



Nationwide

As state legislatures ramped up in 2022, Republican governors and lawmakers expanded their efforts to limit discussions of race and gender in public schools. In addition to targeting “critical race theory” (CRT) and “divisive concepts,” they’ve begun introducing legislation to create “curriculum transparency” and “parental bills of rights.”

On January 7, conservative activist Christopher Rufo tweeted that shifting from CRT bans to curriculum transparency bills is “rhetorically advantageous” and will “bait the Left into opposing ‘transparency.’”

“The strategy here is to use a non-threatening liberal value—‘transparency’—to force ideological actors to undergo public scrutiny,” Rufo said.

Rufo is a senior fellow at the Manhattan Institute. He led the efforts to misappropriate and weaponize the term CRT through appearances on the Fox News Channel. His meetings with the Trump administration spurred the Executive memorandum and Executive Order prohibiting training about racism, CRT, and other “divisive concepts” funded by federal dollars.

The Manhattan Institute and the Goldwater Institute published model bills, policies, and resolutions for legislators and school boards. As of January 20, 12 state legislatures had introduced such bills: Colorado, Georgia, Illinois, Indiana, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, South Carolina, Virginia, and Wisconsin.

The bills were passed by state legislatures in Pennsylvania and Wisconsin, but both were vetoed by Democratic governors.

Teachers, teacher unions, and free speech advocates say such bills would place daily classwork under excessive

scrutiny. This might cause teachers to pull potentially contentious materials to avoid drawing criticism.

PEN America has referred to measures blocking the teaching of CRT as “educational gag orders.” In 2020, nine states passed anti-CRT laws restricting classroom discussions of race and gender.

According to UCLA’s Institute for Democracy, Education, and Access, 894 school districts introduced policies banning the teaching of CRT. They encompass more than a third of the country’s K-12 students.

(See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.3: For the Record: Nationwide).

Reported in: NBC News, January 20, 2022; Forbes, February 16, 2022.

Alabama

The first complaint to be investigated by Alabama’s Department of Education under their new anti-critical race theory (CRT) law is an anti-discrimination training at Huntsville City Schools. An official from Huntsville schools expressed concerns that stopping the anti-discrimination training would violate orders from a federal judge stemming from a desegregation case.

Huntsville parent Adam Stephens reported the teacher training after he saw a social media post of whiteboards with the headings “discrimination,” “racism,” and “equity” on them.

The post was captioned: “The faculty here at Whitesburg Elementary is putting forth much effort to . . . making sure that ALL students feel welcome, heard, supported, and most important, a sense of belonging.”

Stephens said he believes this training violates Alabama State Board of Education’s controversial new rule barring CRT from public schools and that any training of teachers

would ultimately find its way into the classroom.

“I don’t think that I’m going out on a limb saying that straight white people are kind of targeted in a lot of ways,” said Stephens.

The new rule adopted by Alabama’s Department of Education does not delineate a process for resolving complaints.

Huntsville Superintendent Christie Finley said that Huntsville City Schools operate under a 1963 federal desegregation order and have been working to meet requirements to end court oversight. Finley said that the training conducted at Whitesburg “is a training per Consent Order and not a violation of state law.”

The school board’s attorney Chris Pape is working with the Department of Education to review the charges.

Reported in: Advance Local Alabama, December 11, 2021.

Indiana

Two bills with First Amendment implications for school and public libraries were introduced in the Indiana legislature in January. Both would criminalize the circulation of certain books from school and public libraries and open libraries to civil suits for circulating books to children; one bill would also restrict classroom lessons and conversations.

SB 17 would “remove schools and certain public libraries from the list of entities eligible for a specified defense to criminal prosecutions alleging the dissemination of material harmful to minors.” In addition to criminal prosecution, the bill allows parents and guardians to sue libraries for checking out “harmful materials.”

The bill’s definition of “harmful materials” includes those that contain obscenity, violence, and pornography. Crown Point Library director Julie Wendorf said, “Libraries support the



right to read and we provide material for the entire community, not just one viewpoint. We can say confidently that we don't collect pornography, but that still wouldn't stop people from suing over whatever they find objectionable."

In recent times, challenges to library material have primarily pertained to anti-racism books and books with LGBTQIA+ characters, authors, and themes.

Rhonda Miller of Purple for Parents advocated for the bill. Purple for Parents is an organization which has worked to manufacture outrage against school and public library books they consider to be "critical race theory," sex education materials, or which have LGBTQIA+ content.

(See: this issue, In Brief: Bremen, Indiana; *Journal of Intellectual Freedom & Privacy*, v.6 iss.4: For the Record: Carmel, Indiana).

SB 17 passed the Senate education committee with a 9-4 vote along party lines.

HB 1134, which includes the text of SB 17, and would also limit teachers' speech and curricula regarding race, history, and politics, passed the house on January 26. The bill would prohibit social-emotional learning and the teaching of "divisive concepts" such as critical race theory (CRT), and also require teachers to remain neutral on topics such as Nazism, Marxism, and fascism.

