

NLS Network Library Manual

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3. Laws

3.3 Eligibility and Certification

1. **Eligibility Criteria for Individuals.** By Federal law, every individual who applies for library service must provide written certification, signed by a competent authority, of his or her inability to read or use standard printed material as a result of visual or physical limitations. Applicants must be certified as having one or more of the following conditions:
 - Blindness
 - Visual Handicap
 - Physical handicap
 - Reading disability
 - Deaf blindness

The official statement on eligibility criteria for the NLS program is incorporated in section 701.10 of title 36, Code of Federal Regulations. [[36 CFR 701.10 in PDF format](#) or [36 CFR 701.10 in HTML format](#)] Specific definitions of blindness and visual handicap are given in section 701.10(b)(i) and (ii). In cases of blindness or visual handicap, the inability to read standard printed material for prolonged periods of time may be caused by injury, by medication, e.g., blurred vision, as well as by other eye conditions known to cause impairment of vision or extreme discomfort while reading print over a period of time.

Physical handicaps, other than visual impairment, which can prevent the use of standard printed material include, but are not limited to, the following: loss of hands or arms, disabling paralysis, muscle or nerve deterioration severely affecting coordination and control, confinement in iron lungs or similar mechanical devices. Among the causes of such conditions are severe cases of cerebral palsy, multiple sclerosis, muscular dystrophy, arthritis, poliomyelitis, myasthenia gravis, stroke, and diplegia.

Reading disabilities must have a physical basis caused by organic dysfunction. Non-organic factors must be ruled out in applicants with adequate visual acuity for the reading of standard print. Such non-organic factors include psychosocial and emotional disturbances, intellectual deficits, environmental limitations, educational deficiencies, and other possible non-organic conditions.

The condition establishing eligibility may be either permanent or temporary. In instances of temporary eligibility, library service must be discontinued when the condition establishing eligibility no longer exists.

While there are no minimum age requirements, applications for children too young to benefit from the experience of reading books are discouraged. As a public library service, the NLS program does not provide materials specifically for therapeutic, educational, or vocational purposes. Parents seeking recorded materials that offer verbal stimulation or promote developmental skills in infants or very young children should be advised of more appropriate resources available from local public libraries.

The NLS standard application for individuals may be used for eligible applicants, a supply of these is available from multistate centers. This form may also be used as a guide to eligibility criteria, as well as the Code of Federal Regulations.

2. **Conditions that do not establish eligibility.** Applications shall not be approved from individuals who do not meet eligibility criteria described above. The following are some examples of conditions that do not meet eligibility criteria for the NLS program :
 - Developmental disabilities
 - Emotional illness
 - Hearing impairment
 - Illiteracy due to lack of education
 - Mental retardation, e.g., Down's syndrome

The NLS program is governed by specific Federal legislation and regulations unrelated to other Federal programs for handicapped persons. Applicants who provide proof of qualifications for another government program should not assume that they have established eligibility for the NLS program.

3. **Questions About Eligibility.** The Chief of the Network Division is responsible for resolving questions about eligibility for service. Applications for service requiring a final determination by NLS should be forwarded to the Network Division Office.
4. **Eligibility Criteria for Institutions.** Hospitals, nursing homes, and schools for the blind or physically handicapped and similar institutions having eligible individuals among their regular clientele are eligible for service in the name of their institution. The institution may apply for, and have assigned to it, reading material, equipment, and accessories for the use of eligible readers. The NLS standard application for for institutions may be used for these. A supply of these

is available from multistate centers. Nursing homes, hospitals, and schools for the blind or physically handicapped may retain the certification forms for individual applicants.

5. **Public and Private Schools.** Public and private schools that serve a general student body (in contrast to a school having only visually or physically handicapped students) must establish eligibility for applicants on an individual basis. Schools in this category must submit individual applications forms to the lending agency, or they may use the application form for institutions accompanied by a separate certification of eligibility for each applicant . The individual students who qualify must be the direct and only recipients of the materials and equipment. Library materials may be sent to each certified student in care of the school or classroom teacher; or, the classroom may be registered with the network library and materials sent at the request of the teacher, provided each student using the service has been certified and certification is on file in the network library that is providing service .

Service to public and private schools or their individual classrooms must be renewed annually, with an updated list of students and their certification submitted to the lending agency.

6. **Certification by Competent Authority.** Program regulations require certification by a competent authority. In cases of blindness, visual handicap, physical handicap, or deaf blindness, competent authorities may be professionals in a number of related fields (other than a member of the applicant's family) who are familiar with the applicants' visual or physical conditions and are able to certify that the applicants are unable to read or use standard printed material because of the condition. Examples of competent authorities are given 36 CFR 701.10(b)(2)(i) and on the NLS application.

In the case of reading disability resulting from organic dysfunction, competent authority is defined as doctors of medicine or doctors of osteopathy who may consult with colleagues in associated disciplines (36 CFR 701.10(b)(2)(ii)).

At this time, NLS requires an original signature certifying the eligibility of the applicant. Stamped and facsimile signatures are not acceptable.