

## Talking Points in Support of Public Act 102-0843 (Cards for Kids Act Expansion) January 2023

### Introduction/Background

Two public acts are helping to ensure that all children in Illinois have equal access to public library service. The Cards for Kids Act (Public Act 101-632) requires public libraries that offer nonresident cards to waive fees for K-12 students living in unincorporated areas who are eligible to receive free or reduced price lunches under the National School Lunch Program. The Cards for Kids Act became law on June 5, 2020. More information is available on the [RAILS website](#).

[Public Act 102-0843](#) took effect on May 13, 2022. It expands the Cards for Kids Act by allowing public library boards to adopt regulations waiving nonresident fees for everyone under the age of 18, regardless of their financial ability to pay for a nonresident card. While the Cards for Kids Act is a legal requirement, libraries are not required to waive nonresident fees for everyone under the age of 18. Public Act 102-0843 leaves that choice up to each library.

Some Illinois public library directors have asked for talking points they can use to demonstrate the benefits of expanding access to all students under the age of 18. Other library staff have asked for advice on what to say to taxpayers who ask why some kids/students should get “free” library cards when they must pay taxes to support the library. The following talking points are designed to help meet these needs.

### Expanded Cards for Kids Act (Public Act 102-0843) Talking Points

Parents of children who attend schools in the community pay taxes to the schools to support their children’s education. The Expanded Cards for Kids Act helps Illinois public libraries highlight the strong role they play in supporting the educational needs of everyone in the community, including children.

The Expanded Cards for Kids Act levels the educational playing field for all Illinois school children. Some students in unserved areas attend schools that don’t have libraries. Other school libraries are facing severe budget cuts and dwindling resources. The public library may be the only option for library service these students have.

Many libraries sell cards using the mathematical formula model (which charges the same amount to any family regardless of the value of their home or their income level). This has the potential to be a greater barrier to students of lower-income families, who are often the ones who need the resources of a public library more than most. While some of these students would be exempt due to Cards for Kids, there are still plenty of households above that threshold that still would have difficulty paying the fee for a nonresident card.

Access to public libraries is a crucial part of early childhood literacy, lifelong learning, and academic success. It is to everyone’s benefit that we have a literate society, and one way to help achieve this is to encourage students to read and to remove as many barriers to using their local public library as possible.

Taking the long-term view, children will go on to become homeowners, taxpayers, and productive, active community members. They are our future leaders, voters, and decision makers. It is to the advantage of everyone in the community that all children are as educated and well informed as possible. The library is the place where all students can go in pursuit of this goal.

Public libraries provide many important services that can help all kids prepare for the future and ensure the continued economic and educational development of our communities. Providing the tools kids need to apply to college or vocational school, or to find a summer job are a few examples. Students in unincorporated areas are much less likely to access any library services. This increases their educational vulnerability and could have a very negative effect on their future and the future economic development of the communities where they live.

If students in unserved areas don't have the opportunity to experience all the benefits of public library service in their formative years, they may not support and use their local library as adults. The Expanded Cards for Kids Act will help these students see the benefits of public library service early on, making them more likely to advocate for libraries as adults.

Access to a library card for any unserved student, regardless of income, reduces the potential for shame and eliminates privacy concerns when staff need to ascertain whether a student meets the criteria for Cards for Kids.

School districts often look to public libraries to help combat the "summer slide," where students tend to lose some of the educational achievements gained during the previous school year. Students in unincorporated areas are far more likely to feel the effects of the summer slide. If they don't have access to library service during the summer months, they may have great difficulty catching up to other students in their class when they return to school.

Many public libraries want to do outreach to schools in their area to promote programs, summer reading, etc. But library staff have always been in the difficult position of promoting services that a certain percentage of students might not be able to take advantage of because of where they live. The Expanded Cards for Kids Act makes it possible for library staff to speak to students at community schools without having to consider how many the message may not apply to because they live in an unserved area.

