

The First Amendment in Schools: An Overview

NCAC presents the following collection of materials on the topic of censorship in schools for the use of students, educators, and parents everywhere. This information is not intended as legal advice. If you are embroiled in a censorship controversy, we hope you will consult the resources below for guidance — if you need additional assistance, please contact us at ncac@ncac.org.

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For information on a specific censorship topic in schools, visit the collection of fact sheets presented in **Censorship in Schools: NCAC on the Issues**

Introduction

A. Purpose of the Resource Guide

The First Amendment safeguards the right of every American to speak and think freely. Its promise of freedom of expression and inquiry is central to the educational process and equally important to educators and students. The First Amendment protects educators' ability to exercise their judgment in accordance with professional standards, and provides the latitude to create learning environments that effectively help young people acquire the knowledge and skills needed to become productive, self-sufficient, and contributing members of society.

This document describes in practical terms what the right to freedom of expression means for the public schools. We hope it provides National Education Association (NEA) staff, as well as teachers and administrators around the country, with a deeper understanding of their constitutionally guaranteed rights and responsibilities, as well as renewed respect for the power of free expression to enhance the educational experience.

B. Free Speech, Public Education, and Democracy

Our founders recognized that public schools are one of the vital institutions of American democracy. But education, they also knew, involved more than reading, writing, and arithmetic. Education in a democratic society requires developing citizens who can adapt to changing times, decide important social issues, and effectively judge the performance of public officials. In fulfilling their responsibilities, public schools must not only provide students with knowledge of many subject areas and training in essential skills, but must also educate students on core American values such as fairness, equality, justice, respect for others, and the right to dissent.

Rapid social, political, and technological changes have escalated controversy over what and how schools should teach. Issues like sexuality and profanity have raised questions for generations of parents and educators, but they are even more complicated now, when most school communities are made up of individuals with differing cultural traditions, religions, and often languages. With students and parents bringing a range of expectations and needs to the classroom, educators frequently face a daunting task in balancing the educational needs of an entire student body while maintaining respect for the individual rights of each member of the school community.

The First Amendment establishes the framework for resolving some of these dilemmas by defining certain critical rights and responsibilities of participants in the educational process. It both protects the freedom of speech, thought, and inquiry, and requires respect for the right of others to do the same. It requires us to adhere to Supreme Court Justice Louis Brandeis' wise counsel to resort to "more speech not enforced silence" in seeking to resolve our differences.

The First Amendment and Schools

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. - First Amendment of the United States Constitution ratified December 15, 1791.

A. The First Amendment

The first provision of the Bill of Rights establishes the rights essential to a democratic society and most cherished by Americans: the right to speak and worship freely, the right to assemble and petition government, and the right to a free press. It embodies human rights that are celebrated throughout the world. The United Nations Universal Declaration of Human Rights states, in fact, that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Few other countries, however, provide the level of protection for free speech that the First Amendment to our Constitution guarantees.

The potential for tyranny by the state and abuse of government authority particularly worried framers of the Bill of Rights. In a letter to James Madison, December 20, 1787, Thomas Jefferson argued, "...a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference." Thus, before enumerating rights, the language of the First Amendment begins by prohibiting certain government conduct that would obstruct certain rights—i.e., "Congress shall make no law respecting...." These strictures, like most aspects of the Constitution, control only what the government may do, and have no effect on private individuals or businesses, which can do many things government officials cannot do.

Since public schools and public libraries are public institutions, they are bound by the obligations imposed by the First Amendment as well as many other provisions of the Constitution. However, as this manual will make clear, the First Amendment applies somewhat differently in schools than it does in many other public institutions.

B. The Public Schools

Public schools are the institution which in some respects most embody the goals of the First Amendment: to create informed citizenry capable of self-governance. As many commentators have observed, a democracy relies on an informed and critical electorate to prosper. As Noah Webster observed in 1785: "It is scarcely possible to reduce an enlightened people to civil or ecclesiastical tyranny." And on the eve of the Constitutional Convention in 1787, Benjamin Rush stated that "...to conform the principles, morals, and manners of our citizens to our republican form of government, it is absolutely necessary that knowledge of every kind should be disseminated through every part of the United States." Not surprisingly, universal access to free public education has long been viewed as an essential to realize our democratic ideals. According to the Supreme Court in *Keyishian v. Board of Education*, 1967:

The classroom is peculiarly the "marketplace of ideas." The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers "truth out of a multitude of tongues, [rather] than through any kind of authoritative selection"

Schools must, of course, convey basic and advanced skills and information across a range of subject areas and activities, and they must do so for students of different backgrounds and abilities. They must also help students learn to work independently and in groups, and they must accomplish all of this in a safe environment that promotes learning. Given the complexity of these responsibilities, school officials are generally accorded considerable deference in deciding how best to accomplish these goals.

