Protecting Intellectual Freedom in Your School Library

Scenarios from the Front Lines

Pat R. Scales

For the Office for Intellectual Freedom
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The First Amendment to the U.S. Constitution</td>
<td>vii</td>
</tr>
<tr>
<td>Library Bill of Rights</td>
<td>ix</td>
</tr>
<tr>
<td>Introduction: Real Issues Facing School Library Media Professionals</td>
<td>xi</td>
</tr>
<tr>
<td><strong>1 Materials Selection</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>2 Library Management and Programs</strong></td>
<td>35</td>
</tr>
<tr>
<td><strong>3 Library Access</strong></td>
<td>55</td>
</tr>
<tr>
<td><strong>4 Labeling and Privacy</strong></td>
<td>71</td>
</tr>
<tr>
<td><strong>5 Internet Access</strong></td>
<td>93</td>
</tr>
<tr>
<td>Appendix A: Minors' First Amendment Rights to Access Information</td>
<td>111</td>
</tr>
<tr>
<td>Appendix B: Workbook for Selection Policy Writing</td>
<td>123</td>
</tr>
<tr>
<td>Index</td>
<td>143</td>
</tr>
</tbody>
</table>
Pat R. Scales is a retired middle and high school librarian whose programs have been featured on the Today Show and in various professional journals. She received the ALA/Grolier Award in 1997 and was a Library Journal Mover and Shaker. She is currently president of the Association of Library Service for Children, a division of the American Library Association. She is the author of Teaching Banned Books: Twelve Guides for Young Readers and serves as a spokesperson for first amendment issues as they relate to children and young adults. She writes a bimonthly column for School Library Journal and a monthly column for the Random House website, and she is a regular contributor to Book Links magazine.
The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

A school library media coordinator in the state department of education offers support services to elementary, middle, and high school library media specialists in all the school districts in the state. Though there are six or seven urban school districts that have their own school library media coordinators, most of the state’s school districts are small and cannot afford support staff to guide their library media specialists in dealing with day-to-day issues. The state’s population is quite varied: There are a number of well-established and conservative communities
and other more progressive and liberal cities and towns. Some areas are highly industrialized; others are quite rural. Politicians and business leaders are proposing incentives to attract new industry to the state, but at the heart of the matter is the quality of public education. Business and industry are not interested in coming to the state unless schools guarantee a rigorous curriculum and high graduation rates. This is a promise the state can make in the more urban areas, but the rural school districts don’t have a large tax base and are very deficient in school rankings. Nevertheless, a few new industries have relocated to the state, causing such overcrowded school conditions in some districts that students cannot possibly reach the level of achievement that is expected.

In recent years, a large number of Hispanic children have enrolled in the schools, requiring school districts to develop classes for English Language Learners (ELL) to better serve this non-English-speaking population. While districts are committed to these children, they are finding it difficult to communicate with their families when very little English is spoken. At the same time, the state is proud of its diversity and offers festivals and celebrations to promote harmony across the state.

Recent growth trends and a concerted effort to improve education for all students have presented some controversies related to libraries. There are parents of gifted children who complain that their children aren’t provided enough higher level materials, and others object to materials that are beyond the maturity level of their children. Parents and teachers of students with special needs feel that current school library services don’t meet the educational requirements of their children. There are challenges to novels used in the classroom, questions related to computerized reading programs, and issues related to restricted shelves, reserved materials, interlibrary loan, and circulation policies that place economic barriers on many users.
In the past year, there have been questions about labeling students and materials, privacy, Internet use, e-mail accounts, and social networking. All of these issues reflect concerns about library media center access and services to students throughout the state, regardless of how large or small the school or school district.

The state library media coordinator deals with these complaints and offers guidance to school district media coordinators, individual media specialists, principals, and in some cases, school boards. She is the only state library media coordinator and feels overwhelmed by the magnitude of her job. How can she serve the needs of everyone and remain an effective leader? What can she do to encourage each school district to understand the broader issues of school library media services and apply them to their specific needs?

