



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Texas

July 8, 2022

U.S. Department of Education  
Office of Civil Rights  
ocr@ed.gov

*Via email*

**Re: Granbury Independent School District Anti-LGBTQ+ Discrimination**

Dear Department of Education, Office of Civil Rights,

Granbury Independent School District, located in Granbury, Texas, has engaged in anti-LGBTQ+ discrimination. The Granbury ISD superintendent, in comments he never repudiated, denied the existence of transgender and non-binary people, saying, “There are two genders. There’s male and there’s female. And I acknowledge that there are men that think they’re women, and there are women that think they’re men.” He further asserted, regarding books on “how to become transgender,” “there’s no place for it in our libraries.” Superintendent Glenn explicitly directed district librarians to pull books regarding “the transgender, LGBTQ” from Granbury ISD shelves.

Granbury ISD librarians complied, over the course of weeks. They pulled dozens of books related to LGBTQ+ themes and characters from Granbury shelves. The books were only returned after review by a panel of parents and educators and, as well, a public outcry. A handful remained off the shelves—disproportionately relating to LGBTQ+ themes and characters relative to the library’s contents. The atmosphere created by Superintendent Glenn’s comments and by the book removals remains—a school environment that is pervasively hostile to LGBTQ+ and especially transgender and non-binary students. Superintendent Glenn’s comments and the district’s actions regarding books create a chilling atmosphere in which students who reveal their sexual orientation or gender identity risk opprobrium, stigma, and exposing themselves to further discrimination. The message is clear: these students should “hide” their full selves in order to be accepted in Granbury ISD. The school district has actively facilitated discrimination and hateful rhetoric.

The ACLU of Texas urges the Department of Education to investigate Granbury ISD for violations of Title IX of the Education Amendments of 1972. Federal law bars discrimination on the basis of sexual orientation or gender identity, as this department has recognized. Granbury ISD has discriminated and is discriminating against LGBTQ+ students in violation of Title IX.

## **I. Granbury ISD Trustee Inquiry Into LGBTQ+ Books**

Granbury ISD school board trustees evinced preoccupation with LGBTQ+ books on Granbury library shelves, and the Granbury ISD superintendent indicated multiple times that he was acting at the board's direction. A school board trustee sent the Granbury ISD Superintendent, Dr. Jeremy Glenn, pictures of books from Granbury ISD's online card catalog, apparently inquiring as to whether they were in fact in Granbury ISD libraries. All books related to LGBTQ+ inclusion.<sup>1</sup> Screenshots of the card catalog sent by the trustee included the words "gay" and "gender" highlighted in descriptions of the books. In texting with district employees regarding these books, the superintendent said, "We need our librarians to have a sense [sic] of urgency." At Superintendent Glenn's January 2022 meeting with librarians, he referred to "the expectation from our board" in directing the removal of books with LGBTQ+ characters and themes from district libraries. This text exchange suggests that the board trustee's inquiry was at least a contributing factor to Granbury ISD's decision to remove books.

## **II. Anti-LGBTQ+ Comments to Granbury ISD Librarians by Superintendent Glenn**

At a January 2022 meeting of Granbury ISD librarians that first publicly came to light in March 2022, Superintendent Glenn made extreme anti-LGBTQ+ remarks, including remarks that denied the existence of non-binary and transgender people and remarks that indicated he expected those who do not conform to Granbury's "very, very conservative community"—such as LGBTQ+ students, district employees, and others—to "hide it." Superintendent Glenn then used those discriminatory ideas to justify his directive to library employees to remove books from library shelves, explaining, "If parents make an outcry about a child who needs to have conversations as it relates to their gender or their sexuality . . . the library is not a place for them to go get that. We are an academic institution, our libraries will be treated as such. If they want to get more information about how to become transgender or sex, go to the public library. There's no place for it in our libraries."

