



Most library programs funded at last year's levels

By **Richard A. Grobschmidt**, Administrator
Division for Libraries, Technology, and Community Learning

State Superintendent Elizabeth Burmaster, from the time of her initial budget request until Gov. Doyle signed the budget bill, has indicated her strong support for funding libraries. This support, along with the support of the library community, has led to positive results. Although Wisconsin faced a very large deficit going into the 2003-05 biennial budget period, most state library programs will be funded at last year's levels.

Wisconsin's major program of support for public library service is the state aid provided to public library systems. Over the past 30 years, Wisconsin's 17 library systems have developed

strong programs of service to their member libraries, including automated systems, resource sharing, and open access to library service for all state residents. For the next two years, Wisconsin will maintain the same funding level as in past years (a total of about \$14.2 million each year) in public library system aid.

In a change from previous practice, about \$2.1 million of annual library system funding will be provided by state Universal Service Fund (USF) revenue. The USF is funded by a tax on telecommunication companies doing business in Wisconsin, and was established to provide universal access to telecommunications services, including advanced telecommunications data services for Internet access. Because every public library in the state

provides public Internet access and public library systems often support this service, the use of USF funds for library system aid appears to be entirely appropriate. The Governor vetoed a provision added by the legislature that would have prohibited the use of USF funding for library system aid after June 30, 2005. In his veto message the Governor said, "I am vetoing ... the sunset of universal service fund appropriations for public library system aid because adding a sunset could result in a permanent and significant decrease in aid to public library systems. State support for local libraries is critical to educating our children and fostering economic development."

The biennial budget reduces funding of the statewide library service contracts by 15 percent, reducing annual funding from a total of about \$1 million to \$876,900. The four contracts funded by this appropriation are for services provided by the Regional Library for the Blind and Physically Handicapped (RLBPH), the Cooperative Children's Book Center (CCBC), the Milwaukee Public Library, and Wisconsin Library Services (WiLS). The Division for Libraries, Technology, and Community Learning (DLTCL) has decided to maintain RLBPH

Please see Budget—on page 2

Channel changes and readership survey

By **Richard A. Grobschmidt**, Administrator
Division for Libraries, Technology, and Community Learning

In an effort to better serve the information needs of Wisconsin librarians and trustees, the Division for Libraries, Technology, and Community Learning (DLTCL) is asking *Channel* subscribers to take a few minutes to complete and return the Communications Survey on pages 5 and 6.

Because of budget constraints, the DLTCL is making changes to *Channel* beginning with the September-October 2003 issue (Volume 39, Issue 1). Print copies of *Channel* will no longer be mailed or distributed to all types of libraries in the state. Instead, print copies will be distributed only to public library and system trustees, legislators, and document depository libraries. *Channel* will be available for librarians and others as a PDF file on the DLTCL website. *Channel* will continue to be published six times per year, and announcements will be made in *Channel Weekly* when new issues have been posted online.

As part of the restructuring of *Channel*, the DLTCL plans to reduce the number of pages per issue. The survey asks *Channel* subscribers to respond to questions regarding the value of various types of articles in *Channel*. In addition to *Channel*, the Division will continue to produce its weekly electronic newsletter, *Channel Weekly*, provide information on its websites, and post information on electronic discussion lists as appropriate. The Communications Survey includes brief

Please see Readership survey—on page 4



Richard Grobschmidt

Impact of 2003-05 budget on statewide library contracts

by Sally Drew, Director
Reference and Loan Library

Four statewide library contracts are included as a part of the Department of Public Instruction budget. These contracts provide funding for the Regional Library for the Blind and Physically Handicapped (RLBPH), the Cooperative Children's Book Center (CCBC), and interlibrary loan contracts with Wisconsin Library Services (WiLS), and Milwaukee Public Library for requests referred through the Reference and Loan Library (R&LL).

In late June, the Joint Finance Committee recommended a 2003-04 budget for the statewide library contracts that is 15 percent lower than the 2002-03 allocation, and this decrease was included in the state budget passed by the Legislature and signed by Gov. Doyle. The new budget decreased the amount for the statewide contracts by \$154,755.

The Division for Libraries, Technology, and Community Learning decided to continue funding the RLBPH and the CCBC

Budget—from page 1

and CCBC contract funding at the current levels because of the unique services they provide. As a result, greater reductions in funding for the other two interlibrary loan contracts will occur. (See article above.)

One of the bright spots in the 2003-05 biennial budget is an increase in BadgerLink funding, which will allow for continuation of the current level of BadgerLink services. ■

at the current levels in order to avoid any deeper cuts in services than would be entailed by inflationary costs. Therefore, the cuts were made in interlibrary loan services.

A summary of current and projected contract amounts is below:

- RLBPH—\$747,300 (2002-03 base)/\$747,300 (2003-04)
- CCBC—\$64,600 (2002-03 base)/\$64,600 (2003-04)
- Interlibrary Loan, Milwaukee Public Library—\$64,000 (2002-03 base)/\$18,750 (2003-04)
- Interlibrary Loan, WiLS—\$155,800 (2002-03 base)/\$46,295 (2003-04)

Below is a detailed narrative of the impact of cuts on statewide library contracts.

- The budget for the Wisconsin Regional Library for the Blind and Physically Handicapped has been funded at \$747,300 since 2001-02. Approximately 88 percent of the budget is allocated for salaries that rise at the rate of about 2.5 percent per year. The impact of three years of no funding increases with annual salary increases means that the Regional Library will be holding three positions open and eliminating one position. Cuts will continue to create service backlogs. The Regional Library serves 10,000 Wisconsin residents and 500 institutions with an annual circulation of approximately 260,000.
- The Cooperative Children's Book Center budget will be held at the same level as 2002-03. The CCBC provides an examination center and consultation for

children's materials and provides consultation on children's materials challenges in libraries. The UW-Madison School of Education provides the majority of the funding. The impact of flat funding will mean less staff hours available to assist users, provide consultation, and for outreach services.

