

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

§1.70. Purpose and Scope.

(a) Government Code, §441.006, charges the commission with adopting policies and rules to aid and encourage the development of and cooperation among all types of libraries. In addition, Government Code, Chapter 441, Subchapter I, authorizes the commission with setting accreditation standards for public libraries. Under this authority, this subchapter prescribes the policies and standards for the accreditation of public libraries, which determines the eligibility of public libraries for state assistance through programs and services of the agency.

(b) Accreditation is not intended to evaluate the adequacy of a public library's staff, budget, resources, or services, nor is accreditation intended to limit or restrict the number of communities in Texas that wish to operate a public library. The accreditation process is designed to establish the minimum criteria a library must meet if the library wishes to take advantage of certain programs offered by the commission.

(c) The annual report described in §1.78 of this of this title (relating to Annual Report) is the mechanism by which accreditation criteria are reviewed and accreditation is awarded.

§1.71. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accreditation--means the process by which a library is accredited by the Texas State Library and Archives Commission as having met the standards in this subchapter. Accreditation is not required but determines the eligibility of public libraries to receive state assistance through programs and services of the Texas State Library and Archives Commission.

(2) Agency--means the Texas State Library and Archives Commission as an agency of the state of Texas, including the staff, collections, archives, operations, programs, and property of the Texas State Library and Archives Commission.

(3) Commission--means the seven-member governing body of the Texas State Library and Archives Commission.

(4) Continuing education--means professional development activities for library directors that are instructional, free of lobbying, and relevant to the operation of a library. Activities may include workshops, appropriate conference sessions, online training, and courses.

(5) Library collection item--means any item in the library's catalog that may be circulated,

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

including books, e-books, audio and e-audio books, video and e-video items, non-traditional educational items such as kits, instruments, and equipment, and locally licensed databases or other informational items as determined by professional library standards.

(6) Library operating hours--means the number of unique hours the library is open to the public as set by local governing authorities based on and subject to local considerations, including need and budget.

(7) Local fiscal year--means the 12-month period used by a local entity for budgeting and operations. For accreditation purposes, it is the fiscal year in which January 1 of the requested year falls.

(8) Per capita--means the locally funded operating expenditures of the library divided by the library's assigned population under §1.72 of this title (relating to Legal Service Area).

(9) Professional librarian--means a person holding a masters degree or certification in library or information science from an accredited program.

(10) Public library--means a library that is operated by a single public entity or board, that is freely open to all persons under identical conditions, that receives its financial support in whole or part from public funds, and that provides the following at a minimum:

(A) An organized collection of print or other library materials, or a combination thereof;

(B) Paid or contracted staff;

(C) An established schedule in which services of the staff are available to the public; and

(D) The facilities necessary to support such a collection, staff, and schedule.

(11) State fiscal year--means the 12-month period beginning September 1 and ending August 31.

§1.72. Legal Service Area [§1.71. Definition of Population Served].

A public library's legal service area is based on the source(s) of local government funding for the library and the population assigned to the library as described below. Legal service area calculations will be determined as follows using [For a city, nonprofit corporation, and/or county established library receiving public monies for public library service, the population served by a public library is] the population in the most recent decennial census or official population estimate of the United States Department of Commerce, Bureau of the Census, if available; [-If a library does not report receiving public monies for public library service, that library will be assigned no population. Calculations will be based upon the following.]

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION. .

