

Rules for Administering the Library Systems Act

Texas Administrative Code (TAC) TITLE 13 - CULTURAL RESOURCES

PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT LIBRARY SYSTEMS ACT

Adopted by the Texas State Library and Archives Commission

MINIMUM STANDARDS FOR ACCREDITATION OF PUBLIC LIBRARIES IN THE STATE LIBRARY SYSTEM

§1.71 Definition of Population Served

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.

(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 expended.

(7) When school districts contract with one or more nonprofit corporations, cities, or counties for public library services as part of their students' educational program, the State Library will estimate the total population living within the school district.

(8) Libraries that enter into agreements or contracts with counties, cities, or school districts to provide public library services will be assigned population under this section whether or not there is an exchange of funds.

(9) 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.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended March 26, 1980, 5 TexReg 906; Amended December 9, 1980, 5 TexReg 4766; Amended July 22, 1983, 8 TexReg 2607; Amended April 30, 1985, 10 TexReg 1228; Amended July 20, 1987, 12 TexReg 2178; Amended August 4, 1988, 13 TexReg 3633; Amended November 2, 2007, 32 TexReg 7930]

§1.72 Public Library Service

(a) Library services 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 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 (locating and interpreting information), 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) The following charges are permitted at the discretion of the library's governing authority: reserving library materials; use of meeting rooms; 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, major resource center, or regional library system for which the vendor or supplier has charged a borrowing fee.

(c) 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.

(d) As permitted by §1.73 of this subchapter, relating to Public Library: Legal Establishment, nonprofit 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.

[Amended April 30, 1985, 10 TexReg 1228; Amended March 26, 1980, 5 TexReg 906; Amended January 19, 1984, 9 TexReg 178; Amended August 23, 1990, 15 TexReg 4577; Amended December 16, 1991, 16 TexReg 7010; Amended November 2, 2007, 32 TexReg 7930]

§1.73 Public Library: Legal Establishment

A public library must be established to render general library services . The library must be established as:

- (1) a department of a city 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
- (3) a library district established under the provisions of Local Government Code, Chapter 336, Multi-Jurisdictional Library Districts; or
- (4) a non profit corporation chartered by the Office of the Secretary of State for the purposes of providing free public library services ; 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.

[Adopted September 1, 1977, 2 TexReg 1925; Amended April 30, 1985, 10 TexReg 1228; Amended March 10, 1999, 24 TexReg 1612; Amended November 2, 2007, 32 TexReg 7930]

§1.74 Local Operating Expenditures

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. Libraries that expend at least \$13.50 per capita and at least \$125,000 of local funds are exempt from this membership criterion. A public library must have minimum total local expenditures of \$10,000 in local fiscal years 2007, 2008, 2009; \$10,300 in local fiscal years 2010, 2011, 2012; \$10,650 in local fiscal years 2013, 2014, 2015.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended December 9, 1980, 5 TexReg 4766; Amended July 20, 1987, 12 TexReg 2178; Amended March 25, 2005, 30 TexReg 1765; Amended November 2, 2007, 32 TexReg 7930]

§1.75 Public Library: Nondiscrimination

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.

[Adopted September 1, 1977, 2 TexReg 1925; Amended June 27, 1995, 20 TexReg 4343]

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§1.76 [Reserved]

§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. A public library that expends at least \$13.50 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. Local government sources are defined as money appropriated by library districts, by school districts, or by city or county governments.

(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; [§1.78 of this subchapter, related to County Librarian's Certificate;] §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).

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended July 22, 1983, 8 TexReg 2607; Amended April 30, 1985, 10 TexReg 1228; Amended August 23, 1990, 15 TexReg 4577; Amended September 2, 1999, 24TexReg 6727; Amended May 12, 2006, 31TexReg 3870; Amended November 2, 2007, 32 TexReg 7930]

§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).

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended July 22, 1983, 8 TexReg 2607; Amended November 2, 2007, 32 TexReg 7930]

§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 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.

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended July 22, 1983, 8 TexReg 2607; Amended December 9, 1980, 5 TexReg 4766; Amended November 2, 2007, 32 TexReg 7930]

§1.81 Quantitative Standards for Accreditation of Library

(a) The definition of "local fiscal year" is the fiscal year in which January 1 of that year falls.

(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 \$13.00 per capita in local fiscal years 2007, 2008, 2009; \$13.40 per capita in local fiscal years 2010, 2011, 2012; \$13.82 per capita in local fiscal years 2013, 2014, 2015.

(B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;

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

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

(E) employ twelve full-time professional librarians, with one additional full-time professional librarian for every 50,000 persons above 500,000; an additional professional librarian must be assigned full time to system duties if the library is a major resource center.

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

(A) have local expenditures amounting to at least \$11.25 per capita in local fiscal years 2007, 2008, 2009; \$11.60 per capita in local fiscal years 2010, 2011, 2012; \$11.95 per capita in local fiscal years 2013, 2014, 2015;

(B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;

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

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

(E) employ six full-time professional librarians, with one additional full-time professional librarian for every 50,000 persons above 200,000; an additional professional librarian must be assigned full time to system duties if the library is a major resource center.

