



## Nationwide

In February, Follett, makers of the popular school library automation system Destiny, began receiving requests from school districts in Florida, Texas, and Georgia to allow parental access to children's library accounts and a means for parents to prevent their children from checking out specific titles.

In response to these requests and in light of recent legislation along the lines of Florida's Parental Rights in Education Bill being introduced in 21 states, Follett announced they were exploring ways of implementing parental monitoring and control features into Destiny.

This news was met by significant pushback from school librarians, educators, and authors who viewed such features as a violation of students' privacy and their right to read. Of particular concern was the harm posed to vulnerable students, particularly those who are lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+).

Britten Follett, CEO of content at Follett School Solutions acknowledged the painful tension between district administrators' concerns, legislative pressures, students' rights, and library ethics.

"The librarians in those states that are going through this right now, they're scared for their careers," said Follett. "They want to attempt to comply with what parents are asking for, but at the same time defend the student's right to explore topics that they want to read or research in the library."

On April 1, Follett announced they would stop exploring ways to develop invasive parental access to students' library accounts. Follett said, "What's abundantly clear is that these types of parental controls built into Destiny are not in the best interests of our customers."

"I would just hope that we turn all of this energy into something positive [and] change the conversation around getting books in the hands of kids, which is truly what all of our missions are," concluded Follett.

**Reported in:** *Library Technology Newsletter, March, 2022; Publishers Weekly, April 2, 2022.*

## Alabama

State Superintendent Eric Mackey informed members of the Alabama House Education Policy Committee that he was receiving calls from parents who considered the observation of Black History Month as a form of teaching critical race theory.

Alabama's state Board of Education banned the teaching of critical race theory on August 12, 2021. However, they never reached consensus on how to define critical race theory or provided guidance on what it looks like in K-12 classrooms.

The vagueness of the ban has resulted in pushback against teaching about racism in American history.

In response to the announcement from Mackey, Birmingham Mayor Randall Woodfin tweeted, "Alabama's history is Black history. It's enslavement, lynching, Jim Crow, brutality, and oppression. And it's about the brave heroes that worked, fought, bled, and even died for equality."

Complaints that Black History Month programs were critical race theory were characterized by Alabama Department of Archives and History director Steve Murray as "foreboding indicators of what we can expect following passage of legislation restricting topics in history classrooms."

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

**Reported in:** *AL.com, February 3, 2022; Washington Post, February 4, 2022.*

## Arizona

On April 29, Arizona Governor Doug Ducey signed HB 2439 into law. The law requires school staff to publish a list of new books added to the library on their website and keep it up for at least 60 days after purchase. The law applies to public and charter schools.

The bill also grants parents access to a list of books and materials checked out by their children.

Schools without a full-time library media specialist are exempt, as are those that have agreements with county or municipal public libraries.

The provisions of the law go into effect on January 1, 2023.

**Reported in:** *Courthouse News Service, April 18, 2022.*

## Florida

On April 15, the Florida Department of Education (FDOE) issued a press release stating that they rejected the adoption of 41% of proposed math textbooks because they "contained prohibited topics" including "references to critical race theory (CRT)" and "the unsolicited addition of social emotional learning (SEL) in mathematics."

Most of the 54 textbooks which were rejected were intended for use in elementary schools.

The announcement came at a time when many school districts had already reviewed and approved new textbooks for the upcoming school year.

Florida is one of 20 states with state-level textbook adoption, meaning that officials in the capitol as opposed to those in school districts determine which textbooks can be used.

Publishers are motivated to revise the content of textbooks to align with the specifications made by the largest markets. Subsequently, these 20 states, particularly populous ones like Florida,



wield disproportionate influence over the textbook market. According to Philip Elliott, that makes Governor Ron DeSantis “the de facto arbiter of what millions of students, even outside of Florida, are learning.”

FDOE was not immediately forthcoming on which textbooks were rejected or the sorts of passages that justified their exclusion. Regardless, the maneuver sent a message to publishers of textbooks on all subjects and at all grade levels.

On April 28, nine math textbooks were added back to FDOE’s approved list after the publishers agreed to remove the content they objected to. An additional 29 of the formerly forbidden textbooks were approved on May 13.

In May, FDOE released thousands of documents pertaining to the textbook review and approval process. These revealed that reviewers were required to indicate whether or not textbooks contained critical race theory, culturally responsive teaching, or social justice topics. Any book alleged to contain them was not approved.

