

# COLORADO LIBRARY CARD IMPLEMENTATION MANUAL April 2002

Also available on the Colorado Department of Education website at http://www.cde.state.co.us/cdelib/sl\_libcardindex.htm

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#### **Policies**

#### **HOW DOES IT WORK?**

- 1. Participation by libraries in the CLC program is voluntary.
- 2. A patron from a participating library requests CLC privileges from another participating CLC library.
- 3. No physical CLC card is issued. Patrons will need to meet the lending requirements of the library they wish to use.
- 4. Local lending practices will be followed for user privileges.
- 5. Participating libraries must keep use statistics as follows:
  - How many CLC circulations monthly totals will be reported annually.
  - How many CLC patrons total registered will be reported annually.

#### **FULL CLC MEMBERSHIP**

- 6. Participating libraries are expected to extend to CLC borrowers the same lending privileges received by their primary clientele. CLC borrowers will not be charged a non-resident fee when borrowing from a participating CLC library. If a library finds it necessary to put restrictions on the number and/or type of materials loaned to CLC borrowers, participation with this kind of restriction is preferable to non-participation.
- 7. Home libraries will maintain and assist lending libraries in sharing current patron address and phone number in the retrieval of overdue materials or collection of fines/fees. Home libraries may suspend borrowing privileges due to non-return of items or non-payment of fines at a lending library. Borrower may be asked to sign a waiver allowing borrower information to be shared with other participating libraries.
- 8. Items loaned through CLC are not eligible for reimbursement through Payment for Lending program.
- 9. Reimbursement for items lost and postage may be available through the Self-Insurance Program.

- 10. Borrowers will be subject to the rules of the lending library. (Note: Academic library rules are often more stringent.)
- 11. When the returning library is not on a library courier route, the US Postal Service must be used if the library wishes to be reimbursed. The cost of US postage may be fully reimbursed up to the amount available from the self-insurance fund.

#### ASSOCIATE CLC MEMBERSHIP

- 12. Libraries primarily supported by private funding (51% or more) are encouraged to be CLC members. If they are unable to become full members, they must meet the following criteria of participation to qualify for **Library Services and Technology Act (LSTA)** funds:
  - a. Provide ILL (Interlibrary Loan) at no charge to Colorado libraries;
  - b. Have collection records available in a Z39.50 compliant format that is searchable and able to be linked to/through the Colorado Virtual Library via ACLIN (LSTA may be used to meet this); and any two of the following:
    - i. Provide walk-in building collection and reference use at no cost to Colorado residents;
    - ii. Participate in publicly available access to digital collections (other than the library's collection);
    - iii. Accept direct patron referrals from other Colorado libraries at no cost to the patron.
- 13. Publicly funded school libraries are encouraged to become fully participating CLC members. If a school library cannot fully participate, the school must meet the following criteria for participation:

Provide circulation access at no cost through a designated school district facility and provide public access to a catalog of the library holdings and materials in one or more of the following ways:

- a. Allow walk-in access to building collections to Colorado residents at any time the building is open. When buildings have visitor access rules, the library users must adhere to these rules.
- b. Provide walk-in access when the library is open before or after school hours. When buildings have visitor access rules, the library users must adhere to these rules.

- c. Accept direct patron referrals from other Colorado libraries.
- d. Make records of library holdings available on the Colorado Virtual Library via ACLIN.
- e. Make records of library holdings available in at least one publicly accessible point, such as a district office.
- 14. Libraries primarily supported by public funds (51% or more from tax funds) are required to be full or associate CLC members to be eligible for LSTA funds and State Grants to Libraries.

#### STATE LIBRARY RESPONSIBILITIES

- 15. Serve as advocate, promoter, and spokesperson for the program statewide.
- 16. Coordinate with the Regional Library Systems for the evaluation of the program and the annual collection of statistics.
- 17. Solicit and consider suggestions for improvement of the program. Review policy annually to maintain the best possible service.
- 18. Maintain an active file of resolutions of intent to participate in the program and publish and maintain a directory of participating libraries (as of January 2002, the CLC directory has been incorporated into the online Directory of Colorado Libraries found at http://projects.aclin.org/directory/).
- 19. Appoint an ongoing advisory committee for the program.

