October 19, 2018

Dear Mr. Walker and UEN Board Members:

At the October 1, 2018 board meeting, the Utah Education Network (UEN) voted to deny access temporarily “pending additional discussion and investigation of EBSCO and all other similar periodical services provided by UEN to public education students.” We are writing on behalf of the American Library Association, American Association of School Librarians, Association of College and Research Libraries, Utah Educational Library Media Association, National Council of Teachers of English, and National Coalition Against Censorship to urge you to restore access to the EBSCO databases for educational institutions throughout Utah. We believe the outstanding educational resources contained in the EBSCO databases are key to fulfilling the UEN goal 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 ...” (UEN acceptable use policy)

EBSCO is a longtime, well-respected distributor of educational content that is used nationally in libraries and schools, across grade levels and subject areas and accessible to all students, both rural and urban. The UEN Board "strives to attain representation from rural and urban constituent groups, and diversity of representation among gender, ethnicity, disability, technical and instructional expertise;" it should therefore provide every student in Utah with access to resources that reflect a similarly wide representation of viewpoints and expertise. Aggregated search analytics demonstrate that students are using EBSCO just the way one would hope: to do their homework, research educational topics, and find vetted resources. By committing to statewide access to EBSCO databases for all students, UEN is committing to a quality, equitable education for all Utah students.

EBSCO collects and indexes articles and books from traditional newspapers, magazines, journals, and publishers, and makes that content available to libraries and schools to facilitate research and expand the universe of information available to students. The ability to search, evaluate, and select information is integral to student success in the classroom, in post-secondary education, and in the workplace. The imperative of teachers and librarians to cultivate this skill in our youth is vital to an informed citizenry for the next generation.

It is the right of a parent to restrict access for their own child to information resources that they find incompatible with their beliefs or values; however, a parent does not have the right to determine what resources are available to every child in Utah. Access to information and quality educational resources is an expectation of Utah parents and an obligation of Utah teachers. UEN would be doing a professional
disservice to all involved by continuing to ban access to these research tools and the content within them. Academic and journalistic publications do, on occasion, discuss sexual issues. The materials in EBSCO are neither legally obscene nor meet the standard for “harmful to minors,” as defined in federal or Utah state law. Moreover, any references to sexuality in the database are made in the context of academic or educational publications, none of which aim to appeal to the prurient interest. Some may find such content distasteful, however every community is home to a variety of opinions on what content is appropriate, safe, and serves the needs of its members.

For every person who objects to a resource, there are usually thousands of others who favor its inclusion. Educators and librarians have the skillset to help learners access age-appropriate resources that meet their educational needs.

The purpose of the Utah Education Network is “to connect people and technologies to improve education and healthcare in Utah.” By providing access to the vast resources of EBSCO to 700,000 students, teachers, and librarians in Utah, you translate your purpose into action.

Sincerely,

Loida Garcia-Febo
President
American Library Association

Kathryn Roots Lewis
President
American Association of School Librarians

Lauren Pressley
President
Association of College and Research Libraries

Lorraine Wyness
President
Utah Educational Library Media Association

Chris Finan
Executive Director
National Coalition Against Censorship

Millie Davis
Director, Intellectual Freedom Center
National Council of Teachers of English
October 17, 2018

The Utah Educational Library Media Association (UELMA) supports the reinstatement of the EBSCO database by the UETN board.

One of the purposes of UELMA is to interact with local, state and national organizations on the issues related to school library media programs. UELMA is an affiliate of AASL (American Association of School Librarians). One of their goals is to “to prepare students for life-long learning, informed decision making and the love of reading and the use of information technologies”. UELMA does not represent the interests of a “few librarians” but hundreds of library professionals in Utah schools, all of whom serve the purpose of educating students to become productive and responsible digital citizens.

The removal of the EBSCO databases from Utah’s Online Library for K-12 students is a clear example of infringing on the personal right of intellectual freedom. According to the American Library Association “it is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas.”

