

EDUCATION REPORTER

NUMBER 300

THE NEWSPAPER OF EDUCATION RIGHTS

JANUARY 2011

School Board Association Challenges Bullying Regs

The general counsel of the National School Boards Association (NSBA) is warning the U.S. Department of Education (ED) that recent federal guidance on bullying and harassment will create “adversarial climates that distract schools from their educational mission” and “invite misguided litigation” that school districts cannot afford. The NSBA’s top lawyer, Francisco Negron Jr., stressed his organization’s concern to reduce student bullying and harassment, but cited numerous concerns with the Department’s approach to the problem.

“The expansive position on what conduct constitutes ‘harassment’ protected by federal civil rights laws and what remedial measures are legally required will unnecessarily complicate investigations and possibly expose school districts to liability beyond that envisioned by the Supreme Court,” said Negron in a December letter to Charles P. Rose, the Education Department’s general counsel.

The NSBA’s concerns stem from a ten-page “Dear Colleague” letter sent by Assistant Secretary for Civil Rights Russlyn Ali to 15,000 public schools and school districts and 5,000 colleges and universities in late October. Ali claimed the guidance regarding administrators’ responsibilities to protect students from discrimination or harassment based on race, color or national origin (Title VI), disability, or sex (Title IX) was “not new,” but simply a reiteration of what had come from the Bush administration in 2001 and 2006. However, she admitted, this is the first time the ED has extended those older rules against discrimination to the current context of concerns about bullying, following several high-profile student suicides that advocates say were caused by anti-gay bullying.

Title IX sex discrimination legislation traditionally assured that women could not be denied access to educational programs and activities funded with federal dollars, *i.e.* it prohibited gender discrimination. Now, however, the Office for Civil Rights (OCR) under President Obama has ex-

panded gender discrimination to include what the LGBT community calls “gender stereotyping.” Ali acknowledged, “It is certainly the first time the department has made it clear that the gay, lesbian, bisexual, and transgendered community is protected by Title IX if they are bullied or harassed for not conforming to stereotypical gender roles.”

One example of such gender stereotyping cited in the OCR advisory concerned a gay high school student who was harassed because he was effeminate. The school did not recognize the discrimi-

(See *Bullying*, page 4)



AL Passes Paycheck Protection

The newly elected Alabama legislature significantly curtailed the power of the state teachers’ union last month by making it more difficult for the union to dock teachers’ salaries to fund its agenda. Republicans overcame a 15-hour filibuster in the House to narrowly pass a bill that ends state paycheck deductions for campaign contributions and union membership dues used for political activities. Payroll deduction is still permitted for the portion of dues that doesn’t pay for political activities. The bill cleared the House 52-49 and 22-12 in the Senate.

The change will likely have a significant impact on the Alabama Education Association’s (AEA) degree of political influence since collecting political action funds from teachers will no longer be automatic. Currently, more than 90,000 Alabama teachers have their union dues and, in most cases, money earmarked for the union’s political action committee, deducted from their government paychecks. A similar law passed in South Carolina

more than two decades ago resulted in a decline in membership from 20,000 in 1984 to 6,000 today.

Senate President Pro Tem Del Marsh said the new law was nothing less than a “power shift” in Montgomery that will end decades of the Alabama Education Association getting almost anything it wants from the Legislature. The AEA’s 105,000 members spent more than \$8.6 million during the 2010 election cycle, more than any other lobbying group in the state, mostly to support Democrats.

The AEA’s executive secretary, Paul Hubbert, was also a vice chairman of the Democratic Party until recently. He claims Republicans want to silence groups that represent public employees. Senator

(See *Paycheck Protection*, page 4)



Professor Tells Conservative Students in Class: ‘Blood Will Be On Your Hands’

Conservatives have long told anecdotes about the outrageous behavior of some liberal university professors, but now there is video to prove it. After getting a tip from a Louisiana State University student, a web-based organization called Campus Reform sent a cameraman into Professor Bradley E. Schaefer’s freshman Astronomy 1101 class.

The course description says the class is about “fundamental principles of the solar system,” but on this particular day the topic was U.S. policy on global warming. Students were asked to sit in sections according to what they think the U.S. should do about global warming, with choices including do nothing, follow Kyoto accords, mandate birth control or eliminate all engines, among others.

