

statistically significantly higher reading comprehension scores than their unmatched classmates (.004).

References: Sandy Rovner, "Health-talk: New Light on Depression," Wash-

ington, D.C.: *The Washington Post*, Friday, May 21, 1982, p. B5; Jeffrey Stephen Krinsky, "A Comparative Study of the Effects of Matching and Mismatching Fourth-Grade Students

With Their Learning Style Preferences for the Environmental Element of Light and Their Subsequent Reading Speed and Accuracy Scores," Ed.D. dissertation, St. John's University, 1981.

Law

PATRICIA M. LINES

School Board Must Defend in Court Removal of Library Books

In July, the U.S. Supreme Court told the Island Trees, New York, school board that it must face trial in a lower court over its decision to withdraw several books from its school libraries.

According to Steven Pico and the other students bringing suit, Island Trees school board members obtained a list of "objectionable" books from a politically conservative organization and unofficially ordered several of these books out of school libraries. After these events, a specially appointed Book Review Committee recommended retention of five of the books, removal of two, availability upon parental approval for one, and indicated disagreement or indecision on the remainder. The board rejected these recommendations, returned one book to the library, and made another available with parental approval.

A U.S. district court granted summary judgment for the Island Trees board, based on the plaintiffs' complaint and other written statements. Summary judgment assumes allegations are true. Thus, the district court found that the plaintiffs' allegations, even if true, did not raise any legal issue and trial was therefore unnecessary.

The U.S. Court of Appeals for the Second Circuit disagreed with the district court and ruled that trial was necessary to determine the exact motivation underlying the school board's actions, indicating that if the board sought to suppress ideas, it had transgressed the first amendment.

While a majority on the Supreme Court affirmed the Second Circuit, only four Justices were willing to say that there may be constitutionally right and

wrong reasons for removing books from a school library. Justice White agreed with the result required by the plurality, but for obscure reasons. The remaining four Justices dissented vehemently, indicating that school boards should have unfettered authority to determine school library selections. They saw no distinction between adding or subtracting from a collection.

All plaintiffs and members of the reviewing courts agreed that the board could validly remove books for educational reasons. The issue was whether the board could take such action for any reason and whether it would have to explain such actions in court.

The four Justices in the plurality were of the opinion that school officials could not restrict access to ideas or social perspectives with which they disagreed. Justice Brennan, writing for the plurality, held that students have a right to receive information. The Supreme Court observed that the right is an "inherent corollary of the rights of free speech and press" because, first, the exercise of free speech rights would be futile if the audience was unavailable, and second, "the right to receive ideas is a necessary predicate to the recipient's meaningful exercise of his own rights of speech, press, and political freedom." While this right has been recognized in a variety of other contexts, this marked its first application to students in school.

Island Trees argued, among other things, that it had a responsibility to inculcate community values through the schools. Brennan responded:

But that sweeping claim overlooks the unique role of the school library. It appears from the record that use of the Island Trees school libraries is completely voluntary on the part of the students. Their selection of books from these libraries is entirely a matter of free choice; the libraries afford them an opportunity at self-education and individual enrichment that is wholly optional.

The approaches of the dissenting Justices varied, but all would defer to school board judgment. Justice O'Connor implied that she would defer totally

to school board judgment: "If the school board can set the curriculum, select teachers, and determine initially what books to purchase for the school library, it surely can decide which books to discontinue or remove from the school library so long as it does not also interfere with the right of students to read the material and to discuss it."

Powell, indicating that the school board had a responsibility to impart values to the students, appended without explanation excerpts from the books including racial slurs, street language, and one description of sexual intercourse in clear objective terms. Powell's opinion contained no indication that the overall content of the books or an assessment of a student's maturity and training were relevant.

As White saw it, the "unresolved factual issue . . . is the reason or reasons underlying the school board's removal of the books." Consequently, he believed that the case should be returned for trial and full development of the facts. However, it makes little sense to return a case for development of facts that are constitutionally irrelevant.

One important question remains: exactly what kinds of purposes will be considered valid or invalid by a majority on the Court. Brennan referred to "educational suitability," "good taste," "relevance," and "appropriateness to age and grade level," as "criteria that appear on their face to be permissible. . . ." Burger, joined by the other three dissenting Justices, also mentioned these criteria, implying, however, that the plurality should have given the Island Trees school board the benefit of the doubt and assumed the books were removed for these valid reasons.

Nor do the various opinions contain a clue as to why the Court did not apply its "open forum doctrine." Under this doctrine, the Court has held that once a governmental entity opens a forum for the expression of ideas, it may not selectively close it because of disagreement with certain ideas.