Allowing a minority group with a specific agenda to persuade a board of educated professionals in restricting access to valued academic resources for hundreds of thousands of Utah students, some of whom are required to do University level research in their International Baccalaureate Programs, Advanced Placement coursework and Concurrent Enrollment credit courses, is removing the ability of Utah students to develop the skills to be savvy, ethical users of information which is required and expected for higher education levels. The UETN will be doing a great disservice to students who will lag behind peers with advanced experience in navigating academic level research. If we limit their ability to access information and develop the skills needed to navigate around objectionable content as well as evaluate the authority and validity of materials online, including scholarly journals and thousands of periodicals that school libraries cannot afford to purchase, we are not effectively teaching our own Utah Library Media Core Curriculum.

Standard 2 of the Utah Library Media core, found on the [uen.org](http://uen.org) website, is to comprehend literary and informational texts. Strand 2 of that standard is Information and Research:

“Students need the lifelong skills of selecting information from a wide variety of sources, assessing its worth, and applying newfound knowledge to problems, preparing them for learning, doing, and problem solving in college, career and throughout life. Teacher librarians will instruct students in a multi-step research process that is adaptable. As students gain research skills, they develop self-confidence in solving information problems in an environment where information resources and technologies have become increasingly complex.”
In a recently published article in Meridian Magazine, *When “Safe Places” Are No Longer Safe for Your Children*; https://ldsmag.com/when-safe-places-are-no-longer-safe-for-your-children/, Ms. Peck states that schools and school libraries are “no longer safe places and that libraries are exploiting children by spoon feeding them pornographic images, videos, and illicit sexual articles through databases that have been marketed to schools and libraries as “safe and secure.” This seedy material is promoting risky sexual behaviors — including prostitution recruitment services”.

This is insulting to our students, our educators and administrators. We strongly oppose such inflammatory accusations and unsubstantiated claims. Utah school libraries are more often than not considered by students to be one of the safest and most welcoming spaces in the school where they are supported in their academic efforts, not to promote the searching of illicit and obscene material. There is a difference between an adult intentionally and specifically looking for inappropriate content on an unfiltered network versus a student in a class setting with guided instruction and a specific educational purpose. It is so much easier for a student to use a common search engine (filtered or not) to seek out nefarious content rather than searching a specific database.

School Librarians are parents too and it is their responsibility to protect and educate students from all backgrounds. We agree that inappropriate content that does not meet curricular standards has no place in our Utah schools. We acknowledge the changes that EBSCO has already made, which shows the proactive approach to address the concerns raised and willingness to provide more active filtering controls.

As James La Rue from ALAs Office of Intellectual Freedom stated in *Education is not Pornography*, https://www.oif.ala.org/oif/?p=16002 “There isn’t substantiated evidence that students are using it [EBSCO] the way these parents are (to deliberately look for titillating content). In fact, there is considerable evidence (based on aggregated search analytics) that students use EBSCO just the way you’d hope: to do their homework, to study up on educational topics.”

Teachers and librarians are taking a position against closing access to the EBSCO database specifically for these reasons, that students are using it for the purpose for which is intended. In all the years it has been used by teachers and librarians with thousands of students, if this had been a real concern, teachers and librarians would be the first to bring it to the attention of school administrators and the UETN board.

The aim to get rid of any information that may offend someone is a near impossible task in the present digital world in which we all must live. Whatever decision the UETN board makes will force Utah to become the model of what or what not to do in the effort to protect our children from information deemed unsuitable by a select group.

In a letter addressed to the Utah Board of Education this month, Elaine Shelburne, M.L.S., M.Ed. Teacher Librarian at Bonneville High School in Ogden District raises a critical concern of all educators, that “censoring or banning a huge source of information is not educating anyone but is creating a black hole of ignorance in our youth. Instead, help provide the tools that students need.”

“Indeed, perhaps we do the minors of this country harm if First Amendment protections, which they will with age inherit fully, are chipped away in the name of their protection.” — Judge Lowell A. Reed, Jr. (ACLU v. Reno II, 2000)

Respectfully,

Lorraine Wyness, UELMA President
Selena Campbell, UELMA Past President
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,

Rebekah Cummings, President, Utah Library Association
Peter Bromberg, Advocacy Chair, Utah Library Association