The video shows Schaefer berating students who chose the “do nothing” option, saying “Oh boy, that’s really good for you, at least for the next decade or two. And then you will remember having sat on that corner, because you will not want to tell your children, if they live . . . that you were part of the trouble, right? Do you realize that?”

The professor continued with a highly ideological rant on global warming. “There is universal agreement among scientists. . . . Global warming is real; it’s caused by humanity.” He repeatedly asserted, “It’s only going to get worse,” but failed to mention the many respected scientists who have publicly expressed skepticism about anthropogenic global warming.

Near the end of the class, Schaefer asked students to discuss questions he pre-

pared for each group and to report their answers to the class. The paper given to the “do nothing” policy group read:

Your professed policies have a substantial likelihood of leading to the death of a billion people or more.

A) Estimate the probability that you personally will be killed in an ugly way because of your decision.

B) What is the probability that any children of yours will die in ugly ways due to your current decision?

When this group’s spokesman was called upon to give the group’s response, Schaefer continually interrupted him, making comments like, “Screwing the science is wrong. You’re an ostrich putting your head in the sand.” When the student tried to continue, Schaefer scoffed, “What about the 40,000 people in Europe already killed because of your decision?”

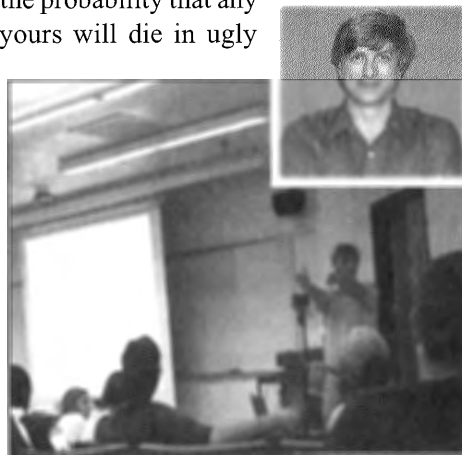
Finally, a student from another group yelled, “Let him answer.” Schaefer stopped interrupting, but resorted to juvenile theatrics, mocking the student with gestures and facial expressions that implied he thought the student’s remarks were ridiculous. Addressing the group as

a whole, the professor intoned, “You are going to be accountable for this!” At one point during the class he said, “Too little, too late. Blood will be on your hands.”

Perhaps more troubling than one professor’s abuse of his position is the way the higher ed media and university officials responded to the incriminating video. When Campus Reform initially released three short excerpts from the recording, both the *Chronicle of Higher Education* and *Higher Ed* rushed to defend Schaefer by claiming the videos were taken out of context and didn’t give the whole picture.

The *Chronicle* article reports that Schaefer “was actually challenging all of his students, both liberal and conservative, he says, and not chastising any of them for their beliefs.” The writer furthermore abets Schaefer’s defense that he “put forth no opinions on how humanity should respond to global warming” — an assertion revealed as a blatant lie in the complete 40-minute version of the tape Campus Reform released at the request of the *Chronicle*. Likewise, *Higher Ed* portrays the Campus Reform video as a “setup” complete with selective editing to portray Schaefer’s noble teaching methodologies as abusive and biased.

(See *Professor*, page 4)



Professor Bradley Schaefer’s astronomy class



EDUCATION BRIEFS

Parents United for Responsible Education (PURE) filed a complaint with the U.S. Dept. of Education's Office for Civil Rights against Chicago Public Schools (CPS) alleging discrimination against minority students. The group maintains that the district policy of flunking 3rd-, 6th- and 8th-grade students who don't meet minimum scores on state standardized math and reading tests disproportionately harms black and Hispanic students. CPS said it would be a disservice to promote kids who aren't prepared for the next grade; PURE cited research showing that holding kids back doesn't help them academically and leads many to drop out of school. (*Chicago Tribune*, 12-8-10)

