



Library of Michigan

Certification Manual and State Aid
to Public Libraries Grant Rules



Library of Michigan

The Library of Michigan promotes, advocates and consistently works to achieve the highest level of library service to the State of Michigan, its government, its libraries and its residents.

This handbook is meant to act as a brief guide to the certification process for all levels of public library staffing. Also, it outlines the statutory requirements for public libraries to receive State Aid to Public Libraries Grant funds.

The certification requirements are intended to offer minimum requirements. Public libraries are encouraged to exceed them.

Additionally, once library staff have achieved their initial certification, they are encouraged to regularly update and augment their skills by attending workshops, conferences, webinars or to use other resources to continue their education.

Libraries will find the Quality Services Audit Checklist a helpful tool to upgrade their library service. These additional guidelines can be found at www.michigan.gov/gsa.

The complete State Aid to Public Libraries Grant rules can be found in the Michigan Register, Issue No. 06 –2009/Published April 15, 2009, in the back of this handbook or at this link: http://www.michigan.gov/documents/hal/Im_2009NewStateAidRulesApril2009_281552_7.pdf

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Certification and Educational Requirements for public library staff

The complete text for these rules is found in the Michigan Register, Issue No. 6/Published April 15, 2009, under Administrative Rules, or at this link:

http://www.michigan.gov/documents/hal/lm_2009NewStateAidRulesApril2009_281552_7.pdf

The section below is addressed under Part 8. Section R397.81.

Level 1 certification requires:

- (a) A master's degree or its equivalent from a library school accredited by the American Library Association, *and*
- (b) Four years of full-time library employment, or its equivalent, after receiving an MLS.

Level 2 certification requires:

- (a) A master's degree or its equivalent from a library school accredited by the American Library Association.

Level 3 certification requires:

- (a) A bachelor's degree from an accredited college or university, *and*
- (b) Completion of the Beginning Workshop offered by the **Library of Michigan**.

Level 4 certification requires:

- (a) A high school diploma or equivalent, *and*
- (b) One year of full-time library employment after receiving high school diploma or equivalent, *and*
- (c) Completion of the Beginning Workshop offered by the **Library of Michigan**.

Minimum staff requirements at a

Class 1 or 2 library	Library director with a level 4 certificate
Class 3 library	Library director with a level 3 certificate <i>and</i> One staff person with a level 4 certificate
Class 4 library	Library director with a level 2 certificate <i>and</i> One staff person with a level 4 certificate
Class 5 or 6 library	Library director with a level 1 certificate <i>and</i> One staff person with a level 3 certificate per 20,000 population

These are *minimum* standards. Library boards and administrators are encouraged to exceed them to provide their patrons with the best library services.



Public Library Class Size and Requirements

Class Size	Population Served
1	0 – 3,999
2	4,000 – 6,999
3	7,000 – 11,999
4	12,000 – 25,999
5	26,000 – 49,999
6	50,000 or greater

Class 1 - Serves a population of 3,999 or less and needs to

- Be open a minimum of 15 hours per week.
- Employ (at least 15 hours per week) a director with at least a Level 4 certificate. The director will complete the New Director's Workshop within one year of becoming a director. *

Required Staffing

Library director with at least a Level 4 certificate

Class 2 - serves a population of 4,000 to 6,999 and needs to

- Be open a minimum of 20 hours per week.
- Employ (at least 20 hours per week) a director with at least a Level 4 certificate. The director will complete the New Director's workshop within one year of becoming a director. *

Required Staffing

Library Director with at least a Level 4 certificate

Class 3 - serves a population of 7,000 to 11,999 and needs to

- Be open a minimum of 30 hours per week.
- Employ (at least 30 hours per week) a director with at least a Level 3 certificate. The library director will complete the New Director's workshop within one year of becoming a director. *

Required Staffing

Library director with at least a Level 3 certificate, *and*
One staff person with at least a Level 4 certificate

**This subrule does not apply to directors who were certified at their current libraries before Oct. 1, 2009.*

Class 4 - serves a population of 12,000 to 25,999 and needs to

- Be open a minimum of 40 hours per week.