- (1) In counties with one or more public libraries that receive only city and private funds, each library is credited with serving the population of the city or cities from which it receives funds or with which it has a contract.
- (2) In counties with only one public library and that library receives county funds, the library is credited with serving the entire county population.
- (3) In counties with more than one public library that receives both city and county funds, the libraries that receive city and county funds are credited with serving their city population plus a percentage of the population living outside the cities. This percentage is the ratio of each city's population to the total of all the populations of cities with public libraries within the county.
- (4) In counties with a library established by the county commissioners court and that receives no city funds or an incorporated library that receives no city funds, and one or more city libraries that receive county funds, the city libraries that receive county and city funds are credited with serving their city populations plus a percentage of the county population living outside the cities. The percentage is the ratio of each city's population to the county population. The county library or incorporated library that receives county funds and no city funds serves all county residents not served by a city library.
- (5) In counties with one library that receives county funds and one or more public libraries that do not receive county funds, the library that receives county funds is credited with serving the county population less the populations of cities with public libraries.
- (6) In counties with more than one library that receives county funds and no city funds, the county population living outside cities with public libraries will be prorated among the libraries in the same ratio as the county funds are allocated.
- (7) When school districts contract with one or more nonprofit corporations, cities, municipalities, or counties for public library services as part of their students' educational program, the library is credited with serving ~~[State Library will estimate]~~ the total population living within the school district as published annually in the most recent Small Area Income and Poverty Estimate Program (SAIPE).
- (8) Libraries that enter into agreements or contracts with counties, cities, municipalities, or school districts to provide public library services will be assigned the respective population under this section whether or not there is an exchange of funds.

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

(9) If a library believes it has been assigned an unrealistic population figure, it may request in writing that the Library Systems Act Advisory Board approve an exception to the population served methodology. The board will use its discretion to devise a method by which data from the United States Department of Commerce, Bureau of the Census will be used to calculate the legal service area. [In libraries where the population of a federal or state eleemosynary or correctional institution or military installation exceeds 10% of the entire population of the area served by a public library, the residential or base population may be subtracted from the population served by that library if these persons are served by an institutional or base library. If the institution or military installation does not have a library that provides general library services, the population will not be subtracted.]

~~[(10) When a library believes that the acceptance of county funding would result in the assignment of an unrealistic population figure, it may request in writing that the Library Systems Act Advisory Board approve an exception to the population served methodology. The board will use its discretion to devise a method by which data from the Bureau of the Census will be used to calculate the assignment of population served.]~~

(b) If a library does not report receiving public monies for public library service, that library will be assigned no population.

(c) Population estimates assigned at the beginning of the state fiscal year will remain in place throughout the following annual report submission and review process period until new populations are assigned for the following cycle. Any resulting population changes will go into effect with the next assignment of the legal service areas.

§1.73 [§1.72]. Public Library Services [Service].

(a) As provided in subsection (c) of this section, a public library must provide certain library services to the general public without charge regardless of the person's residency. As provided in subsection (d) of this section, a public library may charge for other services provided to any member of the public, regardless of the person's residency. As provided in subsection (e) of this section, a public library must provide other services to members of the public who reside in the library's legal service area without charge to those individuals but may charge nonresidents for those services. [Library services for the general public must be provided without charge or deposit to all persons residing in the local political subdivisions which provide monetary support to the library. These library services include the

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

~~dissemination of materials or information by the library to the general public during the hours of operations of all library facilities. In this context, library services include the circulation of any type of materials, reference services, use of computers to access information sources, databases, or other similar services, and admissions to the facility or any programs sponsored or conducted by the library.]~~

(b) Library entities contracted with school districts to provide library services to the general public residing in the school district must provide services in addition to that provided to school students, faculty, and staff. Libraries must meet any policy requirements for K-12 school environments in addition to the public library requirements. Public library services must be provided at least the required number of hours all weeks of the year, except those weeks with national or state holidays. [The following charges are permitted at the discretion of the library's governing authority: reserving library materials; use of facilities; replacement of lost borrower cards; fines for overdue, lost, or damaged materials in accordance with local library policies; postage; in-depth reference services on a contractual basis; photocopying; printing; telefacsimile services; library parking; service to nonresidents; sale of publications; rental and deposits on equipment; and charges for the use of materials and machine-readable data bases not owned by the library for which the vendor or supplier has charged a borrowing fee.]

(c) A public library must provide the following services to the general public without charge regardless of the person's residency:

- (1) Dissemination of civic, community, or other ephemeral material freely available and not in the library's catalog;
- (2) Circulation of materials to those with borrowing privileges;
- (3) Reserving library materials to those with borrowing privileges;
- (4) Reference services;
- (5) Use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements;
- (6) Admission to the facility; and
- (7) Admission to programs conducted by the library that are sponsored in whole or part by state resources. [Fees may not be charged for library services on the library premises by individuals or organizations other than the library unless the charges are permitted by subsection (b) of this section.]