More than 40% of American adults surveyed believe that Karl Marx's Communist slogan "from each according to his ability, to each according to his needs," comes from one of America's founding documents. The survey, sponsored by the Bill of Rights Institute, also found that 55% of adults think that "education" is a First Amendment right. The nonprofit said the survey results highlight the need for its campaign to educate Americans about the freedoms delineated in the first ten Constitutional Amendments. The group launched www.BillofRightsDay.com as part of that initiative. (www.blogs.edweek.org, 12-16-10)

The Colorado Court of Appeals upheld a lower court ruling that former University of Colorado ethnic studies professor Ward Churchill was properly fired for academic misconduct. Churchill claimed he was fired in retaliation for his 2005 essay comparing September 11th victims to Nazi war criminal Adolf Eichmann. A university investigation ruled that the essay was protected by the First Amendment, but also accused Churchill of plagiarism, falsifying data and fabricating evidence in some of his other work. The Board of Regents had dismissed him with an 8-1 vote after several faculty investigations found him guilty of academic misconduct. (*The Washington Times*, 11-29-10)

Education Reporter (ISSN 0887-0608) is published monthly by Eagle Forum Education & Legal Defense Fund with editorial offices at 7800 Bonhomme Ave., St. Louis, MO 63105, (314) 721-1213, fax (314) 721-3373. Editor: Kim Andrews. The views expressed in this newsletter are those of the persons quoted and should not be attributed to Eagle Forum Education & Legal Defense Fund. Annual subscription \$25. Back issues available @ \$2. Periodicals postage paid at Alton, Illinois.

Web site: <http://www.eagleforum.org>
E-mail: education@eagleforum.org

Nearly 1 in 4 Fail Military Exam

Almost a quarter of young people who tried to join the military between 2004-2009 did not pass the entrance exam, according to a study released last month. The dismal pass rate is causing concern among military leaders about national security.

The 23% military exam failure rate is even more disturbing because the exam is only given to people who meet other requirements; the Pentagon reports that 75% of 17- to 24-year olds don't even qualify to take the exam because they have a criminal record, didn't graduate from high school, or are physically unfit. (About one-fourth are obese, making them medically ineligible.) Additionally, a passing score isn't even particularly demanding — applicants only need to score 31 out of 99 on the first portion of the three-hour test to enter the Army, though recruits for the Marines, Air Force, Navy and Coast Guard need somewhat higher scores.

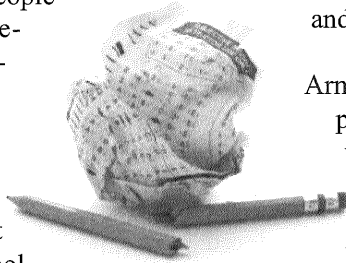
The Department of Defense is currently meeting recruiting goals, but that could change when the economy improves and more work alternatives become available. "If you can't get the people that you need, there's a potential for a decline in your readiness," said retired Navy Rear Admiral Jamie Barnett. Barnett is part of Mission: Readiness, a group of retired military leaders trying to bring attention to high ineligibility rates.

Tim Callahan, with the 80,000-member

Professional Association of Georgia Educators, expressed consternation that such a large proportion of high school graduates failed the exam. Many of the test questions are very basic, such as "If 2 plus x equals 4, what is the value of x?" Callahan said he found it "surprising and shocking that we are still having students who are walking across the stage who really don't deserve to be and haven't earned that right."

This is the first time the U.S. Army has released testing data publicly, said Amy Wilkins, whose Education Trust group worked with the Army to get raw data on those taking the Armed Services Vocational Aptitude Battery (ASVAB) over the past five years. The study found disparities between whites and minorities similar to those on other standardized tests. Nearly 40% of blacks and 30% of Hispanics fail, compared with 16% of whites. The average score for whites is 55, as compared to 44 for Hispanics and 38 for blacks.

Those who view the military as a fallback for people who don't measure up academically might be surprised at the knowledge needed to successfully serve in the armed forces today. "The military is a lot more high-tech than in the past," explained retired Air Force Lt. Gen. Norman R. Seip. "I don't care if you're a soldier Marine carrying a backpack or someone sitting in a research laboratory, the things we expect of our military members require a very, very well educated force." (Associated Press, 12-21-10)



MALLARD FILLMORE / by Bruce Tinsley



ACLU Targets Christmas in Schools

The Tennessee branch of the American Civil Liberties Union (ACLU) sent a warning letter to 137 school superintendents regarding school Christmas celebrations. The letter suggested that celebrating Christmas while excluding winter holidays such as Kwanza, Bodhi Day, Hanukkah and Eid al Adha amounted to an unconstitutional endorsement of religion. The group claimed it was responding to complaints from numerous families about such school activities.

