



*The Montessori*

# OBSERVER

*Individual  
Liberty*

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## **IMS Injunction Opposed In Maryland**

IMS presently awaits the scheduling of a hearing before the United States Federal District Court in Baltimore, MD on behalf of the issuance of a preliminary injunction to permit its teacher training program to operate in the state of Maryland. Opposing such injunction, the Attorney General of Maryland has entered his representation of the Maryland State Board for Higher Education and the other thirteen state defendants in the case.

In written response to the IMS motion for injunction, the Attorney General claims on behalf of the state defendants that the burden required for the issuance of a preliminary injunction has not been met by the plaintiffs and that the federal court should abstain from hearing the plaintiffs' constitutional claims. In addition, the Attorney General has indicated several grounds for dismissal of the case, including a claim of "immunity" for the state parties sued.

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## **New Maryland Bill Favors Montessori**

IMS applauds and supports a legislative proposal recently introduced by **Delegate Stewart Balnum** in the Maryland General Assembly to enable exemption of private Montessori schools and other private schools from the present requirement for a "certificate of approval" prior to and as a condition of operation in the state. This new legislation is similar in effect and application to another proposal in the state directed to postsecondary institutions, reported in the May, 1981 *Observer*.

The present bill would amend Section 2-206(e), Education Article of the Annotated Code of Maryland to enable private schools to submit a "report of operations" rather than submit to the restrictive and burdensome "certificate of approval" procedures. The present requirements impose certain repressive conditions on Montessori schools and teachers, such as teacher training requirements consisting of a "Montessori diploma" and a bachelor's degree. Such requirements can be detrimentally employed against Montessori education,

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Children working at IMS member school Livingston Montessori Center (Brighton, MI)

## **Montessori Schools Join IMS**

IMS acknowledges Montessori schools for their commitment to the effective application of Montessori principles by means of its special membership program. During September and October, 1981, the following schools have become new IMS Montessori school members.

### **Livingston Montessori Center Brighton, MI**

The Livingston Montessori Center, owned by a non-profit corporation, is managed and directed by **Cheryl Rosaen** and **Karen Zurawski**.

The Center provides two half-day Montessori primary sessions for sixty children and a full-day 6-9 elementary program. During the summer months, a Montessori program is offered.

Ms. Rosaen is currently engaged in developing the elementary program at the center and plans to expand to include a 9-12 class in 1982. For further information, contact: Cheryl Rosaen, Livingston Montessori Center, 1381 S. Old U.S. 23, Brighton, MI 48116 (313) 227-4666.

### **Chiaravalle Montessori School Evanston, IL**

**Dr. Marina L. Eovaldi** is the administrator of this parent-run, non-profit school.

The extensive program at Chiaravalle serves children aged 12 mo. to nine years of age. Special school programs include instruction in French, before and after school programs for elementary children and a mainstreaming program for special children.

For further information, contact: Dr. Marina L. Eovaldi, Chiaravalle Montessori School, 425 Dempster St., Evanston, IL 60201 (312) 864-2190.

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## **IMS Waives Teacher Certification Requirement for Membership**

IMS Montessori school membership has previously required that teachers at member schools possess "teacher certification from a Montessori training program." However, since IMS teacher certification and training is not now readily available, such a requirement seems inappropriate. Therefore, Montessori schools which otherwise meet the IMS Montessori school membership criteria will not now be barred from membership participation for the sole reason that certification is lacking among the teaching staff.

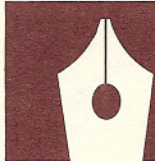
IMS wishes to underline that the fundamental identification of a Montessori school does not lie in external data, such as teacher certification, but rather in the school's expressed commitment to and recognition of Montessori principles in the operation of the school's program.

## **Notice to Montessori Schools**

Since the initial issue of the "Montessori Observer" was published in February, 1981, IMS has provided its basic newsletter at no cost to all Montessori schools in North America. However, since the distribution of the "Observer" has now expanded significantly through the various IMS membership programs to include a substantial portion of interested individuals and schools within the Montessori community, it is now appropriate to guarantee regular distribution of the "Observer" to IMS members only. Distribution of the "Observer" to this widespread membership will assure an effective communication and participation of the Montessori community with IMS.

Therefore, beginning with the January 1982 issue, Vol. III, No. 1, regular distribution of the "Observer" to non-member Montessori schools will cease. IMS will continue to maintain and enhance communication and participation with non-member schools and individuals in the Montessori community through frequent distribution of other publications, such as the "Montessori Publications" newsheet.

IMS invites Montessori schools and other interested parties wishing to receive a regular subscription to the "Observer" to participate in an appropriate membership program.



# Individual Liberty

**Individual Liberty**—one of the three fundamental Montessori principles—appears to be widely recognized but little practiced in society. However, Dr. Montessori recognized that this ancient principle of “liberty” (i.e., “freedom of choice”) is vital to the effective development of self-discipline and independence in children.

