

## Critical Analyses of DEI Issues and Ways Forward

Issue Briefs from the Diversity Scholars Network

# Counteracting educational censorship, book bans, and anti-DEI legislation

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The prevalence of educational censorship has drastically increased in the last 6 years and is observable in efforts to  censor K-12 curriculum and instruction  and attempts to  restrict discussions about systemic oppression  in higher education. These initiatives have had  a chilling effect on teachers, administrators, and students . Penalties for engaging in behavior prohibited by these bans are often severe, which have prompted individuals, institutions, and educational companies to suppress presumptive proscribed speech and/or actions through proactive and reactive approaches.

According to  PEN America , 1,477 books were banned in educational institutions in the United States between July and December 2022.  Book bans  have occurred in 86 school districts comprising 2,899 schools with a combined enrollment of over 2 million students in 26 states. New laws and legislative efforts to restrict teaching have created a chilling effect; or  “Ed Scare,”  resulting in educators, librarians, and school administrators proactively censoring books in fear of severe professional consequences and/or criminal punishment.

Take the case of Scholastic,  “the world's largest publisher and distributor of children's books” , which is the educational company responsible for the book fairs taking place in primary and secondary schools throughout the continental United States. Scholastic recently enacted a policy that allowed schools to “opt-out” of receiving a list of books that they identified as centering stories about  minoritized  communities and books written by BIPOC and LGBTQIA+ authors.  The company stated  that their creating a separate collection of books consisting of “mostly LGBTQIA+ titles and books that engage with the presence of racism in our country” was implemented in an effort  to help schools navigate the growing number of book bans in the U.S.  After extensive backlash from  social activists  and activist organizations like PEN America, Ellie Berger who serves as President of Scholastic Trading Publishing  issued a statement  reversing their policy and apologizing for “the pain” it caused.

Although the majority of laws and legislation ratifying book bans are drafted in reference to

K-12 schools, teachers, and curricula, post secondary educators and administrators have also been affected by bills targeting higher education and anticipate an increase of legal challenges in the future. According to [CRT Forward](#), “a total of 240 local, state, and federal government entities across the United States have introduced 777 anti-Critical Race Theory bills, resolutions, executive orders, opinion letters, statements, and other measures” since September of 2020. These efforts are particularly acute in specific subject areas, such as those pertaining to race, gender, and sexuality. The ACLU in their article, [Defending Our Right to Learn](#), highlights how [Critical race theory \(CRT\)](#) and the [1619 Project](#) have been targeted for anti-DEI legislation.

The [National Center for Institutional Diversity](#) is proud to highlight scholars actively working to protect academic freedom and counteract book bans as well as other forms of educational censorship. Consider the work of the following scholars; each is a member of NCID’s [Diversity Scholars Network](#).

**Taifha Alexander, JD** is the [CRT Forward project director](#) of the [UCLA School of Law Critical Race Studies Program](#). She manages an initiative “dedicated to utilizing data, policy, and legal analysis to support and advance an accurate representation of Critical Race Theory (CRT).” The Tracking Project, CRT Forward’s flagship initiative, identifies, tracks, and analyzes local, state, and federal measures aimed at restricting the ability to speak truthfully about race, racism, and systemic racism through a campaign to reject CRT.” Read more about Professor Alexander’s work [here](#).

Professor Alexander offered this additional insight:

*“If you live in the United States, chances are that, at some level, an anti-CRT measure has been introduced in your state. More specifically, anti-CRT measures have been introduced from Alaska to New Hampshire and nearly everywhere in between, the only exception being Delaware. While nearly 800 anti-CRT measures have proliferated government agencies at the local, state and federal levels, there is still room for hope through activism and resistance. Legal and advocacy organizations are engaged in challenging anti-CRT measures in the policymaking process and through the judicial process to ensure students have access to the tools necessary to address some of the most pressing racial and social justice issues of our time.”*

**Nina Flores, PhD** is an [associate professor](#) with the Equity, Education & Social Justice Graduate Program at California State University, Long Beach. Dr. Flores specializes in using critical pedagogies and pedagogies of the body in her courses and is always looking for unexpected and creative ways to build community, connect with students, and approach issues of equity and injustice with critical hope and radical love. Consider this webinar ([Safeguarding Principles:](#)

Interrogating Free Speech in Diversity, Equity & Inclusion (DEI) Discourse) where Dr. Flores served as a panel presenter.

Dr. Flores, whose research focuses on scholar safety and support, offered commentary on how faculty who find themselves, their curriculum, or their classes caught in the middle of politicized culture wars can be supported.

