

May 1, 2024

Vermont House Committee on Government Affairs and Military Operations

S.220 Libraries, history, and information technology; libraries

Renee McGuinness, Vermont Family Alliance Policy Analyst

S.220 Section 3 Public Libraries: Selection and Reconsideration of Library Materials:

“S.220 Libraries, history, and information technology; libraries” intends to ensure that libraries, *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*, according to the First Amendment of the U.S. Constitution, the Civil Rights Act of 1964, and Vermont laws prohibiting discrimination in places of public accommodation, and would prevent parents of children 12+ from accessing their adolescent’s library use records in public libraries.

Introduction and Main Points

Vermont Family Alliance (VFA) is a parental rights and minor protections advocacy group. We defend the natural rights of parents and children at the local and state level. To save space and time, the term “parents” includes legal guardians.

VFA believes, according to the principals of the U.S. and Vermont Constitutions, that families are sacred institutions, and that no person, organization, or government entity has the legal right to undermine the family structure.

Parents are the sole authority over their own children: this is not a shared responsibility with the State without due process under the laws intended to protect minors in suspected cases of neglect and abuse through the [Department of Children and Families](#) or through [12 V.S.A. § 7151. Emancipation](#).

Under [33 V.S.A. § 4913](#), school librarians are mandated reporters if they suspect a minor is being abused or neglected: a “child” is anyone under the age of 18 under [33 V.S.A. § 4902 Human Services: Child Welfare Services](#).

VFA takes a holistic view of legislation that affects minors, parents, and families rather than considering each bill and statute individually: this is the responsible and prudent thing to do as a parent and as a state.

While Vermont public schools consider it prudent to [obtain parents’ permission for field trips](#); and while [S.187](#), which requires parents’ written permission for their child’s self-application of sunscreen be kept on file is currently making its way through the State House, past and present legislation systematically seeks to allow minors age 12 and younger to make adult decisions on health services and education materials without parents’ knowledge and consent.

Currently, minors can consent to:

- Sexually Transmitted Infection Treatments at age 12+ under 18 V.S.A. § 4226
- Legally authorized outpatient treatment from a mental health professional under 18 V.S.A. § 8350 (2018, no age limit)
- Abortion under 18 V.S.A. § 9493 ([no age limit](#), 2019)
- Access reproductive health care services and gender affirming health care services at any age without interference from any private or public person or entity under 1 V.S.A. § 150. (2023) “Legally protected health care activity”

Minors have unsupervised access to:

- Contraceptives in secondary schools under 16 V.S.A. § 132 (2021) despite that under [13 V.S.A. § 3252 \(c \) \(1\) and \(2\)](#) sexual activity with a minor age 15 or younger is sexual abuse.

While bills in 2024 propose to:

- Allow minors 12+ to consent to Sexually Transmitted Infection Prevention (existing and future vaccines, drugs, and shots) without parent consent (S.151 Sec 4, died in committee for other reasons, despite this would violate federal law.)

- Lower the age at which library officers and employees may legally disclose library use records from 16 to 12 years old (S.220 Section 3)

And then there are bills that were introduced and referred to committees but not taken up which may resurface in the future that propose to:

- Require annual mental health screening of school-age youth for anxiety, depression, and suicide risk (H.816, 2024)
- *“allow a minor who identifies as transgender to consent to receiving hormone blockers and other nonsurgical, gender-affirming care and treatment without requiring parental consent.”* (H.659, 2022)

One cannot help but notice the legislature’s focus on the sexual activity of our children, addressing the consequences of a minor’s sexual activity, and controlling the solutions when a minor is questioning or struggling with gender identity and sexual attraction, without pro-actively including parents in these important decision-making processes.

Persons and institutions could face legal challenges under S.220

- In *Bellotti v. Baird*, 443 U.S. 622, 634 (1979), “We have recognized three reasons justifying the conclusion that the constitutional rights of children cannot be equated with those of adults: the peculiar vulnerability of children; their inability to make critical decisions in an informed, mature manner; and the importance of the parental role in childrearing.”
- Libraries, librarians, and schools are opening themselves up to lawsuits under parents’ First and Fourteenth Amendment rights of the U.S. Constitution; and under Chapter 1, Articles 1 and 3; and Chapter II, Section 16 of the Vermont Constitution if S.220 passes as written.
- Librarians, libraries, and all school personnel that act upon the belief that they are helping children who are “at risk,” have “a specific health or safety need,” or “whose intellectual interests may fall outside their parents’ interests” under S.220 Section 3 would be obstructing parents’ involvement with their own children, and potentially side-stepping due process under Vermont DCF.

- Parents in Michigan have filed a lawsuit against a school for compensation for damages due to [violation of their parental rights under the First and Fourteenth Amendments of the U.S. Constitution](#) because the school was socially transitioning their child without the parents' knowledge: the same type of lawsuit could occur over blocking parents' knowledge of their child's library use records.
- Because there is national disagreement on what is and what is not appropriate for minors, S.220 serves to breach the trust between parents and the professionals in whom parents are supposed to be able to entrust their children, and we can expect future surveys to reflect this erosion of trust.
- In Fairfax, the community library also serves as the school library. Given S.220 intends to lower the age of library use records to confidentiality to 12, yet under [20 US Code 1232h](#) parents can request to review curriculum and instructional materials in schools until the age of 18, how would S.220 apply in this case? How many other libraries in Vermont serve as both the community library and the school library?

In order to preserve parental rights and protect all children according to the U.S. and State Constitutions, Vermont Family Alliance requests the following:

1. Raise the age for library records confidentiality to 18

In order to be in compliance [1 V.S.A. § 173](#) in which the age of majority in Vermont is 18, the age for library records confidentiality should be raised to 18.

In fact, any legislation that address confidentiality of medical and library records, STI treatments and prevention, mental health counseling, etc. should all be amended to comply with [1 V.S.A. § 173](#). The age of majority is 18 in forty-seven states, 19 in two states, and 21 in one state. Parents must be included in all of these decisions.

2. Provide Internet protections for minors (and all library patrons)

Lack of internet filter protections for curious, tech-savvy youth leaves minors at risk of harm caused by accidental or intentional access to obscene or inappropriate materials and on-line predators.

Just as [parents can install apps](#) to block, monitor, and limit their child's cell-phone use to protect them while preserving their privacy, providing internet filters on public computers will also protect our children.

Therefore please add language to S.220 that requires all public libraries and schools apply for and comply with the [Children's Internet Protection Act \(CIPA\) | Federal Communications Commission \(fcc.gov\)](#), which offers the financial incentive of greatly reduced internet services costs for schools and libraries that comply with CIPA internet filtering software requirements. [The Vermont Agency of Education has information on e-rates and a link to an application.](#)

Possible strike of Section 7, page 6, line 4 (8) [that the Department of Libraries] shall provide advice on State information technology policy. If "information technology policy" refers to access to content on the internet.

3. Require proof of CIPA compliance at schools and public libraries

Add language to S.220 that requires CIPA compliance documents be published in a prominent and easily navigable position on school and public library websites and have documents available in print so parents can be assured internet protections are in place. [Central Vermont Supervisory Union](#) already does this.

4. Add language to Section 7a to clarify that school libraries must continue to comply with [20 U.S. Code § 1232h - Protection of Pupil Rights](#)

To ensure public schools understand that S.220 does not override [20 U.S. Code § 1232h - Protection of Pupil Rights](#), which allows parents to request to review the curriculum and instructional materials used to instruct their children in public