

**IV. LEGISLATION – POLICIES – RULES – GUIDELINES**

**C. Rules – Action Item**

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The current agency rules addressing grants (020) were promulgated in 2008 and addressed only LSTA grants. Since then there have been many changes in the Idaho library community and in the way we use grants. The Continuing Education (CE) grants are now the only ones funded by LSTA, and we offer grants from other funding sources. A staff team reviewed documents from other state library agencies and recommended a major revision of our rules for grant programs. As reflected here, 020 addresses eligibility requirements for applicant libraries; separate requirements may be developed for individual grant programs (such as Summer STEM and School Library Access grants).

A review of all of our rules resulted in no changes to 030 (Request for Exemption from the Criteria for a Proposed Library District) or 040 (Digital Repository of State Publications), and a few changes to 050 (Talking Book Service).

Our Deputy Attorney General has reviewed the proposed rules and suggested edits that have been incorporated below. His office will format the document and prepare the forms necessary to initiate the rulemaking process. We plan for the proposed rules to be published in the August or September 2018 issue of the Idaho Administrative Bulletin to begin a 21-day comment period. Once the comment period ends and any resulting changes made, the now pending rules are submitted for review by the germane committees (Education) in the 2019 Legislature.

**Suggested motion:** I move that the Board of Library Commissioners initiate the rulemaking process for amendments to IDAPA 30. Title1, Chapter 1, as presented in Board Document 18-41.

MSC \_\_\_\_\_

Role call vote: Aldridge \_\_\_\_\_, Franklin \_\_\_\_\_, Held \_\_\_\_\_, Mecham \_\_\_\_\_,  
Raffee \_\_\_\_\_

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IDAPA 30  
TITLE 01  
CHAPTER 01

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.01 - RULES OF THE IDAHO COMMISSION FOR LIBRARIES  
GOVERNING THE USE OF COMMISSION SERVICES

**000. LEGAL AUTHORITY.**

In accordance with Section 33-2503(2), Idaho Code, the Board of Library Commissioners shall promulgate rules for the proper conduct of business for the Idaho Commission for Libraries. (4-2-08)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 30.01.01, "Rules of the Idaho Commission for Libraries Governing the Use of Commission Services." (4-2-08)

**02. Scope.** These rules govern the use of the Idaho Commission for Libraries services. (4-2-08)

**002. WRITTEN INTERPRETATIONS.**

This Commission may have written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the Commission office. (4-2-08)

**003. ADMINISTRATIVE APPEALS.**

Appeals from the agency's denial of eligibility for ~~LSTA~~ grant funding or denial of a request for exemption from criteria for a proposed library district shall be governed by the provisions of the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-17-018)

**004. INCORPORATION BY REFERENCE.**

The Library Services and Technology Act, 20 U.S.C.A. Section ~~91219101~~, et. seq. ~~as set forth in Title Subchapter II of the Museum and Library Services Act, Public Law 108 81, effective September 25, 2003~~ Copies of the Library Services and Technology Act are available at the offices of the Commission and at Museum and Library Services website at <http://imls.gov/about/services2003.shtm>. ~~—~~ <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title20/html/USCODE-2010-title20-chap72.htm> (34-2917-108)

**005. COMMISSION OFFICE LOCATION, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, ELECTRONIC ADDRESS, AND OFFICE HOURS.**

**01. Street Address.** The offices of the Commission are located at 325 W. State Street, Boise, Idaho. (4-2-08)

**02. Mailing Address.** The mailing address of the Commission is 325 W. State Street, Boise, Idaho 83702. (4-2-08)

**03. Telephone Number.** The telephone number of the Commission is (208) 334-2150. (4-2-08)

**04. Facsimile.** The facsimile number of the Commission is (208) 334-4016. (4-2-08)

**05. Electronic Address.** The Commission's website is <http://libraries.idaho.gov>. (4-2-08)

**06. Hours.** The Commission office hours are from 8 a.m. until 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-2-08)