- Interlibrary Loan, Milwaukee Public Library—This contract has paid for interlibrary loan access to all of the public library resources within the Milwaukee County Federated Library System for libraries outside Milwaukee County. Funding will be available for the Milwaukee Public Library interlibrary loan contract for approximately three months. Due to the cuts in the state contracts, Milwaukee Public Library will not be able to provide statewide interlibrary loan services after Sept. 26, 2003, when the contract funds

Continued on page 3



**July-August 2003
Volume 38, Number 6**

Channel (ISSN 0146-1095) is published every other month by the Division for Libraries, Technology, and Community Learning, Wisconsin Department of Public Instruction.

Its primary purpose is to provide information on the services of the DLTC and matters of interest to libraries and school library media centers in Wisconsin. Library Services and Technology Act funds partially support Channel Publication.

Press releases of state and national library/media/educational organizations are printed when space allows and if they are considered to be of statewide interest. Back issues are available at www.dpi.state.wi.us/dlctl/eis/chnvol38.html

Deadlines are July 1 for the July-August issue, Sept. 1 for the Sept./Oct. issue, etc.

Send comments about bylined articles to the authors. Direct other content inquiries to editor Mark E. Ibach at (608) 266-3374 (mark.ibach@dpi.state.wi.us). To make mailing list changes and requests for subscriptions or extra copies, contact Peg Branson at (608) 266-2413 (peg.branson@dpi.state.wi.us).

The DPI does not discriminate on the basis of sex, race, religion, national origin, ancestry, age, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability.

Channel Contents

Most library programs funded at last year's levels	1
Channel Changes and Readership Survey	1
Impact of 2003-05 budget on statewide library contracts	2
Annual statewide library report shows increased usage	4
DLTCL Communications Survey	5
Children's Online Protection Act and Libraries	9
COLAND meets July 11 at Carthage College	11
Trustee Corner	12
GWETC scheduled Oct. 21-23	12

will have been expended.

- Interlibrary Loan, WiLS funding will be available through the WiLS interlibrary loan contract for loaning of materials owned by the Wisconsin Historical Society. The R&LL will continue to refer requests to WiLS for materials that are available from the Wisconsin Historical Society and will use the funding allocated to pay the fees associated with those referrals.
- WiLS will continue to provide access to materials for the Madison campus libraries on a fee basis and other UW campus libraries also are willing to loan on a fee basis. Other WiLS members also may continue to charge fees, while some have indicated a willingness to fill requests without fees, and the Reference and Loan Library staff are continuing to assess this situation. The current WiLS fee and member reimbursement rate is \$5.30. Six public library systems have said they are willing to allocate some funds for fee payment to WiLS, although for a few this allocation will be very limited and may only extend through Dec. 31, 2003. Eleven public library system systems have said they will not be able to pay for any fees. The Reference and Loan Library has not referred any requests to WiLS (except for access to the Wisconsin Historical Society) or to other WiLS members charging fees since July 28, 2003. Those libraries or library systems that want to continue to provide access to these resources need to make specific arrangements with WiLS.

The R&LL will continue to refer requests to other Wisconsin locations and to locations in Minnesota and other states willing to loan without charge. However, it is possible that some requests will not be filled. Library staff have asked for a statement to describe why materials are less available through interlibrary

Please see Library contracts—on page 4

Statewide Resource Contracts

Cooperative Children's Book Center

4290 Helen C. White Hall,
600 N. Park St.,
Madison, WI 53706
ccbcinfo@education.wisc.edu www.education.wisc.edu/ccbc/
Kathleen Horning, Acting Director (608) 263-3720

Milwaukee Public Library/Interlibrary Loan

814 West Wisconsin Avenue,
Milwaukee, WI 53233-2385
Brian Hannemann, Interlibrary Loan Librarian (414) 286-3082

WiLS/Interlibrary Loan

728 State Street,
Rooms 464 and B106B,
Madison, WI 53706-1494
schneid@wils.wisc.edu <http://www.wils.wisc.edu/>
Kathy Schneider, Director (608) 263-2773

Wisconsin Regional Library for the Blind and Physically Handicapped

813 West Wells Street,
Milwaukee, WI 53233-1436
<http://www.dpi.state.wi.us/dpi/dltcl/rll/lbphinfo.html>
Marsha Valance, Regional Librarian (800) 242-8822

Division for Libraries, Technology, and Community Learning

Wisconsin Department of Public Instruction,
125 South Webster St., P.O. Box 7841, Madison, WI 53707-7841;
(800) 441-4563, fax (608) 267-1052
www.dpi.state.wi.us/dltcl/

Richard Grobschmidt

Division Administrator (608) 266-2205

Public Library Development Team

Michael Cross, Acting Director and
Public Library Administration and Funding Consultant 267-9225
Robert Bocher, Consultant
Technology 266-2127
Peg Branson, Consultant
LSTA and Continuing Education 266-2413
Barbara Huntington, Consultant
Public Library Youth and Special Services 267-5077
Alan Zimmerman, Consultant
Public Library System Administration & Finance 266-3939

Instructional Media and Technology Team

Neah J. Lohr, Director 266-3856
Vacant, Technology Consultant
Information & Technology Literacy Standards & Integration .. 267-1282
Stuart Ciske, Technology Consultant
Instructional Technology Planning & Integration 267-9289
Robert Roy, Technology Consultant
Federal Technology Grants 261-6332
Stephen Sanders, Education Consultant
Instructional Technology Program 266-7112

DPI Library & Statistical Information Center

Kay Ihlenfeldt, Team Leader 266-3108
Patricia Stutz
Library Services Assistant 267-1289