- Employ (at least 35 hours per week) a director with at least a level 2 certificate. The director will complete the New Director's workshop within one year of becoming a director and complete the Advanced Director's workshop within two years of becoming a director.*

Required Staffing

Library director with a minimum of a Level 2 certificate, *and*
One staff person with at least a Level 4 certificate

Class 5 - serves a population of 26,000 to 49,999 and needs to

- Be open a minimum of 50 hours per week.
- Employ (at least 35 hours per week) a director with a Level 1 certificate. The director will complete the New Director's workshop within one year of becoming a director and complete the Advanced Director's workshop within two years of becoming a director.*

Required Staffing

Library director with at least a Level 1 certificate, *and*
One staff person with at least Level 3 certificate for every 20,000 people in library service area

Class 6 - serves a population of 50,000 or more and needs to

- To be open a minimum of 55 hours per week.
- Employ (at least 35 hours per week) a director possessing a Level 1 certificate. The director will complete the New Director's workshop within one year of becoming a director and complete the Advanced Director's workshop within two years of becoming a director.*

Required Staffing

Library director with at least a Level 1 certificate, *and*
One staff person with at least a Level 3 certificate for every 20,000 people in library service area.

****This subrule does not apply to directors who were certified at their current libraries before Oct. 1, 2009.***

Please Note: All library staff members may need to update certification levels if they are promoted to a new position.

Workshop Requirements as of Oct 1, 2009

These workshops are provided by The Library of Michigan

Beginning Workshop

Beginning Workshop is suggested for anyone new to the profession or just hired at a library, no matter their academic credentials.

Beginning Workshop is required for anyone who wants a Level 3 or 4 certification.

Beginning Workshop is required for new library directors at Class 1 and Class 2 libraries who need at least a Level 4 certification.

Beginning Workshop is required for new library directors at Class 3 libraries.

New and Advanced Director's Workshop

New Director's Workshops are required for new library directors at Class 1, 2, and 3 libraries. New and Advanced Director's workshops are required for new library directors at Class 4, 5 and 6 libraries.

	Minimum Required Certified Staff	Minimum Hours Open
Class 1	Level 4	15
Class 2	Level 4	20
Class 3	Level 3 and 4	30
Class 4	Level 2 and 4	40
Class 5	Level 1 and 3*	50
Class 6	Level 1 and 3*	55

* Additional one person on staff with a Level 3 certificate for every 20,000 people in library service area

Application Process for State Aid

The complete text for these rules is addressed in the Michigan Register, Issue No. 6/Published April 15, 2009, under Administrative Rules, or at this link:

http://www.michigan.gov/documents/hal/lm_2009NewStateAidRulesApril2009_281552_7.pdf

This section is addressed under Part 2. R397.21.

Deadlines

- File electronic application for state aid each year after Oct. 1 but no later than Feb. 1.
- Postmarked original signature page no later than Feb. 5.

!!!Applications cannot be approved if these deadlines are missed!!!

Contract Area Populations

- For a contracted area municipality to be counted as part of a library services area for state aid to public libraries' purposes, the contract must be in place for at least six months during the library's legal reporting year.
- If two libraries serve the same area for less than six months during a reporting year, the library with the longest service will receive the state aid.
- If two libraries serve the same area for the same amount of time but less than six months, the library with a contract in place closest to the beginning of the State's current fiscal year, Oct. 1, will receive the state aid.
- If only one library serves a contract area but for less than six months, the contract area should be included as part of its legal service area.
- If a library receives less than the minimum of three-tenths of a mill from its total legal service area, it can separate the contracted municipalities and require each to meet the three-tenths of a mill required for state aid.

A library may require a contracting municipality, based on its population, to pay a reasonable fee for library services not to exceed the amount paid by the jurisdictional population.

General Requirements for Public Libraries

A library must meet all of these requirements to receive a state aid grant:

- Be a legally established library.
- Provide library service to all residents of its legal service area.
- Employ certified staff for every hour the library is required to be open.

- Library must be open at least nine out of 12 months a year.
- Library must have evening or weekend hours, or both.
- Library may add open hours of the main library to the hours of a branch library to meet minimum open hours.
- If a library increases its class size, it has to meet the personnel requirements no later than the beginning of its next fiscal year after it receives official notice from the Library of Michigan.

Exceptions

Libraries whose staff members have valid public library certificates as of Oct. 1, 2009, do not need to upgrade to the requirements outlined in this manual. However, library staff members may need to update certification levels if they are promoted to a new position.