While some public libraries have attempted to form intergovernmental agreements (IGAs) with schools in their community to ensure that all students have access to library services, many have reported having difficulty with the "very legal and complicated process" involved in forming an IGA. The Expanded Cards for Kids Act will provide a much easier course for them to extend library service to all school children.

## Library Nonresident Library Card Guidance

The Illinois General Assembly recently enacted [Public Act 102-0843](#) (effective May 13, 2022) to amend both the Local Library Act and the Library District Act to authorize libraries to adopt regulations waiving nonresident library card fees for persons under 18 years old in certain circumstances. The Illinois State Library (ISL) is expected to issue guidance on this new law later this summer and, in the interim, has referred to the ISL's FAQ addressing current state laws and administrative regulations on nonresident library card requirements which can be accessed here: [FAQ](#). In the interim, the following is some interim guidance to assist RAILS' members in understanding this new law.

### **How does Public Act 102-0843 change existing library laws?**

The Public Act amends section 4-7(12) of the Local Library Act (75 ILCS 5/4-7(12)) and Section 30-55.60 of the Library District Act (75 ILCS 16/30-55.60) to authorize library boards of trustees to adopt regulations that waive nonresident fees for persons under the age of 18 years old ("*minors*").

### **Does the new law require libraries to waive nonresident fees for minors?**

No, there is no requirement that a library waive nonresident fees for minors. The new law leaves the choice to each library.

It is important to remember that state law requires each library board of trustees to make an annual determination as to whether it wants to issue nonresident library cards during the following 12 months. *See* 23 Ad. Code 3050.20(a). However, state law does not require a library to participate in the non-resident library card program. 23 Ad. Code 3050.20(e).

And, even if a library chooses to participate in a nonresident library card program, the library is not required (but may choose) to adopt regulations to waive nonresident fees for minors.

### **If a library chooses to waive nonresident fees for minors, does the library board of trustees have to annually renew those regulations (as is the case with the library's participation in the nonresident card program)?**

The new law does not address this issue and the state has not yet adopted any formal guidance or administrative rules on this question. Practically, since a library is required to make an annual determination on whether to participate in a general nonresident library card program, it might make sense for the library board to make a determination at the same time whether or not the library wants to waive fees for minors at that same time.

### **Does the new law include specific regulations a library must or can adopt if it chooses to waive nonresident fees for minors?**

No. However, because the new law is limited to waiving nonresident fees for *minors*, a library may consider adopting reasonable regulations to require applicants to provide documentation to verify a person's eligibility for a waiver.

In addition, a library that chooses to waive fees for nonresident minors should consult the ISL's FAQ for regulations pertaining to nonresidents as it is likely the ISL's forthcoming guidance will refer to this FAQ for guidance on the nonresident eligibility component of the new law.

**Are there administrative rules interpreting the new law? Has the ISL issued guidance interpreting the new law?**

The answer to both questions is no. The ISL has not issued formal guidance concerning the new law and no administrative regulations have yet been adopted concerning the new law.

**Does the new law impose any economic eligibility limits for potential recipients of nonresident waivers?**

No. Unlike the "Cards for Kids" program (which does impose express economic eligibility restrictions), this new law does not impose any economic restrictions on the waiver of nonresident fees for minors.

**Should libraries await ISL guidance and the issuance of administrative rules before adopting regulations waiving nonresident fees for minors?**

That is a matter of policy for each library.

**If a library adopts regulations waiving nonresident fees for minors, can the minor's family members that are either (1) under 18 years old or (2) 18 or older use that person's card?**

Since the new law authorizes the waiver of nonresident fees for *persons under 18 years of age*, a library card issued to a minor would not be appropriately used by adult family members who do not meet the statutory age eligibility requirement. Instead, those persons older than 18 years old will need to pay the established nonresident library card fee in accordance with state law.

Other family members who meet the eligibility requirements (nonresident and a minor) can apply for their own library card under this new law (assuming the library board has chosen to participate).