It would also allow parents to sue schools if they believe schools have violated the bill's provisions. The bill would also require "curriculum transparency," the online posting of all materials and activities teachers plan to use in the classroom. (See: this issue, For the Record: Nationwide).

Opponents of the bill argued it would drive teachers from the classroom by subjecting them to undue scrutiny and drowning them in

additional work and civil action from parents who were unhappy with lessons. Educators expressed fears that they would not be able to speak truthfully about historical injustices or facilitate discussions on current events.

Representative Tonya Pfaff said the bill would "fundamentally change the way we teach and interact with our students."

HB 1134 ultimately died in the Senate on March 1.

(See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.3: For the Record: Nationwide).

Reported in: *Chicago Post-Tribune*, January 18, 2022; *FOX59*, January 26, 2022; *Indianapolis Star*, February 1, 2022; *WNDU*, March 1, 2022.

Iowa

At a school board meeting in Johnston on November 18, president of the Iowa Senate Jake Chapman said there should be criminal charges against teachers who allow children to read books that he believes are obscene.

Two books which had been challenged by parents were being discussed during the meeting: *The Absolutely True Diary of a Part-Time Indian* by Sherman Alexie and *The Hate U Give* by Angie Thomas. Both books discuss race and racial identity and include mentions of sex. (See: this issue, Censorship Dateline: Schools: Johnston, Iowa).

"I can tell you, if this material was in my school, I'd be going to law enforcement. I would be asking for a criminal investigation. I would be asking for every single teacher who disseminated that information to be held criminally responsible," said Chapman.

Chapman said he would use his powers to make stricter laws and

create a felony charge for teachers who provide access to "obscene" library books. On Facebook, he also promised to create an avenue for parents to pursue civil action against teachers.

One community member said, "I wasn't going to speak today, but after hearing what the president of the Iowa Senate said, I'm flabbergasted. I don't understand how you can say this is too explicit for kids. When I was in high school I took a human sexuality class. Is he saying that they're gonna ban human sexuality class?"

Brad Zaun, president of Iowa's Senate Judiciary Committee, said he also supports charging teachers with felonies for having "obscene" books in school and classroom libraries.

"My warning to all the teachers and the administrators is you're going to be in jail, because this is distributing pornography. And I will work my tail end off and it will become law."

Chapman again advocated for the criminal prosecution of teachers who make "obscene" books available at the November 22 meeting of the Urbandale school board, where the reconsideration of a handful of books with LGBTQIA+ characters, authors, and themes was being discussed. (See: this issue: Censorship Dateline: Schools: Urbandale, Iowa).

During her Condition of the State Address on January 4, governor Kim Reynolds said she supports legislation addressing controversial books in school libraries and increasing curriculum transparency.

Reynolds called for a standard, streamlined book challenge process to be adopted for schools statewide which would include a process to appeal decisions to the State Board of Education.

Referring to school libraries, Reynolds said, "If a parent has a concern about what's in there, there



should be a process where they get answers and they should have options.”

Reynolds said it’s “not inappropriate” for a book like George M. Johnson’s *All Boys Aren’t Blue* to be in school libraries.

When asked in a January 20 interview if she supported comments made by Chapman, she refrained from endorsing his pledge to criminally prosecute teachers. “Do I think inappropriate things are being displayed in libraries and in classrooms across the state,” deflected Reynolds. “I absolutely agree with that.”

She then read an excerpt from *All Boys Aren’t Blue* without providing any context for it.

On January 5, Senator Amy Sinclair, chair of Iowa’s Senate Education Committee, announced she is drafting a “parents bill of rights” and that its passage is her “highest priority” for the 2022 legislative session. She said the legislation would require parental consent to check out certain books from school libraries and provide parents access to curriculum materials.

(See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.3: For the Record: Nationwide).

Reported in: KCCI, January 24, 2022; Axios Des Moines, January 4, 2022; Radio Iowa, January 5, 2022; Daily Iowan, January 4, 2022; Iowa Starting Line, November 19, 2021, November 22, 2021, and November 30, 2021.

Mississippi

A bill to prohibit the teaching of “critical race theory” (CRT) was introduced in the Mississippi senate on January 12. Mississippi superintendent of education Carey Wright said CRT is not taught in the state’s schools, though the University of Mississippi law school offers an elective course on it.

SB 2113 does not at any point define CRT, but its text is largely identical to other legislation pertaining to “divisive concepts.” (See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.3: For the Record: Nationwide). It provides that “no public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall make a distinction or classification of students on account of race.”

The bill also prohibits teaching “that any sex, race, ethnicity, religion, or national origin is inherently superior or inferior.”

The ACLU of Mississippi said in a statement that laws opposing CRT “are thinly veiled attempts to silence discussions of race and gender among students and educators.”

