

Unified Regulatory Plan of the Library of Virginia for State Fiscal Year 2024

Prepared June 26, 2023

Agency Summary – using the summaries provided in the VAC, provide a brief description of the agency and each board that is anticipated to undertake an action in the fiscal year.

The Library Board of the Library of Virginia (17VAC15. VAC Agency No. 15) is authorized to provide direction and establish policy for The Library of Virginia, which is the state library agency, the reference library at the seat of government, and the archival agency of the Commonwealth, and to make regulations for its governance and use. Code of Virginia, Title 42.1, Chapter 1, Article 1. The board is directed to establish guidelines for the management, preservation, and destruction of public records of the Commonwealth and its political subdivisions. Code of Virginia, Title 42.1, Chapter 7. It is authorized to prescribe standards of eligibility of local and regional public library systems to receive state aid and to allocate to such systems available state and federal funds. Code of Virginia, Title 42.1, Chapter 3. The board is authorized to establish qualifications required to hold a professional library position. Code of Virginia, Title 42.1, Chapter 1, Article 2. Any changes to the regulations for which the Library is responsible must be vetted with and approved by the Library Board. Therefore the regulatory actions taken by the Library of Virginia will focus on reviewing each regulation or guidance document for opportunities to clarify and to eliminate overly burdensome requirements.

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| Title of Proposed Regulatory Action or Guidance Document | |
| Requirements Which Must be Met By Libraries Serving a Population of Less than 5,000 in Order to Receive State Grants-in-Aid [17 VAC 15 - 90] | |
| Brief Overview | |
| <p>To receive their state aid funding allocation each year, all public libraries in Virginia are required to submit a five-year plan, the charter/resolution under which they are organized, by-laws of the board of trustees, a list of trustees, an annual budget, and a written statement of policy covering such items as service, personnel, and maintenance of book collections and other materials. Smaller libraries find it difficult to meet the five-year plan requirement due to limited staff and funds.</p> <p>The requirement was reviewed using a sample of 75 public libraries, and an alternative the rule was proposed for libraries serving populations under 15,000 (to match the director degree and hours after 5 exemption) the opportunity to complete the “Planning for Library Excellence” checklists and by picking 5 things (1 per year) to work on to complete or to improve their rating. The change and the proposed alternative were reviewed and approved by the Library Board on June 26, 2023. Changes approved by Library Board will be pursued through the Virginia Regulatory process in Fiscal Year 2024. Given the Board approval, the changes to this regulation will be pursued through the Virginia Regulatory process in Fiscal Year 2024.</p> | |
| Regulatory Stage (check one box) | <input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule |
| Additional Description | <input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document |
| Legal Authority | <input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action |
| Deregulatory Component | Public libraries serving smaller populations often have difficulty meeting the reporting standards required to receive their allocation of state aid funding. The Library of Virginia would like to find easier, alternate ways for even the smallest library with limited staffing and funds to meet the reporting requirements to receive state aid. |
| Expected Date | June 2024 |

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| Title of Proposed Regulatory Action or Guidance Document Revise the specific evening and weekend service hours obligation to the Requirements Which Must Be Met in Order to Receive Grants-In-Aid [17 VAC 15 - 110] . | |
| Brief Overview This standard establishes the requirements that must be met by libraries serving a population of more than 5,000 to qualify for state grants-in-aid. It currently mandates that service include three consecutive evening hours. The Library will review this provision to see if there is a way to allow for more discretion among the public libraries to arrange their hours over the course of a week to meet the specific needs and use patterns of their patrons. The requirement was reviewed by the Library Development and Networking Division of the Library of Virginia relying on the input of a sampling of 75 public library directors from throughout the Commonwealth. The vast majority (75%) indicated that this requirement did not cause undue burden to them. Therefore, the LDND team recommended to the board that this requirement remain unchanged. A formal review of 17 VAC 15-110 will be pursued through the Regulatory Town Hall in FY24. | |
| Regulatory Stage (check one box) | <input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule |
| Additional Description | <input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document |
| Legal Authority | <input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action |
| Deregulatory Component | Based on input from the public library community, the provision that libraries serving a population of more than 5,000 must include service with three consecutive evening hours per week will remain unchanged. |
| Expected Date | June 2024 |

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| Title of Proposed Regulatory Action or Guidance Document Revise the requirement in the Regulations Governing the Destruction of Public Records Containing Social Security Numbers [17 VAC 15 - 120] requiring the presence of an agency witness in the certified destruction of records. | |
| Brief Overview The Regulations Governing the Destruction of Public Records Containing Social Security Numbers currently require an agency representative be on hand at the secure destruction of records containing privacy-protected information like social security numbers. This is redundant and, in some cases, unrealistic given that the entity retained to perform the secure destruction is already required to certify or provide written assurance of the destruction. The requirement was reviewed by the Library Analysis Section of the Library of Virginia relying on the input of a sampling of Records Managers from agencies throughout the Commonwealth. The proposed change was vetted with the Library Board and approved on June 26, 2023. Given the Board approval, the changes to the witness requirement will be pursued through the Virginia Regulatory process in Fiscal Year 2024. | |
| Regulatory Stage (check one box) | <input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule |

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| Additional Description | <input type="checkbox"/> Expedited Rule <input type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule |
| Legal Authority | <input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute |
| Deregulatory Component | Eliminating the requirement that an agency representative be present to witness the secure destruction of records containing privacy-protected information is redundant and overly burdensome. Proposed changes to the requirement were reviewed and approved by the Library Board on June 26, 2023. Changes approved by Library Board will be pursued through the Virginia Regulatory process in Fiscal Year 2024. |
| Expected Date | June 2024 |