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

(d) A public library may charge any member of the public for the following services at the discretion of the library's governing authority, regardless of the person's residency:

(1) Replacement of lost borrower cards;

(2) Fines for overdue, lost, or damaged materials in accordance with local library policies;

(3) Postage related to interlibrary loan;

(4) In-depth reference services provided on a contractual basis;

(5) Photocopying, scanning, printing, and fax services;

(6) Passport services;

(7) Library parking;

(8) Sale of publications and retail merchandise; and

(9) Rental and deposits on equipment and meeting and event spaces. [As permitted by §1.73 of this subchapter, relating to Public Library: Legal Establishment, non-profit corporations may enter into a contract with a school district to provide library services to the general public residing in the district. This public library service must be in addition to that provided to school students, faculty, and staff. Public library services must be provided at least the required number of hours all weeks of the year, except those weeks with national or state holidays. The number of hours is specified in §1.81 of this subchapter, relating to Quantitative Standards for Accreditation of Library.]

(e) A public library may charge nonresidents for borrowing privileges, which may include reserving materials and access to library programming.

(f) A public library shall serve all members of the general public, certifying annually that no person shall be excluded from participation in or denied the benefits of the appropriate services of that library in accordance with federal and state law.

§1.74 [§1.73]. Public Library: Legal Establishment.

A public library must be established to render general library services as provided in this section. To meet this requirement, a [The] library must be established as:

(1) a department of a city, municipality, or county government by charter, resolution, or ordinance; or by contract as provided for in [the] Government Code, Chapter 791; [or]

(2) a library district established under the provisions of Local Government Code, Chapter 326, Library Districts; [or]

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

(3) a library district established under the provisions of Local Government Code, Chapter 336, Multi-Jurisdictional Library Districts; or

(4) a nonprofit [~~non-profit~~] corporation chartered by the Office of the Secretary of State for the purposes of providing free public library services for a city, municipality, county, and/or school district. [;] A nonprofit public library must also have a contract with each governmental entity that provides funding to the library. [~~these corporations must have a current contract with each funding source (a city, county, or school district) to provide free public library services for the city, county, or school district.~~]

§1.75 [~~§1.74~~]. Local Operating Expenditures.

(a) A public library must demonstrate local effort on an annual basis by maintaining or increasing local operating expenditures or per capita local operating expenditures. Expenditures for the current reporting year will be compared to the average of the total local operating expenditures or to the average of the total per capita local operating expenditures for the three preceding years.

(b) At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local government sources. Local government sources are defined as money appropriated by library districts, school districts, or city, municipal, or county governments.

(c) [(b)] A public library must have minimum total local expenditures of \$24,000 [\$10,650] in local fiscal years 2026, 2027, 2028 [2013, 2014, 2015]; at least \$27,000 [\$15,000] in local fiscal years 2029, 2030, 2031 [2016, 2017, 2018]; and at least \$30,000 [\$18,000] in local fiscal years 2032, 2033, and 2034 [2019, 2020, 2021]; and \$21,000 in local fiscal years 2022, 2023, 2024, and 2025].

(d) [(c)] A public library that expends [Exemption: Libraries that expend] at least \$22.00 [\$17.50] is exempt from this accreditation criterion if it shows evidence of some library expenditures from local government sources and is open to the public under identical conditions without charge. [per capita and at least \$150,000 of local funds are exempt from this membership criterion.]

(e) A public library that expends at least \$22.00 per capita and at least \$200,000 of local funds is exempt from this accreditation criterion.

[§1.75. Nondiscrimination.

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

A library shall have on file at the state library a statement certifying that no person shall be excluded from participation in or denied the benefits of the services of that library on the grounds of race, color, or national origin.] *NOTE: CONTENT MOVED TO 1.73(f).*

[§1.77. Public Library: Local Government Support.

(a) At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local government sources. Local government sources are defined as money appropriated by library districts, by school districts, or by city or county governments. Exemption: A public library that expends at least \$17.50 per capita is exempt from this membership criterion if it shows evidence of some library expenditures from local government sources and is open to citizens under identical conditions without charge.

