

Meridian Library District Statement on updated Collection Development Policy and HB 710

MERIDIAN, IDA. (June 28, 2024)—The Meridian Library District (MLD) adopted an updated comprehensive Collection Development Policy, underscoring its commitment to providing a diverse and inclusive collection that reflects the needs and interests of the community. The policy, approved by the MLD's Board of Trustees on June 26, 2024, aligns with the American Library Association's Library Bill of Rights and the Freedom to Read Statement, ensuring that all library materials uphold the highest standards of intellectual freedom and access. The policy incorporates the requirements established by House Bill 710, the "Children's School and Library Protection Act," and includes a new Request for Reconsideration form.

About Meridian Library District

Celebrating 100 years of public library service in 2024, the Meridian Library District serves the community of Meridian, Ida., providing access to a wide range of resources and programs that support education, literacy, and lifelong learning. As a member of the Lynx Library Consortium, MLD shares resources with other libraries to enhance the availability of materials for all patrons.

Purpose and Principles

The new Collection Development Policy articulates the role of the (MLD's) collection in serving the community. It provides clear guidance to staff members in their role as selectors, ensuring that all acquisitions are evaluated based on established criteria and within the context of budget and space considerations. This policy supports the guiding principles and Strategic Plan adopted by the Board of Trustees in 2020.

Key Elements of the Policy

- **Public Interest and Community Needs:** The policy emphasizes the importance of considering public interest, user requests, and the availability of materials in other libraries when developing the collection.
- **High-Quality Selection Criteria:** Materials are selected based on literary quality, representation of marginalized groups, accuracy, timeliness, and public interest, among other criteria.
- **Diverse and Inclusive Collection:** MLD is dedicated to providing a collection that includes content by and about a wide array of people and cultures, reflecting a variety of ideas, information, stories, and experiences.

- **Meridian History Collection:** A special focus is placed on materials that further the understanding of the history of Meridian, with efforts to digitize and preserve these valuable resources for public access.
- **Reconsideration of Materials:** The policy includes a process for the community to request the reconsideration of materials, ensuring transparency, adherence to First Amendment rights, and compliance with HB 710 passed by the Idaho Legislature and signed by Governor Little on April 10, 2024.

Commitment to Intellectual Freedom

MLD remains steadfast in its commitment to intellectual freedom and the right of individuals to access information. The new policy reinforces MLD's dedication to offering resources that inform, educate, and encourage critical thinking among patrons of all ages.

For more information about MLD's Collection Development Policy, please visit mld.org/policies/collection-development-policy.

HB 710

In April 2024, the Idaho legislature passed House Bill 710, the "Children's School and Library Protection Act," which established Idaho Code § 18-1517B, effective July 1, 2024. The Act provides a private cause of action against MLD by a minor who obtains material, or parent or legal guardian whose minor child obtained material, in violation of Idaho Code § 18-1517B, if the three following elements have been met:

1. The District gave or made available material harmful to minors, or the District failed to take reasonable steps to restrict access by minors to material harmful to minors;
2. Prior to filing the cause of action, the minor, parent, or legal guardian has provided written notice to the District asking for the relocation of such material to a section designated for adults only within sixty (60) days of receipt of the written notice; and
3. Upon receipt of written notice and subsequent to the expiration of sixty (60) days, the District Board failed to relocate the material harmful to minors to an area with adult access only.

Additionally, the Act provides a county prosecuting attorney or the attorney general a cause of action for injunctive relief against any school or public library that violates the provisions of Idaho Code § 18-1517B(2).

Request for Reconsideration

The District is committed to upholding the rights of District library users to freely access quality materials that inform, educate, enlighten, and encourage critical thinking. This Collection Development Policy, the Library Bill of Rights and the Freedom to Read Statement all embody this commitment.

Only narrowly defined categories of speech are not protected by the First Amendment. For example, obscenity is not protected speech, and neither is “material harmful to minors,” which is a subset of obscenity. If materials do not meet one of the narrowly defined categories of unprotected speech, they are speech protected by the First Amendment. Removing library material solely on the basis of its content or references without context to the whole may amount to censorship in violation of the First Amendment. Stated another way, materials must be judged for obscenity as a whole and not on the basis of isolated passages.

The District and libraries across the state of Idaho have steadfastly maintained that they do not have materials in their collections that are harmful to minors. Libraries seek to provide educational, informational, and recreational resources to kids and adults that help them better understand themselves and the world, not to cause harm.

Although the “Children’s School and Library Protection Act” provides a statutory framework to restrict access to materials on the basis of the complaint of a single person, legally binding First Amendment interpretations dictate that community and reasonable person standards apply in determining whether material is harmful to minors. In addition, First Amendment case law strongly disfavors government discrimination of materials based on content or viewpoint. The use of District materials by patrons is an individual matter. Responsibility for children’s and teens’ use of District materials rests with their parents or legal guardians. District staff are available to assist parents or legal guardians in using tools to inform their decisions on what to check out. The District does not act in loco parentis for unsupervised minors.

The burden is on the censor to prove that specific material meets the definition of “material harmful to minors.” The Board will fairly and impartially adjudicate claims that materials in the collection meet the statutory definition of “material harmful to minors” but will apply the statutory definition closely to ensure access to protected speech is not illegitimately restricted. Adequate procedural safeguards, including judicial determinations, are necessary to ensure protected speech is not infringed.

The District is mindful of First Amendment rights to free speech guaranteed to persons in the United States of America, including the right to access information. The District

acknowledges and appreciates the fundamental role this right plays in upholding the democratic system of government in America by helping to inform and provide critical thinking skills to the electorate, and to educate minors who represent the future electorate and must be informed and capable of critical thinking when they reach voting age.

With the foregoing in mind, this Policy details who can request the reconsideration of materials District makes available, the options for doing so, and the procedures the Board will take to review such requests. In addition to requests for reconsideration of materials based on the allegation that such materials are harmful to minors, patrons may also submit a request for reconsideration of materials that they do not believe otherwise meet the criteria in this Collection Development Policy.

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