

Submitted by: Assemblymembers Sullivan and Kendall

Prepared by: Department of Assembly

For reading: April 13, 2004

ANCHORAGE, ALASKA

AR NO. 2004-85

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING
SENATE BILL 269 RELATING TO ACCESS BY A PARENT OR GUARDIAN TO THE
PUBLIC LIBRARY RECORDS OF A MINOR CHILD.**

WHEREAS, a parent or guardian's role is to nurture and direct the upbringing of a child; and

WHEREAS, parents have a compelling interest to protect the physical and psychological well being of their minor children, and that interest extends to having knowledge of books and images accessed in a public library; and

WHEREAS, under existing state law regarding confidentiality of library records, "elementary or secondary school" library records of a minor child are available to a parent or guardian upon request; and

WHEREAS, Senate Bill 269 will extend the scope of state law to include *public* library records as well as *school* library records of a minor child; and

WHEREAS, Senate Bill 269 will not deny or abridge a minor child's right to obtain information at a public library.

NOW THEREFORE BE IT RESOLVED that the Anchorage Assembly supports the passage of Senate Bill 269 that would ensure parents or guardians the right to access their minor child's library records from a school or public library.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2004.

Chair

ATTEST:

Municipal Clerk

ALASKA STATE LEGISLATURE



(907) 376-3157 Fax

SENATOR LYDA GREEN SENATE DISTRICT G

Sponsor Statement of Senate Bill 269

"An Act relating to access to the library records of a child by a parent or guardian."

Existing law states parents can have access to their children's library records at public school libraries, but does not specifically state the parents right to have access to their child's records at public libraries. Senate Bill 269 clarifies that parents do have the right access to their child's records at public libraries as well as at public school libraries.

This legislation addresses practical issues by allowing parents to know what materials their child has checked out in both public libraries and public school libraries. As a result, parents can ensure the materials are returned, fines are paid or replacements are purchased.

Senate Bill 269 clarifies current law to ensure parents can find out what books their children are reading in public libraries as well as public school libraries, thus solving logistical and moral problems encountered by families when children's library records are deemed confidential. This legislation allows parents to perform their most important role in life, that of being a parent.

CS FOR SENATE BILL NO. 269(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 2/19/04

Referred: Health, Education and Social Services

Sponsor(s): SENATOR GREEN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to access to library records, including access to the library records of a**
2 **child by a parent or guardian."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 40.25.140 is amended to read:

5 **Sec. 40.25.140. Confidentiality of library records.** (a) Except as provided
6 in (b) of this section, the names, addresses, or other personal identifying information
7 of people who have used materials made available to the public by a library shall be
8 kept confidential, except upon court order, and are not subject to inspection under
9 AS 40.25.110 or 40.25.120. [THIS SECTION APPLIES TO LIBRARIES
10 OPERATED BY THE STATE, A MUNICIPALITY, OR A PUBLIC SCHOOL,
11 INCLUDING THE UNIVERSITY OF ALASKA.]

12 (b) Records of a [PUBLIC ELEMENTARY OR SECONDARY SCHOOL]
13 library identifying a [MINOR] child **under 18 years of age** shall be made available on
14 request to a parent or guardian of that child.

1 * **Sec. 2.** AS 40.25.140 is amended by adding a new subsection to read:

2 (c) This section applies to libraries operated by the state, a municipality, or a
3 public school, including the University of Alaska, and by a public library nonprofit
4 corporation.



5/11/04
REGULAR MTG.

**Report to the Anchorage Assembly Regarding Senate Bill 269
Parent Access to Child's Library Records
Library Advisory Board
April 21, 2004**

The Library Advisory Board, having been charged by the Anchorage Assembly to review state Senate Bill 269, titled "An act relating to access to library records, including access to the library records of a child by a parent or guardian", discussed, evaluated, and took the following action on this bill at its meeting on April 21, 2004.

By unanimous vote, the Library Advisory Board recommended that the Assembly oppose SB 269 as the bill is written as both potentially harmful to children and is vague and overly broad in scope. The Library Advisory Board cites the following reasons for its conclusion:

1. It will be unduly burdensome on libraries to determine who is a parent who might have a right of access to a child's records. Librarians, unlike educators, have no established relationship with parents and therefore have no records connoting custodianship. Library borrowing by minor children in Anchorage is offered by both Anchorage Municipal Libraries and the Consortium Library of University of Alaska Anchorage. Unlike public schools, neither institution holds current information as to the custodial arrangements for minor children or records of parentage.
2. The amendment potentially compromises the safety of children by requiring disclosure of personal information on a library record. The disclosure of the library record, including home address, may be at variance with current state law on domestic violence. The disclosure could also be in contravention of court restraining orders from non-custodial parents. There is furthermore the potential for disclosure to strangers posing as parents, thus exposing children to predators.
3. Children, especially in the years of adolescence, should be able to investigate sensitive information in a safe and secure environment that maximizes use of accurate and scholarly data and information. Librarians, like other professionals such as counselors, psychologists, and police, respect a child's right to privacy and do not release certain information to the parent under similar confidentiality laws.
4. University library staff, which do not have access to records on a student's family or age status, may be held liable if library records were illegally disclosed under the existing Federal Educational Rights and Privacy Act (FERPA).
5. The legislation places an undue financial burden on many of Alaska's libraries. The disclosure of reading materials for some libraries would require either significant staff time for a hand audit of circulation records or require procurement of a costly automated system, a burdensome expense, especially for smaller libraries in bush communities.
6. The Library Advisory Board, therefore, regards this legislation as an unfunded mandate to financially-challenged libraries of Alaska.

Deidre Ford; Chair, Library Advisory Board, Anchorage Municipal Libraries.