All curriculum and special services coordinators in the state are asked to set goals at the beginning of each school year. The state library media coordinator decides that her primary goal will be to promote the principles of intellectual freedom. Her plan is to offer a series of professional development workshops for library media specialists that deal with the day-to-day issues related to the challenges they face in their schools. The first workshop focuses on materials selection, developing and using selection policies, and the role of the school library media professional in promoting the principles of intellectual freedom in their schools. Subsequent workshops will deal with issues of access, labeling, privacy, Internet access, and programming issues that challenge the principles of intellectual freedom. She thinks that the best way to address the very real issues that school library media specialists experience is to ask the workshop participants to send specific scenarios to her. In this way, she is prepared and armed with suggestions for dealing with their special needs.
The state library media coordinator feels that school library media specialists will gain more from professional workshops if they are aware of support documents offered by the American Library Association, such as the Library Bill of Rights. In addition to reading the basic tenets of this document, she also requests that all participants read the following statement from the *Intellectual Freedom Manual* (ALA, 7th edition):

Intellectual freedom can exist only where two essential conditions are met: first, that all individuals have the right to hold any belief on any subject and to convey their ideas in any form they deem appropriate; and second, that society makes an equal commitment to the right of unrestricted access to information and ideas regardless of the communication medium used, the content of the work, and the viewpoints of both the author and receiver of information. Freedom to express oneself through a chosen mode of communication, including the Internet, becomes virtually meaningless if access to that information is not protected. Intellectual freedom implies a circle, and that circle is broken if either freedom of expression or access to ideas is stifled.
A

AASL Position Statement on the Confidentiality of Library Records, 49
Accelerated Reader (AR), 33–34, 74
access to information
applying principles of, 9
definition, xiv
in Internet Acceptable-Use Policy, 99
administrators, challenges by, 6, 8–9
American Amusement Machine Association v. Kendrick, 11, 112
American Association of School Librarians Position Statement on the Confidentiality of Library Records, 49
American Booksellers Assn. v. Virginia, 114
American Booksellers v. Webb, 114
American Library Association
Code of Ethics, 49
Position Statement on the Confidentiality of Library Records, 87
State Privacy Laws regarding Library Records, 72
See also Library Bill of Rights and interpretations
American Library Association v. United States, 119–120

B

Banned Books Week, 51–53
beginning reader materials, shelving of, 38
Bethel School District No. 403 v. Fraser, 114, 115
Bicknell v. Vergennes Union High School, 31
Board of Education v. Pico, 18–19, 29–31, 59, 112–113, 114
Bolger v. Young’s Drug Products Corp., 122n1
book fairs and censorship, 50–51
borrowing restrictions, 40–41

C

Campbell v. St. Tammany Parish School Board, 30, 117
Case v. Unified School District No. 233, Johnson County, Kansas, 19, 22–32, 117
catalog records
Internet URLs in, 101
reading level labeling on, 39
censorship
and book fairs, 50–51
of images in art books, 6, 8–9
challenges to materials
by administrators, 6, 8–9
book fair selections, 51
fear of potential challenges, 37, 44
programs, 51–53
and restricted materials, 57
sample responses by students, 52
in selection policy, 129–131, 138–141
to works assigned in classrooms, 4–6
checklists
collection management, 52
Internet access, 109
library access, 70
materials selection, 34
privacy, 91
reserved materials, 50
Children’s Internet Protection Act (CIPA), 96
court decisions, 119–120
and “harmful to minor” laws, 102
Children’s Online Privacy Protection Act, 96–97
circulation policy
for classroom collections, 65–66
collection management, 52
Internet access, 109
library access, 70
materials selection, 34
privacy, 91
reserved materials, 50

