



March 3, 2025

Senate Committee on Education  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**RE: Testimony in Support of Senate Bill SB 1098**

Dear Chair Frederick, Vice-Chair Weber, and members of the committee,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonprofit, nonpartisan organization dedicated to preserving and enhancing civil rights and civil liberties, with more than 42,000 members and donor supporters statewide.

**We strongly support Senate Bill 1098, which would:**

- **Prohibit discrimination in decisions about textbooks, instructional materials, program materials and library books used in Oregon public schools.**
- **Ensure that only parents and guardians of enrolled students, or school district employees can submit book removal requests.**
- **Require that no book removal occurs until the challenge process is complete, with a written explanation provided by the review committee.**
- **Create a new position at the Oregon Department of Education to support licensed school librarians, classified library staff, teachers, and administrators who have been navigating these challenges and evolving regulations without state-level guidance.**

Since its founding, the ACLU has opposed censorship in all forms. From books and radio to film, television and the internet. We have consistently fought to make sure that Americans have the right to, think, read and express themselves freely without fear of government reprisal. We believe in an educated society where ideas are openly shared, discussed and debated. Throughout our history, we have worked to protect people's right to access information and make up their own informed decisions.

- Over the last three years, Oregon has seen a sharp increase in book bans and censorship efforts, often targeting materials that center LGBTQI+ individuals, Black and Indigenous communities and other people of color.
- In 2023, 4,240 titles were targeted nationwide, with a majority being written by or about LGBTQIA+ people, Black people, Indigenous people and other people of color.<sup>1</sup>

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<sup>1</sup> [Censorship by the Numbers | Banned Books](#)

- A Washington Post analysis found that 60% of all book challenges nationwide in the 2021-2022 school year were initiated by the same 11 people.<sup>2</sup> Demonstrating that a small, ultraconservative minority is driving this movement.
- According to the 2024 State Library of Oregon data, book challenges increased 44 % from the previous year.<sup>3</sup>
- Just this past December, in the Grants Pass School District, two books were removed by two individuals with no children in the school district.<sup>4</sup>

Current Oregon law requires inclusive selection of instructional materials and generally prohibits discrimination in education, but there is no explicit legal protection against banning books based on the identities represented or authorship. SB 1098 closes this loophole by ensuring that viewpoint-based censorship is recognized as a violation of Oregon’s anti-discrimination laws and against Oregon values.

We know that the majority of parents, community members and voters do not support book bans, and those who do are a fringe minority. In fact, a Washington Post analysis determined that 60% of all book challenges across the United States in the 2021-2022 school year were initiated by the same 11 people.<sup>5</sup> Just this past December, in the Grants Pass School District, two books were removed by two individuals with no children in the school district.<sup>6</sup> In the State of Library report, “reasons for challenges are not known for 40% of the materials, particularly when the initiator is unidentified”.<sup>7</sup>

Book bans and classroom censorship erase the history and lived experiences of women, people of color and the LGBTQIA+ community by restricting discussions on race, gender and sexuality – topics that shape students’ daily lives. These bans limit students’ ability to engage with diverse perspectives, expand their world view and connect with others.

This is a critical First Amendment and democracy issue. The U.S. Supreme Court has consistently affirmed student’s rights to access information:

- In *Tinker v. Des Moines* (1969), the court ruled that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."<sup>8</sup>
- In *Board of Education v Pico* (1982), the Court explicitly held that students have the right to access information and ideas in school libraries.<sup>9</sup> This includes not just the right to speak but the right to learn<sup>10</sup>.

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<https://www.washingtonpost.com/education/2023/09/28/virginia-frequent-school-book-challenger-spotsylvania/>

<sup>3</sup>*Oregon Intellectual Freedom Clearinghouse 2024 Report: [ld.php](#)*

<sup>4</sup>[Grants Pass School District removes two books from high school library - OPB \(2024\)](#)

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<https://www.washingtonpost.com/education/2023/09/28/virginia-frequent-school-book-challenger-spotsylvania/>

<sup>6</sup>[Grants Pass School District removes two books from high school library - OPB \(2024\)](#)

<sup>7</sup>*Oregon Intellectual Freedom Clearinghouse 2024 Report: [ld.php](#)*

<sup>8</sup>*Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969). (1982).

<sup>9</sup>*Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853 (1982).

<sup>10</sup>*Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853 (1982).

Censorship of books and information is anti-democratic. Our communities and democracy are strengthened when all people, especially young people, have access to stories and educational materials that reflect their identities and lived experiences. Students deserve to see themselves represented in their libraries, classrooms and textbooks. They also deserve the opportunity to learn about those whose experiences differ from their own.

Local school boards and educators will retain full authority over curriculum and material selection. SB 1098 will not prevent schools from considering factors like age appropriateness, vulgarity, educational value in their decision-making. Instead, the bill ensures that **removal decisions are not based on discrimination or political pressure.**

But by passing SB 1098, you will protect students' rights to read, learn and engage with diverse perspectives free from discriminatory censorship. Ensure transparency in book challenge and removal decisions. And Support educators and school librarians by providing state-level resources. **The ACLU of Oregon strongly urges your support for Senate Bill 1098 and asks you to pass it out of committee.**

Respectfully,

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