

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

Catherine Delneo, State Librarian & Commissioner

April 19, 2024

The Department of Libraries appreciates the strong support that S.220’s drafters and proponents have offered to the great work being done in libraries across Vermont.

Much of the language in S.220 directly responds to the recommendations of the Working Group on the Status of Libraries in Vermont in its November 2023 report.

https://legislature.vermont.gov/assets/Legislative-Reports/WG_Libraries_Report_Combined_Nov23_Submitted_Compressed.pdf

Because S.220 responds so directly to the recent report of the Working Group on the Status of Libraries in Vermont, the Department frames its feedback on S.220 within the context of that report. The Working Group’s recommendations were based on more than two years of research and listening to the library community. The Working Group’s membership included leaders from both the Vermont Library Association and the Vermont School Library Association.

I served as the chair of the Working Group and I am providing testimony in my capacity as State Librarian and Commissioner of the Department of Libraries.

Ensure principles of intellectual freedom and privacy

- “Consider legislation aimed at protecting libraries, librarians, trustees, and patrons from challenges related to materials selection and retention;”
- “Requiring all Vermont libraries to have a robust materials selection policy and reconsideration procedure that protects 1st Amendment rights and also complies with the 1964 Civil Rights Act, Vermont’s public accommodation law, and Vermont’s Anti-Discrimination law;” and
- “Consider legislation to expand the confidentiality of public library records to minors aged 12 and older.”

The Department strongly supports the alignment of library policies and procedures with principles of free speech, inquiry, discovery, and public accommodation. It is supportive of a statutory requirement that all public and school libraries adopt a library material selection policy and procedures for the reconsideration of library materials.

The Department also supports the addition of a statutory requirement that the Department of Libraries adopt a library material selection policy and procedures for the reconsideration of library materials.

Library material selection policies and procedures for the reconsideration of library materials support library staff and administrators in developing and maintaining collections of materials for students and the public. These policies and procedures support the right of members of the public or school community to raise concerns through an established, consistent process. These policies and procedures help staff, administrators, and trustees to respond fairly to questions and challenges around the inclusion of specific materials in school library collections.

That said, the Department recommends revision of S.220 as introduced and passed by the Senate to better align the language related to library material selection policy and procedures for the reconsideration of library materials throughout the bill. (see page 5)

The Department also notes its concerns about naming specific non-profit organizations or their statements in statute. History shows that such statements by can change over time and cautions that future statements of any outside entity may not align with the perspective of the Legislature. For example, per the American Library Association’s website, that organization’s Freedom to Read Statement was “Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.”
<https://www.ala.org/advocacy/intfreedom/freedomreadstatement>

The Department understands that the Vermont School Library Association and Vermont School Librarian Association have developed recommended model policies and procedures on this topic and suggests that it might be useful to add language to Sec. 17a. 16 V.S.A § 1624 that would authorize the Agency of Education to adopt model library material selection policies and procedures for the reconsideration of library materials.

The Department of Libraries supports expanding the confidentiality of public library records to 12 and years of age and older. Currently, only those age 16 and older are afforded confidentiality of library records. This change would align the age of confidentiality in public libraries with the age at which youth are empowered by existing statute to make medical decisions on matters of drug and alcohol abuse treatment and mental health treatment. While many teens would still choose to share information about their use of public libraries with their parents, this change would enable at-risk youth to have the information they need to make personal medical decisions.

Improve public safety in libraries

The Department of Libraries is supportive of adding “**public libraries**” to Sec. 4 V.S.A § 1702 CRIMINAL THREATENING. As originally passed, this law already pertains in municipal public libraries, which are municipally owned buildings. The law does *not* currently apply in incorporated public libraries, which provide the same services regardless of governance type. Community members are often unaware that incorporated public library staff are not municipal employees and frequently bring complaints and concerns about municipalities and municipal services to incorporated public library staff. The addition of the words public libraries to this law would help to address poor behavior in all public libraries – a topic that was of great concern to the Working Group.

Improve clarity around the governance of public libraries

The Department of Libraries fields frequent requests for clarification about the governance of municipal public libraries. The Working Group heard similar uncertainty from the library community, so recommended that the Legislature consider clarifying “the role of the library board and the municipality in municipal public libraries including authority to hire and supervise the director.”

Statute currently states:

“The board shall consist of not less than five trustees who shall have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library. The board may appoint a director for the efficient administration and conduct of the library.” (22 V.S.A. § 143)

The Department supports the language in S.220, which makes more explicit the meaning of “full power to manage the public library,” without changing the default governance structure of municipal public libraries in Vermont. Typically, in municipal public libraries in Vermont, the board of trustees of a municipal public library is responsible for both hiring and supervising the library director.

