



## Nebraska School Librarians Association

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Dear Members of the Education Committee,

The Nebraska School Librarians Association is opposed to LB 635 and would like you to be aware of the following:

Schools already provide filtering systems that are required by the Children's Internet Protection Act (CIPA) to prevent students from accessing potentially harmful or obscene content in order to receive federal funding. These filters are in place through school-provided internet and devices.

If students choose to use a proxy to access such content while using school-provided internet or devices, they are in violation of their user agreement and subject to consequences based on the student handbook.

If students are using personal devices or the internet, parents and caregivers are able to set up filtering options based on their own specifications for use outside of school. Requiring school districts to filter personal devices restricts parents and guardians from making personal choices for their students.

There have been no reported incidents of students accessing potentially harmful or obscene content within approved educational research databases via school-provided internet and devices. According to an article published on February 21, 2022, by the Omaha World-Herald, "Neither [Senator] Albrecht nor Asher [bill supporter] said she knew of cases where Nebraska students have found obscene materials while using the databases available on school library sites."

Requiring individual logins for every educational research database will limit the options available to students and reduce accessibility for our youngest learners and those with learning needs which could violate IEPs (Individual Education Plans established for special education students) leaving districts open to lawsuits.

- It is not developmentally appropriate to expect K-12 students to use one, let alone multiple, individual logins to access materials. It is not realistic or appropriate to have a teacher or school librarian log each of these students into the accounts as needed as it would take up valuable instructional time.
- Most subscription databases include learning supports such as reading aloud, highlighting, language translation, citation development, and leveling of articles for different reading levels. These features are incredibly important for students who require learning support required in many students' IEPs and 504s. These supports are typically not available through general websites.
- If access to educational research databases were eliminated, schools would require additional funding to meet Rule 10 requirements. As such, schools would not meet accreditation standards as they would not be able to provide access to a current encyclopedia and periodicals.
- Even if Rule 10 was adjusted to eliminate such requirements, losing access to these valuable resources would put our students at risk of being behind the academic progress of students in other states and leave them unprepared for post-secondary education.
- It would be cost-prohibitive if every school district in the state were required to implement a single sign-on system and additional funding would be required.



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As written, the determination of what is obscene or harmful could be subjective as it is based on the “average person,” which is not clearly defined. What is considered obscene by one community member, administrator, or school board could be determined as not harmful or obscene by another. If resources are provided by the state, such as the Nebraska Library Commission, it would be very difficult to filter for just the locations that deem specific material inappropriate. If access restriction was determined for one school, the material would be restricted for all schools which reduces local control of determining learning materials.

The Nebraska Library Commission does currently offer three levels of resources including elementary/middle school, high school, and all databases. Individual schools/districts can determine which generic password to provide to their school communities or which level of resources to gain access to through their single sign-on or IP authentication system.

There are no procedures in LB 635 for how parents and guardians would report what they deem obscene or harmful, who would review the material, and how it would affect materials that are provided at the state level for all school districts, not just where the concern originated. The bill also does not outline the procedures for parents and guardians who would speak in favor of materials that have been challenged.

Students by and large are not using databases to search for or access obscene or harmful materials as many have unfiltered access to Google, TikTok, YouTube, Facebook, Snapchat, Instagram, and more on their personal devices. It would be more prudent to require instruction on digital citizenship and internet safety for all sources of information rather than censor unlikely sources like educational research databases.

As a reminder, everything provided by the school/district is filtered at a level required by federal law and student use can be monitored by school employees as needed.

The members of the Nebraska School Librarians Association Board are certified school librarians in districts across the state including every level of education and every district size. If any member of the education committee would like more information, we would gladly welcome any questions. Please contact our executive secretary at [contactnsla@gmail.com](mailto:contactnsla@gmail.com).

Respectfully,

The Nebraska School Librarians Association Executive Board