Recent Supreme Court decisions have made clear, the right to free speech and expression can sometimes be subordinated when necessary to achieve legitimate educational goals. (See discussions of *Hazelwood School District v. Kuhlmeier* and *Bethel School District v. Fraser*, in NCAC on the Issues, Fact Sheet 4.) A school is not comparable to a public park where anyone can stand on a soapbox, or a bulletin board on which anyone can post a notice. While students and teachers do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker v. Des Moines*), speech is not quite as free inside educational institutions as outside.

This does not mean that students and teachers have no First Amendment rights at school. Quite the contrary. But it means that within the educational setting, the right to free speech is implemented in ways that do not interfere with the schools' educational mission. Students cannot claim, for instance, that they have the right to have incorrect answers to an algebra quiz accepted as correct, nor can teachers claim a right to teach anything they choose. The following discussion and Fact Sheets illustrate in far more detail how the First Amendment applies to schools in actual practice.

Censorship

A. Understanding Censorship

Censorship is not easy to define. According to Webster's Dictionary, to "censor" means "to examine in order to suppress or delete anything considered objectionable." Its central characteristic is the suppression of an idea or image because it offends or disturbs someone, or because they disagree with it. In many countries, censorship is most often directed at political ideas or criticism of the government. In the United States, censorship more often involves social issues, and in school is commonly directed at so-called "controversial" materials.

Advocates for censorship often target materials that discuss sexuality, religion, race and ethnicity—whether directly or indirectly. For example, some people object to the teaching of Darwin's theory of evolution in science classes because it conflicts with their own religious views. Others think schools are wrong to allow discussion about sexual orientation in sex education or family life classes, and others would eliminate *The Adventures of Huckleberry Finn* from the English curriculum because of racial references.

Most pressures for censorship come from parents who disapprove of language or ideas that differ from or affront their personal views and values, but demands can emerge from anywhere across the religious, ideological, and political spectrum. The range of "controversial" topics appears to be limitless: religion, science, history, contemporary and classical literature, art, gender, sexuality, "one-worldism," health, multiculturalism, and on and on. Many demands appear motivated by anxiety about changing social conditions and traditions. Feminism, removal of prayer from schools, the emergence of the gay rights movement, and other trends with implications for family structure and personal values, have all generated calls for censorship.

Censorship demands require educators to balance First Amendment obligations and principles against other concerns - such as maintaining the integrity of the educational program, meeting state education requirements, respecting the judgments of professional staff, and addressing deeply held beliefs in students and members of the community. Challenging as these circumstances may be, educators are on the strongest ground if they are mindful of two fundamental principles derived from the Supreme Court's First Amendment decisions: 1) educators enjoy wide latitude in exercising their professional judgment and fulfilling their educational mission if their decisions are based on sound educational and pedagogical principles and serve to enhance the ability of students to learn; and 2) the decisions that are most vulnerable to legal challenge are those that are motivated by hostility to an unpopular, controversial, or disfavored idea, or by the desire to conform to a particular ideological, political or religious viewpoint.

Pursuant to these principles, lower courts generally defer to the professional judgments of educators. As discussed in Fact Sheet #8, this sometimes means that the courts will uphold a decision to remove a book or to discipline a teacher, if it appears to serve legitimate educational objectives, including administrative efficiency. However, administrators and educators who reject demands for censorship are on equally strong or stronger grounds. Most professional educational organizations strongly promote free expression and academic freedom as necessary to the educational process. Access to a wide range of views and the opportunity to discuss and dissent are all essential to education and serve the schools' legitimate goals to prepare students with different needs and beliefs for adulthood and participation in the democratic process. It is highly improbable that a school official who relied on these principles and refused to accede to pressures to censor something with educational value would ever be ordered by a court of law to do so.

