

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

MEMORANDUM

Date: July 17, 2023

From: Tre Hargett, Secretary of State

A handwritten signature in blue ink, appearing to read "Tre Hargett".

To: Board Chairs, Public Library Board of Directors
Public Library Directors

RE: 2023 Public Library Service Agreement

The Regional Library System, a division of the Tennessee State Library and Archives, has made recent changes to the Public Library Service Agreement (Service Agreement) to help ensure that no state or federal funds are used to purchase books or other materials that are harmful to minors. See T.C.A. § 39-17-914.

The Service Agreement, which is acknowledged and signed annually by the respective Board Chairs of each participating public library in the Regional Library System, establishes the overarching terms, roles, and responsibilities of both an individual public library and the State Library and its Regional Libraries.

The Service Agreement contains an update providing that the library's Board of Trustees must review **annually** both the public library's Collection Development Policy and Internet Safety Policy. Additionally, the Service Agreement includes an addendum describing minimum requirements that those policies must now incorporate.

While your library may (and likely does) already include many of these minimum requirements in an existing policy, please take the time to formally review your policies and take the appropriate steps to update these policies consistent with the Service Agreement, if needed. Recognizing that policy revisions may take time, any necessary updates to your library's Collection Development Policy and Internet Safety Policy are not immediately required but *must be completed by January 1, 2024*.

Thank you for all that you do to support your local library and your community, and thank you for implementing these important requirements that will help to ensure that state and federal funds are not used to purchase books and materials that are harmful to minors.



Department of State
Tennessee State Library and Archives
1001 Rep. John Lewis Way N
Nashville, Tennessee 37219-1115
(615) 741-7996

PUBLIC LIBRARY SERVICE AGREEMENT

Holston River
Sullivan County
FY2023-24

Responsibilities of the following Public Library(ies): *Please list libraries below in this box.*

Kingsport Public Library & Archives

The Public Library Board of Trustees will:

1. Confirm and provide proof (upon request) that the library has been legally established in accordance with Tennessee Code Annotated 10-3-101.
2. Furnish annual documents for participation in the Tennessee State Library and Archives Regional System, including:
 - The Public Library Maintenance of Effort Agreement
 - The Public Library Service Agreement
 - The Official Public Library Service Area Population Agreement
 - Official Library Board Appointment form
 - The Public Library Statistics Survey (Data Collection)
 - Tennessee Non-Metropolitan Public Library Standards Survey
 - Board of Trustees minutes and other reports made to the County or City governing body
 - A Long-Range Plan for Library Services and Technology
 - Bylaws and Policy Manual
3. Support the allocation of locally appropriated public funds at a level not less than the amount appropriated in the last fiscal year, as well as the expenditure of locally appropriated funds at a level not less than the total amount expended in the last fiscal year. This is referred to as "Maintenance of Effort" (MOE) in various documents and also applies to library operating hours as detailed in item 5 of this document. (T.C.A. 10-3-102)
4. Ensure compliance with the Public Library Maintenance of Effort agreement and this Public Library Service Agreement.
5. Maintain a schedule of service hours that best meets the needs of the residents and

that will not fall below the level set in the preceding year. (T.C.A. 10-3-102) Note: Unduplicated branch hours are included in the service hours provided system-wide.

6. Follow all local, state and federal laws and regulations, including display, provision and transmission of the mail-in or online Application for Voter Registration within the library facilities. (See National Voter Registration Act of 1993)
7. Provide basic library services free to the inhabitants of the city or county. Extend the privileges and facilities of the library to persons residing outside the County or City upon such terms as the County or City may deem proper. (T.C.A. 10-3-107)
8. Adopt written bylaws and library usage policies. Bylaws must be reviewed every 3 years. With the exception of those policies listed below, usage policies must be reviewed at least every other year and filed with the region as revised and dated. The list of recommended policies can be found in the Standards for Public Libraries (*Tennessee Standards for Public Libraries 2018: Governance 3-8*). The following policies are essential for every library and must be reviewed and approved by the board annually:
 - Collection Development Policy (Includes Reconsideration of Materials Policy) –
 - Internet Safety Policy (Recognizes the Children’s Internet Protection Act – CIPA)

See Attached Collection Development and Internet Safety Policy Minimum Requirements.

9. For all applicable meetings, including committee meetings, follow Open Meetings Law, including adequate public notices (T.C.A. 8-44-103 & 112), a period for public comment (Public Chapter 300, 2023), and minutes properly recorded and distributed (T.C.A. 8-44-104).
10. Include Regional Director, or regional designee, in all board meetings as a non-voting participant, and provide information related to the meetings to Regional Director, or regional designee, in a timely manner. Such information should include official acts of the board and other pertinent information related to the library.
11. Participate in trustee continuing education and training provided by the Regional Library and the Tennessee State Library and Archives, including Trustee Workshops and the Tennessee Trustee Certification Program.
12. Require library staff to participate in a minimum number of hours of annual training and to report the number of hours of annual training. Training may include a combination of in person and online training.
 - a. Administrative staff: Library directors and administration will receive a

minimum of 25 hours of library related training annually, of which at least 20 hours must be regionally or state sponsored.

- b. Paid staff working 20 hours or more: Staff working 20 hours or more per week will receive a minimum of 10 hours of library related training annually, of which at least 5 hours must be regionally or state sponsored.
- c. Paid staff working less than 20 hours per week will receive a minimum of 5 hours of library related training annually, of which at least 2 hours must be regionally or state sponsored.