Only 3 of approximately 70 textbook reviewers flagged textbooks for containing critical race theory. Most were flagged by Chris Allen, a member of Moms for Liberty. Two other books were questioned by two men affiliated with Hillsdale College, a conservative private school.

Inclusion of statistics and demographic data on race, or poll data on social topics such as gun control, the death penalty, or *Roe v. Wade*, were used as justification for textbooks’ dismissal.

**Reported in:** *Washington Post*, April 16, 2022, April 29, 2022; *The Palm Beach Post*, April 18, 2022; *Time*, April 19, 2022; *News4Jax*, May 6, 2022; *Orlando Sentinel*, May 6, 2022, and May 17, 2022.

On March 25, Governor Ron DeSantis signed HB 1467 into law, creating a 12-year term limit for school board members, revising school board requirements for the selection and adoption of instructional material, and requiring lists of instructional material available in libraries or used in classes to be posted on school websites.

It also provides that “meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public.” Furthermore, it requires that “any committees convened for such purposes must include parents of district students.

The new law requires that each district board “select, approve, adopt, or purchase all materials as a separate line item on the agenda and must provide a reasonable opportunity for public comment. The use of materials described in this paragraph may not be selected, approved, or adopted as part of a consent agenda.”

HB 1467 makes school principals “responsible for overseeing compliance with school district procedures for selecting school library media center materials.”

Additionally, each district is required to submit an annual list to the Florida Department of Education (FDOE) of “each material for which the school district received an objection” and “each material that was removed or discontinued as a result of an objection” that includes the grade level and course in which the material was used, if applicable.

FDOE will publish and regularly update a list of materials that were removed as a result of objections and distribute the list to school districts “for consideration in their selection procedures.”

The law strikes the requirement for FDOE to provide training on selecting materials that are “culturally sensitive.”

**Reported in:** *WTSP*, March 20, 2022.

On March 28, Governor Ron DeSantis signed HB 1557 into law. HB 1557 is officially titled “An Act Relating to Parental Rights in Education,” but is commonly known as Florida’s “Don’t Say Gay” bill.

The law states that “classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.”

It also allows for parents to sue school districts if they believe the law was violated.

Defenders of the bill have repeatedly claimed that it only impacts K-3 classrooms. However, the American Civil Liberties Union (ACLU) of Florida points out that the bill’s vague text regarding instruction and materials that are “not age appropriate or developmentally appropriate” are not limited to that grade range.

During a press conference before signing the bill, DeSantis declared that teaching kindergartners that “they can be whatever they want to be [is] inappropriate.”

The Trevor Project predicts the law will have deleterious health effects on children, pointing to studies demonstrating that lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) youth face higher health and suicide risks than their cisgender and straight peers.

According to The Trevor Project, when LGBTQIA+ children have



access to spaces where their gender and sexual identities are affirmed, they report lower rates of suicide attempts.

The law also requires parents to be notified “if there is a change in the student’s services or monitoring related to the student’s mental, emotional, or physical health or well-being” and grants parents access to “their student’s education and health records created, maintained, or used by the school district.”

The Trevor Project said these provisions “appear to undermine LGBTQ support in schools and include vague parental notification requirements, which could effectively require teachers to ‘out’ LGBTQ students to their legal guardians without their consent, regardless of whether [their guardians] are supportive.”

The ACLU of Florida sated in a press release that “Targeting LGBTQ+ youth and families is discriminatory, cruel, and an impediment to students’ and teachers’ rights to equal protection under the law. All young people deserve an inclusive and accurate education, free from censorship or discrimination.”

When the legislation passed the senate, students walked out of Florida schools in protest. The walkout at Winter Park High School was organized by Will Larkins, a gay and non-binary Junior. Larkins is keenly aware of how important access to affirming representations LGBTQIA+ identities is from an early age.

“Growing up, I wasn’t exposed to queer people and I hated myself by fourth grade,” said Larkins. “Knowing that I’m different, and not knowing why, and not having an explanation was awful for me. And knowing that we’re solidifying that into law is so disturbing.”

On March 31, plaintiffs including LGBTQIA+ students and families, the advocacy group Equality Florida,

and the national advocacy group Family Equality filed a lawsuit challenging the law on First and Fourteenth Amendment grounds.

**Reported in:** *Washington Post*, March 8, 2022; *NPR*, March 28, 2022; *ACLU Florida*, March 28, 2022; *Flagler Live*, April 3, 2022.

On April 22, Governor Ron DeSantis signed HB 7, commonly known as the “Stop WOKE Act” into law. The law limits the ways race and racism can be discussed in schools, in workplace training, or “as a condition of employment, membership, certification, licensing, credentialing, or passing an examination.”