There are practical and educational as well as legal reasons to adhere as closely as possible to the ideals of the First Amendment. School districts such as Panama City, Florida and Hawkins County, Tennessee have been stunned to find that acceding to demands for removal of a single book escalated to demands for revising entire classroom reading programs. The school district in Island Trees, New York encountered objections to 11 books in its library and curriculum, including *Slaughter House Five* by Kurt Vonnegut, *Black Boy*, by Richard Wright, and *The Fixer* by Bernard Malamud. Other jurisdictions have been pressed to revise the science curriculum, the content of history courses, sex education, drug and alcohol education, and self-esteem programs. Experience has shown far too many times that what appears to be capitulation to a minor adjustment can turn into the opening foray of a major curriculum content battle involving warring factions of parents and politicians, teachers, students and administrators.

B. Distinguishing Censorship from Selection

Teachers, principals, and school administrators make decisions all the time about which books and materials to retain, add or exclude from the curriculum. They are not committing an act of censorship every time they cross a book off a reading list, but if they decide to remove a book because of hostility to the ideas it contains, they could be. As the National Council of Teachers of English (NCTE) and International Reading Association (IRA) note, there is an important distinction between selection based on professional guidelines and censorship: "Whereas the goal of censorship is to remove, eliminate or bar particular materials and methods, the goal of professional guidelines is to provide criteria for selection of materials and methods."

For example, administrators and faculty might agree to take discussion of evolution out of the second grade curriculum because the students lack sufficient background to understand it, and decide to introduce it in the fourth grade instead. As long as they were not motivated by hostility to the idea of teaching about evolution, this would not ordinarily be deemed censorship. The choice to include the material in the fourth grade curriculum tends to demonstrate this was a pedagogical judgment, not an act of censorship.

Not every situation is that simple. For example, objections to material dealing with sexuality or sexual orientation commonly surface in elementary schools and middle schools when individuals – often parents or religious leaders – demand the material's removal with the claim that it is not "age appropriate" for those students. On closer examination, it is clear their concern is not that students will not understand the material, but that the objecting adults do not want the students to have access to this type of information at this age. If professional educators can articulate a legitimate pedagogical rationale to maintain such material in the curriculum, it is unlikely that an effort to remove it would be successful.

Of course, hardly anyone admits to “censoring” something. Most people do not consider it censorship when they attempt to rid the school of material that they think is profane or immoral, or when they insist that the materials selected show respect for religion, morality, or parental authority. While parents have considerable rights to direct their own child’s education (see Fact Sheet #9), they have no right to impose their judgments and preferences on other students and their families. School officials who accede to demands to remove materials because of objections to their views or content may be engaging in censorship. Even books or materials that many find “objectionable” may have educational value, and the decision about what to use in the classroom should be based on professional judgments and standards, not individual preferences. Efforts to suppress a disfavored view or controversial ideas are educationally unsound and constitutionally suspect.

The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. - *Pierce v. Society of Sisters*, 268 U.S. at 535 (1925).

C. Consequences of Censorship

What’s so bad about getting rid of materials containing profanity? Many people don’t want their children using that kind of language even if they do it themselves, and many parents believe that seeing profanity in books or hearing others swear encourages youngsters to do the same, especially if the act goes unpunished. Yet profanity appears in many worthwhile books, films and other materials for the same reasons many people use it in their everyday language—for emphasis or to convey emotion. As Shakespeare’s Hamlet says to the players, the purpose of drama is “to hold, as ‘twere, the mirror up to nature.”

Works containing profanity often contain realistic portrayals of how an individual might respond in a situation, and some teachers intentionally select such materials to remove the allure from cursing. But even minor use of profanity has not shielded books from attack. Katherine Paterson’s award-winning book *Bridge to Terabithia* contains only mild profanity, but it has been repeatedly challenged on that ground, as have long-acknowledged classics like *Of Mice and Men*, by John Steinbeck. Profanity, however, is only one of many grounds on which books are challenged. Almost every classic piece of literature -- including *The Adventures of Huckleberry Finn* by Mark Twain, *The Diary of Anne Frank*, and Shakespeare’s *Romeo and Juliet* -- has been for some reason, in some place, at some time.

As these examples illustrate, censorship based on individual sensitivities and concerns restricts the world of knowledge available to students. And that world could get smaller and smaller. Based on personal views, some parents wish to eliminate material depicting violence, others object to references to sexuality, others to racially-laden speech or images. Some parents oppose having their children exposed to fiction that doesn’t have a happy ending, teach a moral lesson, or provide noble role models. If these and other individual preferences were legitimate criteria for censoring materials used in school, the curriculum would narrow to including only the least controversial and probably least relevant material. It would hardly address students’ real concerns, satisfy their curiosity, or prepare them for life.