Interlibrary Loan and Resource Sharing Team

2109 S. Stoughton Rd., Madison, WI 53716; fax 224-6178
Sally J. Drew, Director 224-6161
Circulation Desk 224-6169
Mary Clark, Coordinator
Resource Sharing Technology 224-6179
Loretta Harmatuck
Government Services 224-6165
Mary Struckmeyer, Coordinator
Reference and Interloan 224-6168
Willeen Tretheway
Audiovisual and Technical Services 224-6171
Terry Wilcox
Interlibrary Loan Services 224-6163
Vickie Long
WISCAT User Support 224-5394

To send e-mail, use the following format (all lowercase letters):
firstname.lastname@dpi.state.wi.us

Wisconsin Child Care Information Center

Lita Haddal, Director (800) 362-7353 or (608) 224-5388

Reference requests are only statewide decline

Annual statewide library report shows increased usage

by Al Zimmerman, Consultant
Public Library System Administration & Finance

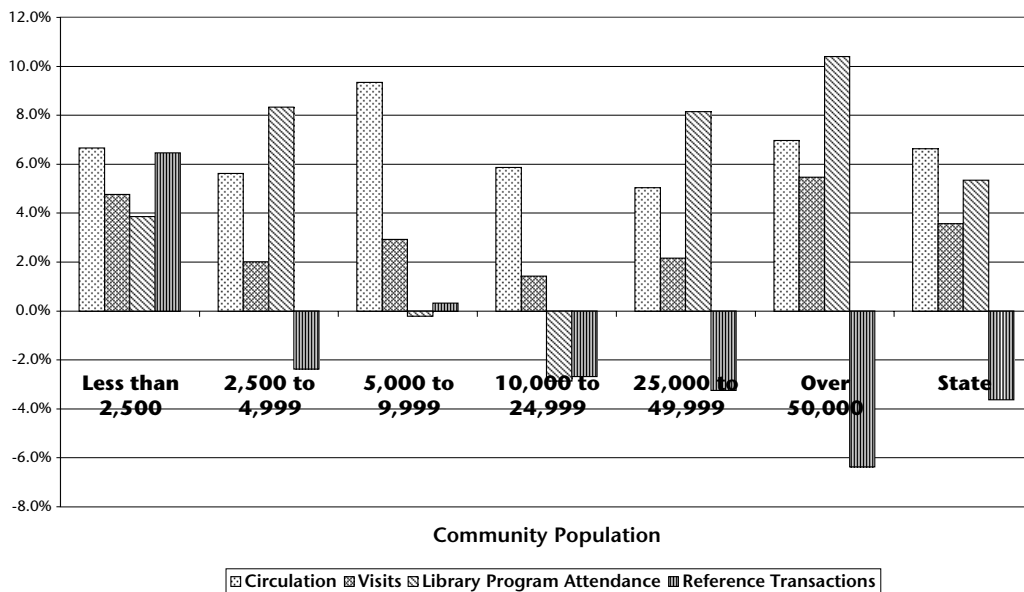
Annually, Wisconsin's 387 public libraries submit reports to the Division for Libraries, Technology, and Community Learning describing holdings, financing, staffing, and activities. Information provided by public libraries for 2002 reveals a year of major growth in four of the five service levels measured for libraries reporting both years and open to the public for the entire year.

Wisconsin's public library circulation increased to 53.2 million, a 6.4 percent increase over 2001. This increase follows the prior year's jump of 7.2 percent. Increases were recorded for all library population sizes, with adult circulation growth slightly outpacing the rise in children's and young adult materials use.

The circulation increase was matched by more than 3 percent increase in library

Service Output Measures

Change from 2001 to 2002



visits, which totaled 30.3 million in 2002. Attendance at library programs also showed substantial growth, increasing 5 percent for reporting libraries, for a state

total of 1.44 million. This gain was due in part to a 7 percent increase in the number of adult programs and attendance. However, the majority of library programming is provided for children and young adults and attendance at these 46,500 events exceeded 1.3 million, an increase of more than 4 percent over 2001.

Only in the service area of reference transactions did reporting libraries indicate a statewide decline. The state total dropped to just over 5 million transac-

Please see Library report—on page 7

Readership Survey—from page 1

questions on those publications and communication methods.

The DLTL makes use of a variety of methods of communicating information to the Wisconsin library community. It has published its newsletter, *Channel*, for many years to share information on issues of interest to the library community. The weekly electronic newsletter, *Channel Weekly*, was introduced in January 1999 to take advantage of the opportunities for fast and efficient delivery of information via the Internet and has been published weekly since that time.

The Division was an early leader in the country in its use of the web for posting information about its services and activities. In addition, the DLTL initiated and has for many years overseen the management of various electronic discussion lists designed to facilitate the sharing of information among librarians throughout the state, including WISPUBLIB, WEMA-L, WISCAT-L, BADGERLINK-L, and WIERATE.

The Division will continually strive to keep the Wisconsin library community informed about significant state library developments through its various communications efforts. ■

Library contracts—from page 3

than in the past, so the following is offered.

"The Wisconsin interlibrary loan system is largely based on the willingness of most libraries to loan materials to other libraries at no charge. Fees charged or cost incurred by some libraries with large or specialized collections have been covered by funds allocated in the Department of Public Instruction budget. Due to the large budget cuts made in the state budget beginning July 1, 2003, the Department will not be able to continue to allocate funding for this purpose. While the Department will continue to make every effort to obtain materials requested, it is not possible for local libraries (can substitute name of library) to obtain all materials listed in WISCAT or other sources at this time.

"According to Wisconsin statutes, public libraries cannot charge fees to library users to obtain materials or for other activities related to providing interlibrary loan services."

