



## CLINTON-ESSEX-FRANKLIN LIBRARY SYSTEM

33 Oak Street  
Plattsburgh, NY 12901

*Approved by New York State Library/New York State Education Department  
November 18, 2014*

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## CLINTON-ESSEX-FRANKLIN LIBRARY SYSTEM

### COMMISSIONER'S REGULATION 90.3 DIRECT ACCESS REQUIREMENTS

#### COMPLIANCE PLAN

##### *Introduction:*

In 1999 Commissioner's Regulation 90.3 was changed. Each of the State's 23 public library systems is now required to prepare a Direct Access Plan and secure its approval from member libraries. The plan is intended to ensure that each New Yorker has access to free public library service, whether or not they live in the chartered service area of a local public library. This plan, pertaining to the Clinton Essex Franklin Library System, was revised in 2014 to reflect the present circumstances of its services.

##### *Purpose of this plan:*

The Commissioner's Regulation requires that all residents be able to make on-site use of all library resources, borrow materials, and attend programs in all public libraries within the boundaries of the Library System. It also requires that all libraries which are members of the Library System honor all library cards issued by any member library or by the Central Library. The intent of these two requirements is to insure access to information resources on the part of every resident of Clinton, Essex, and Franklin Counties, whether they live in an area served by a local library or not.

Further, the Regulation provides:

- That library cards be issued at no cost to the borrower.
- That no individual be excluded from access to library service and materials because of age, cultural, economic, or civic status.
- That certain exemptions may be granted to some of the requirements, subject to certain approvals.

The Direct Access Plan is an agreement between the Clinton Essex Franklin Library System and the State Education Department, New York State Library and is required by Commissioner's Regulation 90.3 (a) through (d) (4). The Plan reflects the System's

commitment to ensure equal service to all residents of Clinton, Essex and Franklin counties without exclusions based on their age, cultural, economic or civil status.

It covers access to online and on-site use of all library resources, ability to borrow materials, and ability to attend programs in all public libraries within the boundaries of the three counties.

The Plan also makes it possible to set some restrictions on online and off-site use of library materials that would address excessive and unfair use or inadequate levels of public support that negatively impact the services member libraries provide to the residents of their area.

***Definitions:***

1. *The New York State Library's Division of Library Development, State Education Department* is a state division organized to oversee library services in New York State and authorizes the system to operate and receive state funding, and is party to this agreement.
2. *Clinton Essex Franklin Library System (CEFLS)* is a 30-member (and three reading centers) library system in the three counties of Clinton, Essex and Franklin. It is a federated library system and is governed by a board of fifteen trustees, nominated by the legislature of each county.
3. *The Clinton Essex Franklin Directors' Association (CEFDA)* is an association of directors of CEFLS's thirty member libraries and a library system consulting and advisory body.
4. *The Clinton Essex Franklin Cataloging (CEFCAT) (the Clinton Essex Franklin CATalog Users Group)*'s main purpose is to assist in enhancing and refining policies and procedures for the shared use of the automated library system. The group takes part in the continuous planning for the expansion and improvement of the automated library system.
5. *CEF Members Advisory Council* is an advisory committee with representatives from several member libraries serving as members. This is a robust and active committee which meets often and works extensively with CEF member library staff on a variety of issues, including establishing and updating CEFLS policies. CEFLS uses input from this Council in preparing its Direct Access Plan, Service Priorities and Plan of Service, as well as issues affecting all member libraries.
6. *Central Library* – Plattsburgh Public Library has been designated, as required by the NYS Education Law, to serve as the Central Library for CEFLS. The purpose of a central library is to offer programs and resources in greater numbers and depth than usually found in local libraries.

