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[NYLINE-DPL] New York State Librarian Update 10

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The NYLINE-DPL list was created for communication among directors of New York State's public libraries and with the Division of Library Development, New York State Library.

UPDATE # 10

Please feel free to pass along this update to colleagues, friends and anyone you think would benefit from reading about library matters in New York State. This update and past updates are posted on the New York State Library's website at: www.nysl.nysed.gov/library/about/statelibrarian.htm.

YES, I AM BACK. When people greet me today they usually say: "It is good to see you". I usually respond by simply saying: "It is good to be seen!" I am thrilled to be back and am grateful, beyond measure, for the amazing support from you, my colleagues, the great staff of the State Library and the State Education Department. Any illness can be a challenge. For me the challenge has meant significant isolation and separation from the work that I love and the people I care most about – those whom I serve and those whom I serve with. But...watch out, I am back.

CREATING THE FUTURE. Please read the 2020 Vision and Plan which represents amazing work by the Regents Advisory Council on Libraries. The 60 recommendations span the waterfront of pressing library issues from Advocacy to Collaboration to Learning & Literacy, and much in between. We need champions and cheerleaders for the recommendations as we proceed to strategize to reach our successful goals. I applaud the libraries that have already begun to build local planning initiatives around the themes and goals of the Vision 2020 plan. Members of the Regents Advisory Council have been making presentations on the plan to many groups around the state and will continue to be available for this effort. Call on them. Consult the plan on-line at: <http://www.nysl.nysed.gov/libdev/future/index.html>.

ON THE LEGAL FRONT. Three major legal cases have been settled (for the moment at least) with important implications for every library. In the first case the U.S. Department of Justice, with the intervention of the National Federation of the Blind, has settled its lawsuit against the Sacramento (California) Public Library. The key statement from the Department of Justice news release of August 29th reads: " Under the settlement agreement, the library will not acquire any additional e-readers for patron use that exclude persons who are blind or others with disabilities who need accessible features such as text-to-speech functions or the ability to access menus through audio or tactile options." The direction seems clear: DO NOT buy any technology that cannot

be used by everyone. We need to be sure that those creating the e-readers, tablets, etc. understand that they share with us the obligation for universal access. While the case focused on e-readers readily available in the marketplace, it reminds us of our long standing commitment to equity in access to resources. Libraries have a proud tradition of service to all and this case reminds us of the obligation. For more background and info see: http://www.ada.gov/sacramento_ca_settle.htm.

The second case is the settlement of a lawsuit against the Free Library of Philadelphia filed in May by four blind patrons with the assistance of the National Federation of the Blind. The Free Library had begun to lend NOOK readers, sold by Barnes & Noble. Nook devices are completely inaccessible to patrons who are blind. The settlement of this suit will bring the Free Library into compliance with federal guidelines. The American Library Association 's 2009 resolution "Purchasing Of Accessible Electronic Resources" urges "all libraries purchasing, procuring, using, maintaining and contracting for electronic resources and services" to "require vendors to guarantee that products and services comply with Section 508 regulations, Web Content Accessibility Guidelines 2.0, or other applicable accessibility standards and guidelines". The third case, which is receiving more attention, is the Authors Guild v. HathiTrust case. The HathiTrust is a digital depository created by the University of Michigan and others to maximize access to millions of scanned academic library books many of which were created as part of the ambitious Google Books project. The Authors Guild contended that the digitization was simply stated: copyright infringement. The HathiTrust argued that it was "fair use" and was appropriate to facilitate use by persons who are blind or visually impaired. The National Federation of the Blind was permitted by the Court to intervene in this case also. In the ruling by federal District Court Judge Harold Baer, Jr., the HathiTrust won. Digitization is fair use. Matthew Sag's blog has a good review of the case at: <http://matthewsag.com/hathitrust-wins-on-fair-use-and-just-about-everything-else>.

COMMON CORE: MORE THAN THE 3 R's. Do you remember when the 3 R's: Reading, Writing and 'rithmetic were the primary goals of public education? We have come a long way. If you have not yet educated yourself about the new Common Core Standards get ready. This is the exciting new approach to guarantee that all students are ready for college and ready to be successful and productive contributors to the world. Libraries have an important role in these new standards. Not only will we be responding to new approaches to learning and critical thinking, but we also will be educating the general public about these new standards of student achievement. The State Education Department has a great website, ENGAGE New York, which I call to your attention as a place to learn more. Go to: <http://engageny.org>.

