

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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From the President



AFCON's Positions on Legislative Bills and the Draft Health Education Standards

Todd Schlechte

Over the last 50 days, AFCON has taken positions on LB88, LB282, LB36, and the development of the Nebraska Health Education Standards. We have supported LB88, introduced by Senator Morfeld, which is designed to grant secondary and university student journalists free speech protections. This bill has made it past the first round, which included a filibuster, but still has two more rounds to go in the legislature. AFCON members have been busy lobbying on behalf of LB88, hoping that, unlike previous iterations, it will finally become law.

On the other hand, we opposed LB282, introduced by Senator Albrecht, which would strip school and library personnel of protections under Nebraska's obscenity laws. This turns into a big intellectual freedom issue, in large part because no one can define what is obscene before an actual court case is brought, and therefore library and school personnel are likely to exercise an overabundance of caution in the selection of materials and in discussions. We also opposed LB 36, introduced by Senator Erdman, which would require the prominent posting of "In God We Trust" in schools, because it is contrary to the establishment clause of the First Amendment and amounts to the micromanagement of schools. These latter two bills have remained in committee so far.

Finally, we became aware of attempts to politically influence the development of the Nebraska Department of Education's Health Standards, and so we have urged the Department to continue to follow its normal process, and to not change the standards based on political pressure. Following (beginning on page 2) is the content of AFCON's testimony on each of the bills, as well as our letter to Dr. Matthew Blomstedt, the Nebraska Commissioner of Education (without introductions or greetings).

AFCON's Positions on Legislative Bills and the Draft Health Education Standards

(continued from page 1)

LB88

The protection of student journalists is a matter of academic freedom, which means teaching, learning, and inquiry without censorship. Journalists know all too well the issues of censorship, and that's why journalism educators—including student media advisers—teach about the First Amendment and the rights of American citizens, which includes journalists. Academic freedom protects these media advisers, who as the experts in their subject matter must be able to teach, model and protect these rights for their students. Academic freedom protects students, who have the right to master the subject material. To be constrained by censorship clearly flies in the face of their education for this profession. Do we really want our young people to prepare for a profession in journalism thinking that government censorship is OK?

We need a law protecting freedom of the press for students even though we already have the First Amendment. In the first place, students and teachers should not have to go to federal court to defend their constitutional right to free speech. And second, a state can legitimately decide to protect free expression beyond the constitutional minimum set by the First Amendment. LB88 does not go beyond the First Amendment. Rather, it simply restores the First Amendment standard that governed public education set back in 1969 in *Tinker* but later removed in *Hazelwood*. Nebraska now has the opportunity to effectively reinstate student free expression protection enjoyed before *Hazelwood*.

LB282

We oppose LB282 because it would strip teachers, school administrators, school boards, librarians, library administrators, and library boards of their protections under Nebraska's obscenity laws. If passed, this bill would have a chilling effect on academic freedom in schools, as well as decrease intellectual freedom in public libraries.

Nebraska Revised Statute 28-814 states that “the guidelines in determining whether a work, material, conduct, or live exhibition is obscene are: (a) The average person applying contemporary community standards would find the work taken as a whole goes substantially beyond contemporary limits of candor in description or presentation of such matters and predominantly appeals to the prurient, shameful, or morbid interest; (b) the work depicts in a patently offensive way sexual conduct specifically referred to in sections 28-807 to 28-829; (c) the work as a whole lacks serious literary, artistic, political, or scientific value; and (d) in applying these guidelines to the determination of whether or not the work, material, conduct, or live exhibition is obscene, each element of each guideline must be established beyond a reasonable doubt.” Whether a work is obscene must be determined in court.