#### REGIONAL LIBRARY SERVICE SYSTEMS RESPONSIBILITIES

- 20. Take leadership roles in promotion of the program.
- 21. Encourage libraries to participate in the program.
- 22. Provide orientation and training to local library staff.

#### PARTICIPATING LIBRARIES' RESPONSIBILITIES

- 23. Post signs identifying the library as a participant in the program.
- 24. Honor patrons from all participating libraries.

- 25. File a signed CLC Participation Agreement with the State Library. Each governing authority of a joint library must file a signed separate Agreement.
- 26. Inform CLC borrowers about local rules of service.
- 27. Eliminate non-resident fees for authorized CLC borrowers.
- 28. Keep and provide statistics about non-resident registration and use.
- 29. Publicize and promote the program at the local level.
- 30. Acquire the current address of CLC borrowers.
- 31. Stamp all materials with property stamp.
- 32. Collect overdue fines for overdue materials that the library loaned through the CLC program.
- 33. Apply, if needed, within one year for lost material or postage reimbursement. Reimbursement may be available through the Self-Insurance Fund.

#### BORROWER'S RESPONSIBILITY

- 34. Register and be in good standing at home library.
- 35. Be informed about and abide by the rules and policies of the CLC libraries they use.
- 36. Assume responsibility for all materials borrowed, including but not limited to payment for lost/damaged materials and overdue fines.
- 37. Return materials in a timely fashion according to the rules of the lending library.

Information on CLC membership can be obtained by contacting Carol Tagstrom, Colorado State Library at (303) 866-6789 or tagstrom\_c@cde.state.co.us.

#### **Frequently Asked Questions**

#### Q1. Who should sign the Colorado Library Card (CLC) participation form?

A1. Whoever is authorized to sign agreements for your library. This is not usually the librarian, but rather a board chair, superintendent, city manager, etc.

#### Q2. What if an out-of-state person requests CLC privileges from my library?

A2. The CLC program is available to Colorado residents only. A resident is defined as anyone living in Colorado (including students).

#### Q3. Will there be a statewide database of borrowers?

A3. The feasibility of such a database is being studied.

#### Q4. How do we know if a borrower is in good standing?

A4. You will not know. You'll take the same risk with non-residents as with residents. To minimize your risk, be sure to get a current address. If materials are lost you may apply for reimbursement if you participate in the Self-Insurance Fund. CLC Policy #8.

#### Q5. Must an adult sign a child's CLC card?

A5. If the policy of the lending library requires regular patrons who are juveniles to have an adult signature, then the CLC juvenile borrower must have an adult signature on file. CLC Policy #6.

#### O6. Can my library be reimbursed for postage costs of returning CLC materials?

A6. If you participate in the self-insurance program, you may apply for reimbursement for the cost of returning materials through the US Postal Service. CLC Policies #8 and 9.

- Q7. Is it important for my library to have a property stamp?
- A7. Yes. Stamping materials with a property stamp will help identify them as your materials and ensure that they get back to you quickly.
- Q8. Are materials considered returned when they reach the lending library or when they are returned at another library?
- A8. This depends on the policy of the lending library. CLC Policy #6.
- Q9. What if I have art or other special materials in my library?
- A9. It is better to impose restrictions than not to participate. CLC Policy #4.
- Q10. Can public libraries share the name and address of their library patron with another library that is seeking the return of overdue materials?
- A10. Yes. Memorandum from Attorney General's Office, Answer #1, p. 17.
- Q11. Can a school or college library share the name and address of their library patron with another library that is seeking the return of overdue materials?
- A11. Yes, public school and college libraries may. Memorandum from Attorney General's Office, Answer #2, p. 17.
- Q12. Is there anything in the library law, which precludes one library from limiting service to a library cardholder because that person has overdue materials or fines from another library?
- A12. No. Memorandum from Attorney General's Office, Answer #3, p. 17.
- Q13. Is it necessary to inform library users or have them sign a form that tells them that their name and address information will be shared with other libraries if library materials are not returned?
- A13. No. Memorandum from Attorney General's Office, Answer #4, p. 17.