Representative Zakiya Summers said “Censoring teachers, dismantling education bit by bit, attempting to erase the past, refusing to acknowledge the hurt and the horror and the heinous acts that have been done to my people and then hiding behind this ‘inferior versus superior’ argument—that’s what this bill will do.”

Black lawmakers walked out in protest of the bill before it was voted on in the Senate on January 21. It passed 32-2 with the only votes against it coming from White Democrats (because the Black lawmakers had walked out).

Senator David Blount, who voted against the bill, said “We trust our teachers to teach and we don’t need to pass laws to prohibit what’s not being done.”

Mississippi has the highest percentage of Black residents of any state. The bill was signed into law on March 14 by Governor Tate Reeves.

Critics of the legislation say it likely violates the state and US Constitutions. Section 213 of Mississippi’s constitution

holds that public universities “shall be under the management and control” of the Board of Trustees for the State Institutions of Higher Learning.

Matthew Steffey, who teaches constitutional law at Mississippi College said, “Universities are set up with promises of academic freedom as part of their accreditation process. It’s extremely problematic for state law to try to infringe on the existing contractual rights and commitment at the individual professor level and at the university level.”

Reported in: NPR, January 22, 2022; Mississippi Today, January 20, 2022; ABC News, March 3, 2022; Guardian, March 14, 2022.

Missouri

On January 11, two bills aiming to radically restrict what is taught in public schools were debated by Missouri house legislators. One bill would ban “critical race theory” (CRT), and the other would greatly increase parental influence of classroom curricula.

HB 1474 would bar any lessons identifying “people or groups of people, entities, or institutions in the United States as inherently, immutably, or systemically sexist, racist, biased, privileged, or oppressed.”

HB 1995 would grant parents access to school records and curricula, allow parents to restrict their children’s access to course materials, and grant them the power to censor class materials “based on such parent’s beliefs regarding morality, sexuality, religion, or other issues related to the well-being, education, and upbringing of such parent’s child.”

Under HB 1995, both parents and the state attorney general are granted the right to sue schools for violations of the bill’s provisions.

“Make no mistake: these bills are an attack on Missouri students.” said



Representative Paula Brown. “They have the right to learn in classrooms free from censorship.”

Brown also expressed concerns that the legislation could place school administrators in courtrooms on an ongoing basis.

Reported in: Associated Press, January 11, 2022.

New Hampshire

The New Hampshire chapter of Moms for Liberty announced it will pay a \$500 “bounty” to the first person who catches a teacher offering anti-racism training or otherwise breaking the state’s new law banning “critical race theory” (CRT).

Definitions of CRT as enacted in legislation and policy nationwide have been deliberately vague and the term has been wielded as culture war catch-all encompassing anti-racism material as well as books on gender and sexual identity, reproductive rights, feminism, and sex education.

The American Federation of Teachers New Hampshire condemned this announcement, saying it was tantamount to declaring “war on teachers.”

Moms for Liberty’s New Hampshire chapter is fundraising off this ploy and began referring to donations as “CRT Bounty’s [sic]” on Twitter. Shortly thereafter, they tweeted they had already received more than \$1,300.

Through spokesperson Ben Vihstadt, Governor Chris Sununu declared that he “condemns the tweet referencing ‘bounties’ and any sort of financial incentive is wholly inappropriate and has no place.”

The Council on American-Islamic Relations National Communications Director Ibrahim Hooper said, “It is bad enough that any state would seek to ban teaching about systemic anti-Black racism, but to offer a ‘bounty’

to ferret out those who seek to educate our nation’s youth about the harm caused by bigotry is beyond the pale.”

New Hampshire’s anti-CRT law prohibits teaching that:

- Any group is inherently superior or inferior to people of another identified group
- Any group is inherently racist, sexist, or oppressive, whether consciously or unconsciously
- Any group should be discriminated against or receive adverse treatment
- Any group should not treat members of other identified groups equally

Parents or others who believe teachers have violated the law are allowed to sue school districts or file complaints through the Department of Education’s website. Complaints received may result in disciplinary action by the State Board of Education.

Moms for Liberty was started in Florida as a “parents’ rights group” opposed to school mask mandates. Their focus quickly shifted to limiting curricula and banning books from school libraries. They actively oppose sex education, anything they consider to be CRT, and books with LGBTQIA+ characters or authors.

Moms for Liberty receives funding from the Conservatives for Good Government PAC and Megyn Kelly-hosted fundraisers. It has been promoted on Fox News and has chapters in 35 states.

Reported in: *Newsweek*, November 18, 2021; *Baptist News*, November 29, 2021.

The American Federation of Teachers’ (AFT) New Hampshire chapter filed a lawsuit on December 13, claiming the state’s new law

prohibiting the teaching of “critical race theory” (CRT) is unconstitutionally vague and an abridgment of free speech.

The lawsuit says the statute forces teachers to “self-censor their own free speech to avoid . . . severe and draconian threats.”