7. *Library system members* means a public library in the library system's service area chartered by the Board of Regents of the State of New York to provide public library service to the residents of their chartered service areas in New York State and within the Clinton Essex Franklin Library System's chartered service area.
8. *Direct access* means the ability of an individual, who resides within the boundaries of a public library system and who has a valid borrower's card issued by the Central Library or any member library in the system, to borrow materials for home use directly from the premises of any library that is a member of the public library system on the same basis as that specified for cardholders in each individual library.
9. *Chartered service area* means the geographic area served by a library as stated in charter documents approved by the Board of Regents and on file with the State Library. For purposes of this section, the phrase "and its environs" or its equivalent as contained in any charter document will not be recognized by the commissioner as a valid part of the library's chartered service area. The commissioner will not recognize areas served by the library under contract as a valid part of a library's chartered service area. Areas served by a chartered library via contract are not part of a library's chartered service area. These areas are considered unserved for the purposes of the legal service area. However, if a community contracts for services it does satisfy the criteria required by CEFLS for direct access services.
10. *Resident borrower* means an individual who resides within the boundaries of the chartered service area of a public or association or Indian library as defined in section 253 of the Education Law and who is a library cardholder at that library.
11. *Non-resident borrower* means an individual who resides outside the boundaries of the chartered service area of a public or association or Indian library as defined in section 253 of the Education Law and who is a library cardholder at that library or at another member library in the system or who is a Central Library cardholder.
12. *Library resources* mean the print and non-print materials owned by the library and any other services provided by the library to the resident borrowers of the library's chartered service area.
13. *ILS (Integrated Library System)* is a computerized catalog and circulation system, such as HORIZON, which is supported and maintained by CEFLS.
14. *On-site use* means the ability of an individual to use library resources on the premises of a particular library.
15. *Serious inequities and hardships* mean those conditions which adversely affect resident borrowers of member libraries. Such conditions are defined in accordance with the free direct access provisions contained in each system's

approved plan of service and may include, but are not limited to, a definition of what constitutes excessive borrowing of a library's resources by non-resident borrowers.

16. *Unserviced* means those individuals residing in geographic areas that are within the boundaries of a public library system but outside the boundaries of a chartered service area of a library which is a member of that system.
17. *Underserved* means those individuals residing in geographic areas that are within the chartered service area of a member library and which the public library system has identified as having an inadequate level of local income to support the delivery of acceptable library services.
18. *Cooperative Collection Plan for Non-fiction Materials* means a plan to provide access to items in a wide range of subjects beyond the on-site collections of member libraries. Any member library can collect materials in a chosen subject area thus strengthening the nonfiction collection in the entire System and avoid duplication.

#### ***PLAN DEVELOPMENT, REVISIONS AND APPEALS***

The Clinton Essex Franklin Director's Association (CEFDA) was consulted and their suggestions incorporated in the original Plan written, distributed and approved in 1999. The Plan is required to be updated on a regular basis. In 2014, as in 1999, the same process was applied to the present revision of the Plan and the Plan was presented both to the CEFCA Users Group and the reinstated CEF Members Advisory Council.

The Member Libraries received a cover letter with the copy of the Plan following their yearly member library contracts which points out the significance of current contract language on direct access.

The updated plan was circulated for Member Libraries' comments and review, while the 1999 plan was still valid. Ballots were distributed to the CEF Members Advisory Council and to individual library boards. The Plan must be approved by the individual library boards before it is presented to the CEFLS Board of Trustees.

Once approved by the Member Libraries' Boards and the CEF Members Advisory Council the updated Direct Access Plan was presented to CEFLS Board of Trustees for consideration and approval.

Once approved by the CEFLS Board of Trustees the Plan was presented to the Commissioner of Education or the Commissioner's designee for consideration and approval.

Once approved by the Commissioner of Education or the Commissioner's designee the plan was posted on the CEFLS website.

The CEFL Members Advisory Council may also periodically review the Plan to ensure consistency between the Plan and the contracts and resource sharing agreements to make recommendations as needed.

Appeals to decisions and remedies under this Plan may be made by a member library board in writing to a CEFLS trustee from their county. The matter will be reviewed by the CEFLS Board of Trustees in its next scheduled meeting and a determination given.