## Conflict

Conflict can easily arise in the application of “individual liberty” if such principle is taken in isolation from the other two Montessori principles—“Preparation of the Environment” and “Observation”. Faced with the need to deter disruptive and harmful behavior in the classroom, frustrated teachers readily sacrifice the individual child’s “freedom of choice” to achieve a presumed higher goal of classroom stability. However, without a commitment to “individual liberty”, underlying conflict will inevitably persist throughout the classroom.

## Interplay Vital

The effective resolution of underlying conflict in the classroom is found uniquely in the harmonious interplay of all the Montessori principles applied together. In effect, any slight deviation from a complete commitment to “individual liberty” or from the other two Montessori principles will inevitably perpetuate detrimental classroom behavior.

## Social Conditions

“Individual liberty” appears particularly difficult for teachers to master in view of the normal control and manipulation of the individual so widespread and deeply rooted in society. Such conditions seem to readily justify denial of individual liberty in children; e.g., “I must deny freedom to a child when life is threatened or when some overriding harm may result to the classroom as a whole”. While such rationale appears reasonable, the erroneous underlying notion of such justification is that children have within them an inherent self-destructive urge to damage themselves and others.

## Survival Instinct

“To survive” is a self-evident human tendency. Therefore, the child’s apparently self-destructive efforts in the classroom are actually opportunities to confront and realize the effective application of Montessori principles by the teacher. The effective Montessori teacher is able to employ intentional wrong-doing (for example, standing on a table or

leaving the classroom without permission) to realize her purpose in the classroom through a commitment to Montessori principles.

## Permit Mistakes

Some teachers unconsciously prohibit complete “individual liberty” in children on the mistaken belief that suffering and errors can be prevented through a certain amount of control. However, the effective Montessori teacher realizes that “individual liberty” is vital and includes the freedom of a child to suffer and err.

## Abandon Control

To abandon control of the child in the classroom is not to abandon classroom responsibility. While permitting individual liberty, the effective teacher is active in controlling misbehavior through careful and diligent application of “Observation” and “Preparation of the Environment”.

## Impact on Society

Montessori teachers readily discover that their commitment to “individual liberty” extends beyond the classroom to include parents, administrators, government officials and other adults. Since a commitment to “individual liberty” challenges deeply help customs and attitudes in society, the committed teacher faces confrontation with issues such as threat of loss of employment, enrollment or necessary government licenses.

## Do Nothing

The beginning of a commitment to “individual liberty” can be found in the process of “doing nothing” when challenged by intentionally harmful or disruptive behavior in a child. However, such a beginning must continue to resolve the disruptive behavior through the teacher’s active application of “observation” and “preparation of the environment”.

## Support in Society

In countries which acknowledge “individual liberty” among the protected values and rights in society, the teacher can find significant support in the legal institutions of society. IMS contributes to such support through its participation in legal and regulatory confrontation. However, the fundamental commitment to “individual liberty” can only be created within an individual— independent of all outside circumstances. The expression of a commitment to “individual liberty” in the Montessori classroom is a vital expression of the creation of the **new education**.

Participate in the  
New Education

## JOIN IMS

### Benefits include:

- 8 issues of the *Montessori Observer*
- Montessori publications at discount
- IMS program information
- Listing in Fall, 1981 Directory
- Membership card

### \* BONUS

- Free “Montessori” bumper sticker

Complete and submit the  
Reader Response Form

*\* Bonus offer guaranteed only while supplies last.*

Look for the  
January Observer  
featuring  
**Adapting the Adult**

## The Montessori Observer

published by  
INTERNATIONAL MONTESSORI SOCIETY

912 Thayer Ave.  
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(301) 589-127

Lee Havis, Executive Director

*The Montessori Observer* is mailed eight times each year to IMS members throughout the world. The *Observer* is sent during the following months: Jan., Feb., March, April, May, Sept., Oct., and Nov. The purpose of this publication is to provide news and information about the development of Montessori education to extend awareness of Montessori principles and promote harmony within the Montessori community.

### INTERNATIONAL MONTESSORI SOCIETY

The International Montessori Society is sponsored by Educational Services, Inc., a non-profit corporation organized in Maryland, U.S.A. The purpose of IMS is to support the effective application of Montessori principles throughout the world.

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### SUBSCRIPTION

Subscription to this publication may be obtained by requesting IMS membership which is open to all individuals for a \$15 yearly fee. IMS school members also receive a subscription to the *Observer*. Complete the membership application form to obtain an individual subscription and other benefits of IMS membership.

### ADVERTISING

Advertising space is available for services and products relating to Montessori education. Marketplace ads are \$7/line. Position and Placement ads are \$10 each and will be set and edited by us to conform to space requirements. Write for our advertising outline for rates and other information about design advertising.

