

Senate File 496

May 3, 2023

Director Chad Aldis
Iowa Department of Education
Grimes Building, 400 E 14th St 1st floor, Des Moines, IA 50319

Dear Director Aldis,

Iowa Association of School Librarians and Iowa Library Association have identified logistical and practical matters which must be addressed in order to adhere with emerging law through Senate File 496.

Libraries provide equity in access and champion intellectual freedom and the First Amendment. Information professionals and membership from both associations have been encouraged to seek clear directives from the Department of Education, their personal supervisors, and their school administrators in order to comply with new requirements.

Before the new law is signed and goes into effect, I am seeking your guidance for the following and request support in resourcing the required methodology and application of these changes.

Age-Appropriate Classification

“Each school district shall establish a kindergarten through grade twelve library program that is consistent with section 280.6 and with the educational standards established in this section, contains only age-appropriate materials, and supports the student achievement goals of the total school curriculum . . .

b. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten 6 through grade twelve media program.”

- What resources and standards will the Department of Education apply to identify and classify the age-appropriateness of school library materials? When will teacher librarians and library workers be trained in these resources?
- Will classic literature that is part of the Advanced Placement curriculum for AP Literature and Composition now be illegal due to age-appropriateness? How will the College Board be made aware that Iowa’s Advanced Placement courses in Literature and Composition can no longer provide required classic literature due to the age-appropriateness definition?
- Will access to subscription-based school databases or ebook repositories be reviewed and potentially filtered to meet new state law requirements? If so, how so?
- What form of communication should teacher librarians anticipate if/when they are directed to remove books from the collection?

Gender Identity and Sexual Orientation

From SF 496, pg 14, line 6: “A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six.”

- How are “programs,” “curriculum,” “promotion,” and “instruction” defined in this section? Would this section be interpreted to include the contents of library books, book displays, or book recommendations that relate to gender identity or sexuality?
- Does this section of the bill imply that library books also cannot relate to gender identity or sexual orientation in grades K-6? If so, by what guidelines will that be determined?
- Would promotion or recommendation of library books with content related to gender identity or sexual orientation be prohibited for libraries serving grades K-6 under this section?
- Does gender identity or sexual orientation standards include the full spectrum of expression including heteronormative content?

Serving Grade Levels K-12

- How will titles required for dual enrolled coursework be handled if they violate age appropriateness?
- Does the bill apply to library materials? If so, how will one-room school libraries serving K-12 be required to physically shelve and manage materials filtered as age-appropriate and age-inappropriate based on grade rather than reading level or interest?

Book Lists & Electronic Catalogs

From SF 496, pg 10, line 11: “Each school district shall make available to the parent or guardian of each student enrolled in the school district a comprehensive list of all books available to students in libraries operated by the school district by providing a link on the school district’s internet site to the electronic catalog of the books available in the libraries operated by the school district.”

- Will a real-time requirement for the comprehensive list be applied?
- Books and materials are continually added, weeded, and lost during the academic year and maintaining this list in real-time will require additional resources toward compliance.
- Will the presence of materials that may be age-appropriate for some students but not deemed age-appropriate for all students be considered a violation of this law?
- Will publicly available access to school libraries and their collections need to be available to all citizens or is state law limited access to these resources and knowledge to parents and caregivers of students enrolled in the district?
- Is it expected that individual classroom libraries, which are not part of the school library program, be visible to parents and guardians in an electronic catalog?

Libraries Serving Multiple Audiences

- In some collaborative cases, data is exchanged (with parental consent) in order for public libraries to provide Iowa students with access to their physical and digital collections. Additionally, a handful of public libraries are housed within schools, and students move freely between their school library and public library.
 - What is the future of these shared relationships in light of new law?
 - Will schools or teacher librarians and library workers be potentially penalized for their inability to monitor the public library collection?

Fundraising

- Book Fairs, which raise funds for school libraries, may host titles which do not meet “age-appropriate” requirements. How should teacher librarians conduct materials based fundraising in light of new legal standards?

Penalties

“If, after investigation, the department determines that a school district or an employee of a school district has violated the provisions of subparagraph (1) related to library programs containing only age-appropriate materials, beginning January, 1, 2024, the school district or employee of the school district, as applicable, shall be subject to the following:

(a) For the first violation of subparagraph (1), the department shall issue a written warning to the board of directors of the school district of the employee, as applicable.

(b) (i) For the second or subsequent violation of subparagraph (1), if the department finds that a school district knowingly violated subparagraph (1), the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.”

(ii) For a second or subsequent violation of subparagraph (1), if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated subparagraph (1), the employee shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.”

- What training and documentation should teacher librarians and library workers anticipate to direct their labor within the confines of the new law?
- When will teacher librarians and library workers receive this guidance?
- Should teacher librarians and library workers anticipate formal, written warnings and what will be the implications on their employment records and teaching licensure if reprimanded?

Thank you for your time and attention to these matters. They are crucial to the success of students and library workers across the state. Please feel free to reach out to us for continued discourse and context to this important discussion.

Sincerely,

Michelle Kruse, Iowa Association School Librarians

Sam Helmick, Iowa Library Association