

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

February 13, 1980

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
ANALYST: 296-5230

ATTORNEY GENERAL OPINION NO. 80-42

Ms. Ernestine Gilliland  
State Librarian  
Third Floor, State Capitol  
Topeka, Kansas 66612

Re: State Library--Regional System of  
Cooperating Libraries--Loan of  
Materials by School District Libraries

Synopsis: A member of a regional system of cooperating libraries established pursuant to K.S.A. 75-2547 et seq. is required to comply with any regulations established by the state library advisory commission. Included among these regulations is the requirement that each member library make its materials and services available to any "citizen" living in the region. K.A.R. 54-1-8. Additionally, while each member library may be required by state or regional policy to loan materials to other members of the regional system, such policies may reflect that the principal users of each library be afforded first opportunity at such materials.

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Dear Ms. Gilliland:

As State Librarian, you have requested the opinion of this office on the following question:

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"Can a school district library, if an official member of a regional library system, K.S.A. 75-2548(e), loan library books, audiovisual materials and other instructional materials to other system member libraries and any citizen of the system territory as required in K.A.R. 54-1-8?"

As we understand it, your inquiry is in two parts, each of which deals with the power and/or duty of a school district library to loan various materials as part of its membership in a regional system of cooperating libraries. Such systems are authorized by statute, K.S.A. 75-2547 et seq., and are further governed by the rules and regulations set out at K.A.R. 54-1-1 et seq. Your inquiry concerns the effect of these provisions upon the loan policies of school district libraries, many of which are either prospective or actual members of regional systems.

We would first note that K.A.R. 54-1-8 appears to directly answer the second part of the question you posit, namely loans to private citizens. That regulation states:

"Libraries participating in a regional system of cooperating libraries shall permit any citizen of the territory comprising the system to borrow materials or receive services without charge, subject to reasonable library rules." (Emphasis added.)

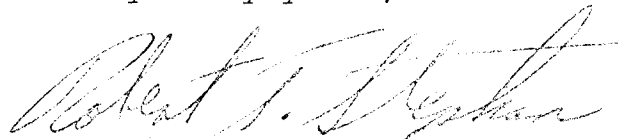
As this regulation is applicable to any participating library, those in school districts would be included. The wording of the remainder of the regulation is clear, and allows residents of the particular region to enjoy the facilities and resources of any other system member. However, we note that it always has been the case that each library is empowered to impose reasonable rules on the use of its materials. In the case of a school district library, this provision would guard against the monopolization of needed materials by a private citizen, either by limiting the number of items borrowed or the time they could be checked out (e.g., restricting the use of film projectors to weekends).

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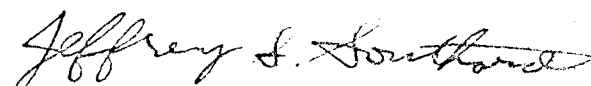
The same result could be reached with respect to your other inquiry, namely, what inter-library loan policies would a school district library have to follow when it became a regional system member? To deal with the possibility that another member might make unreasonable requests, specific policies could be adopted by the state library advisory commission (pursuant to K.S.A. 75-2552) for all seven regional systems. Alternatively, each regional system itself could adopt policies governing intra-system loans. Such policies might be nothing more than a codification of standards which we understand are already in use by many individual libraries. Some of these rules include restrictions on loans of reference materials, recently-published or best selling works, and bulk materials (i.e., all available volumes on a specific topic). Given that the primary purpose of school libraries is to help in the education of students at that school, such restrictions would not do violence to the concept of inter-library cooperation on which the regional systems are based. However, while we are informed that as yet few school districts are regional system members, the advent of computer storage systems capable of cross-filing material from a number of schools would appear to make some standardization of loan policies useful.

In summary, a member of a regional system of cooperating libraries established pursuant to K.S.A. 75-2547 et seq. is required to comply with any regulations established by the state library advisory commission. Included among these regulations is the requirement that each member library make its materials and services available to any "citizen" living in the region. K.A.R. 54-1-8. Additionally, while each member library may be required by state or regional policy to loan materials to other members of the regional system, such policies may reflect that the principal users of each library be afforded first opportunity at such materials.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Jeffrey S. Southard  
Assistant Attorney General

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