

**Department of History, Arts and Libraries
Library of Michigan
State Aid Rules v Guidelines Changes Summary SOAHR 2006-058**

August 11, 2008

Preface

The principles of legal writing prohibit the inclusion of any statutory language in administrative rules. Hence, certain state aid requirements cannot appear in the rules, like the local support requirement, because these mandates already appear in the State Aid to Public Libraries Act. HAL/LM may prepare an explanatory document in the future that combines these two sets of requirements for ease of reference purposes.

It is necessary to substitute HAL for LM because under the Act, HAL has the legal authority to administer state aid funds.

Definitions

The following definitions were deleted: Cooperative library, Council, Local support, Public library, and Substantial modification.

The following definitions were added: Accredited institution, Certification or certificate, Department, Full time employment, Jurisdictional service area, Lawfully established, Library class, Library of Michigan, Library service, Personnel or employee or staff, Reasonable fee, and State librarian.

The definition of “Legal service area population” was used in lieu of “served population” because it provides a better description and includes both jurisdictional and contractual service areas.

Application process

R 397.21 specifies that applicants must submit their applications electronically and thereafter mail an original signature page to HAL. The guidelines authorized either paper or electronic application submission. The paper option was omitted because it is more cost effective to handle the applications electronically.

The guidelines prescribed late filings of applications and annual reports and the use of letters of intent. This language was omitted from the rules. In the event a library or library cooperative is unable to meet the filing deadlines set forth in the rules, the filer may seek a waiver from the State Librarian.

R 397.21(5) and (6) were added to the rules to support equitable service contracts between public libraries and municipalities. The subrules also prescribe the methodology that will be utilized by HAL when calculating local support requirements if a library fails to meet its local support requirement under the act as a whole (contractual and jurisdictional service areas).

Public library requirements

R 397.31(1)(a) was added because LM and HAL feel it is important to ensure that state aid funds remain solely for use by Michigan’s public libraries and library cooperatives.

R 397.31(1)(b) and (1)(c) were added in an effort to help to ensure that Michigan public libraries provide every resident within their legal service population and any non-legal-service-area residents having purchased an authorized library card with full library services.

Public Library Eligibility Requirements Based on Class Size

We omitted guideline language reading: “A public library shall employ a sufficient number of qualified persons for every hour the library is required to be open. For Class V and VI public libraries, the head librarian may be used to satisfy part of the support staff requirement so long as the required numbers of qualified persons are available for the minimum number of hours the library

is required to be open. It is preferred that properly certified persons be available at all times when the library is open to the public”. The language was omitted because personnel requirements are addressed in R 397.41.

We also omitted guideline language reading: “The head librarian and other personnel of a public library may be appointed to serve in dual capacity with a cooperative library, providing that the time the person spends in each position is in direct ratio to the salary received for that position”. The omission based on the comments we received from libraries and library cooperatives.

The rules combine population, hours, and employee requirements into one rule for each library class size. The changes in director / employee certification requirements reflect the certification changes incorporated into rules R 397.81 to 397.85. The rules also include the number of hours a director shall be employed in the library each week based on class sizes. This new language was included to address the question often posed by libraries of how many hours does a director need to be working in a library each week. Included in the rules was a 35-hours-per-week requirement because it represents the minimum number of hours considered “full time” for purposes of state aid.

Additional School Public Library Requirements

The minimum requirements language pertaining to personnel and hours were incorporated into the general language of R 397.51.

The Suggested Guidelines were deleted with the exceptions of resources and signage because the class-based standards are adequate and the Department did not wish to impose excessive additional requirements on school libraries because of funding issues. In addition, many of the suggested guidelines are addressed in the voluntary QSAC program.

The language pertaining to collections and signage were incorporated into subrules 51(h) and (i) because the Department desires all public libraries to maintain quality, community focused collections and to ensure that the community was aware of where their public library was located.

Cooperative Library Requirements

R 397.61(1) is new and specifies that lawful establishment is required. This is necessary to address any potential authorization questions.

R 397.61(1)(c) is new and modifies the requirements for library cooperative directors. This provision now includes new certification requirements provided in R 397.81 to R 397.85. The change also reduces the number of years of experience required from 4 years to 2 years and requires the completion of advanced director training.

R 397.61(2) replaces the language of the State Aid Repayment Schedule on page 11 of the Guidelines. The rules omit the payment percentages to reflect the necessity of being able to adjust to changing circumstances. The payment dates are omitted for the same reason.

R 397.62 (a) is new and requires that library cooperatives furnish the HAL a list of basic services for approval by HAL. This section was included as a means to facilitate continuity and uniformity for base services offered by library cooperatives.

R 397.62 (c) is new and was included because HAL acknowledges that some cooperative services are furnished by third party providers and HAL would like to have notice of what services are being furnished in this manner.

R 397.62 (f) and (g) are new and were included because HAL recognizes that cooperative libraries add and lose members regularly and on occasion dissolve.

R 397.62 (2)(a) replaces cooperative plan provisions that require a plan to provide a reasonable opportunity for local board reaction and notice of any hearings on the modifications. The hearing language is omitted.

The Guideline language on page 10 that pertains to LM’s review of proposed changes and disputes is deleted because the dispute process is addressed in R 397.91 which describes the circumstances under which waivers will be granted and by MCL 397.572.

Certification Application

R 397.71(2) to R 397.71(4) was included in the rules because the decision was made to incorporate the previously separate professional certification requirements into the rules. These rules prescribe the upgrade process for professional certification.

R 397.71 is essentially a streamlined version of the Librarian Certification Revocation Guideline language.

The rules differ from the guidelines by consolidating 7 certification levels into 4. The reasoning behind this change was a desire to streamline and simplify professional certification requirements.

Certification Level Requirements

R 397.81 changes the guideline subheading from “Librarian’s Permanent Professional Certificate” to “Level 1 certification”. The bachelor’s degree requirement was omitted because it is necessary to obtain a bachelor’s degree before obtaining a master’s degree.

R 397.82 changes the guideline subheading from “Librarian’s Professional Certificate” to “Level 2 certification”.

R 397.83 changes guideline headings “Special Professional Certificate”, “Limited Professional Certificate Class A”, and “Limited Professional Certificate Class B” to “Level 3 certification”. The rule requires the completion of beginning workshop training. The reason the rule modifies the guidelines is that LM and HAL felt it necessary to take steps to ensure that applicants for the various certificates receive additional library specific training and continuing education. LM and HAL recognize that certification level 3 will encompass a wide range of educational levels from bachelor’s degrees to PhD’s. However, LM and HAL also recognize the value of library-specific training for quality library service.

R 397.84 changes guideline titles “Library Technician’s Certificate” and “Certificate of Library Experience” to “Level 4 certification”. The rule lumps together the aforementioned certification levels and contains additional continuing educational requirements. The reason for this change is the same as the reasoning described for R 397.83 above.

R 397.85 is a grandfather clause.

Waiver and Appeals

R 397.91 The Department rather than the LM has been referred to in rule 91 because it is the Director of HAL who has the legal authority to make the decision to grant a waiver. However, the Department Director can delegate the authority to grant waivers. The guideline action plan requirement was omitted and replaced with the requirement that there be a single temporary deficiency due to unforeseen circumstances.

The guideline language pertaining to dispute resolution has been omitted because it is addressed in MCL 397.572. R 397.92 is entirely new language that permits professional certification applicants to appeal adverse decisions regarding their certification applications.