### ***PLAN ANALYSIS***

Clinton Essex Franklin Library System is a federated public library system covering an area of 4,461 square miles of mostly mountainous region of the Northern Adirondacks, and serving a population of 173,097, according to the 2010 Census.

Member libraries of CEFLS include thirty public libraries and three reading centers in the counties of Clinton, Essex and Franklin.

Clinton Essex Franklin Library System also provides library services to 8 State correctional institutions and 3 county jails.

All member libraries of CEFLS meet minimum standards or are in the process of compliance. Resource sharing across the System is viewed as a strength and a benefit to local library services. CEFLS provides rotating collections of library materials to member libraries to augment their own collections. Interlibrary loan from outside of the Clinton Essex Franklin Library System is provided either through the System, directly through OCLC membership or through the Northern New York Library Network.

Most direct and on-site service to system residents, including those in unserved areas, is the responsibility of member libraries.

The role of CEFLS is to support its members with the services determined to be essential and to assist members to provide the best possible service to their own residents while still providing an adequate level of library service to residents in unserved areas.

The CEFLS Direct Access Plan provides member libraries with tools to use when restrictions due to overuse by non-residents are necessary.

## **THE COMPLIANCE PLAN FOR CEFLS:**

### ***1. How residents of Clinton, Essex, and Franklin Counties will receive library service:***

The intent of the Regulation:

**That free and universal access to library service is available to all New Yorkers.**

All residents in Clinton, Essex, and Franklin counties should register for their borrower's card at their local library or at the Central Library (Plattsburgh Public Library) to enjoy the same rights of direct access to CEFLS member library resources. A borrower's card is issued free by any member library in the system to all eligible residents.

All libraries that are members of the Clinton Essex Franklin Library System must honor library cards issued by any member library or by the Central Library. The intent of these two requirements is to insure access to information resources to every resident of Clinton, Essex, or Franklin counties, whether they live in an area served by a local library or not.

- A. Residents of the Library System's service area (Clinton, Essex, and Franklin Counties) who live, work, go to school, or pay real property taxes within a local library's chartered service area are eligible for a library card from that library.
- B. Each member library will honor the library cards of all other member libraries (reciprocal borrowing). Service and access to materials will be on the same basis as for local cardholders.
- C. Library cards and library services are free. Fees may not be charged for the card or for library services, for membership in the library association or corporation as a condition of receiving a card, or for reregistration from the home library to the reciprocating library.
- D. Residents of Clinton, Essex, and Franklin Counties, including those living in any unserved areas, are eligible for library cards at the Central Library (Plattsburgh Public Library). These cards will be honored by local libraries on the same basis as the library cards from other member libraries.
- E. CEFLS will work systematically to upgrade the skills of library staff in order to strengthen service delivery.
- F. Opportunities to revise chartered service areas of existing libraries, to establish new libraries and to encourage current reading centers to become chartered libraries will be identified and pursued by CEFLS in order to expand the number of residents who have a chartered library.

### ***2. Service to residents of non-member and withdrawn libraries:***

There are no such libraries or individuals in the service area at this time. Should there be, residents of those areas will receive service on the same basis as outlined in D above.

### ***3. Exemptions for serious inequities and hardships:***

A serious inequity or hardship arises when a library is unable to serve its chartered population because of impacts on the library's collections and/or services from non-resident users.

The following exceptions are limited to library resources purchased with local funds only and not, for example, state, county or federal funds.

Libraries may vary from the 90.3 requirement of universal service if non-resident use exceeds one-third of:

- a. the circulation of nonprint materials and equipment, and printed materials less than one year old, including fiction and nonfiction books and periodicals; any restricted materials purchased exclusively from local funds.
- b. the use of computers, databases and Internet resources purchased with local resources.
- c. the attendance at library programs. If attendance must be limited, local residents may be given first access to them. Such programs must be supported entirely from local funds.

### ***Claims and Procedures***

The CEFLS develops services in collaboration with its members. These include rotating collections in different media, online databases, downloadable audio and e-books that alleviate differences and inadequacies in local collections. The Cooperative Collection Plan for Non-fiction Materials helps to create a subject collection available to all patrons.