**006. ~~(RESERVED) FILING OF DOCUMENTS. *Is this language still accurate???*~~**  
~~ALL DOCUMENTS, APPLICATIONS, CORRESPONDENCE, OR OTHER WRITTEN MATERIALS THAT ARE INTENDED TO BE ACTED UPON BY THE COMMISSION MUST BE MAILED TO THE COMMISSION AT THE MAILING ADDRESS SET FORTH IN SECTION 005 OF THESE RULES. THE ORIGINAL OF ANY DOCUMENTS, APPLICATIONS, CORRESPONDENCE, OR OTHER WRITTEN MATERIALS THAT ARE SUBMITTED TO THE COMMISSION USING ITS FACSIMILE NUMBER OR SENT VIA ELECTRONIC MAIL MUST BE DEPOSITED INTO THE U.S. MAIL, POSTAGE PREPAID, ADDRESSED TO THE COMMISSION, THAT SAME DAY.~~ (4-2-08)

**007. PUBLIC RECORDS ACT COMPLIANCE.**  
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (4-2-08)

**008. -- 010. (RESERVED)**

**011. DEFINITIONS.**

**01. Academic Library.** A library organized and operating as part of an institution of higher education. [An academic library may be, or be part of, a registered non-profit organization with tax exempt status.](#) (4-2-08)

**02. Board.** The Idaho Board of Library Commissioners as established in Title 33, Chapter 25, Idaho Code. (4-2-08)

**03. Commission.** The Idaho Commission for Libraries as established in Title 33, Chapter 25, Idaho Code. (4-2-08)

**04. Library Clientele.** The clientele of a library is dependent upon the type of library: (4-2-08)

**a.** Academic library. The students, staff, and faculty of the academic institution. (4-2-08)

**b.** Public library. The residents of the library's legal service area, as defined by the boundaries of its jurisdiction, and any non-residents as further defined by the library board's policies and contracts. (4-2-08)

**c.** School library. The students, staff, and faculty of the school or school district. (4-2-08)

**d.** Special library. The patrons of the individual library or its parent institution, or both. (4-2-08)

**05. Library Consortia.** A local, regional, statewide, or interstate cooperative association of library entities which provides for the systematic and effective coordination of the resources of academic, public, school, and special libraries for improved services for the clientele of the member library entities. (4-2-08)

**06. Public Library.** A library organized and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. (4-2-08)

**07. School Library.** A library organized and operating as part of a primary or secondary school, or both, or school district. Also called a school library media center. (4-2-08)

**08. Special Library.** A library that is not an academic, public, or school library, usually organized to meet a specialized mission and operating with a specialized collection, or to serve a specialized clientele. [A special library may be a tribal, military, or correctional institution library, or one that is, or is part of, a registered non-profit organization with tax exempt status.](#) (4-2-08)

**012. ABBREVIATIONS.**

01. LiLI. Libraries Linking Idaho. (4-2-08)
02. LSTA. Library Services and Technology Act. (4-2-08)

**013. -- 019. (RESERVED)****020. ~~LSTA (LIBRARY SERVICES AND TECHNOLOGY ACT) GRANT PROGRAMS~~ ~~GENERAL ELIGIBILITY REQUIREMENTS~~ ~~ADDITIONAL ELIGIBILITY REQUIREMENTS.~~**

**01. General Eligibility Requirements for Public, School, Academic, and Special Library Grant Program Applicants.** ~~In addition to applicant specific criteria set forth in Subsections 020.02 and 020.03 of these rules, a~~Any LSTA-grant program library applicant ~~or participant~~ must meet the following eligibility requirements: (4-217-018)

- ~~b.~~ The library has a current, written long range or strategic plan that is available in the library for review. (4-2-08)
- ~~ea.~~ The library consists of a specific, permanent space exclusively designated for providing library services. (4-2-08)
- ~~eb.~~ The library collects, provides, and coordinates access to library materials. (4-2-08)
- ~~ec.~~ The library serves its clientele free of charge. (4-2-08)
- ~~ef.~~ The library maintains regular ~~and published~~ hours of operation ~~posted at the library door, and is open at least five (5) hours per week.~~ (4-217-018)
- ~~i.~~ Academic library: minimum of seventy five (75) hours per week while school is in session. (4-2-08)
- ~~ii.~~ Public library: minimum of twelve (12) hours per week, including some evening or weekend hours. (4-2-08)
- ~~iii.~~ School library: minimum of six (6) hours per day while school is in session. (4-2-08)
- ~~iv.~~ Special library: dependent upon mission. (4-2-08)
- ~~ge.~~ The library employs an administrator who is responsible for the daily operations of the library. (4-2-08)
- ~~hf.~~ The library has at least one (1) paid staff member ~~on duty in the library during the hours the library is open~~ responsible for the daily operation of the library. (4-217-018)
- ~~i.~~ The library has an operable phone within the place set aside for the library and an e-mail address. (4-2-08)
- ~~j.~~ The library loans its materials to other Idaho libraries without charge. (4-2-08)
- ~~k.~~ The library provides training opportunities for its staff. (4-2-08)
- ~~l.~~ The library offers computer access, including Internet access, for its clientele, and has a policy that addresses acceptable use. (4-2-08)
- ~~g.~~ The library is not affiliated with any school, university, or organization controlled by any church, sectarian, or religious denomination (Idaho State Constitution, Article IX, Section 5). (4-17-18)

