

**ADMINISTRATIVE RULES**  
**DEPARTMENT OF EDUCATION**

Article

- 24:01 South Dakota Board of Education, Repealed.
- 24:02 Teacher certification, Superseded.
- 24:03 School accreditation.
- 24:04 Sites for school buildings, Repealed.
- 24:05 Special education.
- 24:06 School buses.
- 24:07 Student due process.
- 24:08 Professional teachers ethics.
- 24:09 Educational cooperatives, Repealed.
- 24:10 Career and technical education.
- 24:11 Professional administrators ethics.
- 24:12 Community education, Repealed.
- 24:13 Modernizing K-12 education, Repealed.
- 24:14 Early intervention program.
- 24:15 National Board for Professional Teaching Standards and National School  
Counselor certification.
- 24:16 Teacher preparation program approval, Transferred or Repealed.
- 24:17 General state aid.
- 24:18 Certificate denial and discipline procedures.
- 24:19 Teacher education program approval, Repealed.
- 24:20 Board of Regents, Repealed.
- 24:21 University of South Dakota, Reserved.

- 24:22 USD - Springfield, Reserved.
- 24:23 South Dakota State University, Reserved.
- 24:24 School of Mines and Technology, Reserved.
- 24:25 Northern State University, Reserved.
- 24:26 Black Hills State University, Reserved.
- 24:27 Dakota State University, Reserved.
- 24:28 Educator Certification
- 24:29 Reserved.
- 24:30 State Library.
- 24:31 to 24:39 Reserved.
- 24:40 Scholarships and grants.
- 24:41 Mentoring.
- 24:42 State accountability system, Repealed.
- 24:43 Accreditation and school improvement.
- 24:44 School Finance Accountability.
- 24:45 to 24:49 Reserved.
- 24:53 Teacher preparation program approval.
- 24:54 Teacher compensation program, Repealed.
- 24:55 Public school accountability system.
- 24:56 Cooperation in education.
- 24:57 Teacher performance standards and evaluation.
- 24:58 Principal performance standards and evaluation.

**ARTICLE 24:30**

**STATE LIBRARY**

Chapter

- 24:30:01 Public access to State Library.
- 24:30:02 Restrictions on library materials.
- 24:30:03 Regional networking.
- 24:30:04 Funding of public libraries.
- 24:30:05 Funding of special institutions.
- 24:30:06 Documents depository library system.

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**CHAPTER 24:30:01**

**PUBLIC ACCESS TO STATE LIBRARY**

Section

24:30:01:01 Eligible public.

24:30:01:02 Use of State Library.

24:30:01:03 to 24:30:01:07 Repealed.

24:30:01:08 Withholding use from public.

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

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

**Source:** SL 1975, ch 16, § 1; 3 SDR 34, effective November 13, 1976; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-41, 14-1-59(2).

DRAFT

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

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

(a) An employee of state government; or

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

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

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

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

**Source:** SL 1975, ch 16, § 1; 3 SDR 34, effective November 13, 1976; 9 SDR 170, effective July 11, 1983; 11 SDR 96, 11 SDR 112, effective July 1, 1985; definition of adequate public library services transferred to § 24:30:04:04.01, 22 SDR 78, effective December 3, 1995.

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-41, 14-1-59(2).



24:30:01:08. Withholding use from public. The State Library may withhold use of its materials and services from any ~~person or~~ library for a minimum of one year when the following abuses are documented:

(1) Holding of library materials beyond their due date, loss of library materials, damage to library materials, or any combination of holding beyond the due date, loss, or damage when these abuses are documented five times within one year;

(2) Holding beyond the due date, loss, or damage to library materials borrowed by the State Library from other libraries on interlibrary loan when either holding, loss, damage, or any combination of the three is documented twice in one year;

(3) Failure to pay for damage or loss as provided in § 24:30:02:06.

A request for waiver of this rule may be considered by the State Library Board at any of its regular quarterly meetings if the request is received in writing from ~~the person or~~ the governing board of the library concerned. To be entitled to a waiver ~~the person or~~ library must enter into an agreement for payment of fees and future compliance with rules and establish that ~~the person or~~ the library is not in violation of any other state library rules. If a library is part of an institution or school, the library must identify a single individual responsible for payment of fees and coordination of all library service requests.

Source: SL 1975, ch 16, § 1; 3 SDR 34, effective November 13, 1976; 9 SDR 65, effective November 28, 1982; 9 SDR 170, effective July 11, 1983; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 15 SDR 89, effective December 21, 1988.

General Authority: SDCL 14-1-59(2).

Law Implemented: SDCL 14-1-41, 14-1-59(2).

Code Commission Note: Sections 24:30:01:08 and 24:30:02:08 were originally adopted with an effective date of September 27, 1982. The Attorney General declared the rules to be void on September 27, 1982, because the procedure in SDCL 1-26-4.2 had not been followed. These sections were adopted again with an effective date of November 28, 1982.

A hearing pursuant to SDCL 1-26-38 to suspend the second effective date was held on December 14, 1982. No action was taken at that hearing, so the rules continued in effect.