(b) If a currently accredited library is closed by action of its governing body, the commission, following a public hearing, may revoke that library's current membership in the state library system. This section will not apply if only the library building is temporarily closed because of natural or man-made disasters, or building construction, renovation, or maintenance. The library may be re-accredited as a member in the state library system during the next regular accreditation process, assuming that, by July 31, the library reports data showing that it currently meets all of the appropriate minimum requirements for membership in the state library system (as listed in §1.74 of this subchapter, related to Local Operating Expenditures; §1.75 of this subchapter, related to Nondiscrimination; §1.81 of this subchapter, related to Quantitative Standards for Accreditation of Library; §1.83 of this subchapter, related to Other Requirements; and §1.84 of this subchapter, related to Professional Librarian).

(c) If a currently accredited library suffers a funding reduction that causes the library to reduce its hours, staffing, or budget below its appropriate minimum requirements for membership in the state library system (as listed in §1.81 of this subchapter, related to Quantitative Standards for Accreditation of Library), the commission, following a public hearing, may revoke that library's current membership in the state library system. The library may be re-accredited as a member in the state library system during the next regular accreditation process, assuming that, by July 31, the library reports data showing that it currently meets all of the appropriate minimum requirements for membership in the state library system (as listed in §1.74 of this subchapter, related to Local Operating Expenditures; §1.75 of this subchapter, related to Nondiscrimination; §1.81 of this subchapter, related to Quantitative Standards for

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

Accreditation of Library; §1.83 of this subchapter, related to Other Requirements; and §1.84 of this subchapter, related to Professional Librarian).] *NOTE: SOME CONTENT MOVED INTO NEW 1.75.*

[§1.79. Provisional Accreditation of Library.

(a) A public library that does not meet one of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited for not more than an initial three-year period, if the library can demonstrate a reasonable expectation of meeting the requirements within three years. At the end of the provisional accreditation, the library must fully meet all the requirements in effect at that time.

(b) A newly established library in a previously unserved county that does not meet two of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited, if the library can demonstrate a reasonable expectation of meeting the requirements within three years. At the end of the three years, the library must fully meet all the requirements in effect at that time.

(c) After a library has been provisionally accredited, it must achieve full accreditation before it may be probationally accredited under §1.80 of this title (relating to Probational Accreditation of Library).]

NOTE: LANGUAGE AMENDED AND MOVED TO NEW 1.80.

§1.76 [~~§1.81~~]. Quantitative Standards for Accreditation of a Library.

(a) A public library must meet the quantitative standards for accreditation in this section, in addition to the other requirements in this subchapter. [The definition of "local fiscal year" is the fiscal year in which January 1 of that year falls.]

(b) A public library must have at least one library collection item per capita or expend at least 15% of the library's local expenditures on library collection items. If the library serves 25,000 persons or less, the library must maintain a collection of at least 7,500 library collection items.

(c) A public library must ensure at least 5% of its library collection items were published or created in the last five years.

(d) A public library must be open for service not less than 40 hours per week, except that a public library that serves 25,000 persons or less must be open for not less than 20 hours per week.

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

(e) A public library must employ a library director for at least 40 hours per week, except that a public library that serves 25,000 persons or less must employ a library director for at least 20 hours per week.

(f) A library director for a library serving a population of 100,001 or more must complete a minimum of 20 hours of continuing education annually. A library director for a library serving a population of 100,000 or less must complete a minimum of 10 hours of continuing education annually. A library director must maintain documentation of attendance, duration, and relevance of each continuing education credit claimed.

(g) A library must have local expenditures as follows:

(1) A library serving a population of 200,001 persons or more must have local expenditures equaling at least \$13.50 per capita in local fiscal years 2026, 2027, 2028; at least \$13.91 in local fiscal years 2029, 2030, 2031; and at least \$14.32 per capita in local fiscal years 2032, 2033, 2034;

(2) A library serving a population of 100,001 - 200,000 persons must have local expenditures equaling at least \$10.50 per capita in local fiscal years 2026, 2027, 2028; at least \$10.82 in local fiscal years 2029, 2030, 2031; and at least \$11.14 per capita in local fiscal years 2032, 2033, 2034;

(3) A library serving a population of 25,001 - 100,000 persons must have local expenditures equaling at least \$7.50 per capita in local fiscal years 2026, 2027, 2028; at least \$7.73 in local fiscal years 2029, 2030, 2031; and at least \$7.96 per capita in local fiscal years 2032, 2033, 2034;
and

(4) A library serving a population of 25,000 or less must have local expenditures equaling at least \$5.50 per capita in local fiscal years 2026, 2027, 2028; at least \$5.67 in local fiscal years 2029, 2030, 2031; and at least \$5.83 per capita in local fiscal years 2032, 2033, 2034.