Library staff members with valid public library certification as of Oct. 1, 2009, do not need to upgrade their certificates if the library increases class size during their employment. However, once a position is vacated and is filled by a new staff member, the position shall be filled in accordance with the requirements outlined in this manual and detailed in the State Aid Grant Rules, effective Oct. 1, 2009. The complete text for these rules is addressed in the Michigan Register, Issue No. 6/Published April 15, 2009, under Administrative Rules, page 2 or at this link:

http://www.michigan.gov/documents/hal/lm_2009NewStateAidRulesApril2009_281552_7.pdf

This section is addressed under Part 3. R397.31(ii).

Local Financial Support

Local support is money appropriated from a municipality's general fund, produced from a dedicated or district millage, penal fines or grants. Whatever the source, each public library must maintain a minimum of local support of three-tenths of a mill, based on the taxable value for its legal service area.

This level must be maintained in the library's last completed fiscal year before Oct. 1 of the year of its State Aid Grant distribution.

The State Librarian may grant a one-time waiver if the minimum local support is below the three-tenths mill requirement. The reporting library must write to the Library of Michigan to ask for a waiver. This waiver request must indicate that the three-tenths mill will be restored within the next reporting year. Waivers are granted at the State Librarian's discretion.



School Public Library Requirements

The complete text for these rules is addressed in the Michigan Register, Issue No. 6/Published April 15, 2009, under Administrative Rules, page 2 or at this link

http://www.michigan.gov/documents/hal/lm_2009NewStateAidRulesApril2009_281552_7.pdf

This section is addressed under Part 5.

- The local board of education will appoint a library board that is responsible for public library services.
- The local board of education will budget funds for public library programs separate from school library service. These public program expenditures will be reported to the Michigan Department of Education.

- Penal fines, library millage, donated money or state aid grant to public libraries, and interest on any of those funds, shall be used only for public library service and must be kept separate from school library funds.
- The library cannot be regularly used as a classroom or study hall.
- Public library service must be available all year.
- The public library must be open at least 10 hours a week outside of regular school hours and during the summer.
- The public library will acquire materials suited to its entire legal service population.
- The library will post its name and its business hours outside of the building.

Cooperative Library Requirements

Cooperatives must meet all these requirements to be eligible for state aid grant to public libraries:

- Be a legally established library cooperative.
- Submit a current cooperative plan of service for approval to the Library of Michigan.
- Have a director who is employed at least six months of the year and who:
 - Has a Level 1 certificate;
 - Has two full years of full-time administrative experience;
 - Has completed Advanced Director's training within one year of appointment;
 - Carries a fidelity bond and will annually submit verification with state aid grant to public libraries report.
- The final state aid grant to public libraries payment will be sent to a coop after the coop files a copy of its audit within 12 months following the close of its fiscal year.
- If a deficit or material deficiency is revealed, the coop will submit to the Library of Michigan a corrective plan. The corrective plan will include how the deficit will be erased and proof that the plan was filed with the Michigan Department of Treasury.



Cooperative Plans will include all of the following:

- Basic services offered by the cooperative and approved by the Library of Michigan.
- Basic services offered by a member library and provided to other cooperative members.
- Services offered to cooperative members by a contracting third party.
- Specific services that will be paid for by members in addition to core services.
- Budget process used by cooperative.
- Withdrawal process for a cooperative member library.

A cooperative will do the following if it makes substantial changes to its plan:

- Notify and describe changes to members for their approval.
- Notify members the changes have been submitted to the Library of Michigan.
- Submit adoption notice to the Library of Michigan within 60 days.
- The cooperative plan may include a provision for an optional approval by its advisory council and the required cooperative governing board approval.

The Library of Michigan will do the following within 30 days of receiving a cooperative plan

- Approve or deny in writing the original plan or substantial changes within 30 days.
If the Library of Michigan does not respond within 30 days of receipt of the plan, the plan or changes are considered approved.

WAIVERS

The Library of Michigan may grant a waiver to a public library or cooperative for specific requirements under these conditions:

- Waiver request must be in writing.
- The requested waiver is for a temporary violation.
- The violation occurs due to unforeseen circumstance.
- Applicant submits a plan to correct its violation before the end of its reporting year.
- The Library of Michigan will provide a decision about the request within 30 days of receiving the request.
- The Library of Michigan's decision is binding.
- A separate waiver is required for each state aid filing year.
- A separate waiver is required for each circumstance.
- Waivers are issued one-time for a particular circumstance.

