

Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: April 2, 2022

Re: ImagineIf Public Libraries public library standards certification waiver and process

On August 13, 2021 the ImagineIf Libraries Board met to discuss the recruitment of a new library director. Montana State Library (MSL) employee, Tracy Cook, was present at that meeting to consult with the Board on the recruitment process. The board decided to initiate a recruitment that made a Master of Library Science degree an optional component of the recruitment requirements rather than mandatory. At that time Cook informed the Board that hiring a director who does not have the requisite degree would mean that the library would not meet public library standard for the library director:

- [10.102.1150E : HUMAN RESOURCES STANDARDS: LIBRARY DIRECTOR - Administrative Rules of the State of Montana \(mt.gov\)](#)
(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;

During its regular January 6, 2022 meeting, the Board took action to select a library director from two finalists. I attended this meeting and neither finalist held a graduate degree in library or information science or its equivalent. When directly asked, I advised that selecting either candidate would mean the Board could not certify that it had met the public library standard for the library director and that, because they could not demonstrate what hardship would be caused by meeting the standard, I found no grounds for a waiver.

In its letter dated February 4, 2022, the Flathead County Commission questioned why a combination of the new library director's work experience and the educational credentials of other ImagineIf Library staff could not be considered equivalent to the requirement of this standard. On February 25 Commission Chair Arlitsch communicated to the Commission that the Library Board, as the governing body would be invited to the April 13th Commission meeting. In a letter to the Library Board, Commissioner Arlitsch invited

the Library Board to the meeting and requested that, should the Library Board wish to appeal this decision that that information be communicated to the State Library by March 28.

Initially, in a Library Board meeting on March 24th, a vote to appeal a decision about state aid failed on a split vote. This decision was upheld in a vote at a special board meeting on April 1.

Statutory authority and history

[22-1-103 \(8\) Montana Code Annotated](#) authorizes 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 conducted by MSL staff, the Commission first adopted public library standards in 1977. These standards are the regulatory standards found in the [Administrative Rules of Montana](#) (ARM). Requiring the library director to hold a master’s degree has been a requirement since public library standards were first created.

- [10.102.1139 PROFESSIONAL AND SUPPORT STAFF \(1\)](#) “Generally the professional (requiring the training acquired by graduation from a library school accredited by the American Library Association) and library assistant (requiring a broad general education strengthened by courses in librarianship, in-service training and/or well supervised library experience) staff in a library system should be approximately one-third of total personnel.”

MSL has revised those standards approximately every ten years since then. Mostly recently, the State Library Commission adopted new standards in August 2021 that will take effect on July 1, 2022. 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 standard which will replace ARM 10.102.1150E states:

Directors of libraries that serve over 25,000 people have a Master of Library Science or equivalent degree.

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 funds 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. Funding is issued in the fall to libraries that met the standards or received waivers for the previous fiscal year. [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 10.102.1154](#) outlines the process that libraries need to follow if they are denied a waiver of one or more of the standards. The process requires the State Library Commission to seat an independent review committee to hear testimony about the appeal and to make a recommendation to the Commission.

[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.

Current libraries that serve more than 25,000 Montanans

The following public libraries have a service area population great than 25,000

- Billings Public Library (157,509)
- Missoula Public Library (117,922)
- ImagineIf Libraries (96,606)
- Bozeman Public Library (84,410)
- Great Falls Public Library (81,475)
- Lewis and Clark Library (70,973)
- Butte-Silver Bow Public Library (35,133)
- Bitterroot Public Library (27,928)

The directors of all these libraries except for ImagineIf Libraries hold graduate degrees in library or information science. On January 26, 2022 the [Missoula Public Library](#) successfully concluded the most recent recruitment for a library director in Montana to replace their director who retired. According to their recruitment information, the minimum requirement for a director was a Master of Library Science or the equivalent. The Board selected a new director from three qualified candidates. The new director holds a Master of library and information science.

Certification vs. Graduate Education

Librarianship is a dynamic profession and requires library staff to stay abreast of changing information, technology, legal, policy, and administrative issues. To support the level of required professional development, many states, including Montana require library directors to earn continuing education (CE) credits and to maintain library certification. [The Montana Certification Program](#) requires library directors to earn 60 CE credits every four years. While challenging, the CE offered by the State Library and other partners is not intended to meet the level of academic rigor required to earn a graduate degree.

In Montana, library directors who hold Master of Library Science degrees must earn certification in addition to their degrees.