#### Q14. Do other states have statewide borrowers cards?

A14. Yes. Colorado is one of many states that have statewide borrower cards.

Q15. My library issued library cards to patrons. May I issue a card to a resident of my jurisdiction even though he/she has a card from another library that participates in CLC? (For instance, a student from my local school)

A15. Yes.

Q16. Can I refuse to lend materials to a patron from another jurisdiction who is unwilling to follow our registration procedures?

A16. Yes. CLC Policy #6.

#### Q17. When a card is expired is that patron still a valid CLC user?

A17. No. The patron needs to re-register with his/her home library. Please be aware that some library cards do not expire.

### Q18. What if a potential CLC patron comes in with a library barcode on a card other than a library card?

A18. Many colleges use the college ID card for identification purposes. Some libraries do not issue cards. Libraries are asked to check the Directory of Colorado Libraries to verify that a potential patron's home library is a CLC participant.

See <a href="http://projects.aclin.org/directory/">http://projects.aclin.org/directory/</a>.

#### O19. What if a card becomes too full to hold another bar code?

A19. Before adding another bar code, verify that your system will read an existing bar code. If not, issue a second card.

#### Q20. How does my library withdraw from the program?

A20. A library may withdraw from the CLC program at any time by sending written notification to the Colorado State Library. Please be aware that this action will make your library ineligible for state grant to libraries and for LSTA funding.

#### **How to Participate**

- 1. Review this Colorado Library Card Implementation Manual.
- 2. Obtain appropriate approval to participate in the program by having your board chair, superintendent, city manager or other authorized person sign the completed Participation Agreement (see next page).
- 3. Mail or fax the completed and signed Participation Agreement to: Colorado Library Card Program, Colorado State Library, 201 E. Colfax, Room 309, Denver, CO 80203.
- 4. If you plan to request reimbursement for postage cost or materials lost through this program, you must participate in the optional Self-Insurance Program.
- 5. A confirmation letter, CLC posters, and bookmarks will be mailed to you. When your library receives these, display the posters prominently and distribute the bookmarks to your patrons.
- 6. When a new potential CLC patron wishes to use your library's services, check the Directory of Colorado Libraries at <a href="http://projects.aclin.org/directory/">http://projects.aclin.org/directory/</a> to verify that his or her home library participates in CLC. (A separate directory of CLC members is no longer being published, either online or on paper.) You may contact the home library to see if the potential patron is in good standing there. Verify the patron's identification information as you normally would. Enter the new patron in your library's records as a CLC patron. Your library may issue its own library card to the new CLC patron.
- 7. Maintain required statistics and report them annually to the State Library.
- 8. Follow all rules of the program as outlined in this *Colorado Library Card Implementation Manual*.

Additional CLC posters and bookmarks are available. Contact Carol Tagstrom at tagstrom\_c@cde.state.co.us or 303-866-6789, or call (303) 866-6900 and ask for the Colorado Library Card Program.

## **Colorado Library Card Program** Participation Agreement – Page 1 of 2 (One Time Sign-Up\*)

The				
(Full Legal Name of Organization and/or Governing Authority—if joint library)				
located at				
(Mailing Address, City & Zip Code)				
in county, and member of Regional Library Service System is pleased to participate in the Colorado Library Card				
Regional Library Service System is pleased to participate in the Colorado Library Card program. The library understands and agrees to follow the conditions set forth in the published guidelines.				
The organization named above is (check one):				
<ul> <li>K-12 public school district</li> <li>Attach list of names of all participating schools, including charter.</li> </ul>				
<ul> <li>K-12 private school(s)</li> <li>If more than one school, attach list of names of all participating schools.</li> </ul>				
<ul> <li>Public library or library district</li> <li>Attach list of names of all branches.</li> </ul>				
□ Academic library (college or university, public or private)				
□ Joint library				
<ul> <li>Each governing authority of a joint library must file a signed separate Agreement.</li> </ul>				
□ Other. Please give brief explanation:				
This organization agrees to contribute dollars to the optional Colorado Library Card Self-Insurance fund. (Make check out for a minimum of \$10 payable to the "Colorado Library Card Program.")				
After obtaining the necessary signatures (see next page), send both pages of this completed Agreement with a list of participating schools or branches and your optional self-insurance check to: Colorado Library Card Program, Colorado State Library, 201 E. Colfax Ave., Room 309, Denver, CO 80203.				