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# Legal Briefs

## 42 U.S.C. § 1983— Protecting Civil Rights

Following the Civil War in the United States (1861-1865), the United States established the clear sovereignty of the federal government over the separate states by passing a series of constitutional amendments, including the Fourteenth Amendment ("No State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"). Section 1, Fourteenth Amendment). Congress passed the Civil Rights Act in 1871 (now known as 42 U.S.C. § 1983) to specifically empower the federal courts to enforce the protections of the Fourteenth Amendment.

Since 1871, states have interposed various "immunity" defenses in legal actions which seek redress against such state officers and agents under Section 1983. Notably, states have sought to shield their officials and agencies from Section 1983 court actions on the grounds that such federal court intervention would disrupt legitimate state and local governmental functioning.

However, federal courts have held that "immunity" defenses must be weighed against the original congressional intent of the Civil Rights Act which seeks the broad purpose of providing an effective enforcement of the Fourteenth Amendment. In *Owen v. City of Independence, MO et al.*, 445 U.S. 622 (1980), the Supreme Court specifically held that municipal corporations, such as towns and cities, may not employ an "immunity" defense in a Section 1983 action for monetary, declaratory, or injunctive relief

"...where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers."

455 U.S. at 690

Section 1983 actions by Montessori schools (and other private schools) have recently been encouraged by the U.S. Congress in its passage of 42 U.S.C. § 1988 in 1976 which allows prevailing parties (in the discretion of the court) in Section 1983 suits to obtain attorney's fees from the losing parties. This recent congressional action is a significant benefit to Section 1983 suits since the cost of litigation in such suits is often a major consideration.

*This column is provided as commentary only and is not to be construed as authoritative legal advice or opinion.*

## Montessori Schools

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### Montessori of Orange Orange, CA

Montessori of Orange is under the direction of **Kathleen Glassman** who also serves on the teaching staff of the school.

The school program serves children ages 2-12, including a Montessori day care program 6:30-9:00 a.m. and 3:00-6:30 p.m. A Montessori summer program is also offered. Special features of Montessori of Orange include programs in Music and Dance and Parent Education.

For further information, contact: Kathleen Glassman, Montessori of Orange, 2261 Orange-Olive Rd., Orange, CA 92669, (714) 637-1200.

### Willowbrook Montessori School Hyattsville, MD

The Willowbrook Montessori School is owned and operated by **Viola Johnson**. The school program provides a full-day Montessori class for children ages 2-6. In addition, day care services are offered 7:00-9:00 a.m. and 3:00-6:00 p.m. Special program features include Parent Education and Dance instruction.

For further information, contact: Viola Johnson, Willowbrook Montessori School, 8151 15th Ave., Hyattsville, MD 20901, (301) 445-1563.

### College of Early Learning Columbia, S.C.

The College of Early Learning, sponsored by the New Banner Institute, is directed by **Beti Wyn Holcombe**.

The school program serves children ages 2-12. Special features of the College of Early Learning include instruction in French and Spanish and a summer Montessori program.

The College of Early Learning also conducts seminars and workshops for the regional Montessori community and general public. In November, 1981, the school sponsors a seminar entitled "Perfecting the Montessori Method". For further information, contact: Beti Wyn Holcombe, College of Early Learning, 2830 Broad River Rd., Columbia, S.C. 29210, (803) 772-3317.

### Raleigh—Bartlett Montessori Center Memphis, TN

**Judy Driver** is administrator and primary teacher at the Raleigh-Bartlett Montessori Center.

The school program serves children ages 2-6 in either full-day or half-day sessions. A Montessori day care program is provided 6:45-9:00 a.m. and 2:00-5:30 p.m. Special program features include instruction in Spanish and Parent Education. For further information, contact: Judy Driver, Raleigh-Bartlett Montessori Center, 6050 Highway 70, Memphis, TN 38134, (901) 382-2167.

### Little Rock Montessori School Little Rock, AR

The Little Rock Montessori School, sponsored by a non-profit corporation, is under the administration of **Wilma Carlile**.

The school program includes a full range of primary and elementary Montessori classes, including a Montessori day-care program from 12:30-6:00 p.m. daily. Special features include instruction in Spanish and monthly presentations at the Museum of Natural Science and History. For further information, contact: Wilma Carlile, Little Rock Montessori School, 3704 Woodland Heights Rd., Little Rock, AR 72212 (501) 225-2428.

### Montessori Elementary School Santa Rosa, CA

The Montessori Elementary School is owned by **Peggy Colgan**. The school program serves children ages 4-12 and includes a summer Montessori program. Special features include instruction in Spanish and a Parent Education program.

For further information, contact: Peggy Colgan, Montessori Elementary School, 1569 Brush Creek Rd., Santa Rosa, CA 95404, (707) 539-7980.

