

TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT

SUBCHAPTER C. MINIMUM STANDARDS FOR ACCREDITATION OF LIBRARIES IN THE STATE LIBRARY SYSTEM

13 TAC §§1.71 - 1.75, 1.77, 1.79 - 1.87

The Texas State Library and Archives Commission (commission) proposes the repeal of Texas Administrative Code, Title 13, Chapter 1, Subchapter C, 13 TAC §§1.71 - 1.75, 1.77 and 1.79 - 1.87, concerning Minimum Standards for Accreditation of Libraries in the State Library System. This repeal will enable the commission to update the accreditation standards for public libraries seeking accreditation for State Fiscal Year 2028.

BACKGROUND. Government Code, Chapter 441, Subchapter I, Library Systems, authorizes the commission to establish criteria a library must meet for accreditation. The commission adopted these accreditation standards at 13 Texas Administrative Code, Chapter 1, Subchapter C, Minimum Standards for Accreditation of Libraries in the State Library System, §§1.71 - 1.87. These rules set forth in detail the requirements for any public library seeking accreditation. Accreditation is not a requirement for public libraries in Texas. However, accredited libraries are eligible to participate in statewide interlibrary loan (ILL), apply for E-rate (a federal telecommunications discount program) and a variety of funding opportunities offered by the commission throughout the year, and take advantage of the TexShare Card and TexShare Databases programs through membership in the TexShare Consortium.

To become accredited or maintain accreditation, public libraries must submit an annual report to the commission demonstrating they have met each of the accreditation criteria. Each annual report includes information from the preceding local fiscal year and is due during the calendar year following the conclusion of the local fiscal year. If approved, the public library will then be accredited for the next state fiscal year. The current accreditation standards cover local fiscal years 2013 through 2025. Information from local fiscal year 2025 will be reported during spring of 2026 for accreditation for state fiscal year 2027. Therefore, to provide for continued accreditation beyond state fiscal year 2027, the commission must update the existing standards.

The commission began reviewing the accreditation rules for necessary updates and improvements in May 2023. The Library Systems Act Advisory Board considered the rules and needed updates on March 14, 2024. Commission staff hosted a series of eight sessions to review and discuss the proposed revisions, with nearly 380 librarians attending from all over the state. Following these sessions, commission staff incorporated feedback and drafted proposed revisions to the standards. The full commission discussed these proposed revisions at the June 7, 2024, and August 2, 2024, commission meetings. The commission's Libraries and Talking Book Committee also discussed the revisions at the July 11, 2024, committee meeting.

The commission is now proposing new accreditation standards to replace the existing accreditation standards. While some of the existing language in the accreditation standards will remain unchanged in the proposed new accreditation standards, the commission is proposing a significant number of revisions as well as proposing new sections. Therefore, the commission has determined the best approach is to repeal the existing sections and replace those sections with the proposed new sections. The proposed new sections may also be found in this issue of the *Texas Register*.

FISCAL IMPACT. Sarah Karnes, Division Director, Library Development and Networking Division, has determined that for each of the first five years the proposed repeals are in effect, there will be no reasonably foreseeable fiscal implications for the state or local governments. Accreditation is not mandatory for a library to operate as a public library. Accreditation is an optional status that libraries may achieve if they wish to take advantage of certain agency programs and services.

PUBLIC BENEFIT AND COSTS. Ms. Karnes has determined that for each of the first five years the proposed repeals are in effect, the anticipated public benefit will be clarity in the process for accreditation of public libraries based on criteria that update economic indicators, modernize technology requirements, and integrate provisions for enhanced public transparency, including delineating policies the library must maintain. Updating and improving the language of the rules will also ensure libraries better understand the accreditation process, leading to more libraries reporting and seeking accreditation. Members of the public would, therefore, benefit from increased access to additional services, programs, and opportunities provided by the library, such as internet access (available to accredited libraries at a discount through the federal E-Rate Program) and an enhanced collection (through the statewide interlibrary loan program).

There are no anticipated economic costs to persons required to comply with the proposed repeals, as accreditation is not required for public libraries.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposal has no measurable impact on local economy; therefore, no local employment impact statement under Government Code, §2001.022 is required.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The rules as proposed for repeal do not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code, §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code, §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the rules as proposed for repeal will be in effect, the commission has determined the following:

1. The proposed repeals will not create or eliminate a government program;
2. Implementation of the rules as proposed for repeal will not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the rules as proposed for repeal will not require an increase or decrease in future legislative appropriations to the commission;
4. The proposal will not require an increase or decrease in fees paid to the commission;
5. The proposal will not create new regulations;
6. The proposal will repeal existing regulations;
7. The proposal will not increase the number of individuals subject to the proposed rules' applicability; and
8. The proposal will not positively or adversely affect the state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal, and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action. Therefore, the proposed rules do not constitute a taking under Government Code, §2007.043.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed repeals may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 45 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The repeals are proposed under Government Code, §441.135, which authorizes the commission to adopt guidelines for the awarding of grants; §441.136, which authorizes the commission to adopt rules necessary to the administration of the program of state grants, including qualifications for major resource system membership; §441.127, which provides that to be eligible for membership in a major resource system or regional library system, a library must meet the accreditation standards established by the commission; and §441.122(1) and (2), which defines "accreditation of libraries" as the evaluation and rating of libraries according to commission accreditation standards and "accreditation standards" as the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441.

