

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Thursday, May 16, 2024, and filed with the agency secretary on Thursday, May 16, 2024.

AGENCY NAME: Alabama Public Library Service Library Development Division

INTENDED ACTION: Amend

RULE NO.: 520-2-2-.03

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **520-2-2-.03(2) (f) 6 520-2-2-.03(2) (i) 520-2-2-.03(2) (j) 520-2-2-.03(2) (k)**

RULE TITLE: Library Establishment, Policy And Service Requirements

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. The written and oral comments centered around two different ideologies, the removal of books in public libraries and retaining materials in the library. An amendment was proposed and passed by the APLS Executive Board.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 4, AAM, DATED WEDNESDAY, JANUARY 31, 2024.

STATUTORY RULEMAKING AUTHORITY: Alabama Public Library Service

REC'D & FILED

(Date Filed)
MAY 17, 2024
(For LRS Use Only)

LEGISLATIVE SVC AGENCY

Nancy C. Pack

Nancy Pack

Certifying Officer or his or her Deputy

APA-3

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

Library Establishment, Policy And Service Requirements.

To qualify for state aid, public libraries (whether or not they are members of systems) and public library systems must comply with the appropriate requirements as follows.

(1) A public library and a public library system must be legally established according to Code of Ala. 1975, §§11-90-(1-4). A copy of the ordinance or resolution establishing the public library and copies of public library system contracts must be on file with the Alabama Public Library Service (APLS).

(2) In order to receive state aid, a library board must:

- (a) employ a qualified library director;
- (b) notify APLS of official board appointments and the terms to be served within 30 days of the appointment;
- (c) designate at least two board members to complete APLS trustee training (effective 2021);
- (d) meet a minimum of four times a year;
- (e) have written bylaws governing its functions;
- (f) approve written policies for the public library which cover the following:

- 1. Library objectives
- 2. Patrons
- 3. Personnel, including memberships in professional organizations, attendance at professional meetings, grievance procedures, job descriptions, performance evaluations, etc.
- 4. Cooperation with other libraries
- 5. Public relations
- 6. Materials selection policies, including selection criteria for minors and how they are safeguarded from sexually explicit or other material deemed inappropriate for children or youth.
- 7. Regular services and special services to groups, the handicapped, nonresident borrowers, shut-ins, etc.
- 8. Overdue fines and other fees and charges
- 9. Gifts and memorials
- 10. Physical facilities
- 11. Physical location (and relocation of sexually explicit or other material deemed inappropriate for children or youth.
- 12. Advance approval of materials recommended, displayed, or otherwise actively promoted to children or youth.
- 13. Other

(g) approve a written five-year, long-range program of public library service which will be reviewed each year

and updated as needed. The program should include as a minimum but not limited to:

1. The community's information needs and services
2. Staff development
3. Collection development
4. Facilities development
5. Technology development

(h) approve a written disaster/emergency plan which will be reviewed each year and updated as needed.

(i) approve written guidelines that ensure library sections designated for minors under the age of 18 remain free of material containing obscenity, sexually explicit, or other material deemed inappropriate for children or youth. Age-appropriate materials regarding religion, history, biology, or human anatomy should not be construed to be against this rule.

(j) approve written selection criteria for minors that prevents the purchase or otherwise acquiring of any material advertised for consumers under the age of 18 which contain obscenity, sexually explicit, or other material deemed inappropriate for children or youth. Age-appropriate materials regarding religion, history, biology, or human anatomy should not be construed to be against this rule.

(k) approve written guidelines that establish library cards for minors under the age of 18 must require parental approval before a minor's card is permitted to check-out materials from the library's adult sections.

(3) All Directors, Board members, and/or designated staff of public libraries must attend at least two APLS-sponsored meetings per year either on-site or by videoconference. Eligible meetings include quarterly Administrators' Meetings (October, January, April, July) and the Children and Teen Services Annual Conference (i.e. "Summer Reading Kick-off"). Other eligible meetings are at the discretion of the APLS Director.

(4) The public library must not deny service to anyone on the basis of age, race, sex or creed. Exercising discretion in the location of sexually explicit material or other material deemed by the public library board to be inappropriate for children or youth does not constitute a denial of service on the basis of age. Taking age into account when recommending, displaying, or otherwise actively promoting library materials does not constitute a denial of service on the basis of age.

(5) A public library must be open to serve the public at least the specified number of hours per week based on the following scale:

MINIMUM HOURS OPEN	POPULATION SERVED
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50	over 100,000
45	50,000 - 99,999
40	25,000 - 49,999
30	10,000 - 24,999
20	5,000 - 9,999
16	under 5,000

(6) If a public library system headquarters provides direct patron services on-site (as opposed to extension services provided off-site), the system headquarters must be open the number of hours required in (5) above, based on the population of the county in which the system headquarters is physically located.

(7) Each library must strive to have a well-balanced collection of not less than one volume per capita and not less than 1.5 currently useful items per capita. The term "item" is intended to include print and non-print materials.

(8) Any expenditure of public funds to the American Library Association must be approved by the governing board of the public library or public library system in an open, public meeting following advance public notice.

Author: Nancy C. Pack, Director

Statutory Authority: Code of Ala. 1975, §§41-8-(1-10).

History: Filed March 30, 1992. **Amended:** Filed May 20, 2005; effective June 24, 2005. **Repealed and New Rule:** Filed December 18, 2006; effective January 22, 2007. **Repealed and New Rule:** Filed September 21, 2009; effective October 26, 2009. **Repealed and New Rule:** Filed October 13, 2011; effective November 17, 2011. **Repealed and New Rule:** Filed May 16, 2012; effective June 20, 2012. **Repealed and New Rule:** Filed December 10, 2018; effective January 24, 2019. **Amended:** Published ~~_____~~; ~~effective _____~~ [May 31, 2024; effective July 15, 2024.](#)