewise validates anxiety about a forthcoming wave of content-banning efforts in Florida leading to an uncertain future for intellectual freedom in K-12 education; for, despite Representative Donalds’ assertion to the contrary, Florida’s new instructional materials law is unambiguously the work of the FLCA and its partner organizations in Collier County. In a July 12, 2017 interview, Donalds claimed “the work product that [the FLCA] provided in the beginning is not what is law today” (“Naples Rep’s,” 15:26-15:30). But as has been demonstrated in this paper, Florida’s HB 989 statutorily formalizes for the FLCA, BCCPS, Parents ROCK, and other censorship advocates the content policing powers they have coveted but have so far been able to mobilize only through informal textbook reviews, press conferences, school board meeting speeches, and newspaper opinion pieces. In October of 2017, the FLCA reported its efforts to pitch a new instructional materials bill to state legislators for the 2018 session. Pleased with the influence they now wield over school districts, they hope to extend this influence to the state-level textbook selection process (“Lee County,” 5:47:45-5:52:12 and “Legislative Delegation,” 50:07-53:02).

[Editor’s Note: For news of specific challenges since the Florida law was passed, see page 66.]

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