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**ATTORNEY WORK PRODUCT**

TO: Ms. Jennie Stapp, State of Montana Librarian

FROM: Katherine Orr, Assistant Attorney General

RE: (1) Whether Administrative Rule Montana (ARM) 10.102.1150E(1)(d) contains exceptions to the Requirement that a Library Director have a graduate degree in library or information science or its equivalent. (2) Whether "Equivalent" can be Interpreted to Include qualifications of team members of a Library Director

DATE: April 10, 2022

**MEMORANDUM**

You have asked me for my opinion regarding an interpretation of the rule ARM 10.102.1150E(1)(d) in light of a question of whether a newly hired librarian without a Masters degree coupled with a work team of other staff who do have master's degrees could fulfil the requirement that a library director have a graduate degree in library or information science or its equivalent as established in ARM 10.102.1150E(1)(d). The short answer is that there is no exception in the rules or statutes that allows for a substitution of other staff credentials or combined staff input for fulfilling the credential requirements of a library director.

**APPLICABLE RULES**

Pertinent to the responsibilities of a library director, the requirement for hiring a library director and the relationship of the library director to the Board, the rule, ARM 10.102.1150E(1)(a)-(e) provides as follows:

- (1) General essential standards for public libraries are as follows:
- (a) The board hires the director according to local, state, and federal regulations and delegates the day-to day management of the library to the director;
  - (b) The board evaluates the performance of the director annually;
  - (c) Each public library has a paid director who is responsible for the administration of library services;
  - (d) Libraries that serve more than 25,000 people employ a library director with a graduate degree in library or information science or its equivalent.

## OPINION

The above cited rule in subsection (d) provides that the library director must have a graduate degree in library or information science or its equivalent. There is no exception or qualifier of this requirement in any other rule or statute. ARM 10.102.1150E(1)(d) uses the terms “graduate degree in library or information science or its equivalent.” Experience in simple library management without a degree or its equivalent is not allowed by the rule since “degree” connotes a title conferred on a graduate of a school, college or university, either after the completion of required studies or in honor of special achievements. See Black’s Law Dictionary, Seventh Edition, 1999.

Presumably the graduate degree level education or its equivalent is necessary as a foundation for the multiple administrative responsibilities of a library director who must perform at a professional level with skills as you have described, for example, in understanding and absorbing current research methods, interpreting federal and state laws pertaining to libraries, applying ethics in building library inventories and access, applying literacy and education tools, collection development, informed interaction with other professionals such as physicians, attorneys, architects to name a few responsibilities.

The rule also describes the responsibilities of a paid director as one who is responsible for the administration of library services. There is no provision for formally partitioning this responsibility with staff members. The functions of a library director as an administrator of library services are distinct from, and sometimes exclusive of staff members (such as in the area of supervision). The library director has the ultimate, exclusive responsibility *to the Board* for administration, application of knowledge gained from an advanced degree as it applies to a library director’s specific functions. These functions include, for example, reviewing and updating procedures, conducting performance appraisals and informing the Board of the impact of pending legislation. See ARM 10.102.1150E(2)(a)-(d). The rule recognizes that the library director with the sole authority to report to the Board can do so only with the professional credentialing necessary which can then be applied to best shape the debate and decision making.