The law prohibits instruction that would cause students to “feel guilt, anguish, or other forms of psychological distress” due to past actions committed by members of the same race or sex. However, unlike anti-critical race theory bills and divisive concept bills that have been passed in states previously, HB 7 extends far beyond K-12 and university classrooms.

State senator Shevrin Jones told CNN, “This isn’t even a ban on critical race theory, this is a ban on Black history. They are talking about not wanting White people to feel uncomfortable? Let’s talk about being uncomfortable. My ancestors were uncomfortable when they were stripped away from their children.”

A lawsuit seeking to block the law on First Amendment grounds was filed almost immediately after the bill was signed.

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

**Reported in:** *CNN*, January 20, 2022; *Florida Phoenix*, April 22, 2022; *Orlando Weekly*, April 25, 2022.

On May 9, Governor Ron DeSantis signed HB 395 into law, declaring November 7 of each year to be “Victims of Communism Day.”

The law requires public schools to observe Victims of Communism Day and high school students to receive at least 45 minutes of instruction on “topics such as Mao Zedong and the cultural revolution, Joseph Stalin and the Soviet system, Fidel Castro and the Cuban Revolution, Vladimir Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and the Chavismo movement.”

The bill was co-sponsored by representative David Borrero. When he presented the bill on the House floor, he said it “gives hope to this generation and the next generation that America will never be a communist country.”

The bill is viewed as an effort to both appeal to immigrants who fled Cuba under Castro and Venezuela under Maduro and discredit communist and leftist ideas.

A frequent disparaging comment made by those seeking to ban critical race theory is that it is analogous to Marxism. When he appeared on the FOX News program *Hannity* on March 22, Ron DeSantis said “Critical race theory is basically teaching people to hate our country, hate each other. It’s divisive and it’s basically an identity politics version of Marxism.”

Another topic advocated by the law is the suffering ensuing from the “suppression of speech.”

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

**Reported in:** *Florida Politics*, March 23, 2022; *Florida Phoenix*, March 24, 2022.



## Georgia

On April 28, Governor Brian Kemp signed HB 1084 into law, prohibiting public schools, public charter schools, and public school libraries “from maintaining or promoting certain books.”

The law allows parents and guardians of students to request removal of books and requires the school district superintendent to either remove those books or provide a written explanation of why they were kept within 30 days of receiving the request. The law also allows for a court to overturn any district superintendent’s decision to retain a book.

The books forbidden by the law 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 was championed as an anti-critical race theory bill, though the text itself includes no mention of race. It was passed as an emergency measure “being immediately necessary for the preservation of the public peace, health, or safety.” Because of this, it went into effect on July 1.

Kemp also signed SB 226 into law on April 28. This bill amends the Quality Basic Education Act to include provisions regarding the handling of parent or guardian complaints “alleging that material that is harmful to minors has been provided or is currently available to a student.”

SB 226 requires each local board of education to adopt a complaint resolution policy by January 1, 2023. These policies must indicate that the principal of the school where the student is enrolled (or the principal’s designee) will take action within seven business days of receiving a written complaint.

The required action includes investigating if the material is available, reviewing it if so, determining if it is harmful to minors, and removing or restricting access to it. The principal or their designee is also required to confer with the parent or guardian regarding the outcome of the process.

The law also establishes an avenue for the parent or guardian to appeal the principal’s decision to the local board of education. The board has 30 calendar days to make a determination from the date of receiving the written appeal.

If the board determines that a challenged book is not harmful to minors, the title of the book must be published on the district’s website within 15 days of that decision and remain on the website for at least 12 months.

That same day, Kemp also signed HB 1178, the “Parents’ Bill of Rights.” This act grants parents “the right to review all instructional materials intended for use in the classroom of his or her minor child.”

It also requires school districts to have “procedures for a parent to object to instructional materials intended for use in his or her minor child’s classroom or recommended by his or minor child’s teacher.

While Georgia’s “Parental Bill of Rights” is lengthy, it is not all-encompassing. It states that “this Code section does not and shall not be construed to: . . . apply to a parental action or decision that would end life.”

**Reported in: *St. Clair New-Aegis*, April 1, 2022; *The Atlanta Journal-Constitution*, April 1, 2022, and April 27, 2022.**

## Iowa

On June 8 2021, Governor Kim Reynolds signed HF 802 Iowa’s bill prohibiting the teaching of “divisive concepts” into law. The law prohibits

teaching that institutions or peoples can be systematically racist or sexist.