EMANCIPATION PROCLAMATION. It took just an appropriation of \$1,000 by the New York State Legislature in 1865 to secure for our citizens what is today the only copy of the Emancipation Proclamation in the hand of President Abraham Lincoln, deposited with the New York State Library. We have had the honor of working with colleagues in the Office of Cultural Education (State Archives, State Museum and State Library) under Deputy Commissioner Jeffrey Cannell's leadership to put this remarkable document on tour. People waited over 3 hours in line in Syracuse to see the Preliminary Emancipation Proclamation as part of an insightful exhibit with text by our Commissioner John B. King, Khalil Gibran Muhammad, Director of the Schomburg

Center for Research in Black Culture at New York Public Library and Harold Holzer, Co-Chair of the Lincoln Bicentennial Commission. The press coverage has been intense. Popular demand resulted in the addition of a tour stop in Utica as well as scheduled stops in Harlem, Long Island, Buffalo, Plattsburgh, Rochester, Binghamton, and Albany. I often talk about the four (4) fundamental activities of libraries: gathering, organizing, preserving and sharing. It is so very rewarding to be able to share from the State Library's collection a remarkable item like the Preliminary Emancipation Proclamation. Special thanks to our collaborators in the State Museum, Director Mark Schaming and in the State Archives, State Archivist Chris Ward. State Library staffers Loretta Ebert, Liza Duncan, Kathi Stanley and Barbara Lilley have been "on the road" to make this happen. Christina Phillips and Tom Ruller of the OCE staff have been remarkable coordinators and supporters. To learn more visit:
<http://www.oms.nysed.gov/press/PreliminaryEmancipationProclamationExhibit.html>.

THE DEATH OF THE WEEKLY READER. The Weekly Reader I remember was a regular part of my school day. I still love the traditional newspaper as a result. At its peak, and then called, My Weekly Reader, it was read by two-thirds of all kids in "grammar school". Like almost all newspapers, the Weekly Reader has struggled of late. It was purchased earlier this year by Scholastic and is now being combined with Scholastic News. I hope someone (a library maybe?) has saved all the past issues! Part of our "preserving" role.

LIBRARY PROBLEMS/PROBLEM LIBRARIES. Because the State Library has responsibility for the distribution of funds, state and federal for over 29 different funding programs and grants, we often deal with compliance and accountability issues. The range of questions is enormous, running the gamut from the need for timely and accurate reports by recipient libraries, to questions about proper or improper expenditures, to maintenance of effort questions, to ethical (or otherwise) behavior of staff and trustees. I encourage local libraries to contact their library system first to ask these types of questions – hopefully in advance of any potential problem. If the library system is unable to help, the library system staff will contact the regional staff liaison from Library Development for further assistance and advice. Lately, Library Development staff, working in partnership with library systems, have looked at issues of a Library Board not following its own bylaws, of a question of whether Library Board members should have offices in the Library, of acceptable policies and practices related to nepotism (hiring relatives), of what steps a library must take if public library board members fail to take the required oath of office, to the necessary qualifications for a library director to name just a few. Some of the questions address matters that are best resolved locally. Some are answered by Education Law or Public Officers Law. Do not be afraid to ask the tough questions.

SUMMER READING. WOW! The numbers are now in and I am thrilled to report that 1,741,069 children participated in this year's *Summer Reading at New York Libraries*. This is more than a 5.3% increase in participation. Can 2 million children be far off? This effort is very important to the success of every child in school and beyond. My appreciation to all the librarians, everywhere, who roll up sleeves to engage kids in summer reading. The parties to celebrate success, the contributions of Friends groups, the support of school teachers and administrators, the engagement of the entire family

all make for the success of this important initiative. I want to single out for praise Karen Balsen of the State Library staff for her leadership of this effort. The partnerships with many other organizations has brought strength and additional coverage for this program. For information on 2013 themes and plans for *Summer Reading at New York Libraries*, visit: <http://www.nysl.nysed.gov/libdev/summer/index.html>.

NOVELNY. Another WOW! NOVELNY (New York Online Virtual Electronic Library) has again exceeded all use expectations. 55,880,690 searches were done on NOVELNY this past year (July 1, 2011 – June 30, 2012). This is an astounding 31+ % increase in use. We are speeding up the timetable and are beginning to look at the NOVELNY database offerings for next year (beginning July 1, 2013). If you have ideas for databases that we should/might/could offer statewide, please look for and respond to the forthcoming NOVELNY survey or feel free to email your suggestions to me at: bmargolis@mail.nysed.gov Your ideas will help improve the usefulness of this important information resource.

REFUSING TO SELL TO LIBRARIES. The library press is filled with reports of huge price increases for e-books from various publishers and reports of publishers simply refusing to sell e-books to libraries. These reports illustrate the challenges of market changes. When business changes from widget sales to continuous service sales, there is oftentimes no "model" to follow. The result could be innovation or... as we see now, stagnation. Libraries spend billions on books – traditional and otherwise. We need to be reminding the publishers and distributors of the investments we make in their products. We should not be shy about telling our customers and patrons about this awkward dilemma. We cannot do our "gathering" of library resources if the market will not permit us to acquire resources.

ELECTION DAY: NOVEMBER 6th. We cannot have a democracy without libraries. Essential to a functioning democracy is an informed citizenry. This is the most basic reason why libraries should be supported and celebrated. Please do not miss the chance to vote on November 6th. Your vote will show that our democracy is alive and well. Thank you.

SANDY. Our wishes for a speedy recovery to all those personally and professionally impacted by this disaster. We will persist and our work, though made more difficult especially in New York City and Long Island, will be a source of strength and spirit for all.

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