### Montessori School of Rowland Heights Rowland Heights, CA

The Montessori School of Rowland Heights is under the ownership and management of **Cora Nedic**.

The school has an enrollment of about 150 children ranging in ages from 2-12. Classes are conducted from 8:30 a.m.-3:30 p.m. daily with day care services offered from 3:30-6:30 p.m.

Special features of the school include instruction in French and Spanish and Parent Education. For further information, contact: Cora Nedic, Montessori School of Rowland Heights, 18752 E. Colima Road, Rowland Heights, CA 91748 (213) 912-2409.

### Burlingame Montessori School Portland, OR

For information, contact: **Helga Clarkson**, Burlingame Montessori School, 7135 S.W. 3rd St., Portland, OR 97219.

### Montessori Children's House St. George, UT

For information, contact: **L'Deane Trueblood**, Montessori Children's House, 86 S. Main, St. George, UT 84770.

## Membership Information

IMS Montessori school membership is open to all schools committed to the effective application of Montessori principles as set forth in the IMS membership criteria. To receive a copy of such criteria and application information, contact: IMS, 912 Thayer Ave., Silver Spring, MD 20910.

Address correction requested

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## Marketplace

**Montessori School for sale or partnership.**  
Write or call: Mary Zavory, (313) 296-1241, 1581 Sunningdale Dr., Grosse Pointe Woods, MI 48236.

**For Sale:** Fully Equipped Montessori School located in Colo. Spgs. CO. Extended day and half day sessions currently offered—room for expansion. Owner will finance. For info. contact: Nancy Rose, 218 Security Blvd. Colo. Spgs., CO 80909 (303) 390-8680.

### **New Maryland Bill**

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such as to deter effective teacher training and to threaten otherwise qualified individuals from receiving training and certification from IMS Montessori teacher training programs.

An important feature of the new bill is to especially prohibit the state from "any review or evaluation of the educational content of the institution". Such a provision is vital to protect Montessori education from forced compliance with standards inconsistent with Montessori principles.

Since the requirement for a certificate of approval under the existing law does not apply to parochial schools "operated by a bona fide church organization", the effect of the new bill would be to extend to all private schools a form of exemption which is presently limited to schools with a religious affiliation. Thus, this legislation would enable the state to more effectively apply a "neutral" attitude with respect to religion in private education—an attitude which neither "advances" nor "inhibits" religion—as required by the United States Constitution.



Child playing the "Montessori" harp

### **The "Montessori" Harp: New Musical Device for Children**

John Maluda, a Kentucky sculptor and craftsman, has designed a harp which he believes may have significant appeal and use in the Montessori classroom. Inventor Maluda terms this new musical device the "Montessori" harp in view of Dr. Montessori's recognition of the value and use of simplified stringed instruments by young children.

Maluda has experimented with his harp in consultation with **Leo and Monique Denoncourt** of the Hayfield Montessori School (Louisville, KY). Although still in the experimental stage of development, the "Montessori" harp appears to stimulate interest and musical awareness in young children in the classroom. Recent experimentation seems to indicate that children have a natural interest in singing with the harp and picking out familiar tunes. Potential benefits of this new instrument appear to be simplicity and versatility of use, quiet tone, durable construction and relative inexpense.

Maluda plans to publish a manuscript and full size plans by June, 1982. In addition, he plans to extend his research by developing other similar musical instruments suitable for young children.

For further information, contact: John Maluda, 1901 Ashmoor Lane, Anchorage, KY 40223.

### **School Health Insurance— for Members Only**

IMS recognizes the considerable interest among all schools concerning the IMS health insurance program for teachers and other school employees. However, since such program is for IMS school members only, IMS policy is now to defer providing detailed premium rate information until prior payment of the proper school membership fee has been made.

Non-member schools may continue to inquire and receive basic insurance coverage information at no cost or obligation. However, IMS will provide no calculation of premiums or otherwise provide such detailed premium information until school membership status is confirmed. This policy will enable IMS to more effectively serve and support its member schools.

### **IMS Injunction**

*Cont'd. from page 1, col. 1*

IMS has maintained in written response to the Court that a preliminary injunction is proper to avoid further deprivation of its fundamental First Amendment rights of expression and communication. In addition, abstention is opposed on the grounds that the plaintiffs are entitled to a federal court remedy and that deferral of the case to the state courts would unduly prolong the redress of presently suffered harm to IMS. The plaintiffs claim that abstention would subject IMS to an unfavorable state court proceeding in this case and that federal jurisdiction entitles the plaintiffs to adjudication in the federal court.

Regarding "immunity" of the state parties, IMS has asserted that the federal cause of action (Section 1983) is to enforce the Fourteenth Amendment and by its language and intent provides for no "immunity". IMS maintains that such congressional intent and constitutional purpose cannot be thwarted by any state claim of "immunity".