

S.220 – An act relating to Vermont’s public libraries

Department of Libraries’ Feedback on School Library Material Selection & Retention Policies

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The Department of Libraries supports a statutory requirement that all school libraries in Vermont adopt policies for the selection and reconsideration of library materials. These policies support school library staff and administrators in developing and maintaining collections of materials for their students and in responding to questions and challenges around the inclusion of specific materials in school library collections.

To the extent possible, the Department recommends the alignment of the language in statute about selection and reconsideration policies in school libraries, public libraries, and the Department of libraries. After consultation with a co-chair of the Vermont School Library Association, Mr. Dabritz, late in the day on Friday, March 15th, the Department developed recommendations for aligning the language in the bill, which can be found on the following pages.

At that time, Mr. Dabritz indicated comfort with the replacement of the language in section (b) of Draft No 1.1- S.220, dated 3/12/24, with the language developed by Senators Weeks and Williams related to the Department of Libraries’ collection development policy, which is currently on p. 6 of S.220 as approved by the committee:

“Shall adopt a collection development policy that reflects Vermont’s diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.”

On 3/17/24 Mr. Dabritz emailed on behalf of the Executive Board of VSLA. In that email, VSLA leadership shared that ultimately, VSLA prefers the language in the original amendment. For that reason, it is important to note that while both the Department and VSLA agree that school libraries should be required to adopt selection development and retention policies, there is a difference in perspective between the Department and VSLA on how to accomplish that goal.

Through their recent communication, VSLA’s executive board expressed a desire that public school districts be required to adopt a specific SELECTION OF LIBRARY MATERIALS document that has been recommended by the Vermont School Board Association. It is not clear to the Department that the amendment as drafted will accomplish that goal or address VSLA’s specific desire that certified librarians make the ultimate decision about materials retention, particularly as approved independent schools may not have a certified school librarian on staff. That said, the Agency of Education is better positioned than the Department to provide the Committee with insight into possible impacts of the proposed amendment on schools.

While the Department strongly agrees with the school librarian community that it is important that every public and approved independent school have selection and reconsideration policies in school libraries, the Department is concerned that last-minute changes to the bill at this point in the session could negatively the passage of S.220.

The Department also has concerns about naming specific non-profit organizations or their statements in statute as history shows that statements by non-profits can change over time and that future statements may not align with the Legislature's perspective.

The Department notes that S.220 as originally drafted focused on public libraries and the Department within Chapter 22 of statute and asks whether it might be preferable to include the language about school libraries in a miscellaneous education bill. The language currently in S.220 is satisfactory to the Department's policy goals related to the requirements that both the Department and all public libraries in Vermont adopt selection development and retention policies.

Finally, the Department recommends that if the committee does make changes to S. 220, it consider amending the effective date of January 1, 2025 for the legislation. That effective date would provide school and public libraries sufficient time to develop, consider, and implement the required policies.

Public Library Selection and Reconsideration of Library Materials

Suggested revision to Draft No. 1.1 - S.220

p.1, line 17-p. 2, line 4:

Library Policies; Selection and Retention of Library Materials

Sec. 1. 22 V.S.A. § 67 is amended to read:

§ 67. PUBLIC LIBRARIES; STATEMENT OF POLICY; USE OF FACILITIES AND RESOURCES

(c) To ensure that Vermont libraries protect and promote the principles of free speech, inquiry, discovery, and public accommodation, it is necessary that the trustees, managers, or directors of free public libraries adopt policies that comply with the First Amendment to the Constitution and State and federal civil rights and antidiscrimination laws.

Sec. 2. 22 V.S.A § 69 is added to read:

§69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF LIBRARY MATERIALS

A public library shall adopt a policy for the selection and reconsideration of library materials that complies with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, and State laws prohibiting discrimination in places of public accommodation **and that reflects Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.** A public library may adopt as its policy a model policy adopted by the Department of Libraries pursuant to section 606 of this title.

Department of Libraries Selection and Reconsideration of Library Materials

Suggested revision to Draft No. 1.1 - S.220

p.6, line 15-17:

(10) Shall adopt a ~~collection Development policy~~ for the selection and reconsideration of library materials that complies with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, and State laws prohibiting discrimination in places of public accommodation and that reflects Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

S.220 Effective Date

Page 6, line 20 – page 7, line 1

Sec. 8. Effective date be amended as follows:

Effective Date

Sec.8 EFFECTIVE DATE

This act shall take effect on January 1, 2025.

School Library Selection and Reconsideration of Library Materials

p.1, line 7

Sec. 17a. 16 V.S.A § 1624 is added to read:

§ 1624 SCHOOL LIBRARY MATERIALS SELECTION POLICY

(a) Each school board and each approved independent school shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title a library material selection policy and procedures for the reconsideration of materials that complies with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, and State laws prohibiting discrimination in places of public accommodation and that reflects Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

~~(b) In order to ensure a student's First Amendment rights are protected...~~

~~(c) content related to sexual health that addresses physical, mental, emotional, or social dimensions of human sexuality, including puberty, sex, and relationships.~~

(c) The policy and procedures required under subsection (a) of this section shall ensure that certified school library staff are responsible for curating and developing collections that provide students with access to a wide array of materials that are relevant to students' research, independent reading interests, and educational needs, as well as ensuring such materials are tailored to the cognitive and emotional levels of the children served by the school.