§1.71. Definition of Population Served.

§1.72. Public Library Service.

§1.73. Public Library: Legal Establishment.

§1.74. Local Operating Expenditures.

§1.75. Nondiscrimination.

§1.77. Public Library: Local Government Support.

§1.79. Provisional Accreditation of Library.

§1.80. Probational Accreditation of Library.

§1.81. Quantitative Standards for Accreditation of Library.

§1.82. Accreditation Based on Current Operating Budget.

§1.83. Other Requirements.

§1.84. Professional Librarian.

§1.85. Annual Report

§1.86. Standards for Accreditation of Libraries Operated by Public School Districts, Institutions of Higher Education, Units of Local, State, or Federal Government, Accredited Non-Public Elementary or Secondary Schools, or Special or Research Libraries. §1.87. Emergency Waiver of Accreditation Criteria.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 4, 2024.

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Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: December 15, 2024

For further information, please call: (512) 463-5460

13 TAC §§1.70 - 1.82

The Texas State Library and Archives Commission (commission) proposes new Texas Administrative Code, Title 13, Chapter 1, Subchapter C, §1.70, Purpose and Scope; §1.71, Definitions; §1.72, Legal Service Area; §1.73, Public Library Services; §1.74, Public Library: Legal Establishment; §1.75, Local Operating Expenditures; §1.76, Quantitative Standards for Accreditation of a Library; §1.77, Other Operational Requirements; §1.78, Annual Report; §1.79, Emergency Waiver of Accreditation Criteria; §1.80, Conditional Accreditation of Library; §1.81, Loss of Accreditation; and §1.82, Appeal of Accreditation Determination.

BACKGROUND. Government Code, Chapter 441, Subchapter I, Library Systems, authorizes the commission to establish criteria a library must meet for accreditation. The commission adopted these accreditation standards at 13 Texas Administrative Code, Chapter 1, Subchapter C, Minimum Standards for Accreditation of Libraries in the State Library System, §§1.71 - 1.87. These rules set forth in detail the requirements for any public library seeking accreditation. Accreditation is not a requirement for public libraries in Texas. However, accredited libraries are eligible to participate in statewide interlibrary loan (ILL), apply for E-rate (a federal telecommunications discount program) and a variety of funding opportunities offered by the commission throughout the year, and take advantage of the TexShare Card and TexShare Databases programs through membership in the TexShare Consortium.

The accreditation of a public library serves an important public function. Accreditation provides an official designation demonstrating that a public library complies with a statewide framework for accountability, minimal operational and financial standards, public transparency, and service requirements. This demonstration benefits the public's interest and serves the community by providing an important means for the library to demonstrate to potential financial supporters or program partners a library's recognized standing.

To become accredited or maintain accreditation, public libraries must submit an annual report to the commission demonstrating they have met each of the accreditation criteria. Each annual report includes information from the preceding local fiscal year and is due during the calendar year following the conclusion of the local fiscal year. If all accreditation criteria are met, the public library will then be accredited for the next state fiscal year. The current accreditation standards cover local fiscal years 2013 through 2025. Information from local fiscal year 2025 will be reported during spring of 2026 for accreditation for state fiscal year 2027. Therefore, to provide for continued accreditation beyond state fiscal year 2027, the commission must update the existing standards.

The commission began reviewing the accreditation rules for necessary updates and improvements in May 2023. The Library Systems Act Advisory Board considered the standards and needed updates on March 14, 2024. Commission staff hosted a series of eight sessions with stakeholders in May 2024 to review and discuss proposed revisions, with nearly 380 librarians attending from all over the state. Following these sessions, commission staff incorporated feedback and drafted proposed revisions to the standards. The full commission discussed these proposed revisions at the June 7, 2024, and August 2, 2024, commission meetings. The commission's Libraries and Talking Book Committee also discussed the revisions at the July 11, 2024, committee meeting.

The commission is now proposing new accreditation standards to replace the existing accreditation standards. While some of the existing language in the accreditation standards will remain unchanged in the proposed new accreditation standards, the commission is proposing a significant number of revisions as well as proposing new sections. Therefore, the commission has determined the best approach is to repeal the existing sections and replace those sections with the proposed new sections. The proposed repeals may also be found in this issue of the *Texas Register*. The proposed repeals and new sections will not become effective until September 1, 2025, but are being published now to ensure public libraries have an ability to plan for the new accreditation criteria and associated processes.