In Iowa, as in other states, the law’s vagueness has resulted in fear, confusion, and self-censorship in districts and classrooms.

Margaret Buckton, legislative analyst and executive director for the Urban Education Network, said that conversation “digging deep into racial inequality [were] slowed by this.” The law even impacted how schools observed Black History Month.

U.S. history teachers at Ankeny High School have previously watched *Selma*, a PG-13 movie about Martin Luther King Jr. leading a group of approximately 600 people on a 54 mile march from Selma to Montgomery, Alabama, in March 1965.

The march depicted in the film was part of a series of civil rights protests and an effort to register Black voters. It was met with deadly violence from local authorities and White vigilante groups.

This is the first year that administrators indicated sections of the film that couldn’t be shown. Instructors were given time stamps at which they were required to mute or fast forward parts of the movie.

In other districts, teachers have reported the chilling effect the law has had on culturally responsive teaching, and diversity, equity, and inclusion work.

Stephanie Jones, assistant professor of education at Grinnell College, said educators are being “legislatively admonished” for attempting to talk about racism.

Jones said that teachers whose practices did not change in response to the passage of HF 802 were likely not doing diversity, equity, and inclusion work in the classroom.

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



**Reported in:** *Axios Des Moines*, February 7, 2022; *The Gazette*, February 21, 2022.

## Mississippi

On March 14, governor Tate Reeves signed SB 2113 into law, barring the teaching of critical race theory (CRT) in public schools throughout the state.

In a video of the bill signing, Reeves declares, “In too many schools around the U.S., CRT is running amok. It threatens the integrity of education and aims to only humiliate and indoctrinate. That’s why I signed legislation that will help keep CRT where it belongs—out of classrooms.”

When the Senate voted to approve the bill on January 21, every Black state senator walked out of the chamber in protest.

Mississippi became the 15th state to enact a law explicitly banning CRT or “divisive concepts.” Throughout the country, such measures are being used to limit discussions on race, sexuality, and gender identity in classrooms.

In states like Florida, Texas, and Virginia, these laws are being used to justify the removal of books with Black, indigenous, Latinx, and lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) authors and characters from school libraries.

The vagueness of the laws ushers in fear and uncertainty around what they encompass and has led to sweeping interpretation of them, including schools forgoing observation of Black History Month.

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

**Reported in:** *The Hill*, January 22, 2022; CNN, March 14, 2022.

## Oklahoma

On March 10, the Oklahoma State Department of Education adopted rules to keep critical race theory out of public schools. The rules provide guidance on implementing an anti-critical race theory ban the legislature passed in 2021.

Any teachers who violate the new rules regarding classroom speech on race and gender may have their certificates and licenses suspended or even revoked.

Concerns that the rules are too vague and open to interpretation were recorded in the lengthy compilation of public comments, as were fears that the rules could prevent the teaching of certain parts of U.S. history.

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

**Reported in:** KFOR, March 10, 2022.

On April 20, governor Kevin Stitt signed HB 3543, establishing the Oklahoma Free Speech Committee overseen by the state board of regents.

The committee is tasked with reviewing the free speech policies of public universities, reviewing free speech complaints filed with them, reviewing university training on free speech, and recommending improvements to universities on their free speech policies and training.

The bill also requires to develop or approve an outside First Amendment training that all college deans and department heads will be required to take.

**Reported in:** News on 6, April 18, 2022.

## South Dakota

On April 5, governor Kristi Noem signed an executive order restricting the teaching of “inherently divisive concepts” in public schools.

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

The order tasks state education officials with identifying any school policies, materials, or trainings promoting “inherently divisive concepts” by July 1. It further called for the removal of everything identified by October 1.

Noem signed the executive order after a similar bill she championed was not approved by the legislature.

A separate bill targeting the teaching of critical race theory in colleges and universities was passed and signed into law by Noem (See: Journal of Intellectual Freedom and Privacy, *v.7 iss.1: For the Record: South Dakota*).

**Reported in:** CNN, April 5, 2022.

## Tennessee

On March 24, Governor Bill Lee signed the “Age-Appropriate Materials Act of 2022” into law. SB 2407/ HB 2154 into law, requiring each public school to maintain a list of materials in the school’s library collection and post it to their website and to adopt policy and procedures governing the reconsideration of library material.

A January 28 statement from the Tennessee Association of School Librarians indicated that the bill was unnecessary as these policies already exist and most school libraries have online catalogs. “We feel that current school district board policies, when followed, adequately address concerns raised by parents or guardians about books.”