It is important to note that if a town’s charter articulates a *different* governing structure, then the default structure in statute would not apply.

The Department’s opinion is that the language in S.220 as introduced and passed by the Senate could be further refined to better clarify the relationship between the library board and the municipality related to the budget of the municipal public library. The Department supports language developed by colleagues at the Vermont League of Cities and Towns: the library board *“shall establish a budget for consideration by the legislative body of the municipality for inclusion in the municipality’s budget.”* (see p.6)

That said, the Department recognizes that even more clarity on the topic of municipal public library governance would be helpful to library directors, library trustees, and municipalities. The Working Group faced time limitations given its scope, and so did not delve deeply into or make recommendations about some key elements that lack clarity for municipal public libraries that are not touched on in S.220. Those topics include responsibility for library building construction and maintenance; status as a city department; and status of library staff as municipal employees. Further study of these topics would be needed before the Department could make recommendations to the Legislature.

Prioritize training for library staff

The Department’s Certificate program and continuing education opportunities emerged as vitally important to the public library community through the Working Group’s study.

Vermont’s percentage of public library jurisdictions having at least one staff member with a master’s degree in library science from an American Library Association (ALA) accredited program is well below the national average (15.68% in Vermont vs. 45.53% nationally). The Working Group heard from the community that obtaining a library science master’s degree accredited by the ALA is cost prohibitive – particularly given the low wages earned by public library staff in our state. The community of public library staff and trustees shared with the Working Group the importance of the free training and educational opportunities provided by the Department so that local public library service would be informed by best practices and current study in the field. Many of Vermont’s

libraries require that their library directors have either an ALA accredited Master of Library Science or the Department’s Certificate of Public Librarianship.

For these reasons, the Working Group recommended that the Legislature:

- “Update statute to formalize the issuance of Certificates of Public Librarianship by the Department of Libraries; and
- Update statute to require that the Department of Libraries provide seminars, workshops, and other programs to increase the professional competence of library professionals in the state.”

The Department supports the replacement of the word “may” in current statute with the word “shall” as proposed in S.220. The Department currently administers a free Certificate of Public Librarianship, through which it trains library directors. The language in S.220, that the Department *“Shall provide a continuing education program for a Certificate of Public Librarianship”* would codify the training program already offered by the Department.

The Department supports the minor change in statute that would require it to *“shall* conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State.” The Department supports this change to statute which would *require* it to conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State rather than having the option to offer educational opportunities for library staff or not.

These small changes would align statute with the Department’s present work supporting the professional growth of library staff in the state-which is vitally important as many library professionals in Vermont have no formal education in library services.

Update Guidelines for Public Libraries

The Working Group recommendations to the Department included a recommendation that it update the Minimum Standards for Vermont Public Libraries, which were last updated in 1986. The Department supports the language in S.220: *“may develop best practices and guidelines for public libraries and library service levels.”* This language provides the Department with authority to establish recommended public library service levels for communities of different sizes, which would help local public libraries in adopting appropriate policies.

Effective Date of Legislation

The Department requests that S.220 have an effective date of June 30, 2025. That effective date would provide sufficient time for:

1. The Department to develop a model library material selection policy by and
2. Public library boards to consider and implement the required library material selection policy and procedures for the reconsideration of materials. (see page 6)

Suggestions for revision to S.220 from the Department of Libraries

4/2/2024

**** Library Policies; Selection and Retention of Library Materials ****

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

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

A public library shall adopt a ~~policy for library material selection policy and procedures for the reconsideration of library materials~~ ~~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 reflect 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 ****

Sec. 7. 22 V.S.A is amended to read:

§ 606 OTHER DUTIES AND FUNCTIONS

(9) May develop and adopt model policies for free public libraries concerning displays, meeting room use, patron behavior, internet use, ~~library material selection policy, procedures for the reconsideration of library materials~~, and other relevant topics to ensure substantive compliance with the First Amendment to the U.S. Constitution and Vermont laws prohibiting discrimination.

**** School Library Materials Selection ****

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~~.

***** Library Governance *****

Sec. 6 22 V.S.A. § 143 is amended to read:

§105. GENERAL POWERS

- (a) The board shall consist of not fewer than five trustees who shall have full power to
(4) establish a library budget *for consideration by the legislative body of the municipality
for inclusion in the municipality's budget.*”;

*****Effective Date*****

Sec.8 EFFECTIVE DATE

This act shall take effect on ~~July 1, 2024~~ January 1, 2025.