"We believe . . . that holiday celebrations that focus primarily on one religious holiday can result in indoctrination as well as a sense within students who do not share that religion of being outsiders to the school," said Tennessee ACLU Executive Director Hedy Weinberg. The let-

ter attempted to bolster its case by citing three U.S. Supreme Court decisions, none of which actually prohibits public celebrations of Christmas.

The Alliance Defense Fund (ADF) countered with its own letter, stating that "No court has ever ruled that the Constitution demands school officials to censor Christmas carols, eliminate all references to Christmas, or silence those who celebrate Christmas." The ADF offered free legal defense to any Volunteer State school sued by the ACLU for Christmas activities.

The ADF also accused the ACLU of spreading misconceptions that have caused school officials to remove "nearly all religious references to Christmas. . . . While many do so unknowingly, school

(See *ACLU*, page 4)

Book of the Month



Ten Ways to Destroy the Imagination of Your Child, Anthony Esolen, ISI Books 2010, 256 pages, \$26.95.

Childhood isn't what it used to be.

Gone are long days spent exploring the environs or making up games to play with the neighbor kids. Those days have been replaced with daycare or long school days, video games, soccer practice and almost constant adult supervision. These and other modern child-rearing trends, argues Anthony Esolen, are snuffing out our children's imagination at every turn.

Esolen dissects the sources of the problem with irony, biting wit, and a writing style reminiscent of C.S. Lewis in *The Screwtape Letters*. To wit: "One way to neutralize this fascination with the natural world is to cordon it off in parks and zoos, and then to act as if only the parks and zoos were worth seeing. . . . Children should be encouraged to think they have 'done' rivers, or bird sanctuaries, or botanical gardens, in the way that weary tourists are proud to have done Belgium."

Childhood activities have been made to conform to adult agendas. Learning science has been reduced to "Believing the Right Things about Science," *i.e.*, adopting a politically correct view of the world. The point is not to learn about the habitats of whales or how their design makes it possible for them to be underwater mammals, but to believe that "Whales Must Be Saved."

Spontaneous neighborhood games that taught ingenuity, social skills and inculcated a sense of fair play have been replaced by games predetermined by adults to ensure there is no real competition and no chance of real anger or elation.

Fairy tales that transported kids to worlds unknown with archetypal heroes and villains have been replaced by "relevant," banal stories rooted in the current time and place and replete with politically correct platitudes.

Other imagination-killing culprits include: the "flattening" of love to sex education, strictly separating the child's world from his parents world, cutting heroes down to size, teaching children that practical skills like gardening and canning are drudgery, denying the transcendent, and plying kids with endless noisy distractions.

The author is not content to provide an entertaining and insightful analysis of the problem, however; interwoven throughout the book are commonsense solutions and examples of the books, music, art and experiences that once enriched the formative years of American children. This book is essential reading for parents, educators and anyone who is concerned to rescue children from the tedious and vacuous thing childhood has become.



FOCUS: Money Out the *Fenêtre*

Budget cuts are forcing colleges to end foreign-language requirements. It's about time.

By Jim Sollisch

If you have a job, the recession hasn't been all bad. You can get a great mortgage rate, productivity is up, and families are spending more time together. Also, according to a recent article in the *New York Times*, liberal arts colleges are dropping their foreign language requirement because of budget cuts. Recession or not, that's good news.

As a liberal arts major and one-time college writing instructor, I know that I'm expected to understand that language helps break down walls — both metaphorical and real — between cultures. That's the received wisdom at least.

But ask a recent college grad to say something in the language he or she was forced to take for two years. You're in for a short monologue.

My daughter can barely read a menu in French after two years and thousands

of dollars in tuition. Clearly money thrown out the old *fenêtre*. She won't be breaking down any walls between us and the Frogs.