(h) A library must employ full-time equivalent professional librarians as follows:

(1) A library serving a population of 200,001 persons or more must employ at least six full-time equivalent professional librarians with one additional full-time equivalent professional librarian for every 50,000 persons above 200,000;

(2) A library serving a population of 100,001 - 200,000 persons must employ at least four full-time equivalent professional librarians, with one additional full-time equivalent professional librarian for every 50,000 persons above 100,000;

(3) A library serving a population of 25,001 - 100,000 persons must employ at least one full-time

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

equivalent professional librarian, with one additional full-time equivalent professional librarian for every 50,000 persons above 50,000.; and

(4) There is no additional staffing requirement for a library serving a population of 25,000 or less.

[(b) The following are the minimum requirements for membership in the state library system:

(1) A library serving a population of at least 500,001 persons must:

(A) have local expenditures amounting to at least \$13.82 per capita in local fiscal years 2013, 2014, 2015; \$13.89 per capita in local fiscal years 2016, 2017, 2018; \$13.96 per capita in local fiscal years 2019, 2020, 2021; and \$14.03 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 64 hours per week;

(E) employ a library director for at least 40 hours per week in library duties; and

(F) employ twelve full-time equivalent professional librarians, with one additional full-time equivalent professional librarian for every 50,000 persons above 500,000.

(2) A library serving a population of 200,001 – 500,000 persons must:

(A) have local expenditures amounting to at least \$11.95 per capita in local fiscal years 2013, 2014, 2015; \$12.01 per capita in local fiscal years 2016, 2017, 2018; \$12.07 per capita in local fiscal years 2019, 2020, 2021; and \$12.13 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 64 hours per week;

(E) employ a library director for at least 40 hours per week in library duties; and

(F) employ six full-time equivalent professional librarians, with one additional full-time equivalent professional librarian for every 50,000 persons above 200,000.

(3) A library serving a population of 100,001 – 200,000 persons must:

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

(A) have local expenditures amounting to at least \$9.60 per capita in local fiscal years 2013, 2014, 2015; \$9.79 per capita in local fiscal years 2016, 2017, 2018; \$9.98 per capita in local fiscal years 2019, 2020, 2021; and \$10.18 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 54 hours per week;

(E) employ a library director for at least 40 hours per week in library duties; and

(F) employ four full-time equivalent professional librarians, with one additional full-time equivalent professional librarian for each 50,000 persons above 100,000.

(4) A library serving a population of 50,001 – 100,000 persons must:

(A) have local expenditures amounting to at least \$8.00 per capita in local fiscal years 2013, 2014, 2015; \$8.16 per capita in local fiscal years 2016, 2017, 2018; \$8.32 per capita in local fiscal years 2019, 2020, 2021; and at least \$8.48 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 48 hours per week;

(E) employ a library director for at least 40 hours per week in library duties; and

(F) employ at least two full-time equivalent professional librarians.

(5) A library serving a population of 25,001 – 50,000 persons must:

(A) have local expenditures of at least \$5.31 per capita in local fiscal years 2013, 2014, 2015; \$5.42 per capita in local fiscal years 2016, 2017, 2018; \$5.52 per capita in local fiscal years 2019, 2020, 2021; and \$5.63 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 40 hours per week;

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

(E) employ a library director for at least 40 hours per week in library duties; and

(F) employ at least one full-time equivalent professional librarian.

(6) A library serving a population of 10,001 – 25,000 persons must:

(A) have local expenditures of at least \$4.25 per capita in local fiscal years 2013, 2014, 2015; \$4.34 per capita in local fiscal years 2016, 2017, 2018; \$4.42 per capita in local fiscal years 2019, 2020, 2021; and \$4.51 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 30 hours per week; and

(E) employ a library director for at least 30 hours per week in library duties.