EXPLANATION OF PROPOSED NEW SECTIONS.

Proposed new §1.70, Purpose and Scope, establishes the commission's responsibilities related to accreditation and describes the purpose and scope of the new subchapter. The proposed new section also clarifies that accreditation is designed to establish the minimum criteria a library must meet to take advantage of certain programs offered by the commission. It is not intended to evaluate the adequacy of a public library's staff, budget, resources, or services, and is not intended to limit or restrict the number of communities in Texas that wish to operate a public library. The new section would also clarify that the annual report described in proposed new §1.78 (relating to Annual Report) is the mechanism by which accreditation criteria are reviewed and accreditation is awarded.

Proposed new §1.71, Definitions, would define terms used throughout the subchapter, including accreditation, agency, commission, continuing education, library collection item, library operating hours, local fiscal year, per capita, professional librarian, public library, and state fiscal year. Including a definitions section will simplify rule language throughout the subchapter.

Proposed new §1.72, Legal Service Area, is a revision of previous §1.71, Definition of Population Served. Proposed revisions update the language for clarity, including new language noting that a public library's legal service area is based on the source(s) of local government funding for the library and the population assigned according to the rule. Other revisions to the previous rule language add municipalities to the rule language to ensure all potential local communities are addressed and update how population is assigned to a library when a school district contracts with another entity for public library services as part of their students' educational program. Previous §1.71(7) provided that the commission would estimate the total population living within the school district. New §1.72(a)(7) would credit the library with serving the population living within the school district as published annually by the most recent Small Area Income and Poverty Estimate Program (SAIPE). Another proposed revision would delete previous §1.71(9), which related to libraries in areas where the population of a federal or state eleemosynary or correctional institution or military installation exceeds 10% of the entire population. The commission has found that this subparagraph is not necessary because these populations are generally part of separate statewide systems to provide library purposes. Therefore, the populations should not be included for public library services.

Proposed new §1.73, Public Library Services, is a new section that would clarify what services a public library must provide to the general public without charge regardless of the person's residency; what services a public library may provide at a charge to any member of the public regardless of the person's residency; and what services a library must provide at no charge to members of the public who reside in the library's legal service area but may provide at a charge to nonresidents. New subsection (b) would apply to library entities contracted with school districts to provide library services to the general public and notes that those libraries must meet any policy requirements for K-12 school environments in addition to the public library requirements. New subsection (f) would require a public library to certify annually that no person shall be excluded from participation in or denied the benefits of the appropriate services of that library in accordance with federal law, a requirement previously codified in §1.75 (relating to Nondiscrimination).

Proposed new §1.74, Public Library: Legal Establishment, is a revision of previous §1.73 (relating to Public Library: Legal Establishment). Proposed revisions to the section update and clarify the language.

Proposed new §1.75, Local Operating Expenditures, is a revision of previous §1.74 (relating to Local Operating Expenditures). Proposed revisions would add a new subsection requiring that at least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation be from local government sources. Proposed revisions would increase total local expenditures to at least \$24,000 in local fiscal years 2026, 2027, and 2028; at least \$27,000 in local fiscal years 2029, 2030, and 2031, and at least \$30,000 in local fiscal years 2032, 2033, and 2034. These adjustments are consistent with previous increases and represent a three percent growth from previous minimum total local expenditures. The commission has reviewed the local operating expenditures of libraries that are currently accredited and those that are not currently accredited and determined that the proposed increases should not be difficult for any library to meet. Additional revisions to this section would exempt a library from these accreditation criterion if it expends at least \$22.00 per capita and either shows evidence that it is open to the public under identical conditions without charge or that it expends at least \$200,000 of local funds.