h. The library seeking to participate in any grant program must apply on forms provided by the Commission for that purpose. (4-17-18)

**02. Additional Eligibility Requirements for School and Academic Libraries Grant Program Applicants.** In addition to the criteria set forth in Subsection 020.01 of these rules, any ~~LSTA grant program~~ school or academic library grant program applicant ~~or participant~~ must also meet the following requirements: (4-~~217-018~~)

a. For school libraries, ~~the school maintains a space that:~~

i. is dedicated to library services;

ii. houses books and other tools supporting the curriculum, research, and reading requirements of students and staff;

iii. is accessible for the students, teachers, and staff at the school, and

iv. is not in a space being solely used for other instruction, like a teacher's classroom.

~~\_\_\_\_\_ a. The school is on the Idaho State Department of Education's current Accreditation Summary Report. (4-2-08)~~

~~\_\_\_\_\_ b. The school district employs a certificated media generalist. (4-2-08)~~

eb. For academic libraries, ~~the academic institution is accredited by the Northwest Commission on Colleges and Universities.~~ (4-17-18)

**03. Additional Eligibility Requirements for Public Libraries.** In addition to the criteria set forth in Subsection 020.01 of these rules, any ~~LSTA~~ grant program public library applicant or participant must also meet the following requirements: (4-~~217-018~~)

a. The library is established and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. (4-2-08)

b. The library ~~is opened to the general public and~~ does not charge a fee to any resident of its legal service area for any basic library service. Basic library services include: (4-~~217-018~~)

i. Access during posted operating hours to library collections and the Internet. (4-2-08)

ii. Circulation of library materials, regardless of format. (4-2-08)

iii. Access to interlibrary loan services. Postage charges for interlibrary loans are assumed by the library, not the user. (4-2-08)

iv. Reference services, regardless of format. (4-2-08)

c. The library has a completed "Idaho Public-District Library Annual Statistical Report" for the preceding fiscal year accepted by, and on file at, the Commission. (4-2-08)

d. The library has adopted ~~an~~ written internet safety policy that has been reviewed within the last three years by the library's board of trustees and is posted at the library. (4-17-18)

e. The library maintains a website presence that provides current information about, or access to, its services including: (4-~~217-018~~)

~~\_\_\_\_\_ i. Library name contact information. (4-~~217-018~~)~~

~~\_\_\_\_\_ ii. Library address ~~both mailing address and street address, if different.~~ (4-2-08)~~

~~\_\_\_\_\_ iii. Library phone number. (4-2-08)~~

~~\_\_\_\_\_ iv. E-mail address or contact form, or both. (4-2-08)~~

~~\_\_\_\_\_ v. Hours of operation. (4-2-08)~~

- ~~vi. Names of library board members. (4-2-08)~~
- ~~vii. Link to online catalog, if the library has one. (4-2-08)~~
- viii. Link to the LiLI Portal or to the LiLI Databases ~~and the LiLI Unlimited statewide catalog~~ with the “funded by LiLI” icon. (4-217-018)
- ~~ix. Description of library services. (4-2-08)~~
- ~~x. Date “last updated” or “last reviewed” appears on each web page. (4-2-08)~~

#### **021. LIBRARY CONSORTIUM APPLICANTS.**

~~In addition to the criteria set forth in Subsection 020.01 of these rules, a~~Any LSTA grant program library consortium applicant or participant must have a formal organizational structure with at least the following elements in place: (4-217-018)

