

Introduced by: The State Library Board and Staff at the request of the Department of Education

1 PURPOSE: To revise and define certain administrative and advisory functions relating to the
2 South Dakota State Library and the South Dakota State Library Board.

3 Section 1. That AR 24:30:01:01 be amended to read:

4 **24:30:01:01. Eligible public libraries.** Any ~~citizen of South Dakota or any~~ public
5 library, school library, academic library, or special library located in South Dakota is eligible to
6 use the library materials and services of the South Dakota State Library, as provided in this
7 article.

8 Section 2. That AR 24:30:01:02 be amended to read:

9 **24:30:01:02. Use of State Library.** Persons may request State Library materials and
10 services as follows:

11 (1) The following persons may request materials and services directly from the State
12 Library by visit, telephone, electronic means, or letter;

13 (a) An employee of state government;

14 (b) A person who is visually or physically disabled;

15 ~~(c) Any other citizen of South Dakota who is not specified in subdivision (2) or (3) of~~
16 ~~this section;~~

17 (2) A person who is teaching in or enrolled full time on campus in an elementary,
18 secondary, postsecondary, or higher education institution may request materials and services
19 from the State Library only through a local school, public library or academic library; ~~and~~

20 ~~(3) A person who is a resident of a state-supported penal or charitable institution may~~
21 ~~request materials and services from the State Library only through an institutional library.~~

1 Section 3. That AR 24:30:01:09 be amended to read:

2 **24:30:01:09. Loss of services if user fee charged -- Coordinator for service requests.**

3 The State Library may withhold its materials and services from any library that charges a fee to
4 its users for materials and services obtained through the State Library. A request for waiver of
5 this rule may be considered by the State Library Board at any of its regular quarterly meetings if
6 the request is received in writing from ~~the person or~~ the governing board of the library
7 concerned. To be entitled to a waiver the ~~person or~~ library must enter into an agreement for
8 future compliance with rules and establish that ~~the person or~~ the library is not in violation of any
9 other state library rules. If a library is part of an institution or school, the library must identify a
10 single individual responsible for coordination of all library services requests. These services and
11 materials include the following:

12 (1) State Library materials borrowed through interlibrary loan;

13 (2) Materials obtained by the State Library through interlibrary loan from other sources;

14 ~~(3) Services and materials provided and obtained through South Dakota Library Network~~
15 ~~(SDLN) PALS.~~

16 Section 4. That AR 24:30:01 be amended by adding a NEW SECTION to read:

17 **Publisher to provide electronic versions of textbooks--Cost--Legacy defined--Duty of**
18 **Department of Education.** Upon request, a publisher of a textbook that is adopted for
19 instructional use by a school district shall furnish the South Dakota State Library with an
20 electronic version of the textbook if the textbook is for a literary subject; or, if the textbook is for
21 a nonliterary subject, such as natural sciences, computer science, mathematics, or music, an
22 electronic version shall be furnished if the technology is available to convert the textbook
23 directly to a format compatible with Braille translation software. The publisher shall provide the
24 electronic file to the requesting agency within sixty days of receiving written notice that the file
25 is needed. The cost of the electronic publisher's file may not exceed the cost of a print copy of
26 the same title. Legacy materials are exempt from the requirements of this ~~section~~ chapter. For
27 purposes of this section, the term, legacy, means images and graphics requiring release and
28 permission from another source other than the publisher. (Transferred from § 14-1-66.)

29 Section 5. That AR 24:30:01 be amended by adding a NEW SECTION to read:

30 **Duty of Department of Education.--**The Department of Education shall oversee the
31 process established in this ~~section~~ chapter to ensure that the textbooks and electronic files arrive
32 by the start of the school year. (Transferred from § 14-1-66.)

33 Section 6. That AR 24:30:04:02 be amended to read:

1 **24:30:04:02. Criteria for public libraries receiving special project funds.** To qualify
2 for receipt of any funds the State Library may disburse for special projects, a public library must
3 meet the following requirements:

4 (1) Be governed by a board of trustees appointed under the provisions of SDCL [14-2-35](#)
5 or [14-2-37](#) and which meets at least four times per year;

6 (2) Be a legally established library pursuant to SDCL [14-2-28](#) to [14-2-34](#), inclusive, that
7 has completed a minimum of one full year of operation before the initial application and that is
8 represented by a line item in the municipal or county budget. The local governmental body must
9 provide a minimum of 51% of the funding;

10 (3) Libraries in communities serving more than 5,000 persons must be administered by a
11 librarian who possesses a master's degree in library science from a library school accredited by
12 the American Library Association, or who has at least six years of administrative level library
13 experience, or who holds a bachelors degree with a library science minor plus two years
14 experience; or the library must have such a person as a full-time employee on the staff for
15 administration of these funds;