APPEALS

This is the appeals process if certification has been denied:

- Appeal request must be in writing and submitted within 60 days after you receive official notice of denial.
- Appeal must use the word "review."
- Appeal must state the reason for reversal of denial.
- All information, records and materials to be considered must be sent with appeal request

To: Chief Appeals Officer

Library of Michigan
702 W. Kalamazoo Street,
Box 30007
Lansing, MI 48909-8238

Appeals Follow up

The Chief Appeals Officer will contact the Library of Michigan to obtain an official copy of the original application. The officer does not conduct a hearing but considers:

- The Library of Michigan's file.
- All written submissions by the requestor.
- Certification standards as detailed within Part 8 of the rules.
- Any other available information.

Within 60 days, the Chief Appeals Officer will provide a written decision to the Library of Michigan and the requestor. This is an administrative review and not conducted as a contested case hearing.

The Chief Appeals Officer assesses errors in professional judgment or alleged prejudicial errors of fact or law. The Chief Appeals Officer may consider other factors.

The chief appeals officer may:

- Reverse the denial.
- Affirm the denial.
- Resubmit the matter to the Library of Michigan or its parent department.

The Chief Appeals Officer has the final decision. The appeals process is not over until the appeals officer has made the final decision.

Michigan Register

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ADMINISTRATIVE RULES

SOAHR 2006-058

DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES LIBRARY OF MICHIGAN STATE AID RULES

Filed with the Secretary of State on March 27, 2009
These rules take effect on October 1, 2009.

(By authority conferred on the department of history, arts, and libraries by section 10a of 1982 PA 540, MCL 397.20a) R 397.01, R 397.02, R 397.03, R 397.04, R 397.05, R 397.21, R 397.22, R 397.31, R 397.41, R 397.42, R 397.43, R 397.44, R 397.45, R 397.46, R 397.51, R 397.61, R 397.62, R 397.71, R 397.72, R 397.81, R 397.82, R 397.83, R 397.84, R 397.85, R 397.91, and R 397.92 are added to the Michigan Administrative Code as follows:

PART 1. GENERAL PROVISIONS

R 397.01 Purpose and applicability.

Rule 1. (1) The purpose of these rules is to prescribe eligibility requirements for public libraries and cooperative libraries to receive state aid funds.
(2) These rules apply to and establish responsibilities of the department of history, arts, and libraries and library of Michigan when administering state aid monies.

R 397.02 Definitions; A to E.

Rule 2. As used in these rules:

- (a) “Accredited institution” means an educational institution recognized by a regional accrediting body and is a qualified institution, as defined by section 2 of 2005 PA 100, MCL 390.1602.
- (b) “Act” means the state aid to public libraries act, 1977 PA 89, MCL 397.551 to 397.576.
- (c) “Certification” or “certificate” means and pertains to the minimum educational and experience requirements applicable to public library employees and directors and cooperative library directors.
- (d) “Department” means the department of history, arts, and libraries.
- (e) “Director” means the public library or cooperative library’s chief administrative officer.

R 397.03 Definitions; F to M.

Rule 3. As used in these rules:

- (a) “Full time employment” means working a minimum of 35 hours a week.
- (b) “Jurisdictional service area” means the area that is within a public library’s legal boundaries wherein the electors are authorized to vote on a library millage and may be eligible to be library board members.
- (c) “Lawfully established” means library establishment by a public or local act, city 2008 MR 6 – April 15, 2009 charter, or ordinance, or special act of the legislature and excludes any type of library that has been established in a fashion unrecognized by the department.
- (d) “Legal service area population” means the total population residing within an area designated for and served by a public library, including the jurisdictional area and any contractual service area.
- (e) “Library class” means the size criteria number, 1 to 6, based on population served.
- (f) “Library of Michigan” means the library of Michigan created by the library of Michigan act, 1982 PA 540, MCL 397.11 to 397.24.
- (g) “Library service” means all library services that are offered by a public library.

R 397.04 Definitions; N to Z.

Rule 4. As used in these rules:

- (a) "Participating library" means a public library that has joined a cooperative library.
- (b) "Personnel" or "employee" or "staff" means any person who is employed by or is an agent of a public library or a cooperative library.
- (c) "Population" means the number of persons residing within a specific geographic area according to the last official federal census or special federal census.
- (d) "Reasonable fee" means an amount of money not more than the amount of money that a resident within a library's jurisdictional service area pays annually through any millage, local appropriation, or other local support furnished for library service.
- (e) "State librarian" means the person appointed by the governor to serve as the state librarian.
- (f) "Substantial modification" means any change to a cooperative library plan of service that involves a change in public library membership which would require a change in the legal boundaries of a cooperative library as originally approved by the department.

