

605 CMR 4.00: FREE PUBLIC LIBRARY SERVICE

Section

4.01: Regulations

4.02: Nonresident Circulation Offset for Public Libraries

4.01: Regulations

(1) "Be open to all residents of the Commonwealth" means that all residents of the Commonwealth shall have access to reading and reference rooms under the same conditions as residents of the community.

(2) "Make no charge for normal library services" means that no charges shall be levied on residents of the local community for the withdrawal of library books and other materials in the regular circulating collections of the community's public library or libraries.

A charge may be made, however, for reserving books and other materials, for duplicate pay and/or rental collections, for the lending of special media, for special reference or research services such as preparation of bibliographies, photocopying, or abstracting.

(3) "Be kept open a minimum number of hours per week" means that library service should be available to the community a minimum number of hours per week according to the tabulation below. The Compliance Period for the Minimum Number of Hours shall be a minimum of 38 weeks in a Fiscal Year. These hours of service should be planned in relation to local community needs, and the hours and days selected for service should reflect the maximum potential use. In communities which have more than one independent library unit supported in whole or in part by public funds and in communities which have branches or stations of a central library, the qualifying number of hours open will be considered as the total number of hours during which library service is available to the community or any of its parts without overlapping or duplication. "Evening hours" is defined as hours a library is open from 5:00 P.M. and must include at least one hour past 5:00 P.M. each day that evening hours are scheduled.

<u>Libraries in Communities with Population</u>	<u>Recommended Minimum Hours Open per Week</u>
(a) under 2,000	10 including some evening hours
(b) 2,000 - 4,999	15 including some evening hours
(c) 5,000 - 9,999	25 including some evening hours
(d) 10,000 - 14,999	40 some part of five days, including some evening hours
(e) 15,000 - 24,999	50 some part of five days, including some evening hours
(f) 25,000 - 49,999	59 open six days, including some morning, afternoon, and evening hours
(g) 50,000 and over	63 open six days, including some morning, afternoon, and evening hours

Libraries which do not meet the minimum standards of hours of service upon the date of first ever application for a state grant may establish eligibility for same provided a statement is filed indicating that the minimum standard will be reached within a three-year period from date of application.

(4) "Employ trained library personnel" means that libraries serving communities within the population groupings listed below should maintain the minimum personnel standards as listed.

In order to protect all present incumbents, the 1996 revised personnel standards will apply to new appointees only. New appointees to *chief librarian positions* in libraries serving a population of under 10,000 will be allowed a five-year period in which to *qualify by special training*.

College graduation means graduation with a degree from a college accredited by a regional accrediting association recognized by the National Commission on Accrediting.

Professional training means graduation with a degree from an approved library school. An approved library school is one that is accredited by the American Library Association and/or approved by the Massachusetts Board of Library Commissioners.

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A municipality will be considered ineligible for direct state aid if the library has had an acting chief librarian for three or more years from the date that the position became vacant.

In any case where it is certified that application of these personnel standards would work a hardship on the library involved, the Board reserves to itself the right to grant to a municipality a waiver of the personnel standard contingent on a plan for compliance within five years.

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Personnel Standards

- (a) under 10,000 Chief Librarian: college graduate with special training either received or to be received within a five-year period by courses in the basic library techniques of administration, materials selection, cataloging and classification, and reference offered through a university or college, or by professionally qualified personnel instructing in institutions of higher education, the board of library commissioners or a regional library system, approved by the Board of Library Commissioners. Qualify for a certificate of subprofessional librarianship issued by the Board of Library Commissioners.
- (b) 10,000 and up Chief Librarian: college graduate with a degree from an approved library school; experience in library work including supervisory experience; and a certificate of professional librarianship issued by the Board of Library Commissioners. It is understood that appointees in this category must be fully qualified upon appointment.

(5) "Expend a reasonable portion of the library's total budget on library materials" means that the Board of Library Commissioners in determining "a reasonable portion" will be guided by the tabulation given below. Total budget is defined as the total projected municipal appropriation to the library for operations in the current fiscal year. All sources of income to the library's operating budget may be used to meet the materials expenditure requirement. Capital funds must not be used to meet a local library's Materials Expenditure Requirement for books and other materials. A certain percentage of the Materials Expenditure Requirement may be expended on hardware for direct patron use.

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Minimum Percentage of the Municipal Appropriation to the Library for Operations Which Must be Spent on Library Materials

(a) Under 2,000	20%
(b) 2,000 - 4,999	19.5%
(c) 5,000 - 9,999	19%
(d) 10,000 - 14,999	16%
(e) 15,000 - 24,999	15%
(f) 25,000 - 49,999	13%
(g) 50,000 and over	12%

Libraries which do not meet the minimum standards of expenditures for library materials upon the date of a first ever application for state aid will be granted a three-year period in which to meet these minimum standards.