classroom collections, 65–66
closures of library, 63–65
collection development. See selection and collection development policy
collection evaluation, 36–37
collection management, 35–54
   Banned Books Week (case study), 51, 53
   book fairs and censorship (case study), 50–51
   checklist, 52
circulation policies (case study), 40–41
circulation records of reserved materials (case study), 48
evaluating the collection (case study), 36–37
interlibrary loan (case study), 41, 43
labeling (case study), 38 (see also labeling of materials)
   labels on MARC Records (case study), 39
   reserved materials (case study), 44 (see also reserved materials)
   reserved materials and copyright (case study), 45
Communications Decency Act, 114
community values argument in Case v. Unified School District, 27, 31
complaints, responses to
   sample letter to complainant, 132
   in selection policy, 130–131
   See also challenges to materials
   confidentiality and library records, 49
   confidentiality statutes, 72, 73
   samples, 88
   content labeling, 74, 76
controversial materials
   case studies, 17, 20
   court decisions, 112, 118
   in evaluation of collection, 37
   in selection policy, 129
   See also Internet access
copyright
   and Internet, 95
   photocopying and digital reproduction, 46–47
   and reserves, 45
Counts v. Cedarville School District, 19, 57, 58–59, 74, 118–119
court decisions. See legal statutes and court decisions; specific decisions, e.g., Board of Education v. Pico
curriculum
   illustrated books, 6, 8–9
   and materials selection, 5–6
   and speech restrictions, 116
   uncomfortable materials, 4–6
debates, selection of, 13, 15
destruction of circulation records, 86
Digital Millennium Copyright Act (1998), 46
disabled students, 62. See also special needs, students with
diversity in Library Bill of Rights, 14
due process claim in Case v. Unified School District, 31–32
economic barriers to access, 69–70
educationally suitable materials, 30, 117. See also curriculum
educationally unsuitable materials, 112, 114–115
e-mail, confidentiality of, 89, 106–107
Erznoznik v. City of Jacksonville, 113, 122n1
extracurricular activities of students
   library services for, 17, 20
   and speech restrictions, 116
facility use, 63–65
fair use, 46–47
Family Educational Rights and Privacy Act (FERPA), 75, 85
FCC v. Pacifica Foundation, 113
films, selection of, 10, 12
filtering
   in Children’s Internet Protection Act, 119–121
   and e-rate discount, 93–94
   failure of, 103
   in Internet Acceptable-Use Policy, 98, 99
   unblocking of, 100–101, 120–121
First Amendment
   in Case v. Unified School District, 25
   rights of student and Pico, 18–19
   text, vii
INDEX 145

FISA (Foreign Intelligence Surveillance Act) orders, 84–85
504 plans, 60, 62
freedom of information, definition, xiv

G

gay and lesbian information, 20–21
gift materials
  in Case v. Unified School District, 23–25
  in selection policy, 128, 129, 138
gifted students and maturity levels of materials, 33–34
Ginsberg v. New York, 102, 113
goals and objectives in selection policy, 124–125, 135–136

H

harassment on Internet sites, 106, 107–108
“harmful to minors” principle
  laws governing, 102, 113–114
  and MPAA film ratings, 11
hours of operation, 63–65, 64

I

indecent speech, 113
Individuals with Disabilities Education Act (IDEA), 62
intellectual freedom, principles of, 9
Interactive Digital Software Association v. St. Louis County, 11
interlibrary loan, 41, 42, 43
Internet Acceptable-Use policy
  case study, 95, 98
  components of, 99
  signatures of parent and student on, 103
Internet access, 93–109
  checklist, 109
  court decisions, 119–121
Internet use policy (case study), 95, 98
social networking (case study), 107–108
student e-mail (case study), 89, 106–107
student responsibility (case study), 103, 105
student websites (case study), 105–106
students’ rights of access (case study), 100–101
Island Trees School District case. See Board of Education v. Pico