It can be safely assumed that the average person in Nebraska has never read this definition of obscenity and would have difficulty determining whether items such as posters, books, and DVDs meet the legal definition of obscenity. Indeed, Nebraska citizens vary greatly in their personal views as to what is obscene. A word such as “fart” is obscene for some, for some a sculpture by Michelangelo, and for yet others it is nudity in a film or a graphic depiction of sex in a novel. Others are not bothered by any of that. For that reason, if this bill is passed, there will be confusion as to what is obscene, and professionals in schools and libraries will experience the increased threat of lawsuits, regardless of the actual merit of the charges. In addition, since the legal definition of obscenity is complex, neither school nor library professionals will have the time or the legal competence to determine with confidence whether an item is obscene. Out of caution, school and library personnel will likely limit the inclusion of entirely lawful materials.

With respect to K-12 teachers, this bill will chill the academic freedom of teachers responsible for teaching about matters of sexuality, which can come up in various parts of the curriculum. Issues of sexuality are important in

psychology, sociology, anthropology, biology, history, literature, and other fields and should be presented and discussed in many areas of the curriculum at all levels of education. The specific content of various areas of the curriculum at various levels of education should be determined by teachers and other professionals on the basis of academic considerations. If LB282 passes, then, because teachers and administrators will know they can be charged with obscenity, they may feel a need to eliminate parts of the curriculum or minimize student discussion in order not to put themselves at legal risk. Since curriculums are already subject to review and teachers are subject to evaluation, the introduction of the possibility of obscenity charges would be inappropriate and unnecessary.

In regard to public libraries, librarians are bound by a professional set of ethics involving intellectual freedom that derives from the First and Fourth Amendments to the United States Constitution. Librarians, guided by the First Amendment corollary of freedom of access to information, believe that library users should be able to find materials that reflect a wide variety of interests, ideas, values, and beliefs. Librarians seek to provide equitable access to the library's diverse set of resources, including materials that some members of the public may personally find obscene, but are not actually legally obscene. And they resist censorship from those who do not believe in First Amendment rights for all, while supporting personal choice in the usage of materials and parental oversight of minors' usage.

Further, in purchasing materials, librarians do not have the time nor the skills to determine whether a material meets the complex legal definition of obscenity. For that reason, this bill would likely result in librarians exercising an overabundance of caution in the acquisition of materials. In addition, the Fourth Amendment leads librarians to respect the privacy of individuals. Therefore, librarians do not normally monitor computer usage, nor would they have the time and the skills to determine if what is viewed is obscene. (One clear exception is child pornography, where librarians are educated to immediately report to law enforcement if such viewing is suspected.)

It is also important to inject a note of common sense. Public librarians are very community driven in their acquisition of books, DVDs, magazines, and other materials. Normally, libraries accept as many requests for purchase as possible. They also keep track of popular authors and make sure they order those. And over the longer term, most items will not keep their place in the public library if they do not experience circulation, except for special collections. The result is that a library's collection will reflect its community and is extremely unlikely to contain materials that meet the legal definition of obscene. In addition, public libraries have policies that make it possible to challenge materials.

LB36

The first reason for our opposition is that the posting of "In God We Trust" in public schools is an expression of piety, or faith, in God which will be at odds with some students' personal beliefs. The First Amendment of the United States Constitution prohibits government from making any law "respecting an establishment of religion." And yet, this bill would require public schools to favor monotheistic religions over other religions and non-religion.

The second reason is that, in the Nebraska educational system, the supervision of schools and those within them lies with local school boards and the State Board of Education. In light of this fact, LB36 amounts to legislative micromanagement of schools and teachers. It violates the academic freedom of schools and teachers to decide what will be displayed, where it will be displayed, and when it will be displayed. Why even try to legislate this matter?

Draft Health Education Standards

We noticed through news sources, including the March 10 edition of the *Omaha World-Herald*, that a "60-page draft Nebraska Health Education Standards were written by a team of educators, including school administrators and elementary, middle and high school teachers in the fields of physical education, health and family-and-

consumer science.” Further, “various organizations and individuals provided advice on the standards. The department said that among those on the advisory team were medical professionals, community health educators, professors and researchers, school psychologists, sexual health education specialists, dietitians, nurses, parents and representatives of local health departments.” We noted that the Nebraska Department of Education was using its normal process in drafting standards.

