

Media Legal Issues and Budgeting

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Media Center Legal Issues

Intellectual Freedom vs. Reality

In the Bill of Rights, citizens are guaranteed the right of free speech. Along with that right is implied the right of others to listen to free speech and decide for themselves whether to agree or disagree with the other person.

Public libraries are expected to provide information to all people. Therefore, many types or viewpoints of information should be found there. This should include varying points of view on various topics, even those that might make some uncomfortable. However, it is just as important to define the role of a school media center and what constitutes a good balanced education. Part of this definition must include learning how to think critically, evaluate, and apply. Unless a student has two or more ideas to compare, the ability to evaluate and to choose wisely will be lost.

Students should be able to explore a variety of opinions on many subjects so they may decide for themselves which ones to incorporate into their own belief system. They should also be allowed the chance to choose what they would like to read for pleasure. It is the media specialist's responsibility to make sure the materials are in the collection to encourage them to read but also be sensitive to the families of the students.

Library policies and political correctness seem to have created a scale of what types of items belong in a school media center. At one end are the free-access crowd, who think every type of material should be placed in the hands of students. They believe that young people can learn the ability to choose information wisely while they are reading or researching topics. At the other end of the scale are those who think librarians must assume the responsibility of protecting young people from all kinds of "unwanted" information. However, they often neglect to specify whose ethics should be imposed and whose "unwanted" information is targeted. Somewhere between the two extremes lies your position. You will have to decide how liberal or conservative your work as a media specialist will be, always keeping in mind how to best serve every individual user of your center.

You do not need to believe every opinion that may be found in your collection. If this is true, your collection is probably lopsided and you are not giving your students a complete opportunity to learn. Most likely, you are only exposing them to your own views and not allowing them to see the views of others. Each patron has the right to be exposed to all kinds of ideas, including ones she or he does not agree with, and decide for her or himself what they will believe.

Every one of your patrons is an individual, with different abilities, tastes and attitudes. Each one has the right to see his or her beliefs represented on your shelves. Each patron at every level of maturity has the right to find information that meets his or her needs.

Censorship

Censorship is the act of limiting access to items because of their content. This may be found offensive by certain groups or individuals based on their political, religious, or other biases. Others may welcome the surface idea of having only certain books available for their children to read. Censoring is often presented in such a way that the logic behind it seems to be in the best interest of the one whose access is to be limited. Now the limitation rarely affects only one person, and the person who wants to censor usually should not have the authority to limit anyone but members of his or her own family. Even then, individual restrictions should not come through a media specialist but should be enforced at the home and family level. There are or should be guidelines regarding challenges put forth by your district. Selection in a school media center should enhance the curriculum, meet everyone's needs, and help develop ethical standards. A good selection policy will give support to choices of the media specialist and will help prevent attacks of censorship by members of the school community.

Information access is as difficult to handle as intellectual freedom issues. Once materials are in the media center, does everyone automatically have access to use every item that is in the center, the back room, under the counter, etc. Once you have selected books and other materials, have purchased them, and have them in your collection, you must then decide who gets to use what. Can younger students check out chapter books or other books they clearly cannot read themselves? Can older students check out picture books? May teachers impose restrictions on specific items?

The same scale of liberality concerning what types of materials and books belong in a school media center seems to apply to the question of whom should be allowed to use them once they have been selected and purchased. On one end there are those that believe that if a book was purchased with media funds it should be available to all patrons. At the other end of the scale are the advocates who believe that librarians must protect some items from being used by everyone. Again, you will need to find a middle position between the two extremes when it comes to information access just as you did with intellectual freedom issues.

All points of view must be considered before a decision is made to restrict access. A supportive policy is a good backup and which can help you make these decisions and remain consistent with them from incident to incident.

One of the greatest dangers is imposed restrictions by a teacher or media specialist. This most often happens when individual needs are overlooked because of a perceived need of a larger group. One example of this might be when too many rules are applied to the group without regard to individual differences. Each patron is different, and his or her needs should be considered.

Once concepts of intellectual freedom and information access have been accepted, a media specialist can be much better prepared when items that have been properly selected according to the school selection policy. Because of the variance in individuals' needs

and beliefs, a wide variety of information sources should be found on media center shelves, including some that may offend some patrons and even run contrary to the media specialist's beliefs. It is sometimes difficult to defend an item that presents a controversial point of view. Again, you must remember that unless students are exposed to more than one idea, they will never learn to think for themselves or become able to make wise choices. One person's accepted truth may not be the same as a second person's because of differences in background, belief systems, or experience. Perception is reality.