CEFLS will work with member libraries to increase their funding to adequate levels through consultation and budget vote support where differences in local support may lead to underserved system residents.

CEFLS participates in the NYLTO (New York Library Trustees Online) initiative and its Plan of Service includes education and leadership goals to encourage member libraries and their trustees to advocate and to pursue a variety of funding strategies.

If there is a claim of serious inequities and hardships by a library as defined under the terms of this agreement above, the Clinton Essex Franklin Library System will act promptly to address it. Claims must be submitted in writing by the member library and must be submitted with the approval of the member library's board of trustees.

Upon the receipt of the claim, Clinton Essex Franklin Library System staff will verify the levels of use by non-residents leading to the claim of serious inequities and

hardships, as well as verify other criteria in the claim that may be applied under this agreement. Verification by CEFLS will be transparent but authoritative. CEFLS staff will then meet with the director and the board of trustees of the member library submitting the claim.

For claims of serious inequities and hardships resulting from service to non-residents from unserved areas, member libraries must also document efforts by its director and board of trustees to secure adequate support from the unserved area in its claim of serious inequities and hardships.

***Plans for Restrictions and Remedies***

Once a claim of serious inequities and hardships is verified by CEFLS, a plan for implementing restrictions and remedies will be developed by CEFLS staff and the staff of the member library.

The plan will include a time-line for implementing the restrictions permitted under this agreement, as well as identifying responsibilities and determining a clear set of goals and actions that lead to the end of the restrictions. The plan shall require the approval of the member library and CEFLS boards of trustees. Restrictions may be system-wide or implemented on-site by a member library.

Restrictions beyond those permitted under this Direct Access Plan shall require the approval of a majority of the System's member libraries' boards, the Clinton Essex Franklin Library System Board of Trustees and the Commissioner of Education.

***4. Excessive out of chartered service area borrowing:***

See #3 above.

***5. Unserved and underserved populations in the library system:***

***A. Unserved and underserved populations:***

The State GIS system provides the most complete listing of unserved areas.

Notable unserved areas include:

**Clinton County:**

- Altona
- Ausable
- Beekmantown
- Clinton
- Saranac
- Schuyler Falls
- Town of Plattsburgh

**Essex County:**

Newcomb  
Minerva  
North Hudson  
Chesterfield

**Franklin County:**

Dickinson  
Fort Covington  
Moir  
Bombay  
Waverly

***B. Criteria used to identify libraries with inadequate levels of local income to support delivery of acceptable library services.***

2012 annual reports indicated that 19 out of 30 CEFLS member libraries do not meet the adequate levels of local funding. In 2000, the New York State Board of Regents recommended 20 dollars per capita. CEFLS will be working with the underfunded libraries to increase their per capita allocation to at least 20 dollars.

***C. Actions the System will take to expand the availability of library services to un- and under-served individuals:***

- i) Clarify/strengthen language in member library contracts so that:
  - Resident borrower eligibility is explicitly expanded from “live” to “live, work, go to school, or own real property” in the chartered service area.
  - Expand the contract language with the Central Library to explicitly recognize the Central Library’s responsibility to issue library cards to all residents of the CEFLS service area
- ii) Continue to develop web pages for the System and for those member libraries that do not have their own. Advertise all online and on-site services available to area residents.
- iii) Continue to offer training opportunities to strengthen library services and programming delivery skills of all library staff.
- iv) Review the service area with an eye to locations where establishing a library would be feasible and work with communities to that end.
- v) Upon receipt of the Regents Commission recommendations, work to revise chartered service areas as appropriate.

***D. Timetable for actions to strengthen service:***

1. Central Library services are currently available.
2. Member Library contract language will be strengthened with the 2015 contract.

3. A new, streamlined CEFLS Web page with links to library resources, along with training in its use, will debut in 2015.
4. The review of need for additional libraries or reading centers is continuous.