13. Provide complete and correct MARC records compatible with the statewide catalog database (ShareIT), which facilitates the statewide interlibrary loan program.

The following resources, available upon request, will be helpful to public libraries in meeting these responsibilities:

- Tennessee Code Annotated, Title 10
- Tennessee Standards for Public Libraries, 2018

Responsibilities of the State Library and Its Regional Libraries

Subject to availability of resources, the State will:

1. Assist County and City officials and library boards in developing a unified system of public library service for all residents of a county or city.
2. Provide professional library consultant services to local public library boards and staff, which may include:
 - Planning and Development
 - Personnel Management
 - Policy Development
 - Recruitment and Hiring of Library Directors
 - Collection Management
 - Grant Preparation Guidance
 - Automation Guidance
 - Facilities Management and Construction Guidance
3. Upon request, furnish technical and technology assistance to local public library boards and staff, which may include:
 - Materials Acquisitions
 - Original Cataloging
 - Data Collection and Analysis
 - Computer Hardware/Software Problem Resolutions
 - Shared ILS Problem Resolutions
4. Allocate and monitor State funds for a collection of library materials on indefinite loan.

5. Facilitate access to R.E.A.D.S. (Regional eBook and Audiobook Download System) or other digital resources provided by the regional library system.
6. Provide an annual summer reading program workshop and selected library participant materials for promotion and implementation.
7. Purchase and maintain a collection of print and online professional materials to support the improvement of library and management skills of local public library boards and staff.
8. Supply statistical information and data concerning the operation and use of the library.
9. Offer training specific to public library trustees, including the annual Tennessee Trustee Workshops and the Tennessee Trustee Certification program.
10. Offer a minimum of 30 hours of workshops and training for library boards and staff. Training may include in-services, workshops, roundtables, or online training.

If you wish to participate in the Regional Library System this year (July 1, 2023 through June 30, 2024), please acknowledge and agree to the Library Service Agreement as soon as possible, and any policy revisions that need to be made as indicated above, may be completed by January 1, 2024.

_____ We currently meet and agree to all provisions in this agreement, and acknowledge that our Collection Development and Internet Safety Policy meet the new minimum requirements.

_____ We currently meet and agree to all provisions in this agreement, except potentially for the Collection Development and/or Internet Safety Policy minimum requirements, which we agree to review and update by January 1, 2024.

Date

Signature, Chair, Kingsport Public Library & Archives Board

Print Name

Date

Bessie Davis, Director of Regional Libraries

References:

Tennessee Code Annotated, Title 10
Tennessee Standards for Public
Libraries, 2018

Revised form: 5/22/2023

Tennessee Regional Library System

Collection Development and Internet Safety Policy Minimum Requirements

Local libraries must ultimately make the decision on what materials to purchase. The Tennessee Regional Library System, however, recognizes that state and federal funds are often used by the local libraries to purchase materials, either directly or through the Regional Library System, and this guidance is intended to ensure that no state and federal funds are used to purchase books and materials that are harmful to minors. To be eligible to receive funding from the Tennessee Regional Library System, public libraries in the Regional Library System must include certain requirements in their Collection Development Policies and Internet Safety Policies, as discussed below.

Collection Development Policy: Every library participating in the Tennessee Regional Library System must have a Collection Development Policy that reflects the following:

1. All materials are selected by the local public library in accordance with the individual public library's full Collection Development Policy;
2. The public library's Collection Development Policy is approved by the public library's Board of Trustees (or equivalent governing body) at least annually;
3. All books selected for purchase by the individual public library, through the Regional Library System or otherwise, are reviewed by the public library's director before purchase, with the library director then sharing a list or lists of newly purchased materials with the public library's Board of Trustees (or equivalent governing body);
4. No funds received are used to purchase, nor will the library otherwise acquire, material that constitutes "child pornography," is "pornographic for minors," or is "obscene;"
5. Books and materials that contain sexual themes or content are reviewed by the public library independently for age-appropriateness and cataloged accordingly – even if this overrides the age-appropriateness recommended by the publisher;
6. The library has a written, publicly accessible library materials challenge policy that (a) defines which parties may dispute or challenge the library's age-appropriate designation on materials, with such definition, at a minimum, including a parent or guardian of a minor within the library district, (b) defines the process by which a materials challenge can be initiated, and (c) provides for the results of any such dispute or challenge to be disclosed in the public library's official Board of Trustee minutes.

Internet Safety Policy: Every library taking part in the Tennessee Regional Library System must have an Internet Safety Policy that reflects the following:

1. The policy must include an acknowledgment that the public library is aware of, and adheres to, the Children's Internet Protection Act (CIPA),

<https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>, which in part states:

Libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

- a. Access by minors to inappropriate matter on the Internet;
 - b. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
 - c. Unauthorized access, including so-called “hacking,” and other unlawful activities by minors online;
 - d. Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
 - e. Measures restricting minors' access to materials harmful to them.
2. Annually, the public library’s Board of Trustees must meet to discuss the library’s Internet Safety Policy in an open-to-the-public Board Meeting and document the approval of the policy in the minutes of such meeting. (This is required to maintain CIPA compliance).
 3. The public library's Board of Trustees must review compliance with CIPA annually and must specifically acknowledge compliance under one of the following methods:

Method of compliance (Please Select One):

1. _____ Filtering software is in use for all PCs in the library, and an Internet Usage Policy is in place, which establishes measures to restrict minors from gaining access to material that is pornographic to minors, as determined by community standards.
2. _____ The Library is not supported with federal funding.
3. _____ The Library does not offer Internet Access.