R 397.05 Inclusion of definitions.

Rule 5. A definition that is used in the act has the same meaning when used in these rules.

PART 2. APPLICATION FOR STATE AID

R 397.21 Application process for state aid.

Rule 21. (1) Applications for state aid shall be submitted as follows:

- (a) Each applicant for state aid shall submit an application for state aid by electronic means. This submission shall be filed annually with the department between October 1 and not later than February 1.
- (b) After the application for state aid is electronically submitted to the department, an authorized representative of the applicant shall sign an original signature page and mail it to the department postmarked not later than February 5.
- (2) The department shall not approve any application for state aid submitted after the dates specified within subdivisions (a) and (b) of subrule (1) of this rule.

R 397.22 Contract area populations.

Rule 22. State aid for a public library furnishing library service under a library service contract shall be calculated as follows:

- (a) A public library's state aid service population shall include a contract area population if the library has served the contract area for 6 months or longer during the library's state aid reporting year.
- (b) If 2 or more public libraries have each served the same contract area for less than 6 months during their respective reporting years, the library with the greatest time of service to the contract area within its reporting year shall include the contract area in its legal service area population.
- (c) If 2 public libraries have served the same contract area for the same length of time but for less than 6 months during the reporting year, the public library whose contract was in force the nearest to October 1 of the year of state aid distribution shall include the contract area in its legal service area population.
- (d) If a contract area is served by only 1 public library for less than 6 months in its reporting year and no other public library furnished service during the same reporting year, the public library shall include the contract area in the calculation of its legal service area population.
- (e) A public library may require a contracting municipality to pay a reasonable fee based on the contracting municipality's population in addition to state aid funds and penal fine monies that may be paid as library service contract consideration.
- (f) If a public library has contracted with a municipality for the provision of library service and the total local support for the legal service area population is less than the minimum local support requirement mandate in section 5(a) of the act, MCL 397.555(a), each governmental unit comprising the legal service area population may be treated as a separate unit and each unit shall meet the minimum support requirement prescribed in section 5(a) of the act, MCL 397.555(a).

PART 3. GENERAL REQUIREMENTS FOR PUBLIC LIBRARIES

R 397.31 General requirements for public libraries.

Rule 31. (1) To be eligible for state aid under section 16(2) of the act, MCL 397.566(2), and in addition to the state aid eligibility requirements prescribed by the act and by R 397.41 to R 397.46, a public library shall meet all of the following:

(a) A public library shall be lawfully established under state law and local action or special act of the legislature.

(b) A public library shall provide library service to its legal service area population.

(c) A public library shall employ the requisite number of paid certified persons for every hour the library is required to be open, subject to the following exceptions:

(i) The personnel requirements do not apply with respect to personnel with valid certificates who were employed by a public library as of October 1, 2009. When a person employed as of October 1, 2009 leaves the position, the position shall be filled in compliance with the minimum requirements for the library to remain eligible for state aid.

(ii) A public library that does not comply with personnel requirements due to a change in class level following the application of a decennial census is eligible for state aid if the personnel continue to present valid certificates and were employed before the library received notification of the change in class level. When a person employed before the change in class level leaves the position, the position shall be filled in accordance with the personnel requirements in order for the library to remain eligible for state aid.

(d) The minimum hours of accessibility requirements prescribed by R 397.41 to R 397.46 shall be maintained for not less than 9 months during the 12-month operating period and as follows:

(i) Accessible hours shall include evening hours or weekend hours, or both.

(ii) If a public library has more than 1 branch and if the hours for the main library building and each established branch library are different, the unduplicated hours may be added together to satisfy the minimum open hours requirement.

(2) A public library that shifts to a higher class level because of a change in its legal service area population shall meet the higher level of standard for accessibility and personnel not later than the beginning of its next reporting year after the library has received notice from the department of the change of library class.

(3) A public library is eligible for state aid under section 16(4) of the act, MCL 397.566, if it complies with these rules and is a participating member of a cooperative library for not less than 30 days prior to September 30 of the reporting year.

(4) A public library is eligible for state aid under section 16(5) of the act, MCL 397.566, if it meets county reimbursable salary requirements as required by the act.

PART 4. PUBLIC LIBRARY REQUIREMENTS BASED ON CLASS SIZE

Rule 41. (1) A class 1 public library serves a population of 3,999 or less.

(2) A class 1 public library shall be accessible for a minimum of 15 hours per week.