We were then dismayed to see that pressure was applied by the governor to drop sex education topics from the health guidelines, and that he charged that the standards were developed by political activists.

We realize that the Department of Education is still in the midst of its normal, professional process of developing these standards, and we urge the department to stick to its non-political process, including during the period of public input, even if political pressure to do otherwise is applied. While the public input process is appropriate and important, because the draft is a product of teachers and other experts, the draft health education standards should only be modified for legitimate academic reasons, not simply because certain topics or ideas are deemed controversial, offensive, or unfit for children. What is at stake here is the academic integrity of the curriculum and the right of students to a curriculum determined by teachers and other experts on academic grounds.

Co-Authors

As a final remark, I would like to note that I did not write this testimony alone. Laurie Lee deserves the credit for the testimony on LB88, which is only slightly rewritten from her testimony on an earlier version of this bill. I relied on David Moshman and Vicki Wood for ideas on LB282. And on LB36 and in my letter about the draft health standards, David Moshman again helped point me in the right direction. As this was my first time writing testimony, I am quite thankful for all this aid.



Governor Attacks Proposed Health Standards

The AFCON Board voted at its March meeting to authorize President Schlechte to oppose the governor’s political intervention in the State Board of Education’s process for developing educational standards (see article beginning on page 1).

https://omaha.com/news/local/education/ricketts-calls-for-scrapping-health-standards-that-would-teach-kids-about-gender-identity/article_042f3af6-82c2-11eb-a487-5f22f7621b7f.html

The current draft of the proposed health education standards can be found here:

<https://cdn.education.ne.gov/wp-content/uploads/2021/03/Nebraska-Health-Education-Standards-DRAFT-1-Public-Input--with-colors.pdf>

Formal comments can be emailed to this address:

nde.standardsinput@nebraska.gov

Detailed comments on specific standards can be submitted here:

nde.qualtrics.com/jfe/form/SV_8dI1y2pRSfXIG8R

Censorship of Student Journalism in Nebraska

This is why we need LB88 (see pages 1-2).

North Platte High School

<https://splc.org/2021/03/nebraska-high-school-journalist-publishes-her-censored-article-on-confederate-flags/>

Westside High School

https://omaha.com/news/local/education/westside-journalism-students-object-to-administrators-review-of-controversial-content/article_bb4c8e2a-784d-11eb-a012-9bda51325f17.html

School Choice and Family Values



Bob Haller

The Right to an Education, Article 26 of the *Universal Declaration of Human Rights* (UDHR), mandates the creation of a public school system; charges it to teach “full development of human personality . . . , respect for human rights, . . . tolerance . . . and . . . maintenance of peace;” and recognizes a “prior right of parents” to “choose the kind of education that shall be given their children.”

This “recognition” assumes that there will be schools not created and managed by the State. Allowing for this choice is meant to assure parents that Article 26 does not nullify or compromise the “protection of the family” (UDHR Article 16) or the family’s “freedom of thought, conscience and religion” (Article 18). It assures parents that the State will not use education as the means of alienating their children. But Article 26 was not meant to encourage school choice; it rather assumes that the public school system is the best means of providing for the educational needs of future citizens while also supporting respect for their family’s culture and religion.

The two Treaties whereby a State can commit itself to a school system as mandated in Article 26 further explain how the concern for assuring that Education will not threaten a young person’s relationship with their parents is compatible with the education called for by Article 26.

The *International Covenant on Economic, Social and Cultural Rights* section on education first describes a school system which has been based

explicitly on (1) and (2) of UDHR Article 26, and continues by interpreting Article 26(3) as follows:

The States Parties . . . undertake to have respect for the liberty of parents . . . to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children *in conformity with their own convictions* [emphasis added].

