



Library Councils Could Lead to One-Sided Censorship of Student Learning

IDRA Testimony against SB 13, submitted by Chloe Latham Sikes, Ph.D., to the Texas House Committee on Public Education, May 6, 2025

Dear Chair Buckley and Honorable Members of the Committee:

My name is Chloe Latham Sikes, Ph.D. I am the deputy director of policy at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

IDRA opposes Senate Bill 13 because it introduces new processes for school districts to ban books because a select few individuals do not like the perspective or content of the material. School and community leaders may already use evidence-based policies and practices to reasonably review and assess whether a particular library material is appropriate for a student population. This bill's new framework to censor books through local school district library advisory councils is a misguided use of political power that plainly violates constitutional law and creates a dangerous opportunity for censorship.

First, states and schools do not have unfettered discretion to censor curricula for students. As the U.S. Supreme Court stated in *Island Trees v. Pico*, the U.S. Constitution “does not permit the official suppression of ideas” based upon “narrowly partisan or political” interests or a desire to deny access to ideas with which school officials merely disagree (*Bd. of Educ. Island Trees Union Free Sch. Dist.*).

Similarly, courts have repeatedly affirmed that students “may not be regarded as closed-circuit recipients of only that which the state chooses to communicate,” and “school officials cannot suppress ‘expressions of feeling with which they do not wish to contend’” (*Tinker v. Des Moines*).

These constitutional mandates are designed to protect all viewpoints – including and especially minority and historically-marginalized individuals and communities and protections – as part of our democratic values, our commitment to free speech and expression, and as a necessary component of students’ learning progress.

Second, we know that book bans are biased. To date, thousands of books by or about Black, LGBTQ+ and other systemically-marginalized groups have been banned from our nation’s schools. Recent analysis by PEN America found that over 4,000 unique titles were banned from schools in 2023-24 – more than double the number of bans from the previous year (2024). Particularly troubling, banned books overwhelmingly include books with people and characters of color (44%) and books with LGBTQ+ people and characters (39%), meaning that these books were very likely targeted with a bias.

Banned books include materials discussing the United States’ history of racism; prominent books by Black women authors with themes of race and racism; anti-Black police brutality; and fiction

centered on Black, Latino and LGBTQ+ characters and plotlines (Duggins-Clay, 2022). Regressive censorship policies are being used as a pretext to target Black and LGBTQ+ writers, educators, scholars and students (Reiling, 2022).

SB 13 contains no protections to ensure that state and local officials are not engaging in intentional or implicit discrimination or bias in their decisions to procure or remove books. It also contains no standards for training school officials and community members appointed for book review committees on legal. It contains no educational or ethical standards for book reviews. And it contains no clear processes or rubric for determining and adopting the “local community values” that a council’s review would adhere to.

All students deserve access to culturally relevant teaching, library materials, equitable resources and a safe learning environment. All students, including Black and Latino students, other students of color, and LGBTQ+ students, deserve to learn in settings that are inclusive of their experiences and provide information that is relevant to their experiences.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact me at chloe.sikes@idra.org, or Paige Duggins-Clay, J.D., at paige.duggins-clay@idra.org.

Resources

- Bd. of Educ. Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853 (1982).
- Camiscoli, S.M., Duggins-Clay, P., Salmanova, M., & Chamakh, I. (2024). Youth Dignity Takings: How Book Bans and Trans Bans Take Youth Property and Dignity. *Loyola Interdisciplinary Journal of Public Interest Law*, Vol. 1. <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1000&context=lijpil>
- Davies, D. (June 22, 2023). Facing Book Bans and Restrictions on Lessons, Teachers Are Scared and Self-Censor. NPR. <https://www.npr.org/2023/06/22/1183701813/facing-book-bans-and-restrictionson-lessons-teachers-are-scared-and-self-censor>
- Duggins-Clay, P., & Lyons, M. (May 2024). Preventing and Addressing Identity-based Bullying and Harassment. IDRA Model Policy Issue Brief. <https://idraseen.org/wp-content/uploads/2024/05/Identity-based-bullying-Model-Policy-Brief-IDRA-May-2024-1.pdf>
- Duggins-Clay, P. (May 5, 2022). Letters Demand Books Returned to Shelves in Four School Districts. *IDRA Knowledge is Power*. <https://www.idra.org/resource-center/letters-demand-books-returned-to-shelves-in-four-school-districts/>
- Feingold, J., & Weishart, J. (2023). How Discriminatory Censorship Laws Imperil Public Education. National Education Policy Center. <http://nepc.colorado.edu/publication/censorship>
- IDRA. (April 7, 2022). Students Deserve Access to Books and Curricula that Reflect Their Experiences – IDRA Statement on U.S. House Hearing “Free Speech Under Attack: Book Bans & Academic Censorship.” <https://www.idra.org/resource-center/students-deserve-access-to-books-and-curricula-that-reflect-their-experiences/>
- Reiling, E. (July 5, 2022). Are Texas’ Efforts to Censor “Obscene” Books and CRT Based on a Pretext? What Does the First Amendment Have to Say About It? *Villanova Law Review*. <https://www.villanovawlawreview.com/post/1582-are-texas-efforts-to-censor-obscene-books-and-crt-based-on-a-pretext-what-does-the-first-amendment-have-to-say-about-it>
- PEN America. (November 1, 2024). Banned in the USA: Beyond the Shelves. <https://pen.org/report/beyond-the-shelves/>
- Tinker v. Des Moines Indep. Cmty. Sch. Dist.* 393 U.S. 503 (1969).
- West Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.