

CESA 3

Library Challenges Layoffs

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Library Challenges

The Law

Wisconsin Statute section 43.001:

43.001 Legislative findings and declaration of policy.

(1) The legislature recognizes:

(a) The importance of free access to knowledge, information and diversity of ideas by all residents of this state;

(b) The critical role played by public, school, special and academic libraries in providing that access;

(c) The major educational, cultural and economic asset that is represented in the collective knowledge and information resources of the state's libraries;

(d) The importance of public libraries to the democratic process; and

(e) That the most effective use of library resources in this state can occur only through interlibrary cooperation among all types of libraries and the effective use of technology.

(2) The legislature declares that it is the policy of this state to provide laws for the development and improvement of public libraries, school libraries and interlibrary cooperation among all types of libraries.



Wis. Admin. Code PI 8.01(2)(h):

(h) Library media services. Each school district board shall:

1. Have on file a written, long-range plan for library services development which has been formulated by teachers, library and audiovisual personnel and administrators, and approved by the school district board.
2. Designate a licensed library media person to direct and coordinate the district's library media program.
3. Provide library facilities within the school building and make available to all pupils a current, balanced collection of books, basic reference materials, texts, periodicals, and audiovisual materials which depicts in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.
4. Provide library media services to all pupils as follows: to pupils in grades kindergarten through 6, library media services which are performed by or under the direction of licensed library and audiovisual personnel; and to pupils in grades 7 through 12, library media services which are performed by licensed library and audiovisual personnel

LOCAL BOARD POLICIES

- Selection Policy
 - Who selects library materials initially?
 - What criteria are used to select library materials?

Common Selection Criteria

Example: School Library Selection Criteria

General Criteria:

- Support and enrich the curriculum and/or students' personal interests and learning
- Meet high standards in literary, artistic, and aesthetic quality; technical aspects; and physical format
- Be appropriate for the subject area and for the age, emotional development, ability level, learning styles, and social, emotional, and intellectual development of the students for whom the materials are selected
- Incorporate accurate and authentic factual content from authoritative sources
- Earn favorable reviews in standard reviewing sources and/or favorable recommendations based on preview and examination of materials by professional personnel
- Exhibit a high degree of potential user appeal and interest

• <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/criteria>



Selection Criteria (con't)

- Represent differing viewpoints on controversial issues
- Provide a global perspective and promote diversity by including materials by authors and illustrators of all cultures
- Include a variety of resources in physical and virtual formats including print and non-print such as electronic and multimedia (including subscription databases and other online products, e-books, educational games, and other forms of emerging technologies)
- Demonstrate physical format, appearance, and durability suitable to their intended use
- Balance cost with need
- <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/criteria>

• **Top Five Recommended School Library Reviewing Sources:**

- Association for Library Service to Children (ALSC) Notable Children's Books
- Booklist
- School Library Journal
- We Need Diverse Books website
- Young Adult Library Services Association (YALSA) Best Books for Young Adults

• <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/criteria>



Reconsideration Criteria

- Suggested elements for reconsideration policies:
 - Who may ask for reconsideration (e.g. parent, student, resident, others)
 - Requirements for requestors
 - That they have read/viewed the entire work
 - Identification of specific relief requested
 - Identifying information
 - That they understand the request is a public record
 - That they identify the specific portions of the work they object to and the specific objection they have
 - That they provide alternatives to the challenged work

Informal Process

- Informal process
 - To whom complaint should be directed
 - Whether informal process is required before formal process can be initiated
 - Timelines for responses
 - How to respond (e.g., person responding should explain the school's selection procedure, criteria, and qualifications of those selecting the resource, why the questioned material is included and its intended educational usefulness, that the parent may request that material not be available to his/her child under the age of 16 and that Wisconsin law prohibits disclosure of library materials accessed by persons 16 years of age or older).
 - How to file a formal complaint if the person is dissatisfied with the response at the informal level

Formal Process

- Formal Process
 - Who reviews (usually a committee)
 - What happens to the challenged work during the review (does it remain available during the review)
 - How is the committee selected, by whom is the committee selected
 - How does the committee operate (keeping in mind that committee meetings must be noticed under the open meeting law and records produced by the committee or committee members will almost always be public records)
 - Time limits
 - What the committee is to do (read the work in question, evaluate it based on selection criteria, prepare a written report/recommendation or make a decision)
 - Role of the school board (review the committee's report and recommendation and make a decision or operate as an appeal board—then what is the scope of the appeal)
 - Dealing with successive challenges to the same work (how frequently may the same work be reviewed)

Partial Nonrenewals



Preliminary Nonrenewal

- Determine what program or level is affected (elementary, music, foreign language, etc.)
 - Is this a program/level reduction?
 - Is this a program/level restructuring?
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- Identify the affected employee(s)
 - Do you have “layoff” criteria in your handbooks?
 - Is an affected employee currently a full-time employee?
 - Do you have language in either your contracts or handbook that causes the nonrenewal process to apply to part time employees?
 - In the absence of contractual or handbook language requiring the use of the nonrenewal process for part time teachers, you are not required to use that process for full or partial nonrenewals

Preliminary Notice

- Issuance of Notice

- The Board should take action on both the program/level reduction or restructuring and the issuance of preliminary nonrenewal notices. The program/level reduction or restructuring is **always** an open session agenda item. The Board may go into closed session to discuss the affected employees but, for nonperformance related nonrenewals, should reconvene into open session to take action on issuing preliminary nonrenewal notices.
- Preliminary nonrenewal notices must be delivered to teachers no later than April 30th. Since final nonrenewal notices cannot be issued until at least 15 days after issuance of preliminary notices and May 15th is the deadline for issuance of final nonrenewal notices, waiting until the end of the month is inadvisable.

Options

- Teachers may prefer not to have any kind of nonrenewal on their records. You may wish to offer teachers an opportunity to resign before preliminary nonrenewal notices are authorized or issued.
- Teachers may be willing to agree to a reduced contract to avoid the nonrenewal process. In such cases, you can offer a reduced contract to an affected teacher (there is additional language that should be included in those contracts) and have the teacher and Board sign/approve the reduced contract **prior** to issuing the preliminary nonrenewal notice and certainly before the preliminary nonrenewal deadline.

Final Nonrenewal

- Teachers are entitled to request a private conference within 5 days of receipt of the preliminary notice of nonrenewal. If a private conference is requested, it may be held at the same Board meeting at which a final nonrenewal notice is issued. If that is the choice, the meeting should not be held until at least 15 days after the date of issuance of the preliminary nonrenewal notice.
- If no private conference is requested, the Board may simply proceed to final nonrenewal.
- The final nonrenewal process must be completed and final nonrenewal notices issued on or before May 15th.

Contract Issuance

Contracts must be issued to returning teachers on or before May 15th. When there are nonrenewals, the Board should be careful to not inadvertently authorize issuing full time contracts to teachers whose contracts are being reduced although the Board can authorize the issuance of reduced contracts after the issuance of final notices has been authorized by the Board. This can all be done at the same Board meeting but any agenda authorizing the issuance of contracts that provides for the issuance of reduced contracts should occur after final nonrenewal action has occurred. This can be awkward when private conferences, final action on nonrenewals and renewals all occur at the same Board meeting.

Questions?