New Hampshire’s anti-CRT law, which passed as part of the state’s budget bill, prohibits teaching that:

- Any group is inherently superior or inferior to people of another identified group
- Any group is inherently racist, sexist, or oppressive, whether consciously or unconsciously
- Any group should be discriminated against or receive adverse treatment
- Any group should not treat members of other identified groups equally

Parents or others who believe teachers have violated the law are allowed to sue school districts or file complaints through the Department of Education’s website. Complaints received are reviewed by the Human Rights Department and may result in disciplinary action by the State Board of Education.

The lawsuit charges that the law is unconstitutionally vague because it does not make clear what is prohibited. This lack of clarity creates a chilling effect in the classroom by making teachers susceptible to “arbitrary and discriminatory enforcement.”

AFT New Hampshire President Deb Howes released a statement noting that, “Educators are terrified of losing their teaching license over simply trying to teach.”

While the state’s Department of Education and Attorney General have issued guidance on the law, AFT



argues that confusion around it is unavoidable.

One example included in the lawsuit states that a teacher could not be sure whether it was legal to teach students that affirmative action policies were adopted because of historical and contemporary advantages held by White job and college applicants.

The lawsuit was brought in US District Court in the District of New Hampshire on behalf of three teachers and two parents. The state, its Department of Education, and the commissioner of the state's Human Rights Department are named as defendants in the suit.

Reported in: *Washington Post*, December 13, 2021.

New Jersey

On December 21, Governor Phil Murphy signed bill S108 into law, making New Jersey the 15th state to adopt “New Voices” legislation and codify student press freedom.

A New Voices law prohibits the censorship of student journalists except in narrow circumstances and protects student media advisors from retaliation for refusing to censor their students. They became necessary when the Supreme Court ruled student papers were not public forums subject to First Amendment protections if articles were written as part of a journalism class.

In their decision in *Hazelwood v. Kuhlmeier*, 484 U.S. 260 (1988), the Supreme Court created a vague and problematic standard for censorship of student-produced work. This decision has been used by school administrators to censor student journalists for subjective reasons. New Voices laws protect student journalists from such action in the states that have adopted them.

The Student Press Law Center (SPLC) praised New Jersey's adoption of New Voices legislation.

“Signing S108 is an important step, but it is only the beginning,” said SPLC executive director Hadar Harris. “We need robust implementation of the new law and need administrators, students, and advisors to understand it.”

SPLC did express concern that by including profanity on the list of speech not protected by S108, Governor Murphy “inadvertently encouraged school administrators to unconstitutionally restrict the use of profane speech when it is newsworthy.”

Reported in: *Student Press Law Center*, December 22, 2021.

North Dakota

North Dakota Governor Doug Burgum signed a bill banning the teaching of “critical race theory” (CRT) in schools into law on November 12.

The new law states that, “A school district or public school may not include instruction relating to critical race theory in any portion of the district's required curriculum.”

North Dakota has a Republican-controlled legislature and a Republican governor.

CRT is defined by this law as “the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality.”

The term has been used as a conservative culture war catchall to demonize and suppress speech on subjects such as anti-racism, gender identity, and abortion.

State Representative Jim Kasper, the bill's main sponsor, said that while CRT is not currently taught in North Dakota, he wanted to introduce a bill that would ensure it will not be taught in the future.

The law enacted is four sentences long. Critics pointed out that it fails

to indicate any means of enforcement, instead concluding with the statement “The superintendent of public instruction may adopt rules to govern this section.”

Lawsuits against similar laws have cited the speech-limiting chilling effect created by their unconstititutional vagueness.

(See: this issue: For the Record: New Hampshire).

Reported in: *Newsweek*, November 12, 2021; *KVRR*, November 15, 2021.

Mississippi

Mississippi State Auditor Shad White endorsed proposed legislation to ban educators from teaching anti-racism, “critical race theory” (CRT), or any books that criticize “whiteness” in schools.

On January 4, White posted a video to Facebook in which he spoke out against the Mississippi Humanities Council's “Anti-Racism Reading Shelf” program.

The program offered small grants to Mississippi libraries to purchase books about combating racism. It began in the Summer of 2020, after the police murder of George Floyd stirred nationwide interest in books on race and racism. The council spent about \$29,000 on the program, about two-thirds of which was raised through private donations.

Mississippi Humanities Council Executive Director Stuart Rockoff said the most popular title that was purchased through the program was *Counting on Katherine: How Katherine Johnson Saved Apollo 13* by Helaine Becker.

White's video focused on Anastasia Higginbotham's *Not My Idea: A Book About Whiteness*, a title which “offers an emotional inlet to the crisis White children experience when they know people are being harmed and they are



actively discouraged from feeling anything about it.”

White claimed anti-racism books “hurt kids like sexually explicit materials hurt kids.”

White said, “Everyone should be for teaching civil rights history to children. They should not be for teaching kids that an idea about whiteness that some White lady made up five minutes ago is evil.”

Rockoff said that despite the auditor’s criticisms, the Humanities Council “stands behind this program.”