The italicized clause explains why “parental choice” is allowed by Article 26(3): the framers recognized that the right to an education belongs to the child, but that the *Rights of the Family* (Article 16(3)), which asserts, “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State” allows parents to make this choice. If a Family’s integrity is above all to be found in its religious and cultural identity, parents must be allowed to choose schooling that preserves this identity. The language here is an acknowledgement of this priority, recognizing that “compulsory education” could serve as the means by which the State alienates children from essential features of the spiritual and cultural identity of their parents. (As an example of this thinking, see *The Rights of Parents in Educating their Children* by Grégor Puppink/
<https://www.acton.org/publications/transatlantic/2017/08/22/rights-parents-educating-their-children>)

Thus the rationale for Article 26(3) is the principle that the UDHR must not allow one of its Articles to nullify another of its Articles, that providing for Rights may at some point involve a trade-off where one Right is compromised by the provisions of another Right. That was a difficult but necessary part of putting together the Declaration. In this case, the framers hoped that every State would take care to accommodate in their school systems the important hope of parents to raise their children with respect for their spiritual foundation.

This trade-off is treated differently in the other international agreement which commits a State to provide the UDHR Right to Education: The *Convention on the Rights of the Child* (CRC). This treaty places in the mandated curriculum a provision responsive to the parental fear that the family religion and culture will not be respected: it asserts that a child's education is to be directed to

The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own. (Article 29.1.c)

The *CRC* offers no advice on how the curriculum can accommodate these "cultural" and "national values" for every student in a school, but plausibly it would seem that sharing these individual studies would be one way to fulfill another purpose mandated by UDHR 26(2), to "prepare the child for responsible life...in the spirit of...friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin." In any case, it should be possible for inventive teachers to find ways of bringing together both foci at many points during the years of schooling.

It is a further interesting idea because the "respect" proposed here assumes that all the peoples and groups mentioned can be claimed to pass the UDHR test, having been found free of violations of all Rights listed there. Refugees may well have sought asylum precisely because their homeland violated their rights and therefore was not worthy of the "friendship" proposed here.

Still, with regard to parental rights, *CRC* adds language which recognizes the "liberty of individuals and bodies to establish and direct educational institutions" not based on UDHR Article 26(1)(2), but calls attention to the description of an education in its section (1) and to the "minimum standards as may be laid down by the State." It is a warning to educational leaders and Parents that the exercise of "choice" compromises the promise that Education will

supply a child with full and equal preparation "for a responsible life."

In other words, both the *International Covenant on Economic, Social and Cultural Rights* and the *CRC* reject the claim that "Parental Choice" in itself contributes value to the *Right to an Education*. They agree that the only specific reason to allow for "Parental Choice" is to assure that children share the religious or philosophical values of their family. It should be further noted that education is a right to be given to children, while choice is a right given parents which can in some instances limit the benefit to a child if its focus is on only their family values and not as well on the full range of other values deserving of understanding and respect.

But promoting "choice" undermines the idea that there is an education that fulfills the promise of Article 26 by producing citizens dedicated to the Articles of the UDHR, educated with their peers in schools protecting these Rights, focused on the developing the personality of all while supporting the values of family culture. Public education in the U.S. recognizes, and helps students come to understand, the value of cultural and religious tolerance in creating a society where all have a right to their own expression.

This is the second in a series of three articles on the right to education in the Universal Declaration of Human Rights (the first appeared in February and the third will appear in June). Bob Haller is a past and future president of AFCON.

AFCON

www.academicfreedomnebraska.org

The Academic Freedom Coalition of Nebraska was founded in 1988 to promote intellectual freedom in Nebraska education and research, including freedoms of belief and expression and access to information and ideas.

