

# LIBRARY LEGALITIES

Library Monitoring Rubric - Section 2.3

Librarian Growth Rubric - Standard 8

School Library Guide - Sections 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, censorship and copyright.

## CONFIDENTIALITY

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

1. If there is no automated circulation system, the check-out 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.<sup>1</sup>

A search of American Library Association’s website results in a number of policies and procedures regarding privacy and confidentiality. The 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 librarians 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. <sup>2</sup>

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<sup>1</sup> Source: Handbook for Alaska K-12 School Librarians

<sup>2</sup> Web-based automated systems used in MS school libraries meet this requirement

With or without specific legislation, school librarians 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

## **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 use all available materials is to be insured.

### **Challenged Materials**

All Mississippi school libraries are required to have a school board approved challenged or reconsidered materials policy. 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.

[Additional resources to assist and advise with challenged materials are:](#)

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

## **COPYRIGHT AND FAIR USE**

A challenging task faced by library staff is copyright law. An excellent source on the subject is *Copyright Essentials for Librarians and Educators*, 2011, by Kenneth D. Crews.

Copyright provides legal protection for original creative works, including, but not limited to poetry, movies, video games, videos, plays, paintings, sheet music, recorded music performances, novels, software code, sculptures, photographs, choreography and architectural design. Copyright holders, and those they authorize, have several rights afford to them, including:

- Public display or performance of work
- Reproduce the entire work or parts of it
- Distribute copies of the work

- Derive works, such as translations or dramatizations

Copyright protection has limitations and exceptions. Fair Use allows copyrighted materials to be used under certain guidelines, without the copyright holder’s permission, for purposes such as news reporting, teaching, research, criticism, and parody. Fair Use consideration includes four factors:

- Purpose and character of use
- Amount of work to be used
- Nature of the work
- Effect of any use on the market for the work

Education purposes do not guarantee permission to copy or distribute work. The following is a chart to help make sure that teachers, students, and school librarians follow the Copyright and Fair Use guidelines.<sup>3</sup>

Work	Fair Use	Violation
<b>Poem</b>	<ul style="list-style-type: none"> <li>• Single copy for teacher use</li> <li>• One copy per student, provided material is brief, spontaneously copied, and meets the four fair use considerations</li> <li>• Students and teachers may incorporate text into multimedia projects</li> <li>• Multiple copies allowed of a complete poem, up to 250 words -- no more than two printed pages</li> <li>• Multiple copies of up to 250 words from longer poems</li> <li>• Copyright and attribution provided</li> </ul>	<ul style="list-style-type: none"> <li>• Copies used multiple times without permission, not to exceed nine occurrences per class term</li> <li>• Copies made with the intent to avoid purchase of the selected work</li> </ul>

<sup>3</sup> <https://www.ocps.net/lc/east/htc/mediacenter/Documents/FairUse.pdf>

**Chapter of a Book**

- Single copy for teacher use
- One copy per student, provided material is brief, spontaneously copied, and meets the four fair use considerations
- Students and teachers may incorporate text into multimedia projects
- Copyright and attribution provided
- Copies used multiple times without permission, not to exceed nine occurrences per class term
- Copies made with the intent to avoid purchase of the selected work
- Workbooks and consumables may not be copies

**Prose, short story, web, newspaper, or magazine article**

- Single copy for teacher use
- One copy per student, provided material is brief, spontaneously copied, and meets the four fair use considerations
- Copies of complete work of less than 2,500 words and excerpts up to 1,000 words or 10% of work, whichever is less
- For works of 2,500-4,999 words, 500 words may be copied
- Students and teachers may incorporate text into multimedia projects
- Copyright and attribution provided
- Copies used multiple times without permission
- Copies made with the intent to avoid purchase of the selected work

**Artwork or Graphic Image**

- Five images, or fewer, of an artist/photographer in one program or printing and not more than 10% or 15% of images from published collective work, whichever is less
- Copyright and attribution provided
- Alteration of image into another form, for other than temporary purposes

**Video**

- The material must be legitimately acquired or purchased by the school
- Must be for instructional classroom use, not entertainment
- Clips used in a multimedia presentation may be 10% or three minutes, whichever is less
- Copyright and attribution provided
- Multiple copies prohibited.
- Alteration of video into another form, for other than temporary purposes
- The video must be a legitimate copy, not rented or bootleg

**Music**

- Clips used in a multimedia presentation may be 10% of a composition
- Copyright and attribution provided
- Alteration of composition into another form, for other than temporary purposes
- Multiple copies prohibited

**Broadcast television shows**

- Single copy of broadcast may be made, but shown to multiple teachers
- Copy should be shown during the first ten days from air date, up to forty-five days after the recording date
- Copyright notice required
- PBS offers extended recording rights of up to one year on most programs
- May not be altered
- May not be recorded at the request of an administrator or district
- Multiple copies prohibited

## Further Resources

- **A Fair(y) Use Tale:** great tool for teaching students about copyright and fair use  
[www.teachertube.com/video/a-fairy-use-tale-2523](http://www.teachertube.com/video/a-fairy-use-tale-2523)
- **Teaching Copyright:** contains a full curriculum, resources, and quizzes  
[www.teachingcopyright.org](http://www.teachingcopyright.org)
- **PBS LearningMedia Recording Rights for K12:** more information regarding PBS guidelines of recording [mpb.pbslearningmedia.org/help/faq](http://mpb.pbslearningmedia.org/help/faq)
- **Technology and Learning Copyright and Fair Use Guidelines of Teachers:** chart to help teachers and school librarians with Copyright and Fair Use guidelines  
[www.halldavidson.net/copyright\\_chart.pdf](http://www.halldavidson.net/copyright_chart.pdf)
- **Motion Picture Copyright Law:** information regarding school umbrella movie license  
[library.mplc.org](http://library.mplc.org)

## FAQ

- Workbooks may not be copied.
- Do not have to keep original video tape after format shifting to DVD. Audio/Visual items can be format shifted if the video or audio tape cannot be found a new format for a reasonable price.
- Resources from the Web may not be reposted without permission. However, links to the resources can be posted.
- All items must be connected to the College- and-Career Readiness Standards. Audio/visual resources should not be used for entertainment purposes only. Before purchasing A/V resources ask how it will connect to the curriculum and how the teachers will use the resource.



**MS Department of Education**  
SCHOOL LIBRARY PROGRAM