For more information about public library interlibrary loan fees, see the Channel Weekly article at www.dpi.state.wi.us/dpi/dltcl/eis/chwk0545.html#anchor3. ■

DLTCL Communications Survey

This survey is designed to be a self mailer, and should be returned to the address on the back of the sheet. If you share your copy of Channel with others, please make copies of the survey and ask all readers to complete one. The completed surveys should be returned no later than September 30, 2003. If you prefer, you may respond to this survey online by going to <http://www5.dpi.state.wi.us/survey/communications/communications.htm>.

I. Channel Publication

1. Do you read or scan Channel (check one)? Always Sometimes Never

2. On a scale of 1 to 5, with 1 representing "Little Value" and 5 representing "Highly Valuable," please rate the value of Channel as a medium for providing a record of statewide library events, issues, and activities.

Value of Channel: little value 1 2 3 4 5 highly valuable Don't Read No Opinion

Directions: On a scale of 1 to 5, with 1 representing "Little Value" and 5 representing "Highly Valuable," please rate the following features of Channel.

Articles/Features	1 Little Value	2	3	4	5 Highly Valuable	6 No Opinion
3. Federal and State Library-Related Legislative Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Federal Library Programs Administered by DLTC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. DLTC Services and Programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DLTC-Sponsored Meetings and Committee Reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Information for Trustees (Trustee Corner)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Announcements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Other comments about Channel (including but not limited to, style, frequency, suggestions for other types of articles or columns):

II. Channel Weekly Publication

10. Do you read or scan the Division's electronic newsletter Channel Weekly? Always Sometimes Never

11. On a scale of 1 to 5, with 1 representing "Little Value" and 5 representing "Highly Valuable," please rate the value of Channel Weekly as a medium for providing a record of significant statewide library events, issues, and activities.

Value of Channel Weekly: little value 1 2 3 4 5 highly valuable Don't Read No Opinion

12. Other comments about Channel Weekly:

III. Division for Libraries, Technology, and Community Learning Website

The Division for Libraries, Technology, and Community Learning maintains a general website at www.dpi.state.wi.us/dpi/dltcl/index.html, as well as websites relating to the three library units within the Division as follows:

- Instructional Media and Technology (IMTT): www.dpi.state.wi.us/dpi/dltcl/imt/index.html
- Public Library Development (PLD): www.dpi.state.wi.us/dpi/dltcl/pld/index.html
- Reference and Loan Library (R&LL): www.dpi.state.wi.us/dpi/dltcl/rl/index.html

13. Do you visit the Division websites? Frequently Sometimes Never

Directions: On a scale of 1 to 5, with 1 representing "Little Value" and 5 representing "Highly Valuable," please rate the value of each of the following websites as a medium for providing information on activities, services, directories, publications and links information.

DLTCL Websites	1 Little Value	2	3	4	5 Highly Valuable	Don't Read	No Opinion
14. IMTT website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. PLD Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. R&LL Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17. Other comments about the Division websites:

IV. Responses By

18. Library Type (check one): Public Public library system Academic School Special Other

19. Position (check one): Director Staff Trustee Other (specify)

Fold Here

Place
Postage
Stamp
Here

**Channel Survey
ATTN: Peg Branson
Department of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841**

Library report

from page 4

tions, a 3.4 percent decrease. Libraries in communities under 10,000 population reported a 2 percent increase in reference questions, but libraries in communities of over 10,000 population, where nearly 4 million of the 5 million transactions are handled, reported a 5 percent decrease. While 60 percent of all libraries report some increase in reference transactions, substantial decreases in several large urban libraries resulted in an overall state total decline.

The overall drop in reference transactions may be related to the greater availability to users of computers and electronic resources within the library and greater access to online databases.

The number of Internet connected computer terminals/workstations available at libraries increased 15 percent to 3,300 units. All public libraries now have Internet connections and over 96 percent have broadband (high speed) Internet access. Libraries reported a 10 percent increase in the number of user sessions of electronic resources within the library over last year. Informational databases such as those provided statewide through BadgerLink are now available to all state residents through their local library.

Interlibrary loans, requests sent from one library to another for materials not available locally but wanted by a library user, continued double digit growth. Total interlibrary loan traffic increased more than 16 percent, with over 3.4 million items loaned by public libraries to other libraries. Items borrowed by these libraries from other libraries at the request of their users increased 23 percent to over 3.2 million items. This resource sharing is greatly facilitated by regional shared automation systems. Currently two-thirds of Wisconsin residents are served by public libraries participating in shared automation systems. The increased interlibrary loan traffic has caused a corresponding expansion of the intrasystem interlibrary delivery service.

Interlibrary loans, requests sent from one library to another for materials not available locally but wanted by a library user, continued double digit growth. Total interlibrary loan traffic increased more than 16 percent, with over 3.4 million items loaned by public libraries to other libraries. Items borrowed by these libraries from other libraries at the request of their users increased 23 percent to over 3.2 million items. This resource sharing is greatly facilitated by regional shared automation systems. Currently two-thirds of Wisconsin residents are served by public libraries participating in shared automation systems. The increased interlibrary loan traffic has caused a corresponding expansion of the intrasystem interlibrary delivery service.