(7) A library serving a population of 5,001 – 10,000 must:

(A) have local expenditures of at least \$3.97 per capita in local fiscal years 2013, 2014, 2015; \$4.05 per capita in local fiscal years 2016, 2017, 2018; \$4.13 per capita in local fiscal years 2019, 2020, 2021; and \$4.21 per capita in local fiscal years 2022, 2023, 2024, and 2025;

(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials; provided that in either case a minimum of 7,500 items are held;

(C) have at least 1% of total items in collection published in the last five years;

(D) be open for service not less than 20 hours per week; and

(E) employ a library director for at least 20 hours per week in library duties.

(8) A library serving a population of 5,000 or fewer persons must:

(A) have local per capita expenditures or minimum total local expenditures, whichever is greater, of \$3.70 per capita or \$10,650 in local fiscal years 2013, 2014, 2015; \$3.77 per capita or \$15,000 total in local fiscal years 2016, 2017, 2018; \$3.85 per capita or \$18,000 total in local fiscal years 2019, 2020, 2021; and \$3.92 per capita or \$21,000 in local fiscal years 2022, 2023, 2024, and 2025;

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

~~(B) have at least one item of library materials per capita or expend at least 15% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;~~

~~(C) have at least 1% of total items in collection published in the last five years;~~

~~(D) be open for service not less than 20 hours per week; and~~

~~(E) employ a library director for at least 20 hours per week in library duties.]~~

[§1.82. Accreditation Based on Current Operating Budget.

A public library which has not previously qualified for system membership and is actively seeking accreditation by securing the per capita support necessary for qualification may be accredited as a system member on the basis of the library's current operating budget rather than its expenditures of the preceding year.] *NOTE: CONTENT MOVED TO 1.80(c).*

§1.77 [§1.83]. Other Operational Requirements.

In addition to the quantitative standards in section 1.76, each ~~[Each]~~ public library applying for accreditation ~~[membership in the Texas Library System]~~ must meet the following requirements and report to the agency on the status of each requirement annually:

- (1) The library must have a website detailing current services and contact information, including ~~[and]~~ a telephone ~~[with a published]~~ number and email address.
- (2) The library must have available technology to enable staff and the general public to access the internet and print, copy, and scan materials ~~[both a photocopier and a computer with Internet access for use by the library staff and at least one computer with Internet access and printing/copying capabilities for the general public].~~
- (3) The library must have an integrated searchable catalog of its holdings available to the public online through the library's website.
- (4) The library must offer to borrow materials through ~~[via]~~ the statewide interlibrary loan system ~~[resource sharing service]~~ for eligible persons residing within ~~[in]~~ the library's legal ~~[designated]~~ service area and offer to lend materials to other participating Texas libraries using the statewide interlibrary loan system ~~[A library must also participate in the interlibrary loan resource sharing service by lending its materials to other libraries, as requested].~~ The library's ~~[library]~~ governing board may adopt local policies regarding collections available to lend, lending

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

periods and renewals, patron eligibility, and other factors [materials available for loan and the length of the loan, the good standing of the borrower, and other relevant issues; these policies must be available for the public]. Local policies must be available to the public.

~~[(4) The library director must have a minimum of ten hours of continuing education credits annually. Continuing education activities must be instructional and may include workshops, appropriate sessions at library association conferences, instructional webinars, and distance education courses. Board meetings, public hearings, other business meetings, author luncheons, and other non-instructional sessions are not considered continuing education activities. The director must maintain appropriate documentation of participation, duration, and relevance to the operation of a library.]~~

~~[(5) The library must have a catalog of its holdings available to the public that is electronically searchable at a minimum by author, title, and subject.]~~ *NOTE: CONTENT MOVED TO 1.77(3).*

(5) [(6)] The library must have a strategic [long range] plan that is approved by its governing authority and [board. This plan must be] reviewed and updated at least every five years [and must include a collection development element and a technology element]. The library's strategic plan may be part of a larger plan from the governing authority.