“I’m not sure why opposing racism is controversial, but there you go,” continued Rockoff. “For us, in a place like Mississippi, understanding the history of racism in our state and how that history still shapes our lives today and how we can work together to overcome it, that’s what our vision was for this program.”

Reported in: *Mississippi Free Press*, January 5, 2022.

Oklahoma

On April 21, 2021, Oklahoma Governor Kevin Stitt signed HB1674 into law, granting immunity to motorists who unintentionally kill or injure protesters and increasing penalties for demonstrators who block public roadways.

The bill was introduced in response to an incident in Tulsa, where a man drove a pickup through a crowd of people protesting the police murder of George Floyd. The truck hit and injured three people, paralyzing a 33-year-old man from the waist down after he was knocked off the overpass.

State senator Rob Standridge, who sponsored the bill, said that in that incident, “The prosecutor declined to file charges, but that may not always be the case.”

The Oklahoma Conference of the National Association for the Advancement of Colored People (NAACP) is

challenging Oklahoma HB1674 on constitutional grounds, claiming it was passed in response to racial justice demonstrations and could chill the exercising of First Amendment rights.

The NAACP lawsuit argues that HB1674 is “unconstitutionally vague and overbroad”; has a “draconian organizational-liability provision” subjecting “NAACP and other racial justice organizations” to “devastating fines” for the actions of third parties; and that it “criminalizes ‘standing’ in streets or ‘approaching motor vehicles’ in a manner that renders . . . ‘passage unreasonably inconvenient.’”

The suit states provisions of HB1674 violate the First and Fourteenth Amendments. Oklahoma Attorney General John O’Connor and District Attorney of Oklahoma County David Prater are the named defendants in the suit.

Reported in: *The Center for Public Integrity*, December 20, 2021; *NPR*, April 22, 2021.

On December 16, Oklahoma senator Rob Standridge introduced SB 1142 “prohibiting certain schools and libraries from maintaining or promoting certain books.” In addition to banning broad categories of books, the bill would grant parents and guardians the ability to request removal of books from school libraries and to litigate and receive injunctive relief if their request is denied.

The books the bill would ban from public schools and public charter schools are: those “that make as their primary subject the study of sex, sexual lifestyles, or sexual activity, or books that are of a controversial nature that a reasonable parent or legal guardian would want to know of or approve of prior to their child being exposed to it.”

The bill as introduced would also have required the dismissal of

any employee tasked with removing a book who fails to do so within 30 days and barred them from reemployment with a public school district or public charter school for two years.

A parent or guardian whose request for removal of a book is denied may seek monetary damages including reasonable attorney fees, court costs, and a minimum of \$10,000 per day that the book in question is not removed.

Standridge cited *Trans Teen Survival Guide*, *Quick and Easy Guide to Queer and Trans Identities*, *A Quick and Easy Guide to They/Them Pronouns*, and *The Art of Drag* as titles he was concerned about.

Critics of the bill called it unconstitutional and said it was targeting LGBTQIA+ books.

Standridge acknowledged that all the books on his list address LGBTQIA+ issues. He said he hadn’t seen any examples of “heterosexual books” to which he would object. He also said, “Most likely these things will end up in court.”

“My guess is the schools won’t comply and the parents will have to seek injunctive relief,” said Standridge. “That will be up to the trier of fact. They may well disagree with the parent and say reasonable parents would want their children to be exposed to transgender, queer, and other sexually-related books. I would doubt that.”

Morgan Allen, director of Oklahomans for Equality, said that bills like this are harmful to LGBTQIA+ youth and that legislators condemning student-lived identities “is telling them that they can’t be who they are, that they should be ashamed of who they are.”

“These books are there to give our kids the language that they need to express how they are already feeling,” said Allen. “These books are not there



for anything else other than to affirm and show the kids their love for who they are and that there are other people out there like them, that they are not alone.”

SB 1142 was given a “do pass” recommendation by the Committee on Education after amending it to remove the sections which required dismissal of staff and set the minimum monetary damages.

Reported in: LGBTQ Nation, December 28, 2021; Tahlequah Daily Press, December 22, 2021.

South Dakota

On December 20, South Dakota Governor Kristi Noem revealed a bill she drafted which would ban “critical race theory” (CRT) from the state’s public schools, universities, and technical colleges.

Noem’s bill would prohibit “teaching that any race, religion, sex, or ethnicity is inherently superior or inferior; that anyone should feel guilt, anguish, or distress because of their race, religion, sex, or ethnicity; or that people are inherently responsible for past actions because of their race, sex, religion, or ethnicity.”

The American Civil Liberties Union of South Dakota said it opposes the bill as it could censor US history discussions and deprive local school districts of their ability to determine their own curricula.

Reported in: U.S. News & World Report, December 21, 2022.

On January 21, South Dakota Governor Kristi Noem announced a legislative proposal to ban nearly all abortions. The legislation is modeled on a restrictive 2021 Texas law that manages enforcement through lawsuits brought by private citizens. The constitutionality of Texas’s law remains unclear as legal challenges to it are ongoing.

