

## Comments to Senate Education on S.220

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The Department appreciates the strong support that the bill's proponents have offered to libraries in Vermont. Many aspects of this bill respond to specific recommendations of the Working Group on the Status of Libraries in Vermont in its November 2023 report. The Working Group's recommendations were based on more than two years of listening to the library community, and the Working Group's membership included leaders from both the Vermont Library Association and the Vermont School Library Association.

The Department offers its strong support for amending statute to require that all public libraries adopt **policies for the selection and reconsideration of library materials** that complies with the First Amendment, the Civil Rights Act of 1964, and State laws prohibiting discrimination in places of public accommodation. (p.8, line 7) The Department recommends that if H.807, related to school library collection development and retention policies crosses over, that the language in both bills align.

The Department is supportive of amending statute to empower it to **develop model policies** for public libraries, which library boards around the state could choose to adopt wholesale or revise to meet the needs of their local communities. (p. 8, line 16)

The Department is supportive of amending statute to require it to adopt a **collection development policy** that reflects diversity of race, ethnicity, sex, gender identity, sexual orientation, and disability status, and Vermont's diverse people and history and notes this language aligns with statute related to the State Curator's collection development policy. (p.16, line 8)

The Department offers its strong support for amending statute to lower the **age of confidentiality** of public library records from to 12 years of age. 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 children 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 medical decisions. (p.9, line 7)

The Department supports enshrining its obligation to provide **Continuing Education** to library directors and staff in statute and welcomes the addition of language to empower it to provide the Certificate in Public Librarianship program for library directors. (p.10, line 5)

The Department currently offers **training for public library trustees** and will happily continue to do so through general trainings on general topics offered at regular intervals. The Department does not, however, support the addition of any language that would establish requirements for continued education for library trustees. The state has at least 935 public library trustees, who join boards at different intervals and who come to their roles with differing levels of expertise. Tracking training completion in an ongoing manner would be administratively burdensome for the Department's team. Requirements for continued training could even impact the willingness of library board members to serve. (p.15, line 1)

The Department supports the amendment to **Criminal Threatening** law, which already pertains to municipal public libraries. The update would appropriately provide enhanced protections in *incorporated* public libraries. (p.10, line 16)

The Department does not have an opinion at this time on the proposed amendment related to **possession of a dangerous or deadly weapon in a public library** setting. The Department will research this topic more thoroughly as it questions the constitutionality of this proposed change given that public libraries are public facilities. (p.11, line 11)

The Department has significant concerns about the section of this bill related to **Licensing of eBooks and eAudiobooks**. These concerns include the potential for unintended impacts of this legislation upon existing and future contracts between the Department and other libraries in the state for eBooks, eAudiobooks, and online databases that include digital books. (p.5, line 10)

The Department appreciates that the bill's proponents heard the concerns of the Working Group on the Status of Libraries in Vermont about wanting to increase access to these materials and their hope that the cost of eBooks and eAudiobooks for libraries could align with the cost of the same items to the general public. However, as written this legislation could have the impact of *decreasing* access to these materials. Vermont is a very small state, with a very small market share. It seems possible that eBooks distributors would simply decide not to sell these products to Vermont's public libraries – or even Vermont. Additionally, the Department observes that legislation aimed at improving this dynamic between distributors and public libraries in other states has been overturned in the courts, and it is the Department's opinion that the passage of this bill is likely to bring litigation in our state.

The Department recommends removing the section on eBooks and eAudiobooks from this bill and moving more slowly and deliberately – perhaps in concert with other states – to facilitate changes that would more definitely result in increased access to eBooks at more reasonable costs *without* less of a change of jeopardizing access to these key resources for Vermonters.

The Department generally supports the amendments related to **Library Governance** and has provided recommended language to improve clarity in these sections. (p.13, line 18) That said, the Department calls the Committee's attention to the fact that the proposed changes would *only* apply to municipal public libraries and *would not impact incorporated public libraries* which make up roughly 30% of public libraries in our state. The Working Group heard that incorporated public libraries often struggle to obtain adequate funding from municipalities, despite providing the same service to citizens that municipal public libraries provide.

On the topic of **Minimum Standards** (p.16, line 7), the Department has questions about the Legislature's intention in this section.

If S.220 passes with the requirement that all public libraries have collection development policies and clarity about the underpinnings of those policies in place, then some of the topics of the standards would be redundant.

If S.220 empowers the department to provide model policies and recommendations for service levels, then engaging in the administratively cumbersome Rulemaking process for the sole purpose of providing the public library community with *recommendations* on the topics enumerated in this section would be unnecessary.

The Department makes special note that it supports Governor Scott's FY2025 budget, which does not include the **appropriations** enumerated in this bill. (p. 17, line 18 and p.9, line 16)

The Department asks that you consider amending S. 220 to remove from statute the current requirement that the Department "Shall be the **primary access point for State information**, and provide advice on State information technology policy" in alignment with the recommendation of the Working Group (22 V.S.A. § 606). Directory assistance is performed by 211 and information is provided by agencies and departments on their webpages. The Department has not served in this capacity for many years. It has no mechanism to do this work.

The Department appreciates the attention of the Committee to the current status of libraries in our state, and its demonstrated interest in learning about libraries and responding to the needs described in the report of the Working Group. The Department looks forward to continued dialog with you as this bill moves forward.