

10/17/18

The Utah Library Association (ULA) strongly urges the UETN Board to reinstate access to the EBSCO research database for K12 students.

UETN's policy states that, "UETN exists to advance and promote a world-class public education in Utah with a network that supports collaboration, the exchange of information and access to electronic resources for K12 schools" and that "UEN encourages the pursuit of higher knowledge and recognizes that such pursuit may result in Network users accessing potentially controversial material that may not be considered of educational value in the context of a school setting."

When considering whether to block access to millions of articles on a vast array of topics including history, science, civics, health, arts, literature, humanities, and current events, ULA asks UETN Board members to consider their own policy language, and also apply the legal definition of **"Harmful to minors"** as **defined by Utah Code section 76–10–1201(5)(a)**

"Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:

1. taken as a whole, appeals to the prurient interest in sex of minors;
2. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
3. taken as a whole, does not have serious value for minors. Serious value includes only serious literary, artistic, political or scientific value for minors.

It is clear the EBSCO database, "taken as a whole" does not meet the state or federal legal standards of "harmful to minors" and therefore should not be subject to blocking. It is also worth noting that the Children's Internet Protection Act (CIPA), requires schools to have filters in place to block any content that meets the "harmful to minors" standards. The Board should not substitute the personal standards of vocal constituents for the standards set forth in UEN policy and in state and federal law.

The EBSCO database provides an extremely safe and curated space for students to conduct research. As noted in UEN policy, there is no guarantee against exposure to controversial material. Should a content challenge emerge, EBSCO provides granular solutions for curation of their databases at a local, school-based level. These solutions offer much less restrictive ways of preventing children from accessing content that is not appropriate for their age level by limiting access to specific databases, magazines, and journals included in any particular database. Restricting content at a granular level thoughtfully balances our responsibility to



protect our children with UETN's stated goal of providing our students access to high-quality information and electronic resources. Restricting access to Ebsco wholesale is an overreach that only serves to drive Utah students into less safe information environments to do their research. Empowering local schools with administrative control over their own instance of Ebsco would allow local parents and administrators to determine what Ebsco content meets community standards. The Utah Library Association encourages the Board to explore less restrictive options than shutting down access to Ebsco permanently.

It is also worth noting the actual experience of school librarians who consistently report that it is incredibly rare for a student to access any content in EBSCO or any school library database that could be considered inappropriate. Representative of that reality, one teacher at the last UEN Board meeting reported that in her 17-year career there was only one incident of a student bringing up inappropriate content through a database search. And in those rare cases, students are taught to immediately turn off the monitor and alert a teacher, who can then review the keystroke log to determine how the content was arrived at, and then adjust the filter accordingly to prevent a future occurrence.

We want to be clear that ULA shares the concern of those who do not want children accessing harmful materials. Indeed, librarians - and school librarians in particular - are drawn to the profession, and motivated by a passion, to help teach healthy digital citizenship skills. We welcome the opportunity to have an honest dialogue and partner with those who want to empower our students and their families to effectively and safely navigate in the digital world.

We are optimistic that the UEN Board, having had a chance to fully consider the sweeping negative impact of their decision to block access to EBSCO research databases, and the many less restrictive options available to them, will vote on 10/19/18 to reinstate access to EBSCO databases in a manner that is consistent with UEN's mission, policies, and relevant state and federal laws.

Lastly, ULA strongly urges the UEN Board to adopt a formal policy and procedure for responding to materials or database content challenges. Public libraries have long had these types of policies in place that clearly and transparently lay out the process for filing a challenge, the criteria and legal framework for evaluating the challenge, and the process and timeline of applying the criteria and rendering a decision. We stand ready to assist the UEN Board in developing and implementing a fair and effective materials challenge policy.

Respectfully submitted for your consideration,

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