The Texas law has been criticized for creating a “vigilante” justice system reliant on private enforcement.

Noem’s law would subject anyone aiding someone in getting an abortion after the sixth week of pregnancy to a minimum \$10,000 penalty. There is no exception for rape or incest, other than prohibiting the rapist from suing.

The bill also includes some of the nation’s strictest limitations on access to abortifacient pills.

South Dakota has only one clinic regularly offering abortions. South Dakota already has a law barring abortions in the event that the 1973 *Roe v. Wade* decision is overturned.

“Personal privacy and reproductive rights are among our most important constitutional liberties,” said Jett Joneilis, advocacy manager for the American Civil Liberties Union of South Dakota. “Governor Noem doesn’t seem to care about our constitutional rights.”

Reported in: ABC News, January 21, 2022.

Texas

Texas Child Protective Services (CPS) stopped offering diversity-training courses after former state senator and gubernatorial hopeful Don Huffines called them “Marxist” and referred to them as “critical race theory.”

The courses were previously required by the Department of Family and Protective Services for all CPS employees seeking promotions.

In a four-minute video posted to YouTube on November 4, Huffines called on sitting Governor Greg Abbott to “stop using taxpayer dollars to promote critical race theory” and “weed out this poison” from state government and universities.

On November 19, CPS field director Erica Bañuelos informed employees that two of the “Knowing Who

You Are” courses would no longer be offered nor required for promotion.

“Staff at the field level are going to have lots of questions about the cancellation of the courses,” Bañuelos warned associate commissioner for CPS Deneen Dryden in an email. “Staff have lots of work already that is being done on equity in the community and they just want to make sure they can continue to do this work.”

The courses were introduced in response to a 2005 legislative requirement to “develop and deliver cultural competency training to all service delivery staff” and “provide culturally competent services to children and families of every race and ethnicity.”

CPS has been working for years to reduce the disproportionality with which it removes children on suspicion of maltreatment from Black and Hispanic birth families versus White families.

Austin CPS caseworker Lucia Montes said, “The department still has a long way to go in addressing these inequalities within itself.”

Reported in: Dallas Morning News, January 7, 2022.

On January 20, Texas Governor Greg Abbott introduced plans to amend the state constitution to expand parental influence over curricula and policies at public, magnet, and charter schools through what he’s calling a “parental bill of rights.”

At the January 20 event where he announced his “parental bill of rights,” Abbott celebrated recent legislation and initiatives aimed at purging “critical race theory” from Texas schools. He characterized the “parental bill of rights” as a direct extension of these efforts.

“Now Texas has the toughest anti-CRT protections in the nation, but there is more we must do to preserve the rights of parents and give our



children the future they deserve,” said Abbott.

According to Abbott, the constitutional amendment would require schools to provide parents with access to all course curricula as well as all books and other materials available in schools and ensure that any parental concerns about them “are heard quickly.”

Additionally, the “bill of rights” would stipulate that educational personnel convicted of providing minors with “pornographic materials” would lose their educational credentials, state licensure, and retirement benefits, and be barred from ever teaching in a Texas public school again.

While “pornographic materials” is not defined in the press release or on the informational one-pager on the “parental bill of rights” released by the governor’s office, the one-pager does state that “recently, Texas parents found pornographic materials in school libraries, prompting Governor Abbott to direct the Texas Education Agency TEA), the Texas State Library and Archives Commission [TSLAC], and the State Board of Education.”

Abbott’s initial letter was also sent a week after State Representative Matt Krause sent a letter to every Texas school district with a 16-page list of 839 unique titles he deemed “inappropriate.”

Most of the “inappropriate” materials targeted by Krause are works by or about LGBTQIA+ people. The remainder are books by or about Black, latinx, and indigenous people; books about race or racism; sex education materials; books about teenage pregnancy or abortion; and anything providing guidance on reducing the spread of HIV and other sexually-transmitted infections.

The letters sent by Abbott to TEA, TSLAC, and the Board of Education

cited In the Dream House by Carmen Machado and *Gender Queer* by Maia Kobabe as examples of the “pornography” in Texas public school libraries. Both are LGBTQIA+ memoirs.

Avatara Smith-Carrington, staff attorney at Lambda Legal, said “Governor Abbott’s letters labeling coming-of-age stories as pornography simply because they involve LGBTQ people are attempts to create environments rife with censorship of ideas and topics that students deserve to have access to. Students need materials and information created with them in mind, in which they can see their own identities and experiences reflected.”

(See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.4: For the Record: Texas).

Reported in: *Los Angeles Blade*, January 23, 2022.

Utah

On December 3, 2021, the Utah State Board of Education (USBE) announced plans to create a new administrative rule governing how school library materials are selected and reconsidered. The change is being made in response to calls from parents demanding the removal of books from school libraries.