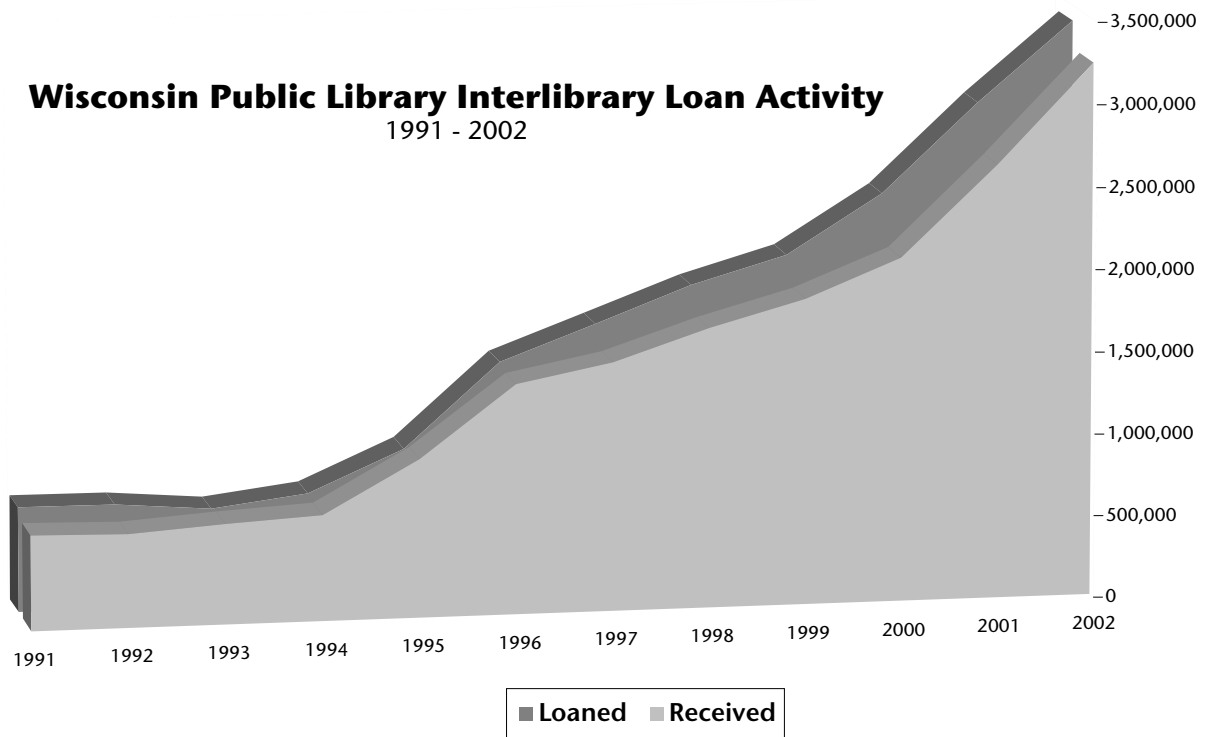
Public Library Organization

Wisconsin had 387 independent public libraries and 17 regional public library systems serving the state's 5.4 million residents. Public library systems are county and multi-county library organizations created to improve public library services and to increase all Wisconsin residents' access to library materials and services. All of Wisconsin's public libraries and counties are currently public library system members. It is estimated that between 55 and 60 percent of all state residents are registered users of public libraries.

Over half of Wisconsin's public libraries are located in communities of under 2,500 population. The 72 largest public libraries (one-fifth of all libraries), those in communities with populations over 10,000, serve 70 percent of the state's residents. The 264 public libraries in communities under 5,000 population

Wisconsin Public Library Interlibrary Loan Activity

1991 - 2002



(two-thirds of all libraries) serve less than 20 percent of the state's population.

Of the 387 libraries, 342 are municipal public libraries, 22 are joint municipal libraries (combinations of cities, villages and towns), two are joint city-county libraries, and six are tribal libraries. In addition, there are seven consolidated county library services, with the county library providing public library services within the county. Eight counties supplement local library service with county library service organization.

Public Library Staff, Holdings, and Service Hours

There was little growth in public library and system staffing, as totals for all classifications remained at 2001 levels. Of the 3,172 full time equivalent (FTE) public library employees, 683 FTEs

Please see Library report—on page 8

Library report —from page 7

held master's degrees from a program of library and information studies accredited by the American Library Association, and 43 FTEs held other advanced degrees. Of total FTE, 1,269 staff held the title of librarian and 1,903 FTE were classified as support staff. Wisconsin ranks 18th nationally in ALA MLS staff per capita and 20th in total public library staff per capita. Total staff costs, including salaries, wages and benefits, increased to \$126.3 million, a 6 percent increase over 2001. Benefits increased 9 percent while total salaries and wages increased 5 percent. Wisconsin ranks 19th in public library salary and wages expended per capita and 17th in staff expenditures per capita.

Statewide, all categories of library collection materials increased slightly over 2001. Print volumes owned increased 1

percent to 19.1 million volumes. Wisconsin ranks 21st nationally in per capita book and serial volumes. Audio materials held increased over 8 percent to 936,600 (11th per capita nationally) and video materials held grew by 13 percent to 992,000 (5th per capita nationally). Electronically formatted materials in public library collections totaled over 47,000, a 1 percent increase over last year. The number of public library periodical print subscriptions continued to drop, decreasing 2.3 percent from the 2001 level to 59,600 (10th per capital nationally.) The number of print periodical titles fell about 1 percent to 52,400. Statewide total expenditures for public library materials totaled \$23.6 million, an increase of 2 percent over 2000. Wisconsin ranks 20th nationally in collection expenditures per capita.

Total public service hours for all public libraries, branches, and bookmobiles remained at just over 1 million hours.