University of Nebraska Dismissal Policies

There has been serious concern about the fate of proposed revisions to University of Nebraska dismissal policies that were intended to help get UNL off the AAUP censure list but were secretly changed by central administration to provide less due process protection.

https://journalstar.com/news/local/education/unl-faculty-late-changes-to-policy-proposal-not-enough-to-remove-censure/article_a2eee8a4-c8a7-5335-ab58-27a3ecaadd9e.html

But just prior to the submission of the proposed revisions to the Regents, it appears the problem may have been resolved.

https://omaha.com/news/state-and-regional/unl-takes-step-to-get-off-national-professor-groups-blacklist/article_52ea40aa-6701-11eb-a4af-c3017ef4d3b2.html

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N-Word and More in Omaha

An Omaha teacher reads the N-word aloud from a book about Fannie Lou Hamer.

https://omaha.com/news/local/education/teacher-who-read-passage-containing-n-word-to-english-class-meant-no-malice-archdiocese-says/article_58ace876-7223-11eb-b3a1-4b1d4f0ff28a.html

The view of the school seems to be that, even if she intended no harm, the proper way to read “nigger bitch” to a class is to read it as “N-word bitch.” This is also journalistic practice for the Omaha World Herald and Lincoln Journal Star in reporting on the incident. But why not N-word B-word? What determines which words cannot be written or said out loud? For more on this, here’s a draft article by two well-known law professors who find no principled basis for banning words:

<https://www2.law.ucla.edu/volokh/epithets.pdf>

At Westside Middle School, advice from Adolf Hitler.

https://omaha.com/news/local/education/westside-middle-school-is-extremely-sorry-for-displaying-hitler-quote/article_a1da329e-659c-11eb-8b90-afedc10a4524.html

But did Hitler really say that?

https://omaha.com/news/local/2-unl-profs-question-authenticity-of-quote-attributed-to-hitler-posted-at-westside-middle-school/article_27ce130c-6633-11eb-bb73-4f63f7fb0fda.html

Meanwhile at Creighton University, a basketball coach urges players to “stay on the plantation.”

<https://www.nytimes.com/2021/03/05/sports/nba-basketball/creighton-greg-mcdermott-plantation.html>

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Free Speech Zones

On March 8, the U.S. Supreme Court ruled 8-1, with Chief Justice Roberts dissenting, that two students still have standing to pursue a First Amendment case against Georgia Gwinnett College even though the students have graduated, the policy has been revised, and the requested damages are minimal. The majority opinion by Justice Thomas held that the students could pursue their case because the potential harm of the alleged constitutional violation was not just monetary. The underlying issue (which the lower courts must now address) is the constitutionality of campus policies that restrict public speech to limited free speech zones. Such zones were recently instituted at UNL, UNO, and UNK (see the October 2018 special issue of the *Sentinel* on free speech and academic freedom at the University of Nebraska).

<https://www.insidehighered.com/news/2021/03/09/supreme-court-rules-8-1-favor-students-who-sued-georgia-gwinnett-college-over>

Higher Education Links

52 Boise State classes abruptly suspended in “one of the largest attacks on academic freedom in American history”

<https://academeblog.org/2021/03/24/conservative-cancel-culture-at-boise-state/>

New organization: The Academic Freedom Alliance

<https://academicfreedom.org>

An interview with one of the founders

<https://academeblog.org/2021/03/17/the-academic-freedom-alliance-a-qa-with-keith-whittington/>

Anti-conservative bias in academe

<https://quillette.com/2021/03/12/the-threat-to-academic-freedom-from-anecdotes-to-data/>

Student free speech

<https://www.nytimes.com/2021/02/05/us/colleges-social-media-discipline.html>

Student reluctance to discuss controversial issues

<https://www.insidehighered.com/news/2021/03/04/college-students-reluctant-discuss-race-politics-classroom-election>

Georgetown law professor fired for comments about Black student performance

<https://www.nytimes.com/2021/03/11/us/georgetown-university-sandra-sellers.html>

Georgetown law professor resigns for listening to unacceptable comments

<https://www.insidehighered.com/quicktakes/2021/03/15/professor-resigns-over-colleagues-racist-comments>

Georgetown commentary from Eugene Volokh

<https://reason.com/volokh/2021/03/14/thoughtcrime-at-georgetown-it-is-wrong-for-faculty-to-be-thinking-not-just-speaking/>

Georgetown commentary on the AAUP blog

<https://academeblog.org/2021/03/15/in-defense-of-sandra-sellers-and-david-batson/>