During the meeting’s public comment period, Davis County parent Sarah Johnson read a passage from *The Perks of Being a Wallflower*. She said the book was in her son’s school library and that she sent her son on a “secret educational mission” to check out other books she believes should be removed.

Library Media Specialist Naomi Watkins said that librarians seek input from many stakeholders when selecting materials and are concerned primarily with curricular support, enhancing literacy, and encouraging students’ recreational reading.

Sara Wiebke said books should not be removed without a formal complaint and review by a committee including school leaders, librarians, teachers, parents, and students tasked with reading the book in its entirety and voting on whether or not it should be retained.

Wiebke said libraries should have regularly updated reconsideration policies posted on their school’s website.

USBE board member Natalie Cline had different opinions about how the reconsideration process should work and on school library media specialist’s criminal liability for material selection.

Cline said that any inappropriate book “needs to be pulled off immediately. If it’s being put in there knowingly, that’s negligence and criminal, and we need to take strong actions against people that would intentionally try to sexualize our children.”

USBE’s administrative rules are legally binding for districts and charter schools. The third draft of the proposed school library rule revision was approved by the Law and Licensing Committee on January 14 and has been under board review since February 3.

Reported in: *KUER*, December 7, 2021.

Virginia

After being sworn into office on January 15, Virginia Governor Glenn Youngkin signed an executive order (EO-1) prohibiting the use of “inherently divisive concepts, including critical race theory [CRT]” in public schools.

EO-1 directs the Superintendent of Public Instruction to end all policies that “promote inherently divisive concepts,” and remove all guidelines that promote or endorse divisive concepts.

Youngkin’s election campaign targeted CRT in schools and included a



60-second ad prominently featuring Laura Murphy, a mother who pushed to remove Toni Morrison's *Beloved* from English curricula. In it, Murphy laments that incumbent Governor Terry McAuliffe vetoed the bill that would have allowed her to do so. (See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.4: For the Record: Virginia).

McAuliffe said that "book banning and silencing esteemed Black authors is a racist dog whistle."

On January 24, Youngkin announced the creation of a tip line email address for reporting public school teachers suspected of teaching "divisive concepts."

"We're asking for folks to send us reports and observations," said Youngkin. "And we're going to make sure we catalog it all."

Loudoun County NAACP President Michelle Thomas called on Black parents to share their concerns: "This tip line has to be for everybody, not just for his supporters, right?"

Singer John Legend urged Black parents to flood the email address with complaints "about our history being silenced." Legend tweeted, "We're parents, too."

Reported in: Business Insider, January 16, 2022, and January 25, 2022; NBC Washington, January 25, 2022.

On January 27 the Virginia Senate's Education and Health Committee rejected legislation that would have required parental consent for students to check out sexually explicit books from school libraries.

The bill had been introduced by Senator Bill DeSteph and was part of governor Glenn Youngkin's education agenda. The initial version of the bill would have involved parents in the selection of all school library material, but it was narrowed in scope before the committee voted on it.

Supporters of the legislation argued that the very existence of the book *Gender Queer* justified its passage. State senator John Cosgrove said, "This last election showed us parents want to have more control over what's happening in schools."

State senator and Education and Health Committee member Chap Peterson disagreed. "I don't think we should be involved in micromanaging school libraries." He also cautioned that any such legislative initiative would sweep up far too many books, including "books that you don't intend to sweep up."

Reported in: ABC News, January 27, 2022.

Tully, New York

Knight Insight, a newsletter meant to spotlight seniors of Tully High School, refused to run the story of one senior they selected because he mentioned that he was gay in response to an interview question.

When asked what the biggest challenge in his life had been, Tyler Johnson responded, "The biggest challenge that I've faced was growing up gay and coming out. I had to learn how to become comfortable in my own skin and how to stay strong through bullying and all the negative experiences I had while trying to navigate through life."

Superintendent Robert Hughes said that Johnson's admission he was a member of the LGBTQIA+ community was the reason the article was pulled from publication.

Johnson said this action emphasized his point. "When they ask what my biggest challenge is and I answer it honestly, then they respond by showing that it is my biggest challenge by trying to silence me."

In a January 9 letter of apology to the school community, Hughes said the decision to pull the article was his

and he made it out of fear that Johnson's response would "stir up additional controversy" and "hinder the work we are doing related to the NYSED Diversity, Equity, and Inclusion Initiative."

Hughes said that "this was not the right decision" and that it went "against the values we are teaching our students, specifically tolerance, acceptance, and resiliency."

The next day, Hughes sent a second letter to the school community about the incident. In it, he announced that the Tully Board of Education (BOE) would be holding an emergency meeting to discuss how the district can address Johnson's concerns and move forward with their DEI initiative, and "create a climate and culture across our District that is supportive of LGBTQIA+ students."

Hughes also announced during their regularly scheduled January 24 meeting, the BOE would vote on establishing a paid advisory position for a Genders and Sexualities Alliance Club and a Community-Wide Dialogue Club to raise awareness of structural racism.