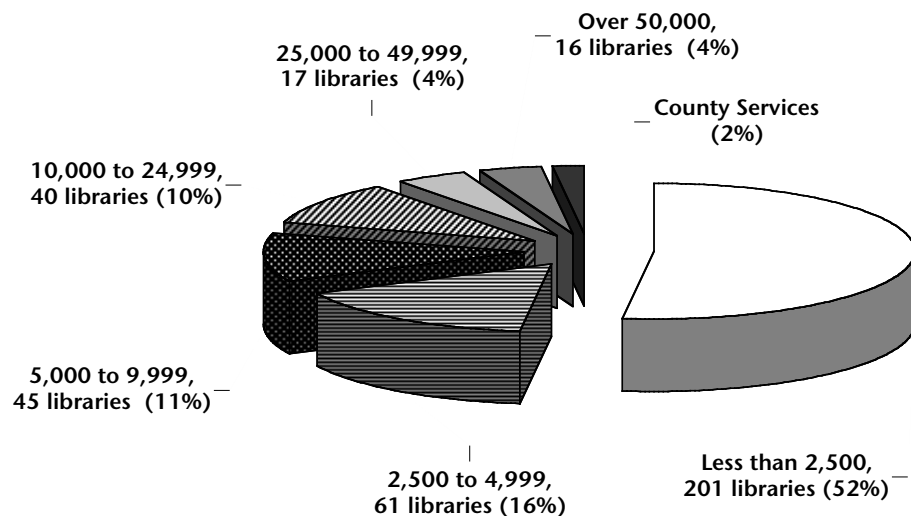
Public Library Service to Nonresidents

Statewide, approximately one-third of all public library use is by persons residing outside the library's home community. Approximately one-fifth of all use is by residents from the library's county who do not have a local library. Wisconsin statutes require that counties reimburse public libraries within the county a minimum of 70 percent of the cost of public library service provided to these residents. About 8 percent of all use is by residents who do have a local public library, but who choose to use another public library within the county. The remaining nonresident use is predominately by persons in neighboring counties or within the library's public library system area (5 percent). Statewide, libraries reported that about 1 percent of use was by other state residents and out-of-state residents, although some libraries in tourist areas experienced relatively heavy use by these users.

Public Library Service Funding

Total library income increased by 5.1 percent to \$201.7 million. The annual statewide average per capita local and county tax support for public library service in 2002 was \$29.78, a 4.6 percent increase over 2001. Three-fourths of the state's population resides in communities with a local public library. These residents paid an average of \$33.90 per capita for public library service in 2002, a 4.2 percent increase. However, the range of support varied greatly, from under \$2.19 per capita to over \$90 per capita. The remaining population live in communities with no local public library and pay a county tax for public library service. These residents paid an average of \$18.38 per capita, up 6.7 percent from 2001 with rates ranging from \$2.52 to \$42.55 per capita. The state average library service tax levy per \$1,000 of assessed value decreased 3 percent to .533. Likewise, library community tax rates also showed a 3 percent decline to .659. Nonresident tax rates increased slightly to .277. ■

Distribution of Public Libraries by Community Population



To access an online version of Wisconsin's 2002 Annual Statewide Library Report, visit www.dpi.state.wi.us/dpi/dltcl/pld/lib_stat.html

Q&A answers common questions about CIPA implementation

Children's Online Protection Act and Libraries

by Robert Bocher, Consultant
Public Library Development Team

The Children's Internet Protection Act (CIPA) passed Congress in December of 2000. The legislation required schools and libraries to use blocking or filtering technology on all computers with access to the Internet when using E-rate, ESEA Title II D (Ed Tech), and LSTA funds. The blocking or filtering software had to protect against access to visual depictions of obscenity, child pornography, and materials harmful to minors. The Federal Communications Commission, U.S. Department of Education, and the Institute of Museum and Library Services (IMLS) were responsible for developing regulations for the E-rate, ESEA, and LSTA programs, respectively.

The American Library Association and the American Civil Liberties Union filed legal challenges to the CIPA requirements in federal district court in March 2001. The suit was on behalf of public libraries only and covered only the filtering aspects of CIPA.

A three-judge panel of the U.S. District Court for the Eastern District of Pennsylvania ruled May 31, 2002, that sections of the CIPA were invalid under the First Amendment and permanently enjoined the government from enforcing those provisions. The sections found unconstitutional mandated that public libraries install Internet filters if they received LSTA funds or E-rate funds for specific purposes (E-rate when getting discounts for internal connections and Internet access; LSTA when purchasing computers that access the Internet and paying for Internet access). The decision did not address CIPA requirements as they apply to K-12 schools.

This decision was appealed and on March 5, 2003, the U.S. Supreme Court heard arguments in the lawsuit on the CIPA. The main plaintiffs were the American Library Association and the American Civil Liberties Union.

Supreme Court Decision

On June 23, 2003, the Supreme Court ruled 6-3 that the filter-

ing requirement in CIPA is constitutional for public libraries. This action reversed the 2002 federal district court ruling that had found the filtering mandate unconstitutional on First Amendment grounds. This decision meant that any public library using E-rate and LSTA funds for purposes outlined above will need to comply with CIPA's filtering requirement.

IMLS and LSTA

The Institute of Museum and Library Services, the agency that administers the LSTA program at the federal level, issued guide-

lines for complying with the provisions of CIPA on Aug. 1, 2003, when libraries use LSTA funds for the above listed purposes. Per the IMLS guidelines, public libraries and library systems subject to CIPA's filtering requirement must certify when applying for FY 2004 LSTA funds from the Division for Libraries, Technology, and Community Learning that they are either (1) currently in compliance, or (2) are undertaking efforts to be in compliance by the 2005 LSTA funding year. This compli-

ance provision takes effect Jan. 1, 2004, which is the start of the LSTA 2004 program year in Wisconsin.

Frequently Asked Questions

Following is an abridged version of a Frequently

Asked Questions on the Children's Internet Protection Act (CIPA). This version focuses on library compliance with CIPA in relation to the E-rate program and in light of the Supreme Court's recent CIPA ruling. It is targeted at individuals who need basic, not detailed, information on this topic. The complete FAQ is at www.dpi.state.wi.us/dltcl/pld/cipafaq.html and includes links to other resources.

Only information from the appropriate federal agencies or courts should be considered official. Trustees and staff are encouraged to seek legal advice as needed on this complex issue.