- (3) A library serving a population of 100,001 - 200,000 persons must:
- (A) have local expenditures amounting to at least \$9.00 per capita in local fiscal years 2007, 2008, 2009; \$9.30 per capita in local fiscal years 2010, 2011, 2012; \$9.60 per capita in local fiscal years 2013, 2014, 2015;
 - (B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;
 - (C) be open for service not less than 54 hours per week;
 - (D) employ a library director for at least 40 hours per week in library duties; and
 - (E) employ four full-time professional librarians, with one additional full-time professional librarian for each 50,000 persons above 100,000; an additional professional librarian must be assigned full time to system duties if the library is a major resource center.
- (4) A library serving a population of 50,001 - 100,000 persons must:
- (A) have local expenditures amounting to at least \$7.50 per capita in local fiscal years 2007, 2008, 2009; \$7.75 per capita in local fiscal years 2010, 2011, 2012; \$8.00 per capita in local fiscal years 2013, 2014, 2015;
 - (B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;
 - (C) be open for service not less than 48 hours per week;
 - (D) employ a library director for at least 40 hours per week in library duties; and
 - (E) employ at least two full-time professional librarians.
- (5) A library serving a population of 25,001 - 50,000 persons must:
- (A) have local expenditures of at least \$5.00 per capita in local fiscal years 2007, 2008, 2009; \$5.15 in local fiscal years 2010, 2011, 2012; \$5.31 per capita in local fiscal years 2013, 2014, 2015;
 - (B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;
 - (C) be open for service not less than 40 hours per week;
 - (D) employ a library director for at least 40 hours per week in library duties; and
 - (E) employ at least one full-time professional librarian.
- (6) A library serving a population of 10,001 - 25,000 persons must:
- (A) have local expenditures of at least \$4.00 per capita in local fiscal years 2007, 2008, 2009; \$4.12 per capita in local fiscal years 2010, 2011, 2012; \$4.25 per capita in local fiscal years 2013, 2014, 2015;
 - (B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;
 - (C) be open for service not less than 30 hours per week; and
 - (D) 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 \$3.75 per capita in local fiscal years 2007, 2008, 2009; \$3.85 per capita in local fiscal years 2010, 2011, 2012; \$3.97 per capita in local fiscal years 2013, 2014, 2015;
 - (B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials; provided that in either case a minimum of 7,500 items are held.
 - (C) be open for service not less than 20 hours per week; and

(D) 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 \$3.50 per capita or \$10,000 total in local fiscal years 2007, 2008, 2009; \$3.60 per capita or \$10,300 total in local fiscal years 2010, 2011, 2012; \$3.70 per capita or \$10,650 in local fiscal years 2013, 2014, 2015;

(B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

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

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

[Adopted September 1, 1977, 2 TexReg 1925; Amended September 1, 1979, 4 TexReg 2675; Amended May 1, 1981, 6 TexReg 1438; Amended July 22, 1983, 8 TexReg 2607; Amended June 27, 1995, 20 TexReg 4343; Amended March 25, 2005, 30 TexReg 1765; Amended August 24, 2007, 32 TexReg 5365]

§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.

[Adopted September 1, 1977, 4 TexReg 2676]

§1.83 Other Requirements

Each public library applying for membership in the Texas Library System must meet the following requirements:

(1) The library must have a telephone with a listed number.

(2) The library must have available both a photocopier and a computer with Internet access for use by the library staff and the general public.

(3) The library must offer to borrow materials via the interlibrary loan resource sharing service for persons residing in the library's designated service area. A library must also participate in the interlibrary loan resource sharing service by lending its materials to other libraries, as requested. The library governing board may adopt policies regarding materials available for loan and the length of the loan, the good standing of the borrower, and other relevant issues; these policies must be posted on the library system's web site.

(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, and distance education courses. Library system meetings, 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 searchable, either manually or electronically, at a minimum by author, title, and subject.

(6) The library must have a long-range plan that is approved by its governing board. This plan must be reviewed and updated at least every five years and must include a collection development element. Library systems must provide public libraries with the consulting and

continuing education services necessary to develop these plans as part of the services provided under §1.47 of this title (relating to Consulting and Continuing Education Services).

[Adopted September 1, 1977, 4 TexReg 2676; Amended March 25, 2005, 30 TexReg 1765; Amended August 24, 2007, 32 TexReg 5365]

§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 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).

[Adopted April 30, 1985; 10 TexReg 1228; Amended August 4, 1988, 13 TexReg 3633; Amended August 24, 2007, 32 TexReg 5365]

§1.85 Annual Report

A public library shall file a current and complete annual report with the Texas State Library and Archives Commission by April 30. 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.

[Adopted April 30, 1985; 10 TexReg 1228; Amended August 4, 1988, 13 TexReg 3633; Amended March 10, 1999, 24 TexReg 1612]

§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 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:
 - (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.

[Adopted August 30, 2009, 34 TexReg 5673]