Reported in: CNY Central, January 10, 2022; WSYR-TV, January 13, 2022.

Raleigh, North Carolina

A US District Court lawsuit filed by the Human Rights Defense Center (HRDC) alleges the state North Carolina Department of Public Safety (DPS) has unconstitutionally banned prisoners from receiving issues of *Prison Legal News* and *Criminal Legal News*.

The magazines, both published by HRDC, cover a broad range of news concerning criminal justice, including: inmates' rights, court rulings, prosecutorial misconduct, police brutality, wrongful prosecutions, abuse by prison staff, surveillance, prison



labor, racial disparities in the criminal justice system, and the privatization of prisons.

Over two hundred people detained in correctional facilities in North Carolina have subscriptions to HRDC magazines. The suit lists 23 issues of HRDC magazines and annual reports being banned by DPS between January 2019 and August 2021, including issues dealing with censorship in prisons.

HRDC claims the magazine bans violated both the 1st and 14th Amendments of the US Constitution, and the lawsuit seeks damages and an end to the practice.

Reported in: *Raleigh News & Observer*, November 17, 2021.

Perkasie, Pennsylvania

Pennridge School District administrator Keith Veverka instructed teachers to avoid discussing the January 6, 2021, insurrection.

In an email sent on January 5 to social studies teachers and principals, Veverka wrote that if students ask about the insurrection, teachers should “simply state that the investigation is ongoing and as historians we must wait until there is some distance from the event for us to accurately interpret it.”

Kevin Foster, a parent of two children in the district, was disturbed and concerned by Veverka’s email. “When we start to meddle with what we want to tell kids or not tell kids in terms of history, that’s something that you find in authoritarian countries,” said Foster.

The insurrection occurred when supporters of former president Donald Trump stormed the US Capitol in an effort to stop the vote certifying the results of the 2020 election. Federal law enforcement officials have arrested more than 700 people who took part.

Pennsylvania is the state with the third-most accused insurrectionists arrested. Bucks County, where the Pennridge School District is located, was home to six, more than any other county in the state.

Pennridge School Board president Joan Cullen is a vocal Trump supporter who attended the rally that turned into an insurrection on January 6. Cullen also led the recent initiative to halt all diversity, equity, and inclusion initiatives at the school.

(See: this issue: Censorship Date-line: Perkasie, Pennsylvania).

Reported in: *WHYY*, January 5, 2022.

San Antonio, Texas

Essence Prep, a proposed charter school, was forced to remove all references to anti-racism and community action and all quotes from Ibram X. Kendi from its website before the Texas Education Agency would approve it.

In early 2021, Akeem Brown submitted a nearly 500-page application, promising high academic standards and culturally responsive teaching in a proposal for a school focused on learning about public policy. The application quoted Kendi: “The opposite of racist isn’t ‘not racist.’ It is antiracist.”

Brown’s application progressed smoothly until Governor Greg Abbott signed HB 3979 into law on June 16. HB 3979 bars the teaching of “critical race theory” (CRT) and limits how race, racism, and slavery can be taught and discussed in Texas classrooms.

A four-page itemization of necessary revisions to Brown’s proposal from TEA references HB 3979 9 times, including the requirement to “remove references from website [*sic*] of any statements, authors, or written works in violation of Texas Education Code amended by 3979.”

HB 3979 does not name any specific texts or authors other than The 1619 Project. However, by referring to “authors or written works in violation” of the law, TEA seems to suggest that some writers are effectively barred from schools.

James Tager, research director of PEN America, said, “This is a state body saying our interpretation of the bill means you cannot refer to specific authors when developing your educational vision.”

Tager said that by extension, schools could reasonably interpret this to mean that Kendi’s work is barred from classrooms, too.

Reported in: *Chalkbeat*, January 6, 2022.

Southlake, Texas

On November 17, the US Education Department’s Office for Civil Rights (OCR) confirmed they were investigating allegations of discrimination at the Carroll Independent School District (ISD).

The week before, the agency opened three investigations into complaints about discrimination against students based on their race, gender, and national origin.

OCR is responsible for enforcing federal laws protecting students from discrimination. Investigations are comprehensive so cases are often slow to reach a resolution.

Three years before the investigation opened, Carroll ISD promised to make sweeping changes to address racism in their schools after a video of white high school students chanting racial slurs went viral and dozens of parents, students, and recent graduates disclosed stories of racist harassment.

The district designed a Cultural Competence Action Plan to address the underlying causes through diversity training for students and staff, tracking racist bullying, and



committing to hold students accountable for acts of discrimination.

The plan was scuttled before it could be implemented, through efforts funded by the Southlake

Families PAC. This PAC backed successful campaigns to elect more conservative school board members and funded a lawsuit to block the plan's implementation.

(See: *Journal of Intellectual Freedom & Privacy*, v.6 iss.4: Censorship Dateline: Schools: Southlake, Texas).

Reported in: NBC News, November 17, 2021.