

POLICY ON LENDING MATERIALS TO RESIDENTS
OF MUNICIPALITIES
WITH DECERTIFIED LIBRARIES

BACKGROUND:

In order for a public library to be certified in Massachusetts it must meet certain minimum standards of funding and service mandated by the Massachusetts Board of Library Commissioners. A public library that does not meet the minimum standards is “decertified” by the Massachusetts Board of Library Commissioners and is not eligible to receive state aid funding, apply for or receive LSTA grant funds, or enter into any contracts with the region to provide supplemental services. Massachusetts General Laws (605 CMR 4.01) state that certified public libraries are not required to loan materials to residents of municipalities with decertified libraries.

POLICY:

This policy aims to address the issue of the fair and appropriate use of Westford tax dollars spent on public library service by limiting the reliance of a municipality with a decertified library on the J. V. Fletcher Library and its resources.

The J. V. Fletcher Library upholds the importance of maintaining at least the minimum standards of public library service required for public library certification by the Massachusetts Board of Library Commissioners; it therefore will not loan materials either directly or through inter-library loan to residents of municipalities with decertified libraries.

Public libraries that receive a waiver from the Massachusetts Board of Library Commissioners are considered certified. Residents of municipalities in which the library has received a waiver will be permitted to borrow materials.

GUARANTEED ACCESS:

As stated in the Massachusetts General Laws (605 CMR 4.01), “all residents of the Commonwealth shall have access to reading and reference rooms under the same conditions as the residents of the community.” The J. V. Fletcher Library welcomes residents of all municipalities. However, residents of municipalities with decertified libraries are only able to use library resources within the bounds of the library building.

VOTED AND APPROVED: 10/6/03

ADDENDUM:

1. 605 CMR 4.00:
FREE PUBLIC LIBRARY SERVICE

4.01: Regulations - [4.01(6) amended 1/9/97]

(6) "Lend books to other libraries in the commonwealth and extend privileges to the holders of cards issued by other public libraries in the Commonwealth on a reciprocal basis" is interpreted by the Board in accordance with M.G.L. c. 78, § 8 as follows:

(a) "Lend books to other libraries in the commonwealth" means that any free public library accepting a state grant must be willing to lend its books to any other

free public library also accepting a state grant for the use of the residents of the other community under such conditions and/or regulations of inter-library loan procedure as may be made by the board of trustees or other authority having control of the library so lending.

(b) "Extend privileges to the holders of cards issued by other public libraries in the commonwealth on a reciprocal basis" means that all public libraries participating in the direct state aid grant program must be willing, on a reciprocal basis, to extend direct access and services to non-residents who are card holders in other libraries participating in the state grant program and on the same basis as accorded to residents of the municipality in which the library is located.

2. FACT SHEET:
STATE AID TO PUBLIC LIBRARIES

Denial of Certification

Denial of certification to receive State Aid to Public Libraries results in the following:

1. The non-certified municipality and its library will not receive any State Aid to Public Libraries monies (M.G.L. c.78, s.19A).
2. Libraries in certified municipalities are not required to lend library materials to the library in the non-certified municipality (605 CMR 4.01(6a)).
3. Libraries in certified municipalities are not required to extend reciprocal library services, beyond in-library use of their materials, to residents of the non-certified municipality (605 CMR 4.01(6b)).
4. The library will not receive support through the Small Libraries in Networks Program.
5. The municipality is not eligible to apply for funds under the Public Library Construction Program (605 CMR 6.05(1)(c)), and any existing grant will be invalidated because the library must maintain eligibility throughout the construction process in order to receive grant funds (605 CMR 6.09 (7)(b)).
6. The library will not be eligible to apply for grants under the Library Services and Technology Act (LSTA) program.
(www.mlin.org/mblc/ldev/lsta/lrp.shtml).

Note: Network Telecommunications and Virtual Catalog funding are not affected.

6/1/02

3. FREQUENTLY ASKED QUESTIONS:

When a Neighboring Municipality is not Certified to Receive State Aid to Public Libraries

1. If a neighboring municipality is not certified, may we refuse to serve residents of that municipality?

Yes, but it is a decision that must be voted on by your board of trustees. 605 CMR 4.01(6) states that "all public libraries participating in the direct state aid grant program must be willing, on a reciprocal basis, to extend direct access and services to nonresidents

who are card holders in other libraries participating in the state grant program..." The regulation does not make any statement regarding serving residents of municipalities which are not certified.

2. Are there any services that we must provide to residents of a non-certified municipality?

Yes. You must provide access to reference and reading rooms. 605 CMR 4.01(1) states that "all residents of the commonwealth shall have access to reading and reference rooms under the same conditions as residents of the community."

3. May we charge fees of residents of a non-certified municipality?

Yes. If the municipality is not certified, then they are not participating in the State Aid to Public Libraries program and you are not required to offer them free borrowing privileges. Your trustees have the options of:

- (1) continuing to extend borrowing privileges to residents of non-certified communities;
- (2) charging residents of non-certified municipalities to borrow materials;
- (3) denying borrowing privileges to residents of non-certified municipalities;
- (4) entering into a contractual arrangement with the non-certified municipality.

4. Are we required to continue to interlibrary loan items to a non-certified library?

No, unless you are a regional or regional contracting library.

5. Will we be reimbursed (through the Nonresident Circulation Offset) for lending materials to resident of non-certified municipalities?

No. Municipalities will not be reimbursed for circulating materials to residents from of out-of-state and non-certified Massachusetts municipalities (CMR4.02).

8/06/2003