All that French, Spanish and German makes it harder for liberal arts students to study science, business and economics. All of which would be a lot more useful than learning to parse verbs in a language they have no intention of speaking once they leave college.

Don't get me wrong. I'm all for the study of foreign languages. Students should be able to choose from a variety of languages at every university. The key word being "choose."

How did two years of foreign language become a requirement at the vast majority of colleges? It seems so random. Why don't we make two years of economics a requirement for all liberal arts degrees? Why do we cling to a subject

that has the smallest return imaginable for the vast majority of students?

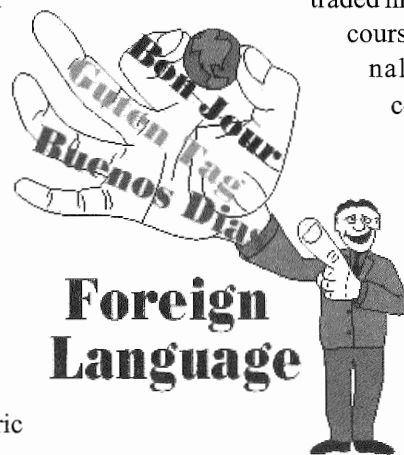
If the goal is to make our graduates less provincial, then there are better ways to go about it. We could easily replace those two years of language with a mix of comparative religion, comparative government, cultural anthropology and geography. That would give students a more global, less ethnocentric worldview.

As a parent of three recent college grads — with two more still in school — I have a good vantage point from which to view this debate. I wish our daughter, a psychology major who wants to do mar-

ket research, could have replaced French with a minor in marketing. I wish my son who was an English major could have traded his two years of language for courses like Web design, journalism or marketing — courses that might have exposed him to career paths that would take advantage of his excellent communication skills.

Unfortunately, my son was busy taking two full years of Swahili. Yes, Swahili, which he discovered was the best way to knock out his language requirement because it's phonetic and professors assume no past knowledge. Since three years of French in high school had taught him nothing, he signed up.

Maybe it will give him a leg up on a job as a waiter at a Tanzanian restaurant. That would be something.



Fatter Government Will Not Shrink Kids

By Julie Gunlock

Last month, the president signed Michelle Obama's Child Nutrition Bill. Ostensibly aimed at providing children with more nutritious school meals, the bill will instead lead to a greater reliance on the badly managed school food programs while simultaneously weakening the very institution that might be the key to solving the problems of childhood obesity — good parenting.

The 200-plus page bill is standard Washington meddling with that familiar feel of government overreach. It's full of new regulations and nutrition standards, expands USDA authority over local school districts, levies fines for noncompliance, and funds training, technical support, and a "food service management institute." It also requires a slew of sure-to-be-ignored reports, studies, and research. The bill also expands participation in these programs by automatically enrolling children using state Medicaid records and federal census data.

To laud her achievement, the first lady took to the podium at the bill signing. The president, surrounded by teachers and students, stood proudly next to her and made jokes about having to sleep on the couch if the bill failed to pass. Hardy har har.

The first lady used boilerplate language to congratulate all those who worked on the bill and employed a number of familiar bromides to praise its passage. Terms like "we can all agree," and "nothing is more important," and "the values this bill embodies" were scattered throughout her speech before she melo-

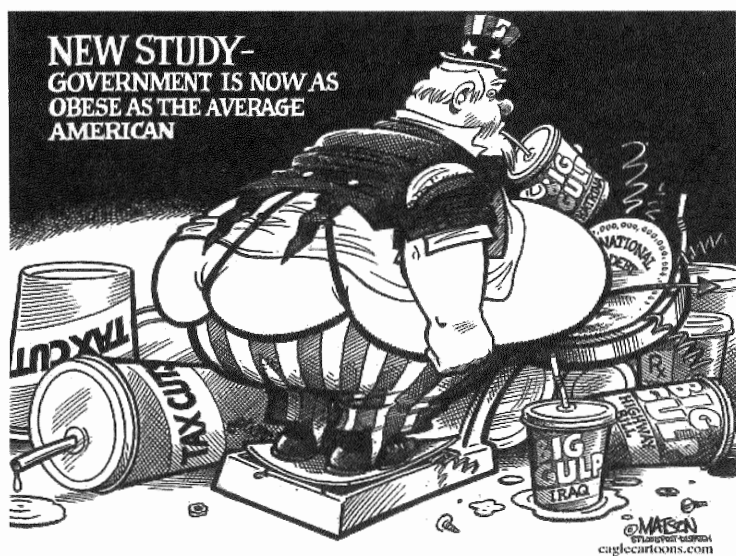
dramatically stated that it will "save lives." That's a bit of a stretch. The U.S. actually has very low levels of hunger. According to the USDA, only 14 percent of U.S. households have experienced