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

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

- (1) State Library materials borrowed through interlibrary loan; or
- (2) Materials obtained by the State Library through interlibrary loan from other sources; ;
- ~~(3) Services and materials provided and obtained through South Dakota Library Network~~

~~(SDLN) PALS.~~

**Source:** 15 SDR 89, effective December 21, 1988; 22 SDR 78, effective December 3, 1995.

**General Authority:** SDCL 14-1-59(2), 14-1-65.

**Law Implemented:** SDCL 14-1-59(2), 14-1-65.

## CHAPTER 24:30:04

### FUNDING OF PUBLIC LIBRARIES

#### Section

- 24:30:04:01 Special project grants -- Priorities.
- 24:30:04:02 Criteria for public libraries receiving special project funds.
- 24:30:04:03 Criteria for school libraries receiving special project funds.
- 24:30:04:04 Priorities for awarding of grants.
- 24:30:04:04.01 Repealed.
- 24:30:04:05 Technology grants -- Large projects.
- 24:30:04:06 Technology grants -- Midsize projects.
- ~~24:30:04:07 Technology grants -- South Dakota Library Network (SDLN)/Information Access Projects Repealed.~~
- 24:30:04:08 Application period.
- 24:30:04:09 Training/Continuing Education Grants.
- 24:30:04:10 Exemptions to criteria.
- 24:30:04:11 Appeal process for unsuccessful grant applicants.
- 24:30:04:12 Penalties for failure to comply with grant criteria.

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

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

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

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

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

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

(6) Pay staff minimum wage or better;

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

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

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

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

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

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

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

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

**Source:** SL 1975, ch 16, § 1; 3 SDR 34, effective November 13, 1976; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 25 SDR 34, effective September 15, 1998.

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-46, 14-1-54.

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

**24:30:04:03. Criteria for school libraries receiving special project funds.** To qualify for receipt of any funds that the State Library may disburse for special projects, a school library must meet the following requirements:

(1) Be administered by a certified school librarian whose primary assignment is the library in accordance with subdivisions 24:28:19:09(8), 24:28:20:09(14), 24:28:20:12(8), 24:28:21:10(7), 24:28:21:14(11), 24:28:22:10(7), 24:28:22:14(11), 24:28:23:10(11), 24:28:23:10(24), 24:28:24:09(8), 24:28:25:10(11), and 24:28:25:10(24) ~~24:02:01:01.03(26), 24:02:01:01.04(17), and 24:02:01:09(16)~~;

(2) Be open to all students and faculty at no charge;

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

(4) Submit, as an attachment to the application form, a three- to five-year long-range plan for the development of library services in the district;

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

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

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

(8) Agree to expend funds from local sources for library operation equal to those expended in the second preceding fiscal year before the year in which these special project funds are made available; and

(9) Have the required matching funds available or guaranteed in writing by the school board.

**Source:** SL 1975, ch 16, § 1; 3 SDR 34, effective November 13, 1976; 9 SDR 170, effective July 11, 1983; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 19 SDR 93, effective December 28, 1992; 25 SDR 34, effective September 15, 1998.

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-46, 14-1-54.

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

- (1) Have any required matching funds available or guaranteed in writing by its local appropriating body. The required match rate is 1:1;
- (2) Submit a signed list of all assurances required by the federal funding authority and by SDCL chapter 34-44; and
- (3) If the library is a joint school/public library, have an approved 50-year operating agreement in compliance with federal requirements in 34 C.F.R. 75.603 (July 1, ~~2017~~1990); ~~and~~
- ~~—— (4) Hold full or associate membership in SDLN with an ongoing commitment for three years.~~

**Source:** 3 SDR 34, effective November 13, 1976; 9 SDR 170, effective July 11, 1983; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 25 SDR 34, effective September 15, 1998

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-46, 14-1-54.

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

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

**Source:** 3 SDR 34, effective November 13, 1976; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 25 SDR 34, effective September 15, 1998.

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-46, 14-1-54.



**24:30:04:07. Technology grants -- South Dakota Library Network**

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

**Source:** 3 SDR 34, effective November 13, 1976; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 25 SDR 34, effective September 15, 1998.

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-46, 14-1-54.

**24:30:04:13 Publisher to provide electronic versions of textbooks--Cost--Legacy defined--Duty of Department of Education.**

Upon request, a publisher of a textbook that is adopted for instructional use by a school district shall furnish the South Dakota State Library with an electronic version of the textbook if the textbook is for a literary subject; or, if the textbook is for a nonliterary subject, such as natural sciences, computer science, mathematics, or music, an electronic version shall be furnished if the technology is available to convert the textbook directly to a format compatible with Braille translation software. The publisher shall provide the electronic file to the requesting agency within sixty days of receiving written notice that the file is needed. The cost of the electronic publisher's file may not exceed the cost of a print copy of the same title. Legacy materials are exempt from the requirements of this-chapter. For purposes of this section, the term, legacy, means images and graphics requiring release and permission from another source other than the publisher.

The Department of Education shall oversee the process established in this-chapter to ensure that the textbooks and electronic files arrive by the start of the school year.

**Source:** 3

**General Authority:** SDCL 14-1-59(2).

**Law Implemented:** SDCL 14-1-46, 14-1-54.