

## Free Basic Library Service and Considerations for SCKLS Member Libraries

### Regional Library System

Kansas law (KSA 75-2547) establishes the purposes of a regional system which include “in cooperation with local libraries to provide adequate library services to all citizens of the state...” and to ...”extend library service to persons not having the same at this time”. To these purposes, local library membership in the South Central Kansas Library System (SCKLS) is further set forth in Kansas statutes and regulations and in applicable SCKLS policies. Applicable statutes, regulations and policies include the following:

Membership Eligibility Policy	<a href="https://sckls.info/DocumentCenter/View/823">https://sckls.info/DocumentCenter/View/823</a>
Membership Eligibility Standards	<a href="https://sckls.info/DocumentCenter/View/822">https://sckls.info/DocumentCenter/View/822</a>
Membership Petition	<a href="https://sckls.info/DocumentCenter/View/1215">https://sckls.info/DocumentCenter/View/1215</a>

In its Petition and Resolution for Admission, a SCKLS member library agrees to:

“... permit any citizen of the territory comprising the system to borrow materials or receive services without charge, subject to reasonable library rules; and to file assurance of compliance with the federal civil rights act of 1964 and file continuing assurances as required...”

The condition to “... permit any citizen of the territory comprising the system to borrow materials or receive services without charge, subject to reasonable library rules...” is further codified in Kansas Administrative Regulation (KAR) 54-1-8 by authority of the State Library of Kansas, Topeka. Areas outside of established public library taxing districts in Barber, Butler, Cowley, Harper, Harvey, Kingman, McPherson, Reno, Rice, Sedgwick, Stafford and Sumner counties comprise the service territory of the SCKLS system.

The provision “... to file assurance of compliance with the federal civil rights act of 1964 and file continuing assurances as required...” should be understood in the context and policy of a member library’s agreement not to discriminate. Non-discrimination means that a member library is required to provide equal access to library services to all citizens of the twelve county service region and the member library must not discriminate in its provision of library services on the basis of age, ancestry, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, status as a veteran or any other qualification addressed in law.

## **Local Authority**

The authority to determine reasonable library rules relative to “free basic library service” is reserved to each SCKLS member library. Kansas Statutes Annotated 12-1227 Use of library; rules and regulations applies to public libraries and reads in part:

“Every library established under, or governed by the provisions of this act shall be free to the use of the inhabitants of the municipality in which located, subject always to such reasonable rules and regulations as the library board may adopt, and said board may exclude from the use of said library any and all persons who shall willfully violate such rules. The library board may extend the use and privilege of such library to nonresidents of the municipality and may make exchanges of books with any other library upon such terms and conditions as said board may from time to time by its regulations prescribe.

Among the factors for consideration in defining and regulating access are a member library’s responsibility to determine the equitable allocation of its limited resources as well as compliance with vendor licensing or other contractually-mandated terms and conditions for use of local services or programs.

Nevertheless, when a public library becomes a member of SCKLS the option in KSA 12-1227 to “...extend the use and privilege of such library to nonresidents of the municipality...” is void and the service requirement identified in KAR 54-1-8 to “... permit any citizen of the territory comprising the system [SCKLS] to borrow materials or receive services without charge, subject to reasonable library rules...” is substituted.

SCKLS defines free basic library service as follows:

1. Initial issuance and renewal of a library card
2. Borrowing privileges for any item in a member library’s circulating collection
3. Provision of interlibrary loan services
4. Access to library programs
5. Access to the Internet and public computers

## **Fees for Service**

The following considerations are intended for use between SCKLS and its member libraries. Consequently, SCKLS may not be used as a basis of authority in a grievance claim between an individual library user and a member library. Equal and equitable service means that a SCKLS member library acknowledges its responsibility to ensure access which is non-discriminatory on the basis of age, education, ethnicity, language, income, physical limitations or geographic barriers.

Funding for SCKLS derives from public tax-support and SCKLS funds shall not be used to pay costs associated with services or programs for which a local member library charges fees. A member library will be subject to loss of funding from SCKLS when the member library uses SCKLS funds to pay for costs associated with services or programs for which the member library charges.

SCKLS opposes the charging of user fees for basic library service. Charging fees for the use of library collections, services, programs or facilities that were purchased with public funds raises barriers to access. Such fees effectively abridge or deny access because they reinforce inequalities among users based on their ability and willingness to pay. Member libraries considering user fees are encouraged to consult with SCKLS for background and guidance prior to any decision.

Whenever a SCKLS member public library determines to charge user fees, applicable library policy and procedure must be non-discriminatory. Fees for basic library service should be examined for their potential barriers to access. Library staff should be trained to address concerns or complaints from users regarding fees. Users should have and be informed of a library appeal process to further address any grievance.