Please see CIPA Questions/Answers—on page 10

CIPA Questions/Answers—from page 9

Q: Under what circumstances does my library have to comply with CIPA?

A: On June 23, 2003, the Supreme Court ruled 6-3 that the filtering requirement in CIPA was constitutional for public libraries. The Court's decision means that any public library using E-rate or LSTA funds for the following purposes must comply with the law's filtering requirement.

1. *E-rate:* CIPA's filtering provision applies when using E-rate funds for Internet provider costs or for internal connection costs. The filtering provision does not apply to discounts on telecommunication costs, including voice or data circuits.

2. *LSTA:* CIPA's filtering provision applies when using LSTA funds to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet.

Q: What are the highlights of the FCC's Order on compliance with CIPA for the E-rate?

A: Following the Court's June ruling, the FCC released its Order on the timeframe for library compliance with CIPA's filtering mandate on July 24, 2003. Below is a summary of the Order.

- Libraries have until the start of 2004 E-rate services to comply with CIPA's filtering mandate. For most libraries this will be July 1, 2004.
- During the current (2003) E-rate funding year, libraries need to be already compliant with CIPA's filtering provision or be undertaking actions to be compliant by the start of 2004 services.
- The Order cites the need for librar-

ies to develop procedures to unblock site(s) when requested by adult patrons. This reinforces the language in the Court's ruling that libraries which do not unblock sites when requested by adult patrons face an increased risk of potential legal challenges by patrons. (See the question below on disabling the filter)

- The Order focuses on issues associated with the timeframe for compliance by libraries. Most of the FCC's original CIPA regulations, issued in April 2001, are still applicable.

Q: What has to be filtered or subject to the "technology protection measure" (TPM)?

A: The filter, referred to in CIPA as a "technology protection measure" (TPM), must protect against access to visual depictions that are (1) obscene, (2) contain child pornography, or (3) are harmful to minors. The first two prohibitions are defined in other parts of the federal statutes, and "harmful to minors" is defined in CIPA and is applicable to minors only. In its April 2001 rules, the FCC did not elaborate on the visual depictions beyond what is in the law.

CIPA does not require the filtering of text.

Q: What computers must have the Internet TPM?

A: The law states that a TPM that protects against access to the visual depictions referenced in the act must be on any of a library's computers with Internet access. This includes staff and patron computers accessed by minors or adults. Even Internet connected computers located in administrative areas not accessible to the public must still have TPMs installed. An increasingly

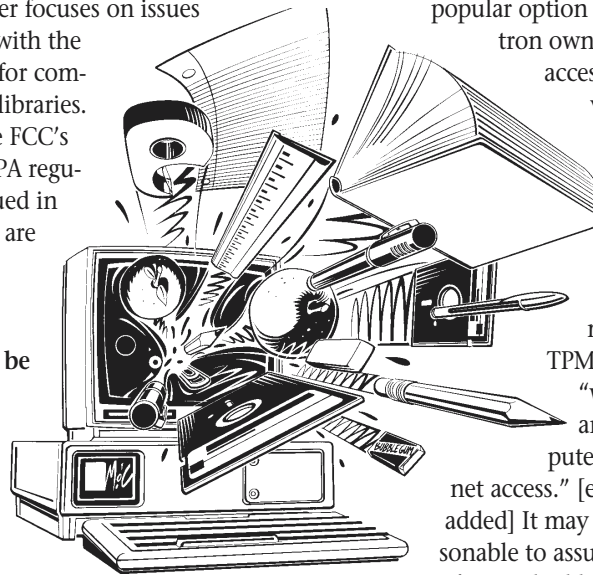
popular option is to allow patron owned laptops to access the Internet via the library's wireline or wireless network. The law states that a library must have a TPM in place, "with respect to any of its computers with Internet access." [emphasis added] It may be very reasonable to assume that "its" refers to the library's PCs and

that patron laptops need not be filtered. An unnamed federal agency has given indication that it agrees with this assumption.

Q: Under what circumstances or conditions can the TPM be disabled?

A: The law states that any authorized staff may disable the filter, or TPM, to allow adults to have unrestricted Internet access for any lawful purpose. Since authorized staff can disable the TPM for adult patrons, it should be easy to craft a policy to allow adult staff to turn off the TPM for their own use. For the E-rate the "disabling" language is applicable to adults only. (Note: Even without CIPA, there is no constitutional protection for anyone to view obscene images or child pornography.) The Supreme Court's ruling places considerable emphasis on CIPA's unblocking option. For example, Justice Kennedy's

Please see CIPA Q&A—on page 11



The complete FAQ is at
[www.dpi.state.wi.us/dltcl/
pld/cipafaq.html](http://www.dpi.state.wi.us/dltcl/pld/cipafaq.html)

COLAND meets July 11 at Carthage College

by Roslyn Wise

Division for Libraries, Technology, and Community Learning

The Council on Library and Network Development (COLAND) met July 11 in Kenosha at Carthage College's Hedberg Library. Eugene Engeldinger, vice president for Academic Information Services at Carthage and a member of COLAND, was joined by Carthage President F. Gregory Campbell in welcoming the group. Later in the day Engeldinger gave a presentation about the mission of Academic Information Services and about the new Hedberg Library which opened in June of 2002.

The Council heard a presentation by Douglas Baker, director of the Kenosha Public Library and the Kenosha County Library System, on the expansion and renovation project currently underway at the library's Southwest branch. The project is expected to be completed in June 2004.

Other major agenda items included a review of the 2002-03 goals with an eye toward revising and updating for 2003-04, and election of the COLAND executive board. Officers for 2003-04

are John Reid (president), Gyneth Slygh (vice president), and David Huebsch (secretary).