K

Kathleen R. v. City of Livermore, 104

L

labeling of materials
  in catalog, 34
  and collection management, 38
  content labeling, 74, 76
  and embarrassment for students, 77–78
  and Library Bill of Rights and interpretations, 80
See also reading levels; restricted materials

law enforcement requests and privacy, 84–85, 86
learning resources, definition, 2
legal statutes and court decisions
  Board of Education v. Pico, 18–19
  confidentiality of library records, 49, 72, 73
  Counts v. Cedarville School District, 58–59
  Family Educational Rights and Privacy Act, 75
  “Harmful to Minors” laws, 102
  Internet access, 96–97
  law enforcement requests for library records, 84–85
  ratings systems, 11
  responsibility for minors’ Internet use, 104
  services to students with disabilities, 62
Lexile Framework for Reading, 74
library access, 55–70
  checklist, 70
  classroom collections (case study), 65–66
  economic barriers (case study), 69–70
  facility use (case study), 63–65
  reading level (case study), 61, 63 (see also reading levels)
  restricted shelves (case study), 56–57, 62
  restricted shelves for students with special needs (case study), 60–61
  student behavior and denial of access (case study), 67, 69
Library Bill of Rights and interpretations
access to resources and services in the school
library media program, 68–69
diversity in collection development, 14
evaluating library collections, 37
labels and rating systems, 80
privacy, 49
restricted materials, 56
text, ix
library buildings and hours of operation, 64
library records, confidentiality of
ALA position statement, 87
case study, 48, 83, 86
privacy of, 83
statutes, 72, 73, 88

M
mainstreamed special needs students, 60
MARC records, labeling on, 39
materials selection, 1–34
checklist, 34
computerized reading programs (case study), 33–34
curriculum support (case study), 4–6
databases (case study), 13, 15
defacing nude images (case study), 6, 8–9
extracurricular needs of students (case study), 17, 20
films (case study), 10, 12
gay and lesbian materials (case study), 20–21
individual needs of students (case study), 15–16
overview, 1–2
materials selection policy. See selection and collection development policy
maturity levels of materials vs. reading levels, 33–34, 74, 78
meetings in library, 63–65
Miller v. California, 102
Minarcini v. Strongsville City School District, 118
Motion Picture Association of America (MPAA) ratings, 11
Motion Picture Association of America v. Spector, 11

N
National Security Letters (NSL), 85
Neighborhood Children’s Internet Protection Act, 96
netiquette, 99, 106–107
Newbery Medal books at book fairs, 50
nonprint materials, selection of, 10, 12
nude images
in art books, 6, 8–9
on Internet, filtering of, 105

O
“obscene to minors.” See “harmful to minors” principle
obscenity and MPAA film ratings, 11
occult, books on the, 36–37
overdue materials
and borrowing restrictions, 40–41
and economic barriers to access, 69–70, 83
and privacy issues, 83, 90
in selection policy, 129
overdue notices, privacy of, 90

P
parents
confidentiality for parents, 82
and Internet use policies, 98
permission requirements, 57, 58, 74
and privacy of children, 73
and reading levels, 39
and Spanish-language materials, 15–16
periodicals. See databases, selection of
personal opinions
as basis for challenges, 30–31
vs. principles of intellectual freedom, 9
supporting uncomfortable materials, 4–6
photocopied materials and copyright law, 45, 46–47
physical access to information, 9
Pico. See Board of Education v. Pico
plagiarism and Internet, 95
policies and procedures
circulation, 40–41, 44, 65–66, 86
collection evaluation, 37
interlibrary loan, 42
Internet Acceptable-Use Policy, 95, 98, 99, 103
on law enforcement requests, 85
reserved materials, 44, 50
See also selection and collection development policy
poor readers, privacy of, 79
Pratt v. Independent School District No. 831, 116
privacy, 71–92
checklist, 91
in Internet use policies, 98
library records (case study), 48, 83
library records and the law (case study), 86
overdue notices (case study), 90
overview, 71, 74
privacy for families (case study), 82
reading-level labels (case study), 77–78, 81
student e-mail (case study), 89, 106–107
student privacy and time management (case study), 81
problem behaviors
and denial of access, 67, 69
and student privacy, 81
professional collections as restrictions on access, 57
programs
challenges to, 51–53
for special needs students, 60–61
public library
materials on reserve in media center, 45, 47
and schoolwide assignments, 43