Proposed new §1.76, Quantitative Standards for Accreditation of a Library, is a revision of previous §1.81, Quantitative Standards for Accreditation of Library. Proposed revisions would add a subsection clarifying that a public library must meet the quantitative standards for accreditation in addition to the other requirements of the subchapter. Proposed revisions would also restructure and simplify the section, grouping standards applicable to all libraries together rather than repeating standards multiple times throughout the rule. New subsection (b) would require a public library to have at least one library collection item per capita or expend at least 15% of the library's local expenditures on library collection items, unless the library serves 25,000 persons or less, in which case the library must maintain a collection of at least 7,500 library collection items. New subsection (c) would require that at least 5% of a public library's library collection items be published or created in the last five years. New subsection (d) would require that a public library be open for service not less than 40 hours per week, unless the library services 25,000 persons or less, in which case it must be open for not less than 20 hours per week. New subsection (e) would require that a public library employ a library director for at least 40 hours per week, unless the library serves 25,000 persons or less, in which case the library must employ a library director for at least 20 hours per week. New subsection (f) would establish minimum required hours of annual continuing education for library directors. New subsection (g) would establish minimum local expenditures per fiscal year based on the population served by the library. The previous rule included eight population ranges: at least 500,001 persons; 200,001 - 500,000 persons; 100,001 - 200,000 persons; 50,001 - 100,000 persons; 25,001 - 50,000 persons; 10,001 - 25,000 persons; 5,001 - 10,000 persons; and 5,000 or fewer persons. The proposed new section would consolidate and simplify the ranges and local expenditures as follows: 200,001 persons or more; 100,001 - 200,000 persons; 25,001 - 100,000 persons; and 25,000 persons or less. While the per capita local expenditure requirements would generally increase in the proposed new section, the commission's review of currently-accredited libraries indicates that very few libraries would find it difficult to meet the proposed new minimums. The commission believes these minimum amounts are important because they offer communities statewide the means to set an operational framework that delivers a consistent, achievable, and meaningful base from which to provide essential core library services. The funding amounts are intended only to set a basic level of funding, with communities encouraged to fund their libraries to the capacity desired to achieve all local goals.

Proposed new §1.77, Other Operational Requirements, is a revision of previous §1.83, Other Requirements. The proposed revisions to the section primarily update and modernize the language. A proposed addition to previous §1.83(1) would add email address to the required contact information. Proposed §1.77(6) is a new requirement that would require a library to maintain policies addressing circulation, collection development, technology use, and information security and privacy and make those policies available to the public.

Proposed new §1.78, Annual Report, is a revision to previous §1.85, Annual Report. New §1.78 would state that to be eligible for accreditation, a public library must submit an annual report to the commission by the established deadline or the library will automatically lose accreditation for the upcoming state fiscal year and be ineligible for certain commission services and programs.

Proposed new §1.79, Emergency Waiver of Accreditation Criteria, is the same language previously found at §1.87, Emergency Waiver of Accreditation Criteria. No changes are proposed for this section.

Proposed new §1.80, Conditional Accreditation of Library, replaces previous §1.79, Provisional Accreditation of Library and previous §1.80, Probationary Accreditation of Library. The proposed new section will establish one simple process for the granting of temporary accreditation when a library fails to meet one criterion in Subchapter C. The maximum length of time a library may be conditionally accredited is three years.

Proposed new §1.81, Loss of Accreditation, is a new section that outlines what might cause a library to lose accreditation, how the process will work, and what loss of accreditation means. If a library loses accreditation, it will not be accredited for the next state fiscal year and will not have access to certain commission services during that year. If the commission determines that a library does not meet the criteria for accreditation at any time during the accreditation year, the commission will notify the library in writing of the potential loss of accreditation. On notification of potential loss of accreditation, a library may be able come into compliance, choose to be unaccredited, or appeal the determination. The new section would also provide that if a library does not file its annual report by the established deadline, it will automatically lose accreditation for the upcoming state fiscal year. If a library is unaccredited for the year in question but wishes to be considered for accreditation

in subsequent years, it must continue to submit an annual report. In all cases, a library must continue to submit an annual report to continue receiving certain minimum services.

Proposed new §1.82, Appeal of Accreditation Determination, is a new section that would establish the process for how a library may appeal the loss of accreditation. The library may first appeal to the Library Systems Act Advisory Board (LSA Board) and must include a formal letter of appeal to the director of the Library Development and Networking Division. The LSA Board will consider the matter at a meeting and make a recommendation on the appeal to the director and librarian, who will make a final determination. If the library does not agree with the director and librarian's determination, the library may appeal to the Commission following the requirements of §2.55, Protest Procedure.

FISCAL IMPACT. Sarah Karnes, Director, Library Development and Networking Division, has determined that for each of the first five years the proposed new sections are in effect, there are no reasonably foreseeable fiscal implications for the state or local governments as a result of enforcing or administering these rules, as proposed. Accreditation is not mandatory for a library to operate as a public library. Accreditation is an optional status that libraries may achieve if they wish to take advantage of certain agency programs and services. In addition, the commission has reviewed information from the most recently submitted annual reports and determined that most, if not all, currently-accredited libraries should be able to remain accredited based on the new sections, as proposed. In addition, libraries have almost two years to plan for the new requirements.

PUBLIC BENEFIT AND COSTS. Ms. Karnes has determined that for each of the first five years the proposed new sections are in effect, the anticipated public benefit will be the continued accreditation of public libraries based on criteria that update economic indicators, modernize technology requirements, and integrate provisions for enhanced public transparency, including delineating policies the library must maintain. Updating and improving the language of the rules will also ensure libraries better understand the accreditation process, leading to more libraries reporting and seeking accreditation. Members of the public would, therefore, benefit from increased access to additional services, programs, and opportunities provided by the library, such as internet access (available to accredited libraries at a discount through the federal E-Rate Program) and an enhanced collection (through the statewide interlibrary loan program).