Specifically, on January 10, 2022, Superintendent Glenn convened a meeting of school district librarians to discuss this removal of LGBTQ+ books on the shelves in district libraries. These comments were first publicly reported by NBC News on March 23, 2022, with accompanying audio recorded in the meeting.<sup>2</sup> At that meeting with Granbury ISD librarians, Superintendent Glenn said:

First, I want to talk about our community. If you do not know this, you've probably

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<sup>1</sup> The books highlighted by the trustee to Superintendent Glenn were *My Fairy Godmother is a Drag Queen*; *The Prince and the Dressmaker*; *Trans Voices*; *This Book is Gay*; *Release*; *Another Kind of Cowboy*; *My Awful Popularity Plan*; and *Trans Teen Survival Guide*.

<sup>2</sup> Mike Hixenbaugh & Jeremy Schwartz, *Texas Superintendent Tells Librarians to Pull Books on Sexuality, Transgender People*, NBC News, Mar. 23, 2022, <https://www.nbcnews.com/news/us-news/texas-superintendent-librarians-books-sexuality-transgender-rena20992>.

been under a rock. But Granbury is in a very, very conservative community. And our board is very, very conservative. . . . If it is not what you believe, you better hide it. Because it ain't changing in Granbury. And, and here, in this community, we're going to be conservative.

Later, after specifically discussing a book called *This Book Is Gay* that he termed inappropriate, the superintendent explained:

And I'm going to take it a step further with you. You can disagree if you want: There are two genders. There's male and there's female. And I acknowledge that there are men that think they're women, and there are women that think they're men. And I, again, I don't have any issues with what people want to believe, but there's no place for it in our libraries. If parents make an outcry about a child who needs to have conversations as it relates to their gender or their sexuality, we have a counseling staff in place. The library is not a place for them to go get that. We are an academic institution, our libraries will be treated as such. If they want to get more information about how to become transgender or sex, go to the public library. There's no place for it in our libraries. We're forming a review committee that will be made up of parents and educators. We are going to pull books off the shelves, especially the 850 books that were put forth by Representative Krause, we will pull any of those books in our library, plus any that we think that do not conform. We will let the committee go through them, and if they're OK with it, we'll put them back on the shelves. Otherwise, we're going to keep our focus on academics. I did not mean to come in here so heavy, but I felt like I needed to share that because you guys are our gatekeepers. And I just need you to know what the expectation is for our community and what the expectation is from this administration. And that'll keep you out of a bind, and that'll keep me out of a bind. . . . It's not just coming from me. I'm just bringing the message of what really is the expectation from our board.

Superintendent Glenn then went on to explain:

I think specifically what we're getting at, let's call it what it is. And I'm cutting to the chase on a lot of this. It's the, it's the transgender, LGBTQ, and the sex—sexuality in books. That's what the governor has said that he will prosecute people for, and that's what we're pulling out. . . . I mean, these are 14-year-old kids, 14-year-old girls, that can go grab these books and read about them. And I know kids deal with a lot of problems. We have a counseling department for that, and for them just to grab a book at random—just, again, not in this community.

The audio of Superintendent Glenn's statements at the library meeting is available in the NBC News article that first made it publicly available.<sup>3</sup>

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<sup>3</sup> *Id.*

### III. Granbury ISD Book Removals Pursuant to Superintendent Glenn’s Anti-LGBTQ+ Statements

Granbury ISD’s mass book removal was grounded in an anti-LGBTQ+ context in Texas education, specifically related to books with LGBTQ+ themes or characters in school libraries. In October 2021, State Representative Matt Krause sent a letter to the Texas Education Agency and selected school district superintendents in Texas, asking for the number of copies districts had of certain books from a list of roughly 850 titles.<sup>4</sup> Analysis of the books on Rep. Krause’s list determined that 62% of the books relate to LGBTQ+ issues or mention LGBTQ+ people; 14% relate specifically to transgender issues or mention transgender people; 14% relate to sex education; and 8% relate to race and racism.<sup>5</sup> Rep. Krause has declined to explain how he created the list.<sup>6</sup> Superintendent Glenn referred to Rep. Krause’s list in his comments to librarians, emphasizing that they were certainly going to pull books on that list off Granbury shelves.