*"From book bans to anti-DEI bills we're seeing the local and legislative efforts meant to censor and silence. What happens when this environment contributes to public harassment of our educators, faculty, or staff? In my research and workshops, I ask how we can better support our colleagues when they endure harassment by the public related to their research, teaching, DEI work, and more. Targeted harassment can produce wide-ranging implications for scholar safety, so now is the time to ensure we have plans in place at individual, department, and institutional levels for supporting faculty and staff as they navigate these incidents."*

**Lori Martin, PhD** is a full professor at Louisiana State University. Dr. Martin is the author or editor of nearly 30 books and dozens of scholarly journal articles and book chapters. Dr. Martin's books include *White Sports Black Sports* and *Racial Realism and the History of Black People in America*. See Dr. Martin's article, Black Out: Backlash and Betrayal in the Academy and Beyond.

Dr. Martin saw connections between the current spate of educational censorship and the national conversations about race sparked by the killing of George Floyd while in police custody in 2020. She described the expansion of anti-racist program as "George Floyd hires. Men and women hired as a show of good faith, a down payment on promises that colleges and universities would do better." But now she sees these advancements being rolled back.

*"Evidence that many members of the dominant racial group in the United States reneged on the so-called racial reckoning can be found in (1) the removal of statements against anti-Black sentiments, (2) the misrepresentation of critical racial theory, (3) the January 6, 2021, insurrection at the US Capitol, and (4) in the minimization, and in some cases erasure, of Blackness, particularly Black deaths in conversations and plans regarding DEI initiatives."*

These scholars are working to counteract educational censorship through empirical research and data-driven outreach. Their efforts and diligence in research have allowed for a re-framing of the issue. Book bans are not a manifestation of a movement. Educational gag orders are not the result of a nation revolting against "woke-ism", intersectionality, and social justice.

According to the [Washington Post](#), eleven individuals are responsible for 60% of book challenges made in the 2021-2022 school year. This revelation is reminiscent of Berkowitz's work on misconceptions and the social norms approach, which states that "our behavior is influenced by incorrect perceptions of how other members of our social groups think and act" ([Berkowitz, 2004, p. 5](#)). The actions of eleven individuals has led to tens of thousands of books being removed from schools and classrooms nationwide.

It is jarring that such a small number of individuals have negatively affected pedagogy within the United States, the education of students, and the careers of educators, staff, and administrators. However, this highlights the issue of perception versus reality. It is widely assumed that the majority, or at least a large swath of the population, want these censorship measures in place. This is the perception. In fact, there is substantial evidence to suggest that book bans are broadly unpopular.

The perspective is that the country is widely in favor of educational censorship. The reality is that the majority of book challenges have been made by less than a dozen people. These individuals are outliers. They are not a contingent and the perception that their views represent the majority of those in this country is incorrect. There is opportunity to shift this narrative by leaning into what the data bears, coalescing a community of accomplices, and within our spheres of influences and capacities, bravely offering a counternarrative to rebuff educational censorship.

### **For Your Information**

1. [CRT Forward](#) created and launched by UCLA School of Law Critical Race Studies Program (CRS) as "an initiative to address the current attacks on Critical Race Theory (CRT) while also highlighting the past, present and future contributions of the theory". Their [executive summary](#) and their [full report](#) are publicly available.
2. For more information on [legislative efforts to restrict teaching](#) see [PEN America Index of Educational Gag Orders](#) and specifically Florida's [HB 1557](#), [HB 7](#), & [HB 1467](#); Missouri's [SB 775](#); Utah's [HB 374](#)).
3. For more information on anti-DEI bans leading to the removal of resources for students attending postsecondary institutions in the United States see [Anti-DEI Laws Take Aim at Students of Color and LGBTQ+ Students](#) and [DEI Bans at Colleges: What Students Should Know](#).
4. A complete list of [PEN America's Index of banned books](#).

5. For more information on Scholastic’s policy reversal see [Scholastic backtracks, saying it will stop separating diverse books for fairs in 2024](#).
6. For more information on perceptions of book bans see
  - a. [A national poll](#), commissioned by the nonprofit EveryLibrary Institute and conducted by nonpartisan firm Embold Research
  - b. [A survey](#) conducted by Hart Research Associates and North Star Opinion Research on behalf of the American Library Association
  - c. [A NPR/Ipsos poll](#)
  - d. [A CBS News/YouGov survey](#)
  - e. [A 2023 American Values Survey](#) conducted by PRRI in partnership with the Brookings Institution

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