

News from the Intellectual Freedom Front

by

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School library media specialists have powerful documents from the American Library Association on which to base their practice – the *Library Bill of Rights* and its 18 interpretations and the *Code of Ethics for the American Library Association*. While it may seem that relatively little changes with these core intellectual freedom policy statements, much has been and continues to happen “behind the scenes.”

The *Code of Ethics for the American Library Association* will be 70 years old in 2009. The *Code of Ethics* pro-vides direction and can be used to clarify decision-making, especially in situations that are complex or un-comfortable. For over two years the ALA Committee on Professional Ethics sought input from ALA members on whether the *Code of Ethics* was still relevant or needed some revision. In January 2008, the committee presented its recommendations to the ALA Council [policy making group of the ALA]. The most substantive change was made to Article IV. Previously it stated: “We recognize and respect intellectual property rights.” Following the revision, it now declares: “We respect intellectual property rights and advocate balance between the interests of information users and rights holders.” The revised *Code of Ethics* can be found at <http://www.ala.org/oif/policies/codeofethics/>. Mansfield University instructor, Veanna Baxter, is a member of the Committee on Professional Ethics and worked on the Code’s revision. Veanna has advice for Mansfield University students and instructors: “As a school library media specialist, it is imperative that we examine the ALA Code, make a decision to promote it, post it in your library, and refer to it often. We can-not continue to interact with one another in the 21st century with the ethics from the 20th century.”

There are other major changes going on behind the scenes. The American Library Association’s (ALA) *Intellectual Freedom Manual*, the definitive guide to intellectual freedom and access information for all types of libraries, will be revised and a new edition published. Although a publication date has not yet been announced, EVERY item in the manual is currently being reviewed and this includes all the interpretations of the *Library Bill of Rights* [LBOR]. I have served as a member of the ALA Intellectual Freedom Committee since 2006. One of the committee’s responsibilities is to assist the ALA Office for Intellectual Freedom with a review of all documents related to intellectual freedom. We began working on this task in January 2008 with more work to continue. Additionally, new interpretations of the *Library Bill of Rights* are being considered including one on how the *incorrect use* of computerized reading programs like Accelerated Reader affects students’ intellectual freedom. Thus far, changes have been proposed for the LBOR interpretations Free Access to Minors, Access to Resources, Services in the School Library Media Program, and six others. The changes range from a revision of the title to reflect new content, to the addition of a key word or phrase to inclusion of substantial concepts since the last review. On the one hand, it is very interesting to be part of the discussions about the key documents on which school library media specialists and other librarians base their defense of minors’ intellectual freedom [along with district policy and case law from the court decisions]. Conversely, the nit-picking word by word examination can also be tedious.

As the Intellectual Freedom Committee works, we come to consensus on proposed changes, but that is just the beginning. Drafts of the proposed revised interpretations will be sent to all the boards of the divisions of ALA, such as AASL, YALSA [Young Adult Library Services Assoc.], ALSC [Association for Library Services to Children], PLA [Public Library Association], etc. All comments return to our committee for review. There will also be hearings for member input. The ALA Intellectual Freedom Committee will then make its final determination on wording and send the document(s) to the ALA Council. If the ALA Council approves the new or revised interpretations, they will be posted on the ALA Office for Intellectual Freedom website.

The American Association of School Librarians (AASL) also has several intellectual freedom projects currently underway. The AASL Intellectual Freedom Committee is creating a downloadable brochure titled "What is Intellectual Freedom? Its audience is school library media professionals and contains information on selection versus censorship, how to prepare for a challenge, where to go for help if a challenge occurs, filtering and its effect on students' intellectual freedom, the *Code of Ethics*, and print and online intellectual freedom resources. The brochure will be available on the AASL website by June 2008. AASL has also up-dated its Web-based resource guides on Intellectual Freedom challenges and filtering] and Ethics.

These resources are available to AASL members and non-members at either:

<http://www.ala.org/aasltemplate.cfm?section=aaslif>

or

<http://www.ala.org/ala/aasl/aaslproftools/resourceguides/ethics.cfm/>

There is another AASL resource you do not want to miss, and it is also available online. AASL's journal *Knowledge Quest* published a themed issue "Intellectual Freedom 101" in November/December 2007. A web version of the journal is available at:

<http://www.ala.org/ala/aasl/aaslpubsandjournals/kqweb/kqarchives/volume36/362/362main.cfm/>

Here is a small sampling of what is in the issue:

- A former middle school principal wrote about championing intellectual freedom from an administrative perspective
- Columnist Gail Dickinson answered two questions: "What Should I Do if My Principal Orders Me to Remove an Unchallenged Book" and "Do My Very Strong Conservative Religious Beliefs Make Me Less of a School Librarian"
- Ann Symons, a library media specialist at the Anglo American School in Moscow Russia, described what intellectual freedom means in international schools, and
- Annette Lamb connected intellectual freedom, social technology, and social networking in school libraries and provided first steps for school library media specialists.

While the ALA has been working on review and revision of key intellectual freedom documents, changes have been proposed or recently enacted to three state library records laws. Each of the proposed or final laws affects student school library media program records.

Connecticut:

In July 2007 Connecticut's legislature increased confidentiality requirements for library records in public and private libraries of all types *except for records in schools and academic libraries*. Library records for school libraries were not protected under previous law and are not included in this one. (Connecticut) While this is a privacy victory for other types of libraries and their patrons, it is unfortunate that confidentiality requirements for school and academic library records were not contained in this strong legislation.

Pennsylvania:

Pennsylvania's library records law shields circulation records, stating they may be divulged only by court order in a criminal proceeding (ALA State Privacy Laws). Proposed legislation introduced in October 2007 extended library records release to "a parent or guardian regarding records pertaining to the parent's or guardian's minor child" (Pennsylvania HB 1997). There is no age-limiting language, so presumably this provision would extend until a minor becomes 18. The bill is currently in the House State Government Committee.

Vermont:

In December 2007 State Senator Claire Ayer introduced Senate Bill 220, "Confidentiality of Library Patron Records," to create a new statute protecting library records of public and academic libraries. The original text *did not include school library records*, but that addition is being requested as an amendment by the Vermont School Library Association (VSLA). The bill includes exemptions under which library records may be released including: by written permission by the patron, to library staff as needed for administrative purposes, by a court order, and to custodial parents or guards of patrons under 13 for the purpose of collecting fines or return of overdue materials. VSLA is also seeking an exemption to allow school libraries to release patron records to custodial parents and or guardians of minors in accordance with provisions of the Family Education Rights and Privacy Act. Vermont SB 220)

For those who have completed LSC 5545, **Access and Legal Issues**, or have yet to enroll, there are many proposed changes occurring which affect students access to information in school libraries. Because library media specialists protect and promote minors' intellectual freedom, it is important to continue to seek and be aware of changes.

References:

- American Library Association. "State Privacy Laws Regarding Library Records,"
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- Connecticut, General Assembly, "Substitute Bill 7290,"
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- General Assembly of Pennsylvania, House Bill 1997, Session 2007,
<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2007&sind=0&body=H&type=B&BN=1997>.
- Vermont, SB 220: "The Confidentiality of Library Patron Records," [original text as introduced],
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-220.HTM>.