There are no anticipated economic costs to persons required to comply with the proposed new sections, as accreditation is not required for public libraries.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposal has no measurable impact on local economy; therefore, no local employment impact statement under Government Code, §2001.022 is required.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The rules as proposed do not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code, §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code, §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the rules as proposed will be in effect, the commission has determined the following:

1. The rules as proposed will not create or eliminate a government program;
2. Implementation of the rules as proposed will not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the rules as proposed will not require an increase or decrease in future legislative appropriations to the commission;

4. The proposal will not require an increase or decrease in fees paid to the commission;
5. The proposal will create new regulations, but the commission is also proposing multiple sections for repeal in this same issue of the *Texas Register* resulting in fewer regulations in the subchapter overall;
6. The proposal will not expand, limit, or repeal an existing regulation;
7. The proposal will not increase the number of individuals subject to the proposed rules' applicability; and
8. The proposal will not positively or adversely affect the state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal, and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action. Therefore, the proposed rules do not constitute a taking under Government Code, §2007.043.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed new sections may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas, 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 45 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The new sections are proposed under Government Code, §441.135, which authorizes the commission to adopt guidelines for the awarding of grants; §441.136, which authorizes the commission to adopt rules necessary to the administration of the program of state grants, including qualifications for major resource system membership; §441.127, which provides that to be eligible for membership in a major resource system or regional library system, a library must meet the accreditation standards established by the commission; and §441.122(1) and (2), which defines "accreditation of libraries" as the evaluation and rating of libraries according to commission accreditation standards and "accreditation standards" as the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441.

§1.70.Purpose and Scope.

(a) Government Code, §441.006, charges the commission with adopting policies and rules to aid and encourage the development of and cooperation among all types of libraries. In addition, Government Code, Chapter 441, Subchapter I, authorizes the commission with setting accreditation standards for public libraries. Under this authority, this subchapter prescribes the policies and standards for the accreditation of public libraries, which determines the eligibility of public libraries for state assistance through programs and services of the agency.

(b) Accreditation is not intended to evaluate the adequacy of a public library's staff, budget, resources, or services, nor is accreditation intended to limit or restrict the number of communities in Texas that wish to operate a public library. The accreditation process is designed to establish the minimum criteria a library must meet if the library wishes to take advantage of certain programs offered by the commission.

(c) The annual report described in §1.78 of this title (relating to Annual Report) is the mechanism by which accreditation criteria are reviewed and accreditation is awarded.

§1.71.Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accreditation--means the process by which a library is accredited by the Texas State Library and Archives Commission as having met the standards in this subchapter. Accreditation is not required but determines the

eligibility of public libraries to receive state assistance through programs and services of the Texas State Library and Archives Commission.

(2) Agency--means the Texas State Library and Archives Commission as an agency of the state of Texas, including the staff, collections, archives, operations, programs, and property of the Texas State Library and Archives Commission.

(3) Commission--means the seven-member governing body of the Texas State Library and Archives Commission.

(4) Continuing education--means professional development activities for library directors that are instructional, free of lobbying, and relevant to the operation of a library. Activities may include workshops, appropriate conference sessions, online training, and courses.

(5) Library collection item--means any item in the library's catalog that may be circulated, including books, e-books, audio and e-audio books, video and e-video items, non-traditional educational items such as kits, instruments, and equipment, and locally licensed databases or other informational items as determined by professional library standards.

(6) Library operating hours--means the number of unique hours the library is open to the public as set by local governing authorities based on and subject to local considerations, including need and budget.

(7) Local fiscal year--means the 12-month period used by a local entity for budgeting and operations. For accreditation purposes, it is the fiscal year in which January 1 of the requested year falls.

(8) Per capita--means the locally funded operating expenditures of the library divided by the library's assigned population under §1.72 of this title (relating to Legal Service Area).

(9) Professional librarian--means a person holding a master's degree or comparable certification in library or information studies from an accredited program.

(10) Public library--means a library that is operated by a single public entity or board, that is freely open to all persons under identical conditions, that receives its financial support in whole or part from public funds, and that provides the following at a minimum:

(A) An organized collection of print or other library materials, or a combination thereof;

(B) Paid or contracted staff;

(C) An established schedule in which services of the staff are available to the public; and

(D) The facilities necessary to support such a collection, staff, and schedule.

(11) State fiscal year--means the 12-month period beginning September 1 and ending August 31.

§1.72. Legal Service Area.