(3) A class 1 public library shall employ a director possessing at least a level 4 certificate. The director shall complete beginning director training within 1 year of initial directorship appointment. This subrule does not apply to a director who has completed beginning director training prior to his or her appointment as a director.

(4) A class 1 public library shall employ a director at least 15 hours per week.

R 397.42 Class 2 public library; eligibility.

Rule 42. (1) A class 2 public library serves a population of 4,000 to 6,999.

(2) A class 2 public library shall be accessible for a minimum of 20 hours per week.

(3) A class 2 public library shall employ a director possessing at least a level 4 certificate. The director shall complete beginning director training within 1 year of initial directorship appointment. This subrule does not apply to a director who has completed beginning director training prior to his or her appointment as a director.

(4) A class 2 public library shall employ a director at least 20 hours per week.

R 397.43 Class 3 public library; eligibility.

Rule 43. (1) A class 3 public library serves a population of 7,000 to 11,999.

(2) A class 3 public library shall be accessible for a minimum of 30 hours per week.

(3) A class 3 public library shall employ a director possessing at least a level 3 certificate. The director shall complete beginning director training within 1 year of initial directorship appointment. This subrule does not apply to a director who has completed beginning director training prior to his or her appointment as a director.

(4) A class 3 public library shall employ a director at least 30 hours per week.

(5) A class 3 public library shall employ at least 1 staff person, excluding a director, who possesses at least a level 4 certificate.

R 397.44 Class 4 public library; eligibility.

Rule 44. (1) A class 4 public library serves a population of 12,000 to 25,999.

(2) A class 4 public library shall be accessible for a minimum of 40 hours per week.

(3) A class 4 public library shall employ a director possessing at least a level 2 certificate. The director shall complete beginning director training within 1 year of initial directorship appointment and complete advanced director training within 2 years of initial appointment. This subrule does not apply to directors that have completed beginning director and advanced director training prior to their appointment as a director.

(4) A class 4 public library shall employ a director at least 35 hours per week.

(5) A class 4 public library shall employ at least 1 staff person, excluding the director, who possesses at least a level 4 certificate.

R 397.45 Class 5 public library; eligibility.

Rule 45. (1) A class 5 public library serves a population of 26,000 to 49,999.

(2) A class 5 public library shall be accessible for a minimum of 50 hours per week.

(3) A class 5 public library shall employ a director possessing a level 1 certificate. The director shall complete beginning director training within 1 year of initial directorship appointment and complete advanced director training within 2 years of initial appointment. This subrule does not apply to directors that have completed beginning director and advanced director training prior to their appointment as a director.

(4) A class 5 public library shall employ a director at least 35 hours per week.

(5) A class 5 public library shall employ at least 1 staff person, excluding the director, who possesses at least a level 3 certificate per 20,000 population served.

R 397.46 Class 6 public library; eligibility.

Rule 46. (1) A class 6 public library serves a population of 50,000 or more.

(2) A class 6 public library shall be accessible for a minimum of 55 hours per week.

(3) A class 6 public library shall employ a director possessing a level 1 certificate. The director shall complete beginning director training within 1 year of initial directorship appointment and complete advanced director training within 2 years of initial appointment. This subrule does not apply to directors that have completed beginning director and advanced director training prior to their appointment as a director.

(4) A class 6 public library shall employ a director at least 35 hours per week.

(5) A class 6 public library shall employ at least 1 staff person, excluding the director, who possesses at least a level 3 certificate per 20,000 population served.

PART 5. SCHOOL PUBLIC LIBRARY REQUIREMENTS

R 397.51 Additional requirements for school public libraries.

Rule 51. In addition to the requirements prescribed in parts 3 and 4 of these rules, a school district public library shall meet all of the following:

(a) The board of education shall appoint a library board, commission, or committee charged with making recommendations for the development of public library services and may ascribe any powers and duties necessary for implementation.

(b) The board of education shall budget separate funds for the public library program, exclusive of

funds for school library service and report expenditures to the department.

(c) Penal fines, library millage proceeds, money donated to or collected by the school public library, payments of state aid to the school public library, and the interest on these funds shall be used for public library service only.

(d) Library funds described in subdivision (c) of this subrule, shall be kept in accordance with section 1215 of 1976 PA 451, MCL 380.1215 and section 20 of the act, MCL 397.570.

(e) The library shall not be used regularly as a classroom or study hall.

(f) Public library service shall be maintained 12 months a year.

(g) During the months the school is in operation, the library shall be open at least 10 hours per week outside the schedule of school hours.