# Colorado Library Card Program Participation Agreement – Page 2 of 2

#### **CONTACT INFORMATION AND SIGNATURES**

Contact Name:	
Contact Telephone:	
Contact E-mail:	
Name of Librarian (if different than contact):	
Librarian E-mail:	
Signature:	Date:
Name & Title of Authorized Person*:	
Authorized Person E-mail:	
Signature:	Date:
* Library board chair, school district superintend	ent, city manager, etc.
Γ	

NOTE: It is only necessary to "sign up" to participate in CLC once, not annually. If you are not certain if your organization is a CLC participant, please check at <a href="http://projects/aclin.org/directory/">http://projects/aclin.org/directory/</a> or contact Carol Tagstrom at tagstrom\_c@cde.state.co.us or 303-866-6789.

**End of Participation Agreement** 

#### **Self-Insurance Program**

## The Self-Insurance Fund allows your library to be reimbursed for lost materials and/or postage related to CLC use.

Such costs are reimbursable when they equal \$25 or when the hardship threshold below has been met. Participation is optional.

#### I. Participation.

- To participate, attach a check made out to the Colorado Library Card Program to your Participation Agreement and mail to the Colorado State Library. The check must be for a minimum of \$10, but it may be for a larger amount.
- Maintain records on cost of materials lost through the CLC program and efforts to recover same. Loss is defined as when materials are normally considered lost under the library's lending policy.
- Maintain records for US Postal Service costs incurred for returning CLC materials to lending library.
- Submit a request for reimbursement. (1) Postage reimbursement may be submitted annually when the total amount equals \$25 or more. (2) Reimbursement for lost materials should be submitted annually. If losses total less than \$25 a hardship case must be proved (see below). Send request to: Colorado Library Card Program, Colorado State Library, 201 E. Colfax Ave., Room 309, Denver, CO 80203.

#### II. Definitions.

#### Loss defined as:

When materials are normally considered lost under the library's lending policy.

#### Hardship defined as:

Any CLC loss for a library with a total materials annual budget under \$5,000. 2% of materials budget for type of material lost when total annual materials budget is over \$5,000.

#### III. <u>Documentation and Submission Procedures.</u>

#### Documentation needed to receive reimbursement for lost materials:

- List of items lost through CLC usage.
- Cost of materials screen printout or copy of shelf list card.
- Copy of the library's cost recovery policy (original cost, replacement cost, set cost, etc.).
- Indication of good faith effort to recover lost items.

#### Documentation needed to receive reimbursement for postage:

• US Postal Service receipt for CLC activity.

#### **Procedure to receive reimbursement:**

#### **Submit documentation to:**

Colorado Library Card Program Colorado State Library 201 E. Colfax Ave., Room 309 Denver, CO 80203

- A committee of State Library staff will process reimbursements that fall within parameters and present a budget report at each meeting of the CLC Committee.
- The CLC Advisory Committee will consider case-by-case exceptions to the parameters.

#### COLORADO LIBRARY CARD PROGRAM

ADVISORY COMMITTEE--Policy March 2005

#### Claudine Perrault - Chair

Lone Tree Library, Douglas County Libraries 8827 Lone Tree Parkway Lone Tree, CO 80124 303-799-4446 cperrault@dclibraries.org

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#### State Library Staff

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# The State of Colorado Department of Law Office of the Attorney General

August 21, 1991

#### **MEMORANDUM**

TO: Nancy Bolt

Assistant Commissioner, Libraries and Adult Services

Colorado Department of Education

FROM: Antony B. Dyl

William E. Thro

Assistant Attorneys General Human Resources Section

**Education Unit** 

RE: Disclosure of Information Regarding Library Patrons

In your letter of August 15, 1991, you requested an informal opinion regarding the disclosure of certain information about library patrons. Specifically, your letter raised the following questions:

- 1. Can public libraries share the name and address of a library card holder with another library seeking the return of overdue materials?
- 2. Can a school or college library share the name and address of a library card holder with another library seeking the return of library materials?
- 3. Is there anything in the library law which precludes one library from limiting service to a library card holder because that person has overdue materials or fines from another library?
- 4. Is it necessary to inform library users or have them sign a form that tells them name and address information will be shared with other libraries if library materials are not returned?