(a) A public library's legal service area is based on the source(s) of local government funding for the library and the population assigned to the library as described below. Legal service area calculations will be determined as follows using the population in the most recent decennial census or official population estimate of the United States Department of Commerce, Bureau of the Census, if available:

(1) In counties with one or more public libraries that receive only city and private funds, each library is credited with serving the population of the city or cities from which it receives funds or with which it has a contract.

- (2) In counties with only one public library and that library receives county funds, the library is credited with serving the entire county population.
- (3) In counties with more than one public library that receives both city and county funds, the libraries that receive city and county funds are credited with serving their city population plus a percentage of the population living outside the cities. This percentage is the ratio of each city's population to the total of all the populations of cities with public libraries within the county.
- (4) In counties with a library established by the county commissioners court and that receives no city funds or an incorporated library that receives no city funds, and one or more city libraries that receive county funds, the city libraries that receive county and city funds are credited with serving their city populations plus a percentage of the county population living outside the cities. The percentage is the ratio of each city's population to the county population. The county library or incorporated library that receives county funds and no city funds serves all county residents not served by a city library.
- (5) In counties with one library that receives county funds and one or more public libraries that do not receive county funds, the library that receives county funds is credited with serving the county population less the populations of cities with public libraries.
- (6) In counties with more than one library that receives county funds and no city funds, the county population living outside cities with public libraries will be prorated among the libraries in the same ratio as the county funds are allocated.
- (7) When school districts contract with one or more nonprofit corporations, cities, municipalities, or counties for public library services as part of their students' educational program, the library is credited with serving the total population living within the school district, as published annually in the most recent Small Area Income and Poverty Estimate Program (SAIPE).
- (8) Libraries that enter into agreements or contracts with counties, cities, municipalities, or school districts to provide public library services will be assigned the respective population under this section whether or not there is an exchange of funds.
- (9) If a library believes it has been assigned an unrealistic population figure, it may request in writing that the Library Systems Act Advisory Board approve an exception to the population served methodology. The board will use its discretion to devise a method by which data from the United States Department of Commerce, Bureau of the Census will be used to calculate the legal service area.
- (b) If a library does not report receiving public monies for public library service, that library will be assigned no population.
- (c) Population estimates assigned at the beginning of the state fiscal year will remain in place throughout the following annual report submission and review process period until new populations are assigned for the following cycle. Any resulting population changes will go into effect with the next assignment of the legal service areas.

§1.73. Public Library Services.

- (a) As provided in subsection (c) of this section, a public library must provide certain library services to the general public without charge regardless of the person's residency. As provided in subsection (d) of this section, a public library may charge for other services provided to any member of the public, regardless of the person's residency. As provided in subsection (e) of this section, a public library must provide other services to members of the public who reside in the library's legal service area without charge to those individuals but may charge nonresidents for those services.

(b) Library entities contracted with school districts to provide library services to the general public residing in the school district must provide services in addition to that provided to school students, faculty, and staff. Libraries must meet any policy requirements for K-12 school environments in addition to the public library requirements. Public library services must be provided at least the required number of hours all weeks of the year, except those weeks with national or state holidays.

(c) A public library must provide the following services to the general public without charge regardless of the person's residency:

- (1) Dissemination of civic, community, or other ephemeral material freely available and not in the library's catalog;
- (2) Circulation of materials to those with borrowing privileges;
- (3) Reserving library materials to those with borrowing privileges;
- (4) Reference services;
- (5) Use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements;
- (6) Admission to the facility; and
- (7) Admission to programs conducted by the library that are sponsored in whole or part by state resources.

(d) A public library may charge any member of the public for the following services at the discretion of the library's governing authority, regardless of the person's residency:

- (1) Replacement of lost borrower cards;
- (2) Fines for overdue, lost, or damaged materials in accordance with local library policies;
- (3) Postage related to interlibrary loan;
- (4) In-depth reference services provided on a contractual basis;
- (5) Photocopying, scanning, printing, and fax services;
- (6) Passport services;
- (7) Library parking;
- (8) Sale of publications and retail merchandise; and
- (9) Rental and deposits on equipment and meeting and event spaces.

(e) A public library may charge nonresidents for borrowing privileges, which may include reserving materials and access to library programming.

(f) A public library shall serve all members of the general public, certifying annually that no person shall be excluded from participation in or denied the benefits of the appropriate services of that library in accordance with federal and state law.

§1.74. Public Library: Legal Establishment.

A public library must be established to provide general library services as provided in this section. To meet this requirement, a library must be established as:

- (1) a department of a city, municipality, or county government by charter, resolution, or ordinance; or by contract as provided for in the Government Code, Chapter 791;
- (2) a library district established under the provisions of Local Government Code, Chapter 326, Library Districts;
- (3) a library district established under the provisions of Local Government Code, Chapter 336, Multi-Jurisdictional Library Districts; or
- (4) a nonprofit corporation chartered by the Office of the Secretary of State for the purposes of providing free public library services for a city, municipality, county, and/or school district. A nonprofit public library must also have a contract with each governmental entity that provides funding to the library.

