

**NATIONAL
COALITION
AGAINST
CENSORSHIP**

**YOUTH
FREE
EXPRESSION**

May 21, 2021

Dr. Jonathan C. Ponds, Superintendent
Montclair Public Schools
22 Valley Rd.
Montclair, NJ 07042

Re: Vetting of Material Recognizing Racial, Ethnic, Religious or LGBTQ groups

Dear Dr. Ponds:

The National Coalition Against Censorship is a coalition of national nonprofit groups dedicated to protecting the First Amendment rights of K-12 students, teachers, and staff. We are writing in regard to a report we received that at least one principal in your district has informed teachers that all materials “in recognition of any racial, ethnic, LGBTQ or religious group” must be vetted by the principal before being disseminated “to staff, students and families.”

While we recognize that the District is certainly entitled to vet materials which include statements that are endorsed by the school, the policy in question, as circulated, appears to go far beyond that and to affect the full range of books and other materials taught in the classroom. In doing so it raises both First Amendment and pedagogical concerns.

Singling out materials with certain types of content for review and approval raises concerns about possible discrimination against controversial positions. As you must be aware, public school officials are prohibited from discriminating against “the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989); see also *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, 872 (1982) (“local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books....”).

In addition, the requirement raises serious pedagogical concerns. It greatly burdens teachers, and is likely to chill their ability to select books that best serve students’ needs. Because the requirement is so broad and so vague, a huge range of materials might fall under its ambit. This would include social science books as well as novels taught in English class. Most of these include some reference to racial, ethnic, and religious groups or issues of sexuality. Indeed, New Jersey’s Social Studies standards ask students to: analyze “how factors such as demographics (e.g., race, gender, religion, and economic status) affected social, economic, and political opportunities during the Colonial era”; “relate varying immigrants’ experiences to gender, race, ethnicity, or occupation”;

“[e]xplore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have contributed to the American economy, politics and society”; “analyze the role of racial bias, nationalism, and propaganda in mobilizing civilian populations in support of ‘total war’”; and “[e]xplain how and why religious tensions, historic differences, and a western dependence on oil in the Middle East have led to international conflicts[.]”

If teachers are required to vet all materials relevant to these topics, they will be encouraged to give short shrift to some of them. In addition, it would burden the administration with reviewing a vast number of books.

Therefore, we ask that the District clarify to all teachers, administrators and staff that vetting of material related to race, ethnicity, religion, LGBTQ status, and other group status is required only in regard to materials which are intended to express the position of the District or of the school, and that such vetting is not required for materials intended for classroom use.

Thank you for your attention to this important issue.

Sincerely yours,

A handwritten signature in black ink that reads "Chris Finan". The signature is written in a cursive, flowing style.

Christopher Finan
Executive Director
National Coalition Against Censorship

CC: Erika Pierce, Principal, Glenfield Middle School