(6) At a minimum, the library must maintain current and publicly available policies or procedures, approved by the library's governing or designated authority, addressing the following subjects:

- (A) Circulation;
- (B) Collection Development;
- (C) Technology Use; and
- (D) Information Security and Privacy.

[§1.84. Professional Librarian.

~~(a) A professional librarian is defined as a person holding either a fifth year degree in librarianship from a program accredited by the American Library Association or a master's degree in library or information science from a program accredited by the American Library Association or a higher credential from a library school offering an American Library Association approved program in library or information science. Upon the written request of persons holding degrees in library or information science from~~

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

~~schools outside the United States or Canada, the state librarian may certify them as professional librarians if their program of study is deemed comparable to that of a library school accredited by the American Library Association.~~

~~(b) Individuals who were issued a Grade I – Special County Librarians Certificate may be designated a professional librarian for the purposes of §1.81 of this subchapter (relating to Quantitative Standards for Accreditation of Library). This designation is valid only for the library where the person was employed on June 15, 2007. The individual must still comply with the annual requirements of §1.83(4) of this subchapter (relating to Other Requirements). Grade I – Special County Librarians Certificate were previously issued under the terms of a now repealed rule (§5.5 of this title, relating to Special Provisions for Certifying County Librarians).] NOTE: CONTENT MOVED TO 1.71(9).~~

§1.78 ~~[§1.85]~~. Annual Report.

To be eligible for accreditation, a [A] public library must submit [shall file] a [current and complete annual] report each year detailing local library activity for the fiscal year requested in a manner and form prescribed by the agency [with the Texas State Library and Archives Commission by April 30]. A library that does not submit an annual report by the deadline established by the agency will automatically lose accreditation for the upcoming state fiscal year and be ineligible to access certain agency services and programs. [Revisions to the annual report which would affect membership status for the next fiscal year will not be accepted after July 31. Staff vacancies that occur after the report is filed shall not adversely affect applications for system membership in the next fiscal year. Staff vacancies that occur prior to filing the report which affect system membership must be filled and reported prior to July 31. Willful falsification of annual reports shall cause the library to be disqualified for one year in the first instance and disqualified for three years in the second instance.]

~~[§1.86. Standards for Accreditation of Libraries Operated by Public School Districts, Institutions of Higher Education, Units of Local, State, or Federal Government, Accredited Non-Public Elementary or Secondary Schools, or Special or Research Libraries.~~

~~These standards for accreditation apply only to libraries that are operated by a public school district, institution of higher education, unit of local, state, or federal government, accredited non-public elementary or secondary schools, or special or research libraries. The standards for accreditation of~~

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

public libraries are specified in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library).

(1) Libraries applying for membership must:

(A) agree to loan materials without charge to users of other libraries in the system; and

(B) submit an annual application for membership to the State Library by April 30.

(2) Any library eligible for membership in the Texas Library System under this section will be accredited by the following standards.

(A) For libraries operated by a public school district:

(i) the unit of membership shall be the school district;

(ii) the district must submit written verification that it is academically accredited by the Texas Education Agency.

(B) For libraries operated by an institution of higher education:

(i) the unit of membership in the Texas Library System shall be the institution. Institutions of higher education with libraries in multiple locations shall apply as a single unit. Community colleges shall apply per their certification by the Texas Higher Education Coordinating Board, in accordance with Government Code §61.063;

(ii) the institution must submit written verification that it is accredited by an accrediting agency recognized by the Texas Higher Education Coordinating Board.

(C) For libraries operated by a unit of local, state, or federal government, the library must:

(i) submit written verification from the governmental unit that it is operated by that governmental unit;

(ii) submit documentation showing that there is an organized collection, with staff, and regular hours of operation.

(D) For libraries operated by accredited non-public elementary or secondary schools:

(i) the unit of membership shall be the accredited organization;

(ii) the library must submit written documentation of its accreditation.

(E) For libraries operated by special or research organizations the library must:

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

- ~~(i) submit written verification from the organization that it is supported by that organization;~~
- ~~(ii) submit documentation showing that there is an organized collection, with staff, and regular hours of operation.]~~

§1.79 ~~[§1.87]~~. Emergency Waiver of Accreditation Criteria.

