

ACTION ITEM FOR BOARD CONSIDERATION: WRITTEN REQUEST TO EXCEPT CERTAIN CRITERIA REQUIRED FOR COVID-19 FEDERAL EMERGENCY DOLLARS

BACKGROUND: The federal Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) passed by Congress March 19, 2020, gives certain relief funds to states to assist in continuing to provide education.

Certain CARES ACT monies will be made available to the South Dakota Department of Education via the State Library. The amount of funds for the State Library to utilize is approximately \$65,000 of the awarded grant of seventy-nine thousand nine hundred and thirty-seven dollars (\$79,937).

State administrative rules require specific criteria for public school libraries and for state public libraries to meet when applying for special project funds. Criteria components can be excepted (exempted) by the State Library Board on a case-by-case basis.

It is anticipated grant applicants from the public libraries not having the 51% funds to match the grants, as provided in ARSD 24:30:04:02. The emergency CARES ACT funds are not requiring sub-grantee match funds, so it will be necessary to have these criteria excepted by the State Library Board.

It is also anticipated that grant applicants from public school libraries will not have matching funds or the school district board's ability to guarantee the grant funds as provided by ARSD 24:30:04:03, so it will be necessary to grant an exception of this criteria.

The criteria exceptions for sub-grants to public school libraries and public libraries for the CARES ACT funds can be considered by the Board as authorized and anticipated by ARSD 24:30:04:10.

Further the award criteria outlined in ARSD 24:30:04:04 is too restrictive for the awarding of the grants in that the priorities are in conflict with the intent of the use of the CARES ACT funds to reach the rural or low-income areas of the state.

These priorities should be excepted from the award criteria. The priorities that are separately stated in ARSD 24:30:04:01 will remain in the consideration process.

State Library Board Authority granted under the South Dakota Administrative Rules:

ARSD 24:30:04:10. Exemptions to criteria. Exceptions to any of the application or award criteria in this chapter may be requested in writing. The State Library Board shall consider the requests case by case.

REQUESTED ACTION:

By virtue of the authority given to the Board by ARSD 24:30:04:10 to grant criteria exceptions for special project funds, the Board is requested to grant criteria exceptions for the grant applications for CARES ACT funding from the federal government for emergency relief.

Specifically, the State Library is requesting to except the following criteria of **ARSD 24:30:04:02:**

A. Section (2) wherein the local governmental body must provide a minimum of 51% of the funding;

B. Section (13) wherein applicants must agree to expend funds from local sources for its own operation equal to those expended in the second preceding fiscal year before the year in which these special project funds are made available; and,

C. Section (14) wherein the applicant must have the required matching funds available or guaranteed in writing by its local appropriating body.

Further the State Library is requested to except the following criteria of **ARSD 24:30:04:03:**

A. Section (1) wherein the applicant must be administered by a certified school librarian whose primary assignment is the library in accordance with subdivisions 24:28:19:09(8), 24:28:20:09(14), 24:28:20:12(8), 24:28:21:10(7), 24:28:21:14(11), 24:28:22:10(7), 24:28:22:14(11), 24:28:23:10(11), 24:28:23:10(24), 24:28:24:09(8), 24:28:25:10(11), or 24:28:25:10(24);

B. Section (8) wherein the applicant must agree to expend funds from local sources for library operation equal to those expended in the second preceding fiscal year before the year in which these special project funds are made available; and,

C. Section (9) wherein applicants are to have the required matching funds available or guaranteed in writing by the school board.

Finally, the State Library is requesting to except the award criteria priorities outlined in **ARSD 24:30:04:04 (1-7)** in order to give priorities as per ARSD 24:40:04:01 (1) and the remaining limited authority in Section (2).

These exceptions will allow the State Library to place priorities for eligibility and for awarding of the CARES ACT funding on those areas the CARES ACT is providing the emergency funds for.

<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=24:30>

Diane Roy, DOE Legal Counsel

Daria Bossman, SDSL State Librarian

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