would they bother to do it when schools now feed children three squares a day?

In her speech, the first lady made one small mention of the role of parents, saying that ultimately this was their responsibility. However, she barely drew breath before quickly adding "when our kids spend so much time in school, it's clear that we can't just leave it up to the parents."

Really? Why not? Why can't we expect a parent to serve their kids a bowl of cereal in the morning? Why can't we expect a parent to put a sandwich and an apple in a paper bag and to tuck a small snack into a child's backpack to give them a boost after school? Why can't we expect a parent to stock a pantry with healthy snacks and to prepare a simple dinner for their child? Most importantly, why can't we simply expect a parent to teach their children the values of proper nutrition, portion control, the importance of exercise, and self-regulation?

Undoubtedly, there are parents who fail at these simple tasks, and concern should be directed at that small subset of children whose parents really aren't capable of parenting. This of course was the original intent of the school food program. Started in 1946, the program was directed toward children who really needed this food. Today, over 30 million children eat a school provided meal, yet according to the U.S. Census, half that number — roughly 15 million children — currently



"food insecurity" — which only means intermittent problems putting food on the table, not chronic starvation. And let's put this in perspective: According to the U.N. World Food Program, 98 percent of the world's hungry live in developing nations, a majority in only seven countries: India, China, the Democratic Republic of the Congo, Bangladesh, Indonesia, Pakistan, and Ethiopia.

Despite the exaggerated rhetoric surrounding the bill's passage, everyone can agree that ensuring children have access to healthy food is a good thing. But the real impact of this bill is much larger than nutrition. It represents an enormous growth in government. Not in the way we've seen it lately — into the financial and business sectors — but into our personal lives and the lives of our children. It tells parents to cease their most basic role — to feed your child. Because why

"... we can't just leave it up to the parents."
— First Lady Michelle Obama

live in poverty. As these numbers illustrate, these programs go far beyond simply providing food for poor children. They now also provide meals to working- and middle-class children whose parents, for whatever reason, don't pack their kids a lunch.

Relieving the program of these children — nearly 15 million — would allow schools to focus their efforts on those who actually need it. Instead, Michelle Obama sees the problem only being solved through government expansion. In her speech, the first lady said the problems of both obesity and malnutrition in this country "can be solved when we come together and provide our children with the nutritious food they need and deserve." These terms "we" and "our" are simply code for government being the better solver of your problems. You cannot be trusted to provide your child a nutritious meal because ultimately the government is smarter than you.

The issues of malnutrition and obesity are complicated. Michelle Obama has missed a golden opportunity to remind parents of their most basic responsibility. Instead, her child-nutrition bill will only harm children and families by further securing the trend of parents ceding this responsibility to the government.

Julie Gunlock is a senior fellow at the Independent Women's Forum. This commentary first appeared at www.nationalreview.com on 12-15-10. © 2010 by National Review, Inc., reprinted by permission.

Bullying (Continued from page 1)

nation as being covered under Title IX, but should have, according to the letter. "It can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity," advised Ali.

NSBA lawyer Negron did not quibble with the Department's definition of what constitutes "sex discrimination," but instead focused on the numerous differences between the OCR guidelines and the standards set forth in Title IX and in a Supreme Court ruling concerning peer harassment, *Davis v. Monroe County Board of Education* (1999).