Censorship also harms teachers. By limiting resources and flexibility, censorship hampers a teacher's ability to explore all possible avenues to motivate and "reach" students. By curtailing ideas that can be discussed in class, censorship takes creativity and vitality out of the art of teaching. Instruction is reduced to bland, formulaic, pre-approved exercises carried out in an environment that discourages the give-and-take that can spark a student's enthusiasm for learning. To maintain the spontaneous give and take of the classroom setting, teachers need latitude to respond to unanticipated questions and discussion, and the freedom to draw on their professional judgment and expertise, without fear of consequences if someone objects, disagrees, or takes offense. *When we strip teachers of their professional judgment, we forfeit the educational vitality we prize. When we quell controversy for the sake of congeniality, we deprive democracy of its mentors.*--- Gregory Hobbs, Jr (dissenting in Board of Education of Jefferson County School District R-I v. Alfred Wilder)

Censorship chills creativity and in that way impacts everyone. In a volume entitled *Places I Never Meant To Be*, author Judy Blume, whose books are a common target of censorship efforts, has collected statements of censored writers about the harms of censorship.

According to one frequently censored author, Katherine Paterson:

When our chief goal is not to offend someone, we are not likely to write a book that will deeply affect anyone.

Julius Lester observed:

Censorship is an attitude of mistrust and suspicion that seeks to deprive the human experience of mystery and complexity. But without mystery and complexity, there is no wonder; there is no awe; there is no laughter.

Norma Fox Mazur added:

...where once I went to my writing without a backward glance, now I sometimes have to consciously clear my mind of those shadowy censorious presences. That's bad for me as a writer, bad for you as a reader. Censorship is crippling, negating, stifling.. It should be unthinkable in a country like ours. Readers deserve to pick their own books. Writers need the freedom of their minds. That's all we writers have, anyway: our minds and imaginations. To allow the censors even the tiniest space in there with us can only lead to dullness, imitation, and mediocrity.

Censorship represents a tyranny over the mind, said Thomas Jefferson—a view shared by founders of our nation—and is harmful wherever it occurs. Censorship is particularly harmful in the schools because it prevents youngsters with inquiring minds from exploring the world, seeking truth and reason, stretching their intellectual capacities, and becoming critical thinkers. When the classroom environment is chilled, honest exchange of views is replaced by guarded discourse and teachers lose the ability to reach and guide their students effectively.

How Big a Problem is Censorship

A. The Numbers

Censorship occurs every day in this country. Sometimes it's obvious even if no one uses the "C" word. Sometimes it's invisible—when a teacher decides not to use a particular story or book or when a librarian decides not to order a particular magazine because of fears about possible complaints. No one can quantify this kind of "chilling effect" and its consequences for education.

The American Library Association (ALA), which tracks and reports censorship incidents, records a problem of significant magnitude, and they estimate that for each incident reported, there are four or five that go unreported. ALA states that between 1990 and 1998, 5,246 challenges were reported to or recorded by its Office for Intellectual Freedom. During the 1995-1996 school year alone, there were 475 challenges to educational materials, according to People for the American Way (PFAW). Both PFAW and ALA report challenges from all regions of the country and most states.

B. What Kind of Material Is Attacked?

Almost 70 percent of the demands for censorship are directed at material in school classrooms or libraries. Most of the remainder are aimed at material in public libraries. Parents lodge 60 percent of the challenges. The American Library Association offers an instructive analysis of the motivation behind most censorship incidents:

The term censor often evokes the mental picture of an irrational, belligerent individual. Such a picture, however, is misleading. In most cases, the one to bring a complaint to the library is a concerned parent or a citizen sincerely interested in the future well being of the community. Although complainants may not have a broad knowledge of literature or of the principles of freedom of expression, their motives in questioning a book or other library material are seldom unusual. Any number of reasons are given for recommending that certain material be removed from the library. Complainants may believe that the materials will corrupt children and adolescents, offend the sensitive or unwary reader, or undermine basic values and beliefs. Sometimes, because of these reasons, they may argue that the materials are of no interest or value to the community.

Of more than 5,000 challenges recorded by the ALA over the past eight years, 1,299 challenges alleged the materials' content was "sexually explicit;" 1,134 objections concerned "offensive language" in the material; 1,062 alleged the material was "unsuited to age group;" 744 complained about an "occult theme or promoting the occult or Satanism;" and 474 concerned objections about homosexual issues or "promoting homosexuality." Other reasons for objecting to materials included nudity (276), racism (219), sex education content (190), or anti family sentiments (186).