Following Superintendent Glenn’s remarks, over the course of weeks, Granbury ISD publicly removed more than 125 titles from its libraries—almost 75% of which related to LGBTQ+ characters or themes.<sup>7</sup> At a school board meeting on January 24, Granbury ISD Superintendent Glenn stated that the books removed from the libraries were those that were “sexually explicit” or “pornographic.”<sup>8</sup> But this is plainly false, as a cursory review of the list of books removed makes clear. In fact, when news first broke that books were being removed from the shelves, Granbury ISD made clear that its intent was to ban books that did not share what it described as the community’s conservative perspectives. Granbury ISD’s Communications Director explained, “While we acknowledge some parents and community members will not agree with the potential removal of any book, we understand the conservative climate of our community and that a large majority recognizes that several social and cultural topics are best left to parents and families to discuss with their children.”<sup>9</sup>

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<sup>4</sup> Letter from Rep. Matt Krause to Texas Education Agency Deputy Commissioner for Student Programs and selected school district superintendents, Oct. 25, 2021, [https://static.texastribune.org/media/files/965725d7f01b8a25ca44b6fde2f5519b/krauseletter.pdf?\\_ga=2.213430097.416218816.1635283558-609342680.1588008770](https://static.texastribune.org/media/files/965725d7f01b8a25ca44b6fde2f5519b/krauseletter.pdf?_ga=2.213430097.416218816.1635283558-609342680.1588008770). The list of roughly 850 books attached to Rep. Krause’s letter is available at [https://static.texastribune.org/media/files/94fee7ff93eff9609f141433e41f8ae1/krausebooklist.pdf?\\_ga=2.142117751.416218816.1635283558-609342680.1588008770](https://static.texastribune.org/media/files/94fee7ff93eff9609f141433e41f8ae1/krausebooklist.pdf?_ga=2.142117751.416218816.1635283558-609342680.1588008770).

<sup>5</sup> Danika Ellis, *All 850 Books Texas Lawmaker Matt Krause Wants to Ban: An Analysis*, Book Riot, Nov. 5, 2021, <https://bookriot.com/texas-book-ban-list/>.

<sup>6</sup> Brian Lopez, *San Antonio-Area School District Reviews 400 Books Flagged by a Texas Lawmaker’s Inquiry*, Texas Tribune, Dec. 6, 2021, <https://www.texastribune.org/2021/12/06/north-east-isd-books-review/>.

<sup>7</sup> Mike Hixenbaugh & Jeremy Schwartz, *Texas Superintendent Tells Librarians to Pull Books on Sexuality, Transgender People*, *supra* note 2.

<sup>8</sup> GranburyISD, *Granbury ISD School Board Meeting – January 24, 2022*, YouTube (Jan. 24, 2022), [https://www.youtube.com/watch?v=BZx6V7SOCHw&ab\\_channel=granburyisd](https://www.youtube.com/watch?v=BZx6V7SOCHw&ab_channel=granburyisd) (video at ~ 3:02:40).

<sup>9</sup> Kathy Cruz, *GISD to Review Books for Possible Removal*, Hood County News, Jan. 18, 2022, [https://www.hcnews.com/news/gisd-to-review-books-for-possible-removal-from-schools/article\\_f176f014-7886-11ec-b821-afc0d47071d4.html](https://www.hcnews.com/news/gisd-to-review-books-for-possible-removal-from-schools/article_f176f014-7886-11ec-b821-afc0d47071d4.html).