Others expressed concern over the vagueness of the bill, which requires that school library collections be “appropriate for the age and maturity levels of the students who may access the materials, and . . . suitable for, and consistent with, the educational



mission of the school,” without providing specific guidance.

Mark Finchum, executive director of the Tennessee Council for the Social Studies, remarked “Even the Supreme Court has had trouble defining what obscenity is and if the Supreme Court struggles with this, then the school boards statewide will have even more trouble.”

Tennessee Library Association member Bryan Jones observed that the bill not only opens the door for additional hard censorship in the form of book bans, but that it will also increase soft censorship through a chilling effect on library material selection: “This is an effort to intimidate us to not buy controversial books.”

A separate bill to add a criminal offense for allowing or possessing obscene materials or materials harmful to minors in school libraries was also introduced. HB 1944 passed in the house on March 30, but failed to pass in the senate. Instead, it was deferred to summer study.

In 2021, Tennessee passed legislation banning critical race theory and requiring notification of parents before “providing a sexual orientation curriculum or gender identity curriculum” in any kind of instruction.

**Reported in: *Chalkbeat Tennessee*, January 28, 2022; *Associated Press*, February 4, 2022; *The Tennessean*, March 15, 2022.**

On June 3, Governor Bill Lee signed SB 2247/ HB 2666 into law, granting a politically appointed commission authority to ban school library books statewide. The new law established a process through which parents, school employees, or others can appeal the decisions of book challenges to Tennessee’s textbook commission.

“This essentially opens up opportunities for one parent or one person

to dictate what is in all school libraries in our state,” said Lindsey Kimery, past-president of the Tennessee Association of School Librarians.

The bill passed on the final day of the legislative session, after Jerry Sexton, who co-sponsored the bill, advocated for burning whichever books the commission deemed inappropriate for schools.

When asked on the House floor what would happen to any books banned as a result of his legislation, Sexton said, “I don’t have a clue, but I would burn them.”

Senate minority leader Jeff Yarbro observed, “I just think we are going down a really dark and dangerous path.”

The textbook commission was a pre-existing body. The new law expands both its membership and its authority. The commission will now consist of four members appointed by the speaker of the senate, four appointed by the speaker of the house of representatives, three appointed by the governor, and the commissioner of education or their designee, who serves as a non-voting ex-officio member. Previously, the speakers each appointed only three members.

The commission is not new to controversy. In 2021, house speaker Cameron Sexton appointed Laurie Cardoza-Moore to it. Cardoza-Moore is founder and president of the non-profit Proclaiming Justice to the Nations and opposes any teachings resembling critical race theory. She also helped lead the fight against efforts to establish a mosque in Tennessee.

**Reported in: *Chalkbeat Tennessee*, April 28, 2022.**

On February 2, Pastor Greg Locke of the Global Vision Bible Church in Mount Juliet, livestreamed a book burning conducted as part of a service

at his church. Locke led his congregation in burning books from the *Harry Potter* and *Twilight* series, as well as any others containing “witchcraft or demonism” and those they considered “satanic or leftist.”

“I’ve got every witch and every mason hating this church,” proclaimed Locke.

When the local fire department threatened to extinguish the fire, Locke informed them that “The church has the right to burn cultive materials that they deem are a threat to their religious right and freedoms.”

Locke previously made headlines for denying that COVID-19 was a pandemic and forbidding the wearing of masks in his church. He was present, “praying and preaching” on the steps of the U.S. Capitol on January 6, 2021, when a mob attempted to violently overturn the results of the 2020 presidential election.

**Reported in: KXXV, February 4, 2022; *Business Insider*, February 6, 2022.**

## Texas

On February 22, governor Greg Abbott sent a letter to the Texas Department of Family and Protective Services (DFPS) directing the agency to conduct prompt and thorough investigations of all reported instances of gender-transitioning procedures for children.

Abbott’s letter further states that “Texas law also imposes a duty on DFPS to investigate the parents of a child who is subjected to these abusive gender-transitioning procedures.”

According to Abbott’s letter, everyone in Texas, including licensed professionals, could face criminal charges for not reporting when children receive gender-transitioning procedures.

This directive follows an opinion letter from state attorney general



Ken Paxton to state representative Matt Krause which concluded that under chapter 261 of the Texas Family Code, it constitutes child abuse to perform procedures to “transition individuals with gender dysphoria to their desired gender.”