While demands for censorship can come from almost anyone and involve any topic or form of expression, most incidents involve concerns about sexual content, religion, profanity, or racial language. Many incidents involve only one complaint, but nonetheless trigger a review process that can become contentious. Often, the parents who support free expression do not step forward to participate in public discussions to the same extent as those seeking to remove materials, leaving school officials and teachers relatively isolated. It is then their task to assess the pedagogical value of the materials carefully to avoid simply giving in to angry demands that could undermine educational objectives, send students and colleagues the wrong message, and invite additional challenges in the future.

C. What Does “Age Appropriate” Mean?

One of the most common demands for censorship involves the claim that certain school materials are not “age appropriate.” The term is often used to mean that students of a particular age shouldn’t be exposed to the material, not that they are too young to understand it. The objection usually comes up when the material concerns sexuality and usually reflects a fear that exposure to this subject matter undermines moral or religious values. Since many non-objecting parents support informing even young children about sexual matters, it is clear that the content of the material as much as the age of the child lies at the heart of the objection. Acceding to pressure to censor in this situation can be tantamount to endorsing one moral or religious view over another.

Educators generally use the term “age appropriate” when they mean the point at which children have sufficient life experience and cognitive skills to comprehend certain material. Education proceeds in stages, with increasingly complex material presented as students gain the intellectual ability and knowledge to understand and process it. For this reason, young children usually do not learn physics or read Shakespeare. Similarly, educators may decide that detailed scientific information about human reproduction might not be age-appropriate for six-year-olds, but would be appropriate for 12-year-olds who have been introduced to basic biology.

According to high school teacher Vicky Greenbaum, writing in *The English Journal* (vol. 86, #2, Feb. 1997, pp. 16 - 20), the term comes from psychological concepts defining age-appropriate behaviors. She observes, however, that the rationale for psychological descriptions of the age at which certain behaviors generally occur has limited relevance to the selection of educational materials and literature in the classroom. If students understand the sexual allusions in Hamlet, she believes the discussion of it is “age-appropriate.” In contrast,

[a]dults who cling to this vision of youth [as innocent] have a corresponding vision of what’s appropriate, hoping perhaps that if youth are unexposed to certain elements in the world, they will remain pure, and the world will be a better place. Indeed, for such adults a pristine vision of youth often forms a wall between themselves and any adolescents they happen to know. Youth are people already possessing knowledge and vulnerabilities in ways akin to adults, and their greatest need may be for thoughtful consideration or guidance, while making sense of a vast, difficult, not always appropriate world.

Responding to questions about age appropriateness, the National Council of Teachers of English noted that “materials should be suited to maturity level of the students,” and that it is important to “weigh the value of the material as a whole, particularly its relevance to educational objectives, against the likelihood of a negative impact on the students....That likelihood is lessened by the exposure the typical student has had to the controversial subject....”

D. Who Gets Censored?

In 1998, ALA and PFAW found the most frequently challenged authors were Robert Cormier, Lois Lowry, John Steinbeck, R. L. Stine, Maya Angelou, Judy Blume, Robie Harris, James Lincoln Collier and Christopher Collier, and Katherine Paterson. In the 14-year period between 1982 and 1996, the most frequently challenged authors were Judy Blume, Alvin Schwartz, Stephen King, John Steinbeck, Robert Cormier, J.D. Salinger, Roald Dahl, Maya Angelou, Mark Twain, and Katherine Paterson.

The books targeted by censors included both popular and classic titles, affecting choices made by almost every age group. PFAW's list of most challenged books from 1982-1996 includes:

John Steinbeck, *Of Mice and Men*
J.D. Salinger, *The Catcher in the Rye*
Robert Cormier, *The Chocolate War*
Maya Angelou, *I Know Why the Caged Bird Sings*
Alvin Schwartz, *Scary Stories to Tell in the Dark*
Mark Twain, *The Adventures of Huckleberry Finn*
Alvin Schwartz, *More Scary Stories to Tell in the Dark*
Anonymous, *Go Ask Alice*
Katherine Paterson, *Bridge to Terabithia*
Roald Dahl, *The Witches*

Two years later, many of these works were still prime targets of censorship demands. According to the ALA, the most frequently challenged books in 1998 included:

Robert Cormier, *The Chocolate War*
John Steinbeck, *Of Mice and Men*
R. L. Stine, Goosebumps Series and Fear Street Series
Maya Angelou, *I Know Why the Caged Bird Sings*
Lois Lowry, *The Giver*
Luis Rodriguez, *Always Running*
Jane Leslie Conly, *Crazy Lady*
Judy Blume, *Blubber*

