

Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: January 20, 2022

Re: The Montana State Library Commission and public library standards and state aid

Statutory authority and history

[22-1-103 \(8\) Montana Code Annotated](#) authorize the State Library Commission to “act as a state board of professional standards and library examiners, develop standards for public libraries, and adopt rules for the certification of librarians.”

As stated in [MCA 22-1-302](#) the State Legislature identified the following purpose for the creation of public libraries “It is the purpose of this part to encourage the establishment, adequate financing, and effective administration of free public libraries in this state to give the people of Montana the fullest opportunity to enrich and inform themselves through reading.” The public library standards identify a basic level of library service that all Montanans deserve to receive no matter where they live. The application of public library standards ensures that library services are delivered fairly and consistently across the state.

According to research recently conducted by Montana State Library (MSL) staff, the Commission first adopted public library standards in 1977. These standards are regulatory standards found in the [Administrative Rules of Montana](#) (ARM). MSL has revised those standards approximately every ten years since then. Mostly recently, the State Library Commission adopted new standards in August 2021. A task force of Montana librarians and State Library staff drafted these revised standards. The revision process included extensive public comment and review by the Legislative Education Interim Committee as required by the ARM revision process. The new standards take effect in July 2022. More information about Montana’s public library standards is available on the [MSL website](#).

Standards certification and deferral process

[ARM 10.102.1151](#) requires, by July 25th of each year, each public library to provide a status report regarding the library's ability to meet each essential standard. The certification statement requires the signature of the library director and library board chair. MSL does not individually audit libraries to ascertain the validity of the certifications.

[ARM 10.102.1152](#) allows for libraries to request a waiver from the State Librarian and states that the State Librarian may grant a waiver if "the library certifies that application of these standards would cause a hardship; and provides a compliance plan by which the library will meet the standard(s) within three years."

Approximately fifteen libraries seek waivers each year. Examples of hardships often include turnover of library directors or board members that prevent a library from complying with one or more standards. As a result of the COVID-19 pandemic, in 2020 and 2021 the State Library Commission authorized the State Librarian to grant automatic waivers to all public libraries for those standards impacted by the pandemic such as the number of hours a library is required to be open.

[ARM 10.102.1152](#) allows for one extension to the waiver period. When a library waiver period expires or a library cannot demonstrate a hardship, the State Librarian may deny a waiver and informs the library that they are not eligible to receive state aid until the library meets the standard(s) again. In fiscal year 2022 three Montana libraries did not receive state aid funding due to noncompliance with one or more library standards.

State aid funding and the loss of state aid

[22-1-326-327 MCA](#) are the statutes that pertain to state aid funding to be distributed by the State Library. 22-1-327 MCA is a statutory appropriation of state general fund in the amount of \$.40 per capita based on the most recent decennial census.

State aid is distributed as a formula-based grant to all public libraries that meet the public library standards or are granted a waiver. [ARM 10.102.4003](#) establishes the formula based on a per capita/per square mile served formula. ARM also directs the State Library to distribute state aid that would have otherwise gone to a qualifying library to the federation headquarters that serves that area for federation activities.

Appeal processes

[ARM 10.102.1153](#) states that the State Library Commission is the final arbiter for questions that arise pertaining to the administration of public library standards.

[ARM 10.102.4003](#) states that the State Library Commission is the final arbiter for questions that arise as a result of the rule governing state aid distribution.