(h) The library shall acquire materials suited to the needs of its legal service area population.

(i) A sign shall be placed outside of the building where the library is located announcing the name of the public library and the weekly hours of operation when the library is available for the use of its legal service area population.

PART 6. COOPERATIVE LIBRARY REQUIREMENTS

R 397.61 Cooperative library eligibility requirements.

Rule 61. (1) To be eligible for state aid under section 13 of the act, MCL 397.563, a cooperative library shall meet the all of the following:

(a) A cooperative library shall be lawfully established as provided under the act.

(b) A cooperative library shall submit a cooperative plan as provided by R 397.62.

(c) The cooperative library shall employ a director for at least 6 months during the reporting year possessing all of the following:

A level 1 professional certificate as described in R 397.81.

(ii) At least 2 years of full time professional administrative experience.

(iii) Completion of advanced director training within 1 year of appointment.

(d) The cooperative library shall file with the department verification of current fidelity bond coverage. The verification shall be submitted with the original signature page of the annual application for state aid.

(2) The final annual state aid payment may be distributed to a cooperative library upon completion of all of the following:

(a) The cooperative library files with the department a copy of an annual financial audit completed within 12 months following the close of the fiscal year.

(b) If the annual financial audit report disclosed a deficit or other material deficiency, the cooperative library shall submit a corrective action plan for review and approval by the department.

(c) If a deficit is disclosed, the corrective action plan shall include a deficit elimination plan and proof that the plan was filed with the department of treasury, as required by section 21 of 1971 PA 140, MCL 141.921.

R 397.62 Cooperative library plan.

Rule 62. (1) A cooperative library shall submit a cooperative plan as prescribed by section 9 of the act, MCL 397.559. The plan shall include all of the following:

(a) A description of the basic services offered by the cooperative library, as approved by the department. A description of the cooperative library services offered by a participating library and furnished to members of the cooperative library.

(c) A description of the cooperative library services furnished by a contracting third party to members of the cooperative library.

(d) A specification of services that shall be paid for by members.

(e) The budget approval process to be utilized by the cooperative library.

(f) The process for cooperative member withdrawal.

(2) When substantially modifying a cooperative library plan a cooperative library board shall do all of the following:

(a) Give notice to participating libraries describing the proposed substantial modification.

(b) Give notice to participating libraries of submission of the substantial modification to the department.

- (c) Submit notice of each substantial modification to the department within 60 days after adoption.
- (3) A cooperative library plan may include a provision authorizing a cooperative advisory council in addition to the cooperative governing board.
- (4) Upon receipt of the plan of service or a substantial modification to a plan of service the department shall do the following within 30 days of the date of receipt:
 - (a) Approve the plan of service or a substantial modification to the plan of service and furnish the approval in writing.
 - (b) Deny the plan of service or the substantial modification to the plan of service and furnish the reasons for denial in writing.
- (5) If the department does not respond to the cooperative library within 30 days of receipt of a plan of service or a substantial modification to a plan of service, the plan of service or substantial modification to the plan of service is deemed approved.

PART 7. APPLICATION FOR PROFESSIONAL CERTIFICATION

R 397.71 Certification application and renewal.

Rule 71. (1) A candidate seeking professional certification shall submit an application and credentials to the department for evaluation and approval. Proof of educational credentials may be made by submission of a sealed, certified transcript from a college or university or a statement from an authorized official of the accredited institution granting the credits.

(2) A certification level of 2 to 4 may be upgraded if an individual completes the requirements to achieve the next certification level as described in R 397.81 to R 397.84. To request a change in certification level an applicant shall complete the following:

(a) Contact the department in writing describing the reason for requesting the change in certification level and to verify the name on the existing record.

(b) Complete and submit an upgrade request form.

(c) Submit a sealed and certified transcript to the department that demonstrates that the requisite degree has been obtained.

(3) Professional experience for level 1 certification shall be documented through completion and submission of an upgrade request form and by letters from current or previous employers verifying the job title or responsibilities assigned the individual and documenting the hours worked following receipt of the master of library science degree or its equivalent. The employer shall mail each verification letter to the department.

(4) An aggrieved applicant may appeal a certification decision as specified in R 397.92.

R 397.72 Certification revocation.

Rule 72. In accordance with the support and parenting time enforcement act, the department shall revoke a certificate upon receipt of a court order to revoke. The department shall give notice of revocation to the employing library on record.