Roles and Responsibilities

Promoting First Amendment Values at School

A. School Officials, Boards and State Mandates

The school board's role is to define an educational philosophy that serves the needs of all its students and reflects community goals. In this process, most districts see a role for parents and other community members. Educational advisory boards can also assist educators in discerning the needs and perspectives of the community. Open school board meetings can keep the public informed about the school district's educational philosophy and goals, encourage comments, questions and participation, and increase community support for the schools. Although public debate about the educational system provides opportunities for community input and can assist educators in developing materials to meet students' needs and concerns, actual curriculum development and selection are tasks uniquely suited to the skills and training of professional educators.

While curriculum development relies heavily on the professional expertise of trained educators, it is also controlled by state education law and policy. Educators' choices are influenced by factors such as competency standards, graduation requirements, standardized testing, and other educational decisions made at the state level.

B. Principles Governing Selection and Retention of Materials in Schools

Sound curriculum development requires that educators with professional expertise decide which materials are educationally appropriate, consistent with the school district's educational philosophy and goals and state education law. School officials also have the constitutional duty to ensure that curriculum development and selection decisions are not made with the aim of advancing any particular ideological, political, or religious viewpoint.

Many professional educational organizations, and individual school systems, have articulated the principles that should ideally govern selection and retention of materials in schools, and these statements and policies uniformly emphasize reliance on the expertise of professional educators in developing materials that will best serve the needs of students. NEA Resolutions state that quality teaching depends on the freedom to select materials and techniques. Teachers and librarians/media specialists must have the right to select instructional material/library materials without censorship or legislative interference

Similarly, the National School Boards Association (NSBA) policy on textbook selection emphasizes that its "first commitment" is "preservation of the student's right to learn in an atmosphere of academic freedom," and that "[s]election of materials will be made by professional personnel through reading, listening, viewing, careful examination, the use of reputable, unbiased, professionally prepared selection aids...." The National Council of Teachers of English and the International Reading Association advise selecting curricular materials that 1) have a clear connection to established educational objectives, and 2) address the needs of the students for whom they are intended. Significantly, the Association for Supervision and Curriculum Development (ASCD) cautions that "professional judgment must not be completely subservient to the popular will. Educators' primary allegiance must be to the integrity of knowledge and the welfare of students.... materials must never be removed or restricted for the purpose of suppressing ideas."

Policies governing school libraries and classroom resource materials reflect the priority placed on inclusion of a wider range of materials, because of the libraries' traditional role to offer choices for all readers. The American Library Association Library Bill of Rights, first adopted in 1948, recognizes the library's essential role in providing resources to serve the "interest, information, and enlightenment of all people of the community." With minor modifications, these principles also apply in the school setting.

The considerations specifically relevant to school libraries are identified by NSBA guidelines:

- To provide materials that will enrich and support the school's curricula...
- To provide materials that will stimulate knowledge, growth, literary appreciation, aesthetic values, ethical standards, and leisure-time reading;
- To provide information to help students make intelligent judgments;
- To provide information on opposing sides of controversial issues so that students may develop the practice of critical reading and thinking; and
- To provide materials representative of the many religious, ethnic, and cultural groups that have contributed to the American heritage.

As is true with curricular materials, the ALA cautions that library materials "should not be proscribed or removed because of partisan or doctrinal disapproval."

C. Complaint Procedures

Many school districts adopt formal policies and procedures for responding to complaints about materials, and for good reason. They simplify the functioning of the schools by clarifying how complaint processes work; help faculty, staff, and administration fulfill their legal obligations; let parents and students know what criteria are used for removing materials and how they are applied; provide opportunities to understand more about community perspectives and values; and protect the academic freedom of teachers.

When materials are challenged, schools with well-articulated processes for handling complaints and reviews are more likely to resist censorship pressures than districts that lack such guidelines. Having policies in place, and following them scrupulously, ensures that complainants will receive due process, and that challenged materials will be judged on educational merits rather than personal opinion. It is important for teachers and administrators to be familiar with these policies and understand their significant function. Armed with this knowledge, schools officials are less likely to submit to pressure or react with unilateral decisions to remove books.