16 (4) Libraries serving communities serving 5,000 or fewer persons must be administered
17 by a librarian who possesses a Certificate of Public Library Management from the Library
18 Training Institute or be actively enrolled in pursuit of that certificate;

19 (5) Serve all persons residing within the legal boundaries of the funding agency free of
20 charge;

21 (6) Pay staff minimum wage or better;

22 (7) Submit as an attachment to the application form a three-to five-year long-range plan
23 for the development of library services in the community served;

24 (8) Be open to the public at least 15 hours per week including some evening and weekend
25 hours;

26 (9) Have on file at the State Library annual reports for the previous three years;

27 (10) Complete an evaluation of the benefits and results of the project and file the
28 evaluation with the State Library within 45 days of the end of the grant period;

29 (11) Share the results of the special project with other libraries in the state;

30 (12) Allow the state librarian or the state librarian's appointed representative access to the
31 library for purposes of evaluation;

1 (13) Agree to expend funds from local sources for its own operation equal to those
2 expended in the second preceding fiscal year before the year in which these special project funds
3 are made available; and

4 (14) Have the required matching funds available or guaranteed in writing by its local
5 appropriating body.

6 **Note:** The address for the American Library Association is 50 E. Huron Street, Chicago,
7 Illinois 60611-2795; phone 312/944-6780. The address for the Library Training Institute is c/o
8 ~~Dorothy Liegl, Deputy~~ State Librarian, South Dakota State Library, 800 Governors Drive, Pierre,
9 South Dakota 57501-2294; phone 605/773-3131.

10 Section 7. That AR 24:30:04:05 be amended to read:

11 **24:30:04:05. Technology grants -- Large projects.** Based on available funds, the State
12 Library shall fund one or more large technology projects. The project size shall be at least
13 \$25,000 but less than \$80,000. The projects may include consortium projects that include the
14 retroconversion of multiple libraries ~~and the addition of those libraries as members of the South~~
15 ~~Dakota Library Network (SDLN)~~, large technology projects in a single library or consortium that
16 extends library services into the community, acquisition of statewide database access, and other
17 projects that meet the criteria of the federal Library Services and Technology Act of 1996 as
18 amended to August 1, 1998. In addition to meeting the applicable criteria listed in
19 §§ 24:30:04:02 and 24:30:04:03, the applicant shall:

20 (1) Have any required matching funds available or guaranteed in writing by its local
21 appropriating body. The required match rate is 1:1;

22 (2) Submit a signed list of all assurances required by the federal funding authority and by
23 SDCL chapter [34-44](#); and

24 (3) If the library is a joint school/public library, have an approved 50-year operating
25 agreement in compliance with federal requirements in 34 C.F.R. 75.603 (July 1, 1990); ~~and~~

26 ~~—— (4) Hold full or associate membership in SDLN with an ongoing commitment for three~~
27 ~~years.~~

28 Section 8. That AR 24:30:04:06 be amended to read:

29 **24:30:04:06. Technology grants -- Midsize projects.** Based on available funds, the State
30 Library shall fund two or more midsize technology projects. The project size shall be at least
31 \$5,000 but less than \$25,000. The projects may include retroconversion of library records,
32 acquisition of computer equipment or databases necessary for extending services beyond the
33 library walls, ~~full or associate membership in South Dakota Library Network (SDLN)~~, and other
34 projects that meet the criteria of the federal Library Services and Technology Act of 1996 as
35 amended to August 1, 1998.

1 Any library applying for a midsize technology project grant shall meet all criteria listed in
2 §§ 24:30:04:02, 24:30:04:03, and 24:30:04:05.

3 Section 9. That AR 24:30:04:07 be repealed:

4 ~~**24:30:04:07. Technology grants --- South Dakota Library Network**~~
5 ~~**(SDLN)/Information Access Projects.**~~ Based on available funds, the State Library shall fund
6 ~~South Dakota Library Network (SDLN)/Information Access Project Grants.~~ The project size
7 ~~shall be at least \$2,000 but less than \$5,000 for the purchase of computer equipment necessary~~
8 ~~for accessing SDLN or other electronic information remotely. The grants may be used for the~~
9 ~~purchase of computers, modems, printers, training, and other equipment or software needed for~~
10 ~~remote access. Any library applying for such a grant shall meet the applicable criteria in~~
11 ~~§§ 24:30:04:02 and 24:30:04:03. In addition, the grant recipient shall maintain dial access~~
12 ~~membership in SDLN with an ongoing commitment for the grant year plus the next two fiscal~~
13 ~~years.~~