***E. Identification of responsible individuals:***

The Director of the Clinton Essex Franklin Library System, working at the direction of the Board of Trustees and with the System staff, will implement this plan.

***6. Modifications to the free direct access plan:***

***a. Without prior approval of the Commissioner of Education:***

Upon notification to the Library System a member library may establish a variance from this Direct Access Plan for any one of the following three circumstances. The varying library must devise an appropriate mechanism for measuring the claimed impact and secure the agreement of the Library System that the circumstance is met.

1. May refuse to lend materials to residents of a jurisdiction with a population of 10,000 or more which does not have a public library.
2. May restrict non-resident borrowing of new materials less than one year old and purchased with local funds if circulation of such materials to non-residents exceeds one-third of the total circulation of such materials.
3. May restrict attendance of non-residents at library programs by offering registration to residents and then offering any remaining places to non-residents.

***b. With the prior approval of the Commissioner of Education:***

Libraries wishing relief from hardships caused by the Direct Access regulation may apply for it in accordance with 90.3(d)(3) of the regulation. These requests, along with their documentation, will be evaluated on an individual basis, following the process outlined in the regulation.

***7. How will the System assure compliance?***

90.3 requirements will be presented and publicized in memoranda to libraries, in the System's newsletter, and at board meetings of the trustees and staff of local libraries, attended by the CEFLS staff.

Compliance will be monitored through Library System consultant visits/phone calls to libraries, attention to complaints from members of the public around reciprocity issues, and as part of the System's periodic surveys of its members.

**8. *How the System obtained member library input for this plan?***

1. The CEF Members Advisory Council was consulted and their suggestions incorporated.
2. The Member Libraries received a cover letter with the next year's member library contracts pointing out the significance of current contract language on direct access. Questions and comments were invited and shared with the CEFLS Members Advisory Council.
3. The draft plan was circulated for the CEF Members Advisory Council and Member Library Boards' comments and review.
4. The final plan was distributed to CEF Members Advisory Council and to the Member Library Boards of Trustees along with a ballot. The Council and each board voted to approve/disapprove the plan. Once approved the System Board voted on the plan and forwarded the approved plan to the Commissioner of Education or Commissioner's designee.

Approved by the CEFLS Members Advisory Council: June 18, 2014

Approved by the CEFLS Member Library Boards of Trustees:

<u>Libraries</u>	<u>Date</u>
Akwesasne Library & Cultural Center	July 7, 2014
AuSable Forks Free Library	September 24, 2014
Belden Noble Memorial Library	September 11, 2014
Black Watch Memorial Library	September 9, 2014
Champlain Memorial Library	September 30, 2014
Chateaugay Memorial Library	September 15, 2014
Chazy Public Library	July 8, 2014
Dannemora Free Library	July 8, 2014
Elizabethtown Library Association	August 27, 2014
Goff-Nelson Memorial Library	September 16, 2014
Hammond Library	August 15, 2014
Keene Public Library	July 15, 2014
Keene Valley Library Association	August 11, 2014
Keeseville Free Library	September 15, 2014
Lake Placid Public Library	August 27, 2014
Mooers Free Library	August 28, 2014
Paine Memorial Free Library	July 5, 2014
Peru Free Library	September 3, 2014
Plattsburgh Public Library	August 26, 2014
Rouses Point Dodge Memorial Library	September 9, 2014
Sherman Free Library	September 9, 2014
Sarah A. Munsil Free Library	September 2, 2014
Saranac Lake Free Library	July 13, 2014
Schroon Lake Public Library	August 19, 2014
Wadhams Free Library	August 11, 2014
Wead Library	September 15, 2014
Wells Memorial Library	July 5, 2014
West Chazy Dodge Library	October 2, 2014
Westport Library Association	August 26, 2014
Wilmington E.M. Cooper Memorial Public Library	August 20, 2014

Approved by the CEFLS Board of Trustees: September 27, 2014  
*Date*

Approved by New York State Department of Education: November 18, 2014  
*Date*