The school board's motive for withdrawing books already in the library is the critical factor. Whether the Island Trees Board will prevail when this case is argued before a trial court depends on the board's ability to show that it was motivated by concerns unrelated to the censorship of ideas.

The books were: *Slaughterhouse-Five* by Kurt Vonnegut, *The Fixer* by Bernard Malamud, *The Naked Ape* by Desmond Morris, *Down These Mean Streets* by Piri Thomas, *Best Short Stories of Negro Writers* edited by Langston Hughes, *A Hero Ain't Nothin' but a Sandwich* by Alice Childress, *Soul on*

Ice by Eldridge Cleaver, *A Reader for Writers* edited by Jerome Archer, and *Go Ask Alice* by an anonymous author.

The case is found at *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, no. 80-2043, June 25, 1982, 42 C.C.H. S.Ct. Bull. B3924.

Curriculum Clearinghouse

WILLIAM J. STEWART AND
CONRAD F. TOEPFER, JR.

Junior High Innovation in Individualized Instruction

The Open-Lab program at Pueblo Junior High School in Los Alamos, New Mexico, has overcome the traditional difficulties of scheduling individualized learning. Twice each week, on Tuesdays and Thursdays, rearrangement of class schedules creates a free period, while two controlling mechanisms prevent loss of structure and organization.

First, by issuing passes, teachers control access to settings providing specific kinds of help, even within subject areas. Teachers keep lists of students to whom they have issued passes. When students wish special study as opposed to need help, such "wish passes" are given only when "needs passes" are accommodated.

A second controlling mechanism is the house group. Students in each grade are assigned randomly to house advisors. All full-time teachers are advisors so the ratio of students to teachers is 22-1. The house advisors check student passes and release students to the open labs to which they have been scheduled.

The Open-Lab program is instituted only after the regular schedule of classes is running smoothly. The program provides closer, regularized student/teacher contact for remedial work, special assignments, and accelerated study programs without adding any costs to the instructional program.

Judson A. Morhart, "The Open-Lab Period: A Schedule That Promotes Individualized Instruction," *Phi Delta Kappan* 63 (May 1982): 635-636.

A New Direction to Educate Teenagers for Future Family Roles

Lakes High School in Tacoma, Washington, has gained parent and community support for its unique program of family life education. The program consists of a three-component structure and includes academic instruction in child development, small group discussions with volunteer parents, and firsthand experience in a nursery located at the high school. Emphasis is on the need to deliver essential child nurturing and rearing information within today's rapidly changing family roles.

The academic component deals with child development and skills of effective child rearing and includes discussions with marriage counselors to dispel the myths of family life created by the mass media. The small group discussions use carefully screened volunteer parents to break down barriers often found in teenage-adult interactions. The reasons for parenting styles can develop then in the atmosphere of mutual respect organized in these small group settings.

The Lakes High School contains the local campus nursery school but other schools could use area nursery schools. In these settings high school students work with and learn from the instructors while playing with and teaching young children.

Both participating parents and parents of the high school students in the program have been impressed by the capacity for responsible growth and understanding of parent roles by students in the program. Communication between adults and high school students is felt to have dramatically improved due to student perspectives gained through the program. Students rank the experience as an important and successful component of the Lakes High School curriculum. The program is entering its sixth year and continues to grow in numbers who apply to it.

Susan Miller, "Tacoma Parenting

Program Prepares Teenagers for Future Family Roles," *Phi Delta Kappan* 63 (June 1982): 701-702.

A Unique Program for Library Orientation and Usage

The William F. Bradford Library in Quincy, Massachusetts, has developed a highly effective orientation program for incoming sophomores. The library serves an academic and vocational technical high school audience of approximately 2,500 students.

Students learn the library procedures before using the Bradford collection. Specific objectives of the orientation are: to recognize and follow procedures governing the use of the library; to identify the location of various materials in a collection of over 20,000 volumes; and to demonstrate use of author, title, and subject sections of the catalog system.

The library staff devised a two-day orientation program for 30 different sophomore groups. The program is scheduled to coincide with appropriate classroom assignments and keyed to the abilities and needs of each group as well as to the subject matter they are studying. In developing the program, the library staff uses a computer printout presenting information about each class and class members.

A pretest is given students during their first day of orientation to determine student recall of basic library skills for emphasis and review. The test covers library terms, card catalog, book arrangement, reference works, and the *Reader's Guide*. The staff then computerizes the pretest data and when the group returns for the second day, after a two-day lapse, a specific follow-up program is given. Students receive a 4-page booklet highlighting what they need to know for their effective use of the collection, supplemented by transparencies and hands-on activities. High student use of the collection and minimal mis-

Copyright © 1982 by the Association for Supervision and Curriculum Development. All rights reserved.