Usually a challenge is made based on a single passage or phrase of a book or video or even one word. For an example, the book "The Power of Lucky" uses the word "scrotum" in the first chapter. The description of the situation could not have been written with equal pictorial emphasis without the word used. And the correct terminology was used instead of slang. How about the intricate book demonstrating through a cross section of a massive cruise ship? People are shown in the different sections occupied by a variety of activities especially the one of a quarter of an inch picture depicting someone on the toilet.

Copyright law

In recent years, there have been cases of copyright violation taken to court throughout the nation and even in Utah. You, as the media specialist, must learn where to find answers to copyright questions as they come up with your school staff so they understand what they can and cannot do under the law. Do not take on the role of the "enforcer." They are adults and can make up their own consciences.

You are not required to pull items from their walls or stop them from showing videos which violate copyright law. Make sure you give good and accurate information. Ignorance is not an excuse for violation. You must never give others "permission" to violate copyright law.

You will not know every detail of the law during this lesson, but you should know the basic structure and learn how and where to find the information as questions arise.

If a copyright violation is reported, you are one of the responsible parties who will likely be named in any pending lawsuit, along with the violator, the principal, the district media coordinator, and the district superintendent. If you have made an effort to inform the staff, if you have given them accurate information, and if you have not given them inappropriate permissions, your obligation will have been fulfilled. It would be a good idea to document conversations you have with teachers and/or administration regarding copyright issues. In reality, who has the time? Written documentation on incidents where you feel uncomfortable will be very helpful to you in cases that could become part of any type of legal actions.

Internet Copyright Law

Copyright law applies to any created item that is fixed in a tangible form. This includes the internet. Many people, through ignorance or willfulness, ignore copyright when it

comes to their computers, and illegally scan many things. There are many illegally copied images and sound clips on the internet which are easy to capture for use on a local computer. However, just because it can be done, it does not mean it should be done or is legally allowed. When you, your staff, or students plan to copy an item from the internet, the rights to that item should be determined. Then the basic photocopying regulations should be applied.

If you receive new information or gain a new understanding of some aspect of copyright law, it is appropriate to pass it on. Teachers often forget or tend to ignore copyright law when they are strapped for funds and know there is a copy machine readily available in the building. They may look on the law as restrictive and feel that "if it is for the kids" it's all right to bypass all restrictions and laws. Actually, exemptions in copyright law give more leeway to educators than to any other group of consumers of created materials. You need to learn these "face-to-face" exemptions in your reading assignments.

Students and the Law

Student produced work or products and as computer and multimedia presentations become more prevalent as assessment products in classrooms. Student awareness of copyright law needs to increase as well. When multimedia guidelines allow the use of copyright-protected music in small amounts, those guidelines do not extend to the making of a video tape, for example, as the use of copyrighted music is not allowed. Because text and picture items are so readily found in media centers, students must be made aware of their responsibilities for copying and using others' work, just as staff members are.

Internet Information

The internet is a powerful tool in our culture. If you are not part of the information highway, you will be run over. It is shaping our lives. Much is said about the virtues and vices of this technology. Teachers and staff are being trained on appropriate use and access for themselves and their students. Student District Acceptable Use Policies have been implemented in nearly all districts to insure parental permission and proper use. Some claim the internet contains all the information anyone will ever need and that books are a thing of the past. Books will become nothing but computer stations. Some are convinced that 99% of the information available on the web holds high value for their student patrons. Much of the information currently on the internet is unverified, opinion, or biased. Evaluating information found on the web is vital. For example, google "Velcro crop" and see what you get.

Internet Use

To keep up with the information age, we need to use the internet but use it well. Be skeptical and teach skepticism. Teach how to ask questions. Successful use of the internet as a research tool should require one or two print verification. Acceptable Use Policies are instruments designed to help educate both students and parents about the internet. They give guidelines and requirements for use along with expectations for the materials found on the web. Most districts have a similar policy. Many can be accessed in a similar manner from each district's home page. Remember

that copyright law also applies to items found on the internet. Always assume that fair use guidelines should be applied. Be especially careful of images online or drawn for posters, as an example, of copyrighted pictures such as Disney, etc.

Evaluating the internet sites

Remember that just because the information is posted, it is not necessarily good. Neither does a design with bells and whistles give value to the site's information. Ask yourself and teach evaluation. After all, they will be using the internet wisely now or fail with improper information later in their lives.

- Does it have the information I am looking for?
- Is it easy to use?
- Is the information content appropriate?
- Am I being conned?

Use the massive amount of information out there to its greatest advantage by knowing how to research and asking questions on everything. Become a skeptic until proven.

