

LIBRARY LEGALITIES

Library Monitoring Rubric - Section 2.3
Librarian Growth Rubric - Standard 2
School Library Guide - Section 4.1 and 6.3



One of the most important concepts in school library programs is the right to privacy for both students and staff. The **American Library Association** believes that students, “will build positive attitudes, more fully realize their potential, and become responsible citizens if certain beliefs are in use”. Two of these are “a respect for and understanding of rights...and an understanding of and respect for copyright, privacy, and other laws that promote access.” With this in mind, there are three areas to consider: confidentiality, copyright and censorship.

CONFIDENTIALITY

As a checklist, the following questions need to be addressed:

1. If there is no automated circulation system, the cards should not reflect the name of the person who has checked out materials in the past.
2. Overdue lists sent to classroom teachers giving the titles of the materials checked out to students should use a barcode as the only means of identification.
3. All student library media center aides, staff, or volunteers should be completely familiar with confidentiality and all of the ramifications? (Used with permission from Handbook for Alaska K-12 School Libraries)

A search of **American Library Association's** website at www.ala.org results in a number of policies and procedures regarding privacy and confidentiality. **American Association of School Librarians**, in conjunction with **American Library Association**, has issued the “Position Statement on Confidentiality of Library Records”:

The members of the **American Library Association**,* recognizing the right to privacy of library users, believe that records held in libraries which connect specific individuals with specific resources, programs or services, are confidential and not to be used for purposes other than routine record keeping: i.e., to maintain access to resources, to assure that resources are available to users who need them, to arrange facilities, to provide resources for the comfort and safety of patrons, or to accomplish the purposes of the program or service. The library community recognizes that children and youth have the same rights to privacy as adults.

Libraries whose record keeping systems reveal the names of users would be in violation of the confidentiality of library record laws adopted in many states. School library media generalists are advised to seek the advice of counsel if in doubt about whether their record keeping systems violate the specific laws in their states. Efforts must be made within the reasonable constraints of budgets and school management procedures to eliminate such records as soon as reasonably possible.

With or without specific legislation, school library media generalists are urged to respect the rights of children and youth by adhering to the tenets expressed in the Confidentiality of Library Records Interpretation of the Library Bill of Rights and the **American Library Association** Code of Ethics. *ALA Policy 52.4, 54.16

COPYRIGHT

A challenging task faced by library staff is copyright law. An excellent source on the subject is *Copyright Essentials for Librarians and Educators*, 2000, by Kenneth D. Crews and published by **American Library Association**. Two ways to become familiar with fair use in education is using books like this and library conference presentations.

Be aware that commercial (ABC, CBS, etc.) and public broadcast stations (PBS) have specific taping guidelines for schools. Make certain the staff is aware of the number of days/weeks/years a taped program may be kept.

CHALLENGED MATERIALS

Check for your school district's challenged or reconsidered materials policy. If there isn't a policy and procedure in place, create the document for board adoption as soon as possible. This document includes a timeline and designate specific persons to serve on the materials review committee. This encompasses department chairpersons, students, parents and administrators. The challenge procedure should be as brief as possible. The school principal is to make challenge forms available and also explain procedures for a challenge when necessary.

Some additional resources and contact people to assist and advise with challenged materials are:

- ALA Office of Intellectual Freedom
- People for the American Way
- National Coalition Against Censorship
- Freedom to Read Foundation

CENSORSHIP

Library staff is in a position to restrict or control access to material and resources. Care must be taken to preserve the student's right to choose. Self-selection and freedom to read or watch all available materials is to be insured.