- 01. Name.** A name for the consortium. (4-2-08)
- 02. Identification Number.** A tax identification number or an employer identification number (EIN) for the consortium. (4-2-08)
- 03. Members List.** A list of all the members. (4-2-08)
- 04. Governance Structure.** A representative governance structure and the name or names of the individuals with leadership roles and responsibilities identified. (4-2-08)
- 05. Funding Mechanism.** A sustaining funding mechanism supported in part by local funds from the members involved. (4-2-08)
- ~~06. Plan. A current, written long range or strategic plan approved by the members and available for review. (4-2-08)~~
- 07. Agreement or By-Laws.** A cooperative agreement or by-laws of the organization signed by each member. (4-217-018)
- ~~08. Policies and Procedures. Policies and procedures for services, such as reciprocal borrowing, shared circulation, materials delivery, and cooperative collection development. (4-2-08)~~
- ~~09. Addition or Withdrawal of Members. Procedures for adding members to, and withdrawing members from, the consortia. (4-2-08)~~

#### **022. NON-LIBRARY ENTITIES.**

~~Any LSTA grant program non-library entity applicant or participant must:~~ (4-2-08)

- ~~01. Registered Non-Profit. Be a non-profit corporation registered with the Idaho Secretary of State under the Idaho Non-Profit Corporation Act (Title 30, Chapter 3, Idaho Code); and (4-2-08)~~
- ~~02. Tax Exempt. Have tax exempt status under Internal Revenue Code, 26 U.S.C. Section 501(c)(3) or be tax exempt as a governmental unit or publicly supported organization under Internal Revenue Code, 26 U.S.C. Section 509(a)(1). (4-2-08)~~

~~023. (RESERVED) LSTA GRANT PROGRAM. ALL APPLICANTS SEEKING TO PARTICIPATE IN ANY LSTA GRANT PROGRAM MUST APPLY ON FORMS PROVIDED BY THE COMMISSION. (3-29-10)~~

024. – 029. (RESERVED)

**030. REQUEST FOR EXEMPTION FROM THE CRITERIA FOR A PROPOSED LIBRARY DISTRICT - SECTION 33-2703(5), IDAHO CODE.**

**01. Exemption Requests.** An applicant requesting exemption must apply on forms provided by the Commission and must submit the completed application at least six (6) months prior to the election to be conducted to establish the district. (4-2-08)

**02. Factors in Evaluating the Request for Exemption.** In reviewing applications for exemption, the following factors shall be considered: (4-2-08)

- a. Service plan and budget. (4-2-08)
  - i. Will the proposed district meet the Commission’s LSTA grant eligibility requirements? (4-2-08)
  - ii. Is there an awareness of current trends in library service and the ability to offer new services as the need is identified? (4-2-08)
  - iii. Is the proposed budget commensurate with the service plan? (4-2-08)
  - iv. Is the district as described likely to be able to sustain a level of library services that is consistent with state plans? (4-2-08)
- b. Proposed boundaries, population size, and levy. (4-2-08)
  - i. Have the organizers investigated all reasonable alternatives, including those identified by Commission staff? (4-2-08)
  - ii. Have the organizers met with neighboring library boards to discuss possible annexation or combination? Have those neighboring boards indicated that they are not interested? (4-2-08)
  - iii. Does area history suggest the election is not likely to pass with expanded boundaries? (4-2-08)
  - iv. Is the proposal part of a plan to use the proposed district as a stepping stone to a larger district? (4-2-08)
- c. Anticipated impact in the event exemption is not granted. (4-2-08)
  - i. Will current services significantly decline? (4-2-08)
  - ii. Will the long-term effects be so negative that library service will be badly damaged in the long run? (4-2-08)

031. -- 039. (RESERVED)

**040. DIGITAL REPOSITORY OF STATE PUBLICATIONS.**

All state publications intended for distribution to the public must be deposited with the Commission in accordance with Section 33-2505, Idaho Code. (5-8-09)

## Board Document 18-41

**01. Exemption Authority.** The Board may grant exemptions from Section 33-2505, Idaho Code, in the interest of economy and efficiency. (5-8-09)

**02. Bases for Exemption.** Exemptions include, but are not limited to: (5-8-09)

a. Any publication specifically exempted by statute; or (5-8-09)

b. Any publication or class of publications exempted by the Board. (5-8-09)

**03. Exemption Requests.** State agencies may petition for the exemption of a specific publication or a class of publications using approved forms provided by the Commission. The request shall: (5-8-09)

a. Name the requesting state agency and a designated contact; (5-8-09)

b. Clearly identify the publication or class of publications; and (5-8-09)

c. Explain the rationale for exemption. (5-8-09)