Budgeting Issues

Learning the financial ropes of budgeting can help you create a strong media center program and build credibility with your principal and district. A sound plan for making purchasing decisions and accurate accounting are critical. It is not enough to commit to the purchase of books, videos, etc. if you find you have no funds left to pay for the items you ordered because you didn't keep track with of your budget and communicate properly with your school secretary and principal. You also shouldn't be making purchasing decisions based on the "cheapest", "items you think the students would like", or "bottom-line" prices. When spending taxpayer funds you must be able to order the item(s) to be purchased with your school's goals and to curriculum needs in mind. Money mismanagement can come in many forms: a mad rush to meet a "use it or lose it" deadline is something that can and should be avoided. Just as bad is the "Oh well, I'll do better next year" attitude for not spending the allotted funds. Then there is the "I-have-no-idea-how-much-money-I-have-left" problem because no ledger has been used. If you create a budget plan, accurately use the district's purchasing system to help in acquisitions, and monitor your expenditures with simple ledgers, mismanagement can usually be avoided.

Being responsible for someone else's money can be intimidating, but it can also be fun, once you have learned how to do it well. The following represents how to develop your budget plan and how to monitor your expenditures.

Your Principal

The school principal administers and is held accountable for all budget accounts. Keep this clearly in mind as you work on your budget plan and strive to follow appropriate purchasing procedures. The more completely you can keep your principal abreast of your budgeting plans and the media center's real needs, the more the principal will be supportive of your media program. It is important to prioritize your needs, put your plan

in writing, and present your requests to your principal in an organized manner. If you are organized in communicating how your purchases will fit into the school's curriculum and help attain the school's goals, you would be surprised how your media center can be rewarded with money you didn't know existed. Support your presentation with how your plan will affect the students in your school and how the purchases will support the curriculum. Document the need with circulation statistics, collection graphs, and materials available to meet the need. Sometimes your budget and your needs don't match. If you are organized, the money will appear.

Your Secretary

No one is more important to you in gaining an understanding of this system than your secretary. Take specific steps to work positively with your secretary, and be careful to meet deadlines. Remember, the responsibility of monthly monitoring of all school accounts is the "assigned" responsibility of the secretary -- you only have media budgets to monitor. The secretary, just like you, has times that are more stressful than others. Avoid adding stress to already stressful times. Do not delay making purchases until it requires "crisis spending" and "panic" accounting measures.

Budget Planning

Peter Drucker said it best: "The financial plan tells your money where to go so that you don't have to spend your time finding out where it went."

First, acquaint yourself with the general process of budgeting, with purchasing and accounting for funds within your school and with the various funding accounts that provide money for your media center program. The other part of budget planning includes making a needs/wants list and prioritizing the items listed. Since you cannot possibly purchase everything you see or even like, making and prioritizing a list of items to be purchased before starting your purchasing is critical. Keep it "fluid" in case you have a budget "windfall" or, more likely, a budget "shortfall." Create lists containing books or items you would like to have if the money should appear. An example would be a librarian I know in Boise attending a faculty meeting in her library. The principal announced he had an extra \$500 available and the first one to give him a list would get the money. She immediately stood up, walked to her desk, pulled out a list of items she was unable to purchase due to reaching her budget limit, and gave it to the principal right then. She received the extra funds.

The actual process of dividing up your prioritized needs and wants into defined accounting numbers should be a simple process. As soon as you can, determine how much money is in each account for the media program and record it in your budget plan. Understand that these figures change yearly. Also remember that accurate figures are not available for some accounts until later in the year. However, you do not have to wait until every penny is known before you start making your orders, especially from your "needs" list because funding amounts will be similar from year to year in your district media accounts.

You will feel good about your purchases if you know you have purchased the most important items first. If you have your needs/wants list written down and if you monitor it

throughout the year, the process of budget planning will be more successful each year. As you discuss you plan with your principal, other funding sources may also be found for some of the items on your list. Good budgeting practices may also determine whether you pass a financial audit when that time comes.

Learning the financial ropes of budgeting, purchasing, and accurate accounting are all part of the process of financial accountability. Once you have taken into account your overall budget plan, you know how much you have to spend in the different accounts available to you and you know what purchases to make according to your NEEDS lists. You are now ready to start ordering items. Terms or titles to become familiar with are: vendor, jobber, supplier, sales representative, publisher, etc.

Where To Purchase?

Questions often asked are: "from whom should I purchase?" or "what company should I use?" You will learn, as you work with ordering, that the services that come with the purchase are often as critical to consider as the purchased items themselves. For example, some Jobbers pay shipping while others do not; some offer free processing, while others charge for this service. The decisions of where to purchase must include the total package (the item, shipping, processing when applicable, as well as other services available before ordering.)