The Trevor Project and the Gay and Lesbian Alliance Against Defamation (GLAAD) issued statements condemning Abbott’s actions. “The only result of his action will be unnecessary harm to trans people and parents of trans youth,” said GLAAD president and CEO Sarah Kate Ellis

**Reported in: CBS News, February 24, 2022; Attorney General of Texas Opinion No. KP-0401.**

On February 18, Texas lieutenant governor Dan Patrick stated he wanted to end tenure for newly hired faculty members at public universities and revoke tenure from professors who teach critical race theory. He said effecting these changes will be a top priority of the next legislative session.

The Texas Faculty Association, a non-profit advocacy group for higher education faculty and staff, said Patrick’s tenure proposal was “an outright attack on higher education.”

Patrick took this a step further on April 4, when he introduced a blueprint of 84 interim charges for the 2023 legislative session. In addition to his proposed changes to tenure in Texas, this list included banning teaching critical race theory at public institutions of higher education, in a manner akin to what SB 3 did for public schools when it was signed into law on June 8, 2021.

SB 3 went into effect in December of 2021, its vagueness has sown fear and confusion through the ranks of teachers statewide. Maggie Stern, a youth civic education and engagement coordinator for Children’s Defense Fund–Texas, said the bill has had a

chilling effect on all conversations around race, gender, and sexuality.

“When students are bringing up these issues in the classroom—because students are real people who are experiencing these problems—they are being met with this kind of silencing and teachers who don’t want to talk about it,” said Stern.

Ovidia Molina, president of the Texas State Teachers Association, characterized the law as an attack on those engaging in conversations about diversity and inclusion.

The law even impacted observation of Black History Month in some schools.

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

**Reported in: The Chronicle of Higher Education, February 21, 2022; Texas Signal, March 15, 2022; KERA, April 4, 2022.**

In response to growing efforts to ban books at schools and public libraries throughout the state, the Texas Library Association (TLA) organized the Texans for the Right to Read coalition.

TLA is a professional organization with roughly 5,000 members and it hopes the coalition will help inform and organize Texans who oppose efforts to ban books.

“TLA believes that individuals have the right to free inquiry and the equally-important right to form their own opinions. Freedom in selecting materials is a necessary safeguard to the freedom to read and must be protected [from] irresponsible attempts by self-appointed censors to abridge it,” wrote a TLA spokesperson.

TLA president Daniel Burgard said that, “removing books based on the subjective opinions of elected officials has no place in our state or our democratic republic.”

At a campaign event in early 2022, Texas governor Greg Abbott introduced a “parental bill of rights” which would allow prosecution of those who supply minors with “inappropriate material.” TLA’s press release notes that such a bill “could lead to frivolous prosecutions and do irreparable harm to educators and professional librarians.”

TLA president-elect Mary Woodard characterized Abbott’s actions as “an all-out attack on librarians and our profession.”

“The implication by government officials that librarians would intentionally select books that are harmful to students undermines their best efforts and erodes public trust. When librarians are constrained in their ability to choose books, it is students who suffer,” said Woodard.

The website for Texans for the Right to Read states that “its purpose is to educate the public and oppose any current or future legislation, regulations, or executive orders that infringe upon First Amendment rights and intellectual freedom.”

The Texas Freedom Network, National Coalition Against Censorship, Equality Texas, and the Texas Association for Literacy Education have all partnered with the coalition.

**Reported in: KXAN, March 9, 2022.**

## Utah

On March 24, Governor Spencer Cox signed the Utah Consumer Privacy Act, making it the fourth state to have adopted an omnibus privacy law, following California, Virginia, and Colorado.

Like the laws that came before it, the Utah law gives consumers the right to know, access, and delete personal data held by a “controller,” the right to data portability, and the right



to opt out of targeted advertising and the sale of personal data.

The law defines a “controller” as anyone that conducts business in Utah or that targets products or services to consumers in Utah, has an annual revenue of at least \$25 million, and either controls or processes the personal data of at least 100,000 Utah consumers during a calendar year or derives over 50% of gross revenue from selling personal data and controls or processes the personal data of at least 25,000 Utah consumers.

This is a less inclusive definition than those found in other omnibus privacy laws. Unlike the Colorado and Virginia laws which require opt-in consent, under Utah’s law controllers only need to provide notice and an opportunity to opt-out.

**Reported in: *JD Supra*, April 1, 2022.**

On March 24, Governor Spencer Cox signed HB 374 prohibiting “certain sensitive instructional materials in public schools” into law.

The statute defines sensitive material as “instructional material that is pornographic or indecent” and it provides avenue for parents to sue school districts that fail to comply with the law.