Request for flexibility: Each library shall be open at least the minimum required hours for its population group (refer to the minimum standards contained in 605 CMR 4.01(3)). A library that is open the required hours for a larger population group may, by request of the Library Director and Chair of the Board of Trustees, expend the required materials expenditure for that population group. The request shall be made by filing a "Notification of Request for Flexibility for the Materials Expenditure Requirement" with the Board of Library Commissioners as part of the State Aid to Public Libraries application.

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(6) "Lend books and other materials to other libraries in the Commonwealth and extend privileges to the holders of cards issued by other public libraries in the Commonwealth on a reciprocal basis" is interpreted by the Board in accordance with M.G.L. c. 78, § 8 as follows:

(a) "Lend books and other materials to other libraries in the Commonwealth" means that any free public library accepting a state grant *must* be willing to lend its books and other materials to any other free public library also accepting a state grant for the use of the residents of the other community under such conditions and/or regulations of inter-library loan procedure as may be made by the board of trustees or other authority having control of the library so lending.

(b) "Extend privileges to the holders of cards issued by other public libraries in the Commonwealth on a reciprocal basis" means that all public libraries participating in the direct state aid grant program must be willing, on a reciprocal basis, to extend direct access and services to non-residents who are card holders in other libraries participating in the state grant program and on the same basis as accorded to residents of the municipality in which the library is located.

(c) Books and related materials held by local libraries under trust agreements to the contrary or purchased by local libraries out of trust monies and appropriately marked as having been so obtained shall not come within the purview of this requirement if it appears to local boards of trustees that such non-discretionary use either by non-residents having direct access to the library or via inter-library loan would violate the terms of the will or other instrument establishing said trust.

(d) Local libraries should reserve the right to refuse to negotiate an inter-library loan for local registered borrowers who are flagrantly delinquent; and local library administrators should agree to cooperate fully with one another in effecting the return of overdue books and other materials borrowed by non-residents.

(7) "The board of library commissioners, in setting up minimum standards of free public library service and in certifying such libraries for aid under section nineteen A shall require the filing of an annual report." This annual report may include such types of information as the Massachusetts Board of Library Commissioners shall deem necessary from time to time.

(a) to set up, and to evaluate, minimum standards of free public library service under M.G.L. c. 78, § 19B and municipal support standards under M.G.L. c. 78, § 19A; and

(b) to determine adherence to existing minimum standards of free public library service under M.G.L. c. 78, § 19B and existing municipal support requirements under M.G.L. c. 78, § 19A in order to be able to certify public libraries for aid under M.G.L. c. 78, § 19A.

In no instance shall the Board require new cumulations of statistical data without providing to each affected public library 60 days prior to the beginning of the period for which information will be collected, notice of the Board's intention to require such cumulations as part of the annual report. All report forms determined by the Board to be part of the annual report shall be conspicuously and appropriately marked by statements 605 CMR 4.01(7)(a) and/or (b) and shall relate to the information thus sought.

4.02: Nonresident Circulation Offset for Public Libraries

(1) Scope and Purpose. 605 CMR 4.02 is promulgated in order to define the terms "nonresident", "major", "nonresident circulation" and "total number of eligible nonresident loans" as used in M.G.L. c. 78, §§ 19A(4) and 19B(7), and 605 CMR 4.02(3). It also establishes criteria for submission of nonresident circulation data.

(2) Definitions. The following terms as used in M.G.L. c. 78, §§ 19A(4) and 19B(7), and 605 CMR 4.02(3) shall have the following meanings:

Major is any eligible lender who loans library materials to nonresidents.

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Nonresident is a Massachusetts resident who is not a resident of the reporting municipality. Nonresident status is defined by the local municipality but cannot be more restrictive than the U.S. Bureau of the Census definition of resident in effect at the beginning of the reporting period.

Nonresident circulation is the direct, over-the-counter loan of library materials, including renewals of these items, to nonresidents.

Total number of nonresident loans is the actual total count, either using a manual or an automated system, of direct, over-the-counter loans of library materials, including renewals of these items, to all nonresidents.

Total number of eligible nonresident loans is the actual count, either using a manual or an automated system, of direct, over-the-counter loans of library materials, including renewals of these items, to all nonresidents who are residents of municipalities certified to receive State Aid to Public Libraries during the reporting period.

- (3) Conditions of Eligibility. Recipients of the offset for nonresidents' circulation must:
- (a) Meet the requirements to receive State Aid to Public Libraries as set forth in M.G.L. c. 78, §§ 19A and 19B, and in 605 CMR 4.00.
 - (b) Report the library's total number of eligible nonresident loans as required in M.G.L. c. 78, § 19B(7).

- (4) Submission of Data. Libraries must begin collecting data in compliance with the requirements of 605 CMR 4.02 by July 1, 1995. Libraries unable to comply with reporting requirements upon initial application to receive State Aid to Public Libraries under the provisions of M.G.L. c. 78, §§ 19A and 19B, will be granted a grace period of three fiscal years from the date of application.

REGULATORY AUTHORITY

605 CMR 4.00: M.G.L. c. 78, § 19A and 19B.