

## CHAPTER 25. STATE AID GRANTS TO PUBLIC LIBRARIES

Authority 65 O.S., § 2-106(m)

Source Codified 12-27-91

### 405:25-1-1. Purpose

This Chapter sets forth the required standards for eligibility of public libraries to receive state appropriated funds for library development in Oklahoma.

### 405:25-1-2. Definitions

The following words or terms, when used in this Chapter shall have the following meanings, unless the context clearly indicates otherwise:

**"Bibliographic access"** means the provision of author, title, and subject indexes to the library materials, classification and location.

**"Free library service"** means that libraries will provide circulation of books and library materials and admittance to library programs without charge in their service area, i.e., town, city, county or library system.

**"Library system"** means libraries organized under Title 65, Article 4 of the Oklahoma Statutes and funded under Article 10, § 10 A of the Oklahoma Constitution.

**"Long range plan"** means a written strategy for action for improvement of library service over a specified period of time officially adopted by the library board.

**"ODL"** means the Oklahoma Department of Libraries as defined in 65 O.S. § 3-101.

**"Statement of purpose"** means a written declaration of the role the library has chosen to serve its community officially adopted by the library board.

[Source: Amended at 16 Ok Reg 3052, eff 7-12-99; Amended at 34 Ok Reg 1756, eff 9-11-17]

### 405:25-1-3. Eligibility for State aid grants to public libraries

Eligibility for state aid grants to public libraries is governed by the requirements listed below. Eligibility may be impacted by emergency declarations by the President of the United States or the Governor of Oklahoma, public health, public safety, or other extraordinary circumstances as determined by the Director of the Oklahoma Department of Libraries and the ODL Board. Under those conditions, the Director will present recommendations to the ODL Board to modify application of specific User Service or Administration and Finance requirements. The ODL Board has the authority to accept or deny the recommendations.

#### (1) Basic requirements.

(A) Libraries must meet the definition of a public library as defined in 65 O.S. § 1-104.

(B) Libraries must be legally established and operating according to Oklahoma Statutes, Title 65, Article 4, § 101 and Title 11, Article 31; and Article 10, § 10A of the Oklahoma Constitution.

#### (2) User service requirements.

(A) Libraries must provide free library service.

(B) Libraries shall be open to the public the minimum number of hours stipulated in the following schedule. These hours shall be maintained year round. Single county systems organized under 65 O.S., §§ 151 and 552 which have branch libraries may aggregate their hours, if, discounting overlap, the citizens are served according to the following schedule:

(i) cities and towns under 2,000 population will be open 15 hours a week. The schedule will include at least two hours after 5 p.m. each week;

(ii) cities and towns of at least 2,000 but less than 5,000 people, will be open 30 hours a week. The schedule will include at least two hours after 5 p.m. each week and weekend hours are recommended;

(iii) cities with at least 5,000 but less than 10,000 people, will be open 35 hours a week. The schedule will include at least four hours after 5 p.m. each week and three weekend hours;

(iv) cities with at least 10,000, but less than 25,000, will be open 50 hours a week. The schedule will include at least eight hours after 5 p.m. each week and four weekend hours; and

(v) cities with 25,000 or more will be open 60 hours a week. The schedule will include a minimum of five weekend hours.

(C) Libraries must have a telephone located in the library with a listed number.

(D) All libraries and branches must provide internet access to the public. The library shall have a written internet use policy.

(E) All libraries shall at a minimum offer programming for youth under 18 years of age.

(F) A public library shall have a collection of materials (e.g., books, periodicals, audio-visual materials, etc.) that is circulated to the community.

(i) Libraries shall provide bibliographic access to its collection for customers.

(ii) The library shall offer interlibrary loan to customers and participate in interlibrary loan networks or consortia to borrow materials not held in the library upon request for customers. Libraries shall promote the service to customers through promotional materials and/or signs in the library and on its website to make customers aware of the service.

(iii) The library shall do an age and condition study on its collection every four years as determined by the Oklahoma Department of Libraries and report the findings to its library board and the Oklahoma Department of Libraries.

**(3) Administration and finance requirements.**

(A) Legally established libraries that are not part of a library system must complete and submit the Oklahoma Department of Libraries' online annual report for the preceding fiscal year by August 15th and library systems must submit such reports by October 1st.

(B) Libraries must have a board of trustees appointed by the city and or county government officials which holds regularly scheduled meetings at least quarterly and all libraries must file annually a list of trustees, terms of office and meeting times with the Oklahoma Department of Libraries. The board shall approve the policies by which the library operates. The board shall review all required policies within a four year cycle as determined by the Oklahoma Department of Libraries and shall report all current policies to the Oklahoma Department of Libraries. Required policies are:

(i) Circulation policy which shall include interlibrary loan;

(ii) Library materials selection policy; and

(iii) Internet use policy.

(C) Libraries must receive operating income from local government sources, i.e. town, city or county. A public library is primarily supported by either municipal funds or a direct library levy on a permanent basis.