#### **CONCLUSION**

Based on our research, our answers to your questions are as follows:

- 1. Yes. Under the terms of § 24-90-119 (2), C. R. S., the disclosure of records is permitted "when necessary for the reasonable operation of the library" or "upon written consent of the user." Since the guidelines for the Statewide Borrower's Program mandate that borrowers sign a waiver allowing the information to be shared with other libraries, <u>Borrower's Responsibilities No. 3</u>, and since obtaining the return of overdue materials is part of the "reasonable operation" of a library, we conclude that disclosure in this context is consistent with the purpose of the law. Accordingly, such disclosure would not be considered illegal.
- 2. Yes. Since the definition of "publicly supported library," § 24-90-103(5), includes libraries at <u>public</u> colleges and universities as well as <u>public</u> school libraries, these libraries would have the same ability to share information as the traditional public libraries. As detailed above in the response to question 1, public libraries can disclose such information under the waiver exception and/or the reasonable operation exception.
- 3. No. Based on our reading of the library statute, § 24-90-101 et seq., C.R.S., there is nothing to prohibit a publicly supported library from withholding the library privileges of a patron who has overdue materials or fines at another publicly supported library.
- 4. No, but obtaining a waiver from each borrower is the preferable course. The "reasonable operation" exception to the no disclosure law, § 24-90-119(2), C.R.S., would support disclosure without the signing of a formal waiver. Obviously, obtaining the return of overdue materials is part of the "reasonable operation" of the library. However, although it may not be required, having the patron sign a waiver would prevent any potential problems regarding whether the term "reasonable operation" can be construed to include disclosure of the borrower's records to obtain return of overdue materials.

#### **DISCUSSION**

Colorado Revised Statutes § 24-90-119(2) allows the disclosure of library records in the following instances:

- (a) When necessary for the reasonable operation of the library;
- (b) Upon written consent of the user;
- (c) Pursuant to subpoena, upon court order, or where

otherwise required by law.

The disclosure contemplated in the present situation must be justified under the first or second exception.

In order to determine if either of these exceptions applies, it is necessary to interpret the meaning of the statute.

It is well founded that legislative intent is the polestar of statutory interpretation and our primary task in construing this statute is to discern the intent of the Colorado General Assembly. Englebrecht v.Hartford Accident & Indemnity Co., 680 P.2d 231 (Colo. 1984). A statute should be construed to accomplish the purpose for which it was enacted, and constructions which would defeat the obvious legislative intent should be avoided. People v. District Court, 713 P.2d 918, 921 (Colo. 1986).

To reasonably effectuate legislative intent, statutes must be construed as a whole with an eye to the entire statutory scheme. Public Employee Retirement Association v. Greene, 195 Colo. 575, 580 P.2d 385 (1978). Where possible, the statute should be interpreted so as to give a consistent, harmonious, and sensible effect to all its parts. If separate clauses within a statute may be reconciled by one construction but would conflict under a different interpretation, the construction which results in harmony should be adopted. District Court, supra. Additionally, in determining legislative intent, it is presumed that a just and reasonable result is favored over any private interest; and, in making that determination, we may consider, among other things, the consequences of a particular construction. Conrad v. City of Thornton, 36 Colo. App. 22, 536 P.2d 855 (1975), rev'd on other grounds, 191 Colo. 444, 553 P.2d 822 (1976).