Academic Freedom Coalition of Nebraska Board of Directors Meeting

Via Videoconference

February 13, 2020

Present:

John Bender, immediate past president, representing UNL Faculty Senate

Nancy Comer, representing Nebraska State Literacy Association

Bob Haller, chief baker, director at large

Laurie Thomas Lee, representing ACLU Nebraska

Dave Moshman, newsletter editor, policy

coordinator, executive vice secretary

Todd Schlechte, president, webmaster, representing

Nebraska Library Association

Rod Wagner, treasurer, representing Nebraska Center for the Book

Vicki Wood, director at large

MINUTES

President Todd Schlechte called the meeting to order at approximately 10:10 a.m.

AGENDA: The agenda was approved without objection.

MINUTES: Minutes of the December 12, 2020, AFCON board meeting were approved without objection.

TREASURER’S REPORT: As of February 12, income for the year has totaled \$165 (from dues) and expenses have totaled \$27.83 (mostly for the filing of our biennial report as a nonprofit corporation with the Nebraska Secretary of State), leaving a balance of \$2590.77.

NEWSLETTER: Deadline for articles to be published in the April edition of the *Sentinel* is March 24.

WEBSITE: Schlechte reported that the February *Sentinel* has been uploaded.

LEGISLATIVE REPORT: Peggy Adair was unable to attend but provided a list of five bills of potential interest. It was agreed that the president would provide written statements on behalf of AFCON with respect to three of these. Arrangements were made for Dave Moshman and Vicki Wood to assist in drafting and distribution. LB 36 would require display of “In God We Trust” in a “prominent place” in every school. AFCON opposes this not only because it is an unconstitutional establishment of religion but also because this sort of legislative micromanagement of schools is a violation of academic freedom. LB 88 would protect the free speech rights of student journalists and the academic freedom of

their advisers. We have supported many incarnations of this bill and support this one. LB 282 would permit library personnel and K-12 teachers to be prosecuted for obscenity in connection with their academic and professional work. AFCON opposes this effort to eliminate existing legal provisions that protect academic freedom.

ANNUAL MEETING: “Fake news” was discussed at some length as a potential theme for the meeting, including various academic considerations and ramifications. Another possible topic is student freedom of expression in light of the forthcoming Supreme Court decision concerning the scope of Tinker.

POLICY COORDINATOR: Moshman reported that following the Board’s December endorsement of a FIRE letter to UNL, then-president John Bender, incoming president Schlechte, and Moshman met via Zoom with the two UNL faculty conducting the review of bias protocols that led to FIRE’s concern. There is no new information since then.

Moshman reported there had been serious concerns about the removal of faculty due process protections from proposed revisions to the Regents Bylaws but the due process protections were reinstated days before the proposed revisions went to the Regents, restoring hope that these revisions may help get UNL off the AAUP censure list. Moshman also noted recent news coverage concerning outrage over the display of a quotation by Adolf Hitler at Westside Middle School and outrage over an article about race in the Pius X student newspaper.

OLD BUSINESS: Bob Haller reported further on plans for an OLLI course on free speech, with discussion of possibilities for course format, class sessions, and speakers.

There was no new business. Following brief reports concerning member organizations, the meeting was adjourned at 11:30 a.m.

Respectfully submitted,
Dave Moshman, executive vice secretary

NEXT BOARD MEETING: The next AFCON board meeting will be held via videoconference on Saturday, March 13.

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting**
Via Videoconference
March 13, 2021

Present:
Peggy Adair, secretary, legislative liaison
John Bender, immediate past president, representing UNL Faculty Senate
Nancy Comer, representing Nebraska State Literacy Association
Bob Haller, president-elect, chief baker, director at large
Laurie Thomas Lee, representing ACLU Nebraska
Dave Moshman, newsletter editor, policy coordinator, executive vice secretary
Todd Schlechte, president, webmaster, representing Nebraska Library Association
Rod Wagner, treasurer, representing Nebraska Center for the Book
Vicki Wood, director at large

MINUTES

President Todd Schlechte called the meeting to order at 10:03 a.m.