Council members also heard a variety of reports and updates from Division for Libraries, Technology, and Community Learning staff, including a comparison of changes to library-related items between the Governor's proposed 2003-05 budget and the budget approved by the full Legislature. Among the changes was an additional 5 percent reduction in funding for library contracts, resulting in a total 15 percent reduction (\$154,755). Although the budget had been passed by the Legislature it had not been signed by the Governor at the time of the COLAND meeting, so the final outcome was not yet known.

Staff also gave reports on library legislative issues, the Common School Fund, changes to TEACH, the Wisconsin Educational Network Collaboration Committee, WISCAT, the Badger-Link re-bid process, and the Children's Internet Protection Act filtering requirement the U.S. Supreme Court recently ruled is constitutional. ■

CIPA Q&A—from page 10

concurring opinion indicates that if a patron requests unfiltered access to view constitutionally protected content, and the library does not honor such a request, then the library places itself at risk of an "as-applied challenge" by the patron. This means that as the library has applied CIPA's filtering mandate, the patron contends it is unconstitutionally blocking his/her access to legal content. The law does not address the issue of requiring patrons to state why they are seeking unfiltered Internet access, but language in the Court's ruling supports the position that patrons simply have to request unfiltered access, with no explanation needed.

Questions have been asked about passive filtering (the TPM is operated in a default disabled mode for "adult only" PCs or adult patrons self-select unfiltered access without direct staff intervention). There is some doubt that if a library offers some PCs to be unfiltered by default, that this meets the letter of the law. A system where the filter is on by default, but an adult patron can select to have it disabled, may pass compliance. The law provides no guidance on the method used to disable the

TPM. This is a decision to be made by each library in consultation with legal counsel as needed. Passive filtering is a key subject the ALA E-rate Task Force is reviewing.

Q: How effective does the TPM have to be?

A: The law states that the Internet TPM must *protect* against visual depictions outlawed by the legislation. No TPM is 100% effective in *preventing* all such access. In its CIPA regulations, the FCC declined to further define the TPM requirements or to adopt any type of definition or certification on how effective a TPM must be, beyond the general "protect" language in the law. The FCC noted, "We conclude that local authorities are best situated to choose which technology measures and Internet safety policies will be most appropriate for their relevant communities."

Q: What are the legal implications if the TPM fails?

A: The FCC presumes that Congress did not intend to penalize libraries that act in good faith and in a reasonable manner to implement filters. The FCC also

notes that failure to comply with the law's requirements could "engender concern among library patrons," and the Commission believes that libraries will act appropriately to avoid such situations. There may still be instances in which a patron claims that too many allegedly obscene images are getting through the TPM. A library *must have* policies and procedures in place if it is to address any such complaints expeditiously. It is possible that a patron could initiate a complaint with the FCC that would prompt an investigation. Under CIPA, the FCC can require a library to reimburse its E-rate discounts for any period of time it was out of compliance. However, the FCC has stated that it is not in a position to determine if an image is obscene. This can only be done as part of a formal court procedure. To re-emphasize, libraries must have policies to address any complaints.

Q: Does it make any difference where the filtering takes place?

A: It makes no difference where the filtering is done. It can be done centrally by an Internet Service Provider, or at the server level on the library's LAN or WAN, or the filter can be individually installed on each workstation. ■

Trustee Corner

Is it legal for our library board to publicly post an agenda that lists a general subject matter item such as "miscellaneous business," or "such other matters as are authorized by law"? Can our library board legally discuss subjects that are not on the agenda but are raised by the public during a period of "public comment" listed on the agenda?

Concerning the first question, the Wisconsin Attorney General has advised that general subject matter designations in meeting notices should be avoided. The general law is that every public notice of a meeting must include "the subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof." Wisconsin Statutes s. 19.84(2)

The Attorney General has advised that a governmental body should not conduct business under a general subject matter designation (1) where a member of the governmental body was aware, prior to the time public notice was given, that the matter might come before the body or (2) where the matter is of importance or great public concern. In either case, any discussion of or action on the matter should be held over to another meeting for which more specific notice can be given. (66 Op. Att'y Gen. 93, 96 (1977)) In no case may a governmental body use a general subject matter designation to try to avoid the requirements of the open meetings law.

Wisconsin's open meetings law was amended in 1998 to allow governmental bodies to receive information from members of the public if the public notice of the meeting designates a period of public comment. The law now also allows a governmental body to discuss, but not to act on, any matter raised by the public during a public comment period. Although discussion of

an issue raised by a member of the public during a "public comment" period is permissible, the Attorney General recommends that extensive discussion of such an item be held over to another meeting for which more specific notice can be given.

More information about Wisconsin's open meeting law is in Trustee Essential #14, which is available on the DPI website

at www.dpi.state.wi.us/dltcl/pld/te14.html.

For more information, contact Mike Cross, acting director, Public Library Development Team, at (608) 267-9225 (michael.cross@dpi.state.wi.us).

Editor's Note: *This article provides only a general outline of the law and should not be construed as legal advice in individual or specific cases where additional facts might support a different or more qualified conclusion. ■*

In La Crosse

GWETC scheduled Oct. 21-23

The 11th annual Governor's Wisconsin Educational Technology Conference (GWETC) will be held Oct. 21-23 in La Crosse.

GWETC is Wisconsin's premier educational technology event, bringing together faculty, staff, and administrators from PK-16 schools, technical colleges, public and private higher education, state agencies and libraries, as well as training directors from business and industry.

For more information, or to register, visit the conference website at www.gwetc.org. ■

DIVISION FOR LIBRARIES, TECHNOLOGY AND COMMUNITY LEARNING

Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841

CHANGE SERVICE REQUESTED



Printed on recycled paper.

PRSRT STD
U. S. POSTAGE
PAID
MADISON, WI
PERMIT NO. 1369