The waiver exception contained in § 24-90-119(2) definitely would apply to this situation. According to the proposed guidelines which you included with your letter, all borrowers who wish to participate in the Statewide Borrowers Program, must "sign a waiver that borrower information may be shared with other participating libraries to assist in the retrieval of materials and/or the collection of fines and fees." Borrower's Responsibilities No. 3. It seems clear that signing such a waiver would constitute "written consent of the user" and, thus, would allow disclosures between libraries to come under the second exception of § 24-90-119(2). As long as a waiver is signed, the disclosures are legal.

This analysis does not change when <u>public</u> school and <u>public</u> college/university libraries are added to the Statewide Borrowers Program. These types of libraries are specifically included in the statutory definition of "publicly-supported library" contained in § 24-90-103(5)(a) & (d).

The legality of the disclosures becomes more problematic when a waiver is not signed. Nevertheless, we conclude that the reasonable operation exception would still apply in such a situation. Obtaining the return of overdue materials is part of the normal day to day operation of any library. Indeed, failure to perform this function would soon render any library incapable of serving its patrons. Thus, any construction of the words "reasonable operation of the library" must include the process of securing the return of overdue materials. Accordingly, even if the patron did not sign a waiver, the disclosures would still be legal.

Moreover, the stated policy of the library statute is to ensure equal access to information...." § 24-90-102, C.R.S. One way of insuring that residents of small towns and rural areas have equal access to information is to allow these residents to borrow materials from the larger libraries in urban areas as contemplated in the Statewide Borrower's Program. Yet, if the larger libraries cannot have access to information about the smaller libraries patrons when those patrons fail to return materials, the larger libraries will have no choice but to decline to participate in the scheme. To do otherwise would be to jeopardize the larger libraries' ability to provide services. Consequently, the stated legislative purpose of the library statute will be frustrated if disclosure were to be prohibited.

Finally, our reading of the library statute, § 24-90-101 et seq., C. R. S., indicates that there is nothing which precludes one library from limiting service to a patron because that patron has overdue materials or fines at another library.

In summary, under the proposed guidelines, which you enclosed, disclosures under the Statewide Borrowers Program meet both the waiver exception and the reasonable operation exception. College/university and school libraries may participate in the program because they are publicly supported libraries. Nothing in the statute prohibits a library from suspending the privileges of a patron who has overdue materials at another library. Even if the patron does not sign a waiver, the reasonable operation exception will allow disclosure. However, to avoid potential problems we believe that waivers should be obtained as outlined in your proposed guidelines for the State Borrowers Program.

This memorandum reflects the legal opinion of the authoring Assistant Attorneys General and is not to be construed as an official opinion of the Attorney General of the State of Colorado.

#### **ORDER FORM COLORADO LIBRARY CARD MATERIALS**

I	Person Ordering		
City	State Zip		
Fax Nur	mber		
<u>TEM</u>			
Bookmarks (please order in mo	ultiples of 50)		
Horizontal posters*			
Large vertical posters*			
	ookmarks) – use to have your		
H H	City		

Return order to:

Colorado Library Card Colorado State Library

201 East Colfax Avenue, Room 309

Denver, CO 80203-1799

Phone: (303) 866-6900 Fax: (303) 866-6940

#### **Colorado Library Card Benefits**

- Opens all Colorado library doors to every Colorado resident.
- Stretches tax dollars.
- Supports literacy and reading.
- Encourages every Colorado library to participate (including public, academic, school and special libraries).
- Increases public awareness of libraries.
- Provides opportunities for school and community partnerships.
- Eases the strain on materials budgets.
- Allows for reimbursement for postage and lost materials related to CLC use.
- Maintains lending library control.
- Makes participating entity eligible to apply for State Grants to Libraries.
- Makes participating entity eligible to apply for Library Services and Technology Act (LSTA) funds.

# Percentages of Libraries Participating in CLC As of January 2002

	Total in State	Participating in CLC	% Participation
<b>Public Libraries</b>	119	119	100%
Academic	52	34	65%
<b>School Districts</b>	178	176	99%
Private K-12	167	unknown	unknown
Regional Systems	7	7	100%
Other Types	unknown	52	unknown

Go to the Directory of Colorado Libraries at <a href="http://projects.aclin.org/directory/">http://projects.aclin.org/directory/</a>
to see if a particular library is participating.