§1.75. Local Operating Expenditures.

- (a) A public library must demonstrate local effort on an annual basis by maintaining or increasing local operating expenditures or per capita local operating expenditures. Expenditures for the current reporting year will be compared to the average of the total local operating expenditures or to the average of the total per capita local operating expenditures for the three preceding years.
- (b) At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local government sources. Local government sources are defined as money appropriated by library districts, school districts, or city, municipal, or county governments.
- (c) A public library must have minimum total local expenditures of \$24,000 in local fiscal years 2026, 2027, 2028; at least \$27,000 in local fiscal years 2029, 2030, 2031; at least \$30,000 in local fiscal years 2032, 2033, 2034.
- (d) A public library that expends at least \$22.00 per capita is exempt from this accreditation criterion if it shows evidence of some library expenditures from local government sources and is open to the public under identical conditions without charge.
- (e) A public library that expends at least \$22.00 per capita and at least \$200,000 of local funds is exempt from this accreditation criterion.

§1.76. Quantitative Standards for Accreditation of Library.

- (a) A public library must meet the quantitative standards for accreditation in this section, in addition to the other requirements in this subchapter.
- (b) A public library must have at least one library collection item per capita or expend at least 15% of the library's local expenditures on library collection items. If the library serves 25,000 persons or less, the library must maintain a collection of at least 7,500 library collection items.
- (c) A public library must ensure at least 5% of its library collection items were published or created in the last five years.
- (d) A public library must be open for service not less than 40 hours per week, except that a public library that serves 25,000 persons or less must be open for not less than 20 hours per week.
- (e) A public library must employ a library director for at least 40 hours per week, except that a public library that serves 25,000 persons or less must employ a library director for at least 20 hours per week.

(f) A library director for a library serving a population of 100,001 or more must complete a minimum of 20 hours of continuing education annually. A library director for a library serving a population of 100,00 or less must complete a minimum of 10 hours of continuing education annually. A library director must maintain documentation of attendance, duration, and relevance of each continuing education credit claimed.

(g) A library must have local expenditures as follows:

(1) A library serving a population of 200,001 persons or more must have local expenditures equaling at least \$13.50 per capita in local fiscal years 2026, 2027, 2028; at least \$13.91 in local fiscal years 2029, 2030, 2031; and at least \$14.32 per capita in local fiscal years 2032, 2033, 2034;

(2) A library serving a population of 100,001 - 200,000 persons must have local expenditures equaling at least \$10.50 per capita in local fiscal years 2026, 2027, 2028; at least \$10.82 in local fiscal years 2029, 2030, 2031; and at least \$11.14 per capita in local fiscal years 2032, 2033, 2034;

(3) A library serving a population of 25,001 - 100,000 persons must have local expenditures equaling at least \$7.50 per capita in local fiscal years 2026, 2027, 2028; at least \$7.73 in local fiscal years 2029, 2030, 2031; and at least \$7.96 per capita in local fiscal years 2032, 2033, 2034; and

(4) A library serving a population of 25,000 or less must have local expenditures equaling at least \$5.50 per capita in local fiscal years 2026, 2027, 2028; at least \$5.67 in local fiscal years 2029, 2030, 2031; and at least \$5.83 per capita in local fiscal years 2032, 2033, 2034.

(h) A library must employ full-time equivalent professional librarians as follows:

(1) A library serving a population of 200,001 persons or more must employ at least six full-time equivalent professional librarians with one additional full-time equivalent professional librarian for every 50,000 persons above 200,000;

(2) A library serving a population of 100,001 - 200,000 persons must employ at least four full-time equivalent professional librarians, with one additional full-time equivalent professional librarian for every 50,000 persons above 100,000;

(3) A library serving a population of 25,001 - 100,000 persons must employ at least one full-time equivalent professional librarian, with one additional full-time equivalent professional librarian for every 50,000 persons above 50,000; and

(4) There is no additional staffing requirement for a library serving a population of 25,000 or less.

§1.77. Other Operational Requirements.

In addition to the quantitative standards in §1.76 (relating to Quantitative Standards for Accreditation of Library), each public library applying for accreditation must meet the following requirements and report to the agency on the status of each requirement annually:

(1) The library must have a website detailing current services and contact information, including a telephone number and email address.

(2) The library must have available technology to enable staff and the general public to access the Internet and print, copy, and scan materials.

(3) The library must have an integrated searchable catalog of its holdings available to the public online through the library's website.

