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I N  S E N A T E

February 9, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing additional criteria for library systems to obtain state aid in respect of internet access restrictions for children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph h of subdivision 1 of section 272 of the education law, as amended by chapter 787 of the laws of 1978, is amended to read as follows:

h. (1) The commissioner shall by regulation provide the standard of service with which such a public library system must comply. Such regulations shall, among other things, relate to the total book stock; the diversity of such book stock with respect to general subjects and type of literature, provided that such regulations shall not, directly or indirectly, prohibit the inclusion of a particular book, periodical or material or the works of a particular author or the expression of a particular point of view; annual additions to book stock; circulation of book stock; maintenance of catalogues; number and location of libraries or branch libraries; hours of operation and number and qualifications of personnel, necessary to enable a public library system to render adequate service. Such regulations may establish standards which differ on the basis of population; density of population; the actual valuation of the taxable property within the area served; the condition of library facilities in existence on April first, nineteen hundred fifty-seven; the amount raised by taxation by or for the area served; the relation of such amount to population and actual value of the property taxed; the relation of the amount of funds received by a public library system from local taxes to that derived from private contributions; or on such other basis as the commissioner finds necessary to provide for the equitable distribution of state aid.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(2) SUCH REGULATIONS SHALL ALSO INCLUDE THE FOLLOWING PROVISIONS PERTAINING TO INTERNET USE.

(I) EACH PUBLIC LIBRARY SHALL DEVELOP A POLICY FOR ACCEPTABLE INTERNET USE BY ITS PATRONS. EACH PUBLIC LIBRARY SHALL, AS PART OF SUCH POLICY, ADOPT AND IMPLEMENT MEASURES TO RESTRICT THE ACCESS OF MINORS, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 235.20 OF THE PENAL LAW, TO MATERIAL THAT IS OBSCENE, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 235.00 OF THE PENAL LAW, OR THAT IS HARMFUL TO MINORS, AS SUCH TERM IS DEFINED IN SUBDIVISION SIX OF SECTION 235.20 OF THE PENAL LAW, USING ANY COMPUTER EQUIPMENT OR SERVICE AVAILABLE FOR PUBLIC USE.

(II) NOTICE OF SUCH POLICY SHALL BE POSTED WITHIN THE PUBLIC LIBRARY AT VARIOUS PLACES, INCLUDING ALL INTERNET ACCESS POINTS. COPIES OF SUCH POLICY SHALL BE MADE AVAILABLE TO ALL PATRONS.

(III) EACH PUBLIC LIBRARY SHALL OFFER INTERNET SAFETY CLASSES FOR CHILDREN UNDER SEVENTEEN YEARS OF AGE.

(IV) NO PUBLIC LIBRARY SHALL PERMIT ANY CHILD UNDER THE AGE OF SEVENTEEN YEARS TO USE AN INTERNET ACCESS TERMINAL WITHOUT THE PRIOR, WRITTEN CONSENT OF SUCH CHILD'S PARENT OR GUARDIAN. SUCH CONSENT FORM SHALL STATE THAT THE PARENT OR GUARDIAN AND THE CHILD HAVE REVIEWED THE POLICY AND AGREE TO ABIDE BY IT. IN LIEU OF SUCH CONSENT FOR SUCH USE, A PUBLIC LIBRARY MAY PERMIT A CHILD OF AT LEAST THIRTEEN BUT LESS THAN SEVENTEEN YEARS TO MAKE SUCH USE UPON SUCCESSFUL COMPLETION OF AN INTERNET SAFETY CLASS.

(V) IN ANY PUBLIC LIBRARY HAVING MULTIPLE INTERNET ACCESS TERMINALS, ONE OR MORE TERMINALS SHALL BE SEGREGATED FROM THE OTHERS AND DEDICATED FOR USE BY CHILDREN.

S 2. This act shall take effect immediately.