Different school systems implement complaint procedures in different ways, but most provide that:

- Complaints must be made in writing;
- Complainants should identify themselves both by name/address, and by their interest in the material (i.e., as a parent, student, religious leader, etc.);
- Complainants must have read/seen the entire work objected to;
- The complaint must be specific about the reasons for the objection;
- Complaints should request a specific remedy (i.e., an alternative assignment for an individual, or removal/exclusion affecting the entire school community); and
- Complaints, standing alone, will not be considered grounds for disciplining teachers or librarians.

It is advisable for policies to contain a statement supporting intellectual and academic freedom, and an explanation of the importance of exposing students to a wide variety of material and information, some of which may be considered "controversial." Policies should also clearly indicate that certain kinds of objections do not provide a legally permissible ground for removal, exclusion or restriction. Disagreement with a specific idea or message, and personal objections to materials on religious, political or social grounds, are the most common grounds for challenges and the most suspect. Such concerns may justify a parent's request that his or her child be assigned alternate material, and if shared more widely they may suggest the need for discussion about how teachers and school officials can better explain the educational value of the material, and ways in which any perceived harms can be alleviated, perhaps through inclusion of additional materials or otherwise. But such personal viewpoint-based concerns, standing alone, rarely justify removal of a book or other material, and may raise First Amendment issues.

A committee - often composed of instructional staff, library staff, and administrators, and sometimes including students and parents - ordinarily processes complaints. Their recommendation is usually subject to a review process, but the judgment of such a committee made up by professionals, with or without lay members, is entitled to deference if grounded in sound educational and pedagogical principles. Its decision should only be reversed for compelling educational reasons. Materials should never be removed unless the complaint procedures are followed, and materials should never be removed prior to completion of the complaint process.

These principles, if uniformly and consistently implemented, protect students whose right to learn about something should not be limited to conform to some other individual's or family's preferences. They also protect educators in the exercise of their professional judgment, and help insulate them and the school district from legal challenge and community pressure.

D. Practical Considerations of Dealing with Censorship Controversies

- School administrators and teachers should work together to develop an understanding about how they will respond if material is challenged, recognizing that it is impossible to predict what may be challenged.
- Educators should always have a rationale for the materials employed - regardless of whether they think something is potentially “controversial.”
- In approaching material that may be controversial, keep parents advised about what material students are using and why it has been selected.
- Encourage parents to raise questions about curricular materials directly with their child’s teacher, and encourage teachers to be willing and available to discuss concerns with parents.
- Schedule regular meetings for parents. In one innovative program in South Carolina, called Communicate through Literature, librarian Pat Scales invited parents to the library once a month, without students, to discuss contemporary young adult books that their children might be reading, to understand how the books helped their children grow intellectually and emotionally, and to encourage parents to use the discussion of books to spark conversation with their children. She never had a censorship case, but had many calls from parents asking her to recommend books for their children to address troublesome issues. (Pat Scales’ book, *Teaching Banned Books* (American Library Ass’n, 2001) describes this program in detail.)
- Involve members of the community in any debate over challenged materials. Broadening the discussion usually reveals that only a small number of people object on the same material, or on the same ground, but that if one person’s preferences are taken into account, others will expect the same treatment - making almost everything vulnerable to challenge.
- Support the value of intellectual and academic freedom. Conscientious teachers who are unlucky enough to get caught in the middle of a censorship dispute - and it could happen to anyone - deserve support from their colleagues and the community if their choices are justifiable educationally. Without such trust and some latitude, teachers will stick only to the tried and true, or the bland and unobjectionable.

Censorship Policies

Major Educational Organizations Take a Stand for the First Amendment

Many national and international organizations concerned with elementary and secondary education have established guidelines on censorship issues as a service for their constituents. Based on their goals, values, and constituencies, each organization addresses censorship a little differently, but each is committed to free speech and recognizes the dangers and hardships imposed by censorship. The organizations couple their concern for free speech with a concern for balancing the rights of students, teachers and parents. Many place heavy emphasis on the importance of establishing policies for selecting classroom materials, as well as procedures for addressing complaints. The following listing summarizes the censorship and material selection policies adopted by leading national and international educational organizations.

National Education Association (NEA)

The NEA is America's oldest and largest organization committed to advancing the cause of public education. Its 2.5 million members work at every level of education. Elected representatives from across the country are responsible for setting policy, which includes resolutions on selecting and developing education materials and teaching techniques. The resolutions embody NEA's belief that democratic values are best transmitted in an atmosphere free of censorship and deplore "pre-publishing censorship, book burning crusades, and attempts to ban books from the...curriculum." Taking a proactive position, the NEA encourages its members to be involved in developing textbooks and materials and to seek the removal of laws and regulations that restrict selection of diverse materials.