(4) The library must offer to borrow materials through the statewide interlibrary loan system for eligible persons residing within the library's legal service area and offer to lend materials to other participating Texas libraries

using the statewide interlibrary loan system. The library's governing board may adopt local policies regarding collections available to lend, lending periods and renewals, patron eligibility, and other factors. Local policies must be available to the public.

(5) The library must have a strategic plan that is approved by its governing authority and reviewed and updated at least every five years. The library's strategic plan may be part of a larger plan from the governing authority.

(6) At a minimum, the library must maintain current and publicly available policies or procedures, approved by the library's governing or designated authority, addressing the following subjects:

(A) Circulation;

(B) Collection Development;

(C) Technology Use; and

(D) Information Security and Privacy.

§1.78. Annual Report.

To be eligible for accreditation, a public library must submit a report each year detailing local library activity for the local fiscal year requested in a manner and form prescribed by the agency. A library that does not submit an annual report by the deadline established by the agency will automatically lose accreditation for the upcoming state fiscal year and be ineligible to access certain agency services and programs.

§1.79. Emergency Waiver of Accreditation Criteria.

One or more accreditation criteria in this subchapter may be waived if a library shows good cause for failure to meet the criteria. For purposes of this subchapter, good cause means a public health emergency, including, but not limited to, a pandemic or epidemic; a natural or man-made disaster, including, but not limited to, a tornado, hurricane, flood, wildfire, explosion, or chemical spill; or other extraordinary hardship which is beyond the control of the library as determined by the agency.

§1.80. Conditional Accreditation of Library.

(a) Conditional accreditation is a temporary status granted when a library fails to meet one criterion in this subchapter. A conditionally-accredited library enjoys the same benefits and privileges as a fully accredited library. A library that fails to meet more than one criterion is not eligible for conditional accreditation.

(b) The maximum length of time a library may be conditionally accredited is three years. A library that is still unable to meet an accreditation criterion at the end of the conditional accreditation period, whether it is the same or a new criterion, will not be accredited and must reapply for accreditation the following year.

(c) A public library actively seeking accreditation by securing the per capita support necessary for qualification may be conditionally accredited on the basis of the library's current operating budget rather than its expenditures of the preceding year.

(d) To be fully accredited, a library must meet all accreditation requirements in this subchapter by the end of the conditional accreditation period.

§1.81. Loss of Accreditation.

(a) Accreditation is conditioned on submission of the annual report required in §1.78 of this title (relating to Annual Report) and meeting the accreditation criteria established by this subchapter. If a library loses accreditation, the library will not be accredited for the next fiscal year and will not have access to certain agency services during that year.

(b) If the agency determines a library does not meet the criteria for accreditation at any time during the accreditation year, the agency will notify the library in writing of the potential loss of accreditation.

(c) A public library that does not submit an annual report by the established deadline will automatically lose accreditation for the upcoming state fiscal year.

(d) A public library that does not meet the minimum criteria for accreditation required by this subchapter and as documented on the annual report may lose accreditation.

(e) On notification of the potential loss of accreditation, the agency may allow the library a reasonable period of time to come into compliance and remain accredited. A library may also choose to be unaccredited or appeal the determination.

(f) If a library chooses to be unaccredited for the year in question but wants to be considered for accreditation in subsequent years, the library must continue to submit an annual report each year it is not accredited. The library may be re-accredited during the next annual report cycle if the library reports data showing that it meets all accreditation criteria by the prescribed deadline. A library that lacks only one criterion for accreditation may be eligible for a waiver as detailed in §1.79 of this title (relating to Emergency Waiver of Accreditation Criteria).

(g) A library must continue to submit an annual report to continue to receive minimum agency services, such as the agency's summer reading program and access to consulting services.

§1.82. Appeal of Accreditation Determination.

(a) A library that is not accredited or that loses accreditation may appeal the determination to the Library Systems Act Advisory Board (LSA Board).

(b) To appeal a determination regarding accreditation, a library must notify the agency of its intention to appeal. On notification of the intent to appeal, the agency will provide the library with information on the process and documentation needed.

(c) A formal appeal must include a letter of appeal to the director of the Library Development and Networking division providing a detailed description of the accreditation issue and a proposed resolution and timeline. Appellants may include supporting documentation and letters of support with the letter of appeal.

(d) After considering the matter at its meeting, the LSA Board will make a recommendation on the appeal to the Director and Librarian of the Texas State Library and Archives Commission. The Director and Librarian will make a final determination based on the recommendation but is not bound by the LSA Board's recommendation.

(e) The agency will notify the library of the final determination, at which point, the library can accept the ruling or appeal to the commission following the agency's protest procedure as described in §2.55 of this title (relating to Protest Procedure).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Texas State Library and Archives Commission

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For further information, please call: (512) 463-5460