PART 8. PROFESSIONAL CERTIFICATION

R 397.81 Level 1 certification.

Rule 81. The library of Michigan shall grant a level 1 professional certificate to a person possessing all of the following qualifications:

(a) A master's degree or its equivalent from a library school accredited by the American library association.

(b) Four years of full-time employment, or an equivalent time period, consisting of paid professional library work experience in a library approved by the department following the completion of educational requirements.

R 397.82 Level 2 certification.

Rule 82. The library of Michigan shall grant a level 2 professional certificate to a person possessing a master's degree or its equivalent from a library school accredited by the American library association.

R 397.83 Level 3 certification.

Rule 83. The library of Michigan shall grant a level 3 professional certificate to a person possessing all of the following qualifications:

- (a) A bachelor's degree from an accredited college or university.
- (b) Completion of the beginning workshop offered by the library of Michigan.

R 397.84 Level 4 certification.

Rule 84. The library of Michigan shall grant a level 4 professional certificate to a person possessing all of the following qualifications:

- (a) A high school diploma or its equivalent.
- (b) Completion of the beginning workshop offered by the library of Michigan.
- (c) One year of full-time employment or its equivalent consisting of library work experience following the completion of educational requirements.

R 397.85 Certification revisions.

Rule 85. Upon promulgation of these rules an individual possessing a professional certification level of either 4 or 5 shall be recognized by the department as possessing a level 3 professional certification. An individual possessing a professional certification level of either 6 or 7 shall be recognized by the department as possessing a level 4 professional certification.

PART 9. WAIVER AND APPEAL

R 397.91 Waiver of state aid eligibility requirements.

Rule 91. (1) The department, through the department director, may grant a limited waiver to a cooperative library or public library for a particular eligibility requirement prescribed by these rules for the receipt of state aid funds, if the public library or cooperative library requests the waiver in writing and the public library board or cooperative board shows that the failure to meet a requirement was not a continuing violation but a temporary condition. The department director may delegate the authority to the state librarian to grant waivers in writing.

(2) The department may consider waiver in cases where the failure to comply with an eligibility requirement prescribed by these rules is due to unforeseen circumstances beyond the requester's control.

(3) The department shall not grant a waiver unless the applicant submits an action plan for compliance before the end of the next reporting year.

(4) The department shall issue a written decision concerning each waiver request within 30 days of receiving the request.

(5) The department's decision is binding.

(6) A separate waiver request is required for each state aid filing year.

R 397.92 Professional certification review.

Rule 92. (1) A person may request a review of a denial of her or his application for professional certification submitted under these rules. A person who requests a review shall follow the procedures prescribed in this rule.

(2) To file a review under this rule, a requestor shall submit a written request that specifically states the word "review" and states the reasons for reversal of the denial. For the requestor's review to be considered, the requestor shall file his or her review request within 60 days of the requestor's receipt of the decision subject to review. The request for review shall be addressed to the Chief Appeals Officer, Michigan Department of History, Arts, and Libraries, 702 W. Kalamazoo, P.O. Box 30738, Lansing, MI 48909-8238. All information, records, and other materials that the requestor wants to be considered shall accompany the written request for review.

(3) The chief appeals officer shall contact the library of Michigan and obtain a copy of the library of Michigan's official file on the application at issue. The officer shall not conduct a hearing, but shall consider all of the following:

- (a) The library of Michigan's file.

All written submissions from the requestor.

The standards for professional certification contained within part 8 of these rules.

Any other available information.

(4) Within 60 days, the chief appeals officer shall prepare a written decision and shall furnish a copy of the decision to the requestor and the library of Michigan. A review constitutes an administrative review of the denial and is not conducted as a contested case proceeding.

(5) When considering the review, the chief appeals officer shall assess alleged errors in professional judgment and other alleged prejudicial errors of fact or law. The officer may base a decision in whole or in part on matters or factors not addressed in the action subject to review. When rendering a decision, the officer may do 1 of the following:

Reverse the denial.

(b) Affirm the denial.

Resubmit the matter to the library of Michigan for further consideration.

(6) The decision of the chief appeals officer is the final decision on the review. A person may not be deemed to have exhausted his or her administrative remedies with respect to the certifications governed by these rules until the officer has issued a final administrative decision under these rules.





Library of Michigan

The Library of Michigan promotes, advocates and consistently works to achieve the highest level of library service to the State of Michigan, its government, its libraries and its residents. It is an agency within the Michigan Department of Education.



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