Negron said the OCR "significantly expands" the standard of liability for schools in several ways. *Davis* said schools were only liable if they had "actual knowledge" of harassment that was so "severe, pervasive, and objectively offensive" that it effectively barred the victim's access to the educational program or benefit. In contrast, the OCR holds schools liable for incidents about which "it knows or reasonably should have known" and covers harassment that is "severe, pervasive, or persistent" (versus all three), and that merely "interferes with or limits" participation in or benefit from an educational program. Each point of the OCR guidance softens the *Davis* ruling, said Negron.

Additionally, the OCR letter states that schools must eliminate harassment and the resultant hostile climate, and prevent future harassment. *Davis*, said Negron, "explicitly rejects" the idea that schools must remedy and prevent peer harassment, requiring only that schools need to respond "in a way that is not clearly unreasonable."

Negron also objected that the OCR guidance "only minimally" recognizes students' First Amendment free speech rights and ignores constitutional limitations on school districts' ability to punish students for exercising those rights. Additionally, he said, the ED is creating a "legal climate ripe for federal suits against school districts" by requiring school administrators to make "nuanced legal distinctions" about whether race and gender-based harassment fall within the Department's enforcement areas. That objection addresses the fact that current laws don't explicitly permit the OCR to address harassment based on sexual orientation, but the ED has expanded what constitutes sex discrimination to include gender stereotyping, which is often a factor in sexual orientation cases.

Kenneth Trump, President of National School Safety and Security Services in Cleveland, said the "NSBA is right on target and deserves kudos for openly challenging the Department of Education. The Department's broad interpretation of federal education civil rights law is questionable. The federal overreach into local control over school discipline and climate issues is unprecedented, unnecessary, and counterproductive to school administrators' efforts to maintain school safety."

Trump agrees that bullying is a serious problem, but is among critics who believe the new focus on gender stereotype bullying puts other school safety measures, including anti-violence and anti-drug programs, in jeopardy. He believes the ED is responding to pressure from gay-rights organizations. "The untold hidden story is an intensified effort by gay-rights and civil-rights advocates to rewrite civil-rights laws."

Trump isn't the only anti-bullying proponent who questions whether the new emphasis on gender that is being pushed by some civil rights and gay advocacy organizations will give short shrift to the very serious problem of violence by and against youths. "Teasing and bullying aren't an issue in our community. Youths killing and maiming other youths is," said Ron Moten, co-founder of Peaceholics, a group working to prevent youth violence. "The new movement is not about children. It's about politics," he said.

Perhaps unintentionally, even some who want special protections spelled out for the gay community concede that the OCR guidance goes beyond the original intent of civil rights laws. Eliza Byard, executive director of the Gay, Lesbian, and Straight Education Network (GLSEN) said she was "struck by the fact that this administration is trying to do the most with what they have" in the absence of federal laws explicitly covering sexual orientation. GLSEN, the Leadership Conference, and numerous other liberal organizations have urged the Obama administration to expand and fund programs that specifically enumerate protections for lesbians, gays, bisexuals and transsexuals.

Currently, 44 state legislatures have passed anti-bullying statutes requiring school districts to adopt anti-bullying policies, often with specific elements and procedures; likewise, most state education agencies also have model policies that schools are required to incorporate by statute. The NSBA is hopeful that the ED will appropriately recognize the multiple standards districts must comply with as they pile on additional federal regulations. Negron also called upon the ED to "recognize, as the courts have" that "the professional judgment of educators is key to addressing the problem of bullying."

The real test of whether the ED will revise its regulations in light of the NSBA's concerns will be its response to actual cases. A spokesman for Arne Duncan confirmed that federal officials are investigating the Tehachapi Unified School District in central California, where a 13-year-old boy committed suicide in September after alleged harassment by his classmates because he was gay. Seth Walsh's mother complained that district officials failed to adequately address bullying of her son over a period of years. ED officials spent at least two days interviewing teachers, administrators and students, but have not yet released their findings. (Associated Press, 12-22-10; SchoolBoardNews.nsha.org, December 2010; *The Washington Times*, 10-28-10)

Paycheck Protection (Continued from page 1)

Gerald Dial, R-Lineville disagreed, arguing, "This [bill] doesn't deprive anyone of the right to belong to an organization. It just requires then to pay their dues like I pay my NRA dues."