On June 1, Utah Attorney General Sean Reyes issued an official memorandum to the Utah State Board of Education providing “analysis regarding HB 374, Sensitive Materials in Schools, and its prohibition of obscenity in school libraries.”

The nine-page memorandum provides specific guidance to local education agencies (LEAs) “to address issues limited to removal of inappropriate books in school libraries.”

It recommends several actions that can be taken to comply with HB 374 and “mitigate the risk of legal challenge.”

The first of these “is to immediately remove books from school libraries that are categorically defined as pornography under state statute. This will help protect the LEAs from potential lawsuits brought by parents or groups alleging the school failed to comply with state laws.”

It provides the three definitions of “pornographic or indecent material” provided in Utah statute and states that “if a school library book meets the definition of *any* of these three standards then the book should be removed from a school library.”

It continues: “Direct compliance with HB 374 and removal of books under state statutes 76-10-1201, 1203, and 1227 will likely insulate LEAs from lawsuits for violations of state statute.”

The memorandum highlights First Amendment concerns with the new law, but states that nothing in the memorandum “should be read to undermine the legislative goal or the laws which aim to initiate and bring about the proactive removal of obscenity from school libraries.”

It cautions that, “even when removal of library books meets strict compliance with HB 374 and related state statutes, a legal challenge will invite application of federal First Amendment jurisprudence.”

However, it also asserts that “any decision or attempt to resist removal of offending material under Section 1227 based on ‘serious value’ or ‘as a whole,’ is fraught with its own risks and potential legal challenge by parents who believe the decision is too permissive and contrary to state statute.”

The memorandum concludes that “LEAs may also analyze the materials as a whole and determine whether the materials have any serious literary, artistic, political, or scientific value. While these are important

considerations, nothing should prevent the Board and LEAs from proactively complying with state law in removing pornographic books from library shelves.”

**Reported in: *KJZZ*, March 5, 2022; *State of Utah Office of the Attorney General*, “Official Memorandum—Laws Surrounding School Libraries,” June 1, 2022.**

## Virginia

On April 6, Governor Glenn Youngkin signed SB 656 into law. SB 656 requires each school board to adopt policies ensuring parental notification of any instructional material that includes sexually explicit content by January 1, 2023.

The policies must allow parents to review any identified instructional material and require provision of alternative instructional material for any students whose parent requests it.

Virginia statutory definition of “sexually explicit content” is as follows:

- (i) any description of or (ii) any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in § 18.2-390, coprophilia, urophilia, or fetishism.

Opponents of the bill stated most school districts in Virginia already have systems in place for notifying parents of any controversial materials assigned in class and provide alternate assignments on request.

Advocacy groups cautioned that SB656 could be used to target books about the lives and experiences of lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and





asexual (LGBTQIA+) individuals. There is also fear of a chilling effect on the selection of course materials.

Adam Polaski, a communications director for the Campaign for Southern Equality, wrote that, “It is so vague that it could empower anti-LGBTQ+ forces to contest a broad range of educational materials, such as those that simply include LGBTQ+ characters or historic figures.”

Former Governor Terry McAuliffe vetoed a similar bill in 2016. This was the focus of an attack ad used during Youngkin’s campaign against him (See: *Journal of Intellectual Freedom and Privacy v.6 iss.4: For the Record: Virginia*).

**Reported in: *Virginia Mercury* February 9, 2022; *WRIC*, March 4, 2022; *XTRA*, March 24, 2022.**

## Manhattan Beach, California

At the January 12 Board of Education meeting for the Manhattan Beach Unified School District (MBUSD), City Council member Suzanne Hadley voiced objections to two books and a link to the Alex Awards on the Mira Costa High School’s website.

Each year, Alex Awards are given to ten books written for adults that have special appeal for young adults. The books are selected by the American Library Association (ALA) and the Young Adult Library Services Association (YALSA).

The books Hadley targeted were *Lawn Boy* by Jonathan Evison and *Gender Queer: A Memoir* by Maia Kobabe. Both are critically-acclaimed and award-winning books with lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) themes and characters. Both received Alex Awards.

After being advised elementary school students were in attendance at

the meeting, Hadley read brief sexually explicit excerpts. She then falsely claimed the books violated the California Education Code.

Neither book is part of the MBUSD curriculum nor in a school library in the district. *Gender Queer* is in one classroom library.

Shawn Chen, president of the Manhattan Beach Unified Teachers Association, said “It’s all about the dog whistle for her. She doesn’t care about books. She’s alerting her constituents with a well-publicized rallying cry.”