**04. Request for Exemption by State Librarian.** The State Librarian may request the exemption of a specific publication or a class of publications based on the ability of the Commission to capture or process said materials. The request shall: (5-8-09)

a. Name the publishing state agency; (5-8-09)

b. Clearly identify the publication or class of publications; and (5-8-09)

c. Explain the rationale for exemption. (5-8-09)

**05. Filing Exemption Requests.** Exemption requests shall be filed with the Commission not less than sixty (60) days prior to a regularly scheduled Board meeting. (5-8-09)

**06. Board Action on Exemption Requests.** The Board shall grant or deny exemption requests, determine an expiration date, and provide written notification of its decision to the publishing state agency within thirty (30) days of its decision. (5-8-09)

**07. Annual Report.** The State Librarian shall submit an annual report of all exemptions to the Board. (5-8-09)

**08. Review of Exemptions.** Exemptions shall be reviewed by the Board at least sixty (60) days prior to the expiration date. State agencies shall be notified by the Commission of any change in exemption status within thirty (30) days of Board action. (5-8-09)

**041. -- 049. (RESERVED)**

**050. TALKING BOOK SERVICE (TBS).**

**01. Patron Status.** (3-29-10)

a. Active status. To remain active, users must borrow [or download](#) at least one (1) book per year or subscribe to at least one (1) magazine provided through the service. (~~34-2917-108~~)

b. Changes of status. The user must notify the Talking Book Service of address changes, a desire to cancel the service, and temporary or permanent service transfer to another state. (3-29-10)

~~c. Good standing. To receive a digital player and books, user's account must reflect: (3-29-10)~~

~~i. The current permanent mailing address and contact information; and (3-29-12)~~

~~ii. No history of lost machines as defined by library procedures or more than one (1) Recorded Cassette (RC) player currently checked out. (3-29-12)~~

**02. Materials Loaned.** (3-29-10)

a. Formats. ~~Recorded Audio and Braille~~ books, magazines, and ~~print/Braille books descriptive videos and discs~~ are loaned free to eligible registered users. The Talking Book Service keeps records of all loans. (~~34-2917-108~~)

b. Equipment. Equipment necessary to listen to ~~recorded audio~~ materials will be loaned for as long as the user meets National Library Service eligibility requirements and is using the equipment to listen to materials provided by the Talking Book Service. Materials received from sources other than the Talking Book Service do not qualify for continuance of service. Playback equipment needing repair must be returned to the Talking Book Service. A replacement will be provided upon request. The user should not attempt to repair the playback equipment or replace the battery. (3-29-10)

c. Sharing materials. Users may not lend Talking Book Service materials or equipment to other persons. (3-29-10)

**03. Circulation.** (3-29-10)

a. Number of titles loaned. The Board shall establish the maximum number of titles each user may request and that information is available at the Commission office. Once a user reaches the established maximum number of titles, no additional titles will be sent in that format until outstanding titles are returned. A user may request a change in the number of titles received at any time, up to the maximum. (3-29-12)

b. Loan periods. The Board shall establish loan periods for all titles and that information is available at the Commission office. (3-29-12)

c. Overdue materials. Users are urged to return materials promptly so they can be circulated to other patrons. (3-29-12)

d. Fines. No fines are levied for materials returned later than the circulation due date. (3-29-10)

e. Returning materials. Materials can be returned free via the United State Postal Service using Free Matter for the Blind mailing cards. Place materials in a mailbox or take them to the Post Office. (3-29-10)

~~f. Lost or damaged materials. The user is charged a replacement fee for each lost or damaged descriptive video or disc as outlined in Section 33-2620, Idaho Code, "Failure to Return Borrowed Material."~~

~~(3-29-10)~~

**04. Service Suspension.** If any of the rules of Section 050 of these rules are repeatedly violated, the user's service may be suspended pursuant to the following suspension procedure: (3-29-10)

a. Service staff will discuss the violation with the user. (3-29-10)

b. A warning letter will be sent to the user that summarizes the discussion and the violation. The user will have an opportunity to reply within ten (10) business days. (3-29-10)

c. If rule violations continue, a second warning letter will be sent citing the earlier warning letter and listing examples of subsequent violations. The service can be suspended for up to six (6) months. A specific date to reinstate service will be included in this letter. The user will have an opportunity to reply within ten (10) business

days.

(3-29-10)

d. When service is reinstated, a letter will be sent notifying the user of reinstatement of service and reminding the user that further documented violations will result in another suspension of service. (3-29-10)

**051. -- 999. (RESERVED)**

DRAFT