Alabama Board of Education member Betty Peters applauded the measure. "It is wrong to use state resources to collect money for political candidates," she said. "Many educators who are AEA members have said they resented having money from their paychecks sent to the teachers' union PAC because it was often spent to elect candidates they did not support."

Outgoing Governor Bob Riley moved swiftly to take advantage of Alabama's first Republican-controlled state legisla-

ture in 136 years before his term ends in mid-January. He called the special session after the election of the new GOP majority to try to push through seven ethics and campaign finance bills he couldn't get passed while Democrats were in control. Riley promised to review the final version of the payroll deduction bill to ensure no loopholes would allow the AEA to send money to intermediary groups who could then use the funds for political purposes.

The AEA and other affected unions plan to contest the law, but Republicans point out that the U.S. Supreme Court upheld a similar Idaho law last year. (Associated Press, 12-15-10)

Professor (Continued from page 1)

In fairness, Schaefer did also mock the "eliminate all engines" group. "How are you going to feed the people in the cities?" he yelled, suggesting that engines are still needed to transport the food and supplies people need to survive. Nonetheless, asserts Ashley Thorne of the National Association of Scholars (NAS), a professor's job is "not to belittle" but to "instruct impartially." Thorne wrote on the NAS website that Schaefer "shouldn't be jeering at students on either side of a debate he has staged with an invitation to take positions he believes are extreme. When he asks students to sit according to their beliefs, then ridicules them for doing so — no matter what their politics are, he is in the wrong."

LSU physics and astronomy department chairman Michael L. Cherry defended Schaefer as "an extremely exuberant and enthusiastic teacher who consistently gets very strong student evaluations." Mr. Cherry told the *Chronicle* he did not expect any action to be taken against Professor Schaefer, though he would take any student complaints "very seriously."

Unidentified LSU administrators adopted the media arguments in their "Setting the Record Straight" statement released several weeks after the incident. They attempted to discredit the messenger by accusing Campus Reform of misrepresenting Schaefer "in order to ad-

vance a political agenda" and claimed the group edited out more than 20 minutes of class time to suit their purposes. (Campus Reform explained their cameraman turned off the tape during the group discussion time when Schaefer was not lecturing.)

In another attempt to whitewash the situation, LSU Provost and Executive Vice Chancellor John Maxwell Hamilton told Thorne in an email that "Not one student who was in the lecture has complained to the university," when in fact at least one student says he did complain.

A student identified as Matthew said he did complain to Dr. Cherry about

Schaefer and asked to drop the course. "Even though he [Dr. Cherry] said he doesn't approve of what he [Professor Schaefer] did, he [Cherry] said he wouldn't do anything about it. He won't even let me drop the class." Matthew also said he didn't realize the class had been recorded, but later learned the cameraman started recording after Schaefer called Matthew "stupid" for sitting with the "do nothing" policy group.

Despite 40 minutes of video proving otherwise, Provost Hamilton assured Thorne, "this is not a case of irresponsible teaching. It is a case of very bad journalism, obviously by someone without standards." (*Chronicle of Higher Education*, 11-17-10; *InsideHigherEd.com*, 11-18-10; *nas.org*, 12-1-10 and 11-22-10)

**ACLU** (Continued from page 2)

officials have begun a new 'tradition' of violating the constitutional rights of students and teachers to seasonal religious expression in our public school system."

Another civil liberties law firm sent their own memo to state superintendents to clarify what constitutes permissible Christmas celebrations in public schools. The Liberty Counsel explained that schools may display holiday religious symbols as long as they also display secular symbols. For example, "A Nativity is permissible, so long as it is accompanied by other symbols of the holiday, such as

Santa Claus or the Christmas tree." Likewise, religious music, art and drama are acceptable as long as schools adhere to a simple principle — "mix the secular and the sacred."

A recent Rasmussen poll found that 92% of Americans celebrate Christmas and 83% believe public schools should celebrate the holiday. The ADF letter dismissed the ACLU's attempt to play Grinch. "The ACLU's conclusions are without merit and are part of a tired, worn-out, and disproven campaign of fear, intimidation, and disinformation." (*www.cbn.com*, 12-15-10)