**Reported in: *Easy Reader & Peninsula*, February 14, 2022.**

## Orange County, California

On April 5, the Placentia-Yorba Linda Unified School District board voted 3-2 to ban the teaching of critical race theory and “other similar frameworks” in its classrooms.

The two board members who opposed the measure argued the resolution was politically driven and would censor educators. Board president Carrie Buck, who voted against the resolution, said teachers and students were largely opposed to it.

“This is the first time in the 12 years I’ve been here that I’ve had 105 students send me an email or call me or send me messages saying, ‘Don’t do this,’” said Buck.

The majority of those in attendance who spoke during the public comments section also opposed the resolution.

Board member Leandra Blades, who supported the ban, is no stranger to controversy. Last year, there were calls for her to resign after she attended the rally outside the White House on January 6, 2021.

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

**Reported in: *Los Angeles Times*, April 6, 2022.**

## Greeley, Colorado

On February 4, a teen librarian filed state and federal discrimination complaints alleging she was fired by the Erie Community Library branch of the High Plains Library District (HPLD) after objecting to the cancellation of programs she planned for youth of color and lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) teens.

Brooky Parks claims she was terminated from her job because she advocated for LGBTQIA+ youth and youth of color, who are protected under the Colorado Anti-Discrimination Act, and for opposing unlawful discrimination practices.

On November 15, HPLD’s board approved a change to their programming policy to state that “the district does not present programs that are intentionally inflammatory or polarizing.”

On November 17, Park was informed she needed to rename her Read Woke book club, cancel an upcoming anti-racism workshop for teens, and cancel a program for LGBTQIA+ teens called “Resistance Through History, and You!” A children’s librarian was also instructed to cancel a program which included the words “social justice.”

In a statement, Park wrote that “I was not put on any performance improvement plan and had no previous indication that my job was at risk. Instead, the abruptness of the library’s decision to raise all of these ‘performance issues’ just after I began pressing the district on its discrimination policies suggested to me that my termination was purely retaliatory.”

Michelle Sparks, a library associate at the Erie branch said, “The message that was sent when Brooky was fired was ‘this is no longer a discussion, we



aren't talking about it anymore, and you will toe the line.”

**Reported in: *Denver Post*, February 5, 2022.**

### Providence, Rhode Island

On February 21, a group of people carrying a swastika flag and chanting “White power” banged on the windows of The Red Ink Library, a small nonprofit community library, which was hosting a reading of *The Communist Manifesto* by Karl Marx and Friedrich Engels for Red Books Day.

Providence police broke up the protesters, who are alleged to have been members of the neo-Nazi group the 131 Crew also known as the Nationalist Social Club. No one was injured or arrested.

The Jewish Alliance of Greater Rhode Island, the Board of Rabbis of Greater Rhode Island, and the Sandra Bornstein Holocaust Education Center issued a joint statement on February 22 condemning the actions of the 131 Crew.

**Reported in: *New York Times*, February 22, 2022.**

### Campbell County, Virginia

On February 7, the Campbell County School Board voted unanimously to direct staff to draft a resolution “condemning the use of inherently divisive concepts including critical race theory.”

Jackie Mendez, a Campbell County resident applauded the board's decision during the public comments section of the meeting. “Our children are being introduced to words such as ‘race’ and ‘advocate.’ I think this is outrageous. I wasn't learning those words in third grade.”

On April 25, the board voted unanimously to adopt the drafted resolution, which states that district schools will not teach critical race theory, including the use of *The 1619 Project*.

The action in Campbell County came after Virginia Governor Glenn Youngkin signed an executive order prohibiting use of “inherently divisive concepts, including critical race theory” in public schools on January 15.

*See: Journal of Intellectual Freedom and Privacy, v.6 iss.3: For the Record: Nationwide, v.6 iss.4: For the*

*Record: Virginia, and v.7 iss.1: For the Record: Virginia.*

**Reported in: *The News & Advance*, February 8, 2022.**

### McLean, Virginia

Langley High School principal Kimberly Greer apologized to parents that a sign stating “Stuff Some Adults Don't Want You to Read” was included in a display of library books which were challenged or banned in other school districts.

The apology came after members of Women's Forum, a conservative activist group, protested the display on social media.

The sign was removed from the display in the library.

Book banning has been a contentious topic in Virginia, particularly following the election of Governor Glenn Youngkin.

*See: Journal of Intellectual Freedom and Privacy v.6 iss.4: For the Record: Virginia, and v.7 iss.1: For the Record: Virginia.*

**Reported in: *The Hill*, February 17, 2022.**