

III. Legislation, Policies, and Guidelines

B. Policies – Electronic Resources Collection Development Policy – Action item

The Idaho Commission for Libraries' Electronic Resources Collection Development Policy was last reviewed and approved by the Idaho Board of Library Commissioners in December 2023. Following passage of House Bill 710 during the 2024 Idaho Legislative session, the ICfL is updating the policy to comply with the new state law, which goes into effect July 1, 2024. The proposed updates to the policy are reflected in the red, underlined text below.

Electronic Resources Collection Development Policy

This policy provides the framework for development and maintenance of an electronic resource collection in support of the ICfL's mission to assist libraries to build the capacity to best serve their communities. This policy covers a variety of smaller collections of differing formats, which may include e-book, e-audio, and databases. The ICfL chooses resources to reflect a broad spectrum of student learning needs, viewpoints, and reader interests, with the understanding that individual Idahoans make their own choices as to what electronic resources they access based on individual interests and needs. The ICfL supports the rights and responsibilities of parents or guardians to choose appropriate items for their own minor children. The ICfL adheres to the American Library Association [Library Bill of Rights](#), the [Freedom to Read Statement](#), and the [Freedom to View Statement](#) and considers all materials in the collection protected by the First Amendment of the United States Constitution. The ICfL neither approves nor disapproves of the views expressed in materials included in the collection.

Selection and Criteria

The ICfL seeks to meet the learning and reading needs of a diverse state population representing a variety of backgrounds and points of view. The IDEA (Idaho Digital E-Book Alliance) collection is primarily intended to supplement K-12 school library collections by supporting the curriculum and increasing access to recreational reading materials for students. The LILI (Libraries Linking Idaho) databases are provided to meet Idaho residents' educational, business, and recreational reading needs.

Ultimate responsibility for materials in the collection rests with the State Librarian; the day-to-day work of selection, evaluation, and maintenance is the responsibility of the E-Resources Library Consultant. The E-Resources Library Consultant will continually assess the collections using the approved policies of the [Idaho](#) Board of Library Commissioners.

The general criteria for selection listed below applies to the selection of all materials. Not all titles or collections will meet all the criteria listed below, but will fall into at least one of these categories:

- Accuracy and timeliness of content
- Availability of individual and series titles
- Cost and available funding
- Favorable professional reviews
- Local or regional interest
- Public demand, interest, or need

- Relation to existing collections
- Reputation/qualification of author or publisher
- Publisher and/or vendor terms of use and retention
- Support of school curriculum

Suggestions for purchases are encouraged to ensure the collection is meeting the needs of all Idahoans. Such recommendations will be given serious consideration in accordance with the criteria used in making selection decisions.

All titles in IDEA and the LiLI Database collections will comply with Sections 33-2508, 33-137, ~~and 18-1514, and 18-1517B~~ of Idaho Code to ensure that no materials harmful to minors, ~~as defined in Idaho Code,~~ are available.

Idaho Code § 18-1514 states:

OBSCENE MATERIALS — DEFINITIONS. The following definitions are applicable to this act:

1. "Minor" means any person less than eighteen (18) years of age.
2. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
3. "Sexual conduct" means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.
4. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
5. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.
6. "Harmful to minors" includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
 - a. Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
 - b. Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:
 - i. Intimate sexual acts, normal or perverted, actual or simulated; or
 - ii. Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors[.]

7. "Material" means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.
8. "Performance" means any play, motion picture, dance or other exhibition performed before an audience.
9. "Promote" means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.
10. "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief that warrants further inspection or inquiry.
11. "School" means any public or private school providing instruction for students in kindergarten through grade 12.

Access

Access to each collection will vary depending on vendor requirements and other agreements, including state contracts and library reciprocal borrowing agreements. Efforts will be made to ensure the easiest access for all Idahoans, through individual library collections and/or statewide access when possible.

Collection Maintenance

Numerous factors determine the nature of electronic resource collection maintenance. Items that are obsolete, unused, outdated, or are unnecessary duplicates may be removed. Some publishers place time and/or circulation limits on e-book and e-audio titles, resulting in a lapse in access. The decision to replace them will depend on several factors, including:

- Current number of holds
- Format or content obsolescence
- Placement in a series
- Replacement cost
- Total number of circulations
- Total number of holds

Gifts

The ICfL is unable to accommodate electronic resource gifts of personally purchased titles, due to technical and licensing limitations. ~~The ICfL will accept M~~onetary gifts, without imposed conditions. ~~will be accepted and p~~urchased resources will follow the selection and maintenance criteria in the document.

Request for Reconsideration of Materials

The ICfL will review decisions regarding specific IDEA titles and electronic resources upon written request from state of Idaho residents (also described as patron). The State Librarian or designee will provide a Request for Reconsideration of Electronic Resource Material form for this purpose.

When a fully completed Request for Reconsideration Form is received, the ICfL will begin its reconsideration process. This process consists of the following steps:

1. The E-Resources Library Consultant will convene a group consisting of three ICfL staff members, including the State Librarian, to review the material(s) under consideration.
2. The E-Resources Library Consultant and designated staff will review the material(s) under consideration and communicate their decision to remove, reclassify, or retain materials in question to the patron within 20 business days of receipt of a completed Request for Reconsideration of Electronic Resource Material form.
3. Should the patron not be satisfied with staff's decision, the patron may appeal the decision to the ~~ICfL~~ Idaho Board of Commissioners within 10 business days of receipt of staff's decision.
4. The ~~ICfL~~ Idaho Board of Commissioners ~~will~~ may review the material(s) in question, along with the staff and State Librarian's decisions, and provide a written decision to the patron within ~~10 business~~ 60 days of ~~their next regularly scheduled meeting~~ the initial request upon good faith appeal, provided there is enough lead time to meet open meeting requirements, distribute copies of the material being reconsidered, and allow enough time for all members to read the material(s) in their entirety.

The ~~ICfL~~ Idaho Board of Commissioners' decision is final. Material(s) being questioned will remain available to other Idahoans during the reconsideration process. In reviewing all Requests for Reconsideration, staff, the State Librarian, and Idaho Board of Commissioners will consider each work as a whole, and individual passages will not be considered out of context. They will also consider the literary merit of work recognized as classics, even though classic works may contain words or sentiments which, today, are deemed controversial.

Policy Review

The Electronic Resources Collection Development Policy of the Idaho Commission for Libraries will be reviewed on an annual basis. The Board will not change the policy while an active Request for Reconsideration is underway.

Suggested motion: I move that the Board adopt the Idaho Commission for Libraries' Electronic Resources Collection Development Policy as outlined in Board Document 24-59.