MINUTES: A motion was made by Haller, second by Adair, to approve minutes of the AFCON board meeting held on February 13, 2021, scribed by Dave Moshman, executive vice secretary. Motion carried on a voice vote.

TREASURER’S REPORT: Wagner submitted the treasurer’s report via email. Balance on hand as of March 12, 2021, is \$2,952.20.

NEWSLETTER: Deadline for articles to be published in the April edition of the *Sentinel* is March 24, 2021.

LEGISLATIVE UPDATE: Adair submitted via email an update on 2021 legislative bills pertinent to academic freedom. Discussion followed. Adair will continue to monitor bills as they move through the process and will report any notable actions to the board.

PRESIDENT’S REPORT: Schlechte provided the board via email a link to a North Platte High School journalism incident where a student journalist was prevented by administrators from printing an investigative story in the high school

newspaper. She took her story to the commercial North Platte newspaper where the editor-in-chief found the article to be newsworthy and printed it.

Schlechte wrote testimony on behalf of AFCON in opposition to LB282, a bill that would expose teachers and librarians to potential obscenity prosecution for doing their jobs. Schlechte wrote testimony in opposition to LB36, a bill requiring the display of the words, "In God We Trust," in every school in Nebraska. Schlechte emailed testimony in support of LB88, a bill protecting free speech rights of journalism students and their advisors, to sponsors of the bill and members of the judiciary committee. As of March 13, LB282 and LB36 remain in committee; LB88 is Senator Morfeld's priority bill and is on general file.

POLICY COORDINATOR: Moshman submitted via email a list of academic freedom current events, including public debate over a teacher's reading verbatim from a book that contains a racial slur, administrators requiring prior review of student journalism publications at Westside High School, a basketball coach who urged his players to "stay on the plantation," a current US Supreme Court case on student first amendment rights, Dr. Seuss, a new Academic Freedom Alliance organization, and the new Journal on Free Speech Law.

In addition to his written report, Moshman voiced concern over Governor Ricketts inserting himself into the Nebraska State Board of Education's process for developing curriculum standards. The "Nebraska Health Education Standards" are currently in draft form, have been developed in accordance with the Board's standard procedure, and have had broad-based input from health/education professionals and stakeholders. Governor Ricketts has publicly objected to the draft standards and has questioned the validity of the board's process.

Moshman made a motion to authorize Todd Schlechte, in his capacity as AFCON president, to write letters or take other necessary action in support of the Nebraska State Board of Education on this issue. Second by Comer. Motion carried on a voice vote.

MEMBER ORGANIZATIONS:

Nebraska State Literacy Association – Comer reported the NSLA held their 48th annual conference virtually in February, with a series of video events on the topic of "Literacy for All." The NSLA plans to hold an in-person annual conference February 23-25, 2022.

Nebraska Library Association - Schlechte and Wood reported the NLA intellectual freedom roundtable held discussions on how to handle certain lesser-known Dr. Seuss books that Dr. Seuss Enterprises, the business that owns the rights to the Dr. Seuss books, has decided to remove from future printing.

There being no further business, the AFCON board meeting adjourned at 11:05 a.m.

Respectfully submitted,
Peggy Adair, secretary

NEXT BOARD MEETING: The next AFCON board meeting will be held via videoconference on Saturday, April 10, 2021.

JOIN OR RENEW
Rod Wagner, Treasurer

AFCON now accepts PayPal! Use PayPal to join or renew. We offer two ways to pay: you can use the PayPal button on our website <https://www.academicfreedomnebraska.org/join-afcon.html> or send us a check payable to AFCON at 3901 S. 27th St., #47, Lincoln, NE 68502. Memberships are \$120 for organizations and \$15 for individuals.

The AFCON Sentinel is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December. Unless otherwise indicated, articles represent the views of the authors.

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