

Wisconsin Department of Public Instruction

**STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

Rule No.: PI 06

Relating to: Public library system standards and librarian certification

Rule Type: Permanent

Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 2016 WI 38.

1. Finding/nature of the emergency (Emergency Rule only).

N/A

2. A description of the objective of the proposed rule.

The proposed rule seeks to amend current administrative rules governing public libraries with respect to establishing minimum standards for public library system services through better library system coordination, as well as supporting and ensuring effective leadership and service to the public through the library director certification program. The rule will also set standards for public library systems to meet in providing and measuring training and continuing education provided to public library trustees and staff, including directors.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

Chapter 43, Wis. Stats., governs the various system requirements that public libraries must meet in order to belong to a regional public library system and receive state aid, which includes providing various services and employing a certified library director. In addition, s. 43.24 (3), Wis. Stats., allows the Department to reduce state aid payments to any system if the system or any participant in the system fails to provide the services required under statute. Currently, public library systems provide annual plans for how they will expend their state aid and perform their statutory duties; however, the Department does not have any means of ensuring those services are met, specifically within the qualifications of staff providing consulting services, or in how in-service training is conducted for library staff and library board trustees. The proposed rule will clarify system requirements by: 1) ensuring that regional systems and local public

libraries employ and retain an appropriately certified public library director, and 2) establishing minimum standards for how public library services are measured and met through better library system coordination and public transparency, 3) that systems either directly provide, through qualified staff or professional trainers, training and education for staff and trustees of its libraries, or expend sufficient funds to contract with other systems or providers for that education, and 4) that consultants providing professional services to public libraries and trustees have the necessary training and/or experience. Without a rule, the Department has no minimum standards for public library system services or library director certification.

4. The statutory authority for the proposed rule.

The superintendent is given statutory authority to promulgate rules with respect to public librarians and public library systems under s. 43.09, Wis. Stats.

43.09 Certificates and standards.

(1) Public librarians. The division shall issue certificates to public librarians and promulgate, under ch. 227, necessary standards for public librarians. The qualifications for public librarians shall be based on education, professional training and experience. Any relevant instruction, as defined in s. 101.02 (24) (a) 1., that an applicant for a certificate has obtained in connection with any military service, as defined in s. 111.32 (12g), counts toward satisfying any requirement for instruction for a certificate under this subsection if the applicant demonstrates to the satisfaction of the division that the instruction obtained by the applicant is substantially equivalent to the instruction required for the certificate. Certificates already granted prior to December 17, 1971, shall remain in effect.

(2) Public library systems. The division, by rule, may promulgate necessary standards for public library systems. If promulgated, such rules shall be consistent with s. 43.15 and shall be established in accordance with ch. 227, except that the division shall hold a public hearing prior to adoption of any proposed rule. In addition to the notice required under s. 227.17, the division shall endeavor to notify each public library of such public hearings.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by Department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.

This rule change could impact public library systems, public library system trustees and staff, and individuals seeking public library certification under s. 43.09 (1), Wis. Stats.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

The proposed rules will have no significant impact on small businesses, as defined in s. 227.114 (1), Wis. Stats.

#### Contact Information

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