Books that Granbury ISD removed from district libraries, as provided by the district in an open records request,<sup>10</sup> included books about LGBTQ+ inclusion such as (examples only):

- *Aristotle and Dante Discover the Secrets of the Universe*, by Benjamin Alire Sáenz
- *Being Jazz: My Life as a (Transgender) Teen*, by Jazz Jennings
- *In Our Mothers' House*, by Patricia Polacco
- *Queer, There and Everywhere: 23 People Who Changed the World*, by Sarah Prager

Following significant public pressure and a letter from our organization and partners regarding the illegality of removals, Granbury ISD eventually returned the majority of books to the shelves. However, two of the three books ultimately selected for removal from Granbury ISD libraries via a committee review process were books about LGBTQ+ themes. One of them, *This Book Is Gay*, was the book specifically mentioned by Superintendent Glenn in his remarks to librarians about book removals.<sup>11</sup> Moreover, the effects of the book removals continue to reverberate through the district.

#### **IV. Effects of Superintendent Glenn's Anti-LGBTQ+ Remarks and Granbury ISD Removals of Books with LGBTQ+ Characters and Themes**

The message sent to Granbury ISD students by the book removals and by the superintendent's comments remains clear: Granbury is "a very, very conservative community" in which LGBTQ+ children and teenagers who do not conform had "better hide it." Further, Superintendent Glenn and Granbury ISD leadership have never directly repudiated the superintendent's denial of the existence of transgender and non-binary individuals. LGBTQ+ students in Granbury ISD, particularly transgender and non-binary students, plainly face discrimination in the district. The superintendent himself has made very public anti-LGBTQ+ remarks, linking them to the beliefs of the school board. And the school district has acted upon that rhetoric and those beliefs to purge representations of LGBTQ+ identity from district shelves. As one Texas student recently stated, "As I've struggled with my own identity as a queer person, it's been really, really important to me that I have access to these books. And I'm sure it's really important to other queer kids. You should be able to see yourself reflected on the page."<sup>12</sup>

Federal law bars discrimination on the basis of sexual orientation or gender identity, as Department of Education guidance recognizes.<sup>13</sup> President Biden's March 2021 executive order

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<sup>10</sup> Christopher Tackett (@cjtackett), Twitter (Jan. 27, 2022, 2:45 PM), <https://twitter.com/cjtackett/status/1486802675522060290>.

<sup>11</sup> Mike Hixenbaugh & Jeremy Schwartz, *Texas Superintendent Tells Librarians to Pull Books on Sexuality, Transgender People*, *supra* note 2.

<sup>12</sup> Mike Hixenbaugh, *Banned: Books on Race and Sexuality Are Disappearing From Texas Schools in Record Numbers*, Feb. 1, 2022, <https://www.nbcnews.com/news/us-news/texas-books-race-sexuality-schools-rcna13886>.

<sup>13</sup> U.S. Dep't of Justice, Civil Rights Division, & U.S. Dep't of Education, Office for Civil Rights, *Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families*,

on guaranteeing an educational environment free from discrimination on the basis of sex, including sexual orientation or gender identity, clarifies that it is administration policy “that all students should be guaranteed an educational environment free from discrimination on the basis of sex . . . including discrimination on the basis of sexual orientation or gender identity.”<sup>14</sup> The Department of Education recognizes that, under Supreme Court precedent, “the best reading of Title IX’s prohibition on discrimination ‘on the basis of sex’ is that it includes discrimination on the basis of gender identity and sexual orientation.”<sup>15</sup>

Superintendent Glenn’s comments and the resultant purge of LGBTQ+ books from library shelves by district employees plainly were discriminatory acts and create a pervasively hostile atmosphere for LGBTQ+ students in Granbury ISD. The ACLU of Texas requests that the Department of Education investigate Granbury ISD for Title IX violations due to Superintendent Glenn’s anti-LGBTQ+ remarks and the ensuing purge of books related to LGBTQ+ characters and themes from Granbury shelves.

Sincerely,  
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<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf>.

<sup>14</sup> EO 14,021, Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity, 86 Fed. Reg 13,803 (Mar. 11, 2021).

<sup>15</sup> Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, 86 Fed. Reg. 32,637 (June 22, 2021).