Another thing to consider is "from what source can I purchase all 'like' items on my list?" Of course, you will not be able to buy everything for your media center from one source. But the other extreme of trying to buy from everyone who contacts you is very time consuming as well. One jobber's catalog of books cannot be totally duplicated by another jobber. You will waste precious time trying to compare prices of all books to get the "best buy" every time you make an order. Because of this, it is important to learn about several jobbers and their specific services, discounts, and processing fees before preparing a list of book titles to purchase. This will save you a lot of time in ordering because the jobber will be able to furnish you with a list of titles available from their company or will give you specific instructions on how to proceed with a specific title list. A suggestion to make larger orders using a few reputable places in the beginning so your time is taken in making the actual orders rather than determining the reputation and the services of many different sources.

Compare the vendor's quality of product when buying. If the product doesn't last the year, maybe it is wise to pay a little bit more and have a warranty to save you time in repairing or reordering. This can also take a bite out of your budget next year to replace the item when you could have expanded your collection. Compare the service of order turnaround time. Sometimes orders are held up for a variety of reasons. Do you want to have your order held for backorders? Do you want to have them ship what they have in a timely fashion and hold the order open for backorders for another 20 days...30 days...and so on? Compare the professionalism and knowledge of their representative

along with their customer service department. YOU ARE THE CUSTOMER!!!! If they don't meet up to your expectations, order elsewhere.

Purchasing Procedures

Once your budget plans are set, the next thing to concentrate on is the process of actually purchasing the books, the media, the supplies, etc. Look at your district guidelines for purchasing describing what are smaller orders (purchases under \$500) and larger orders (purchases over \$500). It is in your best interest to study carefully these guidelines and follow them as carefully and completely as possible. With careful attention to district guidelines and your own particular school's purchasing procedures, your assignment for buying will be much less stressful and will ensure expedient fulfillment of most orders.

Keeping close tabs on the money you have spent is a critical part of your budgeting responsibilities. Throughout the school year, knowing how much money you have left to spend is as important as knowing how much you have already spent. It is somewhat the same as balancing your own personal checkbook. The biggest difference comes when you realize that if money is not spent by a certain deadline you will lose the ability to spend it at all. This is because unspent funds from Program 0500 are returned to the general account at the school and then to the general account at the district level at the end of every school year. Any money not spent during the year will not be available for use the following year.

Monitoring Expenditures

Just as equipment needs a separate policy, different types of books should be considered separately as well. Before circulating periodicals and software, consider wear and tear as well as copyright law. Reference books, by nature, are usually high-demand materials needed for a short time. Many of these should not leave the media center, should be restricted to in-building use, or should be reserved for overnight checkout only. Other types of books should be loaned for a period that is long enough for the patron to use but not so long as to be lost or unavailable to other patrons. Specialty books such as I Spy, Calvin and Hobbes, Guinness Book of World Records, etc are often better kept in a place in the Media Center where students use them in the media center but they are not checked out.

There may be different rules that apply to a certain book or kinds of books. The How to Draw books are very popular. You may want to limit these books to one checked out per student at a time. Or, if you had a How to Draw this week, you must wait a week to check another one out. If you check out a How to Draw, your second book must be a reading book.

Often your teachers will set limits on the kinds of books their students may check out, or they require a certain genre read. It is helpful for you to know ahead of time about these requirements. It is also helpful for the teacher to let the students know before they come to the media center and you can help reinforce this.

The loan period can be greatly affected by the media center's schedule. A fixed schedule (where students visit the media center each week by classes) lends itself to a one-week

checkout period. A flexible schedule (where students visit the media center as classroom needs dictate) may allow for a longer loaning period. Renewing books should be an option as long as no one else is waiting for books.

Account Ledger

Ledgers are used (1) to record expenditures that you make and (2) to help you balance your accounts at the end of each month. There are many ways to set up the account ledger depending on your needs. You can create a "paper" or handwritten ledger to record expenditures on preprinted column paper or on plain paper on which you draw lines. Ledgers can be made on a computerized spreadsheet using software programs such as Microsoft Works or AppleWorks or by using a software package made especially for budgeting and accounting purposes such as Quicken.

A media budget ledger works much like your own checking account record. When you write a check on your own checking account, it is important to record information on the check such as to whom it was written, how much was spent, the date the money was spent, etc. The same is true of your media center ledger. (1) You need a record of expenditures. Also, you do not want to overspend your media funds any more than your own personal funds. While there are no "bounced checks" with your media accounts, there are consequences that could be just as unpleasant and can be as complicated to clear up. The ledger (2) helps you balance your accounts.

Another dimension to monitoring your media account, different than your own personal account, is that often the amount recorded on the purchase order [P.O.] sent to a company and the company's invoice sent back to you for payment for the order show different amounts. These differences take place when items ordered were not in stock and not shipped, when shipping and packing charges were not added to the P.O., or when price changes occur. That is why a second column is added to the account ledger showing the "real" total. Because the P.O. and Invoice charges vary so often, careful monitoring of the account ledger is important.