(D) Local government must continue to expend an amount for library service, i.e., operating expenditures, not less than that of the preceding fiscal year, as reported on the Annual Report for Public Libraries. Public library systems organized under 65 O.S. Sections 151-161 and Sections 551-561, Sections 4-101-107.1 and Sections 4-201-206 may not reduce their millage levy. Exemption waivers to drop in operating income based on special circumstances shall be considered.

(i) If a city or county has less total income for the most recent fiscal year as compared to the immediate fiscal year, exemption to the requirement in (D) of this paragraph may be made. The Oklahoma Department of Libraries will then supply forms for city or county officials to certify that the library's budget sustained no greater reduction than the total percentage reduction of income of the city or county budget.

(ii) The requirement in (D) of this paragraph may be waived in those years when the budget is decreased according to (i) of this subparagraph.

(E) Libraries must have paid permanent employees who are employees of the town, city, county or system. Town, city, county or system must pay said employees at least the federally required minimum wage and meet the requirements of the Fair Labor Standards Act.

(F) All library directors and all personnel who work more than twenty (20) hours a week must attend at least one continuing education program each year. Staff in library systems or public libraries serving over 25,000 may meet this requirement with in-house training. Personnel are exempt if they have been employed at the library less than one (1) year.

(G) Multi-county library systems must abide by the Oklahoma Department of Libraries' rules concerning systems as set forth in Chapter 10 of this title.

(H) Libraries must file with the Oklahoma Department of Libraries, Office of Library Development, a report of expenditures made with state aid grant funds each preceding fiscal year by August 15th and library systems must submit such reports by October 1st.

(I) Libraries must have a written statement of purpose.

(J) Libraries shall provide annual library visits each year on the annual report to the Oklahoma Department of Libraries.

(K) Libraries must provide bibliographic access to their collections.

(L) Libraries serving a population of 10,000 or more must have submitted to the Oklahoma Department of Libraries a long range plan written or updated within the last 3 years. This document must address future directions of the library for services and resources, and must be approved by the local library board.

(M) Libraries that are a department of municipal government in cities serving a population of 25,000 or more must employ a director with a Master's Degree in Library and Information Science from a library

school accredited by the American Library Association or an alternate degree as follows. A comparable master's degree in business, education, school library media, or public administration, with a minimum of five years of prior supervisory library experience shall also be acceptable. For those with an alternate degree but without prior experience working in a library, the director shall complete the Institute in Public Librarianship Certification Program within two years of employment as director.

(N) Libraries will evaluate, deselect and maintain their collections ensuring that their collections include up-to-date and useful materials and report the figures to its library board and to the Oklahoma Department of Libraries.

(O) Libraries shall submit performance measures to the Oklahoma Department of Libraries on a schedule as determined by the Oklahoma Department of Libraries.

[Source: Amended at 16 Ok Reg 3052, eff 7-12-99<sup>1</sup>; Amended at 34 Ok Reg 1756, eff 9-11-17; Amended at 39 Ok Reg 1901, eff 9-11-22]

*EDITOR'S NOTE:* <sup>1</sup> An Editor's Notice was published in the 9/15/99 issue of The Oklahoma Register [16 Ok Reg 3601], which identified a technical error that occurred when subparagraph (2)(B)(ii) of this Section 405:25-1-3 was published in the 7/1/99 issue of the Register [16 Ok Reg 3052]. The language that read "3 hours a week" in that subparagraph should have read "30 hours a week." A similar Editor's Note was also published at OAC 405:25-1-3 in the Oklahoma Administrative Code until the Section was amended again on 9-11-17.

#### **405:25-1-4. Use of state aid funds**

State aid funds cannot be used for construction, remodeling, land, vehicles, or items that will become a permanent part of the building, such as carpet or air conditioners.

#### **405:25-1-5. Ineligibility notification**

(a) When libraries are found to be ineligible for State Aid, ODL will notify the librarian and the City Manager, and shall state the reasons for ineligibility. The librarian will then have a period of two weeks from receipt of notification in which to submit additional evidence of eligibility. Such appeals shall be reviewed by the ODL administration and a final decision made.

(b) The Oklahoma Department of Libraries Board shall serve as an appeal board in the agency's execution of the State Aid Grants to Public Libraries. After the Oklahoma Department of Libraries administration denies a community's eligibility for state aid, a community may appeal the ineligibility for state aid by agency administration to the Oklahoma Department of Libraries Board at a special board meeting. The community must file the appeal to the Oklahoma Department of Libraries Board within seven days of receipt of the denial by the agency administration. The Board shall affirm the administration's determination unless it finds such determination is contrary to applicable rules.

[Source: Amended at 36 Ok Reg 980, eff 7-25-19]

#### **405:25-1-6. State aid formula**

The Oklahoma Department of Libraries will utilize the latest population estimates from the United States Census Bureau to determine per capita payments for the distribution of state aid funds for public libraries.

[Source: Amended at 16 Ok Reg 3052, eff 7-12-99; Amended at 34 Ok Reg 1756, eff 9-11-17]