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DPI QUICK NOTE



#6

VOTERS MAY NOT

MANDATE

CREATIONISM

BOOKS

IOWA DEPARTMENT  
OF  
PUBLIC INSTRUCTION  
1986

DPI QUICK NOTE 6

VOTERS MAY NOT MANDATE  
CREATIONISM BOOKS

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Voters in Iowa may not direct the school board to adopt creationism books in the schools, the Attorney General has ruled. The question arose before the September 14 [1982] school elections. Petitions were filed with school boards in perhaps 30 districts, seeking to place on the ballot a proposal to adopt a group of creationism books as "supplementary textbooks for school library and teacher resource use in every school" in the district. Iowa law [section 278.1] permits voters to "direct a change to textbooks regularly adopted." Senator Ted Anderson asked for an Attorney General's opinion.

On October 1, the Attorney General's office issued a 17-page opinion written by Merle Wilna Fleming. She concluded the action sought in the petitions is not authorized by section 278.1[1] of the Code. Voters may direct the school board to change textbooks, but the board has

the power to select the books [Section 301.1]. There is no provision in the law for supplementary textbooks, she said. The law makes separate and distinct provisions for library books and other resource materials [sections 279.28 and 292.1] and does not grant power to the voters to participate in that decision, she said. Her opinion traces the course of textbook selection by Iowa schools from the 1850's, and notes that "the power of the electors to choose textbooks was eliminated from the school laws by 1862." Section 278.1[1] perhaps remains in the law through oversight, she says. It dates from the time when students purchased their own textbooks, and school boards were forbidden to change books more often than once in five years, unless so directed by the voters. That provision was repealed in 1970.

Turning to constitutional questions raised by Senator Anderson, Ms. Fleming said that if a school board should decide to place creationist books in the school library, the action would not violate the Constitution, unless there was also an effort to suppress other ideas. She

cited the Island Trees decision. Requiring the use of creationist books in science classes would be in conflict with the Constitution, she said [No. 82-10-1].

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