One or more accreditation criteria in this subchapter may be waived if a library shows good cause for failure to meet the criteria. For purposes of this subchapter, good cause means a public health emergency, including, but not limited to, a pandemic or epidemic; a natural or man-made disaster, including, but not limited to, a tornado, hurricane, flood, wildfire, explosion, or chemical spill; or other extraordinary hardship which is beyond the control of the library as determined by the agency.

§1.80. Conditional Accreditation of Library.

(a) Conditional accreditation is a temporary status granted when a library fails to meet one criterion in this subchapter. A conditionally-accredited library enjoys the same benefits and privileges as a fully accredited library. A library that fails to meet more than one criterion is not eligible for conditional accreditation.

(b) The maximum length of time a library may be conditionally accredited is three years. A library that is still unable to meet an accreditation criterion at the end of the conditional accreditation period, whether it is the same or a new criterion, will not be accredited and must reapply for accreditation the following year.

(c) A public library actively seeking accreditation by securing the per capita support necessary for qualification may be conditionally accredited on the basis of the library's current operating budget rather than its expenditures of the preceding year.

(d) To be fully accredited, a library must meet all accreditation requirements in this subchapter by the end of the conditional accreditation period.

[§1.80. Probational Accreditation of Library.

~~A public library that has been fully accredited may be granted probational accreditation for three years if the library fails to meet not more than one of the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library). To regain full system membership, a library must~~

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

~~equal or exceed its previous level of effort on the deficient requirement. At the end of the probational accreditation, the library must fully meet all the requirements in effect at that time. A library may not be probationally accredited for more than three years in a row, for any reason.]~~

§1.81. Loss of Accreditation.

(a) Accreditation is conditioned on submission of the annual report required in §1.78 of this title (relating to Annual Report) and meeting the accreditation criteria established by this subchapter. If a library loses accreditation, the library will not be accredited for the next fiscal year and will not have access to certain agency services during that year.

(b) If the agency determines a library does not meet the criteria for accreditation at any time during the accreditation year, the agency will notify the library in writing of the potential loss of accreditation.

(c) A public library that does not submit an annual report by the established deadline will automatically lose accreditation for the upcoming state fiscal year.

(d) A public library that does not meet the minimum criteria for accreditation required by this subchapter and as documented on the annual report may lose accreditation.

(e) On notification of the potential loss of accreditation, the agency may allow the library a reasonable period of time to come into compliance and remain accredited. A library may also choose to be unaccredited or appeal the determination.

(f) If a library chooses to be unaccredited for the year in question but wants to be considered for accreditation in subsequent years, the library must continue to submit an annual report each year it is not accredited. The library may be re-accredited during the next annual report cycle if the library reports data showing that it meets all accreditation criteria by the prescribed deadline. A library that lacks only one criterion for accreditation may be eligible for a waiver as detailed in §1.79 of this title (relating to Emergency Waiver of Accreditation Criteria).

(g) A library must continue to submit an annual report to continue to receive minimum agency services, such as the Collaborative Summer Learning Program (CSLP) and access to consulting services.

§1.82. Appeal of Accreditation Determination.

(a) A library that is not accredited or that loses accreditation may appeal the determination to the

UNOFFICIAL DRAFT PROVIDED FOR CONVENIENCE ONLY.

ALL REVISIONS SUBJECT TO APPROVAL BY THE LIBRARY AND ARCHIVES COMMISSION.

Library Systems Act Advisory Board (LSA Board).

(b) To appeal a determination regarding accreditation, a library must notify the agency of its intention to appeal. On notification of the intent to appeal, the agency will provide the library with information on the process and documentation needed.

(c) A formal appeal must include a letter of appeal to the director of the Library Development and Networking division providing a detailed description of the accreditation issue and a proposed resolution and timeline. Appellants may include supporting documentation and letters of support with the letter of appeal.

(d) After considering the matter at its meeting, the LSA Board will make a recommendation on the appeal to the Director and Librarian of the Texas State Library and Archives Commission. The Director and Librarian will make a final determination based on the recommendation but is not bound by the LSA Board's recommendation.

(e) The agency will notify the library of the final determination, at which point, the library can accept the ruling or appeal to the commission following the agency's protest procedure as described in §2.55 of this title (relating to Protest Procedure).