The National Council of Teachers of English and the International Reading Association (NCTE/IRA)

The NCTE "supports intellectual freedom at all educational levels." A 80,000-member organization devoted to improving the teaching and learning of English and the language arts, the NCTE offers support, advice, and resources to teachers and schools faced with challenges to teaching materials or methods. The NCTE has developed a Statement on Censorship and Professional Guidelines in recognition that English and language arts teachers face daily decisions about teaching materials and methods. The IRA has 90,000 members worldwide, working in a variety of educational capacities. Its goal is to promote high levels of literacy by improving the quality of reading instruction and encouraging reading as a lifetime habit. The IRA supports "freedom of speech, thought, and inquiry as guaranteed by the First Amendment."

The NCTE and IRA have issued a joint statement on intellectual freedom: "all students in public school classrooms have the right to materials and educational experiences that promote open inquiry, critical thinking, diversity in thought and expression, and respect for others." Their mutual policy sets out four principles aimed at translating the ideals of the First Amendment into classroom reality: (1) to actively support intellectual freedom; (2) to foster democratic values, critical thinking and open inquiry; (3) to prepare for challenges with clearly defined procedures; and (4) to ensure educational communities are free to select and review classroom curricula to meet student needs.

Association for Supervision and Curriculum Development (ASCD)

The ASCD is an international organization of professional educators committed to excellence in education. Its mission is to "forge covenants in teaching and learning for the success of all learners." In its statement on censorship, the ASCD recognizes the importance of balancing the rights and needs of students, teachers and parents while maintaining freedom of expression.

When challenges arise, school officials should bear in mind that education is governed by the public . . . [Educators] should recognize the value of citizen participation and respect the right of parents to shape their children's schooling. At the same time, educators should insist that, as in other fields, professional judgment must not be completely subservient to the popular will. Educators' primary allegiance must be to the integrity of knowledge and the welfare of students.

The ASCD stresses the importance of establishing complaint procedures and affirms that materials are never to be restricted for the purpose of suppressing ideas.

American Library Association (ALA)

The ALA, "the voice of America's libraries," is dedicated to providing leadership for the "development, promotion and improvement of library and information services...in order to enhance learning and access to information for all." The ALA has a widely emulated Bill of Rights affirming all libraries as forums for information and ideas. The ALA's policies stipulate that libraries should provide materials from all points of view; challenge censorship; cooperate with free speech groups; grant access to all regardless of origin, age, background or views; and provide exhibit space on an equitable basis. Drawing on the United Nation's Declaration of Human Rights, the ALA emphasizes the importance of free speech:

We know that censorship, ignorance, and limitations on the free flow of information are the tools of tyranny and oppression. We believe that ideas and information topple the walls of hate and fear and build bridges of cooperation and understanding far more effectively than weapons and armies.

National Association of Elementary School Principles (NAESP)

Dedicated to assuring that every American boy and girl receives the world's best elementary and middle school education, NAESP sets policy on curriculum and instruction. In its statement on censorship and academic freedom, "NAESP affirms the right of the student and teacher to use a wide variety of curriculum and literary materials and to explore divergent points of view." NAESP also emphasizes the importance of establishing procedures to address selection of materials and challenges to selections. These procedures are to be carried out, "professionally and equitably" according to established professional criteria, and the values and needs of the community.

National School Board Association

The National Education Policy Network of the National School Boards Association (NEPN/NSBA) Textbook Selection and Adoption policy states, among other things, that "The Board's first commitment in selecting and adopting textbooks will be the preservation of the student's right to learn in an atmosphere of academic freedom. Secondly, the Board will support the teachers' right to exercise professional judgment in their work; but, at the same time, will require teachers to balance this right with an awareness of their responsibility to meet the educational foals and objectives of the school system. Thirdly, the Board recognizes the rights of parents to influence the education of their children. The Board will not, however, allow the wishes of an individual parent to infringe upon the rights of the majority of students in any class."

National Coalition Against Censorship (NCAC)

Founded in 1974, NCAC is an alliance of 51 national non-profit organizations, including literary, artistic, religious, educational, professional, labor, and civil liberties groups, united in their support of freedom of thought, inquiry, and expression. NCAC works with teachers, educators, writers, artists, and others around the country dealing with censorship debates in their own communities; it educates its members and the public at large about the dangers of censorship and how to oppose them; and it advances policies that promote and protect freedom of expression and democratic values.