R
rating systems applied by publishers, 80
ratings of films, 11
reading contests, 79
reading levels
on catalog records, 39
and labeling of materials, 38, 77–78, 81
and reading programs, 33–34
as restrictions on access, 57, 61, 63
reading programs, computerized, 33–34, 74, 79
reconsideration of materials
in Case v. Unified School District, 28
procedures, 133–134
in selection policy, 129–130
Rehabilitation Act (1973), 62
Reno v. ACLU, 102, 113–114
reserved materials
circulation of, 44, 50
circulation records of, 48
copyright, 45
and fear of challenges, 44
policy checklist, 50
See also classroom collections
restricted materials
controversial books as, 56–57, 74
court decisions, 118–119
students with special needs, 60–61
See also shelving of beginning reader materials
R-rated films, selection of, 10–12

S
Sable Communications of California v. FCC, 102, 113
school libraries, rights of students in, 116, 117–119
schools, rights of students in, 114–116
schoolwide assignments and interlibrary loan, 41, 43
search warrants for library records, 84
Section 504 plans, 60, 62
selection and collection development policy
and book fair collections, 50
in Case v. Unified School District, 28
complaints and challenges to materials in, 129–131, 138–141
controversial materials, 129
gift materials in selection policy, 128, 129, 138
goals and objectives, 124–125, 135–136
and interlibrary loan, 41, 43
nonprint materials, 10, 12
overdue materials in, 129
overview, 3
procedures, 128–129, 137–138
reconsideration of materials, 129–130, 138–140
responsibility for selection, 125, 136
sample, 135–141
workbook for, 123–141
See also selection criteria
selection criteria
databases, 13, 15
nonprint materials, 10, 12
overview, 5
selection criteria (cont.)
sample goals, 8
  in selection policy, 125–127, 136–137
selection tools, 4, 126–127
self-censorship and collection management, 36
sex education materials and restrictions, 57
shelving of beginning reader materials, 38. See also restricted materials
social networking, 107–108
social security numbers, privacy of, 73
Spanish-language materials, 15–16
special needs, students with, 60–61, 79. See also disabled students
state history assignments and interlibrary loan, 41, 43
student newspapers, 115
student websites, 105–106
students
  freedom of speech rights of, 111–112
  individual needs of, 15–16
  instructions on privacy, 89, 90
  responses to challenges, 53
  responsibility for Internet use, 103–105, 106
  setting of behavior standards by, 67, 69
  setting of Internet guidelines by, 108
subpoenas for library records, 84
time management and student privacy, 81
Tinker v. Des Moines Indep. Community Sch. Dist., 29, 111

U
unacceptable uses of Internet, 99
unblocking websites, 100–101, 120–121. See also filtering
United States v. American Library Association, 119
United States v. Friedman, 30
USA PATRIOT Act, 84–85

V
vandalism
  in Internet acceptable-use policy, 99
  statutes governing, 7
Virgil v. School Bd. of Columbia County, 116
viruses, computer, 99

W
websites, log-in records for, 86
West Virginia State Bd. of Educ. v. Barnette, 30

T
Technology, Education, and Copyright Harmonization (TEACH) Act (2002), 46
testing and closures of library, 64

148 INDEX
Pat Scales uses her experience and expertise to offer an intellectual freedom title tailored to the school library environment. This title presents a number of scenarios in which intellectual freedom is at risk and includes:

- Case studies that provide narrative treatment of common situations tailored to your library type
- Easy and motivating ways to prepare new hires for handling intellectual freedom issues
- Sidebars throughout the book that offer sample policies, definitions of key terms, and analysis of important statutes and decisions
- Detailed information on how to handle challenges to materials in your collection

Whether you work in a single school library or support library media specialists across your state, this resource is sure to keep you on top of intellectual freedom issues.

You may also be interested in